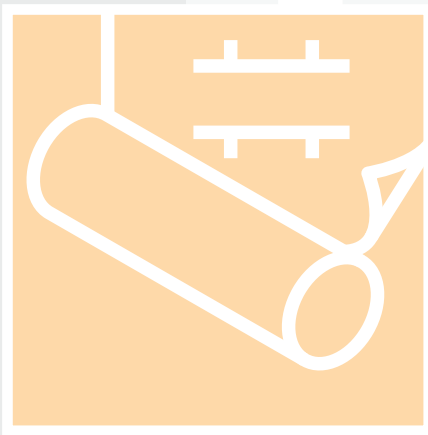


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## Design Requirements and Performance Standards

# CHAPTER 4—DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

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**Chapter 4—DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS****4-01 DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS**

These regulations are applicable to all zone districts, including new and established districts, except as otherwise noted. In addition to compliance with other regulations imposed by these standards and regulations, all uses, structures, buildings, and accessory uses shall comply with the design requirements and performance standards required by this Chapter. Where a design requirement or performance standard for a specific use conflicts with a general design requirement or performance standard, the design requirement or performance standard for the specific use shall control. Where any design requirement or performance standard conflicts with another design requirement or performance standard, the more restrictive design requirement or performance standard shall control. Wherever residential use of adjacent property is related to restrictions or certain non-residential uses, determination of residential use shall be based on the classification of land by the County Assessor. All Variance requests are subject to Section 2-02-19 of the Adams County Standards and Regulations, excluding Sexually Oriented Businesses, Marijuana Businesses and Halfway Houses.<sup>i</sup> These regulations shall be subject to limitations regarding the number of marijuana businesses and/or the type of businesses as set forth by the BOCC in resolution.

## **4-02 GENERAL PERFORMANCE STANDARDS**

### **4-02-01 CHANGE IN USE**

A change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. All changes in use require zoning review and building permit approval. A change in use is required when:

1. Active and continuous operations are not carried on in a building or property during a continuous period of six (6) months.
2. The change is from one principally permitted use category to another.
3. If the property consists of multiple buildings/tenants:
  - a. The required amount of parking stalls is increased by twenty-five (25) percent or more.
  - b. The gross floor area is increased by fifty (50) percent or more.
4. As determined within the Nonconforming Conditions Section of Chapter 4.

### **4-02-02 JUNK AND TRASH**

#### **4-02-02-01 NO DUMPING**

No junk, materials, waste, or trash shall be disposed of on any property or public right-of-way except in an authorized landfill or other approved waste or waste recovery facility.

#### **4-02-02-02 NO OUTDOOR STORAGE**

No junk or waste shall be stored outdoors except as otherwise authorized by these standards and regulations.

#### **4-02-02-03 TRASH IN THE FRONT YARD AND TRASH CONTAINERS**

No trash container, firewood, or other related waste or materials shall be located within the front yard of any dwelling for more than a 24-hour period. All trash containers shall be covered. The requirements of this section do not apply in the A-3 Zone District.

#### **4-02-02-04 TRASH CONTAINERS FOR CONSTRUCTION PURPOSES**

Containers for construction waste may be permitted in the front and side yards of a residential dwelling for no more than a 14-day period. All trash containers shall be covered. Containers shall not be located within the public right-of-way.

**4-02-02-05 STORAGE AND PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS**

The storage and parking of motor vehicles shall meet the requirements of Section 4-03-03-02-14.

**4-02-02-06 SALE OF PRODUCTS FROM STANDS**

The sale of any products from a temporary stand, motor vehicle, or trailer is prohibited, except by Special Use Permit or as otherwise permitted by these standards and regulations.

**4-02-02-07 OBSTRUCTION OF VIEWS ALONG A PUBLIC RIGHT-OF-WAY**

The erection of any fence, tree, shrub, hedge, or any object, which obstructs the view of traffic, authorized traffic control devices, or otherwise constitutes a hazard to drivers or pedestrians is prohibited. Should said obstruction occur, the Director of Public Works shall send a letter requiring the owner of the property abutting the right-of-way to trim or remove within ten (10) days, at the owner's expense, any object which constitutes a traffic hazard.

**4-02-02-08 STORAGE CONTAINERS**

Portable, movable, or temporary metal, wood, and plastic storage containers greater than one hundred twenty (120) square feet for the purpose of outside storage, are not allowed. Any storage container less than one hundred twenty (120) square feet in size is allowed but shall not exceed ten (10) days on any one property.

**4-02-03 GRAFFITI**

Graffiti as defined in Chapter 11 shall not be permitted. It shall be the responsibility of the property owner to remove or conceal the graffiti. If the property owner chooses to conceal the graffiti, the same color of the original surface shall be used.

**4-02-04 CONSTRUCTION TRAILERS****4-02-04-01 BUILDING AND ELECTRICAL PERMIT REQUIRED**

Construction trailers intended to be in operation shall obtain Building and Electrical Permits from the Community and Economic Development Department.

**4-02-04-02 MINIMUM LOT AREA**

No construction trailer shall be located on a parcel of land less than one thousand (1,000) square feet in size.

**4-02-04-03 LOCATION**

The construction trailer shall be located within or adjacent to the development project the trailer is associated with and is only permitted for the duration of the project.

**4-02-04-04 PERIOD OF OPERATION**

A construction trailer shall expire one year from the date of approval, unless renewed. Renewals of construction trailers may only be issued for a maximum of one year at a time.

**4-02-04-05 NO ACCOMMODATIONS IN TRAILER**

The construction trailer shall contain no sleeping or cooking accommodations.

**4-02-04-06 OTHER SETBACKS**

The setbacks for the zone district shall apply.

**4-02-04-07 WATER AND SANITATION**

All construction trailers shall have adequate water and sanitation approved by Tri-county Health Department, which may include bottled water and/or portable toilet facilities.

**4-02-04-08 SIGNAGE**

All signs associated with Construction and/or Sales Office Trailers shall be consistent with Section 4-05-01-06.

**4-02-05 SALES / OFFICE TRAILERS**

**4-02-05-01 BUILDING AND ELECTRICAL PERMIT REQUIRED**

Sales/office trailers intended to be in operation shall obtain Building and Electrical Permits from the Community and Economic Development Department.

**4-02-05-02 MINIMUM LOT AREA**

No office trailer shall be located on a parcel of land less than one thousand (1,000) square feet in size.

**4-02-05-03 LOCATION**

The office trailer shall be located within or adjacent to the development project the office or shed is associated with and is only permitted for the duration of the project.

**4-02-05-04 PERIOD OF OPERATION**

An office/sales trailer shall expire one year from the date of approval unless renewed. Renewals of construction trailers may only be issued for a maximum of one year at a time.

**4-02-05-05 NO ACCOMMODATIONS IN OFFICE**

The office trailer shall contain no sleeping or cooking accommodations.

**4-02-05-06 SETBACKS**

The setbacks of the zone district shall apply.

**4-02-05-07 WATER AND SANITATION**

All offices shall have adequate water and sanitation approved by Tri-County Health Department, which may include bottled water and/or portable toilet facilities.

**4-02-05-08 SIGNAGE**

All signs associated with office/sales trailers shall be consistent with Section 4-05-01-06.

**4-02-05-09 COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT**

All office trailers shall comply with the regulations and requirements of the American with Disabilities Act.

## **4-03 ACCESSORY USES PERFORMANCE STANDARDS**

### **4-03-01 GENERAL PROVISIONS**

#### **4-03-01-01 INCIDENTAL TO MAIN USE**

An accessory use shall be customarily incidental to a main use.

#### **4-03-01-02 LOCATED ON SAME LOT AS MAIN USE**

An accessory use shall be located on the same lot or zoning lot as the main use, except as otherwise provided in this section.

#### **4-03-01-03 ACCESSORY STRUCTURES**

Accessory structures shall meet the following requirements:

1. *Setbacks:* An accessory structure shall meet required setbacks for the zone district in which it is located.
2. *Percentage of Yards:* No accessory structure shall occupy more than fifty percent (50%) of the area of the rear yard.
3. *Height:* An accessory structure shall meet required height limitations for the zone district in which it is located.
4. *Compliance with Building Code:* Any accessory structure on residentially used property exceeding two hundred (200) square feet shall obtain a building permit. Any accessory structure on commercially or industrially used property exceeding one hundred and twenty (120) square feet shall obtain a building permit. All accessory structures shall comply with adopted Building Code, as amended.
5. *Construction of Accessory Structure:* No permit for construction of an accessory structure shall be issued prior to construction of a principal building except in the A-3 Zone District.

### **4-03-02 ACCESSORY USES, AGRICULTURAL**

#### **4-03-02-01 GENERAL ACCESSORY USES PERMITTED**

The following general accessory uses are permitted in Agricultural Districts:

1. Animal Keeping (see Section 4-222 Animal Keeping for detailed performance standards)
2. Animal Slaughter, for Individual Consumption
3. Barns (see Section 4-03-02-02-01 Accessory Uses, Agricultural for detailed performance standards)
4. Class Instruction (see Section 4-03-03 Accessory Uses, Residential for detailed performance standards)

5. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
6. Day Care Homes (see Section 4-03-03-02-03 Accessory Uses, Residential for detailed performance standards)
7. Family Foster Homes
8. Farm Employee Dwelling (see Section 4-03-02-02-03 Accessory Uses, Agricultural for detailed performance standards)
9. Garages (see Section 4-03-03-02-04 Accessory Uses, Residential for detailed performance standards)
10. Garage or Yard Sale (see Section 4-03-03-02-05 Accessory Uses, Residential for detailed performance standards)
11. Greenhouses, Private (see Section 4-03-03-02-06 Accessory Uses, Residential for detailed performance standards)
12. Home Occupations (see Section 4-03-03-02-07 Accessory Uses, Residential for detailed performance standards)
13. Household Pets (see Section 4-03-03-02-08 Accessory Uses, Residential for detailed performance standards)
14. Kennel, Private (see Section 4-03-03-02-09 Accessory Uses, Residential for detailed performance standards)
15. Parking (see 4-13 Parking and Loading for detailed performance standards)
16. Safe Parking Site (see Section 4-03-04-02-03 Accessory Uses, Commercial for detailed performance standards)
17. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
18. Solar Energy Systems (see Section 4-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
19. Stables (see Section 4-03-02-02-04 Accessory Uses, Agricultural for detailed performance standards)
20. Storage, Private (see Section 4-03-03-02-13 Accessory Uses, Residential for detailed performance standards)
21. Swimming Pools, Private (see Section 4-03-03-02-15 Accessory Uses, Residential for detailed performance standards)
22. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
23. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
24. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Agricultural for detailed performance standards)
25. Accessory Dwelling Unit (see Section 4-03-03-02-01 Accessory Uses, Residential for performance standards)

26. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

#### 4-03-02-02 PERFORMANCE STANDARDS FOR THE GENERAL ACCESSORY USES

##### 4-03-02-02-01 **BARNs**

1. *Setback from Residence on Property:* All barns shall be set back twenty-five (25) feet from any residence on the property.
2. *Setback from Adjacent Property:* All barns shall be set back one hundred (100) feet from any dwelling or pool on an adjacent property.
3. *Height Restrictions:* All barns shall meet the height restrictions for the zone district in which the barn will be located.

##### 4-03-02-02-02 **COMMUNICATION TOWER, NON-COMMERCIAL**

1. *Maximum Height:* Non-commercial communication towers shall be a maximum of ninety (90) feet in height.
2. *Maximum Number of Antennae:* A maximum of two (2) antennae may be mounted on a non-commercial communication tower.
3. *Setback Encroachment Prohibited:* No portion of the non-commercial tower or its antennae may encroach into the required front, side, or rear setback. All towers shall be setback from all lot lines or zoning lot lines a minimum of the height of the tower.
4. *Marking of Cables and Wires:* Cables, ropes, or wires used to secure the tower shall be appropriately and conspicuously marked to prevent injury. No cables or wires shall cross any public rights-of-way or properties not owned by the same property owner as the property on which the tower is located.

##### 4-03-02-02-03 **FARM EMPLOYEE DWELLING**

1. Mobile Home as Farm Employee Dwellings (Temporary or Seasonal)
  - a. *Permit Required:* A Special Use Permit shall be required for the use of a mobile home as a farm employee dwelling.
  - b. *Minimum Unit Size:* The mobile home shall be a minimum of six hundred (600) square feet in size.
  - c. *Condition:* All mobile homes shall be provided with potable water meeting the pressure requirements of the 1997 Uniform Building Code, as amended, and meeting the minimum drinking water quality standards established by the Colorado Department of Public Health and Environment. All homes shall be provided with sanitary sewer or an on-site wastewater treatment system meeting the requirements of the Tri-County Health Department. Mobile homes shall be in sound condition and shall be placed on a concrete pad, blocked, and properly anchored and skirted.

- d. *Setbacks*: All mobile homes shall meet the setbacks for accessory structures.
- 2. Permanent Structures as Farm Employee Dwellings
  - a. *Permit Required*: A Conditional Use Permit approval shall be required for the use of an additional single family or multiple family dwelling as a farm employee dwelling.
  - b. *Compliance*: A single family dwelling intended as such must comply with the minimum requirements of the R-1-C District. All permanent structures shall meet the setbacks for accessory structures and the requirements of the 1997 Uniform Building Code, as amended.
  - c. *Provision of Water and Sewer*: Proof of adequate provisions for water, sewer, fire protection, other utilities and access shall be provided.
  - d. *Conformance to Subdivision and Zoning Code*: No farm employee dwelling shall be deeded, leased, or rented without conforming to Adams County subdivision and zoning standards and regulations.

**4-03-02-02-04****STABLES**

- 1. *Setback from Residence on Property*: All stables shall be set back twenty-five (25) feet from any residence on the property.
- 2. *Setback from Adjacent Property*: All stables shall be set back one hundred (100) feet from any dwelling or pool on an adjacent property.
- 3. *Maintenance*: All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department. When in use, stables shall be cleaned weekly.
- 4. *Pest Control*: Environmental and/or chemical and scientific controls shall be provided for pest control.
- 5. *Drainage*: Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution. Stables shall be well drained and dry, and shall not be located within or cross drainages whether intermittent or perennial.
- 6. *Care of Animals*: All animals shall be cared for in a humane and sanitary manner as approved by Adams County Animal Management.

**4-03-02-02-05****VENDING AND PRODUCE STANDS**

- 1. *Minimum Lot Area*: No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.
- 2. *Location*: The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.
- 3. *Period of Operation*: The stand shall operate for no more than ninety (90) days annually.
- 4. *Hours of Operation*: The stand shall limit its hours of operation to 7:00 a.m. to 7:00 p.m.

5. *Setbacks:* The setbacks for the zone district in which the stand is located shall apply.
6. *Signage:* All signs shall be affixed to the stand. The total sign area shall not exceed sixteen (16) square feet in area.
7. *Parking:* Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.
8. *Access:* All vending and produce stands shall have highway, arterial, or collector road access.
9. *Other Requirements:* All temporary vending and produce stands shall also comply with the requirements of Section 4-05-02-07.

4-03-02-02-06

**WIND POWERED GENERATORS**

1. *Maximum Height of Generator:* The height of the generator, including blades, shall not exceed the height limit of the zone district in which the generator is located, unless a height exemption is granted by the Board of Adjustment. The maximum height of the generator may be further restricted if located within an aviation zone district.
2. *Minimum Height of Blades Above Ground:* Twenty (20) feet.
3. *Minimum Setbacks:* No wind generator shall be located closer than the height of the generator from any property line, unless granted by the Board of Adjustment.
4. *Number of Generators Permitted:* Only one (1) generator per lot or parcel is permitted unless a Conditional Use Permit is approved.
5. *Location:* The generator serving the structure shall be located on the same lot as the structure it serves.
6. *Liability Coverage:* The County shall be provided with a copy of rider to owner's insurance showing coverage of liability prior to issuance of a building permit for construction of a wind powered generator.
7. *High Wind Mitigation:* The County shall be provided with assurance from the manufacturer all safety features to mitigate the effects of high wind conditions have been designed for the particular generator prior to issuance of a building permit for construction of a wind powered generator.
8. *Storage Batteries:* Storage batteries, if applicable, shall be housed in accordance with the following standards:
  - a. *Location:* The structure shall be accessory to and detached from the residence by a minimum of twenty (20) feet.
  - b. *Ventilation:* Adequate ventilation shall be provided in the structure to eliminate the accumulation of explosive gases.
9. *Noise Levels:* Permitted noise levels shall meet the performance standards of these standards and regulations.

10. *Electromagnetic and Electrical Interference:* No equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment. No use may be made of land or water within the County, which will create electrical interference with navigational signals for radio communications between an aviation facility and aircraft.
11. *Manual Shut-off Required:* Any individual wind powered generator shall include a manual shut-off, which may be utilized by utility company personnel.
12. *Utility Company Approval:* The local utility provider of gas and electric service shall provide written approval prior to construction.

#### **4-03-03 ACCESSORY USES, RESIDENTIAL**

##### **4-03-03-01 GENERAL ACCESSORY USES PERMITTED**

The following general accessory uses are permitted in Residential Districts:

1. Accessory Dwelling Unit (see Section 4-03-03-02-01 Accessory Uses, Residential for detailed performance standards)
2. Animal Keeping (see Section 4-22 Animal Keeping for detailed performance standards)
3. Barns (see Section 4-03-02-02-01 Accessory Uses, Agricultural for detailed performance standards)
4. Class Instruction (see Section 4-03-03 Accessory Uses, Residential for detailed performance standards)
5. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
6. Day Care Homes (see Section 4-03-03-02-03 Accessory Uses, Residential for detailed performance standards)
7. Family Foster Homes
8. Garages (see Section 4-03-03-02-04 Accessory Uses, Residential for detailed performance standards)
9. Garage or Yard Sale (see Section 4-03-03-02-05 Accessory Uses, Residential for detailed performance standards)
10. Greenhouses, Private (see Section 4-03-03-02-06 Accessory Uses, Residential for detailed performance standards)
11. Home Occupations (see Section 4-03-03-02-07 Accessory Uses, Residential for detailed performance standards)
12. Household Pets (see Section 4-03-03-02-08 Accessory Uses, Residential for detailed performance standards)
13. Kennel, Private (see Section 4-03-03-02-09 Accessory Uses, Residential for detailed performance standards)

14. Parking (see Section 4-13 Parking and Loading for detailed performance standards)
15. Safe Parking Site (see Section 4-03-04-02-03 Accessory Uses, Commercial for detailed performance standards)
16. Short-Term Rental (see Section 4-03-03-02-01 Accessory Uses, Residential for detailed performance standards)
17. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
18. Solar Energy Systems (see Section 04-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
19. Stables (see Section 04-03-02-02-04 Accessory Uses, Agricultural for detailed performance standards)
20. Storage, Private (see Section 04-03-03-02-13 Accessory Uses, Residential for detailed performance standards)
21. Storage, Vehicle and Machine (see Section 04-03-03-02-14 Accessory Uses, Residential for detailed performance standards)
22. Swimming Pools, Private (see Section 04-03-03-02-15 Accessory Uses, Residential for detailed performance standards)
23. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
24. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
25. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Agricultural for detailed performance standards)
26. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

#### **4-03-03-02 PERFORMANCE STANDARDS**

##### **4-03-03-02-01 *ACCESSORY DWELLING UNIT (ADU)***

1. *Purpose:* The purpose of the accessory dwelling unit (ADU) provisions are to:  
(1) provide homeowners with an opportunity for companionship and security;  
(2) better utilize existing infrastructure and community resources; (3) provide a housing type that responds to changing needs and lifestyles (e.g., small families, retirees, caretakers); (4) add to the County's stock of affordable dwelling units; and (5) protect neighborhood character and stability by ensuring that visible ADUs are compatible with surrounding land uses.

2. *Applicability:* One ADU on an existing legal lot is permitted as an accessory use to single family residential uses in any zoning districts, in addition to legal nonconforming single-family structures in those zones as allowed by these regulations. As the purpose of an ADU is to be an accessory use/structure to a primary dwelling, an ADU shall not be platted for individual sale through the condominium platting process.
3. *Process:*
  - a. New ADU. Subject to review, public notification and approval through a building permit and shall conform to all of the following standards.
  - b. Existing (Undocumented) ADUs. If an ADU was created without being part of a project for which a building permit was finalized, the County shall require a building permit and public notification to determine if the structure meets the requirements of this section and building code. Adherence to these development standards is required.
4. *Public Notification:* At time of review of building permit application, the County shall notify by mail residents and property owners directly adjacent to the property for which a complete building permit application has been submitted. Notified parties, and other interested parties, may comment on items concerning the required development and design standards for ADUs. The comment period shall close when the building permit application is resolved in issuance or denial.
5. *Development Standards:*
  - a. Building Type: ADU building types shall not include mobile or manufactured homes. Site built and modular construction is allowed.
  - b. Number: One ADU shall be allowed in each residential lot as a subordinate use in conjunction with any new or existing detached single-family dwelling unit,
  - c. Provision of Water and Sewer: Proof of adequate provisions for water, sewer, fire protection, other utilities and access shall be provided.
  - d. Size:
    - i. Attached or Internal. ADUs shall not exceed 40% of the principal dwelling unit's residential floor area in addition to the underlying development standards for the lot, including, but not limited to, lot coverage, height, and setback requirements for the zone in which they reside.
    - ii. Detached. ADUs shall not exceed 1,500 square feet of the residential floor area or 40% of the primary dwelling unit's residential floor area, whichever is less.
  - e. Location: The ADU may be added to or included within the primary unit, or located in a detached structure on the same lot as the primary dwelling unit. If detached, the ADU is required to meet all accessory structure setbacks for the zone district.

- f. Parking: One off-street parking space is required for an ADU in addition to the parking required for the primary dwelling unit. Parking spaces must be paved and may include private garages, carports, or all weather-surfaced, off-street areas reserved for vehicles. Tandem parking is allowed.
- g. Home Occupations: The ADU and/or primary residence may contain a home occupation if the home occupation is reviewed and approved per these regulations.
- h. Other development standards:
  - i. Accessory Dwelling Units shall meet all other development standards (e.g. setbacks, lot coverage etc.) for buildings in the zoning district, except in the following circumstances:
    - 1. The gross floor area of the ADU shall not count towards the maximum accessory building coverage, but rather the maximum principal structure.
    - 2. The height of a detached ADU shall not exceed twenty-five (25) feet.
    - 3. If detached the ADU shall be setback at least 10' to the rear of the front structure line of the principal dwelling unit.
  - ii. For legal nonconforming situations, ADUs shall also adhere to the following requirements:
    - 1. Legal Nonconforming Primary Single-Family Uses:
      - a. It is recognized that in some zones, an existing primary single-family use may be considered legal nonconforming. In the event that an existing, legal nonconforming, single family use requests an ADU per these standards, it shall be an allowed accessory use to the legal nonconforming use. If the legal nonconforming primary use ceases to exist, the ADU, shall also cease to exist.
      - b. Conformance with Section 4-24-03 Extension or Enlargement of Nonconforming Conditions applies to the primary use.
    - 2. ADUs in Existence Prior to these Regulations:
      - a. Existing ADUs shall meet the requirements of these regulations.
      - b. A building permit is required for the Building Official to determine if the structure meets the adopted building code requirements. As-built information about the existing structure shall be required as part of the building permit submittal.

- c. Additional improvements may be required by the applicant in order for the ADU to meet adopted building codes.
  - 3. Previously approved Caretaker Dwelling Units may be extended in accordance with Section 2-02-08 Conditional Use Permit.
    - i. *Design Standards:*
      - 1. New Detached Structures, Exterior Alterations and Additions to Existing Structures: The development of a newly constructed detached ADU and exterior alterations and additions to existing structures for ADU development shall be designed consistent with the existing color, façade treatment, roof pitch, siding, lighting, and windows of the primary dwelling unit.

**4-03-03-02-02****CLASS INSTRUCTION**

- 1. *Incidental Use:* The class instruction shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling.
- 2. *Indoor Activities:* All activities related to the class instruction shall be conducted entirely within a dwelling.
- 3. *Employees:* The class instruction shall be conducted by the inhabitants of the dwelling and shall have only one (1) additional employee.
- 4. *Exterior Advertising:* There shall be no exterior advertising other than identification of the class instruction with a sign not exceeding 6 square feet which must be located on the face of the home.
- 5. *No Sales on Premises:* There shall only be incidental sales of stocks, supplies or products conducted on the premises.
- 6. *No Outdoor Storage:* There shall be no exterior storage on the premises of material or equipment used as a part of the class instruction.
- 7. *No Offensive Impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

**4-03-03-02-03****DAY CARE CENTERS AND HOMES (ADULT\* AND CHILD)**

- 1. General
  - a. *Licensing:* Day care facilities must be properly licensed by the State of Colorado.
  - b. *Drop-Off/Pick-Up Areas:* Day care facilities must provide adequate drop-off and pick-up areas. The required area shall be based upon the maximum number of individuals cared for at a single time. Specifically, there shall be one-hundred-sixty (160) square feet of signed off-road drop-off/pick-up area for every eight individuals. All drop-off space shall meet the

requirements of these standards and regulations and be approved by the Director of Community and Economic Development.

- c. *Outdoor Recreation Facilities:* Where outside recreation facilities are provided, a six-foot high sight-obscuring fence around the recreation area shall be required to be maintained and the recreation area shall be situated in the rear half of the site.
  - d. *Residential Appearance:* Existing residential structures shall not be significantly modified in appearance.
  - e. *New Construction in Residential Area:* Any new construction allowed in an agricultural or residential zone district for the operation of a day care center shall substantially resemble a conventional single-family dwelling.
2. *Child Day Care Home*
    - a. *Maximum Number of Children not Attending School Fulltime:* The maximum number of children shall be twelve (12), including the caretaker's children under sixteen (16) years of age not attending full-day school.
  3. *Adult Day Care Home*
    - a. *Maximum Number of Adults:* Elderly day care homes shall be permitted as an accessory use, provided the maximum number of elderly persons receiving care, protection, and supervision in any such home shall not exceed four (4) at any given time.
    - b. *Criminal Background Investigation:* The Adams County Sheriff's Office shall complete a Criminal Background Investigation and shall issue identification cards to all employees/operators.
    - c. *Annual Reporting:* The applicant/operator shall provide an annual report for review by the Director of Community and Economic Development and the Adams County Sheriff's Office. Reports shall include recertification of any education requirements, revised Criminal Background Investigation, and issuance of identification cards to any new employees.

**4-03-03-02-04      *GARAGES***

1. *Maximum Height:* Twenty-four (24) feet unless otherwise restricted by the zone district.
2. *Maximum Rear Yard Coverage:* A garage may not occupy more than thirty percent (30%) of any rear yard.

**4-03-03-02-05      *GARAGE OR YARD SALES***

1. *Maximum Sales Permitted per Year:* No more than two (2) garage or yard sales shall be permitted per calendar year for any one residence.
2. *Period of Operation:* A garage or yard sale shall not exceed a period of three (3) consecutive days.
3. *Hours of Operation:* The garage or yard sale shall limit its hours of operation to 7:00 a.m. to 7:00 p.m.

4. *Signage:* The total sign area shall not exceed sixteen (16) square feet in area. All signage shall be located on private property and not within the public right-of-way.

**4-03-03-02-06      *GREENHOUSES, PRIVATE***

1. *Location:* The greenhouse shall not be located in any front yard.

**4-03-03-02-07      *HOME OCCUPATIONS***

1. *Maximum Floor Area:* The area to be used for home occupation activities shall not exceed one-half (1/2) the floor area of the dwelling unit.
2. *Incidental Use:* A home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the dwelling.
3. *Indoor Activities:* All activities related to a home occupation shall be conducted entirely within a dwelling, garage, or other accessory building. If conducted in an accessory building, the building shall meet the accessory building requirements of these standards and regulations.
4. *Employees:* A home occupation shall be conducted by the inhabitants of the dwelling.
5. *Exterior Advertising:* There shall be no exterior advertising other than identification of the business with a sign not exceeding six (6) square feet which must be located on the face of the home.
6. *No Sales on Premises:* There shall only be incidental sales of stocks, supplies or products conducted on the premises.
7. *No Outdoor Storage:* There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
8. *No Truck Storage:* There shall be no interior or exterior keeping, parking, or storage on the premises of any vehicles in excess of seven thousand (7,000) pounds Gross Vehicle Weight (G.V.W) , used for a commercial purpose in the Agricultural and Residential Zone Districts in conjunction with a home occupation.
9. *No Offensive Impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
10. *Permitted Home Occupations:* The following uses are examples permitted of home occupations:
  - a. Art Studio
  - b. Class Instruction (See Section 4-03-03-02-02 for detailed performance standards for class instruction)
  - c. Dressmaking or Millinery Work
  - d. Professional Office
  - e. Office for Insurance or Real Estate Sales
  - f. Teaching

11. *Uses Not Considered Home Occupations:* The following uses are not considered home occupations:
- Animal Hospital
  - Long-Term Care Facility
  - Restaurant
  - Bed & Breakfast (A bed and breakfast is considered a principally permitted use.)
  - Group Living Facility (A group home is considered a principally permitted use, depending upon occupancy.)
  - Auto Painting, Repair, Sales, Service, or Storage
  - Truck Repair, Sales, Service, or Storage

**4-03-03-02-08      *HOUSEHOLD PETS***

- Permitted Number of Household Pets:* See the Animal Density in Section 4-20 to calculate the number of permitted household pets.
- Less than 35 Acre Parcel:* All household pets shall be penned or confined to their owner's property, except when on a leash and in the control of the owner.
- Conformance with Private Kennel Standards:* The keeping of more than ten (10) dogs and/or cats, shall conform to private kennel performance standards (See Section 4-03-03-02-09).
- Other Standards:* All animal keeping shall conform to Section 4-20 of these standards and regulations.

**4-03-03-02-09      *KENNELS, PRIVATE***

- Permitted Number of Dogs and/or Cats:* See the Animal Density in Section 4-22 to calculate the number of permitted household pets.
- Building Permit Required:* A building permit shall be obtained for all kennels, pens, shelters, or other similar structures.
- Prohibited Animals:* Boarding dogs and/or cats other than those animals owned by the resident and/or owner and immediate family shall be prohibited.
- Minimum Space Requirements
  - Dogs:* Each dog shall be provided a minimum space equal to the following equation:
    - Width of Kennel = Length of dog from nose to base of tail + 2 feet.
    - Length of Kennel = Width of Kennel + 2 feet.
    - Height of Kennel = Head height of dog standing on all four legs + 1 foot.
  - Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
- Garbage Disposal:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.

6. *Pest Control*: Environmental and/or chemical and scientific controls shall be provided for pest control.
7. *Drainage*: Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
8. *Mixing of Dogs and Cats*: Dogs and cats shall not be housed in the same primary enclosure.
9. *Care of Animals*: All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Animal Management.
10. *Other Standards*: All animal keeping shall conform to Section 4-22 of these standards and regulations.

**4-03-03-02-10*****PIGEON AND ANIMAL KEEPING***

1. *Permitted Number of Pigeons or Animals*: See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.
2. *Loft Floor Space*: There shall be at least one (1) square foot of loft floor space for each mature pigeon.
3. *Loft Design*: The pigeon loft shall be of such sufficient size and design, and constructed of such material, so it can be easily maintained in a clean and sanitary condition.
4. *Loft Compliance*: The loft shall be in compliance at all times with all applicable Tri-County Health regulations.
5. *Setback from Residential Structure*: The loft shall be set back a minimum of twenty-five (25) feet from any residential structure.
6. *Lot Line Setbacks*: The loft shall be set back from all lot lines in accordance with the accessory setbacks for the zone district in which it is located.
7. *Pigeon Feed*: All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.
8. *Pigeon Feeding*: All pigeons shall be fed within the confines of the loft.
9. *Pigeon Release for Flying*: Pigeons will not be released for flying for four (4) hours after feeding.
10. *Pigeon Confinement*: All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training, and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons.
11. *Other Standards*: All pigeon and animal keeping shall conform to Section 4-20 of these standards and regulations.

**4-03-03-02-11*****SHORT-TERM RENTAL***

A short-term rental as an accessory use in any dwelling. Short-term rentals are only allowed by obtaining a valid license from the County, and conform to the following requirements:

1. *License.* At least thirty (30) days prior to any advertising for or lease of a short-term rental property, the owner shall file a written application for a Short-Term Rental License with the Community & Economic Development Department. The application shall not be deemed complete until all required information is submitted. An application for renewal of a Short-Term Rental License shall be submitted at least thirty (30) days prior to expiration of the existing permit. A Short-Term Rental License shall expire one (1) year following the year of initial permit issuance, or when title of the short-term rental property transfers to a new owner, whichever occurs first. An application for renewal of a Short-Term Rental License shall be submitted at least thirty (30) days prior to expiration of the existing permit.

Initial complaints concerning a short-term rental property shall be directed to the responsible agent. The agent shall respond to the complaint, including visiting the site if necessary.

If an initial complaint is not resolved, a formal complaint may be filed with the Community & Economic Development Department or designee. The formal complaint shall describe in detail the violation(s) of this Section alleged to have occurred on the short-term rental property. Within three (3) business days of receipt of such a complaint, the County shall provide a copy of the formal complaint to the owner and agent.

The County may investigate any formal complaint received, in order to determine if it is a substantiated complaint that represents a documented violation of any County regulations. Violations shall be subject to the code enforcement provisions, in accordance with all remedies provided by law, including but not limited to withholding any development approvals, inspections or permits and issuing stop work orders. If violations are not corrected or if there are repeat offenders of County requirements, Adams County may pursue formal action and by applicable law. If there is one or more unresolved substantiated complaints for a short-term rental property, or if upon review at any time, the County determines that the permit holder has failed to comply with any of the performance standards or conditions, the County may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. The Community & Economic Development Department may revoke the permit for that short-term rental property upon written notice to the owner. The County shall notify an owner, in writing, of any revocation. The owner may

appeal any revocation by filing an Appeal from Administrative Decision, as described in Chapter 2 of these Regulations. For a minimum of two (2) years following revocation of a short-term rental license, the County shall not accept an application for a new permit for the same short-term rental property; with the exception that a new application by a new property owner, proven to be unaffiliated with the property owner whose permit was revoked, may be considered.

2. *Conditional Use Permit.* A Conditional Use Permit shall be required in lieu of a Short-Term Rental License for any proposed short-term rental which proposes an occupancy of more than twelve (12) people.
3. *Responsible Agent Required.*
  - a. Each owner of a short-term rental property shall designate a person or company to serve as the responsible agent. The owner may designate themselves.
  - b. The responsible agent shall have access and authority to assume management of the unit and take remedial measures. The agent shall always be available to respond to potential issues and violations related to these Regulations. The responsible agent must be able to affirmatively respond to complaints within an hour of notification of such complaint being sent via email or text.
  - c. The owner shall notify the Community & Economic Development Department in writing of any modification to the responsible agent appointment within five (5) days of any such modification.
4. *Parking.* A minimum of one (1) parking space is required on the property per unit. Each property shall conform to the accessory parking standards in Section 4-03-03-02-12, however at no time shall more than five (5) cars permitted to be parked outdoors on any property. Designated parking spaces shall comply with the parking plan on the approved Short-Term Rental License. All vehicles shall be parked on-site in designated parking areas; parking is prohibited in any landscaped area, or in a manner that blocks egress for adjacent residents (driveways, sidewalks, alleys, or mailboxes). A copy of the County-approved parking plan for the short-term rental property shall be provided to all renters in the rental agreement and posted in a prominent location within the property. The allowable number of parking spaces shall be clearly stated in all short-term rental advertising.
5. *Trash Disposal and Collection.* All short-term rental properties shall provide a trash disposal and collection plan to ensure that trash containers are not left outdoors where they can cause issues for wildlife or snow removal operations. The proposed trash disposal and collection plan shall be

reviewed and approved by the County during the Short-Term Rental License review and during review of any permit renewals. There shall be a enough trash receptacles to accommodate all trash generated by those occupying the short-term rental property.

6. *Pets.* If pets are allowed, renters shall be informed of applicable requirements for controlling pets, pet waste disposal, and barking/noise considerations. All short-term rental properties shall comply with the County's Animal Keeping Regulations set forth in Section 4-22. All pet food shall be stored indoors.
7. *Signage.* An owner shall post a sign or notice conspicuously inside the short-term rental property, which includes the responsible agent's current contact information and/or the owner's current contact information, the street address of the short-term rental property, and the Short-Term Rental License or conditional use permit number. The Good Neighbor Guidelines, parking plan and trash disposal requirements shall be posted in a prominent location within the short-term rental property. Short-Term Rental uses are considered accessory uses to a primary residential use, and therefore limited to the Residential Sign requirements in Section 4-15-03.
8. *Properties served by Septic Systems.* If a short-term rental property is connected to an On-site Wastewater Treatment System (OWTS) for sewer service, the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit.
9. *Health and Safety Standards.*
  - a. Buildings, structures, or rooms shall not be used for purposes other than those for which they were designed or intended.
  - b. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable, and all woodburning fireplaces and stoves shall be cleaned on an annual basis.
  - c. An operable toilet, sink, and either bathtub or shower shall be located within the same building.
  - d. Permitted occupancy shall be limited to two (2) persons per bedroom plus four (4) additional occupants; or 1 person per 200 square feet of living area, whichever allows for a greater occupancy.
  - e. Outdoor fire pits shall be permanently installed improvements that are permitted and inspected by the applicable fire district and/or the County Building Department, if required per applicable building and fire code requirements. STR owners/applicants should check with their applicable fire district and the Community & Economic Development Department to determine if permits are needed. The use of portable outdoor fireplaces

is prohibited. In the event of a fire ban within Adams County, the agent is required to notify renters of the current fire restrictions during their stay.

- f. All short-term rental properties shall have reliable cellular service available or provide access to a landline telephone to enable tenants to call 911 in the event of an emergency.
- g. All hot tub, spa, or swimming pool installations require both a building permit and an electrical permit from the Community & Economic Development Department. Hot tubs, spas, and swimming pools shall be properly maintained in a way to prevent the spread of illness.

**4-03-03-02-12*****SOLAR ENERGY SYSTEM, ACCESSORY***

1. *Site Plan:* A site plan shall be submitted with the building permit which demonstrates compliance with setback and height requirements.
2. *Lot coverage:* The area covered by ground-mounted solar energy systems, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage for purposes of zoning.
3. *Location:* All solar panels and equipment (excluding fencing, poles, and wires necessary to connect to facilities of the electric utility) shall meet the minimum accessory structure setbacks for the applicable zone district or shall meet the minimum structure setbacks for the applicable zone district when an accessory structure setback is not specified. Additional setbacks may be required to mitigate noise and visual impacts, or to provide for designated road or utility corridors, as identified through the review process.
4. *Maximum Height:*
  - a. Ground-mounted: The height of ground-mounted solar energy systems shall be measured from the highest grade below each solar panel. In residential zone districts, solar panels shall not exceed fifteen (15) feet in height. In all other zone districts, solar panels shall not exceed twenty (20) feet in height.
  - b. Roof-mounted: The height of roof-mounted solar energy systems shall not exceed the maximum permitted height of the structure type by more than five (5) feet.
  - c. Parking Lot or Parking Canopy: The height of systems will be measured from the highest grade below each solar panel. Parking lot cover solar panels shall not exceed twenty (20) feet in height. Parking lot cover solar panels shall be no less than fourteen (14) feet in height to allow clearance for emergency vehicles.
5. *Signage:* For ground-mounted solar energy systems, clearly visible warning signs shall be placed on the fence, barrier, or facility perimeter to inform individuals of potential voltage hazards.

6. *Security*: Except parking lot or parking canopy solar energy systems, all solar panels and equipment (excluding poles and wires necessary to connect to facilities of the electric utility) shall be enclosed by a fence at least six (6) feet high. Wildlife-friendly fence options are encouraged.
7. *Lighting*: If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel. Motion sensor control is preferred.
8. *Decommissioning*: Any solar energy system which is no longer producing energy or has been abandoned shall be removed. The owner or operator shall physically remove the installation within 150 days after the date of discontinued operations. The owner or operator shall notify the Adams County Community & Economic Development Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
  - a. Physical removal of all solar energy systems, structures, and equipment from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Adams County may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

**4-03-03-02-13      *STORAGE, PRIVATE***

1. *Maximum Height*: Twenty-four (24) feet
2. *Maximum Rear Yard Coverage*: A storage structure may not occupy more than thirty percent (30%) of any rear yard.

**4-03-03-02-14      *STORAGE, AND PARKING OF VEHICLES***

1. *Prohibited Vehicles*: No vehicle in excess of seven thousand (7,000) pounds gross vehicle weight (G.V.W.) shall be kept, stored, or parked in a residential or agricultural zone district except by Conditional Use Permit. This shall include, but is not limited to, tractor trailers, over-the-road semi-trucks, road cleaners, motor graders, tow trucks, and similar maintenance or construction equipment. This prohibition does not apply to recreational vehicles, personal non-commercial vehicles, and agricultural equipment used for agricultural purposes.
2. *Storing and Parking Vehicles*: Vehicles that are allowed to be stored or parked in agricultural and residential zone districts, include but are not limited to boats, boat trailers, trailers, campers, fifth-wheel trailers, motor homes, stock cars, ski mobiles. The storage or parking of any vehicle in any zone district must meet the standards listed in this section.

3. *Total Number Vehicles Stored*
  - a. *Lots less than 1 Acre:* A total of two (2) vehicles, may be stored outdoors.
  - b. *Lots of 1 Acre or More:* A total of two (2) vehicles per acre, with a maximum of five (5) vehicles may be stored outdoors.
  - c. A vehicle is “stored” on a property when it is located on the same property for a period of seventy-two (72) hours or more.
4. *Vehicles Stored on or Attached to a Trailer:* Recreational vehicles stored on a trailer, and any vehicle attached to a trailer, shall be counted as one (1) vehicle.
5. *Inhabiting Recreational Vehicles:* Motor homes, trailers, 5<sup>th</sup> wheels, and other recreational vehicles may be inhabited one time for a maximum of thirty (30) consecutive days within a calendar year. The use of a motor home, trailer, 5<sup>th</sup> wheel, or other recreational vehicle must be in conjunction with a residence.
6. *Right-of-Way Parking:* Recreational vehicles and any type of trailer may only be parked on any public right-of-way for a maximum period of twenty-four (24) hours. The same recreational vehicle or trailer may not be moved and re-parked within a five (5) mile vicinity for six (6) months. Unlicensed and inoperable vehicles may not be stored or parked on any public right-of-way for any time period.
7. *Inoperable and Unlicensed Vehicles:* Inoperable vehicles and unlicensed vehicles without a properly displayed and valid State Motor Vehicle Registration Certificate may not be stored or parked outdoors.
8. *Storage on an approved surface:* In residential zone districts, all storage of vehicles and machines listed in this section shall be located on an approved, hard surface of asphalt or concrete and no parking of vehicles is allowed in the back yard or any landscaped area. In the A-1 zone district, all storage of vehicles and machines listed in this section may be located on gravel or recycled asphalt and no parking of vehicles is allowed in the back yard or on any landscaped area. Gravel or recycled asphalt areas within the rear or side setback is not considered part of the back yard and parking is permitted.

**4-03-03-02-15      *SWIMMING POOL, PRIVATE***

1. *Location:* No swimming pool shall be located in the area from the right-of-way to the front structure line.
2. *Fencing:* Swimming pools shall be completely enclosed by a fence not less than forty-eight (48) inches in height with no opening large enough to permit children to pass through other than gates or doors equipped with self-latching devices placed on the inside top of the gate. Above-ground swimming pools of at least forty-eight (48) inches above the perimeter shall not be required to provide fencing.
3. *Pre-Existing Pools:* All pre-existing pools shall be completely enclosed by a fence no later than six (6) months following adoption of these standards and regulations.

4. *Wading Pools:* Wading pools with a maximum possible water depth of twenty (20) inches or less are not required to be fenced.

#### **4-03-04 ACCESSORY USES, COMMERCIAL**

##### **4-03-04-01 GENERAL ACCESSORY USES PERMITTED**

The following general accessory uses are permitted in Commercial Districts:

1. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
2. Guard Dogs (see Section 4-03-04-02-01 Accessory Uses, Commercial for detailed performance standards)
3. Marijuana Hospitality Business (see section 4-18-07 for detailed performance standards)
4. Outdoor Storage, Loading and Garbage Areas (see Section 4-03-04-02-02 Accessory Uses, Commercial for detailed performance standards)
5. Parking (see Section 4-13 Parking and Loading for detailed performance standards)
6. Safe Parking Site (see Section 4-03-04-02-03 Accessory Uses, Commercial for detailed performance standards)
7. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
8. Solar Energy Systems for use on Property (see Section 4-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
9. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
10. Vending and Produce Stands (see Section 04-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
11. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Residential for detailed performance standards)
12. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

#### **4-03-04-02 PERFORMANCE STANDARDS**

##### **4-03-04-02-01 GUARD DOGS**

1. *Number of Guard Dogs Permitted:* See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.

2. *Confinement of Guard Dog(s)*: The area being patrolled by a guard dog(s) shall be fenced with a minimum seventy-two (72) inch high chain link or solid screen fence.
3. *Notice of Guard Dog(s)*: A sign warning of the presence of said dog(s) stating what hours the dog(s) is on patrol shall be posed in plain view of the public around the perimeter of the fenced area. The sign must also state the name of the owner and the handler of the dog(s), with a phone number where the handler can be reached.
4. *Garbage Disposal*: All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
6. *Pest Control*: Environmental and/or chemical and scientific controls shall be provided for pest control.
7. *Care of Animals*: All dogs shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Management.

**4-03-04-02-02      *OUTDOOR STORAGE, LOADING, GARBAGE, AND MECHANICAL EQUIPMENT AREAS***

1. *Location*: No outdoor storage, loading or garbage collection or compaction areas shall be located within twenty (20) feet of any public road, public sidewalk, or pedestrian way.
2. *Incorporation into Overall Design*: Loading docks, truck parking, outdoor storage, utility meters, HVAC and other mechanical equipment, garbage collection, garbage compaction, and other service functions shall be incorporated into the overall design theme of the building and the landscape so the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment.
3. *Screening*: All outdoor storage, loading or garbage collection or compaction areas shall be located and screened so the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public roads. No attention shall be attracted to these by use of screening materials different from or inferior to the principal materials of the principal structure and landscape. If areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the principal structure.
4. *Rooftop Equipment*: All rooftop mechanical equipment shall be screened from public view from both above and below by integrating it into building and roof design to the maximum extent feasible.

**4-03-04-02-03      *SAFE PARKING SITE***

1. *Purpose*. The purpose of this use is to provide for the establishment and operation of safe parking sites at existing commercial and institutional uses that assures compatibility with the surrounding uses.
2. *Approval*: All safe parking sites shall be approved through an Administrative Review Permit (ARP). The Administrative Review Permit shall be valid for one year

from the date of issuance. Additional ARPs can be applied for after the one (1) year expiration. Additional applications of the safe parking site permit shall be made to the Community and Economic Development Director and shall require re-inspection of the safe parking site premises to ensure ongoing compliance with safe parking site standards. A complete application must be filed with the County a minimum of forty (40) days before the original ARP is set to expire.

3. Accessory Use: Safe parking sites are allowed as accessory uses to permitted commercial and institutional uses in any zone district.
4. Public Notification: At time of the Administrative Review Permit review of a safe parking site permit application, the County shall notify by mail residents and property owners directly adjacent to the property for which a complete Administrative Review Permit application has been submitted. Public Notice allows for the adjacent property owners to be aware of the accessory use.
5. Inspection. Prior to the approval of a safe parking site, County staff shall perform an inspection of the site to ensure compliance with the safe parking site standards.
6. Safe Parking Site Standards.
  - a. Minimum size: 25% of existing parking area or 5 spaces, whichever is less must be provided for the use of safe parking
  - b. A minimum of one parking space between vehicles must be provided.
7. Setbacks.
  - a. Adjacent to Residential Use. All vehicles within a safe parking area that is adjacent to a residential use must be setback a minimum of twenty (20) feet from the property line.
  - b. Adjacent to non-residential use. All vehicles within a safe parking area that is adjacent to a non-residential use must be setback a minimum of five (5) feet from the property line.
8. Approved vehicles. All vehicles utilizing a safe parking site must fit completely within a standard parking stall, with no portions of the vehicle that overhang into additional stalls or the drive lanes.
9. Hours of Operation. All safe parking areas may only operate within the hours of 6 p.m. to 7 a.m. Quiet hours must be observed between 10 pm and 7 am (no generators).
10. Operations Plan required. An operations plan that includes, but is not limited to, services provided and security measures, is required at the time of application. The Director of Community and Economic Development shall have the ability to approve, deny, or modify an ARP permit based on the information provided in the operations plan if it does not address concerns on: security or services to the

residents and does not sufficiently mitigate impacts to the surrounding neighbors and property owners based on the neighborhood meeting and site-specific review.

11. Water and Sanitation. All safe parking areas shall have adequate water and sanitation approved by the local Health Department, which may include bottled water and/or portable toilet facilities.
12. Screening. Garbage areas and portable toilets, if applicable, screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained at all times to present an orderly appearance. No garbage storage area or portable toilet shall be located within twenty (20) feet of a public sidewalk.
13. Safety.
  - a. Outdoor storage, temporary shelters, and use of fires, heaters, or outdoor grills is prohibited within a safe parking area.
  - b. Fire extinguishers and/or combination smoke/carbon monoxide detectors shall be provided within vehicles and onsite.
  - c. Access: All safe parking areas must use existing parking areas only and must maintain emergency vehicle access and access to fire protection systems at all times.
14. Trash Disposal and Collection. All Safe Parking areas shall provide a trash disposal and collection plan to ensure that trash is being picked up from the site and trash containers are not left outdoors where they can cause issues for wildlife or snow removal operations. There shall be enough trash receptacles to accommodate all trash generated by those utilizing the safe parking area.
15. Parking surface. All off-road parking areas used for safe parking shall be surfaced and maintained with a portland or asphalt concrete surface, or other suitable surface as determined by the Director of Community and Economic Development. Parking must meet all other requirements outlined in Section 4-13-02-05.
16. Current Registration. All vehicles utilizing the safe parking areas must have current registration and be operable to drive on County ROW.
17. Responsible Agent Required.
  - a. Each owner of a safe parking site property shall designate a person or company to serve as the responsible agent. The owner may designate themselves. The responsible agent information must be submitted as part of the ARP permit.
  - b. The responsible agent shall have access and authority to assume management of the safe parking site and take remedial

measures. The agent shall always be available to respond to potential issues and violations related to these Regulations. The responsible agent must be able to affirmatively respond to complaints within an hour of notification of such complaint being sent via email or text. The responsible agent shall appoint one person to be in attendance on the site during Operating Hours.

- c. The owner shall notify the Community & Economic Development Department in writing of any modification to the responsible agent appointment within five (5) days of any such modification.
- d. The site address and phone number for the responsible agent shall be posted in a visible location on the safe parking site. In addition, the information for Adams County Code Compliance, including phone number, shall be listed on the posting.

#### **4-03-05 ACCESSORY USES, INDUSTRIAL**

##### **4-03-05-01 GENERAL ACCESSORY USES PERMITTED**

The following general accessory uses are permitted in Industrial Districts:

1. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
2. Guard Dogs (see Section 4-03-04-02-01 Accessory Uses, Commercial for detailed performance standards)
3. Marijuana Hospitality Business (see section 4-18-07 for detailed performance standards)
4. Outdoor Storage, Loading and Garbage Areas (see Section 4-03-04-02-03 Accessory Uses, Commercial for detailed performance standards)
5. Parking (see Section 4-22 Parking and Loading for detailed performance standards)
6. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
7. Solar Energy Systems for use on Property (see Section 4-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
8. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.
9. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)

10. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Residential for detailed performance standards)
11. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

#### **4-03-06 ACCESSORY USES, RECREATIONAL**

##### **4-03-06-01 GENERAL ACCESSORY USES PERMITTED**

The following general accessory uses are permitted in Recreational Districts:

1. Educational Tours (see section 4-03-06-02-01 Accessory Uses, Recreational for detailed performance standards)
2. Barns (see Section 4-03-02-02-01 Accessory Uses, Agricultural for detailed performance standards)
2. Class Instruction (see Section 4-03-03 Accessory Uses, Residential for detailed performance standards)
3. Communication Tower, Non-Commercial (see Section 4-03-02-02-02 Accessory Uses, Agricultural for detailed performance standards)
4. Day Care Homes (see Section 4-03-03-02-03 Accessory Uses, Residential for detailed performance standards)
5. Farm Employee Dwelling (see Section 4-03-02-02-03 Accessory Uses, Agricultural for detailed performance standards)
6. Garages (see Section 4-03-03-02-04 Accessory Uses, Residential for detailed performance standards)
7. Garage or Yard Sale (see Section 4-03-03-02-05 Accessory Uses, Residential for detailed performance standards)
8. Parking (see 4-13 Parking and Loading for detailed performance standards)
9. Signs (see Section 4-01 Signs and Outdoor Commercial Advertising Devices for detailed performance standards)
10. Solar Energy Systems (see Section 4-03-03-02-11 Accessory Uses, Residential for detailed performance standards)
11. Stables (see Section 4-03-02-02-04 Accessory Uses, Agricultural for detailed performance standards)
12. Storage, Private (see Section 4-03-03-02-13 Accessory Uses, Residential for detailed performance standards)
13. Swimming Pools, Private (see Section 4-03-03-02-15 Accessory Uses, Residential for detailed performance standards)
14. Temporary Use. All temporary uses shall meet the temporary use performance standards contained in Section 4-05 and shall be required to obtain a Special Use

Permit unless the temporary use is a permitted principal use within the zone district in which it will be located.

15. Vending and Produce Stands (see Section 4-03-02-02-05 Accessory Uses, Agricultural for detailed performance standards)
16. Wind Powered Generators (see Section 4-03-02-02-06 Accessory Uses, Agricultural for detailed performance standards)
17. Accessory Dwelling Unit (see Section 4-03-03-02-01 Accessory Uses, Residential for performance standards)
18. Outdoor storage, Loading, Garbage, and Mechanical Equipment areas (see Section 4-03-04-02-02 Accessory Uses, Commercial for performance standards)
19. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

#### **4-03-06-02 PERFORMANCE STANDARDS**

##### **4-03-06-02-01 EDUCATIONAL TOURS**

1. *Incidental Use:* Educational tours shall be clearly incidental and secondary to the use of the parcel and shall not change the character of the parcel.
2. *Activities:* Activities related to the education tour may occur inside or outside. Tours may be conducted by foot, bike, tractor, animal, and/or other means of access as appropriate for the property.
3. *Employees:* The educational tours may be completed by staff working on the parcel, or by outside groups with permission of the property owner. No additional housing units shall be associated with the education tour use.
4. *Exterior Advertising:* There shall be no exterior advertising other than identification of the educational tours with a sign not exceeding 6 square feet which must be located on the face of the home.
5. *Incidental sales permitted:* There shall only be incidental sales of stocks, supplies or products conducted on the premises.
6. *No Outdoor Storage:* There shall be no long-term exterior storage on the premises of material or equipment used as a part of the educational tour.
7. *No Offensive Impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

##### **4-03-06-02-02 AGRI-TOURISM**

1. *Incidental Use:* Agri-Tourism shall be clearly incidental and secondary to the use of the parcel and shall not change the character of the parcel.
2. *Activities:* Activities related to the agri-tourism may occur inside or outside. Tours may be conducted by foot, bike, tractor, animal, and/or other means of access as appropriate for the property.

3. *Employees:* Tours may be completed by staff working on the parcel, or by outside groups with permission of the property owner. No additional housing units shall be associated with the agri-tourism use.
4. *Exterior Advertising:* Exterior advertising, meeting the requirements of 4-01 is permitted, except that the total signage associated with the agri-tourism use shall not exceed 16 square feet.
5. *Incidental sales permitted:* There shall only be incidental sales of stocks, supplies or products conducted on the premises.
6. *No Outdoor Storage:* There shall be no long-term exterior storage on the premises of material or equipment used as a part of agri-tourism.
7. *No Offensive Impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

## **4-04 SPECIAL USES PERFORMANCE STANDARDS**

### **4-04-01 GENERAL PROVISIONS**

#### **4-04-01-01 OBTAIN A SPECIAL USE PERMIT**

All special uses shall obtain a Special Use Permit prior to beginning operation. All special uses shall comply with the performance standards established by Section 4-04 for the special use. The permit issuing authority shall be the Board of Adjustment. Special uses shall also conform to all zone district standards contained in these standards and regulations.

#### **4-04-01-02 DURATION OF SPECIAL USE**

No special use shall be permitted for a period exceeding five (5) years, unless otherwise noted. Renewals of special uses may be granted in one (1) year increments, following the same procedures as the original permit issuance. Temporary Use/ Special Use Permits may only be issued for maximum of ninety-days (90) days administratively. Any operation proposed to operate greater than ninety-days (90) shall be processed as a Special / Temporary Use Permit before the Board of Adjustment.

#### **4-04-01-03 ZONE DISTRICT STANDARDS AND REQUIREMENTS APPLY**

Setbacks and all other standards and requirements of the zone district in which the special use is located shall apply to all structures connected with the special use.

#### **4-04-01-04 NO UNDUE DISTURBANCE TO RESIDENTIAL NEIGHBORHOODS**

Lighting, activities, noise, or increased traffic associated with a special use shall not unreasonably disturb surrounding residential neighborhoods.

#### **4-04-01-05 NO DISRUPTION TO COMMERCIAL OR INDUSTRIAL USES**

Lighting, activities, noise, or increased traffic associated with a special use shall not unreasonably disrupt the operation of nearby commercial or industrial uses.

#### **4-04-01-06 SIGNAGE**

Any signs associated with an approved Special Use Permit shall be considered a permanent sign and are required to obtain a sign permit and, if applicable, a building permit.

**4-04-02 PERFORMANCE STANDARDS FOR SPECIFIC SPECIAL USES****4-04-02-01 CONCRETE AND ASPHALT MIXING PLANTS****4-04-02-01-01 *SPECIAL USE PERMIT REQUIRED***

All concrete or asphalt mixing plants intended to be in operation shall obtain a Special Use Permit. However, concrete or asphalt mixing plants may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment. Industrial Zone Districts, which allow concrete or asphalt mixing plants may be allowed with a Building Permit only.

**4-04-02-01-02 *MINIMUM LOT AREA***

No temporary cement or asphalt mixing plants shall be located on a parcel of land less than one-half (½) acre in size.

**4-04-02-01-03 *LOCATION***

The use shall be located on the same property or right-of-way, or directly adjacent to the same property or right-of-way, as the construction project.

**4-04-02-01-04 *PERIOD OF OPERATION***

Temporary cement and asphalt mixing plants shall only be permitted as an accessory use to the construction of roads or other public improvements.

**4-04-02-01-05 *HOURS OF OPERATION***

The temporary cement and asphalt mixing plants shall limit the hours of operation to 7:00 a.m. to 7:00 p.m..

**4-04-02-01-06 *USE AREA SETBACK***

Vehicular use areas, material storage areas, and structures shall be setback at least one hundred (100) feet from the property boundary.

**4-04-02-01-07 *ACCESS***

All temporary mixing plants shall have highway, arterial, or collector road access.

**4-04-02-01-08 *DUST CONTROL***

It is the responsibility of the temporary plant operator to control dust, dirt, and any other debris from blowing from the site on to other properties.

**4-04-02-01-09 *ROAD DAMAGE***

Any road damage to the roads providing access to the site of the temporary plant shall be repaired by the temporary plant operator as deemed necessary by the Director of Public Works. The Director of Public Works shall require the plant operator to post a performance bond to cover all potential repair costs.

**4-04-02-01-10      *TRUCKING***

Due to the magnitude of the use, the Director of Public Works may add additional standards regarding trucking routes and the size of loads to protect the general welfare of the citizens.

**4-04-02-02      *INERT FILL OPERATIONS***

**4-04-02-02-01      *SPECIAL USE PERMIT REQUIRED***

Inert fill operations intended to be in operation for more than six (6) months shall obtain a special use permit. Inert fill operations may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of six (6) months. Importation of less than 10 cubic yards of inert fill is exempt from the requirement to obtain a temporary use or special use permit. The exempted volume of fill material must meet inert fill for grading definition.

**4-04-02-02-02      *MAXIMUM FILL AREA***

No Special Use Permit for inert fill shall be issued if the area to be filled is greater than ten (10) acres. Any operation proposed to fill greater than ten (10) acres shall be processed as a Conditional Use Permit (see Chapter 2).

**4-04-02-02-03      *MAXIMUM AMOUNT OF FILL MATERIAL***

A Conditional Use Permit (see Chapter 2) for inert fill is required if the amount of material is greater than five-hundred thousand (500,000) cubic yards. Any operation proposed to fill a site with less than five-hundred thousand (500,000) cubic yards may be processed as a Temporary Use/Special Use Permit, depending on the duration of the project.

**4-04-02-02-04      *PERIOD OF OPERATION***

Special Use Permits for inert fill may only be issued for a maximum of five (5) years. Any operation proposed to operate less than six (6) months may be processed as a Temporary Use Permit. Any operation proposed to operate for greater than five (5) years shall be processed as a Conditional Use Permit (see Chapter 2).

**4-04-02-02-05      *HOURS OF OPERATION***

The inert fill operation shall limit its hours of operation from 7:00 a.m. to 7:00 p.m., unless otherwise restricted by the Board of Adjustment.

**4-04-02-02-06      *SOURCE OF MATERIAL***

The site operator shall have sole discretion of the source of fill material and shall provide details of the source material with the permit application. Proof of clean, inert material may be provided by any one of the following:

1. A signed letter from the source providing the fill material certifying that the material is clean.
2. Phase I environmental site assessment or due diligence report for the borrow site demonstrating no Recognized Environmental Conditions (REC).
3. Sampling and analysis of the material to be used as fill demonstrating the material does not contain contaminants in excess of respective EPA residential screening levels. Specifically, two composite samples each consisting of 3 discrete samples shall be collected from 1,000 cubic yards of material with one composite sample collected for each additional 1,500 cubic yards. Laboratory analysis of the following contaminants must be provided:
  - a. VOCs and SVOCs
  - b. 8 RCRA metals (As, Ba, Cd, Cr, Pb, Hg, Se, Ag)
  - c. Polycyclic Aromatic Hydrocarbons
  - d. PCB at the Director of Community and Economic Development's discretion
  - e. Pesticides at the Director of Community and Economic Development's discretion

4-04-02-02-07

***GROUNDWATER IMPACTS***

Fill material is not likely to contaminate ground water.

4-04-02-02-08

***TRAFFIC/HAUL ROUTE***

The haul route for the traffic to and from the fill operation shall be provided with the permit application and may be jointly reviewed and a recommendation forwarded to the Board of Adjustment for their consideration and decision.

4-04-02-02-09

***GRADING AND DRAINAGE***

The final grading and drainage plan shall be provided with the permit application and may be approved by the Community and Economic Development Department.

**4-04-02-03    TEMPORARY STRUCTURES (TENTS)**

4-04-02-03-01

***SPECIAL USE PERMIT REQUIRED***

A Special Use Permit shall be obtained for any temporary structure intended to be located on a property for more than ninety (90) days. Any structure intended to be used for less than ninety (90) days may obtain a Temporary Use Permit.

4-04-02-03-02

***PERIOD OF OPERATION***

Special Use Permits for temporary structures may only be issued for a maximum of two and a half (2.5) years.

**4-04-02-03-03      *CODE REQUIREMENTS***

All Temporary Structures shall meet the building and fire code requirements prior to approval of any Temporary or Special Use Permit.

**4-04-02-03-04      *MAXIMUM SIZE***

Temporary Structures shall not exceed a gross floor area of eight hundred (800) square feet per structure. If multiple temporary structures are located on one site, all requirements of the Adams County Temporary Structures under Section 4-07-02-03 shall be followed.

**4-04-02-03-05      *LOCATION***

The temporary structure shall be located on gravel, recycled asphalt, or paved parking lot or on agricultural land. The structure shall not block or be located within any right-of-way or public sidewalk. The structure shall not be located within any required parking spaces. The structure shall meet all zone district requirements for which the structure is located.

**4-04-02-03-06      *HEIGHT***

The temporary structure shall not exceed the height limit of the zone district in which the structure is located.

**4-04-02-03-07      *EXITS***

Stands (wood-built structures): Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.

1. Tents: All aisles within a tent shall measure no less than forty-eight (48) inches in width. All tents shall have at least two sides of the tent open and unobstructed for use as an exit.

**4-04-02-03-08      *CONSTRUCTION MATERIALS***

All temporary structures shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water based latex paint.

**4-04-02-03-09      *ANCHORING***

All temporary structures shall be properly anchored to the ground as approved by the Community and Economic Development Department.

**4-04-02-03-10      *WIRING***

Electrical wiring shall meet all requirements of the State of Colorado.

**4-04-02-04 VENDING AND PRODUCE STANDS****4-04-02-04-01 SPECIAL USE PERMIT REQUIRED**

Vending and/or produce standards intended to be in operation shall obtain a Special Use Permit. However, vending and/or produce stands may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment.

No Special Use Permit shall be required for a produce stand located on agriculturally zoned land provided the stand is an accessory use and meets the performance standards in Section 4-03-02-02-05. In addition, no Special Use Permit shall be issued if the stand has been erected on the subject site without a Temporary Use Permit from the Community and Economic Development Department.

**4-04-02-04-02 MINIMUM LOT AREA**

No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.

**4-04-02-04-03 LOCATION**

The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.

**4-04-02-04-04 PERIOD OF OPERATION**

The stand shall operate for no more than ninety (90) days annually.

**4-04-02-04-05 HOURS OF OPERATION**

The stand shall limit its hours of operation to 7:00 a.m. to 7:00 p.m..

**4-04-02-04-06 SETBACKS**

The setbacks for the zone district shall apply.

**4-04-02-04-07 PARKING**

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.

**4-04-02-04-08 ACCESS**

All vending and produce stands shall have highway, arterial, or collector road access.

## **4-05 TEMPORARY USES PERFORMANCE STANDARDS**

### **4-05-01 GENERAL PROVISIONS**

#### **4-05-01-01 OBTAIN A TEMPORARY USE PERMIT**

All temporary uses shall obtain a Temporary Use Permit prior to beginning operation. All temporary uses required by these regulations to obtain a Temporary Use Permit, shall comply with the performance standards established by Section 4-05 for the temporary use. Specified temporary uses may be issued by the Director of Community and Economic Development. Temporary uses shall also conform to all zone district standards contained in these standards and regulations. If a Temporary Use Permit is denied by the Community and Economic Development Department, an applicant may request a Special Use Permit from the Board of Adjustment.

#### **4-05-01-02 DURATION OF TEMPORARY USE**

No temporary use shall be permitted for a period exceeding ninety-days (90), unless otherwise noted. Renewals of Temporary Use Permits may only be issued for a maximum of ninety-days (90) days administratively. Any operation proposed to operate greater than ninety-days (90) shall be processed as a Special Use Permit before the Board of Adjustment.

#### **4-05-01-03 ZONE DISTRICT STANDARDS AND REQUIREMENTS APPLY**

Setbacks and all other standards and requirements of the zone district in which the temporary use is located shall apply to all structures connected with the temporary use.

#### **4-05-01-04 NO UNDUE DISTURBANCE TO RESIDENTIAL NEIGHBORHOODS**

Lighting, activities, noise, or increased traffic associated with a temporary use shall not unreasonably disturb surrounding residential neighborhoods.

#### **4-05-01-05 NO DISRUPTION TO COMMERCIAL OR INDUSTRIAL USES**

Lighting, activities, noise, or increased traffic associated with a temporary use shall not unreasonably disrupt the operation of nearby commercial or industrial uses.

#### **4-05-01-06 SIGNAGE**

Any sign associated with an approved Temporary Use Permit shall be depicted on the site plan and allowed for the duration of the permit. The maximum sign size shall be thirty-two (32) square feet. Signs shall be placed on private property, outside any right-of-way or easement and shall be placed to avoid any sight obstruction for motorists, cyclists, and pedestrians. Signs shall not be illuminated. Signs for Temporary Use Permits do not require a sign permit but may require a building permit.

**4-05-02 PERFORMANCE STANDARDS FOR SPECIFIC TEMPORARY USES****4-05-02-01 CARNIVAL OR CIRCUS****4-05-02-01-01 TEMPORARY USE PERMIT REQUIRED**

All carnivals or circuses shall obtain a Temporary Use Permit before operating.

**4-05-02-01-02 MINIMUM LOT AREA**

No carnival or circus shall be located on a parcel of land less than five (5) acres in size.

**4-05-02-01-03 PERIOD OF OPERATION**

No carnival or circus shall be allowed to operate for a period exceeding fourteen (14) days, exclusive of a three (3) day period, before and after the operation, during which amusement rides, concessions, etc. are erected or removed from the site.

**4-05-02-01-04 HOURS OF OPERATION**

The carnival or circus shall limit its hours of operation to 9:00 a.m. to 10:00 p.m..

**4-05-02-01-05 ACCESS**

All carnivals and circuses shall have highway or arterial road access.

**4-05-02-01-06 PARKING**

Every carnival or circus shall provide either paved or dust treated off-road parking for not less than three hundred (300) automobiles per acre of area used for amusement purposes.

**4-05-02-01-07 SIGNAGE**

All signs associated with a Carnival or Circus shall be consistent with Section 4-05-01-06.

**4-05-02-02 CHRISTMAS TREE SALES****4-05-02-02-01 TEMPORARY USE PERMIT REQUIRED**

All Christmas tree sales lots shall obtain a Temporary Use Permit before operating and shall comply with the performance criteria of Section 4-05-02-02.

**4-05-02-02-02 MAXIMUM LOT AREA**

The sales lot shall not occupy more than ten percent (10%) of a gravel, recycled asphalt, or paved parking lot on which the sales lot is located. In no case shall the sales area exceed ten thousand (10,000) square feet.

**4-05-02-02-03      *LOCATION***

Christmas tree sales lots shall be located on a gravel, recycled asphalt, or paved parking lot in a commercial zone district or on agricultural land. The sales area shall not block or be located within any right-of-way or public sidewalk.

**4-05-02-02-04      *PERIOD OF OPERATION***

Christmas tree sales shall not exceed a period of sixty (60) days.

**4-05-02-02-05      *HOURS OF OPERATION***

The Christmas tree sales lot shall limit its hours of operation to 7:00 AM to 7:00 PM.

**4-05-02-02-06      *SETBACKS***

The setbacks for the zone district shall apply.

**4-05-02-02-07      *SIGNAGE***

All signs associated with Christmas Tree Sales shall be consistent with Section 4-05-01-06.

**4-05-02-02-08      *PARKING***

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of sales area.

**4-05-02-02-09      *ACCESS***

All Christmas tree lots shall have highway, arterial, or collector road access.

**4-05-02-02-10      *TREE DISPLAY RESTRICTIONS***

No Christmas tree shall be displayed within fifty (50) feet of an intersection of the curb line of any two (2) roads or within any sight distance triangle required to be maintained by these standards and regulations.

**4-05-02-03      CONCRETE AND ASPHALT MIXING PLANTS**

**4-05-02-03-01      *TEMPORARY USE PERMIT REQUIRED***

All concrete or asphalt mixing plants intended to be in operation shall obtain a Special Use Permit. However, concrete or asphalt mixing plants may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment. Industrial Zone Districts, which allow concrete or asphalt mixing plants may be allowed with a Building Permit only.

- 4-05-02-03-02      *MINIMUM LOT AREA***  
No temporary cement or asphalt mixing plants shall be located on a parcel of land less than one-half (½) acre in size.
- 4-05-02-03-03      *LOCATION***  
The use shall be located on the same property or right-of-way, or directly adjacent to the same property or right-of-way, as the construction project.
- 4-05-02-03-04      *PERIOD OF OPERATION***  
Temporary cement and asphalt mixing plants shall only be permitted as an accessory use to the construction of roads or other public improvements.
- 4-05-02-03-05      *HOURS OF OPERATION***  
The temporary cement and asphalt mixing plants shall limit the hours of operation to 7:00 a.m. to 7:00 p.m..
- 4-05-02-03-06      *USE AREA SETBACK***  
Vehicular-use areas, material storage areas, and structures shall be setback at least one hundred (100) feet from the property boundary.
- 4-05-02-03-07      *ACCESS***  
All temporary mixing plants shall have highway, arterial, or collector road access.
- 4-05-02-03-08      *DUST CONTROL***  
It is the responsibility of the temporary plant operator to control dust, dirt, and any other debris from blowing from the site on to other properties.
- 4-05-02-03-09      *ROAD DAMAGE***  
Any road damage to the roads providing access to the site of the temporary plant shall be repaired by the temporary plant operator as deemed necessary by the Director of Public Works. The Director of Public Works shall require the plant operator to post a performance bond to cover all potential repair costs.
- 4-05-02-03-10      *TRUCKING***  
Due to the magnitude of the use, the Director of Public Works may add additional standards regarding trucking routes and the size of loads to protect the general welfare of the citizens.
- 4-05-02-03-11      *SIGNAGE***  
All signs associated with Concrete and Asphalt Mixing Plants shall be consistent with Section 4-05-01-06.

#### **4-05-02-04 CONSTRUCTION SITE FENCING**

**4-05-02-04-01 *TEMPORARY USE PERMIT REQUIRED***

A Temporary Use Permit shall be obtained before locating any construction site fencing and shall comply with the performance criteria of Section 4-05-02-04.

**4-05-02-04-02 *MAXIMUM HEIGHT***

The maximum height of construction site fencing shall be ninety-six (96) inches.

**4-05-02-04-03 *FENCING MATERIAL***

Land under development may be surrounded by a chain link fence or solid wood fence.

**4-05-02-04-04 *LOCATION***

Construction site fencing shall be installed within or along the property lines of the development.

**4-05-02-04-05 *SIGN POSTING***

Construction site fencing shall be posted with the name and phone number of the responsible party for emergency and trespassing purposes.

**4-05-02-04-06 *PERIOD OF PLACEMENT AND REMOVAL***

Construction site fencing may exist during the period of construction for the project. It shall be removed within thirty (30) days of issuance of a certificate of occupancy.

#### **4-05-02-05 PERMISSIBLE FIREWORKS STAND/TENT**

**4-05-02-05-01 *TEMPORARY USE PERMIT REQUIRED***

A Temporary Use Permit shall be obtained for each stand/tent before locating any permissible fireworks stand/tent and shall comply with the performance criteria of Section 4-05-02-06. Only the sale of “permissible fireworks”, as that term is defined by Colorado Revised Statutes, is permitted with temporary use permit for permissible fireworks stand/tent. Fireworks that do not meet the definition of “permissible fireworks” shall not be sold or stored at permissible fireworks stands/tents.

**4-05-02-05-02 *SUBMITTAL DEADLINE***

All Temporary Use Permit Applications for permissible fireworks stands/tents shall be submitted no later than the last business day in May. All applications shall be complete at the time of submittal.

- 4-05-02-05-03      *INSURANCE***  
The applicant shall submit to Adams County a certificate of insurance. The minimum coverage for the property damage and/or bodily injury is \$1,000,000.00.
- 4-05-02-05-04      *MAXIMUM SIZE OF STAND/TENT***  
If multiple stands/tents are located on one site, all requirements of the Adams County Permissible Fireworks Stands/Tents under Section 4-05-02-06 shall be followed. Permissible Fireworks stands/tents shall not exceed a gross floor area of eight hundred (800) square feet per stand/tent.
- 4-05-02-05-05      *PERIOD OF OPERATION***  
Permissible fireworks stands/tents may be operated between June 15 and July 5.
- 4-05-02-05-06      *DISMANTLE AND REMOVAL DATE***  
All stands/tents shall be dismantled and removed no later than July 15.
- 4-05-02-05-07      *HOURS OF OPERATION***  
Permissible fireworks stands/tents shall limit their hours of operation to 7:00 a.m. to 7:00 p.m..
- 4-05-02-05-08      *CLEAR AREA***  
A clear area is a minimum area in which the permissible fireworks stand or tent shall be setback from property lines, fences, vehicles, detached firework storage, and all permitted banners. The clear area shall be measured from the supporting wall of the stand or from the anchor point of the tent.
- 4-05-02-05-09      *VEGETATION AND WEEDS WITHIN CLEAR AREAS***  
Vegetation within the required clear areas shall be a maximum of two (2) inches above the ground except for trees and shrubs.
- 4-05-02-05-10      *CLEAR AREAS***  
A clear and unobstructed distance of at least thirty (30) feet is required between the stand or tent and detached fireworks storage.
- 4-05-02-05-11      *SETBACKS FROM PERMANENT BUILDINGS, FLAMMABLE LIQUIDS, AND FUEL DISPENSING OPERATIONS***  
A clear and unobstructed distance of fifty (50) feet is required between the stands/tents and permanent buildings, flammable liquids, and fuel dispensing operations.

4-05-02-05-12

***EXITS***

1. Stands: Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.
2. Tents: All aisles within a permissible fireworks stand shall measure no less than 48 inches in width. All fireworks tents shall have at least two sides of the tent open and unobstructed for use as an exit.

4-05-02-05-13

***“NO SMOKING” SIGNS***

“No Smoking” signs shall be conspicuously placed both inside and outside of the stand/tent.

4-05-02-05-14

***CONSTRUCTION MATERIALS***

All stands/tents shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water-based latex paint.

4-05-02-05-15

***ANCHORING***

All tents and stands shall be properly anchored to the ground as approved by the Community and Economic Development Department.

4-05-02-05-16

***WIRING***

Electrical wiring shall meet all requirements of the State of Colorado.

4-05-02-05-17

***DISPENSING PERMISSIBLE FIREWORKS***

A person of twenty-one (21) years of age or older shall always be present on the property to provide supervision. It is illegal for any person under sixteen (16) years of age to purchase or vend any permissible fireworks. All permissible fireworks stands/tents shall operate in conformance with state law.

4-05-02-05-18

***DISCHARGING FIREWORKS***

No fireworks shall be discharged within a three hundred (300) foot radius of a stand/tent or within one hundred (100) feet of the property line on which the stand/tent is located.

4-05-02-05-19

***WHOLESALE FIREWORKS***

Sale of fireworks at wholesale shall not be conducted from stands/tents or portable, moveable, or temporary metal, wood, or plastic containers.

**4-05-02-05-20      *PENNANTS***

Strings of flags, pennants, and streamers may identify the clear area or the parking area. Pennants shall not be attached to a stand or tent. Pennants shall be depicted on the site plan.

**4-05-02-05-21      *SIGNAGE***

All signs associated with a Permissible Firework Tent/Stand shall be consistent with Section 4-05-01-06.

**4-05-02-05-22      *TRASH***

The site shall be kept clean of trash and debris at all times. Trash dumpsters shall be utilized and located on the site during operations.

**4-05-02-06      CHILE STAND/TENT \***

**\*Adopted by the BoCC on April 21, 2008**

**4-05-02-06-01      *TEMPORARY USE PERMIT REQUIRED***

A Temporary Use Permit shall be obtained for each stand/tent before locating any chile stand/tent and shall comply with the performance criteria of Section 4-05-02-07.

**4-05-02-06-02      *INSURANCE***

The applicant shall submit to Adams County a certificate of insurance. The minimum coverage for the property damage and/or bodily injury is \$400,000.00.

**4-05-02-06-03      *MAXIMUM SIZE OF STAND/TENT***

If multiple stands/tents are located on one site, all requirements of the Adams County Chile Stand/Tent under Section 4-05-02-07 shall be followed. Chile stands/tents shall not exceed a gross floor area of eight hundred (800) square feet per stand/tent.

**4-05-02-06-04      *HOURS OF OPERATION***

Chile stands/tents shall limit their hours of operation to 7:00 a.m. to 10:00 p.m..

**4-05-02-06-05      *CLEAR AREAS AROUND TENT/STAND***

A clear area is a minimum area in which the chile stand or tent shall be setback from property lines, fences, vehicles, propane tanks, burners, and all permitted banners. The clear area shall be measured from the supporting wall of the stand or from the anchor point of the tent.

**4-05-02-06-06      *CLEAR AREAS***

A clear and unobstructed distance of at least thirty (30) feet is required around the stand or tent.

**4-05-02-06-07      *CLEAR AREAS AROUND PROPANE TANKS AND BURNERS***

A clear area is a minimum area in which the propane tanks and burners shall be setback from property lines, fences, vehicles, tents/stands, and all banners.

**4-05-02-06-08      *VEGETATION AND WEEDS WITHIN CLEAR AREAS***

Vegetation within the required clear areas shall be a maximum of two (2) inches above the ground except for trees and shrubs.

**4-05-02-06-09      *ANCHORING***

All tents and stands shall be properly anchored to the ground as approved by the Community and Economic Development Department.

**4-05-02-06-10      *WIRING***

Electrical wiring shall meet all requirements of the State of Colorado.

**4-05-02-06-11      *PENNANTS***

Strings of flags, pennants, and streamers may identify the clear area or the parking area. Pennants shall not be attached to a stand or tent. Pennants shall be depicted on the site plan.

**4-05-02-06-12      *SIGNAGE***

All signs associated with a Chile Tent/Stand shall be consistent with Section 4-05-01-06.

**4-05-02-06-13      *TRASH***

The site shall always be kept clean of trash and debris. Trash dumpsters shall be utilized and located on the site during operations.

**4-05-02-07      INERT FILL OPERATIONS**

**4-05-02-07-01      *TEMPORARY USE PERMIT REQUIRED***

Inert fill operations shall obtain a Temporary Use Permit. A Temporary Use Permit for inert fill may be issued for a maximum of six (6) months. Importation of less than 10 cubic yards of inert fill is exempt from the requirement to obtain

a temporary use or special use permit. The exempted volume of fill material must meet inert fill for grading definition.

**4-05-02-07-02      *MAXIMUM FILL AREA***

No Temporary Use Permit for inert fill shall be issued if the area to be filled is greater than ten (10) acres. Any operation proposed to fill greater than ten (10) acres shall be processed as a Conditional Use Permit (see Chapter 2).

**4-05-02-07-03      *MAXIMUM AMOUNT OF FILL MATERIAL***

No Temporary Use Permit for inert fill shall be issued if the amount of material is greater than five-hundred thousand (500,000) cubic yards. Any operation proposed to fill a site with more than five-hundred thousand (500,000) cubic yards shall be processed as a Conditional Use Permit (see Chapter 2).

**4-05-02-07-04      *PERIOD OF OPERATION***

Temporary Use Permits for inert fill may only be issued for maximum of six (6) months. Any operation proposed to operate greater than six (6) months shall be processed as a Special Use Permit. Any operation proposed to operate greater than five (5) years shall obtain a Conditional Use Permit (see Chapter 2).

**4-05-02-07-05      *HOURS OF OPERATION***

The inert fill operation shall limit its hours of operation from 7:00 a.m. to 7:00 p.m., unless otherwise restricted by the Director of Community and Economic Development.

**4-05-02-07-06      *SOURCE OF MATERIAL***

The site operator shall have sole discretion of the source of fill material and shall provide details of the source material with the permit application. Proof of clean, inert material may be provided by any one of the following:

1. A signed letter from the source providing the fill material certifying that the material is clean
2. Phase I environmental site assessment or due diligence report for the borrow site demonstrating no Recognized Environmental Concerns (REC)
3. Sampling and analysis of the material to be used as fill demonstrating the material does not contain contaminants in excess of respective EPA residential screening levels. Specifically, two composite samples each consisting of 3 discrete samples shall be collected from 1,000 cubic yards of material with one composite sample collected for each additional 1,500 cubic yards. Laboratory analysis of the following contaminants must be provided:
  - a. VOCs and SVOCs

- b. 8 RCRA metals (As, Ba, Cd, Cr, Pb, Hg, Se, Ag)
- c. Polycyclic Aromatic Hydrocarbons
- d. PCB at the Director of Community and Economic Development's discretion
- e. Pesticides at the Director of Community and Economic Development's discretion

**4-05-02-07-07      *GROUNDWATER IMPACTS***

Fill material is not likely to contaminate ground water.

**4-05-02-07-08      *TRAFFIC/HAUL ROUTE***

The haul route for the traffic to and from the fill operation shall be provided with the permit application and may be jointly reviewed and approved by the Community and Economic Development Department.

**4-05-02-07-09      *GRADING AND DRAINAGE***

The final grading and drainage plan shall be provided with the permit application and may be approved by the Community and Economic Development Department.

**4-05-02-08      TEMPORARY STRUCTURES (TENTS)**

**4-05-02-08-01      *TEMPORARY USE PERMIT REQUIRED***

A Temporary Use Permit shall be obtained for any temporary structure intended to be located on a property for up to ninety (90) days.

**4-05-02-08-02      *PERIOD OF OPERATION***

Temporary Use Permits for temporary structures may only be issued for a maximum of ninety (90) days. Any structure intended to be used for more than ninety (90) days shall obtain a Special Use Permit.

**4-05-02-08-03      *CODE REQUIREMENTS***

All Temporary Structures shall meet the building and fire code requirements prior to approval of any Temporary or Special Use Permit.

**4-05-02-08-04      *MAXIMUM SIZE***

Temporary Structures shall not exceed a gross floor area of eight hundred (800) square feet per structure. If multiple temporary structures are located on one site, all requirements of the Adams County Temporary Structures under Section 4-05-02-09 shall be followed.

**4-05-02-08-05      *LOCATION***

The temporary structure shall be located on gravel, recycled asphalt, or paved parking lot or on agricultural land. The structure shall not block or be located within

any right-of-way or public sidewalk. The structure shall not be located within any required parking spaces. The structure shall meet all zone district requirements for which the structure is located.

**4-05-02-08-06      *HEIGHT***

The temporary structure shall not exceed the height limit of the zone district in which the structure is located.

**4-05-02-08-07      *EXITS***

1. Stands (Wood built structures): Any stand measuring more than twenty-five (25) feet in length across the face shall have two (2) exits. Exit doors shall be a minimum of twenty (20) inches in width and six (6) feet in height and swing in the direction of egress. Stands with floor areas between three hundred (300) and four hundred (400) square feet must have three (3) exits.
2. Tents: All aisles within a tent shall measure no less than 48 inches in width. All tents shall have at least two sides of the tent open and unobstructed for use as an exit.

**4-05-02-08-08      *CONSTRUCTION MATERIALS***

All temporary structures shall be constructed of wood, metal, fire retardant tent as approved by the Community and Economic Development Department or other approved materials. Stands shall not have wheels or tires. Combustible construction materials shall be painted with a water based latex paint.

**4-05-02-08-09      *ANCHORING***

All temporary structures shall be properly anchored to the ground as approved by the Community and Economic Development Department.

**4-05-02-08-10      *WIRING***

Electrical wiring shall meet all requirements of the State of Colorado.

**4-05-02-08-11      *SIGNAGE***

All signs associated with a Temporary Structure shall be consistent with Section 4-05-01-06.

**4-05-02-09      *VENDING AND PRODUCE STANDS***

**4-05-02-09-01      *TEMPORARY USE PERMIT REQUIRED***

Vending and/or produce standards intended to be in operation shall obtain a Special Use Permit. However, vending and/or produce stands may be issued a Temporary Use Permit by the Community and Economic Development Department for a maximum of ninety-days (90) in advance of any hearing before the Board of Adjustment.

No Special Use Permit shall be required for a produce stand located on agriculturally zoned land provided the stand is an accessory use and meets the performance standards in Section 4-03-02-02-05. In addition, no Special Use Permit shall be issued if the stand, which is subject to the current permit has been erected on the subject site without a Temporary Use Permit from the Community and Economic Development Department.

4-05-02-09-02

***MINIMUM LOT AREA***

No vending or produce stand shall be located on a parcel of land less than four hundred (400) square feet in size.

4-05-02-09-03

***LOCATION***

The stand shall be located on a gravel, recycled asphalt, or paved parking lot or on agricultural land. The stand shall not block or be located within any right-of-way or public sidewalk.

4-05-02-09-04

***PERIOD OF OPERATION***

The stand shall operate for no more than ninety (90) days annually.

4-05-02-09-05

***HOURS OF OPERATION***

The stand shall limit its hours of operation to 7:00 a.m. to 7:00 p.m..

4-05-02-09-06

***SETBACKS***

The setbacks for the zone district shall apply.

4-05-02-09-07

***SIGNAGE***

All signs associated with a Vending and Produce Stand shall be consistent with Section 4-05-01-06.

4-05-02-09-08

***PARKING***

Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least five (5) off-road parking spaces shall be provided per two hundred (200) square feet of stand area.

4-05-02-09-09

***ACCESS***

All vending and produce stands shall have highway, arterial, or collector road access.

## 4-06 AGRICULTURAL USES PERFORMANCE STANDARDS

### 4-06-01 GENERAL PERFORMANCE STANDARDS

#### 4-06-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation, and maintenance to be applied to all agricultural development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

#### 4-06-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Fencing and Walls

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-13)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-16)
4. Weeds and Offending Vegetation (See Section 4-18)
5. Site Design Considerations (See Section 4-21)
6. Operational Standards (See Section 4-14)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-22)
8. Off-Premise Signs (See Section 4-16)

#### 4-06-01-02-01 ***FENCING, WALLS, AND SCREENING***

##### 4-06-01-02-01-01 ***Maximum Height***

The maximum height of fencing, walls, and screening shall be ninety-six (96) inches, which may include four (4) strands of barbed wire forming the top eighteen (18) inches. All fences and walls more than forty-two (42) inches in height require a building permit.

##### 4-06-01-02-01-02 ***Fencing Material***

Fencing consisting of only barbed wire is permitted.

##### 4-06-01-02-01-03 ***Retaining Wall***

Any retaining wall over four (4) feet in height shall require preparation by a professional engineer as a condition for a building permit, except where waived by

the Director of Community and Economic Development. As determined by the Director of Community and Economic Development any retaining wall over thirty-six (36) inches in height may require a guard rail up to five (5) feet in height and placed at the top of grade.

**4-06-01-02-01-04**

***Subdivided Agricultural Zone Districts***

In addition to the other standards contained in this Section, the following fence standards shall apply to subdivided agriculturally zoned lands:

1. *Maximum Fence Height:* Fifty-four (54) inches between the front setback line and a front property line.
2. *Fencing in the Front Setback:* All fencing between the front setback line and front property line greater than forty-two (42) inches shall not be screen fencing and shall adhere to sight distance requirements.
3. *External Boundary Electric Fence:* An external boundary electric fence shall require a Conditional Use Permit.

**4-06-01-02-01-05**

***Traffic View Obstruction***

Traffic view obstruction, as outlined in these standards and regulations, is prohibited.

**4-06-01-02-01-06**

***Screen Fencing***

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
  - a. Install heavy gauge PVC or vinyl inserts.
  - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
  - c. Color of the inserts is at the discretion of the applicant.
  - d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.
3. If the property is not feasible screened by a fence from an adjacent road due to topography, the property owner shall:

- a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
  - b. A chain link fence may be constructed at the discretion of the applicant but must be placed to the interior of the screening trees.
- 4. All fencing shall always be maintained and kept in good condition. Condition of fences shall be evaluated through a review of:
  - a. Structural integrity and being functionally sound under the Adams County Building Code; and
  - b. Substantially the same condition as originally permitted or constructed.

4-06-01-02-01-07

***Garbage Area Screening***

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-06-01-02-01-08

***Outdoor Storage Screening***

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-06-01-02-01-09

***Masonry Wall***

All walls specified to be masonry fencing shall be constructed out of a brick or stone material which does not permit the contents within the fenced area to be seen from the outside.

4-06-01-02-01-10

***Noise Barrier Fencing***

Where existing and proposed arterial roads or state highways traverse or are adjacent to areas of proposed residential or commercial development the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-06-01-02-01-11

***Sidewalk Maintenance***

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access

4-06-01-02-01-12

***Oil and Gas Well Waiver***

Where a new home is constructed within three hundred (300) feet of an existing oil or gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

**4-06-02 PERFORMANCE STANDARDS BY USE CATEGORY**

The following specific performance standards are included in this section:

1. Agricultural Support Businesses and Services (See Section 4-06-02-01 for specific requirements)
  - a. Auction Yards, With Livestock (See Section 04-06-02-01-01 for specific requirements)
  - b. Biosolids Application (See Section 04-06-02-01-02 for specific requirements)
  - c. Commercial Livestock and Poultry Confinement Operations (See Section 04-06-02-01-03 for specific requirements)
  - d. Equestrian Arena, Commercial (See Section 4-06-02-01-04 for specific requirements)
  - e. Equestrian Arena, Personal (See Section 4-06-02-01-05 for specific requirements)
  - f. Farm Machinery Sales and Services (See Section 04-06-02-01-06 for specific requirements)
  - g. Fish Hatcheries (See Section 04-06-02-01-07 for specific requirements)
  - h. Livestock and Poultry Keeping (See Section 04-06-02-01-09 for specific requirements)
  - i. Railroad Yards (See Section 04-06-02-01-10 for specific requirements)
  - j. Truck Stops (See Section 04-06-02-01-11 for specific requirements)
2. Nurseries (See Section 04-06-02-02 for specific requirements)
3. Performance standards for residential uses, institutional uses, commercial uses and industrial uses permitted in an agricultural zone district may be found in Sections 4-07, 4-08, 4-09, and 4-10.

#### **4-06-02-01 AGRICULTURAL SUPPORT BUSINESSES AND SERVICES**

##### **4-06-02-01-01 AUCTION YARDS, WITH LIVESTOCK**

1. *Minimum Parcel Area:* One (1) acre
2. *Location:* All auction yards shall be located at least fifty (50) feet away from any on-property occupied residential structure, fifty (50) feet from any right-of-way and five hundred (500) feet from any off-property occupied residential structure.
3. *Sale of Livestock:* Livestock sale rings are permitted. However, all livestock sale rings and yards shall be located no less than one thousand (1,000) feet from any occupied residential structure.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.
5. *Manure Handling:* Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.

## 4-06-02-01-02

**BIOSOLIDS APPLICATION**

1. *Biosolids Regulations:* The applier must operate in compliance with the Colorado Department of Public Health and Environment Biosolids Regulations, Reg. No. 64.
2. *Monitoring Reports:* Monitoring reports (2 copies) are required as a condition of the State Permit and shall be forwarded to the Adams County Community and Economic Development Department as they are forwarded to the Colorado Department of Public Health and Environment.
3. *Conditions of Approval:* The applier shall operate in accordance with all approved plans and required conditions of approval as stated in the permit issued by Adams County.
4. *Sewage, Sewage Sludge, and Septage:* Land applications of sewage, sewage sludge, or septage are prohibited.

## 4-06-02-01-03

**COMMERCIAL LIVESTOCK AND POULTRY CONFINEMENT OPERATIONS**

1. *Minimum Parcel Area:* Ten (10) acres
2. *Location:* All such operations shall be located at least one hundred (100) feet away from any on-property occupied residential structure and two hundred (200) feet from any right-of-way.
3. *Setback from Residential Properties:* No new livestock or poultry confinement operation shall be permitted within one (1) mile of the lot line of a residential use except one which occurs in association with the livestock confinement operation and unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.
5. *Grazing:* Grazing lands shall be maintained in accordance with standards and specifications outlined by the United States Department of Agriculture and the local Soil Conservation Service.
6. *Conformance with "Confined Animal Feeding Operations Control Regulations":* All Operations shall comply with the "Confined Animal Feeding Operations Control Regulations" specified by the Colorado Department of Public Health and Environment.
7. *Environmental and/or Chemical and Scientific Controls:* Environmental and/or chemical and scientific controls shall be provided as approved by Tri-County Health Department.
8. *Manure Handling:* Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.
9. *Drainage Facilities:* Drainage facilities or improvements, as approved by the Tri-County Health Department, shall be constructed to protect any adjacent rivers, streams, or other bodies of water.

10. *Scraping, Grading, and Cleaning:* Adequate means of scraping, grading and cleaning shall always be provided as approved by the Tri-County Health Department.
11. *Tabulation of Animal Unit Densities:* To determine the maximum number of animals allowed on a given property, the types, and densities of animals allowed are detailed in Section 4-22.
12. *Combination of Animals:* Any combination of allowed animals may be kept, but at no time shall the maximum number of any specific type of animal be exceeded, nor shall the total maximum number of livestock be exceeded.
13. *Animals Not Categorized:* If an animal is not listed or does not clearly fall into one of the listed animal categories, the Director of Community and Economic Development shall determine the number permitted.

**4-06-02-01-04      *EQUESTRIAN ARENA, COMMERCIAL***

1. *Minimum Lot Size:* 35 acres
2. *Location:* The arena and related structures shall be located at least one hundred twenty (120) feet from any road right-of-way line.
3. *Setback from Residential Properties:* No commercial equestrian arena shall be permitted within one (1) mile of the lot line of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. *Development and Operating Plan:* A development and operating plan shall be submitted and approved with the Conditional Use Permit application. This plan shall include:
  - a. A site plan drawn to scale depicting activity areas, improvements, access, driveways, parking areas, and sanitary facilities;
  - b. A description of facilities for animals involved in activities on site.
  - c. The methods proposed to control dust, erosion, odor, noise, glare, waste disposal (manure, trash, etc.), and congestion;
  - d. A traffic control plan approved by Adams County;
  - e. The hours of operation;
  - f. Fees, admission, and other compensation paid or charged during activities;
  - g. The projected number of people on the property during activities;
  - h. A description of any items for sale during activities (liquor and other beverages, food, souvenirs, etc.)
  - i. Additional information as required by the Director of Community and Economic Development.

**4-06-02-01-05      *EQUESTRIAN ARENA, PERSONAL***

1. *Accessory Status:* The arena shall be accessory and incidental to the ranch, farm, or home site on which it is located.
2. *Construction of Equestrian Arena, Personal:* No permit for construction of an equestrian arena, personal shall be issued prior to construction of a principal building except in the A-3 Zone District where the parcel is at least (35) thirty-five acres in size and a principal structure is already constructed.
3. *Number of Guests Permitted:* The use of the arena is limited to the family and invited guests of the farmer/rancher/home occupant but shall not exceed twenty (20) people in addition to the inhabitants of the farm/ranch/home on the property.
4. *Conditional Use Permit Required:* A Conditional Use Permit shall be required if one or more of the following occurs:
  - a. More than twenty people in addition to the inhabitants of the property attend activities (and therefore, by definition, categorized as a commercial equestrian arena).
  - b. Monetary or other compensation is collected or exchanged for admittance or participation.
  - c. Food is bought or sold on the premises.
  - d. Alcohol is bought or sold on the premises.
  - e. Livestock is brought to the site from a provider for the purpose of hosting a rodeo.
5. *No Commercial Activities:* No commercial competition or commercial entertainment, user fees, dues or other compensation are permitted.
6. *No Offensive Impacts:* The arena shall be operated in such a manner so that there is no adverse impact on surrounding properties relating to dust, erosion, odor, noise, glare, off-site illumination (more than one foot candle of illumination measured at the property line), waste disposal, traffic, or parking congestion. Neither a nuisance nor noxious activity shall be conducted on the property, which is caused by the use of the property as a personal equestrian arena.

**4-06-02-01-06      *FARM MACHINERY SALES AND SERVICE***

1. *Maximum Lot Coverage:* The maximum lot coverage allowed is 80%.
2. *Display Area Setback:* The display area shall be set back a minimum of fifteen (15) feet from the road right-of-way and ten (10) feet from all other property lines.
3. *Indoor Activities:* All repair, parts storage, and work activities shall take place within a completely enclosed structure or screen yard enclosed by a six (6) foot high solid screen fence or wall.
4. *Storage of Vehicles:* All storage of vehicles awaiting repair shall be within the enclosed structure or within a compound yard enclosed by a six (6) foot high solid screen fence or wall, except for driveway openings.

**4-06-02-01-07      *FISH HATCHERIES***

1. *Minimum Parcel Area:* Five (5) acres
2. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building, except for fish hatching ponds.

**4-06-02-01-08      *LIVESTOCK AND POULTRY KEEPING***

1. *Drinking Facilities:* Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property.
2. *New Shed Location:* Any new shed, shelter, pen, or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be setback twenty-five (25) feet from the side lot line and fifty (50) feet from the front lot line.
3. *Rodent Control:* All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
4. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
5. *Parcels Under Five (5) Acres in Size:* On parcels less than five (5) acres in size, all livestock shall be kept within a fenced area.
6. *Colorado Confined Animal Feeding Regulations:* Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission shall be required.
7. *Manure Removal:* All manure shall be removed periodically or incorporated into the soil on a regular basis such that the manure does not draw flies, or other insects, or cause obnoxious odors.
8. *Feed Leftovers:* Spillage and leftovers from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors.
9. *Number of Animals Permitted*
  - a. *Properties Greater than thirty-five (35) Acres:* The keeping of non-commercial livestock and poultry is not regulated, unless the number of animals classify the use as a Livestock Confinement Operation.
  - b. *Properties Less than thirty-five (35) Acres:* The keeping of non-commercial livestock and poultry is allowed in accordance with Section 4-22. The maximum number of allowable livestock per lot does not apply to young animals below weaning age, or six (6) months of age, whichever is less.

**4-06-02-01-09      *RAILROAD YARDS***

1. *Minimum Site Area:* Five (5) acres.
2. *Location:* All railroad yards shall be located at least one (1) mile from a residentially zoned or used property unless a waiver is obtained in writing from

the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.

3. *Access:* All railroad yards shall have arterial road or highway access.

#### 4-06-02-01-10      **TRUCK STOP**

1. *Minimum Site Area:* Five (5) acres.
2. *Access:* All truck stops shall have arterial road or highway access.
3. *Pump Setbacks:* Pump islands may be located a minimum of one hundred (100) feet from all exterior property lines, and pump island canopies may project to within fifty (50) feet of property lines.
4. *Underground Storage Tank (UST) Setbacks:* UST vent pipes must be located a minimum of fifty (50) feet from residentially zoned or used property lines and a minimum of forty (40) feet from other exterior property lines.
5. *Screening:* Truck stops shall be separated from residential uses or residentially zoned properties by five hundred (500) feet. The separation distance shall be measured from the lot line.
6. *Indoor Activities:* The changing of engine oil and filters; the lubrication of motor vehicle chassis; the cleaning of component parts; brake adjustment and replacement; mechanical or hand washing and detailing; front-end alignment; the sale or installation of batteries and minor automotive accessories; the sale or mounting and repair of tires; the testing, adjustment and replacement of parts, the servicing of air conditioners; the servicing of air pollution control devices; the sale of soft drinks, candy, ice and similar items.
7. *Outdoor Activities:* The dispensing of motor fuel, oil, air, and water from pump islands; any testing or servicing of automobiles which necessitates a running engine; tire display; trash areas enclosed by walls; public telephones in a well-lighted location, visible from the road; the sale of soft drinks, candy, ice, and similar items via vending machines.
8. *Painting and Body Work Prohibited:* Painting or other body work shall be prohibited at all truck stops in agricultural zone districts.
9. *Storage:* All products and merchandise shall be stored indoors except for vending machines and tire display.

#### 4-06-02-02      **NURSERIES**

1. A nursery shall consist of living materials grown and/or kept on site. A nursery shall be allowed to contain up to ten (10) percent of the approved living nursery area for hardscape materials. The living area is calculated by the placement of living landscaping (trees, shrubs, flowers, etc.) which is no more than ten (10) feet

from one another, or as determined by the Director of Community and Economic Development through a site plan review. Hardscape includes but is not limited to the storage of rock, soil, mulch, and other non-living landscape materials, and equipment.

2. All commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight and/or hardscape used for the nursery business shall be screened from any adjoining residentially zoned or used property with an eight (8) foot solid screen fence.
3. In all Agricultural Zone Districts no more than two (2) commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight used for the nursery business shall be allowed per acre with a maximum of five (5) unless otherwise permitted through a Conditional Use Permit.

## **4-07 RESIDENTIAL USES PERFORMANCE STANDARDS**

### **4-07-01 GENERAL PERFORMANCE STANDARDS**

#### **4-07-01-01 PURPOSE**

The purpose of the following general performance standards is to address elements of planning, design, operation, and maintenance that shall be applied to all residential development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

#### **4-07-01-02 SUBSECTION**

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-13)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-16-10)
4. Weeds and Offending Vegetation (See Section 4-18)
5. Site Design Considerations (See Section 4-21)
6. Operational Standards (See Section 4-14)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-22)

#### **4-07-01-02-01 PROJECT COMPATIBILITY**

##### **4-07-01-02-01-01 Purpose**

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

##### **4-07-01-02-01-02 Architectural Character**

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window, and door patterns, and /or the use of building materials which have color shades and

textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

**4-07-01-02-01-03      *Structure Size, Height, Bulk, Mass, Scale***

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

**4-07-01-02-01-04      *Structure Orientation***

To the maximum extent feasible, primary facades and entries within one hundred (100) feet of a front property line shall face the adjacent roadway. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

**4-07-01-02-01-05      *Building Materials***

1. *General:* Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.
3. *Windows:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

**4-07-01-02-01-06      *Front Width of Residence***

The width of the residence shall have a minimum of twenty-five (25) feet in width facing the road frontage.

**4-07-01-02-01-07      *Land Use Transition***

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent

feasible, achieve compatibility through compliance with the standards set forth regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-07-01-02-01-08

***Operational/Physical Compatibility Standards***

The following conditions may be imposed upon the approval of a Conditional Use Permit to ensure new, non-residential development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries;
2. Location of activities generating potential adverse impacts on adjacent uses such as noise and glare;
3. Placement of trash receptacles;
4. Location and screening of loading and delivery zones;
5. Light intensity and hours of full illumination; and
6. Placement and illumination of outdoor vending machines

4-07-01-02-02

***FENCING, WALLS, AND SCREENING***

4-07-01-02-02-01

***Maximum Height***

Seventy-two (72) inches, except when a residential use is adjacent to existing or proposed arterial roads or state highway. Fences bordering such roads may be uniformly built higher with approval from the Director of Community and Economic Development. All fences more than forty-two (42) inches in height require a building permit.

4-07-01-02-02-02

***Retaining Walls***

Any retaining wall over four (4) feet in height shall require preparation by a professional engineer as a condition for a building permit, except where waived by the Director of Community and Economic Development. As determined by the Director of Community and Economic Development, any retaining wall over thirty-six (36) inches in height may require a guard rail up to five (5) feet in height and placed at the top of grade.

4-07-01-02-02-03

***Fences on Corner Lots***

In single-family and duplex zone districts, fences up to seventy-two (72) inches in height may be permitted up to the minimum side-corner setback.

4-07-01-02-02-04

***Prohibited Fences***

1. *Fencing Between Front Setback Line and Front Property Line:* No fence over seventy-two (72) inches in height shall be permitted between the front setback line and a front property line.

2. *Fencing in the Front Setback:* All fencing between the front setback line and front property line greater than forty-two (42) inches shall not be screen fencing and shall adhere to sight distance requirements.
3. *Barbed Wire and Electric Fences:* Barbed wire and electric fences are prohibited as an external boundary fence. Horse enclosures, where permitted, may be constructed of barbed wire or electric fence, but shall be setback from the property line a minimum of five (5) feet.

4-07-01-02-02-05

***Traffic View Obstruction***

Traffic view obstruction as outlined in these standards and regulations is prohibited.

4-07-01-02-02-06

***Fence Bottom***

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-07-01-02-02-07

***Screen Fencing***

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be following in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
  - a. Install heavy gauge PVC or vinyl inserts.
  - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
  - c. Color of the inserts is at the discretion of the applicant.
  - d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
  - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
  - b. A chain link fence may be constructed at the discretion of the applicant but must be placed to the interior of the screening trees.

4. All fencing shall always be maintained and kept in good condition . Condition of fences shall be evaluated through a review of:
  - a. Structural integrity and being functionally sound under the Uniform Building Code; and
  - b. Substantially the same condition as originally permitted or constructed.

**4-07-01-02-02-08*****Outdoor Storage Screening***

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

**4-07-01-02-02-09*****Masonry Wall***

All walls specified to be masonry fencing shall be constructed out of a brick or stone material which does not permit the contents within the fenced area to be seen from the outside.

**4-07-01-02-02-10*****Noise Barrier Fencing***

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed residential development, the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

**4-07-01-02-02-11*****Sidewalk Maintenance***

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

**4-07-01-02-02-12*****Oil and Gas Well Waiver***

Where a new home is constructed within three hundred (300) feet of an existing oil or gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

**4-07-02 PERFORMANCE STANDARDS BY USE CATEGORY**

The following specific performance standards are included in this section:

1. Dwelling, Detached Single-Family
2. Dwelling, Attached Single-Family
3. Dwelling, Townhouse
4. Dwelling, Multi-Family
5. Dwelling, Manufactured Home Park
6. Dwelling, Mobile Home Park

#### **4-07-02-01 DWELLING, DETACHED SINGLE-FAMILY**

##### **4-07-02-01-01 *MAXIMUM LOT COVERAGE***

1. *Principal Structure:* 60%
2. *Accessory Structures:* 30%
3. *Structures Combined:* 75%

##### **4-07-02-01-02 *MANUFACTURED HOMES AS DETACHED SINGLE-FAMILY DWELLINGS***

###### **4-07-02-01-02-01 *Manufactured Home Location Criteria.***

A single manufactured home may be used as a single-family dwelling on an individual lot in any residential zone district, which allows single-family dwellings.

###### **4-07-02-01-02-02 *Manufactured Home Site Improvement Standards.***

A manufactured home being placed on an individual lot or parcel must comply with the following minimum site standards:

1. At the time of siting, the unit is no more than five (5) years old.
2. The unit is comprised of two (2) or more fully enclosed parallel sections not less than twelve (12) feet wide by thirty-six (36) feet long (producing a dwelling unit with a minimum of eight hundred sixty-four (864) square feet) or the minimum area permitted in the zone in which the manufactured home is to be placed, whichever is greater.
3. The unit was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof with a nominal pitch of 3:12.
4. The unit has exterior siding similar in appearance and quality to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.
5. The unit is installed on the site by a certified manufactured home installer in accordance with the 1997 Uniform Building Code, as amended.
6. Compliance with the site plan which, drawn to scale, shows the exact footprint and exact location of the specific manufactured home to be placed on the site and the exact location of the required off-road parking spaces.
7. The off-road parking area and driveway are paved prior to occupancy.
8. Compliance with the approved landscape plan which, drawn to scale, indicates the types of plant material and their location. The minimum requirement under this subsection is a front lawn of grass. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after the

manufactured home has been placed on the site. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.

9. During the time in which the permit application is being reviewed by County staff, the Director of Community and Economic Development shall certify, prior to placement on the site, the design of the manufactured home is compatible with the character of the neighborhood surrounding the lot or parcel upon which it is being placed, considering at a minimum the following features:
  - a. The architectural style;
  - b. The roof line;
  - c. The window placement;
  - d. The location of garages, carports, or parking pads;
  - e. Front porches if present on nearby structures; and
  - f. Landscaping, including the presence or absence of front yard fencing.
10. The tongue, axles, transporting lights, and removable towing apparatus are removed prior to occupancy.
11. The manufactured home is placed on foundation system footings, foundation system piers, foundation system plates and shims, foundation fascia and an anchoring system as defined in the 1997 Uniform Building Code, as amended, and complies with all weather and fire resistance requirements of the HUD code. The wood of the fascia is at least three (3) inches from the ground unless it is pressure-treated wood. Metal fasteners are galvanized, stainless steel, or other corrosive-resistant material. Ferrous metal members in contact with the earth, other than those, which are galvanized or stainless steel, are covered with an asphalt emulsion.
12. The manufactured home is hooked up to public water and sanitary sewer prior to occupancy, and extension of the pressure relief valve for the water heater is provided.
13. Every exit not at grade has a set of stairs, which complies with the 1997 Uniform Building Code requirements, as amended.
14. A used manufactured home has been inspected and certified by the Community and Economic Development Department prior to placement on the site to assure the unit is the one shown on the approved site plan and it complies with all requirements.
15. Title elimination shall occur within six (6) months of occupancy.
16. Placement on the site complies with all building setbacks, building coverage and height requirements of the zone district in which it is located.
17. Accessory uses for a manufactured home on an individual lot or parcel are subject to the accessory building setback requirements of the zone district in which it is located, the provisions of the 1997 Uniform Building Code, and limited to the following:
  - a. one (1) garage or one attached carport,

- b. one (1) hot tub,
- c. one (1) attached or detached storage room with an area of no more than one hundred fifty (150) square feet,
- d. one (1) swimming pool,
- e. decks provided they do not encroach into required yards or exceed forty-two (42) inches in height, in the required front yard,
- f. one (1) gazebo.

4-07-02-01-03

**LANDSCAPING**

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum thirty percent (30%) of the back yard shall be landscaped.
3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping. Single-family residential uses in eastern Adams County are not required to install landscaping or automatic irrigation systems.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<b><i>Plant Type</i></b>	<b><i>Maturity Height</i></b>	<b><i>Minimum Plant Size at Planting</i></b>
<b>Ornamentals</b>	Less than 20'	1" to 1-1/2"
<b>Large Deciduous</b>	Over 20'	2" to 2-1/2"
<b>Evergreens (Sm.)</b>	Less than 20'	5' tall
<b>Evergreens (Lg.)</b>	Over 20'	6' tall
<b>Low Shrubs</b>	1' to 3'	5 gallon
<b>Upright Shrubs</b>	3' to 10'	5 gallon

**4-07-02-01-04      *HOUSING MODEL VARIETY***

Any development with one hundred (100) or more single-family dwelling units shall have at least four (4) different types of housing models. Any development between three (3) and one hundred (100) single-family dwelling units shall have at least three (3) different types of housing models.

**4-07-02-01-05      *DISTINGUISHING CHARACTERISTICS OF HOUSING MODELS***

Each housing model shall have at least three (3) characteristics which clearly distinguish it from the other housing models, including different floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot, and/or building face.

**4-07-02-01-06      *GARAGE DOORS***

Garage doors shall not comprise more than fifty percent (50%) of the ground floor road-facing linear building frontage. Corner lots are exempt from this standard.

**4-07-02-02      DWELLING, ATTACHED SINGLE-FAMILY****4-07-02-02-01      *MAXIMUM LOT COVERAGE***

1. *Principal Structure:* 70%
2. *Accessory Structures:* 25%
3. *Structures Combined:* 80%

**4-07-02-02-02      *LANDSCAPING***

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum of thirty percent (30%) of the back yard shall be landscaped.
3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.

5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<b><i>Plant Type</i></b>	<b><i>Maturity Height</i></b>	<b><i>Minimum Plant Size at Planting</i></b>
<b>Ornamentals</b>	Less than 20'	1" to 1-1/2"
<b>Large Deciduous</b>	Over 20'	2" to 2-1/2"
<b>Evergreens (Sm.)</b>	Less than 20'	5' tall
<b>Evergreens (Lg.)</b>	Over 20'	6' tall
<b>Low Shrubs</b>	1' to 3'	5 gallon
<b>Upright Shrubs</b>	3' to 10'	5 gallon

4-07-02-02-03

***HOUSING MODEL VARIETY***

Any development with one hundred (100) or more single-family dwelling units shall have at least four (4) different types of housing models. Any development between three (3) and one hundred (100) single-family dwelling units shall have at least three (3) different types of housing models.

4-07-02-02-04

***DISTINGUISHING CHARACTERISTICS OF HOUSING MODELS***

Each housing model shall have at least three (3) characteristics which clearly distinguish it from the other housing models, including different floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot, and/or building face.

**4-07-02-03 DWELLING, TOWNHOUSE**

4-07-02-03-01

***SITE COVERAGE***

1. *Principal and Accessory Structures:* Maximum 30%
2. *Paved Area (Driveways):* Maximum 30%
3. *Open Space (Common and/or Public):* Minimum 40%

4-07-02-03-02

***LANDSCAPING***

1. *Minimum Landscaped Area:* Not less than 30% of the site area shall be landscaped.
2. *Required Ground Cover:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the

landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.

3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (30% - 70%) and ornamental (30% - 70%) trees. Evergreens shall be considered ornamental.
6. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<b><i>Plant Type</i></b>	<b><i>Maturity Height</i></b>	<b><i>Minimum Plant Size at Planting</i></b>
<b>Ornamentals</b>	Less than 20'	1" to 1-1/2"
<b>Large Deciduous</b>	Over 20'	2" to 2-1/2"
<b>Evergreens (Sm.)</b>	Less than 20'	5' tall
<b>Evergreens (Lg.)</b>	Over 20'	6' tall
<b>Low Shrubs</b>	1' to 3'	5 gallon
<b>Upright Shrubs</b>	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-07-02-03-03

**STRUCTURE SITING**

Structures shall be organized on the site in a clustered, efficient manner. There shall be a continuity of design in structure groupings. In larger projects, the unit type shall vary between groupings. Structures should be grouped in such a way to provide visual interest.

4-07-02-03-04

**UTILITY SCREENING**

Group transformers with utility meters shall be used where possible. Utility appurtenances, including telephone pedestals, utility meters, irrigation system backflow preventers, transformers, and other similar utilities may be screened from adjacent properties, parking areas, public roads, and pedestrian walkways where it is technically feasible.

#### 4-07-02-04 DWELLING, MULTI-FAMILY

##### 4-07-02-04-01 **MINIMUM UNIT SIZE**

Each apartment or condominium shall have a minimum of floor area as stated below:

- a. *Efficiency*: Four-hundred-fifty (450) square feet
- b. *One Bedroom*: Six hundred (600) square feet
- c. *Two Bedroom*: Seven-hundred-fifty (750) square feet
- d. *Three Bedroom*: Nine hundred (900) square feet
- e. *Four Bedroom*: One thousand (1,000) square feet

##### 4-07-02-04-02 **SITE COVERAGE**

- 1. Apartment/Condominium Developments
  - a. *Principal and Accessory Structures*: Maximum 40%
  - b. *Paved Area (including Driveways)*: Maximum 30%
  - c. *Open Space (Common and/or Public)*: Minimum 30%
- 2. Triplex and Fourplex Developments
  - a. *Principal and Accessory Structures*: Maximum 50%
  - b. *Paved Area (Driveways)*: Maximum 20%
  - c. *Open Space (Common and/or Public)*: Minimum 30%

##### 4-07-02-04-03 **LANDSCAPING**

- 1. *Minimum Landscaped Area*: Not less than thirty percent (30%) of the site area shall be landscaped.
- 2. *Required Ground Material*: A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
- 3. *Required Trees and Shrubs*: A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
- 4. *Parking Lot Landscaping*: All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.

5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (10% - 50%) and ornamental (10% - 50%). Evergreens shall be considered ornamental.
6. Minimum size requirements for trees and shrubs shall be:

<b><i>Plant Type</i></b>	<b><i>Maturity Height</i></b>	<b><i>Minimum Plant Size at Planting</i></b>
<b>Ornamentals</b>	Less than 20'	1" to 1-1/2"
<b>Large Deciduous</b>	Over 20'	2" to 2-1/2"
<b>Evergreens (Sm.)</b>	Less than 20'	5' tall
<b>Evergreens (Lg.)</b>	Over 20'	6' tall
<b>Low Shrubs</b>	1' to 3'	5 gallon
<b>Upright Shrubs</b>	3' to 10'	5 gallon

7. *Irrigation System Required:* A fully automatic irrigation system is required.

**4-07-02-04-04*****OPEN SPACE***

1. *Pedestrian Inclusion:* Open space may include pedestrian pavements and plazas, and any parking lot island greater than four hundred (400) square feet in size.
2. *Active Recreation Areas:* Active recreation areas shall be located where light and noise will not adversely impact adjacent properties.
3. *Coordination with Adjacent Properties:* Open space and trail design shall be coordinated with adjacent properties.

**4-07-02-04-05*****BICYCLE PARKING***

Bicycle parking shall be provided for all multi-family development. Bicycle parking areas shall be located near structure entries but shall not encroach into pedestrian walkways.

**4-07-02-04-06*****STRUCTURE SITING***

Structures shall be organized on the site in a clustered, efficient manner. There shall be a continuity of design in structure groupings. In larger projects, the unit type shall vary between groupings. Structures should be grouped in such a way to provide visual interest.

**4-07-02-04-07*****UTILITY SCREENING***

Group transformers with utility meters shall be used where possible. Utility appurtenances, including telephone pedestals, utility meters, irrigation system backflow preventers, transformers, and other similar utilities may be screened from adjacent properties, parking areas, public roads, and pedestrian walkways where it is technically feasible.

#### **4-07-02-05 DWELLING, MANUFACTURED HOME PARK**

##### **4-07-02-05-01 *PURPOSE***

The manufactured home parks and manufactured home subdivisions performance and design standards are intended primarily to accommodate planned manufactured home developments in a desirable residential environment thereby providing a greater range and choice of housing types. These developments are intended to accommodate individual manufactured homes either on their own individual plot of ground within a subdivision, or within a planned-unit manufactured home park on a condominium lot sale basis or lot rental or lease basis so the park remains in one ownership to comply with the conditions of development.

##### **4-07-02-05-02 *ESTABLISHMENT***

Manufactured home parks may be allowed in most residential zone districts by conditional use permit after a public hearing and examination of the development plans and the location thereof. A manufactured home park will only be allowed after finding it complies with the development standards of this section and the zone district in which it may be located, will not be unduly detrimental to surrounding properties, and will be reasonably compatible with the development or potential development of adjoining land.

The Board of County Commissioners may impose reasonable conditions necessary to protect surrounding properties. It is the intent to permit manufactured home parks under appropriate conditions and at locations within the County where they are reasonably compatible with existing and potential development of the properties in the vicinity. Sites selected should be such they can be developed in accordance with this code. Manufactured home parks should have adequate road access and utility services, including acceptable water and sewer services, and should provide the usual residential amenities of a planned unit development. Camping or recreational vehicles and/or trailers are not intended as dwellings in a manufactured home park, but may be permitted within areas of the park designed to meet the recreational vehicle park and campground standards, as permitted by this Section 4-07-02-05 subject to Conditional Use Permit approval.

##### **4-07-02-05-03 *REQUIREMENTS***

The following conditions and restrictions shall apply to all manufactured home parks:

1. A park must have a minimum area of ten (10) acres and be located where ample road access and utility services are available.
2. At least fifteen (15%) percent of the gross site area must be in open space or recreational areas available for use by all residents. Parking,

- driving and setback areas and small areas less than five thousand (5,000) square feet in area do not count in the required open space.
3. The density may not exceed seven (7) manufactured homes per gross acre nor shall the overall density exceed the density permitted within the zone district in which the park will be located.
  4. A twenty (20) foot strip around the boundary must be landscaped to provide a visual screen. All open spaces and other unimproved areas must be suitably landscaped. All landscaping must be maintained and furnished with an automatic sprinkler system.
  5. All manufactured homes, and extensions thereof, accessory structures and other buildings must be set back:
    - a. twenty (20) feet from the boundary of the park;
    - b. twenty (20) feet from a public way;
    - c. ten (10) feet from a private interior drive, walking or parking area; and
    - d. sixteen (16) feet from any other manufactured home.
  6. One (1) freestanding identification sign may be erected along each major approach to the park so long as such sign:
    - a. does not exceed an area of fifteen (15) square feet;
    - b. does not exceed eight (8) feet in height;
    - c. sets back from the road at least eighteen (18) feet; and
    - d. is of low-intensity illumination and not flashing or animated.
  7. Public roads to be dedicated must comply with the County's current specifications and standards. Private roads must be improved to the extent and in the manner acceptable to the Director of Public Works. Minimum paving widths for private roads are:
    - a. thirty-six (36) feet for entrances and all drives with guest parking on both sides;
    - b. twenty-nine (29) feet for two-way drives with parking on one side;
    - c. twenty-two (22) feet for two-way drives with no parking; and
    - d. eleven (11) feet for one-way drives with no parking.
  8. Paved off-road parking must be provided at the ratio of two (2) spaces per manufactured home. At least one (1) space must be at the manufactured home space. Other spaces may be in a common parking area so long as each space is within two hundred (200) feet of the manufactured home space to which it relates. No space shall be located closer than eight (8) feet from any road. One (1) guest parking space shall be provided for each (8) manufactured homes in a common parking area.
  9. Maps showing location of all parking spaces, buildable areas, and accessory commercial buildings and common buildings, and for all common open areas, shall be included with and made a part of the Conditional Use Permit approval.
  10. The area for buildings, structures, manufactured homes, and accessory buildings shall be shown on a map for each site and hereafter called buildable

- areas. The maximum length and width of any manufactured home shall be shown on the map for each buildable area.
11. No manufactured home or accessory building may be located in any area in excess of the buildable areas indicated on the map.
  12. All manufactured home parks shall be provided with safe, convenient paved vehicular access from abutting roads to each manufactured home space.
  13. A manufactured home development shall have two (2) separated direct connections to public roads and shall be designed to allow free movement of traffic on such adjacent roads. Access to a manufactured home development shall not be through a residential area to reach a collector route.
  14. No manufactured home site shall have direct frontage on a public road outside of the manufactured home park boundaries.
  15. A manufactured home park shall have a minimum of one hundred (100) feet of frontage on a public road.
  16. Each manufactured home space shall comply with the following:
    - a. The limits of each manufactured home space shall be marked on the ground by suitable means. Location space limits on the ground shall be the same as shown on the required map.
    - b. The manufactured home space shall be improved to provide adequate support for the placement and tie-down of the manufactured home.
    - c. Each manufactured home space shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. The minimum area shall not be less than three hundred (300) square feet with at least one dimension of fifteen (15) feet. This area shall not be a part of the buildable area. The minimum area within each manufactured home space shall be four thousand (4000) square feet and the minimum space width shall be forty (40) feet.
  17. Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to prevent containers from being tipped and minimize spillage and container deterioration and to facilitate cleaning of the area. Solid waste collection stands shall be screened adequately from view.
  18. Storage areas shall be provided for the storage of boats, campers, utility trailers and extra vehicles at the following ratio: Three hundred (300) square feet for each four (4) manufactured home spaces. Each storage area shall be enclosed with a chain link or comparable fence six (6) feet in height and shall be screened from exterior view.
  19. A properly designed manufactured home park located on a major highway or primary or secondary arterial County road may be designed to utilize a maximum of ten (10) percent of the manufactured home park site to accommodate travel trailers or similar recreational vehicles in accordance with standards for Recreational Vehicle Parks and Campgrounds.

20. All manufactured home parks shall be screened from any adjacent non-manufactured home park or public road with a masonry wall, adequate plantings, or solid material fence of six (6) feet in height.
21. There must be a paved system of walkways, which gives safe and convenient access to every manufactured home and all common facilities.
22. The park must be supplied by central water for domestic use and for fire protection satisfactory to the applicable fire district.
23. The park and each manufactured home must be connected to the central sanitary sewer system or some other system approved by the Director of Community and Economic Development and Tri-County Health Department. On-site wastewater treatment systems are prohibited from serving manufactured home parks.
24. There must be a storm sewer system and drainage plan satisfactory to the Director of Community and Economic Development.
25. Utilities (distribution lines within subdivisions) must be underground. High voltage transmission lines are not required to be placed underground.
26. Each manufactured home must be securely installed upon a stand and must be skirted to conceal the undercarriage.
27. At least one-third of the manufactured home spaces in the park must be graded and served with utilities and roads before any units may be located on the site and every unit must be connected with the water and sewer systems before occupancy.
28. The following are allowed in a manufactured home park:
  - a. Manufactured homes, either on individual owned plots of ground, on a condominium basis, or on leased lots;
  - b. Accessory buildings, such as laundry, grounds maintenance shop, recreation, restroom, and swimming pool; and
  - c. Those uses permitted in the C-1 zone, not including service stations intended to serve park residents and invited guests, so long as the aggregate floor area of such uses does not exceed the ratio of ten (10) square feet for every manufactured home. All commercial uses shall be approved within the Conditional Use Permit.

**4-07-02-05-04****PLATTING**

A manufactured home park may be platted in accordance with the requirements for plats as provided for in the subdivision standards and regulations, remaining subject to the terms of the Conditional Use Permit. Any manufactured home development involving a subdivision of land into separately owned parcels or lots must be platted as provided in the subdivision standards and regulations. A manufactured home subdivision is subject to all of the requirements of the zone district in which it is located. Lots may be platted within a manufactured home park. All platted lots shall meet the following minimum dimensional requirements:

1. The minimum lot area is seven thousand (7,000) square feet; and
2. The minimum lot width is sixty-five (65) feet.

**4-07-02-05-05**

***CERTIFICATION***

All manufactured housing shall be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U. S. C. 5401 et. seq., as amended. Certification shall be demonstrated by a HUD label affixed to the home with a 3 (three) letter identifier (identifying the inspection agency), and 6 (six) digit HUD number. In the alternative the Director of Community and Economic Development Department may approve the equivalent data sheet for the home provided it is identical to the requirements for the State of Colorado or Adams County.

**4-07-02-06 DWELLING, MOBILE HOME PARK**

**4-07-02-06-01**

***NO NEW MOBILE HOME PARKS***

No new mobile home parks shall be permitted, except in the MH Zone District. Existing mobile home parks may be expanded and modified subject to a Conditional Use Permit where permitted and in accordance with these standards and regulations.

**4-07-02-06-02**

***CONDITIONAL USE PERMIT REQUIRED***

A conditional use permit shall be required for all expansions or modifications to existing mobile home parks.

**4-07-02-06-03**

***MINIMUM MOBILE HOME SIZE***

The minimum unit size of any new or replacement mobile home shall be six hundred (600) square feet.

**4-07-02-06-04**

***LANDSCAPING***

A landscaping plan shall be submitted for review and approval. The setbacks of the development and any other area not covered by mobile homes, driveways, ingress and egress, or other structures, shall be landscaped.

**4-07-02-06-05**

***OTHER STANDARDS***

Mobile home parks shall meet all design and performance requirements contained in Section 4-07-02-05 for manufactured home parks except a mobile home park shall not be required to meet the minimum area or certification requirements for manufactured home parks. Variations may be permitted as part of the conditional use permit approval where the requirement would unreasonably restrict the improvement or expansion of the mobile home park. The standards shall only be applicable to those areas of a park being modified or expanded. Areas of an existing mobile home park which are not being

modified shall not be required to comply with the standards contained in Section 4-07-02-05.

#### **4-07-02-07 VACATION RENTAL**

Vacation rentals are only allowed by obtaining a valid license from the County, and conform to the following requirements:

1. *License.* At least thirty (30) days prior to any advertising for or lease of a vacation rental property, the owner shall file a written application for a Short-Term Rental License with the Community & Economic Development Department. The application shall not be deemed complete until all required information is submitted. An application for renewal of a Short-Term Rental License shall be submitted at least thirty (30) days prior to expiration of the existing permit. A Short-Term Rental License shall expire one (1) year following the year of initial permit issuance, or when title of the vacation rental property transfers to a new owner, whichever occurs first. An application for renewal of a Short-Term Rental License shall be submitted at least thirty (30) days prior to expiration of the existing permit.

Initial complaints concerning a vacation rental property shall be directed to the responsible agent. The agent shall respond to the complaint, including visiting the site if necessary.

If an initial complaint is not resolved, a formal complaint may be filed with the Community & Economic Development Department or designee. The formal complaint shall describe in detail the violation(s) of this Section alleged to have occurred on the vacation rental property. Within three (3) business days of receipt of such a complaint, the County shall provide a copy of the formal complaint to the owner and agent.

The County may investigate any formal complaint received, in order to determine if it is a substantiated complaint that represents a documented violation of any County regulations. Violations shall be subject to the code enforcement provisions, in accordance with all remedies provided by law, including but not limited to withholding any development approvals, inspections or permits and issuing stop work orders. If violations are not corrected or if there are repeat offenders of County requirements, Adams County may pursue formal action and by applicable law. If there is one or more unresolved substantiated complaints for a vacation rental property, or if upon review at any time, the County determines that the permit holder has failed to comply with any of the performance standards or conditions, the

County may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. The Community & Economic Development Department may revoke the permit for that vacation rental property upon written notice to the owner. The County shall notify an owner, in writing, of any revocation. The owner may appeal any revocation by filing an Appeal from Administrative Decision, as described in Chapter 2 of these Regulations. For a minimum of two (2) years following revocation of a vacation rental permit, the County shall not accept an application for a new permit for the same vacation rental property; with the exception that a new application by a new property owner, proven to be unaffiliated with the property owner whose permit was revoked, may be considered.

2. *Conditional Use Permit.* A Conditional Use Permit shall be required in lieu of a Short-Term Rental License for any proposed vacation rental which proposes an occupancy of more than twelve (12) people.
3. *Responsible Agent Required.*
  - a. Each owner of a vacation rental property shall designate a person or company to serve as the responsible agent. The owner may designate themselves.
  - b. The responsible agent shall have access and authority to assume management of the unit and take remedial measures. The agent shall always be available to respond to potential issues and violations related to these Regulations. The responsible agent must be able to affirmatively respond to complaints within an hour of notification of such complaint being sent via email or text.
  - c. The owner shall notify the Community & Economic Development Department in writing of any modification to the responsible agent appointment within five (5) days of any such modification.
4. *Parking.* A minimum of one (1) parking space is required on the property per unit. Each property shall conform to the accessory parking standards in Section 4-03-03-02-12, however at no time shall more than five (5) cars permitted to be parked outdoors on any property. Designated parking spaces shall comply with the parking plan on the approved Short-Term Rental License. All vehicles shall be parked on-site in designated parking areas; parking is prohibited in any landscaped area, or in a manner that blocks egress for adjacent residents (driveways, sidewalks, alleys, or mailboxes). A copy of the County-approved parking plan for the vacation rental property shall be provided to all renters in the rental agreement and posted in a

prominent location within the property. The allowable number of parking spaces shall be clearly stated in all vacation rental advertising.

5. *Trash Disposal and Collection.* All vacation rental properties shall provide a trash disposal and collection plan to ensure that trash containers are not left outdoors where they can cause issues for wildlife or snow removal operations. The proposed trash disposal and collection plan shall be reviewed and approved by the County during the Short-Term Rental License review and during review of any permit renewals. There shall be a enough trash receptacles to accommodate all trash generated by those occupying the vacation rental property.
6. *Pets.* If pets are allowed, renters shall be informed of applicable requirements for controlling pets, pet waste disposal, and barking/noise considerations. All vacation rental properties shall comply with the County's Animal Keeping Regulations set forth in Section 4-22. All pet food shall be stored indoors.
7. *Signage.* An owner shall post a sign or notice conspicuously inside the vacation rental property, which includes the responsible agent's current contact information and/or the owner's current contact information, the street address of the vacation rental property, and the Short-Term Rental License or conditional use permit number. The parking plan and trash disposal requirements shall be posted in a prominent location within the vacation rental property. Any exterior signs advertising a primary vacation rental use must first be reviewed and permitted in accordance with the Adams County sign regulations contained in Chapter 4 of these Regulations.
8. *Properties served by Septic Systems.* If a vacation or rental property is connected to an On-site Wastewater Treatment System (OWTS) for sewer service, the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit.
9. *Health and Safety Standards.*
  - a. Buildings, structures, or rooms shall not be used for purposes other than those for which they were designed or intended.
  - b. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable, and all woodburning fireplaces and stoves shall be cleaned on an annual basis.
  - c. An operable toilet, sink, and either bathtub or shower shall be located within the same building.
  - d. Permitted occupancy shall be limited to two (2) persons per bedroom plus four (4) additional occupants; or 1 person per 200 square feet of living area, whichever allows for a greater occupancy.

- e. Outdoor fire pits shall be permanently installed improvements that are permitted and inspected by the applicable fire district and/or the County Building Department, if required per applicable building and fire code requirements. Vacation rental owners/applicants should check with their applicable fire district and the Community & Economic Development Department to determine if permits are needed. The use of portable outdoor fireplaces is prohibited. In the event of a fire ban within Adams County, the agent is required to notify renters of the current fire restrictions during their stay.
- f. All vacation rental properties shall have reliable cellular service available or provide access to a landline telephone to enable tenants to call 911 in the event of an emergency.
- g. All hot tub, spa, or swimming pool installations require both a building permit and an electrical permit from the Community & Economic Development Department. Hot tubs, spas and swimming pools shall be properly maintained in a way to prevent the spread of illness.

**4-08 INSTITUTIONAL USES PERFORMANCE STANDARDS****4-08-01 GENERAL PERFORMANCE STANDARDS****4-08-01-01 PURPOSE**

The purpose of the following general performance standards is to address elements of planning, design, operation, and maintenance that shall be applied to all institutional development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

**4-08-01-02 SUBSECTIONS**

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-13)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-16-10)
4. Weeds and Offending Vegetation (See Section 4-18)
5. Site Design Considerations (See Section 4-21)
6. Operational Standards (See Section 4-14)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-22)
8. Off-Premise Signs (See Section 4-16)

**4-08-01-02-01 PROJECT COMPATIBILITY****4-08-01-02-01-01 Purpose**

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

**4-08-01-02-01-02 Architectural Character**

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and/or the use of building materials with color shades and textures

similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

**4-08-01-02-01-03      *Structure Size, Height, Bulk, Mass, Scale***

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

**4-08-01-02-01-04      *Structure Orientation***

To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

**4-08-01-02-01-05      *Building Materials***

1. *General:* Building materials shall either be similar to the materials already being used in the immediate area or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.
3. *Windows:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Clear glass shall be used for institutional front windows or doors. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

**4-08-01-02-01-06      *Land Use Transition***

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth in this Section regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-08-01-02-01-07

***Operational/Physical Compatibility Standards***

The following conditions may be imposed upon the approval of development applications to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries
2. Location of activities generating potential adverse impacts on adjacent uses such as noise and glare
3. Placement of trash receptacles
4. Location and screening of loading and delivery zones
5. Light intensity and hours of full illumination
6. Placement and illumination of outdoor vending machines

4-08-01-02-02

***FENCING, WALLS, AND SCREENING***

4-08-01-02-02-01

***Maximum Height***

The maximum height of fencing, walls, or screening shall be ninety-six (96) inches, which shall include no more than four (4) strands of barbed wire forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

4-08-01-02-02-02

***Fence Bottom***

The bottom of the fence shall be no more than six (6) inches above grade at any point.

4-08-01-02-02-03

***Electric and Barbed Wire Fencing Prohibited***

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

4-08-01-02-02-04

***Screen Fencing***

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
  - a. Install heavy gauge PVC or vinyl inserts.
  - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
  - c. Color of the inserts is at the discretion of the applicant.

- d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
  - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
  - b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
  - a. Structural integrity and being functionally sound under the Uniform Building Code; and
  - b. Substantially the same condition as originally permitted or constructed.

4-08-01-02-02-05

***Garbage Area Screening***

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-08-01-02-02-06

***Outdoor Storage Screening***

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall be not allowed above the height of the fence.

4-08-01-02-02-07

***Masonry Wall***

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

4-08-01-02-02-08

***Noise Barrier Fencing***

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

4-08-01-02-02-09

***Retaining Walls***

Any retaining wall over four (4) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Community and Economic Development. As determined by the Director of Community and Economic Development, any retaining wall over thirty-six (36) inches in height may require a guard rail up to five (5) feet in height and placed at the top of grade.

4-08-01-02-02-10

***Traffic View Obstruction***

Traffic view obstruction as outlined in these standards and regulations by any fence, wall or screen is prohibited.

4-08-01-02-02-11

***Sidewalk Maintenance***

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

**4-08-02 PERFORMANCE STANDARDS BY USE CATEGORY**

The following general performance standards are included in this section:

1. Crematory/Crematorium **\*Adopted by the BoCC on December 13, 2010**
2. Institutional Residential
3. Halfway House **\*Adopted by the BoCC on December 13, 2010**
4. Neighborhood Indoor Uses
  - a. Day Care Centers
  - b. Elementary and Secondary Schools
5. Outdoor Public Uses
  - a. Cemeteries
  - b. Picnic, Parks and Playgrounds
  - c. Swimming Pools, Public
6. Places of Worship
7. Public Services
  - a. Fire Stations
  - b. Police Stations and Post Offices
  - c. Utility Substations
8. Tiny Home Village

**4-08-02-01 CREMATORY/CREMATORIUM \***

1. All structures used in conjunction with a crematorium shall be setback a minimum of twenty-five (25) feet from all property lines unless required to be greater by the Zone District.  
**\*Adopted by the BoCC on December 13, 2010**

**4-08-02-02 INSTITUTIONAL RESIDENTIAL**

All institutional residential uses shall meet the following standards:

1. *Location:* No institutional residential facility shall be located within five hundred (500) feet of any other institutional residential facility.
2. *New Construction in Residential Area:* Any new construction allowed in a residential zone district for the operation of a group living facility shall substantially resemble a conventional single-family dwelling.

3. *No Administrative Activities on Premises:* No administrative activities of any private or public organization or agency shall be conducted on the premises of the group living facility.
4. *Residential Suites and Assisted Living Units:* Residential suites and assisted living units shall provide bathrooms but shall not provide cooking facilities.
5. *Density:* Residential suites and assisted living units shall be constructed at the same density as the density in the applicable zone district. If the group home has on-site common use dining, recreation, health care, or a convalescent center, the density for any associated multi-family units shall not exceed two (2) times the allowed multi-family base density for the zone district.
6. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06).
7. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
8. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
9. *Drop-Off/Pick-Up Areas:* All institutional residential uses shall provide an off-road drop-off/pick-up area for patrons or clients. The area shall be provided at a rate of one (1) space per eight (8) individuals. The spaces shall be signed as loading areas and at least ten (10) by twenty (24) feet in area. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.

**4-08-02-03      HALFWAY HOUSE \***

**\*Adopted by the BoCC on December 13, 2010; \*\*Amended by the BoCC on January 7, 2013**

All halfway house uses shall meet the following standards:

1. *Licensing:* Halfway houses must be properly licensed by the State of Colorado.
2. *Location:* No halfway house shall be located within five hundred (500) feet of any other halfway house. Halfway houses shall be located within one (1) mile of an RTD bus or rail stop. The method of measurement shall be from property line a point roughly in the center of the bus or rail stop. Setbacks shall be established as of the date of application.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
5. *Drop-Off/Pick-Up Areas:* All halfway houses shall provide an off-road drop-off/pick-up area for patrons or clients. The area shall be provided at a rate of one (1) space per eight (8) individuals. The spaces shall be signed as loading areas and at least

ten (10) by twenty (24) feet in area. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.

6. *Setbacks:* Halfway Houses shall be set back a minimum of one-thousand five hundred (1,500) feet from schools (pre-K through grade 12), residentially zoned property, residentially used property, and state licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the state of Colorado). The method of measurement shall be from property line to property line. Setbacks shall be established as of the date of application.
7. *Waiver from Residential Setback:* No halfway house shall be located within 1,500 of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within 1,500 feet and a disclosure document is recorded against the property. If a waiver cannot be obtained, the applicant may not proceed with a Conditional Use Permit for the subject property.
8. *Number of Occupants:* The number of occupants within the halfway house shall conform to all standards within the applicable state of Colorado rules and regulations, the applicable fire code, and the applicable building code that is in use by Adams County. In the event of a conflict between any state and county standard, the stricter standard shall apply.
9. *Alcohol and Substance Abuse Management Plan:* All halfway houses shall submit an alcohol and substance abuse management plan to the County.
10. *Legal Non-Conforming Halfway Houses:* Existing and legally permitted halfway houses that do not meet one or more of the standards within this section may continue to operate in accordance with the regulations for the duration of the Conditional Use Permit. Existing and legally permitted halfway houses may apply for a Major or Minor Amendment to the Conditional Use Permit without conformance to these standards and regulations. In the event that a Conditional Use Permit for an existing halfway house expires and/or is revoked, conformance with all standards within these standards and regulations shall be required and the use shall no longer be considered legal non-conforming.

#### 4-08-02-04 NEIGHBORHOOD INDOOR USES

All neighborhood indoor uses shall meet the following standards.

##### 4-08-02-04-01 **GENERAL**

1. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06).
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

**4-08-02-04-02      *DAY CARE CENTERS***

1. *Licensing:* Day care centers must be properly licensed by the State of Colorado.
2. *Drop-Off/Pick-Up Areas:* Day care centers must provide adequate drop-off and pick-up areas. The required area shall be based upon the maximum number of individuals cared for at a single time. Specifically, there shall be two-hundred-fifty (250) square feet of signed, off-road, drop-off/pick-up area for every eight (8) individuals. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.
3. *Outdoor Recreation Facilities:* Where outside recreation facilities are provided, a six-foot high sight-obscuring fence around the recreation area shall be required to be maintained and the recreation area shall be situated in the rear half of the site.
4. *Residential Appearance:* Existing residential structures in residential zone districts shall not be significantly modified in appearance.
5. *New Construction in Residential Area:* Any new construction allowed in a residential zone district for the operation of a day care center shall substantially resemble a conventional single-family dwelling.

**4-08-02-04-03      *ELEMENTARY AND SECONDARY SCHOOLS (PRIVATE)***

1. *Minimum Lot Size:* one thousand (1,000) square feet per student at maximum occupancy, or three (3) acres, whichever is less.
2. *Setbacks:* Five (5) feet for every foot of height of the structure, up to a maximum setback of seventy-five (75) feet.
3. *Access:* Schools shall be located on collector or arterial roads.
4. *Drop-Off/Pick-Up Areas:* All schools must provide adequate drop-off and pick-up areas. All drop-off/pick-up areas shall be approved by the Director of Community and Economic Development.
5. *Outdoor Recreation Facilities:* A six-foot high fence shall surround the outside recreation facilities of the school.

**4-08-02-05      OUTDOOR PUBLIC USES**

All outdoor public uses shall meet the following requirements.

**4-08-02-05-01      *CEMETERIES***

1. *Minimum Lot Area:* The minimum lot area is ten (10) acres for a cemetery except for pet cemeteries, where the minimum lot area is three (3) acres.
2. *Height Limits:* Gravemarkers, tombstones, monuments, and memorials shall not exceed ten (10) feet in height. Buildings, including mausolea, columbaria, and crypts, shall not exceed thirty-five (35) feet in height.

3. *Screening*: The property may be screened from all adjacent properties by a sight-obscuring fence, hedge, or wall. If the applicant or Community and Economic Development Department requires screening, all common property lines with an adjacent residential use or zone district shall be screened with landscaping meeting the requirements of a Type B Bufferyard (See Section 4-16-06).

#### **4-08-02-06 PLACES OF WORSHIP**

All places of worship shall meet the following standards.

1. *Vehicular Access*: When located in a residential district or on a lot contiguous to a residential district or use, a place of worship shall have its principal vehicular entrance and exit on an arterial or collector road or on a local road within one hundred (100) feet of the local road's intersection with an arterial or collector road.
2. *Belfries and Steeples Exempt from Height Limitations*: Belfries or steeples shall be exempt from any height requirements.
3. *Parcels less than 35 acres*: In the A-3 Zone District require Conditional Use Permit approval.

#### **4-08-02-07 PUBLIC SERVICE**

All public service facilities shall meet the following standards.

##### **4-08-02-07-01 GENERAL**

1. *Outdoor Storage*: Materials may be stored outdoors, provided the storage area does not occupy more than twenty-five percent (25%) of the structure area and is screened in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
2. *Garbage Storage*: Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

##### **4-08-02-07-02 FIRE STATIONS**

1. *Minimum Parcel Area*: one-half (½) acre

##### **4-08-02-07-03 POLICE STATIONS AND POST OFFICES**

1. *Minimum Parcel Area*: one (1) acre

##### **4-08-02-07-04 UTILITY SUBSTATIONS**

1. *Transmission Lines*: Transmission line rights-of-way shall be exempt from bufferyard requirements.
2. *Screening*: Transformers, electric substations, and outdoor storage yards shall be screened with screen fencing a minimum of six (6) feet high and landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06).

3. *Setbacks:* Public utility stations or structures in residential areas shall maintain minimum setbacks in accordance with the National Electric Safety Code (NESC) for electrical lines or the U.S. Department of Transportation (USDOT) for gas lines, be fenced, and either be screened from view or assume a residential appearance.

#### 4-08-02-08 TINY HOME VILLAGE

Tiny home villages are only allowed through an approved Conditional Use Permit and must conform to the following requirements:

1. *Purpose:* The purpose of tiny home villages is to grant flexibility in building form and site design requirements for providers of housing for people who are experiencing homelessness or are at risk of becoming homeless or to provide for transitional housing options within the County.
2. *Neighborhood Meeting.* A Neighborhood Meeting is required as part of a Conditional Use Permit application. All Neighborhood Meetings must meet the minimum requirements as outlined in Section 2-01-02.
3. *Zone District Required.* Tiny home villages can be approved through a Conditional Use Permit in all Adams County Zone Districts.
4. *Minimum lot size:* The minimum lot size to develop a tiny home village shall be one-half (1/2) acre.
5. *Minimum Number of Tiny Homes:* No development shall be approved with less than ten (10) homes.
6. *Responsible Agent Required.*
  - a. Each owner of a tiny home village property shall designate a person or company to serve as the responsible agent. The owner may designate themselves.
  - b. The responsible agent shall have access and authority to assume management of the village and take remedial measures. The agent shall always be available to respond to potential issues and violations related to these regulations. The responsible agent must be able to affirmatively respond to complaints within an hour of notification of such complaint being sent via email or text.
  - c. The owner shall notify the Community & Economic Development Department in writing of any modification to the responsible agent appointment within five (5) days of any such modification.
  - d. The site address and phone number for the responsible agent shall be posted in a visible location within the tiny home village. In addition,

the information for Adams County Code Compliance, including phone number, shall be listed on the posting.

7. *Parking.* A parking and circulation plan must be submitted with the Conditional Use Permit application. A minimum of one (1) space for every three (3) homes and a minimum of one (1) space for every employee shall be required. The Board of County Commissioners can increase or decrease the required number of required parking spaces through the Conditional Use Permit based on the transportation needs of the residents, services provided to the residents, and the proximity of the Village to the RTD light rail stations or bus stops. All required parking areas/spaces must show conformance with Section 4-14.
8. *Operations Plan required.* An operations plan that includes, but is not limited to, services provided and security measures, is required at the time of application. The Board of County Commissioners, in making their decision, may take into consideration the security measures, the location of the tiny home village to bus stops/light rail stations, and services, and the proposed services provided to the residents.
9. *Open Space.* Open space of at least 200 square feet per unit required; 60 square feet may be private, and the remainder must be provided as common open space.
10. *Tiny Home Size.*
  - a. The minimum home size for a tiny home shall be one hundred (100) square feet.
  - b. The maximum home size for a tiny home shall be four hundred (400) square feet, excluding any lofts.
11. *Minimum Ceiling Height.* The minimum ceiling height for a tiny home shall be six feet- eight inches. (6'8")
12. *Minimum Spacing between homes:* The minimum distance between tiny homes shall be ten (10) feet. The site layout must be approved by the Board of County Commissioners through the Conditional Use Permit.
13. *Building Materials.* Tiny homes can be constructed from any material providing that the construction meets the minimum IRC Standards, as adopted by Adams County at the time of application. All tiny homes must be placed on a foundation that meets the following definition. Foundation: Part of a structural system designed in accordance with the International Building Codes that supports and anchors the superstructure of a building and transmits its loads directly to the earth.
14. *Construction: All construction, including mechanical heating and cooling systems, shall conform to the IRC, as adopted by Adams County.*
15. Heating and cooling equipment must be listed and labeled.

16. *Emergency Escape and Rescue Opening:* All tiny homes must have an emergency escape and rescue opening and shall meet the requirements of the IRC as adopted by Adams County.
17. *Required Bufferyard.* All tiny home villages shall be screened from any adjacent use or public road with a Type B Bufferyard.
18. *Additional Setbacks.* Tiny homes must meet the setbacks outlined in the underlying zone district. In zone districts with a side or rear setback less than ten (10) feet, the setback shall be ten (10) feet from any side or rear property line.
19. *Trash Disposal and Collection.* All tiny home village properties shall provide a trash disposal and collection plan to ensure that trash containers are not left outdoors where they can cause issues for wildlife or snow removal operations. The proposed trash disposal and collection plan shall be reviewed and approved by the County during the Conditional Use Permit review. There shall be enough trash receptacles to accommodate all trash generated by those occupying the tiny home village.
20. *Screening.* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
21. *Fencing.* Maximum height of internal fencing shall be forty-two (42) inches.
22. *Signage.* Signs shall be allowed in conformance with Section 4-15 and must be reviewed at the time of Conditional Use Permit approval.
23. *Common Facilities.* All tiny home villages must provide a common area that contains shower and restroom facilities, kitchen areas, and laundry facilities. The common area must be available for use to the residents of the village at all times. Shower and restrooms shall be provided in accordance with the Building Code. There must be a paved system of walkways, which gives safe and convenient access to every tiny home and all common facilities. If shower and restroom facilities, kitchen areas, and laundry facilities are provided within each unit, the common area requirement can be waived by the Board of County Commissioners.
24. *Animals.* A maximum of one (1) cat or one (1) dog is allowed per tiny home.

*Outdoor storage.* Outdoor storage is not allowed. On-site storage facilities that serve the entire tiny home village are allowed, if approved by the Board of County Commissioners through the Conditional Use Permit application.

## 4-09 COMMERCIAL USES PERFORMANCE STANDARDS

### 4-09-01 GENERAL PERFORMANCE STANDARDS

#### 4-09-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation, and maintenance that shall be applied to all commercial development in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

#### 4-09-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-13)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-16)
4. Weeds and Offending Vegetation (See Section 4-18)
5. Site Design Considerations (See Section 4-21)
6. Operational Standards (See Section 4-14)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-22)
8. Off-Premise Signs (See Section 4-16)
9. Sexually Oriented Businesses (See Section 4-20)

### 4-09-01-03 PROJECT COMPATIBILITY

#### 4-09-01-03-01 *Purpose*

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area.

#### 4-09-01-03-02 *Architectural Character*

New developments in or adjacent to existing developed areas shall be compatible with the established architectural character of such areas by using a complementary design. Compatibility shall be achieved through techniques

such as the repetition of roof lines, the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and/or the use of building materials with color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

**4-09-01-03-03      *Structure Size, Height, Bulk, Mass, Scale***

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

**4-09-01-03-04      *Structure Orientation***

To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways.

**4-09-01-03-05      *Building Materials***

1. *General:* Building materials shall either be similar to the materials already being used in the immediate area or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.
3. Windows
  - a. *Glass:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Clear glass shall be used for commercial storefront display windows or doors.
  - b. *Location and Details:* Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

**4-09-01-03-06      *Land Use Transition***

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in

the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth in this Section regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

**4-09-01-03-07      *Operational/Physical Compatibility Standards***

The following conditions may be imposed upon the approval of Conditional Use Permits to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries.
2. Location of activities that generating potential adverse impacts on adjacent uses such as noise and glare.
3. Placement of trash receptacles.
4. Location and screening of loading and delivery zones.
5. Light intensity and hours of full illumination.
6. Placement and illumination of outdoor vending machines.

**4-09-01-04      FENCING, WALLS, AND SCREENING**

**4-09-01-04-01      *Maximum Height***

The maximum height of fencing, walls and screening shall be ninety-six (96) inches, which may not include more than four (4) strands of barbed wire forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

**4-09-01-04-02      *Fence Bottom***

The bottom of the fence shall be no more than six (6) inches above grade at any point.

**4-09-01-04-03      *Fences Prohibited in Landscaped Area***

No fence shall be permitted within any required landscaped area.

**4-09-01-04-04      *Electric and Barbed Wire Fencing Prohibited***

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

**4-09-01-04-05      *Relationship to Structure Design***

Fencing shall relate to the principal architectural features of the building in design, location, and the way in which it connects to the building.

**4-09-01-04-06      *Long Runs of Fencing Discouraged***

Long runs of fencing parallel to public roads are discouraged. Where long runs cannot be avoided, the horizontal alignment of the fences shall be varied to

create visual variety and to provide planting pockets between the fence and the road. In addition, periodic breaks in fences should be considered to facilitate pedestrian, bicycle, and transit use.

**4-09-01-04-07**

***Screen Fencing***

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
  - a. Install heavy gauge PVC or vinyl inserts.
  - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
  - c. Color of the inserts is at the discretion of the applicant.
  - d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
  - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
  - b. A chain link fence may be constructed at the discretion of the applicant, but must be placed to the interior of the screening trees.
4. All fencing shall be maintained and kept in good condition at all times. Condition of fences shall be evaluated through a review of:
  - a. Structural integrity and being functionally sound under the Uniform Building Code; and
  - b. Substantially the same condition as originally permitted or constructed.

**4-09-01-04-08**

***GARBAGE AREA SCREENING***

Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and

maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.

**4-09-01-04-09      *OUTDOOR STORAGE SCREENING***

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

**4-09-01-04-10      *MASONRY WALL***

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

**4-09-01-04-11      *NOISE BARRIER FENCING***

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

**4-09-01-04-12      *RETAINING WALLS***

Any retaining wall over four (4) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Community and Economic Development. As determined by the Director of Community and Economic Development, any retaining wall over thirty-six (36) inches in height may require a guard rail up to five (5) feet in height and placed at the top of grade.

**4-09-01-04-13      *TRAFFIC VIEW OBSTRUCTION***

Traffic view obstruction as outlined in these standards and regulations, by any fence, wall or screen is prohibited.

**4-09-01-04-14      *SIDEWALK MAINTENANCE***

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

## **4-09-02 PERFORMANCE STANDARDS BY USE CATEGORY**

### **4-09-02-01 SUBSECTIONS**

The following specific performance standards are included in this section:

1. Airports, Landing Strips and Heliports
2. Animal Hospitals
3. Automobile Service Station
4. Bed and Breakfast Establishments
5. Campground, Commercial
  - a. RV Campground
  - b. Tent Campground
6. Communication Towers, Commercial
7. Commercial Retail
8. Drive-In Establishments
9. Golf Courses and Driving Ranges, Commercial
10. Heavy Retail and Heavy Services
  - a. Automobile Dealership
  - b. Automobile Rental
  - c. Automobile or Bus Repair, Painting, and Body Work
  - d. Firewood Sales, Storage and Splitting
  - e. Flea Markets, Outdoor
  - f. Truck, Trailer and Horse Trailer Sales and Rental
  - g. Pawn Shops
11. Indoor Commercial Recreation/Entertainment
  - a. Amusement Center, Video Arcade, Pool Arcade
  - b. Auditoriums, Assembly Halls, Movie Theaters
  - c. Bowling Alleys
  - d. Roller Skating Rinks
12. Kennel, Commercial
13. Lodging, Commercial
14. Massage Business
15. Office
16. Outdoor Commercial Recreation
  - a. Amusement Parks
  - b. Drive-In Theaters
  - c. Gun and Archery Range
  - d. Ice Skating Rinks
  - e. Miniature Golf Courses
  - f. Water Slide Courses
17. Racing Facility
  - a. Automobile and Truck
  - b. Dog and Horse Racing

- 18. Restaurants
  - a. Bars and Cocktail Lounges
  - b. Drive-Thru Restaurants
- 19. Services

#### **4-09-02-02 AIRPORTS, LANDING STRIPS AND HELIPORTS**

- 1. *Private Airport Minimum Parcel Area:* Private airport minimum parcel area shall be thirty-five (35) acres.
- 2. *Private Heliports Minimum Parcel Area:* Private heliport minimum parcel area shall be two (2) acres.
- 3. *Access:* All airports, landing strips and heliports shall access collector or arterial roads or highways.
- 4. *Verification from the FAA:* A private airport or heliport must submit verification from the Federal Aviation Administration documenting the site does not present a hazard to air navigation.
- 5. *Approach Zone Restrictions:* Compliance with FAA Requirements:
  - a. *Approach Zone:* Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, comply with regulations for height restrictions in airport approach zones of the FAA, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish hazard zoning regulations.
  - b. *Landing Strip Setbacks:* There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the FAA. If necessary, air rights or easements shall be acquired from the owners of abutting properties in which approach zones fall.
- 6. *Residential Areas:* No planned approach areas shall be permitted over existing residential areas.
- 7. *Setbacks:* All airport or heliport related structures shall be set back at least one hundred (100) feet from any property line.
- 8. *Buffering:* The Director of Community and Economic Development may require buffering in the form of berms around an airport, landing strip or heliport.
- 9. *Indoor Repair:* All repair of aircraft and machinery shall be done inside hangars.

#### **4-09-02-03 ANIMAL HOSPITAL**

- 1. *Minimum Space Requirements:*
  - a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
    - (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
    - (2) Length of Kennel = Width of Kennel + 2 feet.
    - (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.

- b. *Cats*: Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
2. *Waste Disposal*: All animal and food wastes shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department. Animal wastes shall be removed from the site daily or as otherwise necessary to avoid the spread of objectionable odors, insects, pests, and objectionable surface drainage.
3. *Pest Control*: Environmental and/or chemical and scientific controls shall be provided for pest control.
4. *Drainage*: Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
5. *Care of Animals*: All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Management. Household animals (specifically dogs and cats) boarded overnight shall be kept in climate-controlled, sound-proofed buildings. Where facilities are not sound-proofed, a partially or fully enclosed structure or fenced open area (runs, pens, etc.) shall be used to confine any animals and shall be setback one-hundred-fifty (150) feet from any property line.

#### **4-09-02-04     AUTOMOBILE SERVICE STATIONS**

1. *Access*: All service stations shall front collector or arterial roads or highways unless the sites are part of a shopping center.
2. *Pump Setbacks* Pump islands shall be located a minimum of fifty (50) feet from residentially zoned or used property lines and a minimum of forty (40) feet from other exterior property lines. Pump island canopies may project to within thirty (30) feet of property lines. Islands shall not interfere with any sight distance triangles in accordance with these standards and regulations.
3. *Underground Storage Tank (UST) Setbacks*: UST vent pipes must be located a minimum of fifty (50) feet from residentially zoned or used property lines and a minimum of forty (40) feet from other exterior property lines.
4. *Screening*: Service stations shall be separated from abutting residential properties by a six (6) foot high masonry wall and a Bufferyard as required in Section 4-16-06.
5. *Landscaping*: In addition to all other required landscaping, boundary landscaping is required for a minimum depth of ten (10) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.
6. *Indoor Activities*: The changing of engine oil and filters; the lubrication of motor vehicle chassis; the cleaning of component parts; brake adjustment and replacement; mechanical or hand washing and detailing; front-end alignment; the sale or installation of batteries and minor automotive accessories; the sale mounting and repair of tires; the testing, adjustment and replacement of parts,

- the servicing of air conditioners; the servicing of air pollution control devices; the sale of soft drinks, candy, ice and similar items.
7. *Outdoor Activities:* The dispensing of motor fuel, oil, air, and water from pump islands; any testing or servicing of automobiles which necessitates a running engine; tire display; trash areas enclosed by walls; public telephones in a well-lighted location, visible from the road; the sale of soft drinks, candy, ice, and similar items via vending machines.
  8. *Painting and Body Work Prohibited:* Painting or other body work shall be prohibited at all service stations unless approved by Conditional Use Permit.
  9. *Storage:* All products and merchandise shall be stored indoors except for vending machines and tire display.
  10. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
  11. *Restrooms:* Two restrooms shall be provided to the general public during all hours of operation. All restrooms with exterior entrances shall be located to the side or the rear of the building.

#### **4-09-02-05 BED AND BREAKFAST ESTABLISHMENTS**

1. *Resident-Occupied:* A Bed and Breakfast shall be operated by the resident property owner or a designated appointee at all times.
2. *Maximum Number of Lodging Rooms:* The maximum number of lodging rooms in a bed and breakfast establishment shall be five (5) rooms.
3. *Location:* The establishment shall be located within a dwelling abutting a designated arterial or collector road, or within a dwelling designated in a historical site.
4. *Signage:* Signage shall meet the requirements of Section 4-01 except in a residential or agricultural zone district where a single sign, which may be lighted but not flashing, shall be permitted within ten (10) feet of the front lot line. The sign shall not exceed ten (10) square feet in area and shall not block sight distance triangles. The sign shall not exceed five (5) feet in height.
5. *Screened Parking:* Off-road parking for the guest rooms shall be screened with landscaping meeting the requirements of a Type C Bufferyard (see Section 4-16-06).
6. *Outdoor Storage:* Accessory outdoor storage is prohibited.
7. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained

at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.

**4-09-02-06 CAMPGROUNDS, COMMERCIAL**

1. *Minimum Parcel Area:* The minimum parcel area for commercial campgrounds shall be one (1) acre.
2. *Maximum Density:* A maximum density of fifteen (15) campsites per acre is permitted.
3. *Duration of Stay at Campground:* Visitors to a commercial campground shall stay for a maximum of sixty (60) days.
4. *Access:* Commercial campgrounds shall be located on properties with direct access to an arterial road or highway. No direct access from a public road to an individual campsite shall be permitted. Internal drives must be improved to the extent and in the manner acceptable to the Director of Community and Economic Development. Minimum paving widths for internal drives are:
  - a. thirty-six (36) feet for entrances and all drives with guest parking on both sides;
  - b. twenty-nine (29) feet for two-way drives with parking on one side;
  - c. twenty-two (22) feet for two-way drives with no parking; and
  - d. eleven (11) feet for one-way drives with no parking.

When in the opinion of the Director Community and Economic Development, paving is not required for a tent campground, paving may be waived. However, all internal drives shall be constructed of at least an approved all-weather surface approved by the Director of Community and Economic Development and the applicable fire district. In no case shall paving be waived in a recreational vehicle campground.

5. *Common Recreation Area:* Each campground shall have a common recreation area. One hundred (100) square feet of common recreation area shall be provided per campsite.
6. *Landscaping:* In addition to all other required landscaping, interior landscaping of the campground shall require at least one (1) tree and two (2) shrubs per campsite. Each tree shall be at least two (2) inch caliper in size when planted. Shrubs shall be a minimum of five (5) gallon size when planted.
7. *Tent Campgrounds:*
  - a. Each tent campsite shall be a minimum of five hundred (500) square feet. A ten (10) foot separation shall be maintained between tent campsites.
  - b. One (1) parking space, nine (9) feet by twenty (20) feet, shall be located on each site. No guest parking shall be required for a tent site. Parking spaces shall be provided with an all-weather surface approved by the Director of Community and Economic Development. Paving may be required where in the opinion of the Director of Community and Economic Development it is needed to control dust or water quality.

8. *Travel Trailer and Recreational Vehicle Campground:* All travel trailer and recreational vehicle campgrounds shall meet the following standards:
  - a. *Zoning:* Travel trailer and recreational vehicle campgrounds shall be located in permitted zone districts on property having direct access to an arterial road or highway.
  - b. *Minimum Area:* A travel trailer park shall consist of a minimum of one (1) acre for the parking of travel trailers for human occupancy only.
  - c. *Paving of Spaces and Drives:* All recreational vehicle and guest parking spaces and drives shall be paved with asphalt or concrete to the specifications contained in these standards and regulations.
  - d. *Tent Sites:* Freestanding tent sites may be permitted provided not more than fifteen (15%) percent of a travel trailer and recreational vehicle campground shall be used for tent sites.
  - e. *Area per Unit:* Each unit or site shall be improved with a minimum paved parking space for the travel trailer or recreational vehicle with a minimum area of ten (10) feet by twenty-five (25) feet in addition to the access driveway. Each recreational vehicle space shall be a minimum of twenty-five (25) feet in width and forty-five (45) feet in depth.
  - f. *Vehicle Parking:* One (1) paved parking space, nine (9) feet by twenty (20) feet, shall be located on each site. Guest parking, one (1) space for each ten (10) trailer sites, shall be provided off the interior drives.
  - g. *Utilities:* All public utilities shall be placed underground.
9. *Permitted Accessory Uses:* Recreational facilities, laundry buildings, service retail stores, manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of these standards and regulations and all other applicable County regulations may be permitted as accessory uses.
10. *Manager Housing:* One (1) manufactured home or single-family dwelling may be located in the campground for occupancy of the manager/operator.
11. *Garbage Collection:* At least one (1) garbage pick-up area shall be provided. The garbage pick-up area shall be screened from view in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

#### **4-09-02-07 COMMERCIAL MOBILE RADIO SERVICE (CMRS) TELECOMMUNICATION SITES**

1. *Design and Performance Criteria for all CMRS Telecommunication Sites:* The purpose of design review for CMRS telecommunications sites is to ensure the necessary antennae, equipment, and equipment shelters are sited and screened in a to minimize visual and physical impacts on the surrounding area. The following design criteria and requirements shall apply to all CMRS telecommunication antennae, equipment, equipment shelters, and commercial communication towers:

- a. All CMRS telecommunication antennae, equipment, and equipment shelters shall be designed to be compatible with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as color, texture, scale, and character.
  - b. Siting and installation of CMRS telecommunication antennae, equipment, and equipment shelters shall preserve or enhance the existing character of the topography and vegetation of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively but instead be supplemented with vegetation. Any security fencing should be of a design, which blends into the character of the existing environment, and meet the height limitation for the zone district in which the fencing is located.
  - c. All CMRS antennae and equipment should be no taller than necessary for the efficient operation of the CMRS antennae and equipment.
  - d. Applicants shall demonstrate the CMRS telecommunications site is a necessary component of the applicant's overall communication network and communication plan for the community. Such demonstration shall require the applicant to establish at least one (1) of the following criteria: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; or (3) the site is necessary to handle increased capacity due to caller volume. In addition, the applicant shall demonstrate: (1) existing topography and/or structures in the surrounding area preclude other locations in the same area; and (2) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access.
  - e. All CMRS telecommunication antennae, equipment, and equipment shelters shall be sited, designed, and screened to minimize the visibility of such equipment from surrounding properties, public roads, and neighborhoods.
  - f. The colors of all CMRS telecommunication antennae, equipment, and equipment shelters shall minimize the visibility of the facility.
  - g. To minimize the visual and physical impact on the surrounding area caused by freestanding and building mounted CMRS telecommunications facilities, the County encourages innovative and multiple use of building and structures for the location of CMRS telecommunications facilities, antenna, and equipment.
2. *Design and Performance Standards for Structure or Building Mounted CMRS Telecommunications Facilities:* All structure or building mounted CMRS antennae

and equipment shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure and shall be subject to building permit approval.

a. Panel Antennae Standards

- (1) Panel antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted or treated to match the building or structure to which the panel is attached.
- (2) Panel antennae attached to the side of a building shall not exceed the height of the parapet or the roofline, whichever is greater.
- (3) Panel antennae mounted on an existing penthouse or existing roof-top mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the antennae is attached.
- (4) Panel antennae shall not be mounted in a freestanding, sled, or rack-mounted fashion on the top of a building unless: (1) there exists unscreened service equipment on the roof which will be screened from view along with the panel antennae; (2) the screening of the antennae and equipment will be architecturally compatible with the building; and (3) a waiver is obtained from the Director of Community and Economic Development. The construction of artificial penthouses or artificial service equipment on a roof for the purpose of attaching CMRS telecommunication facilities is prohibited.
- (5) No panel antenna shall exceed the maximum height limitation for the zone district in which the panel is located.

b. Whip Antennae Standards

- (1) Single whip antennas shall not extend more than fifteen (15) feet above the building height.
- (2) Where more than one (1) whip antenna is attached to one (1) building, such antennae shall maintain a minimum separation of fifteen (15) feet between antenna owned by different CMRS telecommunication providers.
- (3) No whip antenna shall exceed the maximum height limitation for the zone district in which the antenna is located.

3. *Design and Performance Standards for Freestanding CMRS Telecommunication Facilities:* All freestanding CMRS telecommunications facilities shall be subject to an Administrative Review Permit Process as outlined in Section 2-02-02. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:

- a. The height of any freestanding CMRS communication facility shall conform to the height limit of the zone district in which the facility is located unless a height exception is granted through the Administrative Review Permit Process.
- b. All freestanding CMRS telecommunications facilities shall meet the landscaping requirements set forth in these standards and regulations including screening of such facilities with vegetation. As a condition of

approval of any freestanding CMRS telecommunication facility, the County may require the applicant to provide a performance bond or other surety to the County which is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved CMRS telecommunication facility. A bond may also be required to ensure removal of the facility if it is abandoned or no longer needed. Where the CMRS telecommunications facility is located on a parcel of land leased by the applicant, and which is part of a larger parcel of land under single ownership, reasonable landscaping improvements in accordance with these standards and regulations may be required within the larger unleased parcel where such improvements will bring the facility into conformance with the requirements of these standards and regulations, mitigate the impacts of the telecommunication facility, or enhance the visual qualities and aesthetics of the larger parcel.

- c. A freestanding CMRS telecommunications facility, as defined by these standards and regulations, shall not be located closer than the height of the tower from any property line, unless a waiver from this requirement is obtained through the Administrative Review Permit Process.
- d. A freestanding CMRS telecommunications facility, as defined by these standards and regulations, shall not be located closer than one thousand (1,000) feet from any other freestanding CMRS telecommunications facility established or proposed by the same or another provider. Co-location of CMRS telecommunication facilities on the same freestanding facility is therefore strongly encouraged. No facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other provider from the same location. A service provider or lessee or employee thereof shall cooperate in good faith to achieve co-location or antennae with other providers. County staff can be used as a resource to facilitate this co-location. Should co-location not be acceptable to existing providers, the service provider wanting to locate on the existing facility shall be required to prove to the satisfaction of the Director of Community and Economic Development co-location is not feasible.
- e. During the Administrative Review Permit process, the applicant shall demonstrate: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to caller volume; (4) existing topography and/or structures in the surrounding area preclude other locations in the same area; (5) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access; (6) screening and design of the freestanding facility will make the site compatible with surrounding land

- uses; and (7) the structure will not block a significant view, including, but not limited to the Front Range of the Rocky Mountains, the South Platte River, the Rocky Mountain Arsenal Wildlife Refuge, Barr Lake, and other significant water bodies.
- f. Non-Small Cell facilities are discouraged in the right-of-way. Applicants requesting approval of a new non-small cell facility shall apply for Administrative Review Permit pursuant to this chapter and demonstrate that:
1. There are exceptional circumstances which prohibit installation of a small cell facility; and
  2. There are no feasible alternatives to locate the wireless facility outside the right-of-way.
- g. Applications that do not meet the standards in this Chapter shall require a waiver. The Director of Community and Economic Development shall issue a waiver subject to the following criteria:
1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of the development of adjacent property.
  2. There are no reasonable design alternatives that would remove the need for the requested waiver or would reduce the amount of waiver required.
  3. The waiver is warranted by the design incorporated in the proposal and the benefit of the County provided through the approval of the waiver.
4. *Design and Performance Standards for Small Cell Wireless Facilities:* All Small Cell Wireless Facilities shall be subject to an Administrative Review Permit Process as outlined in Section 2-02-02. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:
- a. Small Cell Wireless Facility Shall mean any of the following:
    1. A wireless service facility that meets the following qualifications:
      - i. Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet;  
AND
      - ii. Primary equipment enclosures are no larger than 17 cubic feet in volume as measured on the exterior surface of the enclosure. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box,

- ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch;
- OR
- iii. A micro wireless facility
- b. Applicants shall work with the County and relevant third parties to locate small cell wireless facilities based on the following order of preference for location and deployment:
  - 1. Small cell facilities shall be collocated and attached to existing and previously approved small cell facilities.
  - 2. Small cell facilities shall be attached to or replace available structures previously approved in the County Right-of-Way (ROW).
  - 3. New freestanding small cell facility poles shall be built in a manner that allows for collocation.
- c. Any new pole with an antenna must be architecturally consistent with the surrounding area by utilizing one of the following:
  - (a) Replacing existing permitted facilities (including without limitation, traffic signals, light poles, or light standards) so that the presence of the small cell facility is not readily apparent;
  - (b) Integrating the equipment in an architectural feature of an existing structure; integrating or attaching equipment to an outdoor fixture such as a traffic signal, light standard, utility pole or flagpole.
  - (c) Using a design which mimics or is consistent with the nearby natural or architectural features, this includes compatibility with color and shape of the proposed structure; and
  - (d) Using a design that is consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles within three hundred feet of the facility.
- d. The facility height shall not be more than:
  - 1. 30 feet when the facility is within 250 feet from a property, as measured from the property line, in Residential zone districts.
  - 2. 35 feet when the facility is within 250 feet of a property, as measured from the property line, in Agricultural zone districts, Public Lands, or Parks and Open Space.
  - 3. 40 feet in all other zone districts.
- e. The facility shall be separated from all other freestanding wireless facilities within the right-of-way by a distance of at least 600 feet, unless the facility replaces an existing traffic signal, street light pole, or other similar structure as determined by the Director of Community and Economic Development. The Director of Community and Economic Development may reduce this requirement if the applicant demonstrates through

technical network documentation that the minimum separation requirement cannot result in a feasible network or that the separation distance requested results in a facility that meets the following criteria:

1. The separation distance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.
  2. The reduced distance is warranted by the design incorporated in the proposal and the benefit to the County provided though the reduced separation distance.
- f. When placed near a residential property, the facility shall be placed adjacent to a common property line between adjoining residential properties, such that the facility minimizes visual impacts, unless landscaping, topography, other structures, or other considerations minimize visual impacts to a greater extent at a different location.
  - g. Poles and related appurtenances shall not interfere with traffic operations, legally permitted parking, or approved Traffic Control Devices.
  - h. Facilities shall be located in alignment with existing tress, utility poles, and streetlights whenever possible.
  - i. Facilities shall be located so as not to create a new obstruction or unreasonable visual blight to primary property sight lines beyond that expected of other legally permitted encroachments or utility infrastructure.
  - j. Facilities shall not be located in traffic sight triangles at the intersections of roadways, alleys, or driveways.
  - k. Poles and related facilities shall not encroach into or interfere with pedestrian ways such as sidewalks, trails, or transit stops or facilities.
  - l. Small cells shall be located to ensure minimal impacts to view protection corridors such as: The Front Range of the Rocky Mountains, the South Platte River, The Rocky Mountain Arsenal Wildlife Refuge, Riverdale Regional Park, Barr Lake, and other significant water bodies.
  - m. Small cell wireless facilities must not conflict with the Adams County Comprehensive Plan goals, policies, and mapped features.
  - n. All small cell wireless facilities shall meet the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate small cell facilities. If the standards and regulations are changed, then the owners shall bring the facilities into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.
  - o. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the County, the general public, or other person authorized to use or be present

upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to the public health, safety, or welfare.

5. *Design and Performance Standards for CMRS Telecommunication Equipment Shelter:* All CMRS telecommunications equipment shelters shall be screened so they are not visible from any adjacent public roads or public areas.

a. Equipment shelters associated with roof or building mounted CMRS antennae are encouraged to be located in one of the following areas, which are listed in order of preference from most (1) to least (7) preferred:

- (1) Inside the building or structure to which the panel or whip antennae are attached.
- (2) Inside an existing equipment penthouse on the roof of a building.
- (3) Immediately adjacent to the exterior of an existing equipment or elevator penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.
- (4) If no penthouse exists, consideration may be given to the creation of a screen, which is deemed architecturally compatible with the associated building by the Director of Community and Economic Development, screening both the equipment shelter and the existing service equipment associated with the building such as heating and air-conditioning equipment.
- (5) Outside of a penthouse on the roof of a building if a parapet exists taller than the CMRS equipment shelter. If the parapet is not taller than the CMRS equipment shelter, consideration will be given to increase the height of the parapet provided the building materials used are the same as those existing and if the design of the parapet is found acceptable to County standards and the parapet extension is architecturally compatible with the building.
- (6) Painted or treated the same color and located in such a manner so that an additional protrusion is not created on the roof.
- (7) On the ground and screened according to the design criteria for CMRS telecommunications facilities.

b. *Equipment Shelters Associated with Freestanding CMRS Antennae:* CMRS telecommunications equipment shelters associated with freestanding CMRS telecommunications facilities shall:

- (1) Either be located in an enclosed building architecturally compatible with the surrounding environment; or
- (2) Be screened completely with an architecturally compatible wall or fence so the shelter is not visible from adjacent properties, roads, or public areas;

- (3) In addition, all CMRS telecommunication equipment shelters associated with freestanding CMRS telecommunications facilities shall:
- (a) Have enclosed buildings, walls, or fencing, the appearance of which is enhanced by vegetation;
  - (b) Be grouped as closely as technically possible to each other and the freestanding facility;
  - (c) Cover a surface area not to exceed four-hundred-fifty (450) square feet per provider;
  - (d) Use designs, materials, and colors compatible with structures and vegetation on the same parcel and adjacent parcels; and
  - (e) Not reduce the parking or landscaped areas below the minimum zone district requirements for other principal uses on the parcel.

#### **4-09-02-08 COMMERCIAL RETAIL**

##### **4-09-02-08-01 GENERAL**

1. *Entrances:* The building elevation of principal structures shall have at least one (1) road-oriented entrance.
2. *Outdoor Storage:* Accessory outdoor storage is prohibited, except temporary display of items for sale provided the display does not interfere with traffic or limit parking. Otherwise, all facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-02.
3. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.

#### **4-09-02-09 DRIVE-IN ESTABLISHMENTS**

##### **4-09-02-09-01 GENERAL**

1. *Drive-In Lanes:* Drive-in lanes shall be separate from the circulation lanes needed for access and parking.
2. *Landscaping:* Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping in accordance with the Parking Performance Standards in Section 4-13 of these standards and regulations.
3. *Communications Equipment:* None.
4. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

#### 4-09-02-10 GOLF COURSES AND DRIVING RANGES, COMMERCIAL

1. *Driving Range Location:* Driving ranges shall be located so adjoining properties are not adversely affected by the activity due to noise, glare, traffic, or other factors.
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-02.
3. *Supporting Commercial Uses:* Supporting commercial activities shall be designed for patrons of the golf course or driving range only.

#### 4-09-02-11 HEAVY RETAIL AND HEAVY SERVICES

##### 4-09-02-11-01 **GENERAL**

1. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls and Screening section of these standards and regulations. **\*Adopted by the BoCC on December 13, 2010**
3. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
4. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

##### 4-09-02-11-02 **AUTOMOBILE DEALERSHIP**

1. *Maximum Lot Coverage:* The maximum lot coverage by parking, vehicle areas and buildings is seventy percent (70%).
2. *Access:* Automobile dealerships shall be located on properties with direct access to a collector or arterial road or highway.
3. *Display Area Setback:* The display area shall be set back a minimum of fifty (50) feet from the road right-of-way and fifteen (15) feet from all other property lines.
4. *Minimum Parcel Area:* one-half (0.5) acre
5. *Landscaping:* Boundary landscaping shall minimally conform to the minimum bufferyard standards required in Section 4-17.
6. *Noise Control:* No loudspeaker or music shall be audible from adjacent properties.

**4-09-02-11-03      *AUTOMOBILE RENTAL***

1. *Minimum Parcel Area:* two (2) acres
2. *Maximum Lot Coverage:* The maximum lot coverage by parking lots, vehicle areas, storage and buildings shall be seventy percent (70%).
3. *Access:* Automobile rental businesses shall be located on properties with direct access to a collector or arterial road or highway.
4. *Car Storage Area Setback:* The car storage area shall be set back a minimum of fifty (50) feet from the road right-of-way and fifteen (15) feet from all other property lines.
5. *Landscaping:* Boundary landscaping shall minimally conform to the minimum bufferyard standards required in Section 4-17.
6. *Noise Control:* No loudspeaker or music shall be audible from adjacent properties.

**4-09-02-11-04      *AUTOMOBILE OR BUS REPAIR, PAINTING, AND BODY WORK***

1. *Outdoor Activities Prohibited:* All repair and work activities shall take place within a completely enclosed structure.
2. *Storage of Vehicles:* All storage of vehicles awaiting repair shall be within the enclosed structure or within a compound yard enclosed by a six (6) foot high solid fence or wall, except for driveway openings.
3. *Landscaping:* Boundary landscaping shall minimally conform to the minimum bufferyard standards required in Section 4-17.
4. *Exhaust Fumes and Odor Control:* Exhaust and odor shall be controlled and treated by filter, scrubbers, fans, or other means.
5. *Noise Control:* No loudspeaker or music shall be audible from adjacent properties.

**4-09-02-11-05      *AUTO TOWING AND STORAGE YARD***

1. *Minimum Lot Size:* one (1) acre
2. *Storage of Vehicles:* All storage of vehicles shall be within the enclosed structure or within a compound yard enclosed by a six (6) foot high solid fence or wall, except for driveway openings. Fencing shall be made of wood or masonry materials.
3. *Vehicle classification:* All vehicles stored on the property shall be less than 7,000 lbs. (gross vehicle weight).
4. *Surface material:* All vehicles shall be stored on a hard-surfaced material
5. *Duration:* No vehicle shall be stored for more than ninety (90) days.
6. *Emergency Access:* Vehicles shall be arranged in a neat and orderly manner so that emergency vehicles, such as fire trucks and ambulances, may be able to access within one hundred (100) feet of any portion of the property. In addition to this requirement, all auto towing and storage yard operations shall comply to the requirements of the local fire district.

**4-09-02-11-06      *FIREWOOD SALES, STORAGE AND SPLITTING***

1. *Minimum Lot Size:* Five thousand (5,000) square feet
2. *Display of Firewood:* Firewood shall be stacked and displayed for sale in an organized fashion.
3. *Setbacks:* The area where firewood is cut and split must be set back twenty-five (25) feet from any property line.
4. *Sawdust and Debris Control:* Sawdust, woodchips, and any other debris shall be kept from blowing from the site on to other properties.

**4-09-02-11-07      *FLEA MARKETS, OUTDOOR***

1. *Minimum Lot Size:* one-half (1/2) acre
2. *Location:* Flea markets shall be located on vacant parcels or parking lots.
3. *Period of Operation:* Flea markets shall be permitted to operate on Saturdays and Sundays during the months of May through August. Additional hours may be permitted by Conditional Use Permit.

**4-09-02-11-08      *MOBILE HOME AND MANUFACTURED HOUSING DEALERS WITH MOBILE HOME SALES OFFICE***

1. *Minimum Parcel Size:* five (5) acres
2. *Maximum Lot Coverage:* The maximum lot coverage by parking, vehicle areas and structures is seventy percent (70%).
3. *Access:* This use shall be located on properties with direct access to a collector or arterial road or highway.
4. *Display Area Setback:* The display area shall be set back a minimum of fifty (50) feet from the road right-of-way and twenty-five (25) feet from all other property lines.
5. *Noise Control:* No loudspeaker or music shall be audible from adjacent properties.
6. *Structure Spacing:* All structures shall be separated by a minimum of ten (10) feet.

**4-09-02-11-09      *TRUCK, TRAILER AND HORSE TRAILER SALES AND RENTAL***

1. *Maximum Lot Coverage:* The maximum lot coverage by parking areas, vehicle areas and buildings is eighty percent (80%).
2. *Display Area Setback:* The display area shall be set back a minimum of fifteen (15) feet from the road right-of-way and ten (10) feet from all other property lines.
3. *Landscaping:* Boundary landscaping shall minimally conform to the minimum bufferyard standards required in Section 4-17.
4. *Noise Control:* No loudspeaker or music shall be audible from adjacent properties.

**4-09-02-11-10      *PAWN SHOPS***

1. *Pawn Shops only allowed with a Conditional Use Permit:* Pawn shops are only permitted in the C-4 and C-5 Zone Districts after Conditional Use Permit approval by the Board of County Commissioners.
2. *Outdoor Activities Prohibited:* All activities shall be performed or carried out entirely within an enclosed building.
3. *Outdoor Display Prohibited:* The display of items outdoors is prohibited.
4. *Screened Loading Areas:* Loading areas shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-09-01-04) of these standards and regulations.

**4-09-02-12      INDOOR COMMERCIAL RECREATION/ENTERTAINMENT****4-09-02-12-01      *GENERAL***

1. *Setback from School Properties:* No amusement shall be permitted within five hundred (500) feet of the lot line of a public or private school serving students in the 12th grade or under.
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
4. *Outdoor Activities Prohibited:* All activities shall be performed or carried out entirely within an enclosed building.
5. *Full-Time Management:* The owner of the premises shall maintain a full-time adult manager responsible for the premises during all hours of operation.
6. *Nuisance Violation:* Any place of indoor commercial recreation/entertainment which becomes the location of frequent or repeated violations of County regulations or public disturbance, shall be declared to be a nuisance, and may be cited for a nuisance violation under this section.

**4-09-02-12-02      *AMUSEMENT CENTER, VIDEO ARCADE, POOL ARCADE***

1. *Location:* No amusement center shall be established within five hundred (500) feet of a public or private school serving students in the 12th grade or under.
2. *Hours of Operation:* An amusement center shall not be open to the public before 11:00 a. m. or after 11:00 p.m.
3. *Security:* The owner shall maintain one (1) full-time security guard for every twenty (20) coin operated amusement devices.

**4-09-02-12-03      *EVENT CENTERS, MOVIE THEATERS***

1. *Minimum Parcel Area:* one-half (½) acre

2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of event center or movie theater.

**4-09-02-12-04      *BOWLING ALLEYS***

1. *Minimum Parcel Area:* one (1) acre
2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of bowling alley.

**4-09-02-12-05      *ROLLER SKATING RINKS***

1. *Minimum Parcel Area:* one (1) acre
2. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of roller skating rink.

**4-09-02-13      *KENNEL, COMMERCIAL***

1. *Number of Dogs and/or Cats Permitted:* The maximum number of dog and/or cats permitted in a commercial kennel can be found in Section 4-23. The maximum number of dogs and/or cats allowed does not apply to offspring under five (5) months of age, belonging to one of the adult animals.
2. *Minimum Space Requirements:*
  - a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:
    - (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
    - (2) Length of Kennel = Width of Kennel + 2 feet.
    - (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.
  - b. *Cats:* Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
3. *Waste Disposal:* All animal and food wastes shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
4. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
5. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
6. *Washroom:* A washroom consisting of a basin or sink and a lavatory shall be provided to maintain the cleanliness among animal caretakers.
7. *Mixing of Dogs and Cats:* Dogs and cats shall not be housed in the same primary enclosure.
8. *Care of Animals:* All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Animal Management and Tri-County Health Department.
9. *Operator License Required:* All breeding and boarding kennel operators shall be licensed by the Colorado Department of Agriculture.

10. *Permanent Resident on Property Required:* A person responsible for the commercial kennel, whether the owner of the facility or an employee, shall reside permanently on the subject property. If a responsible party is not available on site, the name and phone number of a responsible party shall be posted on the front of the kennel, on the front door of the caretaker's residence, and in an area visible to any person initially entering the premises. Any dwelling unit constructed to house the owner or employee shall meet the applicable zone district requirements.

#### **4-09-02-14 LODGING, COMMERCIAL**

1. *Access:* The parcel shall be accessed by a collector or arterial road or highway.
2. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
5. *Accessory Uses:* Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a residential zone or use.

#### **4-09-02-15 MESSAGE BUSINESS**

##### **4-09-02-15-01 GENERAL**

1. *Required Education:* The applicant/operator shall demonstrate proof of 1,000 hours of completed training in massage therapy with major study in theory, method, profession, or work of massage, which includes principles of anatomy and physiology. Employees are only required to complete 500 hours of completed training. Training shall be completed at a massage therapy school or equivalency program accredited by the state board of education or division charged with the responsibility to approving private occupational schools.
2. *Criminal Background Investigation:* The Adams County Sheriff's Department shall complete a Criminal Background Investigation and shall issue identification cards to all employees/operators.
3. *Zoning Required:* A Conditional Use Permit is required to operate a Massage Business in the C-0, C-1, C-2, C-3, C-4, or C-5 Zone District. Massage Businesses are prohibited in all other Zone Districts.
4. *Time Limitation:* Conditional Use Permits for Massage Businesses may only be issued for a maximum of five (5) years. Renewals shall be considered a Major

Amendment and require approval by the Board of County Commissioners. Applications for renewals shall be made not less than ninety (90) days and not more than one-hundred-twenty (120) days prior to the date of expiration.

5. *Annual Reporting:* The applicant/operator shall provide an annual report for review by the Director of Community and Economic Development and the Adams County Sheriff's Department. Reports shall include re-certification of educational requirements, revised Criminal Background Investigation, and issuance of identification cards to any new employees.
6. *Location:* In determining compatibility with the surrounding area, the Board of County Commissioners may consider locating Massage Businesses meeting the following geographic criteria:
  - a. Adjacent to arterial roads as listed in the Adams County Transportation Plan;
  - b. Adjacent to medical offices or other health-related businesses; and
  - c. In commercial/business areas visible to the traveling public.
7. *Denial of a Conditional Use Permit:* Applicant/operator shall not be eligible for a Conditional Use Permit within one (1) year of a denial by the Board of County Commissioners for the same location.
8. *Failure to Comply with Requirements:* May necessitate a show cause hearing before the Board of County Commissioners where the action taken on the Conditional Use Permit may include but is not limited to suspension or revocation.

#### 4-09-02-16 OFFICE

##### 4-09-02-16-01 **GENERAL**

1. *Access:* Entrances to the site shall be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
5. *Outdoor Activities Prohibited:* All uses shall be performed or carried out entirely within an enclosed building.

**4-09-02-17 OUTDOOR COMMERCIAL RECREATION****4-09-02-17-01 GENERAL**

1. *Access:* All outdoor commercial recreation shall have collector or arterial road or highway access. No direct access points through a residential road or along a collector serving only residential areas shall be allowed.
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
4. *Full-Time Management:* The owner of the premises shall maintain a full-time adult manager responsible for the premises during all hours of operation.
5. *Nuisance Violation:* Any outdoor commercial recreation which becomes the location of frequent or repeated violations of County regulations or public disturbance shall be declared to be a nuisance.
6. *Noise Control:* No central outdoor loudspeakers shall be permitted.

**4-09-02-17-02 AMUSEMENT PARKS**

1. *Minimum Lot Area:* five (5) acres
2. *Hours of Operation:* The amusement park shall limit its hours of operation to 9:00 AM to 10:00 PM.
3. *Setback from Residential Properties:* No amusement shall be permitted within one (1) mile of the lot line of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. *Security:* The owner shall maintain one (1) full-time security guard for every ten thousand (10,000) square feet of amusement.

**4-09-02-17-03 DRIVE-IN THEATERS**

1. *Minimum Parcel Size:* one (1) acre
2. *Maximum Screen Size:* fifteen hundred (1,500) square feet
3. *Projection Screen Visibility:* The projection screen shall not be visible from any public road within fifteen hundred (1,500) feet.
4. *Accessory Uses:* Accessory uses such as snack bars associated with the theater shall be designed for use by patrons of the drive-in theater only.

5. *Screening*: Vehicle parking areas shall be screened so lights will not shine onto adjacent property.
6. *Vehicle Stacking Lanes*: three hundred (300) foot vehicle stacking lanes shall be provided outside the theater entrance.
7. *Dust Control*: If the vehicle parking area is not paved, the theater owner shall spray the lot to control dust from blowing onto adjacent properties.
8. *Property for Daytime Uses*: The use of the theater property for daytime uses, including but not limited to, flea markets, vending stands, and fireworks stands, shall require a Temporary Use Permit.

4-09-02-17-04

**GUN AND ARCHERY RANGES**

1. *Minimum Parcel Area*: two (2) acres
2. *Setback from Residential Properties*: No shooting range shall be located within one (1) mile of a residentially zoned or used property unless a waiver is obtained in writing from the residential property owner(s) within one (1) mile and a disclosure document is recorded against the residential property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
3. *Fencing*: The entire range shall be enclosed by a fence a minimum of six (6) feet high.
4. *Warning Signs*: Warning signs that read “Warning: Shooting Range” shall be posted around the perimeter at a minimum distance of every one hundred (100) feet on the fence.
5. *Bufferyard*: Two (2) Type D Bufferyards shall encircle the perimeter of the gun range to provide a natural noise barrier. A ten (10) foot berm shall be incorporated into the bufferyard around the site.
6. *Line of Fire*: Line of fire shall be as close to horizontal as possible, but never below horizontal.
7. *Certified Instructor*: The shooting range shall be supervised by a range officer or a National Rifle Association certified instructor.

4-09-02-17-05

**ICE SKATING RINKS**

1. *Minimum Parcel Area*: one (1) acre

4-09-02-17-06

**MINIATURE GOLF COURSES**

1. *Minimum Parcel Area*: one (1) acre

4-09-02-17-07

**WATER SLIDE COURSES**

1. *Minimum Parcel Area*: two (2) acres
2. *Certified Lifeguard*: One (1) certified lifeguard shall be on duty during all hours of operation.

**4-09-02-18 RACING FACILITIES****4-09-02-18-01 GENERAL**

1. *Minimum Parcel Area:* forty (40) acres
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Setback from Residential Properties:* No racing facility shall be permitted within one (1) mile of the lot line of a residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
4. *Nuisance Violation:* Any racing facility which becomes the location of frequent or repeated violations of County regulations or public disturbance, shall be declared to be a nuisance, and may be cited for a nuisance violation under this section.

**4-09-02-18-02 AUTOMOBILE AND TRUCK RACING**

1. *Location:* All automobile and truck racing facilities shall be located at least one (1) mile from any residentially zoned or used property. If night racing is proposed and the track will be lighted, the automobile and truck racing facility shall be located at least two (2) miles from any residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
2. *Screening:* All racing facilities shall be enclosed by an eight (8) foot high minimum screen fence or wall.

**4-09-02-18-03 DOG AND HORSE RACING**

1. *Location:* All dog racing facilities shall be located at least one (1) mile from any residentially zoned or used property. If a waiver cannot be obtained but every reasonable effort has been made by the applicant to receive a waiver, the applicant may apply for a Variance from the Board of Adjustment. Proof shall be submitted in the form of copies of certified mail sent to the residents affected.
2. *Screening:* All racing facilities shall be enclosed by a six (6) foot high minimum screen fence or wall.
3. *Dog Kennels:* If kennels are provided on the premises, the kennels shall meet all requirements for a commercial kennel as established in these standards and regulations.

## 4-09-02-19 RESTAURANTS

### 4-09-02-19-01 **GENERAL**

1. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building in accordance with Section 4-03-04-02-02.
2. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
3. *Smoke and Odor Control:* Smoke and odor shall be controlled by kitchen exhaust fans, or other means.

### 4-09-02-19-02 **BARS AND COCKTAIL LOUNGES**

1. *Effect of Bar or Cocktail Lounge on Neighborhood:* Operation of the establishment shall not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood or be injurious to property or improvements in the area.
2. *Established Need:* The use shall serve public convenience and necessity.
3. *Liquor License Required:* A Liquor License is required from the Board of County Commissioners prior to operation pursuant to state law.

### 4-09-02-19-03 **DRIVE-THRU RESTAURANTS**

1. *Limited Number of Establishments:* The use shall not contribute to a disproportionate number of drive-thru establishments in the area or contribute to a land use mix inconsistent with the specific purpose of the zone district in which it is proposed.
2. *Hours of Operation:* Drive-thru establishments within two-hundred-fifty (250) feet of any residentially zoned or used property shall be open for business no earlier than 6:30 a.m. and close no later than 12:00 a.m..
3. *Drive-Thru Window Approval:* The Director of Community and Economic Development shall determine pedestrian safety, the welfare of the adjacent neighborhood, and maintenance of traffic circulation have been adequately addressed before approving the drive-thru window.
4. *Drive-Thru Lanes:* Drive-thru lanes shall be separate from the circulation lanes needed for access and parking.
5. *Landscaping:* Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping.

**4-09-02-20 SERVICES****4-09-02-20-01 GENERAL**

1. *Access:* Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Entrances:* The building elevation of the principal structure shall have at least one (1) road-oriented entrance.
3. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.

**4-09-02-20-02 OUTDOOR ACTIVITIES PROHIBITED**

All uses shall be performed or carried out entirely within an enclosed building.

**4-09-02-20-03 OUTDOOR STORAGE**

Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

## 4-10 MIXED-USE PERFORMANCE STANDARDS

### 4-10-01 GENERAL PERFORMANCE STANDARDS

#### 4-10-01-01 PURPOSE

The purpose of the following general performance standards is to address elements of planning, design, operation, and maintenance to be applied to all mixed-use development in Adams County, except when the mixed-use development is located in the TOD zone district. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

#### 4-10-01-02 SUBSECTIONS

The following general performance standards are included in this section:

1. Fencing, Walls and Screening

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-13)
2. Signage (See Section 4-15)
3. Landscaping (See Section 4-17)
4. Weeds and Offending Vegetation (See Section 4-18)
5. Site Design Considerations (See Section 4-21)
6. Operational Standards (See Section 4-14)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-22)
8. Off-Premise Signs (See Section 4-16)
9. Sexually Oriented Businesses (See Section 4-20)



Fig. 4-10-A: Vertical articulation

#### 4-10-01-03 ARCHITECTURAL DESIGN

1. *Horizontal Articulation:* Buildings greater than two stories or taller than 30 feet shall be designed to have a clearly identifiable base, body and top with horizontal elements separating these components. The component described

as the body shall constitute a minimum of 50% of the total building height.  
(See Figure 4-10-A)

2. *Building Articulation:* For buildings with a façade longer than 50 feet on any street edge, building articulation will be required at every 50 feet along the façade facing that street edge. Building articulation may be achieved through such things as window recesses, vertical and horizontal projections/banding, vertical and horizontal recesses, window composition/design, balconies, and other architectural elements to be substantial in depth, in order to create shadow and architectural relief. Use of different colors does not provide building articulation.
3. *Composition:* Elements within each segment of a building facade, defined by a different roof height, are required to be symmetrical. A symmetrical condition is achieved when facade elements and openings are repeated in the same positions on either side of a central vertical line for that segment.
4. *Entrances:* To the maximum extent feasible, primary facades and entries shall face the adjacent street. Main entrances shall be provided with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.
5. *Scale:* Facades shall incorporate a minimum of two (2) continuous details refined to the scale of 12 inches or less within the first 10 feet of the building wall, measured vertically at street level.
6. *Expression:* All masonry elements designed to appear as load-bearing shall be visually supported by other masonry elements directly below. On masonry building walls, expressed or implied structural piers shall be evident as vertical alignments on the facade.
7. *Color:* A maximum of two (2) primary colors for each building segment may be used with a maximum of two (2) secondary accent colors. If accent colors are to be used, they too must be described and used throughout the development and complement the primary colors.

**4-10-01-03-01*****BUILDING MATERIALS***

1. *General:* A minimum of 50% of the building walls shall incorporate brick, cast stone, stone, formed concrete, glass in combination with metal or other high quality, long-lasting masonry, or stone material over a minimum percentage of surface area (excluding windows, doors, and curtain walls). The remainder of wall area may incorporate other materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.

3. Transparency:

- a. *Required Transparency:* Facades shall incorporate transparent features (windows and doors) over a minimum percentage of the surface area of street fronting facades. Minimum percentages for ground level: 25% of surface area minimum; and upper levels of all uses: 15% surface area minimum. Transparency of the ground level shall be calculated within the first 15 feet of the building wall, measured vertically at street level. In cases where a building has more than two facades fronting a street or primary travel way, the transparency requirement shall only be required on one facade based on pedestrian traffic and vehicular visibility. All ground level windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three (3) feet behind the window. Ground level windows shall extend above an eighteen (18) to twenty-four (24) inch base. Materials that restrict the ability of the public to view the inside of a structure from the outside are generally prohibited but may be allowed in limited locations in structures intended for financial or other uses with documentable safety concerns.
- b. *Glass:* Mirrored glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Windows located along a sidewalk and/or a street on the first floor of a building shall use transparent glass with a maximum visible light reflectance of approximately 0.15 to allow pedestrians to view activity within the building.
- c. *Location and Details:* Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

4-10-01-03-02

**OPERATIONAL/PHYSICAL COMPATIBILITY STANDARDS**

The following conditions may be imposed upon the approval of the Rezoning to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries.
2. Location of activities that generating potential adverse impacts on adjacent uses, such as noise and glare.
3. Placement of trash receptacles.
4. Location and screening of loading and delivery zones.
5. Light intensity and hours of full illumination.

**4-10-01-04 FENCING, WALLS, AND SCREENING**

4-10-01-04-01

**MAXIMUM HEIGHT**

The maximum height of fencing, walls and screening shall be seventy-two (72) inches, which may not include barbed wire.

**4-10-01-04-02      *FENCE BOTTOM***

The bottom of the fence shall be no more than six (6) inches above grade at any point.

**4-10-01-04-03      *FENCES PROHIBITED IN LANDSCAPED AREA***

No fence shall be permitted within any required landscaped area.

**4-10-01-04-04      *ELECTRIC AND BARBED WIRE FENCING PROHIBITED***

Electric fencing and fencing consisting only of barbed wire are prohibited.

**4-10-01-04-05      *RELATIONSHIP TO STRUCTURE DESIGN***

Fencing shall relate to the principal architectural features of the building in design, location, and the way in which it connects to the building.

**4-10-01-04-06      *LONG RUNS OF FENCING DISCOURAGED***

Long runs of fencing parallel to public roads are discouraged. Where long runs cannot be avoided, the horizontal alignment of the fences shall be varied to create visual variety and to provide planting pockets between the fence and the road. In addition, periodic breaks in fences should be considered to facilitate pedestrian, bicycle, and transit use.

**4-10-01-04-07      *SCREEN FENCING***

Screen fencing is required to conceal site elements from all adjacent road right-of-way and lesser intensity uses. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering in the County.

1. All fencing shall always be maintained and kept in good condition. The condition of fences shall be evaluated through a review of:
  - a. Structural integrity and being functionally sound under the Adams County Building Code; and
  - b. Substantially the same condition as originally permitted or constructed.

**4-10-01-04-08      *GARBAGE AREA SCREENING***

Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.

**4-10-01-04-09      *MASONRY WALL***

All walls specified to be masonry shall be solid and constructed out of a brick or stone material.

**4-10-01-04-10      *RETAINING WALLS***

Any retaining wall over four (4) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Community and Economic Development. As determined by the Director of Community and Economic Development, any retaining wall over thirty-six (36) inches in height may require a guard rail up to five (5) feet in height and placed at the top of grade.

**4-10-01-04-11      *TRAFFIC VIEW OBSTRUCTION***

Traffic view obstruction as outlined in these standards and regulations, by any fence, wall or screen is prohibited.

**4-10-01-04-12      *SIDEWALK MAINTENANCE***

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

**4-10-02      PERFORMANCE STANDARDS BY USE CATEGORY**

**4-10-02-01      SUBSECTIONS**

The following specific performance standards are included in this section:

1. Commercial-Residential Mixed-Use Development

**4-10-02-02      COMMERCIAL-RESIDENTIAL MIXED-USE DEVELOPMENT**

**4-10-02-02-01      *MIX OF USES***

No less than 75% of the floor area of the ground floor shall be comprised of commercial or institutional uses. The ground floor shall be limited to the following uses found in the Use Chart (Section 3-07-01):

- Any of the uses categorized as Neighborhood Indoor Uses;
- Places of worship (allowed by conditional use permit);
- Government offices;
- Animal hospitals;
- Any of the uses categorized as Commercial Retail;
- Any of the uses categorized as Indoor Commercial Recreation/Entertainment;
- Any of the uses categorized as Office;

- Restaurants;
- Services; or
- Trade Schools.

Upper floors shall be comprised entirely of multi-family dwelling uses and associated amenities for the residential users.

## 4-10-02-02-02

***DIMENSIONAL STANDARDS***

1. *Structure height:* Maximum height must be consistent with the requirements outlined in Section 3-18.
2. *Setbacks:* Setbacks must follow the setbacks outlined in Section 3-18.
  - a. *Height-Related Setbacks:* Additional structure setbacks are required at varying heights of the structure for side and/or rear property lines adjacent to Residential-1-C or Residential-2 zone districts. The structure at each height listed below shall conform to the corresponding setback:
    - Upper stories above 35 feet in height shall be stepped down from its highest roofline at least one full story for a depth of at least 15 feet where adjacent to properties zoned R-1-C, or R-2
    - Upper stories above 51 feet in height shall be stepped down from its highest roofline at least one full story for a depth of 25 feet where adjacent to properties zoned R-1-C, or R-2

## 4-10-02-02-03

***MULTI-FAMILY DWELLING SIZE***

Each apartment or condominium shall have a minimum of floor area as stated below:

- *Efficiency/Studios:* Four-hundred-fifty (450) square feet
- *One Bedroom:* Six hundred (600) square feet
- *Two Bedroom:* Seven-hundred-fifty (750) square feet
- *Three Bedroom:* Nine hundred (900) square feet
- *Four Bedroom:* One thousand (1,000) square feet

## 4-10-02-02-04

***LANDSCAPING***

1. *Minimum Landscaped Area:* Not less than ten percent (10%) of the site area shall be landscaped.
2. *Required Ground Material:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been

completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.

3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet.
4. *Sense of Place:* Enhanced landscaping and open space is required between public sidewalks and the front façade of the structure. A minimum of two (2) elements demonstrating a sense of place is required. The Board of County Commissioners may accept any of the following examples:
  - Gateways to the site at pedestrian entrances that can be enhanced by special plantings or decorative fencing.
  - Accents, such as brick pavers or other material changes that can enhance the pedestrian experience.
  - Lighting effects, such as decorative fixtures, pole types, lamp color, and style
  - Patios with seating
  - Plazas with benches
  - Promenades
  - Terraces
  - Water features
  - Clock Towers
  - Additional elements that are not listed may be accepted with written justification as part of the Conditional Use Permit.
5. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
6. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (10% - 50%) and ornamental (10% - 50%). Evergreens shall be considered ornamental.

**4-10-02-02-05**

***OPEN SPACE***

1. *Requirement:* A commercial-residential mixed-use project is required to provide ten percent (10%) of the site area, minus any public streets, as open space for use by the tenants of the project and/or the general public.
2. *Pedestrian Inclusion:* Open space may include pedestrian pavements and plazas, and any parking lot island greater than four hundred (400) square feet in size.
3. *Coordination with Adjacent Properties:* Open space and trail design shall be coordinated with adjacent properties.

**4-10-02-02-06      *BICYCLE PARKING***

Bicycle parking shall be provided for all mixed-use development per the requirements in Section 4-13. Bicycle parking areas shall be located near structure entries but shall not encroach into pedestrian walkways. Additional bicycle parking facilities for the residential component can be provided inside structures.

## **4-11 INDUSTRIAL USES PERFORMANCE STANDARDS**

### **4-11-01 GENERAL PERFORMANCE STANDARDS**

#### **4-11-01-01 PURPOSE**

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance to be applied to all industrial development in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

#### **4-11-01-02 SUBSECTIONS**

The following general performance standards are included in this section:

1. Fencing, Walls, and Screening
2. Operational/Physical Compatibility Standards

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 3)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-17)
4. Weeds and Offending Vegetation (See Section 8)
5. Site Design Considerations (See Section 1)
6. Operational Standards (See Section 4-14)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 2)
8. Off-Premise Signs (See Section 6)
9. Sexually Oriented Businesses (See Section 4-20)

### **4-11-01-03 FENCING, WALLS, AND SCREENING**

#### **4-11-01-03-01 *MAXIMUM HEIGHT***

Ninety-six (96) inches, which may include more than four (4) strands of barbed wire forming the top eighteen (18) inches or less of the fence, placed at a forty-five (45) degree angle.

#### **4-11-01-03-02 *FENCE BOTTOM***

The bottom of the fence shall be no more than six (6) inches above grade at any point.

#### **4-11-01-03-03 *FENCES PROHIBITED IN LANDSCAPED AREA***

No fence shall be permitted within any required landscaped area.

**4-11-01-03-04      *ELECTRIC AND BARBED WIRE FENCING PROHIBITED***

Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.

**4-11-01-03-05      *RELATIONSHIP TO STRUCTURE DESIGN***

Fencing shall relate to the principal architectural features of the building in design, location, and the way in which it connects to the building.

**4-11-01-03-06      *LONG RUNS OF FENCING DISCOURAGED***

Long runs of fencing parallel to public roads are discouraged. Where long runs cannot be avoided, the horizontal alignment of the fences shall be varied to create visual variety and to provide planting pockets between the fence and the road. In addition, periodic breaks in fences should be considered to facilitate pedestrian, bicycle, and transit use.

**4-11-01-03-07      *SCREEN FENCING***

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The following criteria shall be followed in determining what form of screening is appropriate to accomplish visual buffering of outside storage yards in the County.

1. If the property is already developed and the proposed storage area is enclosed by an existing chain link fence, which has a useful life remaining, the property owner shall:
  - a. Install heavy gauge PVC or vinyl inserts.
  - b. The inserts shall achieve a minimum of ninety (90) percent opacity.
  - c. Color of the inserts is at the discretion of the applicant.
  - d. If the existing fence does not have a remaining useful life, the property (or portion of the property affected) defaults to item 2.
2. If the property is not developed and is proposed for outside storage, the property owner shall conceal all outside storage with an eight-foot solid wood fence or masonry wall.
3. If the property is not feasibly screened by a fence from an adjacent road due to topography, the property owner shall:
  - a. Install fast growing trees (preferably a mix of coniferous and deciduous) appropriately spaced to ensure complete screening at maturity.
  - b. A chain link fence may be constructed at the discretion of the applicant but must be placed to the interior of the screening trees.

4. All fencing shall always be maintained and kept in good condition . Condition of fences shall be evaluated through a review of:
  - a. Structural integrity and being functionally sound under the Uniform Building Code; and
  - b. Substantially the same condition as originally permitted or constructed.

**4-11-01-03-08      *GARBAGE AREA SCREENING***

Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.

**4-11-01-03-09      *OUTDOOR STORAGE SCREENING***

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

**4-11-01-03-10      *MASONRY WALL***

All walls specified to be masonry shall be solid and constructed out of a brick or stone material. The wall shall not permit the contents within the wall to be seen from the outside.

**4-11-01-03-11      *NOISE BARRIER FENCING***

Where existing and proposed arterial roads or state highways traverse, or are adjacent to areas of proposed commercial development, the Director of Community and Economic Development may require noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

**4-11-01-03-12      *RETAINING WALLS***

Any retaining wall over four (4) feet in height shall require plans prepared by a professional engineer as a condition for a building permit except where waived by the Director of Community and Economic Development. As determined by the Director of Community and Economic Development, any retaining wall over thirty-six (36) inches in height may require a guard rail up to five (5) feet in height and placed at the top of grade.

**4-11-01-03-13      *TRAFFIC VIEW OBSTRUCTION***

Traffic view obstruction as outlined in these standards and regulations, by any fence, wall, or screen, is prohibited.

**4-11-01-03-14      *SIDEWALK MAINTENANCE***

The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.

**4-11-01-04      OPERATIONAL/PHYSICAL COMPATIBILITY STANDARDS**

The following conditions may be imposed upon the approval of development applications when industrial uses are proposed adjacent to residentially zoned or used property to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries;
2. Location of activities generating potential adverse impacts on adjacent uses such as noise and glare;
3. Placement of trash receptacles;
4. Location and screening of loading and delivery zones;
5. Light intensity and hours of full illumination; and
6. Placement and illumination of outdoor vending machines.

**4-11-02      PERFORMANCE STANDARDS BY USE CATEGORY****4-11-02-01      SUBSECTIONS**

The following specific performance standards are included in this section:

1. Business Park Uses
  - a. Research, Development and Testing
2. Extraction and Disposal Uses
  - a. Extraction Uses
  - b. Solid and Hazardous Waste Disposal
  - c. Oil and Gas Well Drilling and Production
3. Heavy Industrial
  - a. Auction Yards, With Livestock
  - b. Chemical, Petroleum and Explosive Manufacturing
  - c. Metal Industries, Automobile Manufacturing
  - d. Paper, Pulp and Sawmills
  - e. Salvage Yards
  - f. Recycling Facilities, including Scrap Tire
  - g. Solid Waste Transfer Stations
  - h. Outdoor Storage in excess of 100% of the building area
4. Light Industrial
  - a. Auction Houses, Without Livestock
  - b. Dry Cleaning Plants

- c. Electronic, Fabric, Furniture, Medical Supply Production
- d. Food Product Processing and Manufacturing
- e. Landscape Contractor Storage Yard
- f. Accessory Outdoor Storage (Not to Exceed 100% of the building area)
- 5. Energy Facilities
  - a. Solar Energy System
- 6. Moderate Manufacturing or Processing
  - a. Cement, cinder block, concrete, lime, or plaster manufacturing

#### **4-11-02-02 BUSINESS PARK USES**

##### **4-11-02-02-01 GENERAL**

1. *Access:* Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhood.
2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-11-01-03) of these standards and regulations.
3. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
4. *Outdoor Activities Prohibited:* All equipment, material storage, and uses shall be performed or carried out entirely within an enclosed building.

##### **4-11-02-02-02 RESEARCH, DEVELOPMENT AND TESTING**

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine existing services provide adequate protection for citizens.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
4. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

#### **4-11-02-03 EXTRACTION AND DISPOSAL USES**

##### **4-11-02-03-01 EXTRACTION USES**

1. *Compliance with Colorado Department of Natural Resources:* Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the requirements of Colorado

Department of Natural Resources. Prior to the approval of a Conditional Use Permit by the Board of County Commissioners, a reclamation contract shall be signed and approved by the owner or operator and the Colorado Department of Natural Resources.

2. *Site Size*: The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations.
3. *Blasting Hours*: Operations utilizing explosive devices shall be restricted to Monday through Friday between the hours of 8:00 a.m.. and 5:00 p.m.
4. *Stagnant Water*: Pockets and stagnant pools of water resulting from surface drainage shall either be:
  - a. Sprayed to eliminate breeding places for mosquitoes and other insects using methods and chemicals approved by the Colorado Department of Agriculture; or
  - b. Drained to prevent the creation of such breeding places.
5. *Plan for Development of the Site*: A plan for the Mining Phase and the Reclamation Phase shall be approved by the Director of Community and Economic Development.
6. *Standards of the MCO Zone District*: All other operation and rehabilitation standards of the Mineral Conservation Overlay (MCO) Zone District shall apply as outlined in Section 3-38-06.
7. *Recreational Prospecting in Creeks and Rivers*: In stream recreational prospecting using non-motorized equipment is not regulated by the County. It is incumbent upon the operator of a non-motorized in stream recreational prospecting site to notify and gain permission of the property owner. The use of motorized equipment for such an operation is considered mining. Any operation using motorized equipment is prohibited.

**4-11-02-03-02*****SOLID AND HAZARDOUS WASTE DISPOSAL***

1. *General Operating and Performance Standards*: The following General Operating and Performance Standards are applicable to all Solid Waste Disposal Sites and/or Processing Facilities:
  - a. Compliance with Colorado Solid Waste Act: Operators shall comply with the Colorado Solid Waste Act (C.R.S. 30-20-100 et. seq.), and all regulations promulgated pursuant to said Act by the Colorado Department of Public Health and Environment.
  - b. Compliance with State Standards and Regulations: Operators shall comply with all adopted State and Federal regulations, whether such regulations are adopted prior to, or after, approval of a Certificate of Designation under these standards and regulations.
  - c. Performance Bond Required: Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County.

- d. **Liability Insurance Required:** All solid waste disposal site and/or processing facility operators shall maintain adequate liability insurance in the amount of one million dollars and submit evidence of such insurance upon request from the Director of Community and Economic Development.
- e. **Outdoor Processing Prohibited:** All solid waste processing facility operations shall take place completely enclosed within a building unless otherwise specifically provided for in the approved plan.
- f. **User Service Charges Required:** All solid waste disposal site and/or processing facility operators shall collect service charges from users for the purpose of solid waste management in the County. Such charges shall be collected pursuant to the Board of County Commissioners Resolution of August 28, 1985, as amended.
- g. **Uncovered Loads:** All uncovered loads shall be charged double the normal disposal rate.
- h. **Waste Along Public Rights-of-Way Control:** Operators shall remove trash, or other waste material, disposed of or treated at their facility, along all public rights-of-way within one (1) mile of the facility and up to five (5) miles along the approved haul routes, or as otherwise specified.
- i. **Odor Control:** At no time shall a waste disposal site or waste processing facility create malodorous conditions.
- j. **Erosion Control:** At no time shall a waste disposal site or processing facility allow soil loss or erosion beyond that provided for in the erosion control measures approved in the design and operations plan.
- k. **Storage of Untreated or Unprocessed Waste:** Storage of authorized untreated or unprocessed waste shall not exceed the time limit described in the approved plan, conditions of approval required with the Certificate of Designation, or otherwise required by the Colorado Department of Public Health and Environment.
- l. **Outside Storage:** All allowed accessory outside storage shall be concealed by an eight (8) foot solid screen fence or other effective screening material as approved by the Director of Community and Economic Development.
- m. **Right-of-Way Screening:** All new facilities shall provide and maintain attractive visual screening from any public right-of-way from which the facility is visible.
- n. **Waste Minimization Program:** All operators shall conduct a waste minimization program both with the community and with generators, providing public information and assistance for waste reduction, recycling, and reuse programs.
- o. **Certification of Special Structures and Equipment:** Special structures not addressed in these standards and regulations, and processing equipment which has the potential to create external environmental impacts (through air emissions, groundwater impacts, etc.), shall be certified by a registered professional engineer or other qualified expert, as determined by the

Director of Community and Economic Development, as to proper installation and construction in accordance with the approved design and operations plan prior to start of operations.

- p. Quarterly Reports: Operators shall submit quarterly reports no later than thirty (30) calendar days following the end of the calendar quarter to the Director of Community and Economic Development, Tri-County Health Department, and the Colorado Department of Public Health and Environment, summarizing:
    - (1) Results of Monitoring Data: The results of air and water monitoring data, monitoring of landfill gas, and other environmental monitoring data, as applicable, prepared by a qualified independent firm or other qualified professionals, including in-house certified staff and laboratories acceptable to the Director of Community and Economic Development.
    - (2) Received Waste Figures: Daily average and cumulative figures for the quantity and types of waste received. The cumulative figure shall be related to a percentage completion figure for the current phase of operation or approved operating capacity.
    - (3) Gross Quarterly Revenues: Gross quarterly revenues for calculation of the County's Solid Waste Management Fee.
  - q. Annual Reports: Operators shall submit annual reports to the Director of Community and Economic Development, Tri-County Health Department, and the Colorado Department of Public Health and Environment.
    - (1) Purpose of Annual Reports: The annual reports shall be used to determine if the amount of the performance bond is still adequate and whether timely progress is being made toward completion or closure, if applicable to the specific operation.
    - (2) Content of Annual Reports: The annual reports shall summarize the following information
      - (a) Waste Types and Volumes: The waste types and volumes handled throughout the year.
      - (b) Operation Completion: The percentage of operation completion to date.
      - (c) Monitoring Information: An interpretation of all monitoring information on a yearly basis.
      - (d) Reclamation Activities: A tabulation of reclamation activities to date.
      - (e) Operational Plans for Following Year: A description of operational plans for the following calendar year.
2. *Landfill Standards (required in addition to General Standards):*
- a. Quality Assurance (QA) Program Required: All operators shall fund an independent quality assurance (QA) quality control program to ensure construction of synthetic or clay liners for cells meet required

- specifications in the approved design and operations plan. The QA program shall be performed by a qualified professional, approved by the Director of Community and Economic Development, representing the County. The expense shall be charged to the operator.
- b. Radiation Monitoring Program: The landfill operator shall operate a radiation monitoring program in accordance with an approved plan.
  - c. Quantity of Paper Permitted: The quantity of paper permitted in a demolition and construction debris landfill is limited and is established by the Board of County Commissioners for each landfill. This standard shall be followed during operations.
3. *Incinerator Standards (required in addition to General Standards):*
- a. Monitoring Program: The specific monitoring program approved by the County for on-site soils and air monitoring shall be followed.
  - b. Waste Minimization Program: The waste minimization program approved by the County shall be followed.
  - c. Ash Transportation: All ash will be transported in a manner minimizing the release of fugitive dust.
  - d. Pollution Control Device Residue Collection: The program for residue collection from air pollution control devices approved by the County shall be followed.
  - e. Incinerator Operation: The incinerator shall be operated in accordance with the approved design and operations plan.
  - f. Radioactivity Monitoring: The operator shall operate a low level radioactivity monitoring program in accordance with an approved plan.
4. *Inert landfill Operation Standards (required in addition to General Standards):*
- a. *Materials Acceptance Plan:* Operators shall develop and implement a Materials Acceptance Plan detailing procedures for certifying incoming loads as inert, including material acceptance, load inspection, and load rejection procedures for all waste material brought to the fill site. Loads containing trash, organic material, metal material, and other waste material not meeting the definition of inert fill for landfilling shall be rejected and documentation of hauler, source, and haul date shall be kept onsite for at least one-year. A visual inspection screening shall be made where loads are offloaded and incidental amounts of materials not meeting the definition of inert material shall be removed. All materials removed from the waste stream shall be disposed of at an approved waste disposal facility and records kept of such disposal.
  - b. *Fencing:* An eight (8) foot solid screen fence or security fence, with additional screening material, as approved by the Director of Community and Economic Development, shall enclose all outside storage.
  - c. *Traffic Control Plan:* Provisions of the traffic control plan shall be followed.

- d. *Nuisance Control Plan*: Provisions of the nuisance control plan detailing measures to mitigate those off-site impacts as specified in Section 4-13, General Operations, shall be followed.
  - e. *Appearance*: All sites shall maintain a clean, neat, and orderly appearance. Stockpiles of materials may only be placed as specified in the design and operation plan.
  - f. *Performance Bond*: Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be \$2,000.00 per acre. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
5. *Composting Operation Standards (required in addition to General Standards)*:
- a. *Removal of Trash from Right-of-Way*: Operators shall remove trash, or other waste material, of the type, which is brought to the composting facility, along all public rights-of-way within one-half (1/2) mile of the facility.
  - b. *Performance Bond*: Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with operating conditions of the Permit, the amount of which shall be established by the Board of County Commissioners. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
  - c. *Environmental Bond*: Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post a bond sufficient to ensure compliance with the closure plan, and to effect remedial measures if environmental damage is found to be taking place.
  - d. *Traffic Control Plan*: Provisions of the approved traffic control plan shall be followed.
  - e. *Appearance*: All sites shall maintain a clean, neat, and orderly appearance. Litter, dust, and odors may not leave the boundaries of the site.
  - f. *Vehicle Parking*: Transfer vehicles may not be parked on public streets.

- g. *Vector Controls*: All sites shall maintain vector controls as prescribed by the approved plan.
- h. *CDPHE Regulations*: Colorado Department of Public Health and Environment Regulations 6CCR 1007-2, Section 14 are hereby incorporated in these Zoning Regulations.
- 6. *Infectious Waste Disposal Site and/or Processing Facility Standards* (required in addition to General Standards)
  - a. *Radiation Monitoring Program*: The operator shall operate a radiation monitoring program in accordance with an approved plan.
  - b. *General Monitoring Program*: The general monitoring program, approved by the County for each infectious waste disposal and/or processing facility, shall be adhered to.
  - c. *Temperature Operating Charts*: Temperature operating charts from an infectious waste disposal and/or processing facility shall be retained for two (2) years for review by the Director of Community and Economic Development. The County may require additional monitoring if a facility has problems maintaining a temperature or other operational standard.
  - d. *Truck Washing*: All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.
  - e. *Waste Incineration*: Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of wastepaper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.
- 7. *Hazardous Waste Disposal Site and Facility Standards*: All hazardous waste disposal sites and facilities shall meet the standards established by State and Federal regulatory requirements.

4-11-02-03-03

#### **OIL AND GAS FACILITY**

4-11-02-03-03-01

##### ***Purpose***

This Section is enacted to protect and promote the health, safety, values, convenience, order, prosperity, and general welfare of the current and future residents of the County. It is the County's intent by enacting this Section to facilitate the development of oil and gas resources within the unincorporated area of the County while avoiding or mitigating potential land use conflicts between such development and existing, as well as planned, land uses. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests from a consenting

surface owner, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse impacts upon their property, associated with the development of the mineral estate, avoided, or mitigated through compliance with this Section.

**4-11-02-03-03-02*****Definitions***

Oil and Gas Facility means an oil and gas facility as defined by the rules and regulations of the Colorado Oil and Gas Conservation Commission (“COGCC”) For any other definition not listed in this section, the definitions listed in Chapter 11 of the Adams County Development Standards and Regulations and the COGCC’s regulations shall govern. If there is a conflict between the definitions in Chapter 11 and the COGCC’s definitions, the COGCC’s definitions shall prevail. If the term is not found in the COGCC’s definitions or in Chapter 11, the term shall have its common meaning along with the spirit and intent of the Development Standards and Regulations and may be subject to interpretation by the Director of Community and Economic Development or his or her designee.

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**4-11-02-03-03-03*****General Provisions***

1. Access: Oil and gas well installation shall be located to provide convenient access, shall accommodate the traffic and equipment related to the oil and gas operations and emergency vehicles, and shall conform to COGCC rules and Adams County Development Standards and Regulations. Oil and gas operations shall avoid or minimize impacts to the physical infrastructure of the County transportation system.
2. Signage: A sign with the 24-hour, 7-days per week contact information shall be placed close to the intersection of the access road and the right of way so that it is legible from the public right of way. Signage shall conform to COGCC regulations for signage and posting.
3. Building Permit Required: For all new or substantially modified wells, a building permit is required for the installation of permanent electrical, pumps, tank batteries, and all other above-ground structures as well as any other applicable permits including, but not limited to, culvert permits, oversized-load permits, and floodplain use permit.
4. Setbacks: Oil and Gas Facilities shall be at least 2,000 feet from the property line of any existing residences or platted residential lots, schools or future school facilities, state licensed daycares, high occupancy building units, environmentally sensitive areas, and designated parks and open spaces. Oil and Gas Facilities shall be at least 1,000 feet from groundwater under the direct influence of surface water (GUDI) wells and Type III Aquifer wells as defined by Colorado Water Quality Control Commission and COGCC rules.

- a. Setbacks will be measured from the edge of the Oil and Gas Location, as defined by the COGCC, the measurement of setbacks will not include the access road.
  - b. Administrative Waiver from setback requirements: an administrative waiver may be obtained from the setback requirements if the Operator receives a written waiver from each primary resident and property owner located within the setback. Staff will evaluate the granting of an Administrative Waiver from setback requirements based on the following criteria: (1) the number of affected residents within the setback (2) location of the facility, (2) size of the facility, (4) compatibility of the facility with surrounding land uses; and (5) conformance with the Adams County Comprehensive Plan.
  - i. No Administrative Waivers will be issued from setback requirements for school facilities, future school facilities, state licensed daycares, groundwater wells, environmentally sensitive areas or designated parks and open spaces.
- For Oil and Gas Facilities that do not meet the above setback requirements: A waiver may be granted by the Board of County Commissioners that complies with the requirements of Section 2-02-14-07-07.
- 5. Fees and Permits: All applicable County fees adopted by the County, including postage fees and inspection fees, must be paid at time of application and prior to issuance of a building permit, including for all applicable permits required by the Adams County Development Standards and Regulations.
- 6. Oil and Gas Road Impact and Maintenance Fees:
  - a. Operators shall pay oil and gas road impact and maintenance fees, as approved by the Board of County Commissioners, for all proposed oil and gas wells and pads. This fee shall be paid at the time of issuance of an Oil and Gas Facilities Permit. Any person or entity required to pay the oil and gas road impact fee may elect to submit an independent study and fee calculation to demonstrate that the nature, timing, or location of the proposed oil and gas development is likely to generate impacts costing less to mitigate than the amount of the fee that would be generated by the use of the fee schedule. Any independent fee study for oil and gas development shall generally follow the methodology established in the Adams County Oil & Gas Traffic Impact Study.
    - i. The preparation of the independent fee calculation study shall be the sole responsibility of the electing party.
    - ii. Any person or entity who requests to perform an independent fee calculation study shall pay an application fee for administrative review. An administrative decision related to the independent study may be appealed to the Board of County Commissioners. The

appeal shall be filed within 14 days of staff decision and shall follow the appeal process established for OGF Permit Waivers.

7. Safety Standards:

- a. Operator shall implement a safety management plan and maintain a safety management system applicable to all covered processes. Upstream facilities consisting of a standard, repeatable design may be covered with a single safety management plan. The safety management system shall provide for employees and systems to oversee implementation and periodic revision of the plan. The plan shall include the following elements and describe the manner in which each of the following elements will be applied to the covered processes:
  - i. Process safety information. Compilation of written process safety information needed to conduct process hazard analysis. Process safety information shall include information pertaining to hazards of substances and chemicals used by the process, information pertaining to the technology of the process, information pertaining to the equipment used in the process, and information pertaining to the hazards of the substances or chemicals in the process. Documentation that equipment used in the process complies with recognized and generally accepted good engineering practices;
  - ii. Operating procedures. Written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information, and at least annual review of operating procedures to ensure they reflect current operating practices;
  - iii. Employee participation. Plan for ensuring employee participation in conduct and development of process hazards analysis and access to process hazards analysis;
  - iv. Training. Written procedures detailing initial and refresher employee training requirements and documentation of employee training;
  - v. Mechanical integrity. Written procedures designed to maintain the on-going integrity of process equipment, ensure employees involved in maintenance are properly trained to ensure the ongoing integrity of process equipment, ensure that process equipment is tested and inspected in accordance with manufacturer specifications, correct deficiencies in equipment in a safe and timely manner, and ensure that new equipment is installed or constructed properly;
  - vi. Management of change. Written procedures to manage changes to covered processes, technologies, equipment, and procedures;

- vii. Pre-startup reviews. Written procedures regarding pre-startup safety reviews;
- viii. Compliance audits. Written procedures requiring an audit every five years to verify compliance with the procedures and practices developed under the safety management plan, and procedures requiring correction of any deficiencies identified in audit; operator will make results of audit available to inspector upon request;
- ix. Incident investigation. Written procedures requiring investigations of all near-misses and incidents, including root cause analysis of all incidents resulting in fatalities or serious environmental harm, establishing a system to promptly address and resolve the incident, and requiring that all employees and contractors whose job tasks are relevant to the investigation of the near miss or incident review the investigation report.
- x. Hot work. The facility shall ensure that all hot work complies with local and state fire prevention and protection requirements.
- xi. Contractors. Written procedures describing how operator screens, oversees, shares process safety and emergency response and preparedness information with contractors;
- xii. Process hazard analysis. Process hazard analysis for each covered process;
- xiii. Incident history. List of all reportable safety events as defined by the COGCC rules and regulations that have occurred at the operator's facilities within the last five years, along with any investigation reports, root cause analysis and operational or process changes that resulted from the investigation of the accident;
- xiv. Safety culture assessment. Written procedures requiring operator periodically review safety culture, and at a minimum conduct such review after each major accident; and
- xv. Inherently safer systems analysis. Require analysis at least every five years, whenever a change is proposed at the facility that could result in an incident, after an incident if recommended by the investigation report or root cause analysis, and during the design of new processes, equipment, or facilities.
- xvi. Operator shall make available the safety management plan to Adams County at the County's request. Adams County may retain outside consultants to review safety management plan and may request modifications to safety management plan based on its review. Operator shall reimburse County for any costs associated with retaining outside consultants.
- b. Automatic safety protective systems and surface safety valves. Operator is required to install automated safety system prior to

commencement of production. Automated safety system shall include the installation, monitoring and remote control of a surface safety valve or a wellhead master control valve and shall be able to remotely shut in wells on demand. Surface safety valve or a wellhead master control valve shall be equipped to operate remotely via the automated safety protective system. Operator shall test the automated safety system quarterly to ensure functionality and provide results of testing to County within 14 days of such testing.

- c. Incident and accident reporting.
  - i. Incidents. As soon as practicable, but no more than three (3) days of any reportable safety event or emergency situation as defined by the COGCC, Operator shall submit a report to the County including the following, to the extent available:
    - (a) Fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics, and degree of damage to properties, if any beyond the facility, injuries to persons, emergency response, impacts, if any, to public health, safety, welfare, the environment or wildlife resources, and remedial and preventative measures to be taken within a specified amount of time.
    - (b) If public health, safety, welfare, the environment, or wildlife resources are threatened, the Operator responsible for the operation causing the threat shall immediately notify the County's Local Government Designee ("LGD") electronically and orally.
  - ii. County may require Operator to conduct root cause analysis of any incidents or Grade 1 gas leaks, as defined by the COGCC.
  - iii. Operator shall keep a daily incident log that shall be made available to Adams County upon request. Any spill or release that is reportable to the COGCC shall be simultaneously reported to the County's LGD and applicable fire district.
  - iv. The Operator shall notify the County's LGD within 24 hours of discovery all spills of one barrel or more that leaves the facility or released outside of berms or secondary containment, all spills of any material or volume on permeable ground at the facility that has a reportable spill quantity under any law, all spills or releases required to be reported by COGCC regulations, and copies of any self-reporting submissions that operator provides to the COGCC.
  - v. Notification of the surface owner or the surface owner's tenant, and the water rights holder if applicable, of spills and releases in conformance with COGCC Rules.

- vi. The Operator may be required to obtain additional permits from the County, such as an inert fill or access permits, for site remediation as defined in Chapter 4 of the Adams County Development Standards and Regulations.
- d. Worker Training and Records
  - i. Workers at an OGF shall have nationally recognized certifications for the work they are performing. This includes, but is not limited to, Hazard Communications Training, Hazardous Waste Operations Certifications, heavy equipment operator training, and welding certifications per API 1104 and/or ASME Section 9.
  - ii. All workers at an OGF shall have completed a nationally recognized occupational safety and health training program.
  - iii. Upon request from the County, the Operator shall supply the County written procedures detailing employee training requirements and training records.
- 8. Spill Prevention and Containment. Oil and gas operations shall be in compliance with COGCC safety and spill and release requirements.
  - a. Requirements to minimize and prevent liquid spills and releases include the following:
    - i. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank.
    - ii. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material.
    - iii. Inspection of all berms and containment devices at regular intervals, but not less than monthly. Berms shall be inspected within forty-eight (48) hours of a precipitation event of 1.0" or more, and Operator shall make necessary repairs as soon as possible, but not more than seventy-two (72) hours after the event.
    - iv. Maintain all berms and containment devices to ensure they are in good condition.
    - v. A prohibition on the storage or use of ignition sources inside the secondary containment area unless the containment area encloses a fired pressure vessel.
    - vi. Construction of containment berms using steel rings, designed and installed to prevent leakage and resist degradation from erosion or routine operation.
    - vii. Construction of secondary containment areas with a synthetic or engineered liner that contains all primary containment

vessels and flowlines and is mechanically connected to the steel ring to prevent leakage.

viii. For locations within 500 feet and upgradient of a surface water body or ground water source, tertiary containment, such as an earthen berm, around oil and gas facilities. Alternatively, the County may require Operator to install retention ponds for stormwater management.

ix. Discharge valves shall be secured, inaccessible to the public and located within the secondary containment area. Open-ended discharge valves shall be placed within the interior of the tank secondary containment.

b. Anchoring. Anchoring is required within floodplain or geological hazard areas, as needed to resist flotation, collapse, lateral movement, sinking, or subsidence, and in compliance with Federal Emergency Management Agency (FEMA). All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet in height and not greater than one (1) foot east of the guy line anchor.

9. Chemical Handling and Requirements

a. The owner or operator of any installation that is required to prepare or have available a safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., and regulations promulgated under that Act, shall submit both a safety data sheet (SDS) for each such chemical and an annual emergency and hazardous chemical inventory form to the Local Emergency Planning Commission (LEPC) and the local fire district. A comprehensive and universal listing of all hazardous chemicals stored, handled, and/or used on site must be maintained in an inventory list and must be made available to the County upon request.

b. Drilling and completion chemicals shall be removed at most sixty days after completion.

c. Operator shall provide to the County a copy of the chemical disclosure registry form provided to the COGCC pursuant to the COGCC's "Hydraulic Fracturing Chemical Disclosure" rule prior to conducting hydraulic fracturing.

d. The following toxic, including orally toxic chemicals shall not be added to the hydraulic fracturing fluid:

- i. Benzene
- ii. Lead
- iii. Mercury
- iv. Arsenic
- v. Cadmium
- vi. Chromium

- vii. Ethylbenzene
- viii. Xylene
- ix. 1,3,5-trimethylbenzene
- x. 1,4-dioxane
- xi. 1-butanol
- xii. 2-butoxyethanol
- xiii. N,N-dimethylformamide
- xiv. 2-ethylhexanol
- xv. 2-mercaptoethanol
- xvi. Benzene, 1, 1'-oxybis-,tetrapropylene derivatives, sulfonated, sodium salts
- xvii. Butyl glycidyl ether
- xviii. Polysorbate 80
- xix. Quaternary ammonium compounds, dicoco alkyldimethyl, chlorides
- xx. Bis hexamethylene triamine penta methylene phosphonic acid
- xxi. Diethylenetriamine penta
- xxii. FD&C blue no 1.
- xxiii. Tetrakis (triethanolaminate) zirconium (IV) (TTZ)

10. Emergency Preparedness and Response

- a. In General. Oil and gas operations shall not cause unreasonable risks of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, and hazardous material vehicle accidents or spills.
- b. Emergency Preparedness Plan. Each Applicant with an operation in the County is required to implement an emergency preparedness plan for each specific oil and gas facility. The plan shall be referred to the Office of Emergency Management (OEM), and the applicable fire district, filed with the County and updated on an annual basis or as conditions change (responsible field personnel change, ownership changes, etc.). The emergency preparedness plan shall consist of at least the following information:
  - i. Name, address, and phone number, including 24-hour emergency numbers for at least two persons located in or near Adams County who are responsible for emergency field operations.
  - ii. An as-built facilities map in a format suitable for input into the County's GIS system depicting the locations and type of above and below ground facilities including sizes, and depths below grade of all oil and gas gathering and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for emergency response

and management purposes. The information concerning pipelines and isolation valves shall be held confidentially by the County's OEM and shall only be disclosed in the event of an emergency. The County shall deny the right of inspection of the as-built facilities maps to the public pursuant to C.R.S. § 24-72-204.

- iii. Detailed information addressing each potential emergency that may be associated with the operation. This may include any or all the following: explosions, fires, gas, oil or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills. For each potential emergency, threshold / trigger levels shall be pre-identified that govern when an emergency state is declared by the Applicant.
- iv. The plan shall include a provision that any spill outside of the containment area or which has the potential to leave the facility or to threaten a water body shall be reported to the emergency dispatch and the Director immediately.
- v. Detailed information identifying site access, evacuation routes as determined by first responders, impact zones for each emergency scenario identifying impacted facilities, and buildings and health care facilities anticipated to be used.
- vi. Project specific emergency preparedness plans are required for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.
- vii. The plan shall include a provision that obligates the Applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency.
- viii. Detailed information that the Applicant has adequate personnel, supplies, and funding to implement the emergency response plan immediately at all times during construction and operations. Supplies can include adsorption boom, granulated materials, and coordination of foam supplies with the local first responders.
- ix. The plan shall include provisions that obligate the Applicant to keep onsite and make immediately available to any emergency responders the identification and corresponding Safety Data Sheets (SDS) of all products used, stored, or transported to the site. The SDS sheets shall be provided immediately upon request to the Director, a public safety officer, or a health professional. In cases of spills or other emergency events, the plan shall include provisions establishing a notification process to emergency responders of potential products they may

encounter, including the products used in the hydraulic fracturing fluids.

- x. The plan shall establish a process for informing surrounding neighbors and schools identified as being within the emergency impact zone of applicable emergency response plan and procedures.

11. Recycle, Reuse and Disposal of Fluids:

- a. Operator shall recycle drilling, completion, flowback and produced fluids unless technically infeasible.
- b. Exploration & Production (E&P) Waste may be temporarily stored in tanks while awaiting transportation to licensed disposal or recycling sites.
- c. Produced Water must be transported by pipelines unless economically or technically infeasible.

12. Stormwater Controls:

- a. Oil and gas operations shall be in compliance with COGCC rules related to stormwater management regulations and Adams County Stormwater Quality Regulations as contained in the Adams County Development Standards and Regulations / Ordinances and other applicable federal, state, and county requirements.
- b. The Owner or Operator must provide a stormwater management plan that identifies possible pollutant sources that may contribute pollutants to stormwater, best management practices, sampling procedures (if required), and inspections that, when implemented, will reduce or eliminate any possible water quality impacts.

13. Well Plugging and Abandonment:

- a. An Operator shall comply with all COGCC rules regarding well abandonment and reclamation, including, but not limited to, removal of all equipment from the location and restoring the surface of the land to its original state. Notice of well plugging and abandonment shall be submitted by the Operator to the Community and Economic Development Department at least seven (7) days prior to the commencement of decommissioning or plugging operations. Notice shall include, at a minimum, the approved Form 6 from COGCC, the surveyed coordinates of the decommissioned well or facility, planned or proposed access route(s), planned duration of activities, planned hours of operation, and a list of equipment to be utilized at the site.
- b. The Operator shall submit the COGCC required Notice of Intent to Abandon report to the County concurrently with the COGCC.
- c. Concurrently with notice to the County, notice shall be sent by the Operator or contractor to all property owners and current residents within one-half (1/2) mile of the Oil and Gas Facility, well, or site being decommissioned or plugged and abandoned. Notice shall occur at

least seven (7) days prior to commencement of decommissioning or plugging operations.

- d. Decommissioned oil and gas well assessment. Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, the Operator shall perform assessment and monitoring of plugged and decommissioned or removed from use, and dry and removed from use oil and gas wells (abandoned wells) within one-quarter mile of the projected track of the borehole of a proposed well. The assessment and monitoring include:
  - i. Identification of all abandoned wells located within one-quarter mile of the projected track of the borehole of a proposed well based upon examination of COGCC and other publicly available records,
  - ii. A Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account plugging and cementing procedures described in any recompletion or plugged and abandoned (P&A) report filed with the COGCC.
  - iii. Notification to the County and COGCC of the results of the risk assessment of the plugging and cementing procedures.
  - iv. Permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty days from receiving notice, the applicant shall not be required to test the abandoned well.
  - v. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing
  - vi. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within ninety (90) days after completion, and then every year after production has commenced if initial survey results suggest increased risk of leaking gas or water from the abandoned well.
  - vii. Notification of the results of the soil gas survey to the County and the COGCC within three weeks of conducting the survey or advising the County that access to the abandoned wells could not be obtained from the surface owner.
  - viii. In the event that contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the County has given its approval for additional operations to continue.

- e. Marking of plugged and abandoned wells. The Operator shall permanently mark by a brass plaque set in concrete, similar to a permanent benchmark to monument the plugged and abandoned well's existence and location. Such plaque shall contain all information required by the COGCC and the County.
14. Noise. The Operator shall control noise levels as follows:
- a. Prior to operations Operator shall obtain a baseline noise study that encompasses at least five (5) days, one of those days being a weekend. The Operator may use the baseline noise study submitted with the Development Application to fulfill this requirement, if that noise study is completed within twelve (12) months of any ground disturbing activities.
  - b. Beginning with construction and up to production, the County will require continuous noise monitoring for all oil and gas facilities located with one-half mile (1/2), or greater depending on the location, nature, and size of the facility, of the property line of any existing residences, schools, state licensed daycares or high occupancy building units. The County may require continuous noise monitoring be conducted by an approved third-party consultant based on the location, nature, and size of the facility.
  - c. The Operator shall conform to COGCC Regulations for noise level.
  - d. The Operator shall post 24-hour, 7 days per week contact information to deal with all noise complaints arising from Operator's oil and gas facility. Such posting shall be visible from the public rights-of-way.
  - e. For Oil and Gas Facilities located within 2,000 feet of a land use or zoning designation boundary the Operator shall be required to comply with the lower maximum permissible noise level as defined in COGCC regulations for noise of that corresponding land use or zone district.
    - i. For locations within 2,000 feet of a land use or zoning designation boundary, noise must be attenuated to the maximum permissible noise levels for the corresponding land use or zone district, as specified in COGCC rules, at the land use designation boundary as determined by the Director of Community and Economic Development.
  - f. The Operator shall update the noise modeling study or noise impact analysis if the planned or actual equipment at the Oil and Gas Facility is expected to produce noise levels that will exceed those previously presented to the County or if the noise modeling study or noise impact analysis was completed more than twelve (12) months prior to any ground disturbing activities.
  - g. To ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required based on the location, nature, and size of the facility:

- i. Acoustically insulated housing or cover enclosing the motor or engine;
    - ii. Noise management plan identifying hours of maximum noise emissions, type, frequency, and level of noise to be emitted, and proposed mitigation measures;
    - iii. Obtain all power from utility line power or renewable sources;
    - iv. Utilize the most current equipment to minimize noise impact during drilling, completions, and all phases of operation including the use of "Quiet Fleet" noise mitigation measures for completions;
    - v. Sound walls around well drilling and completion activities to mitigate noise impacts;
    - vi. Restrictions on the unloading of pipe or other tubular goods between 6:00 p.m. and 8:00 a.m.;
    - vii. Any abatement measures required by COGCC for high-density areas, if applicable.
    - viii. The use of electric drill rigs.
    - ix. Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.
    - x. Use of quiet design mufflers (also referred to as hospital grade or dual dissipative) or equivalent.
    - xi. The use of liquefied natural gas dual fuel hydraulic fracturing pumps.
  - h. Professional Consultant(s) Required: The baseline noise study and noise modeling shall be prepared by one (1) or more professionals deemed professionally qualified by the Community and Economic Development Department. Each professional shall be deemed qualified by the Department of Community and Economic Development based on education, professional certifications, experience in the field, and their understanding of the Adams County oil and gas regulations and COGCC rules pertaining to noise. The County shall maintain a list of qualified professional consultants. The applicant for an Oil and Gas Facility shall select one (1) or more individuals from the County's list of qualified consultants to prepare the required baseline noise studies and noise modeling reports.
  - i. Professional qualifications for review and consideration may be submitted to the County by the sound professional, the applicant, or the Operator.
15. Air Emissions: Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. § 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The Operator shall employ the following control

measures and operating procedures to avoid or minimize all emissions into the atmosphere.

- a. Air quality action days. Operator shall respond to air quality action day advisories posted by the CDPHE for the front range area by implementing suggested air emission reduction measures as feasible. Emissions reduction measures shall be implemented for the duration of an air quality action day advisory and may include measures such as:
  - i. Minimize vehicle and engine idling;
  - ii. Reduce truck traffic and worker traffic;
  - iii. Delay vehicle refueling;
  - iv. Suspend or delay use of fossil fuel powered ancillary equipment;
  - v. Postpone construction or maintenance activities, if feasible;
  - vi. Postpone well maintenance and liquids unloading activities that would result in emission to the atmosphere.
- b. Leak Detection and Repair (LDAR). Operator shall develop and maintain an LDAR program using modern leak detection technologies for equipment used at the facility that complies with applicable Air Quality Control Commission (AQCC) Regulations and the following requirements:
  - i. Inspections must occur at least semi-annually; more frequent inspections may be required based on the nature, location, and size of the facility.
  - ii. Any leaks discovered by Operator, including any verified leaks that are reported to Operator by a member of the public, shall be reported to the County no later than twenty-four hours after discovery. The Operator shall maintain a weekly log of all reported leaks and shall make that log available upon request from the County.
  - iii. Operator shall repair leaks in accordance with AQCC Regulation 7 LDAR repair provisions such that repair of an identified leak is initiated no later than 5 working days from the date of discovery and completed within 30 days. If the leak presents an imminent hazard to persons or property, the Operator may not operate the affected component, equipment or pipeline segment until the Operator has corrected the problem and notified the County of the successful repair. In the event of leaks that do not pose an imminent hazard to persons or property, if more than 30 days repair time is needed after a leak is discovered, Operator shall contact the County and provide an explanation of why more time is required.
  - iv. Plan shall include detailed recordkeeping of the inspections for leaking components.

- v. At least once per year, the Operator shall notify the County five (5) business days prior to an LDAR inspection of its facilities to provide the County the opportunity to observe the inspection.
- c. Well Completions and Emissions Control
  - i. Operators shall utilize EPA Reduced Emission Completions for oil wells and gas wells.
  - ii. Operators shall utilize closed loop, pitless drilling, completions systems without permanent on-site storage tanks for containment and/or recycling of all drilling, completion, and flowback fluids. Any emissions must be routed to and controlled by a flare or combustor operated with at least a 98% destruction removal efficiency.
- d. Combustion Devices
  - i. For any flares or combustion devices used, manufacturer test or other data must be maintained and demonstrate that the device has a destruction removal efficiency of 98% for hydrocarbons.
  - ii. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:
    - (a) The flare and or combustor shall be fired with natural gas.
    - (b) The flare and or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions are defined as the observation of smoke for any period or periods of duration greater than or equal to one minute in any fifteen minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.
    - (c) The flare and or combustor shall always be operated with a flame present when emissions may be vented to it.
    - (d) All combustion devices shall be equipped with an operating auto-igniter.
    - (e) If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained at all times in the flare's pilot light burner. A telemetry system shall be in place to monitor pilot flame and shall activate a visible and audible alarm in the case that the pilot goes out.

- (f) If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually, and a device shall be installed and used to continuously monitor the electric arc ignition system.
- e. Well Liquids Unloading
  - i. Best management practices during liquids unloading activities are required including the installation of artificial lift, automated plunger lifts and at least 90% emissions reductions when utilizing combustion to control any venting.
  - ii. If manual unloading is permitted, Operator shall remain onsite.
- f. General air quality protection measures.
  - i. Operators should work to limit truck traffic to and from the site.
  - ii. Hydrocarbon emissions control of at least 98% or better for crude oil, condensate, and produced water tanks with uncontrolled actual emissions of Volatile Organic Compounds (VOCs) greater than two tons per year (TPY) VOCs.
  - iii. No venting other than if necessary for safety or during an emergency or as otherwise allowable in COGCC rules.
  - iv. Operators should consolidate product treatment and storage facilities within a facility.
  - v. Operators should centralize compression equipment within a facility.
- g. Site-specific air quality protection measures. To eliminate or minimize air emissions, the County may require any or all of the following depending on the size, location and nature of the facility:
  - i. Ambient Air Monitoring. An air monitoring plan that describes how the operator will conduct baseline monitoring within 500 feet of a proposed facility prior to construction and conduct monitoring during the drilling, completion, and production phases of development. The plan may include monitoring for all potential emissions, including but not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NO<sub>x</sub>), Particulate Matter (PM), and Fine Particulate Matter (PM 2.5). Operator shall pay for the baseline and ongoing monitoring. Baseline and continuous monitoring shall be done by a consultant approved of by the County. Any continuous monitoring system shall be able to alert the operator of increases in monitored air pollutant concentrations.
  - ii. Implementation of tankless production techniques.
  - iii. The use of zero emission dehydrators.
  - iv. Use of a pressure-suitable separator and vapor recovery unit (VRU) where applicable.

- v. Pipeline infrastructure for produced water, natural gas, crude oil, and condensate constructed and placed into service prior to the start of any fluid flow from any wellbore.
- vi. The use of no-bleed continuous and intermittent pneumatic devices. This requirement can be met by replacing natural gas with electricity or instrument air or routing the discharge emissions to a closed loop-system or process.
- vii. Automated tank gauging.
- viii. Flaring shall be eliminated other than during emergencies or upset conditions; all flaring shall be reported to the county

16. Odors:

- a. Operator shall implement and maintain, an odor mitigation plan that demonstrates how the Operator will minimize odors from its operations and comply with Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emissions, 5 CCR 1001-4, Regulation No. 3, 5 CCR 1001-5, and Regulation No. 7, 5 CCR 1001-9 sections VII and VIII. The plan shall also provide a plan for timely responding to odor complaints from the community, and for identifying and implementing additional odor control measures to control odors emanating from the Oil and Gas Facility.
- b. Operator shall notify the County's LGD no later than 24 hours after receiving odor complaint.
- c. Operator shall prevent odors from oil and gas facilities from affecting the health and welfare of the public by proactively addressing and, to the fullest extent, resolving complaints filed by members of the community, in coordination with County and Tri-County Health Department staff.
- d. In response to an odor-related complaint, the County may require the Operator to provide a complete description of all activities occurring at the Oil and Facility and measures or actions taken to reduce odors to the County's LGD within 24 hours upon request.
- e. The Director of Community and Economic Development may require an Operator to collect and analyze a speciated air sample to measure for volatile organic compounds or hazardous air pollutants in response to an odor-related complaint. Speciated air sample collection shall be done utilizing a third-party vendor approved by the County.
- f. To ensure compliance with the odor mitigation plan, the County may require the Operator to implement any of the following measures depending on the size, location, and nature of the facility:
  - i. Adding an odorant which is not a masking agent or adding chillers to the mud systems.

- ii. Using filtration systems or additives to minimize odors from drilling and fracturing fluids except that operator shall not mask odors by using masking fragrances.
- iii. Enclose shale shaker to contain fumes from exposed mud, where safe and feasible,
- iv. Wipe down drill pipe each time drilling operation “trips” out of hole
- v. Increasing additive concentration during peak hours provided additive does not create a separate odor. Additive must be used per manufacturer’s recommended level.
- vi. Requiring the use of, at a minimum, low odor Category III drilling fluid.

17. Dust.

- a. Operator shall minimize dust pollution associated with onsite activities and traffic.
- b. No untreated produced water or other process fluids shall be used for dust suppression.
- c. The Operator shall avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body unless the dust suppressant is water.
  - i. Safety Data Sheets (SDS) for any chemical-based dust suppressant shall be submitted to the County prior to use.
- d. To ensure the Operator controls dust, one or more of the following may be required based on the location, nature, and size of the facility:
  - i. Ceasing all earthwork activities when wind speeds equal or exceed 30 MPH at any time measured by onsite anemometer,
  - ii. The use of reduced speed restrictions,
  - iii. Approved dust suppression activities,
  - iv. Ceasing ongoing truck traffic causing fugitive dust, until Operator has minimized dust to acceptable levels.

18. Visual Aesthetics.

- a. All permanent equipment on an Oil and Gas Facility, regardless of construction date, which are observable from any public highway, road, or publicly maintained trail will be painted in uniform, non-contrasting, nonreflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape. Fencing shall be required around all well site equipment, including, but not limited to, storage tanks, well heads, and meters if the well site is visible from a subdivision west of Imboden Road. Such fencing shall screen equipment, provide safety precautions, and be compatible with the surrounding environment. Should fencing apply to a well site, the design and construction of such fencing shall be approved by the Community and Economic Development

Department prior to the construction of any site. If a chain link fence is required to achieve safety requirements set by the COGCC, then landscaping and other screening mechanisms shall be required that comply with the County's Development Standards and Regulations and the Operator's safety requirements. Operator shall be responsible for obtaining consent by surface owner allowing any required fencing.

- i. Required sound walls shall comply with a color scheme approved by the County, blending with natural background.
  - b. Operator shall be required to provide maintenance funding through bonding to ensure funds are available for upkeep of any planted vegetation throughout the duration of operations, including production. Weed control is required at the facility and along access roads until final reclamation and abandonment. All landscaping shall be in compliance with County requirements and in compliance with the safety requirements of the Operator. Existing vegetation shall be minimally impacted. Motorized equipment shall be restricted to the well sites and access roads to the well sites. Operator is responsible for obtaining consent by surface owner allowing landscaping as well as automatic irrigation for landscaping in urban mitigation areas and/or parks/recreation areas. All plant materials shall be kept in a healthy growing condition at all times.
  - c. Site access and security. Site shall be properly secured during all phases of operations, including, but not limited to, security fencing or barriers to prevent unauthorized access to site. Site shall be properly secured prior to the start of drilling.
19. Lighting. The Operator shall minimize light escaping the facility as follows:
- a. All lighting shall be directed downward and inward and use fully shielding bulbs to prevent light emissions above a horizontal plane drawn from the bottom of the fixture.
  - b. Operator shall conform to COGCC Regulations for lighting standards.
  - c. Operator shall provide sufficient on-site lighting to ensure the safety of personnel on or near the site.
  - d. If the facility has a noise barrier (sound walls, etc.), the Operator shall install facility lighting beneath the noise barrier, except for drilling rig lights.
  - e. To ensure the Operator controls light escaping from the facility, one or more of the following may be required based on the location, nature, and size of the facility:
    - i. The use of timers or motion sensor lighting,
    - ii. The use of full cut-off lighting,
    - iii. The use of reduced light intensity colors and low-glare or no-glare lighting.

20. Community Outreach.

- a. The Operator shall hold quarterly neighborhood meetings from initial permit approval by the County, through the completion of the first wellbore, or longer as determined by the Director of Community and Economic Development for all oil and gas facilities located within one mile (1) of any existing residences, platted residential development, high occupancy building units, school facilities, or state licensed daycare centers. The Operator shall hold additional quarterly neighborhood meetings for each subsequent return to the Oil and Gas Facility for any drilling or completion operations if there have been no neighborhood meetings held for a period of six consecutive (6) months or more. Notice for quarterly neighborhood meetings shall be sent by the Operator to all property owners, current residents, or school facility or childcare center administrators within one mile (1) at a minimum, or greater, as determined by the Director of Community and Economic Development, of the facility. Notice for the quarterly neighborhood meetings shall occur at least 14 days prior to the meeting.
- b. At the quarterly neighborhood meetings, the Operator shall provide an update on the status of any pending permits with the County, state or federal agencies associated with facility, an overview of all planned or ongoing operations at the Oil and Gas Facility and allow those in attendance to ask questions and provide input related to the facility.
- c. The location, timing, and format of the quarterly neighborhood meetings will be approved by the County.
- d. The Operator shall provide a recording or summary of the neighborhood meeting, which includes, at a minimum, a list of attendees and their contact information, if provided, format of the meeting, an overview of comments or questions received, and the Operator's responses to the County within seven (7) days of the meeting.
- e. The County may require one or more of the following based on the location, nature, and size of the facility:
  - i. The Operator to provide written and digital materials in languages other than English;
  - ii. The Operator to provide interpretation services at neighborhood meetings and;
  - iii. The Operator to hold additional neighborhood meetings to accommodate resident or property owner input.

21. Cumulative Impacts. Operators shall evaluate and address the potential cumulative impacts from the Oil and Gas Facility, and all reasonably foreseeable development associated with other oil and gas activity and heavy industrial operations within one mile (1), at a minimum, of the Oil and Gas

Facility. Operators shall minimize, avoid, mitigate, and offset cumulative impacts from oil and gas operations to the extent technically feasible. This may be achieved through a suite of best management practices, engineering, or operations controls, and/or compensatory measures.

- a. The evaluation and review of cumulative impacts may require the submission of quantitative and/or qualitative analysis and data for the following impact areas, at a minimum:
  - i. Air Quality;
  - ii. Public Health and welfare, including nuisance-type impacts;
  - iii. Traffic;
  - iv. Water resources;
  - v. Wildlife, Ecosystems, and Soil.
- b. The Operator shall follow all COGCC regulations and standards that address cumulative impacts related to noise, odor, dust, and light.
- c. An Operator may submit substantially equivalent plans, data, or analyses as required in COGCC rules for addressing and evaluating cumulative impacts.

## 22. Transportation and Traffic

- a. General: Oil and gas operations shall minimize impacts to the physical infrastructure of the County transportation system.
- b. Mud tracking. Operator shall take all practical measures to prevent mud and dirt tracking onto public right of ways and shall remove tracked mud and dirt within a reasonable time not to exceed four hours.
- c. Private Roads. The Operator shall construct (unless already constructed) and maintain an access road designed to meet County and fire district standards and support an imposed load of 75,000 pounds that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks or recompletions of existing wells, unless a local fire department or fire district agrees to a different or lesser standard or waived by the County. With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least twenty (20') feet wide (unless waived by the local fire district and the County's Public Works Department) with a Class 6 road base, or as approved by the local fire district, at least nine inches (9") thick. Best efforts will be made to improve inadequate access to existing tank battery sites identified by the fire district or County, based on service calls and demonstrated problems of accessing the site. Operator and County agree that spot inspections of access roads may be done by the County and/or appropriate emergency response

agency, at such County or agency's sole risk and expense, to ensure that emergency access in accordance with this section is maintained. Operator is required to maintain and repair any damaged roads within ten (10) business days of County notice. Operator will assure that temporary access roads are reclaimed and reseeded with an appropriate native seed mixture within sixty days of discontinued use. Erosion shall be controlled in accordance with the Erosion and Sediment Control Plan while the roads are in use.

- d. Public Roads. Operator shall utilize existing roads and access points where practical and apply for and obtain access permits for its oil and gas facilities from the County's Public Works Department.
- i. Requirements for the access permit may include the following:
  - (a) A location that provides a safe entrance and exit that accommodates the type and volume of traffic using the access and reduces impact to residents on local roadways;
  - (b) Haul route and traffic data;
  - (c) Pre and post inspection of roadways used by the Operator;
  - (d) Collateral or bond to ensure that road damage caused by the Operator is repaired;
  - (e) Dust control (material used for dust control must be pre-approved by the County);
  - (f) Road maintenance agreement during drilling phase; and
  - (g) Payment of all applicable fees.
- ii. Operator shall exercise reasonable efforts to minimize heavy truck traffic on local roads within residential neighborhoods between the hours of 9 p.m. and 6 a.m.
- iii. Operator shall work with and show written evidence that the applicable school district(s) has been consulted to minimize traffic conflicts with school buses when schools are in session.
- iv. Operator shall obtain any legally valid and applicable oversize and/or overweight moving permit from the County's Public Works Department for all vehicles that exceed legal vehicle dimensions or weights as specified by the Colorado Department of Transportation and the County's Development Standards and Regulations.
- e. All applicable transportation fees shall be paid prior to issuance of a notice to proceed, including without limitation:
  - i. Access permit fees
  - ii. Oversize/overweight permit fees
  - iii. Right of way construction permit fees; and
  - iv. Traffic impact and road maintenance fees.

23. Water and Wildlife Protection.

- a. Water Bodies and Water Quality:
  - i. General. Oil and gas operations shall not cause adverse impacts to surface or ground waters within Adams County. Operators shall comply with all Adams County rules, COGCC Regulations, and applicable water quality standards set by the Colorado Department of Public Health and Environment and Colorado Water Quality Control Commission.
  - ii. The owner or Operator shall provide the County with the information it provides to the COGCC ensuring compliance with the water quality protection standards contained in COGCC Regulations.
  - iii. The owner or Operator shall provide all water source test results to the County and maintain records of such results.
  - iv. The owner or Operator shall make available to the County upon approval by the COGCC, its plans concerning downhole construction details and installation practices, including casing and cementing design selected to protect surface waters and source water aquifers from contamination.
  - v. Wastewater Injection Wells used for produced water disposal are prohibited in Adams County.
  - vi. Floodplain. Any disturbance within a 100-year floodplain will be allowed if the Operator has obtained a Floodplain Use Permit from the County and has complied with all of the County's legally adopted floodplain and engineering regulations. A "100-year floodplain" shall be, for purposes of this Section, a "Special Flood Hazard Area" as identified and mapped by the Federal Emergency Management Agency's National Flood Insurance Program and adopted by the County.
- b. Water source sampling and testing: Using records of the Colorado Division of Water Resources, the applicant shall be required to identify and offer to sample all available water sources located within one-half mile of the proposed facility. All sampling must be conducted by third-party consultant approved of by the County. Sampling requirements include:
  - i. Initial baseline samples and subsequent monitoring samples.
  - ii. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months.
  - iii. Post-stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:
    - (a) One sample within six months after completion;

- (b) One sample between twelve and eighteen months after completion;
  - (c) One sample between sixty and seventy-two months after completion;
  - (d) For multi-well pads, collection shall occur annually during active drilling and completion.
- iv. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the facility. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the facility until samples from a total of at least one up-gradient and two down-gradient water sources are collected. Operators should give priority to the selection of water sources closest to the facility.
- v. An Operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all of the constituents measured in Table 4-11-A, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.
- vi. The Operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the Operator is unable to locate and obtain permission from the surface owner of the water source, the Operator shall advise the Director of Community and Economic Development that the applicant could not obtain access to the water source from the surface owner.
- vii. Testing for the analytes listed in Table 4-11-A, and subsequent testing as necessary or appropriate.
- viii. Standard industry procedures in collecting samples, consistent with the COGCC model Sampling and Analysis Plan, shall be followed.
- ix. Reporting the location of the water source using a GPS with sub-meter resolution.
- x. Field observations. Reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.
- xi. Test results. Provide copies of all test results described above to the County, the COGCC, and the water source owners within three months after collecting the samples.

xii. Subsequent sampling. If sampling shows water contamination, additional measures may be required including the following:

- (1) If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).
- (2) If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.
- (3) Immediate notification to the County, the COGCC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l.
- (4) Immediate notification to the County, the COGCC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes.
- (5) Further water source sampling in response to complaints from water source owners.
- (6) Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the Director of Community and Economic Development, the COGCC, and the water source owners.

c. Wildlife Resources

- i. General: Operators shall avoid, minimize, and mitigate adverse impacts to wildlife resources. Wildlife Resources, as used in these regulations shall mean the COGCC definition.
- ii. Operators shall comply with all COGCC Regulations for wildlife impacts.
- iii. Operators shall actively engage Colorado Parks and Wildlife, where applicable, for the sake of avoiding, minimizing, and mitigating wildlife impacts.
- iv. Operators shall share all findings, recommendations, and reports resulting from any consultation with Colorado Parks and Wildlife with the County within seven (7) days.

24. Flammable material. The area twenty-five (25) feet around anything flammable shall be kept free of dry grass or weeds, conform to COGCC safety standards and applicable fire code. The operator's conceptual review application and application shall be reviewed by the serving fire district.

Table 4-11-A: Water Quality Analytes	
GENERAL WATER QUALITY	Alkalinity Conductivity & TDS Ph Dissolved Organic Carbon (or Total Organic Carbon) Bacteria Hydrogen Sulfide
MAJOR IONS	Bromide Chloride Fluoride Magnesium Potassium Sodium Sulfate Nitrate + Nitrite as N (total)
METALS	Arsenic Barium Boron Chromium Copper Iron Lead Manganese Selenium Strontium
DISSOLVED GASES AND VOLATILE ORGANIC COMPOUNDS	Methane Ethane Propane BTEX as Benzene, Toluene, Ethylbenzene, Xylenes Total Petroleum Hydrocarbons (TPH)
OTHER	Water Level Stable isotopes of water (Oxygen, Hydrogen, Carbon) Phosphorus

25. Removal of debris. All excess debris shall be removed during construction activities. Site shall remain free of debris and excess materials at all times

during operations. Burning of debris and other materials is strictly prohibited at all times.

26. Removal of equipment. No permanent storage of equipment. When no longer used, equipment shall be removed within thirty days unless a Temporary Use Permit for said storage is obtained from the County.
27. Maintenance of machinery. Routine field maintenance of equipment involving hazardous materials within 300 feet of any water body is prohibited. All fueling shall occur over impervious material and shall not be done during storm events. Operator shall operate and maintain all equipment in accordance with manufacturer specifications. Regular maintenance checks are required for all equipment.
28. Burning. No open burning of trash, debris, or other flammable materials.
29. Chains. Traction chains shall be removed from heavy equipment on public streets.
30. Off-location flow lines and crude oil transfer lines
  - a. Off-location flow lines and crude oil transfer lines regulated by the COGCC shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and designated open space.
  - b. Without compromising pipeline integrity and safety, applicant shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
  - c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case basis in consideration of the size and type of pipeline proposed and features of the proposed site.
  - d. Operator must conduct leak detection inspections or pressure testing in order to identify flowline leaks or integrity issues in accordance with COGCC Regulations.
  - e. Operator must make available to County upon request all records required to be kept by COGCC
  - f. Buried pipelines shall have a minimum of four feet cover.
31. Gathering Lines
  - a. Gathering lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; surface water bodies; and designated open space.
  - b. Without compromising pipeline integrity and safety, Operator shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize impact.
  - c. Setbacks from residential, commercial, or industrial buildings, places of public assembly, the high-water mark of any surface water body and sensitive environmental features will be determined on a case-by-case

- basis in consideration of the size and type of pipeline proposed and features of the proposed site.
- d. Operator must make available to County upon request all records submitted to the Pipeline and Hazardous Materials Safety Administration (PHMSA) or the Public Utilities Commission (PUC) including those related to inspections, pressure testing, pipeline accidents and other safety incidents.
32. Temporary surface water lines
- a. Operator shall use temporary surface water lines, unless infeasible.
  - b. Operator shall not use County drainage culverts or ditches for laying and operation of temporary water lines.
  - c. Operator may use County Road Right-of-Way, for the laying and operation of temporary water lines on the surface and in accordance with Adams County Standards and Regulations only after the approval of all applicable County permits,
  - d. Operator will bury temporary water lines at existing driveway and gravel road crossings, if available, with County approval.
33. Financial Assurance.
- a. Operators shall be required to maintain environmental liability insurance to cover gradual pollution events.
  - b. Operator shall be required to file and maintain financial assurance as determined on a site-specific basis prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Should any corrective actions be required by the County in order to protect the health, safety, welfare, and the environment which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
34. Mapping Information. Operator shall agree to provide coordinates and/or exact location of well sites to the County's GIS Department within forty-eight (48) hours of final completion of a well site in a format acceptable to the County. Any subsequent changes to a well site location shall also be provided to the County within forty-eight (48) hours of such changes.

**4-11-02-03-03-04**

***INSPECTION AND ENFORCEMENT***

- 1. Inspection: In recognition of the potential impacts associated with oil and gas facilities, all wells and accessory equipment and structures may be examined by the inspectors of the County at reasonable times to determine compliance with applicable provisions of this chapter, the International Fire Code, the International Building Code, and all other applicable standards in these Regulations. The County

reserves the right in its discretion to make spot inspections or to inspect without notice in the event of an issue potentially involving an immediate risk to public health, safety, welfare, the environment, or wildlife, or damage to the property of another. For the purpose of implementing and enforcing the provisions of this chapter, the inspector and other authorized personnel have the right to enter upon private property. The County may use the information collected on the inspections to enforce the requirements of this chapter. The County may also report this information to appropriate state and federal officials, including but not limited to information regarding alleged violations of state and federal rules. Operator shall make available to County, upon request, all records required to be maintained by these regulations or to show compliance with these regulations, and the rules and regulations promulgated by the COGCC and the CDPHE, including permits, Air Pollutant Emission Notices (APENs) and other documents required to be maintained by the COGCC, CDPHE and these regulations. The County will charge a yearly inspection fee for all Oil and Gas Facilities in the County. Fees for Oil and Gas Facility inspections shall be assessed according to the County's adopted fee schedule.

2. State Notification of Violations: Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
3. Delinquent Taxes: One condition of any oil and gas well building permit is that all taxes as provided by statute, shall be paid.
4. Penalties and Fines: The County has authority under C.R.S. § 29-20-104, as amended, to impose fines for leaks, spills, and emissions.<sup>1</sup> The following table summarizes the fine schedule for violations of these Development Standards and Regulations:

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<sup>1</sup> Violations of Section 4-10-02-03-03(15) are capped at \$300/day per violation in accordance with the State Air Pollution Control Act, C.R.S. § 25-7-128.

		<b>Rule Classification</b>		
		Class 1: Paperwork other ministerial regulations, a violation of which presents no direct risk of harm to public health, safety, welfare, and the environment.	Class 2: Regulations related at least indirectly to promoting the public health, safety, welfare, and the environment and wildlife resources, a violation of which presents a possibility of distinct, identifiable actual or threatened adverse impacts to those interests	Class 3: Regulations directly related to protecting public health, safety, welfare, the environment, and wildlife resources, a violation of which presents a significant probability of actual or threatened adverse impacts to those interests.
<b>Degree of threatened or actual impact to public health, safety, welfare, the environment, or wildlife</b>	<u>Major:</u> Actual significant adverse impacts	\$5,000	\$10,000	\$15,000
	<u>Moderate:</u> Threat of significant adverse impacts, or moderate actual adverse impacts	\$1,500	\$5,000	\$10,000
	<u>Minor:</u> No actual adverse impact and little or no threat of adverse impacts	\$200	\$2,500	\$5,000

TABLE 4-11-B: Fine Structure

6. County Violations: In addition to the fines outlined above, the County has authority to cite violations under its control pursuant to Section 1-05-06 Criminal Remedies and Enforcement.
7. Legal Non-conforming: Adams County recognizes that there are oil and gas operations that were legally established prior to the effective date of these regulations that may or may not conform to these regulations. These operations may continue, provided the facility is not substantially modified.
8. Hearing, Enforcement and Appeal Procedures for Air Quality Violations
  - a. Hearings:
    - i. Operators of OGFs may request a hearing in front of the BOCC to contest any alleged violations of the provisions contained in the Air Quality section of these Development Standards and Regulations or to contest permitting decisions involving the provisions contained in the Air Quality section of these Development Standards and Regulations. The BOCC shall grant request for a hearing within 15 days of receipt of such request.
    - ii. Hearing date will be set within 90 days

- iii. Notice will be printed in a newspaper of general circulation in the area where the OGF is located.
  - iv. Director of Community and Economic Development shall appear as a party in all hearings adjudicating decisions of the Community and Economic Development Department.
  - v. The Director of Community and Economic Development shall have the same right to judicial review as other parties.
  - vi. All testimony shall be under oath or affirmation.
  - vii. A full and complete record of proceedings and testimony presented shall be taken and filed.
  - viii. Information related to secret processes or methods of manufacture or production must be kept confidential. The person seeking to keep information confidential has the burden of proof. Except as provided in the Clean Air Act, information claimed to be related to secret processes or methods of manufacture or production which is emissions data may not be withheld as confidential; except such information may be submitted under a claim of confidentiality and the County shall not disclose such information unless required under the Clean Air Act.
  - ix. Any person who is affected and not adequately represented shall have an opportunity to be a party upon prior application to and approval by the BOCC in its discretion; such party shall have the right to be heard and cross-examine witnesses.
  - x. BOCC shall make a decision within 30 days of completion of the hearing
  - xi. Burden of proof is on Director of Community and Economic Development with respect to any hearings involving alleged violations.
  - xii. Where the Operator requests a hearing before the BOCC on a Permit involving provisions contained in the Air Quality section of these Development Standards and Regulations, the permit applicant bears burden of proof with respect to justification therefor and information, data, and analysis supportive thereof or required with respect to the application
- b. **Judicial Review:**
- i. Final orders or determinations of the Community and Economic Development Director or the BOCC are subject to judicial review
  - ii. Any party may move the court to remand the case to the Director of Community and Economic Development or the BOCC in the interests of justice for purpose of adducing additional evidence and findings; such party shall show reasonable grounds for failure to adduce such evidence previously.
  - iii. Any proceeding for judicial review shall be filed in the district court in which the OGF is located.
- c. **Injunctions:**

- i. If any person fails to comply with a final order of the Director of Community and Economic Development or the BOCC that is not subject to a pending administrative or judicial review, or in the event of a violation of an emission control regulation, or term or condition of a permit, the Director of Community and Economic Development or the BOCC may request the District Attorney for the district court in which the air pollution source is located to bring suit for an injunction
  - ii. In proceedings brought to enforce an order of the of the Director of Community and Economic Development or BOCC, a temporary restraining order or preliminary injunction, if sought, shall not issue if there is probable cause to believe granting such order or injunction will cause serious harm to the affected person or any other person and; (1) that the alleged violation or activity will not continue or be repeated; or (2) the granting of such temporary restraining order or preliminary injunction would be without sufficient corresponding public benefit.
- d. **Coordination with the Air Quality Control Commission**
  - i. Pursuant to section 25-7-128(4), C.R.S., upon the issuance of any enforcement order or granting of any permit, the County shall transmit to the AQCC a copy of the order or permit. Pursuant to section 25-7-128(6), C.R.S., the County shall confer and coordinate its activities regarding efforts to control or abate air pollution consistent with that provision.

4-11-02-03-03-05

**RESIDENTIAL CONSTRUCTION STANDARDS**

- 1. **Residential Construction Standards:** The Director of Community and Economic Development may impose any one (1) or more of the following standards on a specific site basis as a condition of subdivision approval and/or building permits on platted or unplatted land:
  - a. The oil and gas well location shall include a two-hundred-fifty (250) foot buffer in the form of an easement on the Final Plat. No structures may be constructed within the buffer area.
  - b. Access to the oil and gas well location shall be provided by a public street or recorded easement for private access.
  - c. The Final Plat shall include notice to prospective buyers of the location of the oil and gas well and associated easements.
  - d. All oil and gas well flow lines and/or easements shall be graphically depicted on the Final Plat.
  - e. All surface and subsurface agreements shall be noted on the Final Plat by the recorded book and page number.
  - f. Pursuant to Section 4-07-01-02-01-12, where a new home and/or other permanent structure with plumbing is constructed within three hundred (300) feet of an existing oil and gas well, the property owner shall submit a signed waiver acknowledging the existence of the facility.

2. **Plugged and Abandoned, and Former Oil and Gas Production Sites:** This Section is enacted to protect and promote the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future residents of the County. These regulations are based upon the land use authority of the County.
- a. Prior to submittal of a final plat or site-specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent benchmark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission and the County.
  - b. As a condition of review of any final plat or site-specific development plan which contains a plugged and abandoned well or former oil and gas production site or is within 200 feet of such well or site, the owner shall submit a location diagram of the location of the well.
  - c. On every final plat or site-specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.
  - d. Every final plat and site specific development plan which contains a plugged and abandoned well or a site specific development that includes a property that is less than 200 feet from a plugged and abandon well, shall include the following notation: "The owner shall disclose to prospective purchasers of lots within a radius of 200 feet of the plugged and abandoned well of (1) the location of the plugged and abandoned well, (2) the location of the maintenance and workover setback, and (3) the purpose for the well maintenance and workover setback."
  - e. As a condition of building permit review, no dwelling shall be constructed within fifty (50) feet of a plugged and abandoned well.
  - f. Prior to issuance of a grading permit within a development containing a known reserve pit site, the reserve pit site shall be tested for expansive soils. Reserve pits containing expansive soils in locations proposed for buildings shall be subject to the provisions of the International Building Code.
  - g. No utility lines shall be installed within ten feet of any plugged and abandoned well.

4-11-02-03-03-06

**COGCC AND COUNTY APPROVALS REQUIRED**

Development of the OGF shall not commence unless and until applicant receives an approved OGF Permit, including any approved waiver(s), and receives all required approvals and permits from COGCC.

**4-11-02-04 HEAVY INDUSTRY**

4-11-02-04-01

**GENERAL**

1. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-11-01-03) of these standards and regulations.
2. *Garbage Storage:* Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk
3. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.
4. *Hours of Operation:* The hours of operation shall be from 7:00 a.m. to 7:00 p.m. for this use category when within two-hundred feet of a residentially used dwelling.

4-11-02-04-02

**AUCTION YARDS, WITH LIVESTOCK**

1. *Minimum Parcel Area:* one (1) acre
2. *Location:* All auction yards shall be located at least fifty (50) feet away from any on-property residence, fifty (50) feet from any right-of-way and five hundred (500) feet from any off-property residence.
3. *Operation in Accordance with County Tax Regulations:* The yard shall operate in accordance with the County Sales and Tax Department Regulations.
4. *Animal Care:* All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture and the State Veterinarian's Office.
5. *Manure Handling:* Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department.

4-11-02-04-03

**CHEMICAL, PETROLEUM AND EXPLOSIVE MANUFACTURING**

1. *Minimum Parcel Area:* three (3) acres
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine existing services provide adequate protection for citizens.

3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
4. *Security Fence and Fireproof Building:* The use shall be totally enclosed by a fireproof building.
5. *Prohibited Accessory Uses:* Service stations, dwellings, or research laboratories are not considered accessory uses involved in the manufacture and storage of chemicals, petroleum products, or explosives.

**4-11-02-04-04*****METAL INDUSTRIES, AUTOMOBILE MANUFACTURING***

1. *Minimum Parcel Area:* three (3) acres
2. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
3. *Security Fence:* The use shall be totally enclosed by a security fence or wall at least eight (8) feet high.

**4-11-02-04-05*****PAPER AND PULP AND SAWMILLS***

1. *Minimum Parcel Area:* two (2) acres
2. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

**4-11-02-04-06*****SALVAGE YARDS***

1. *Screening:* The salvage operations and yards shall be enclosed by a screen fence at least eight (8) feet high, measured from the lowest point of grade. The fence shall be maintained in good condition. No stored materials shall be visible from ground level immediately outside the fence.
2. *Stored Materials:* The applicant shall demonstrate the stored materials will not pose a danger to surrounding properties or residents, due to noise, runoff, animal or insect populations or other factors.
3. *Additional Conditions:* The Director of Community and Economic Development may add additional conditions in order to protect the general welfare of citizens.

**4-11-02-04-07*****RECYCLING FACILITIES, INCLUDING SCRAP TIRE***

1. *Fencing:* An eight (8) foot solid screen fence or security fence, with additional screening material, as approved by the Director of Community and Economic Development, shall enclose all outside storage.
2. *Traffic Control Plan:* Provisions of the traffic control plan shall be followed.
3. *Nuisance Control Plan:* Provisions of the nuisance control plan shall be followed.
4. *Appearance:* All sites shall maintain a clean, neat, and orderly appearance. Stockpiles of materials may only be placed as specified in the design and operation plan.

5. *Recordkeeping*: All operators shall maintain records showing amounts of stockpiled materials both processed and unprocessed that are consistent with the amounts allowed in the Permit. In addition, records containing customer lists and records showing amounts of recycled material shipped off site shall be maintained.
6. *Performance Bond*: Prior to commencing operations, and thereafter during the active life of the facility, and for one (1) year after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be \$3.00 per tire including unprocessed and processed tire amounts allowed in the Permit for tire recycling facilities and the amount necessary to remove materials from recycling facilities for disposal at an appropriate disposal facility. The amount of the bond shall be calculated to include removal, tipping fees, and transportation costs. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
7. *Removal of Trash from Right-of-Way*: Operators shall remove trash, or other waste material, of the type, which is brought to the facility, along public rights-of-way within one-half (1/2) mile of the facility.

4-11-02-04-08

**SOLID WASTE TRANSFER STATIONS**

1. *Removal of Trash from Right-of-Way*: Operators shall remove trash, or other waste material, of the type, which is brought to the transfer station, along all public rights-of-way within one-half (1/2) mile of the facility.
2. *Performance Bond*: Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with operating conditions of the Permit, the amount of which shall be established by the Board of County Commissioners. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
3. *Environmental Bond*: Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post a bond sufficient to ensure compliance with the closure

plan, and to effect remedial measures if environmental damage is found to be taking place.

4. *Traffic Control Plan*: Provisions of the approved traffic control plan shall be followed.
5. *Fencing*: Eight (8) foot solid screen fencing or other screening material as approved by the Director of Community and Economic Development shall enclose all transfer stations.
6. *Appearance*: All sites shall maintain a clean, neat, and orderly appearance. Litter, dust, and odors may not leave the boundaries of the site.
7. *Vehicle Parking*: Transfer vehicles may not be parked on public streets.
8. *Vector Controls*: All sites shall maintain vector controls as prescribed by the approved plan.
9. *Storage of Solid Waste*: All solid wastes not transferred within 24 hours shall be stored in closed containers or in totally enclosed buildings. In no case may solid waste be stored longer than seven (7) days.
10. *CDPHE Regulations*: Colorado Department of Public Health and Environment Regulations 6CCR 1007-2, Section 7 are hereby incorporated in these Zoning Regulations.
11. *Non-Conforming Facilities*: All trash transfer stations in existence or approved through a public hearing process specifically to operate a trash transfer station, prior to the adoption of this amendment, are considered legally non-conforming. Existing trash transfer station owners and operators meeting said specification will not be required under these regulations to obtain a Conditional Use Permit to continue operations.

4-11-02-04-09

**OUTDOOR STORAGE IN EXCESS OF 100% OF THE BUILDING AREA**

1. All outdoor storage shall be screened in accordance with the fencing, walls, and screening section (see Section 4-09-01-03) of these standards and regulations.
2. All outdoor storage shall not exceed the height of the fence, unless specifically approved by the board of county commissioners as part of the conditional use permit.
3. All outdoor storage shall consist of non-hazardous materials as determined by the Colorado Department of Public Health and Environment.
4. All outdoor storage shall be designed with adequate access areas and shall meet all requirements of the local fire district.
5. Outdoor storage in excess of 100% of the building area within the Industrial-2 and Industrial-3 zone districts shall meet the following:
  - A. Outdoor storage in excess of eighty percent (80%) of the entire lot or 10 acres shall require an approved conditional use permit.
  - B. Outdoor storage consisting of less than eighty percent (80%) of the entire lot or 10 acres shall be considered a use-by-right in the I-2 and I-3 zone district and shall meet the above criteria.

**4-11-02-05 LIGHT INDUSTRY**

4-11-02-05-01

**GENERAL**

1. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-11-01-03) of these standards and regulations.
2. *Garbage Storage:* Any garbage storage area shall be enclosed by a sight-obscuring fence made of wood or masonry material. Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
3. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-11-02-05-02

**AUCTION HOUSES, WITHOUT LIVESTOCK**

1. *Minimum Parcel Area:* one (1) acre
2. *Setback from Residential Properties:* All auction houses shall be located at least fifty (50) feet away from any on-property residence, fifty (50) feet from any right-of-way and two hundred (200) feet from any off-property residence.

4-11-02-05-03

**DRY CLEANING PLANTS**

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine the existing services provide adequate protection for citizens.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4-11-02-05-04

**ELECTRONIC, FABRIC, FURNITURE, AND MEDICAL SUPPLY PRODUCTION**

1. *Minimum Parcel Area:* one (1) acre
2. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
3. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

4-11-02-05-05

**FOOD PRODUCT PROCESSING AND MANUFACTURING**

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine the existing services provide adequate protection for citizens.
3. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.

4-11-02-05-06

**RECREATIONAL VEHICLE AND BOAT STORAGE FACILITY**

1. *Minimum Lot Size:* two (2) acres
2. *Fencing:* All storage of vehicles and boats shall be within the enclosed structure or within a compound yard enclosed by an eight (8) foot high solid fence or wall, except for driveway openings. Fencing shall be made of wood or masonry materials. No fencing shall be allowed within a required landscape bufferyard.
3. *Surface material:* All vehicles shall be stored on a hard-surfaced material.
4. *Emergency Access:* Vehicles shall be arranged in a neat and orderly manner so that emergency vehicles, such as fire trucks and ambulances, may be able to access within one hundred (100) feet of any portion of the property. In addition to this requirement, all operations shall comply to the requirements of the local fire district.
5. *Wastewater Dumping Station:* All facilities designated for recreational vehicle storage shall be required to include a wastewater dumping station. These facilities are required to be permitted by the Tri-County Health Department. Wastewater Dumping Station shall be located a minimum of one hundred (100) feet from any property line.

4-11-02-05-07

**LANDSCAPE STORAGE YARD**

1. *Outdoor Storage:* Outdoor storage of rock, soil, mulch, and other non-living landscaping materials, and equipment, is permitted. Equipment and material storage areas must be screened from view from adjacent parcels and road right-of-way by an eight-foot-high minimum screen fence. Only products, materials, and equipment owned and operated by the landscape business may be stored on the site.
2. Any nursery which contains ten (10) percent or more of the approved living nursery area for hardscape materials shall be classified as a Landscape Storage Yard. Hardscape includes but is not limited to the storage of rock, soil, mulch, and other non-living landscape materials and equipment.
3. All commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight and/or hardscape used for the landscape storage yard business shall be screened from any adjoining residentially zoned or used property with an eight (8) foot solid screen fence in accordance with the approved landscape plan.
4. In all Agricultural Zone Districts, no more than two (2) commercial vehicles and/or equipment in excess of seven thousand (7,000) pounds gross vehicle weight used for the landscape storage yard business shall be allowed per acre with a maximum of five (5) unless otherwise permitted through a Conditional Use Permit.

4-11-02-05-08

**ACCESSORY OUTDOOR STORAGE (NOT TO EXCEED 100% OF THE BUILDING AREA)**

1. All outdoor storage shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-10-01-03) of these standards and regulations.
2. All outdoor storage shall not exceed the height of the fence, unless specifically approved by the Board of County Commissioners as part of the Conditional Use Permit.
3. All outdoor storage shall consist of non-hazardous materials as determined by the Colorado Department of Public Health and Environment.
4. All outdoor storage shall be designed with adequate access areas and shall meet all requirements of the local fire district.

**4-11-02-06 ENERGY FACILITIES**

4-10-02-06-01

**SOLAR ENERGY SYSTEM, PRINCIPAL**

1. *Site Plan:* A site plan review is required for large-scale solar energy systems prior to building permit approval. Site Plan documents shall include:

- a. Property lines and physical features, including roads, for the project site;
  - b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - c. Blueprints or drawings of the solar energy system showing the proposed layout of the system, the distance between the proposed solar collector and all property lines, and the tallest finished height of the solar collector;
  - d. Name, address, and contact information for proposed system installer; and
  - e. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- Lot Coverage: The area covered by ground-mounted solar energy systems, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage for purposes of zoning.
2. *Location:* All solar panels and equipment (excluding fencing, poles, buried cables, and wires necessary to connect to facilities of the electric utility) shall meet the minimum setbacks for the applicable zone district. Additional setbacks may be required to mitigate noise and visual impacts, or to provide for designated road or utility corridors, as identified through the review process.
  3. *Maximum Height:* The height shall be measured from the highest grade below each solar panel. Ground-mounted solar energy systems shall not exceed twenty (20) feet in height.
  4. *Signage:* Clearly visible warning signs shall be placed on the fence, barrier, or facility perimeter to inform individuals of potential voltage hazards.
  5. *Security:* All solar panels and equipment (excluding poles and wires necessary to connect to facilities of the electric utility) shall be enclosed by a fence at least six (6) feet high. Wildlife-friendly fence options are encouraged.
  6. *Landscape Requirements:* Ground-mounted solar energy systems shall be evaluated on a site-specific basis and landscaping may be required. Native grasses and wildflower mixes are encouraged.
  7. *Fire Code:* The solar energy system shall conform to all requirements of the currently adopted fire code. Landscape requirements per this section are in addition to any fire break requirements of the adopted fire code.
    - a. *Vegetation Management Plan:* A site-specific plan will be provided by the operator that outlines how vegetation will be kept to

minimum levels on the perimeter of the facility. This may include treatment, mowing, and/or other methods of fuel-reduction.

8. *Lighting*: If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel. Motion sensor control is preferred.
9. *Stormwater/Erosion Mitigation Plans*: For ground mounted systems, regardless of size, applicant must provide plan(s) showing what measures or best management practices will be used to prevent and/or contain erosion under the drip line of the solar panels.
10. *Wildlife Corridors*: For Medium and Large Energy Systems, wildlife corridors shall be maintained within natural drainages by leaving those areas open and free of obstruction.
11. *Decommissioning*: Any solar energy system which is no longer producing energy or has been abandoned shall be removed, not including a temporary cease in production for maintenance or force majeure. The owner or operator shall physically remove the installation within 150 days after the date of discontinued operations. The owner or operator shall notify the Adams County Community & Economic Development Department by certified mail within 30 calendar days of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
  - a. Physical removal of all solar energy systems, structures, and equipment from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c. For ground-mounted solar energy systems, stabilization, or re-vegetation of the site as necessary to minimize erosion. Adams County may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

#### **4-11-02-07 MODERATE MANUFACTURING AND PROCESSING**

##### **4-11-02-07-01 CEMENT, CINDER BLOCK, CONCRETE, LIME OR PLASTER MANUFACTURING**

1. *Outdoor Activities*: Manufacturing shall be performed or carried out entirely within an enclosed building. If an accessory outdoor storage permit is obtained, no more than ten percent (10%) of that area may be used for assembly of products. Any outdoor assembly area must be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-10-01-03) of these standards and regulations. When this use is located in an Industrial-2 or Industrial-3 zone district, the manufacturing

does not need to be performed or carried out entirely within an enclosed building.

2. *Outdoor Storage:* Materials may be stored outdoors, provided the storage area is consistent with the zone district allowances. All outdoor storage shall be screened in accordance with the Fencing, Walls, and Screening section (See Section 4-11-01-03) of these standards and regulations. Separate permits are required for accessory outdoor storage.
3. *Garbage Storage:* Any garbage storage area shall be enclosed by a sight-obscuring fence made of wood or masonry material. Garbage area screening shall consist of a six (6) foot high minimum screen fence made of wood or masonry material. Fencing materials should be cleaned and maintained must be clean and maintained at all times to present an orderly appearance. No garbage storage area shall be located within twenty (20) feet of a public sidewalk.
4. *Dust and other off-site impacts:* Dust, noise and other off-site impacts must be appropriately mitigated to reduce the effects on adjacent parcels.
5. *Lighting:* Lighting shall be shielded and downcast such that the light does not spill onto adjacent parcel(s) or rights-of-way.
6. *Hours of operation:* When abutting residentially zoned or used property, hours of operation shall be restricted to 7:00 a.m. to 7:00 p.m.
7. *Conditional use permit required in the I-1 zone district:* When cement, cinder block, concrete, lime, or plaster manufacturing cannot meet any of the items 1-5 above in the I-1 zone district, then a conditional use permit shall be required. If items 1-5 above can be met in the I-1 zone district, then the use shall be a permitted use.

## **4-12 RECREATIONAL USES PERFORMANCE STANDARDS**

### **4-12-01 GENERAL PERFORMANCE STANDARDS**

#### **4-12-01-01 PURPOSE**

The purpose of the following general performance standards is to address elements of planning, design, operation and maintenance to be applied to all recreational development in Adams County. Any use specific performance standards contained in these standards and regulations shall also be applied. Where a use specific performance standard conflicts with a general performance standard, the use specific standard shall apply.

#### **4-12-01-02 SUBSECTIONS**

The following general performance standards are included in this section:

1. Project Compatibility
2. Fencing and Walls
3. Lighting

The following general performance standards are located in other sections of these standards and regulations:

1. Parking (See Section 4-13)
2. Signage (See Section 4-01)
3. Landscaping (See Section 4-16)
4. Weeds and Offending Vegetation (See Section 4-18)
5. Site Design Considerations (See Section 4-21)
6. Operational Standards (See Section 4-14)
7. Off-Road Utility, Dumpster, Recycling, and Trash Handling Facilities (See Section 4-22)
8. Off-Premise Signs (See Section 4-16)

#### **4-12-01-02-01 PROJECT COMPATIBILITY**

##### **4-12-01-02-01-01 Purpose**

The purpose of this section is to ensure the physical and operational characteristics of proposed structures and uses are compatible when considered within the context of the surrounding area. While it is important that structures are compatible with other development in the area, it is most important that development support the parks and open space goals of the zone district in which the use is located. For this reason, there are no specific architectural standards that are required for recreational uses.

11/9/2021

4-12-01-02-01-02

***Architectural Character***

The character of structures dedicated to recreational uses should be compatible with the general character of the area, to the extent practicable. Compatibility can be achieved through techniques such as the use of similar proportions in structure mass and outdoor spaces, similar relationships to the road, similar window and door patterns, and/or the use of building materials with color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry are considered compatible with wood framing and other materials.

4-12-01-02-01-03

***Structure Size, Height, Bulk, Mass, Scale***

New structures shall either be similar in size and height, or if larger, be articulated and subdivided into massing proportional to the mass and scale of other structures in the immediate vicinity.

4-12-01-02-01-04

***Structure Orientation***

Placement of structures shall be based on operational needs for the spaces, as well as natural features that should be highlighted or retained. To the maximum extent feasible, primary facades and entries shall face the adjacent road. Main entrances shall face a connecting walkway with a direct pedestrian connection to the road without requiring pedestrians to walk through parking lots or cross driveways. Any restroom facilities should be screened, to the extent practicable, from surrounding properties. Entrances to restroom facilities should be fully visible from public areas on the property.

4-12-01-02-01-05

***Building Materials***

1. *General:* Building materials shall either be similar to the materials already being used in the immediate area or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure enough similarity exists for the structure to be compatible, despite the differences in materials.
2. *Glare:* Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal or reflective glass, the potential for glare from such materials will be evaluated to determine whether or not the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.
3. *Windows:* Mirror glass with a reflectivity or opacity of greater than sixty percent (60%) is prohibited. Clear glass shall be used for institutional front windows or doors. Windows shall be individually defined with detail

elements such as frames, sills, and lintels, and placed to visually establish and define the structure stories and establish human scale and proportion.

4-12-01-02-01-06

***Land Use Transition***

When land uses with significantly different visual character are proposed adjacent to each other and where gradual transitions are not possible or not in the best interest of the community, the proposed structure shall, to the maximum extent feasible, achieve compatibility through compliance with the standards set forth in this Section regarding scale, form, materials, and colors and adoption of operational standards including limits on hours of operation, lighting, placement of noise-generating activities and similar restrictions.

4-12-01-02-01-07

***Operational/Physical Compatibility Standards***

The following conditions may be imposed upon the approval of development applications to ensure new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

1. Hours of operations and deliveries
2. Location of activities generating potential adverse impacts on adjacent uses such as noise and glare
3. Placement of trash receptacles
4. Location and screening of loading and delivery zones
5. Light intensity and hours of full illumination
6. Placement and illumination of outdoor vending machines

4-12-01-02-02

***FENCING, WALLS AND SCREENING***

4-12-01-02-02-01

***Maximum Height***

In the Neighborhood Park (NP) Zone, fences shall be limited to no more than seventy two (72) inches; within the Regional Park (RP) and Natural Areas (NA) Zone Districts, fences shall be limited to ninety six (96) inches. All fences more than forty-two (42) inches in height require a building permit. Permitted exceptions to these maximum heights include:

1. When a recreational use is adjacent to existing or proposed arterial roads or state highway. Fences bordering such roads may be uniformly built higher with approval from the Director of Community and Economic Development.
2. Safety fences required for recreational uses, such as tennis courts, are permitted to be built higher with approval from the Director of Community and Economic Development.
3. Fences associated with public outdoor pools, as outlined in section 4-12-02-02-03.

11/9/2021

4-12-01-02-02-02

***Fencing Material***

Fencing consisting of only barbed wire is prohibited unless in or immediately adjacent to Agricultural areas. Barbed wire fencing is allowed by right in the Natural Areas (NA) Zone District. Low and transparent fences are encouraged to provide open views for parks and open spaces and to support wildlife crossings.

4-12-01-02-02-03

***Retaining Wall***

Any retaining wall over four (4) feet in height shall require preparation by a professional engineer as a condition for a building permit, except where waived by the Director of Community and Economic Development. As determined by the Director of Community and Economic Development any retaining wall over thirty-six (36) inches in height may require a guard rail up to five (5) feet in height and placed at the top of grade.

4-12-01-02-02-04

***Traffic View Obstruction***

Traffic view obstruction, as outlined in these standards and regulations, is prohibited.

4-12-01-02-02-05

***Screen Fencing***

Screen fencing is required to conceal outside storage from all adjacent road right-of-way and lesser intensity uses. Screening is not required between storage yards provided neither yard is visible from an adjacent road right-of-way. This section does not affect required landscaping along street frontages or buffering requirements contained in these regulations. In all practicable cases, the screen fencing addressed below shall be behind the required landscaping. The Director of Community Development shall determine what form of screening is appropriate to accomplish visual buffering.

4-12-01-02-02-06

***Garbage Area Screening***

Garbage area screening shall consist of a six (6) foot high minimum screen fence.

4-12-01-02-02-07

***Outdoor Storage Screening***

Outdoor storage area screening shall consist of a six (6) foot high minimum screen fence. Outdoor storage shall not be allowed above the height of the fence.

4-12-01-02-02-08

***Masonry Wall***

All walls specified to be masonry fencing shall be constructed out of a brick or stone material which does not permit the contents within the fenced area to be seen from the outside.

4-12-01-02-02-09

***Noise Barrier Fencing***

Where existing and proposed arterial roads or state highways traverse or are adjacent to areas of proposed recreational development the Director of

Community and Economic Development may require noise barrier fencing be installed. Such fencing shall meet the minimum standards of the Colorado Department of Transportation and these standards and regulations.

#### **4-12-01-02-03                      *LIGHTING***

##### **4-12-01-02-03-01                      *Operational Considerations***

Public and quasi-public recreational facilities such as baseball, softball, soccer, or football fields are exempt from lighting height restrictions and glare limitations onto adjacent properties provided the lights are only used while the field is in use. Reasonable Hours of Operation limitations may be placed on any recreational use by the Director of Community and Economic Development.

#### **4-12-02      PERFORMANCE STANDARDS BY USE CATEGORY**

The following specific performance standards are included in this section:

1. Indoor Public Uses
2. Outdoor Public Uses
3. Performance standards for residential uses, institutional uses, commercial uses and industrial uses permitted in a recreational zone district may be found in Sections 4-07, 4-08, 4-09, and 4-10.

#### **4-12-02-01      INDOOR PUBLIC USES**

##### **4-12-02-01-01                      *GENERAL***

1. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06). Property owners who develop near existing parks shall maintain landscape character of the existing park use.
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

#### **4-12-02-02      OUTDOOR PUBLIC USES**

##### **4-12-02-02-01                      *GENERAL***

1. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06). Property owners who develop near existing parks shall maintain landscape character of the existing park use.
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.

3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

**4-12-02-02-02*****PICNIC AREAS, PARKS, AND PLAYGROUNDS***

1. *Setbacks:* Picnic areas, parks, and playgrounds shall be setback twenty (20) feet from all abutting residentially or commercially zoned properties unless designed as an accessory use to an adjacent use.
2. *Hours of Operation:* Outdoor activities shall not begin before 7:00 a.m. and shall conclude by 9:00 p.m. when abutting residentially zoned or used property. Special events, with a temporary use approval, may be approved for alternate hours.
3. *Lighting:* Lighting for all facilities shall be turned off by 9:15 p.m, or as otherwise approved through a temporary use review.
4. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building or structure.
5. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.

**4-12-02-02-03*****SWIMMING POOLS, PUBLIC***

1. *Setbacks:* Swimming pools shall be set back one fifty (50) feet from abutting residential and commercial zone districts and uses.
2. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
3. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
4. *Certified Lifeguard:* At least one (1) certified lifeguard shall be on duty during all hours of operation.
5. *Fencing:* Fencing height and location for public swimming pools shall be governed by requirements of the International Building Codes, as adopted by Adams County.

**4-12-02-02-04*****ANIMAL RELATED OUTDOOR, PUBLIC***

1. *Screened Parking:* Off-road parking for the guests shall be screened with landscaping meeting the requirements of a Type C Bufferyard (See Section 4-16-06). Property owners who develop near existing parks shall maintain landscape character of the existing park use
2. *Setbacks:* Animal related shall be set back at least one-hundred (100) feet from abutting residential and commercial zone districts and uses.

3. *Outdoor Storage:* Accessory outdoor storage is prohibited. All facilities for storage of supplies shall be located within a building.
4. *Garbage Storage:* Any garbage storage area located outside shall be screened from public view in accordance with Section 4-08-01-02-02-05 of these standards and regulations.
5. Minimum lot area: the following animal related outdoor uses require a minimum lot area for site function:
  - Aquarium: 10 acres
  - Botanical: 10 acres
  - Wildlife Preserve: 50 acres
  - Zoo: 20 acres
6. *Fencing:* Fencing height and location for animal related outdoor public use shall be governed by requirements of the International Building Codes, as adopted by Adams County.
7. *No offensive impacts:* There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

## **4-14 OTHER DESIGN STANDARDS AND CONSIDERATIONS**

### **4-14-01 OPEN SPACE RESIDENTIAL DEVELOPMENTS**

#### **4-14-01-01 DESIGN STANDARDS**

In order to preserve open space, tree cover, scenic views and other natural features, the Board of County Commissioners may permit a property owner to increase the density of development of an area by as much as fifty percent (50%) and allow a reduction in the minimum size of lots by not more than fifty percent (50%) provided the development conforms to all applicable regulations for residential subdivisions and the following requirements. This reduction is implemented as part of a P.U.D.

#### **4-14-01-02 OPEN SPACE/CONSERVATION AREA REQUIRED**

The owner shall commit a minimum of thirty percent (30%) of the property to open space or conservation. No lot committed to open space/conservation shall be less than two (2) acres in area.

#### **4-14-01-03 ACCEPTABLE OPEN SPACE/CONSERVATION AREA**

No open area may be accepted as common open space or conservation area within an open space residential development unless it meets the following requirements:

1. The location, size, and character of the common open space/conservation area is suitable for the residential development or agricultural use;
2. The common open space/conservation area is for preservation of natural flora and fauna, amenity or recreational purposes, or agricultural use; and
3. The uses authorized within the open space/conservation area are appropriate to the scale and character of the development, considering its size, density, expected population, topography and the number and type of dwellings provided, or appropriate for agricultural use.

#### **4-14-01-04 IMPROVEMENT OF OPEN SPACE**

Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses, which are authorized for the common open space.

#### **4-14-01-05 USE OF OPEN SPACE/CONSERVATION AREAS**

No more than twenty-five percent (25%) of the minimum required open space shall be designated for active recreation purposes in order to preserve a reasonable proportion of natural areas on the site. The purposes for which open space areas are proposed shall be documented.

Conservation areas zoned Conservation (CO) may be used based on the use restrictions in said zone district.

**4-14-01-06 CONCENTRATION OF OPEN SPACE/CONSERVATION AREAS**

Where practical, open space/conservation areas shall be concentrated in large usable areas.

**4-14-01-07 CONTIGUITY OF OPEN SPACE/CONSERVATION AREAS**

Where possible, open space/conservation areas shall connect to adjacent off-site open space areas and designated greenways. Where the intended use of the conservation area is agricultural, the conservation area shall be connected to adjacent off-site agricultural area.

**4-14-01-08 PRIORITIZATION OF OPEN SPACE TYPES**

The following list represents the relative desirability of different types of open space/conservation areas, and should be used as the basis for determining the optimum location for open space/conservation areas within a proposed Open Space Subdivision:

1. Critical areas including riparian areas and floodplain.
2. Pastures and farmland currently or traditionally used for agriculture.
3. Trails and greenways.
4. Significant stands of trees.
5. Mature vegetation on ridgelines.

**4-14-01-09 CALCULATION OF OPEN SPACE/CONSERVATION AREA**

The calculation of open space/conservation areas shall include all common public or privately held open space/conservation areas but shall exclude all right-of-way for public roads and the easement width for private roads, and storm water facilities. Individual private residential lot areas shall not be included in the open space/conservation area calculation.

**4-14-01-10 OWNERSHIP OF OPEN SPACE**

Land shown on the final plat as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by, and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws and adopt and improve a declaration of covenants and restrictions on the common open space acceptable to the County in providing for the continuing care of the space.

2. A public agency or district, which agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it.

#### **4-14-01-11 OWNERSHIP AND ZONING OF CONSERVATION AREAS**

Land shown in the final plat as a conservation area shall be rezoned Conservation (CO) and shall be maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the conservation area. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws and adopt and improve a declaration of covenants and restrictions on the conservation area acceptable to the County in providing for the continuing care of the space.
2. A public agency or district, which agrees to maintain the conservation area and any buildings, structures, or other improvements, which have been placed on it.

The conservation area may be held in private ownership where the intended purpose of the conservation area is agricultural use. The maintenance of the conservation area in private ownership shall be approved by the Board of County Commissioners based on the appropriateness of the land's continued agricultural use and the adequacy of the proposed maintenance plan.

#### **4-14-01-12 MAINTENANCE OF OPEN SPACE/CONSERVATION AREAS**

A maintenance plan shall be submitted and approved as part of the Open Space Subdivision process. The maintenance plan shall meet the landscape and open space/conservation maintenance requirements contained in Section 4-24. Where the Conservation Area is intended to be used for agriculture, the maintenance plan shall be approved by the Conservation District and shall meet the requirements of Section 4-24.

#### **4-14-01-13 RELATIONSHIP TO PARKS AND OPEN SPACE REQUIREMENTS**

All Open Space Subdivisions shall also meet the parkland dedication requirements of the Adams County Subdivision Regulations. Open space/conservation areas established for the purpose of meeting the requirements of this Section shall not be counted toward the parkland dedication requirements contained in the Adams County Subdivision Regulations.

### **4-14-02 NATURAL, AGRICULTURAL, AND CULTURAL RESOURCES PROTECTION**

#### **4-14-02-01 PURPOSE**

The purpose of the Natural, Agricultural, and Cultural Resources Protection standards is to: (1) provide for the protection of natural, wildlife, agricultural, and cultural resources, which are an essential component of the community's economic base and establish the

character of the community; and (2) preserve and enhance the quality-of-life County residents enjoy.

#### 4-14-02-02 OVERVIEW

There are four (4) subsections to accomplish the purpose of this Section.

1. Resources Review
  - a. *Purpose:* The purpose of this subsection is to coordinate the application of all resource protection standards, the standards of the Natural Resources Conservation Overlay (NRCO), and agricultural and cultural resources preservation objectives.
  - b. *Methodology:* This subsection specifies the types of projects for which a Resources Review must be performed, the content of the Resources Review, and the procedure by which projects requiring a Resources Review are processed.
2. Natural Resources Protection and Natural Resources Conservation Overlay (NRCO)
  - a. Individual Protected Resources
    - (1) *Purpose:* The purpose of this subsection is to protect the following individual natural resources:
      - (a) Waterbodies
      - (b) One Hundred (100) Year Floodplains
      - (c) Wetlands
    - (2) *Methodology:* The above listed resources and their subcategories are specifically defined by these standards and regulations. The subsection specifies the mechanisms used to protect the identified resources.
  - b. Natural Resources Conservation Overlay (NRCO) District
    - (1) *Purpose:* The purpose of the Natural Resources Conservation Overlay District (NRCO) is to protect areas of identified exceptional environmental value, such as wildlife habitat areas, or areas hazardous for development, such as floodplains. The overlay zone district is established as a means of assuring these lands are treated in a particularly sensitive manner to protect the associated natural resources.
    - (2) *Methodology:* The NRCO District specifies the mechanisms used to protect the identified resources. Specifically, the standards are established to help assure natural resources are identified and adequate mitigation is implemented in association with development to assure the long-term protection of important habitat for wildlife as a cohesive and functional system throughout the County. Development is to be designed to protect the areas wildlife needs to survive; therefore, development is to be kept outside of the NRCO, as much as possible.
    - (3) *Mapping:* The areas within the NRCO District are shown on the Adams County Zoning Map, which has been adopted as part of these standards

and regulations. These boundaries are approximate due both to the scale of the map and the difficulty in identifying vegetation and other land characteristics for a large area.

3. Cultural Resources Preservation
  - a. *Purpose:* The purpose of this subsection is to identify and protect important cultural resources in association with proposed development.
  - b. *Methodology:* This subsection describes what cultural resources are significant and a series of mechanisms and their objective of cultural resources protection.
4. Agricultural Preservation:
  - a. *Purpose:* The purpose of this subsection is to identify the mechanisms in these standards and regulations and otherwise utilized by Adams County for the purpose of promoting agricultural preservation.
  - b. *Methodology:* This subsection describes the following mechanisms and their objective of agricultural preservation. These mechanisms include agricultural district zoning, conservation district zoning, land uses permitted in agricultural zone districts, exemptions for regulations for agricultural uses, and open space subdivision standards.

#### **4-14-02-03     RESOURCES REVIEW**

##### **4-14-02-03-01     *PURPOSE***

This subsection establishes a Resources Review to coordinate the application of all resource protection standards, the standards of the Natural Resources Conservation Overlay District (NRCO), and agricultural and cultural resource preservation objectives. This subsection further defines the methodology and standards for conducting the Resources Review. The review shall identify the natural, scenic, cultural, and agricultural resources defined in these standards and regulations, and describe how the proposed development will be designed in order to preserve these resources and to meet the standards of this subsection.

##### **4-14-02-03-02     *APPLICABILITY***

All development proposals subject to the provisions of the NRCO District, and any activity, including subdivisions, which disturb an area of one (1) acre or more, shall comply with the provisions of this subsection unless specifically exempted below.

##### **4-14-02-03-03     *EXEMPTIONS***

The following activities and development shall be exempt from this subsection.

1. *Agriculture:* Activities conducted for agricultural purposes.
2. *Development within an Approved Project:* All development pursuant to a project approval already received from Adams County.

3. *Single-Family Home*: Development of a single-family home provided:
  - a. The location proposed for the single-family home is not within the NRCO;
  - b. The single-family home is the only residence on the individual lot or parcel or the density on the site is less than or equal to one (1) dwelling unit per thirty-five (35) acres of base site area; and
  - c. The application for development demonstrates compliance with all setback/buffer standards specified in the Individual Protected Resources and NRCO District subsections of these standards and regulations.
4. *Expansion*: Expansion of an existing building or the addition of an accessory structure to a residential single-family dwelling.

4-14-02-03-04

**METHODOLOGY**

1. *General Content*: A Resources Review shall describe the existing conditions of the property, describe the development proposal and the rationale for the location of proposed open space, if applicable, and a description of how the proposal meets all the applicable standards and objectives of this Section and the Adams County Comprehensive Plan.
2. *Site Specific Content*: A Resources Review for all proposed developments not otherwise exempted, shall contain the following components, as applicable to the property proposed for development and the proposed project.
  - a. *Individual Protected Resources Component*: The Resources Review for property containing protected resources shall contain an individual protected resources component including maps and/or plans depicting the location of water bodies, one hundred (100) year floodplains, and wetlands. This component also shall describe the level to which all resources are either conserved or developed, depict the setbacks/buffers of all resources for which setbacks/buffers are required, and contain a mitigation plan, if applicable.
  - b. *NRCO Component*: A Resources Review shall contain a NRCO component including a site-specific review identifying the location of areas used by wildlife as habitat or migration routes and any area protected by the NRCO District, and plans identifying how the proposed development on the land complies with the standards of the NRCO District.
  - c. *Cultural Resources Component*: A Resources Review shall contain a cultural resources component including a written review of the proposed development, depicts the locations of all cultural resources and includes plans identifying how the proposed development on the land complies with the standards of the Cultural Resources subsection.
  - d. *Agricultural Component*: A Resources Review shall contain an agricultural component identifying the location of agricultural land and describes

related agricultural operations, such as irrigation practices, occurring on the land.

3. *Recommendations:* A Resources Review shall contain recommendations for mitigating any negative impacts of the proposed development on the natural, cultural and agricultural resources. The review also shall contain recommendations for resolving conflicting objectives when the Resources Review identifies areas where such conflicts exist.
4. *Priorities:* In reviewing and approving, approving with conditions, or denying an application containing lands regulated by more than one (1) resource category, the Standards for Development in the NRCO District shall be achieved to the maximum extent practical first. The requirements of the individual protected resources shall generally receive second priority but may receive first priority in instances where the individual protected resource would be greatly damaged by development and the damage can be avoided by a change in development design creating a minimal impact to the NRCO.
5. *Professional Consultant(s) Required:* The Resources Review shall be prepared by one (1) or more professionals who have been certified as "qualified" by the Community and Economic Development Department. Individuals may be certified to prepare one (1) or more components of a Resources Review depending upon their qualifications. Each professional shall be deemed qualified by the Department of Community and Economic Development based on education, professional certifications, experience in the field, and their understanding of these standards and regulations, and the Adams County Comprehensive Plan. The Department of Community and Economic Development may form a multi-departmental committee to assist in the certification of consultants.
6. *Selection of Consultant(s):* The County shall maintain a list of qualified professional consultants. The developer of a project requiring a Resources Review shall select one (1) or more individuals from the list of certified consultants to prepare the review. The County also can select a consultant from the same list to review the work of the developer's consultant. In these instances, the County's consultant shall be paid by the County.

4-14-02-03-05

**PROCEDURE**

The Resources Review shall be consolidated and considered with the review necessary to obtain the first development permit for the proposed development for which the review is conducted.

**4-14-02-04 INDIVIDUAL PROTECTED RESOURCES AND NRCO DISTRICT**

4-14-02-04-01

**PURPOSE**

Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing water resources, and contributing to the

special scenic quality of Adams County. Reserving the one hundred-year (100) year floodplain protects against the loss of life and property during flood events. The purposes of this Section are to define critical resources, and establish protection standards for waterbodies, floodplains, and wetlands.

4-14-02-04-02

***INDIVIDUAL PROTECTED RESOURCES (WATERBODIES, ONE HUNDRED (100) YEAR FLOODPLAINS, AND WETLANDS)***

1. *Purpose:* This Section establishes the protection standards for waterbodies, floodplains, and wetlands, in order to protect the community as a whole from potential negative impacts caused by development which may affect these resources or their functions. This Section prohibits development on and within a certain distance of these resources.
2. Resource Definitions
  - a. *Waterbodies:* "Waterbodies" means natural features or manmade reservoirs (i.e., rivers, streams, lakes), which convey or contain surface water.
  - b. *River:* "River" means the South Platte River and Clear Creek.
  - c. *Stream:* "Stream" means a body of running water which is neither one of the identified rivers nor an irrigation ditch, and has one (1) or more of the following characteristics:
    - (1) Has an average annual flow of three (3) cfs or greater including return water from sub-irrigation practices.
    - (2) Provides a habitat area for one (1) or more species of fish or waterfowl.
  - d. *Natural Lake/Pond:* A "natural lake/pond" means a body of standing water, usually at least six (6) feet deep, which was created by natural processes.
  - e. *Riparian Plant Community:* Riparian plant communities associated with watercourses in Adams County shall be delineated using "Riparian Community Type Classification of Colorado", USDA Forest Service, 1990.
  - f. *Floodplains:* "Floodplains" means land adjacent to a watercourse which is subject to flooding as a result of the occurrence of the 100-year or one percent (1%) frequency flood of a watercourse. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.
  - g. *Wetlands:* "Wetlands" means an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Delineation of wetlands in the County shall be according to the 1989 Army Corps of Engineers definition of jurisdictional wetlands. This definition excludes irrigation induced wetlands.
3. *No Development or Setbacks/Buffers Required:* Due to the risk of severe negative impacts on the community at large, if waterbodies, floodplains, and

wetlands are wholly or partially developed, and the necessity to protect the natural functions of these resources, development of these resources is prohibited in most cases and a setback/buffer is required.

4. *Development Prohibited:* Development in waterbodies, the one hundred (100) year floodplain, wetlands, and significant wildlife habitat is prohibited except for essential facilities as specified below.
  - a. *Setback/Buffers Required*
    - (1) *Measurement:* Setbacks shall be measured from the mean high water or top of bank, whichever is farthest from the thread of the watercourse or the center of the waterbody.
  - b. *Setback/Buffer Definitions*
    - (1) *Buffer:* The area protected by the setback is the "buffer" and shall remain free from development, parking, open storage of vehicles, refuse, or any other material. Terrain disturbance for bona fide agricultural purposes, flood protection, wildlife habitat enhancement, or pathways are permitted in the buffer upon receipt of applicable permits.
5. *Minimum Setback/Buffer Required:* All development is required to be setback from specified resources as follows:
  - a. *Rivers:* Minimum one-hundred-fifty (150) feet.
  - b. *Streams:* Along streams, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
  - c. *Natural Lake/Pond:* Adjacent to natural lakes or ponds, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
  - d. *Wetlands:* Minimum fifty (50) feet.

## 4-14-02-04-03

**DEVELOPMENT OF ESSENTIAL FACILITIES**

1. *Essential Facilities in or Adjacent to Waterbodies and Floodplains:* Certain water dependent uses must be located in or adjacent to waterbodies and/or in floodplains. These may be permitted provided all structures meet the following requirements:
  - a. *Flood Control, Irrigation, or Essential Crossings:* Only structures, which are essential to flood control, irrigation or essential road or utility crossings, shall be permitted.
  - b. *Not for Human Habitation:* Structures in the floodplain shall not be intended or designed for human habitation.
  - c. *Elevation of Structures and Utilities:* Any generally horizontal element not part of the support structure shall be at least one (1) foot above the one hundred (100) year flood elevation. All service and utility connections, such

- as electrical and heating equipment, water, sewer, electric, or gas, shall be similarly located.
- d. *Floodway*: Except for crossings for access, no structures shall intrude into the floodway.
  - e. *Minimum Obstruction of Flood Waters*: Structures constructed in the flood fringe shall not cause any rise more than one-half (1/2) foot in the 100-year water surface elevation and structures constructed in the floodway shall cause zero (0) feet of rise. Should a development cause more rise than allowed, a Conditional Letter of Map Revision (CLOMR) shall be submitted. Any increase in flood height shall be confined to the subject property and shall cause no increase in the flood height on adjacent properties.
  - f. *Compliance with Floodplain Overlay District*: All development within the floodplain shall comply with the Adams County Floodplain Overlay District standards. In the event of a discrepancy between the Floodplain Overlay District standards and these standards, the more stringent standard shall control.
  - g. *Minimize Negative Impacts on Wildlife*: All development shall be designed to minimize negative impacts on wildlife.
  - h. *Fill in Floodplains*: Fills or deposition of materials in floodplains may be allowed provided the following standards are met:
    - (1) Fill shall be allowed only for essential crossings, water dependent uses, or flood control.
    - (2) No fill shall be in the floodway or within twenty (20) feet of the floodway.
    - (3) Fill or other materials shall be protected against erosion by riprap, vegetative cover, sheet piling, or bulkhead sufficient to prevent erosion.
    - (4) Fill shall be clean and compacted to minimize erosion potential.
2. *Essential Facilities in or Adjacent to Wetlands*: Wetlands may be developed under the following circumstances. Notwithstanding, receipt of a local permit for developing wetlands does not absolve a developer from obtaining all other State or Federal permits necessary to develop wetlands.
- a. *High-Intensity Use Degrades Wetland/Wetland Agriculture-Induced*: Where the intensity of adjoining uses causes the retained wetlands to become degraded habitats and the wetland area is suitable for development due to planning, location, and other factors, or where the wetland is induced by agricultural irrigation, a wetland may be developed.
  - b. *Necessary to Reshape Wetland to Provide Building Site*: Where, due to parcel shape and interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope, a wetland may be redeveloped. Filling up to five (5) percent of the wetland on the parcel, not to exceed one (1) acre, is permitted.

- c. *No Alternate Site*: Development shall be permitted only where it is demonstrated the proposed activity cannot be practically located at an alternative, non-wetland site.
- d. *Practical Measures to Reduce Impact*: It shall be demonstrated reasonable project modification measures have been taken to reduce wetland loss and degradation.
- e. *On-Site Mitigation Wherever Possible*: On-site mitigation shall be provided wherever possible. On-site mitigation shall be at a ratio of one and one-half (1.5) acres of new wetland for every one (1) acre of wetland filled. All off-site mitigation shall be at a ratio of two and one half (2.5) acres of new wetland for every one (1) acre filled. It shall also be demonstrated these new wetlands will restore lost wetland functions and values.
- f. *Wetland Replanting*: The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.
- g. *Persistence*: It shall be demonstrated the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.
- h. *Buffers*: Buffers shall be provided around wetlands created pursuant to this subsection.

4-14-02-04-04

**NATURAL RESOURCES CONSERVATION OVERLAY (NRCO) DISTRICT**

See Chapter 3 for NRCO District standards and open space requirements.

**4-14-02-05 AGRICULTURAL RESOURCES PRESERVATION**

4-14-02-05-01

**PURPOSE**

Ranching and farming are agricultural uses, which formed the original basis for the communities in Adams County. In all areas of the County, the agricultural industry is threatened by residential development and urbanization. Paradoxically, much of the attraction for residents of Adams County is the open space created by agricultural operations, the very operations threatened by increasing urbanization. The purpose of this Section is to identify the mechanisms in these standards and regulations, which have been adopted for the purpose of promoting agricultural preservation.

4-14-02-05-02

**SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL PRESERVATION**

The following mechanisms are available through application of these standards and regulations as incentives for land in Adams County to be maintained in agricultural production.

1. *Agricultural Assessment*: By Colorado Statute, agricultural uses in Adams County do not pay property taxes on the market value of land upon which they are located. If they did, agriculture in Adams County

would have disappeared long ago. Agricultural assessments are a conscious decision in order to retain agriculture for as long as possible.

2. *Open Space Subdivisions and P.U.D.s:* Developments in the Agricultural Districts are required to cluster homes and to provide either thirty percent (30%) or sixty percent (60%) open space. If the property proposed for development has an existing agricultural operation, or a landowner wishes to establish an agricultural operation on the portion of the property proposed as open space, agriculture is an accepted and encouraged use of the required open space.
3. *Agricultural Zoning Density:* Developments in the Agricultural Districts are kept at a low density. Residential development and agriculture are generally incompatible. The more the permitted form of development can either prevent or mitigate such conflicts, the more likely it is that agricultural operations can continue. Low development densities can help to mitigate some conflicts.
4. *Agricultural Land Uses:* Certain uses generally compatible with agricultural uses have been permitted in the Agricultural Districts in order to provide opportunities for agricultural families to diversify their income base yet retain their primary way of life--agriculture. The following uses have been permitted in the Agricultural Districts, in many cases, specifically to promote agriculture: Agricultural employee housing, mobile home, nurseries, bed and breakfasts, agricultural support and service uses, produce stands, campgrounds, outdoor recreational uses, home businesses, cottage industries including small food manufacturing operations, etc.

4-14-02-05-03

#### **STANDARDS**

Any conversion of agricultural land shall comply with the following standards.

1. *Site Evaluation:* Farm and ranch lands shall be assessed according to the USDA Agricultural Soil Capability Classifications. The site shall be mapped and the soils with the lowest classifications shall be developed first.
2. *Agricultural Connectivity and Efficiency:* Agricultural lands or operations proposed for development shall be reviewed to determine what impacts the proposed development will have on the continued agricultural use of the undeveloped portions of the tract. Development shall be located so as to ensure the agricultural continuity is maintained and the remaining agricultural tracts are able to be used efficiently.

**4-14-02-06 CULTURAL RESOURCES PRESERVATION****4-14-02-06-01 PURPOSE**

The purpose of this subsection is to identify and protect important cultural resources in association with proposed development.

**4-14-02-06-02 METHODOLOGY**

A survey for important cultural and historic resources meeting the criteria of the Colorado State Historic Preservation Office (SHPO) shall be conducted in all cases where more than five (5) acres will be disturbed. The survey shall meet the requirements of the SHPO and be conducted by a professional approved to conduct historic and cultural resource surveys by the SHPO Office.

**4-14-02-06-03 STANDARDS**

1. *No Development or Setbacks/Buffers Required:* Due to the risk of severe negative impacts to cultural resources from development, and the necessity to protect these historic resources for future generations, development which would destroy the historic and cultural significance of these resources is prohibited in most cases and a setback/buffer is required.
2. *Development Prohibited:* Development of a site, which would result in the destruction of a cultural or historic resource, is prohibited except as specified below.
  - a. *Use Degrades Value:* Where the intensity of adjoining uses causes the retained resource to be placed at significant risk or to become degraded, the resource may be relocated or excavated pursuant to a plan approved by the SHPO.
  - b. *Necessary to Reshape the Land to Provide Building Site:* Where, due to parcel shape and interaction with topography, it is necessary to remove the resource in order to develop the remainder of the site, the resource may be relocated or excavated pursuant to a plan approved by the SHPO.
  - c. *Practical Measures to Reduce Impact:* It shall be demonstrated all reasonable project modification measures have been taken to reduce the chance of loss and degradation.
3. *Setback/Buffers Required:* A setback from all identified resources shall be provided.
  - a. *Measurement:* Setbacks shall be measured from the boundaries of the resource identified.
  - b. *Setback/Buffer Definitions*
    - (1) *Buffer:* The area protected by the setback is the "buffer" and shall remain free from development, parking, open storage of vehicles, refuse, or any other material.

- c. *Minimum Setback/Buffer Required:* All development is required to be setback from identified cultural resources by at least one hundred (100) feet unless an alternative setback is justified by the Resource Review Recommendations.
- d. *Setback Standards from Section Lines and Section Line Roads:* Setbacks from Section Lines and Section Line Roads shall be one hundred (100) feet from the right-of-way centerline or the Section Line where a road right-of-way is not established. The Section Line and Section Line Road setback may be varied at the discretion of the Director of Community and Economic Development where the Director of Community and Economic Development determines:
  - (1) A new Section Line Road could not be reasonably aligned within one hundred (100) feet of the Section Line;
  - (2) The existing Section Line Road can be reasonably expanded within the existing right-of-way;
  - (3) The existing right-of-way is adequate for construction of a new Section Line Road; or
  - (4) Due to the prevailing development pattern, future road construction or expansion is generally precluded such that the setback would have limited or no effect on future road expansion or construction options.

In no case shall the Director of Community and Economic Development reduce the setback below the minimum right-of-way setback required within the applicable zone district.

## **4-15 PARKING, LOADING, AND CURB CUT REQUIREMENTS**

### **4-15-01 APPLICABILITY**

Off-road parking and loading requirements in all new developments shall comply with the general access, circulation, and parking standards set forth in this Section.

### **4-15-02 GENERAL STANDARDS**

#### **4-15-02-01 SAFETY BARRICADES**

A curb, rail, fence, guard, or other continuous safety barricade of a height or design sufficient to retain vehicles within the parking area shall be provided except for single-family residences and duplexes.

#### **4-15-02-02 COMMERCIAL AND INDUSTRIAL PARKING LOT SCREENING/FENCING REQUIRED**

For each boundary line of a commercial or industrial parking area abutting directly on a residential lot a wall, fence, or screen planting of a year-round nature shall be installed at least forty-eight (48) inches high to serve as a barrier for passage of persons and waste material, to conceal glare from headlights, and to reduce noise, fumes, and pavement heat.

#### **4-15-02-03 PLANTINGS PROTECTED**

Wheel or bumper guards shall be located so no part of any vehicle extends beyond the boundary lines of the parking area or comes in contact with walls, fences, plantings, or any other structures.

#### **4-15-02-04 PARKING AREA LANDSCAPING REQUIREMENTS**

Parking areas are required to meet standards for landscaping within the parking area and around the perimeter of the parking area. Landscaping requirements are found in Section 4-17 of these standards and regulations.

#### **4-15-02-05 SURFACE OF PARKING AREA**

Except for agricultural areas, off-road parking areas shall be surfaced and maintained with a portland or asphalt concrete surface, or other suitable surface as determined by the Director of Community and Economic Development. Drainage shall be subject to the approval of the Director of Community and Economic Development.

The surface of the parking area shall be maintained with the following minimum requirements:

1. Potholes shall not exceed six (6) inches deep or six (6) inches wide.
2. Cracks shall not exceed three (3) inches in width.

3. The parking area shall be maintained in a weed free condition pursuant to Section 4-17.
4. All striping shall be evident at the property line.

**4-15-02-06 DESIGN AND LAYOUT OF PARKING LOTS**

Parking stall designs, driveways, and other details of a plan for parking shall be subject to the approval of the Director of Community and Economic Development.

**4-15-02-07 LIGHTING**

Any lighting used to illuminate required off-road parking areas shall be arranged in conformance with the following:

1. Lights shall be shielded so directly emitted light shall not shine directly onto surrounding properties;
2. Light shall be arranged so neither direct nor reflect light may create a traffic hazard and no color light(s) may be used in a manner which would be confused with traffic control devices;
3. No blinking, flashing, rotating or otherwise animated lights shall be permitted except temporary holiday lighting displays or safety devices required by federal, state, county, or local regulations;
4. The maximum lighting level shall not exceed one (1.0) foot-candle for parking areas and twenty (20.0) foot-candles in loading areas and unloading platforms; and
5. Light levels measured twenty (20) feet beyond the property line shall not exceed one-tenth (0.1) foot-candle as a direct result of on-site lighting.

**4-15-02-08 SIGNS**

Only signs indicating entrances and exits or designating conditions of use, direction, or identification shall be maintained within a parking area. Signs indicating entrances, exits, or conditions of use shall not exceed four (4) square feet in area, nor shall there be more than one (1) such sign for each entrance or exit.

**4-15-02-09 ENTRANCES AND EXITS, CURB CUTS, CURB RETURNS:**

All curb cuts are subject to approval of the Director of Community and Economic Development or the Colorado Department of Transportation for State Highways and are not a use by right. Their placement, size, use, signing, and construction shall conform (at the developer's expense) to the Director of Community and Economic Development written requirements. An Access Permit for all entrances, curb cuts, and curb returns shall be obtained from the Director of Community and Economic Development.

**4-15-02-10 EXPANSION OR ENLARGEMENT OF USE**

Whenever any building or use is enlarged in height or in ground coverage, off-road parking for said expansion or enlargement shall be in accordance with the requirements of these standards and regulations.

**4-15-03 SINGLE- AND TWO-FAMILY DWELLINGS****4-15-03-01 GENERAL**

Off-road parking for one- and two-family dwellings shall be designed to meet the following objectives:

1. Provide an adequate number of parking spaces for the use.
2. Minimize conflicts with traffic on adjacent roadways.

**4-15-03-02 AMOUNT OF PARKING REQUIRED**

One- and two-family dwellings shall provide a total of two (2) off-road parking spaces per dwelling unit.

**4-15-03-03 ACCESS TO PARKING**

Access to the off-road parking shall comply with the provision of these standards and regulations, including but not limited to, the following:

1. Obtaining an Access Permit.
2. Limiting the number and spacing of accesses based on the functional classification of the roadway.

**4-15-03-04 PAVED PARKING REQUIRED**

Whenever an access to off-road parking spaces is adjacent to a paved road, the access shall be paved with asphaltic concrete, concrete, or similar material from the edge of the roadway to the right-of-way line for the roadway.

**4-15-03-05 ADDITIONAL PARKING SPACES**

Any area used to park vehicles on a single-family or duplex lot, shall be clearly delineated, improved with concrete, asphalt, stone pavers, or minimum ¾" rock (provided the installation is sufficient to support the vehicles), maintained free of weeds, and display no visible dirt surface. Parking vehicles or trailers behind the house or on any landscape is prohibited. At least 30% of the front and side yards must be covered in living material and may not be used for parking (4-16-09-01-02(3)). Access permits may be required if a new driveway from the right-of-way is created (8-01-10).

#### **4-15-04 MULTI-FAMILY RESIDENTIAL AND NON-RESIDENTIAL**

##### **4-15-04-01 GENERAL**

Off-road parking for multi-family and non-residential developments shall be designed to meet the following objectives:

1. Provide for the safe and convenient movement of vehicles, bicycles, and pedestrians to and from the site and through the site.
2. Efficiently provide an adequate number of parking spaces for the site.
3. Minimize the interference of drive-in facilities and loading zones with access and circulation within the site.

##### **4-15-04-02 ACCESS STANDARDS**

Parking areas shall be designed with clearly defined and unobstructed points of ingress and egress rather than continuous access from an adjacent roadway. No parking space or lot will be permitted which would require a vehicle to back into the roadway to exit the space or lot.

Entrances and exits to the parking lot shall be sited with the objectives of minimizing disruption to traffic flows on the access road. When a parking lot is adjacent to both an arterial road and a road of lower functional classification such as a collector, access shall be from the lower classification road to avoid interfering with the primary function of the arterial road, which is to move traffic rather than to provide access.

When entrances and exits must be located off of higher classification roads, they shall be sited so as to create the least interference with intersections and to preserve the traffic carrying capacity of the road. Speed change lanes or auxiliary lanes shall be provided if required by the Director of Public Works. Wherever possible, entrances and exits shall be separated from intersections per the criteria set forth in Chapter 8 of these regulations.

Entrances and exits to the parking lot should also be sited with the objective of minimizing conflicts within the parking lot and encouraging efficient circulation patterns. The property owner is responsible for all maintenance of the access to and from a public right-of-way.

In cases where there are adjacent and compatible land uses, parking areas shall be designed with circulation between the uses in mind, providing internal connections between the parking areas for the adjacent uses.

##### **4-15-04-03 SPACES REQUIRED**

In connection with every institutional, commercial, and industrial use, there shall be provided, at the time any building or structure is erected, enlarged, or increased in capacity, off-road parking spaces in accordance with the following requirements:

<b>Use</b>	<b>Minimum Required Off-Road Parking Spaces</b>
Art galleries	1 space for each 300 sq. ft. of gross floor area
Auto repair shops	2 spaces for each service bay
Banks and other financial institutions	1 space for each 200 sq. ft. of gross floor area used by general public and 1 space for each 600 sq. ft. not used by general public
Bed and breakfast inns	1 space per rental unit and 1 space per 4 employees
Boarding houses	1 space for each rental unit
Car wash, automatic or self-service	5 spaces per bay automatic and 2 for self-service
Churches	See "Places of worship"
Clubs and lodges	1 space for 200 sq. ft. of gross floor area used by the general public or membership and 1 space for every 600 sq. ft. not used by the general public or membership
Colleges and universities	as determined by Director of Community and Economic Development
Commercial dormitory	1 space for each rental unit
Contractor's offices	1 space for each 10,000 sq. ft. of gross floor area
Contractor's yards, building	1 space for each 10,000 sq. ft. of yard materials, storage
Convalescent centers	1 space per 4 beds plus 1 space for each 2 staff members
Correctional facilities	Sufficient spaces to supply 1 space for each employee per shift and 1 space for every 5 occupants. The requirement may be modified with the use permit.
Day care facility	1 space for each employee on a major shift, plus 2 drop off spaces for patrons
Dormitories, fraternity, and sorority houses	1 space for each 2 beds

Dwellings	
Single family	2 spaces for each dwelling unit
Two-family	2 spaces for each dwelling unit. The Planning Commission may require up to 1 space for every 2 units for visitor parking.
Multifamily	
Studio/ Efficiency	0.75 spaces per unit type
1 Bedroom	1.0 spaces per unit type
2 Bedroom	1.5 spaces per unit type
3+ Bedroom	2.0 spaces per unit type
Visitor	Minimum of 15% of the required parking shall be provided for visitors in addition to the minimum required off-road parking
Efficiency units	1 per unit
Retirement communities, elderly housing	1 space for every 2 multi-family units plus 1 space for each 4 staff members whose work is associated with the units or with the occupants of the units. 1 space for each single-family unit
Event Center	1 space for each 4 seats or 1 space for each 40 sq. ft. of gross floor area available for the accommodation of movable seats in the event center, whichever is greater.
Fairgrounds	1 space for each 600 sq. ft. of gross floor area
Funeral homes	1 space for each 4 seats in chapel

Golf courses	Based on review by the Director of Community and Economic Development considering site size, topography and supporting facilities
Government buildings	Based on review by the Director of Community and Economic Development considering site size, topography and supporting facilities
Hospitals	1 space for every 2 beds; 1 space for each doctor and nurse; and 1 space for every 4 additional employees
Hotels	1 space per rental unit
Junk yards	1 space plus 1 space for each 10,000 sq. ft. of yard
Laboratories, research	1 space per 1,000 sq. ft. of floor and area facilities
Manufacturing, processing, assembly, distribution, bottling works, machine shop, metal, woodworking, plumbing, electrical, printing shop, roofing shop	1 space for each 1,000 sq. ft. of floor area
Medical, dental, and similar offices	4 spaces for each doctor or nurse and 1 space for each employee
Meeting rooms, exhibit halls	1 space for each 4 seats or 1 space for each 40 sq. ft. of floor area available for the accommodation of movable seats or exhibits
Mobile home park	2 spaces for each mobile home site
Motels	1 space per rental unit
Museums	1 space for each 300 sq. ft. of gross floor area
Night clubs	1 space for each 3 seats
Nursing homes	See: "Convalescent center"
Offices	1 space for each 300 sq. ft. of gross floor area
Parks, Open Spaces, and Trailheads	Based on review by the Director of Community and Economic Development considering site size, topography and supporting facilities
Places of worship	1 space for every 5 seats
Radio, TV recording studio	1 space for each 300 sq ft of gross floor area
Recreation, indoor	Based on review by the Planning Commission considering site size, topography, and type of use
Recreation, outdoor	Based on review by the Planning Commission
Restaurants, cafeterias, dining rooms including drive-up windows	1 space for every 3 seats
Retail spaces or other unspecified	See: "Service establishments"
Schools	
Kindergarten, elementary	1 space for each classroom and 1 space per 300 sq. ft. of administrative office space
High school, college, vocational, business	6 spaces for each classroom and 1 space per 300 sq. ft. of administrative office space
Service establishments and retail	
Dealing infrequently with public such as furniture repair, secretarial services.	1 space for each 600 sq. ft. of gross floor area

Dealing frequently with public such as barber shops, beauty shops, laundromats, video stores, drug stores, groceries, etc.	1 space for each 200 sq. ft. of gross floor area
Transportation terminals	
Freight	1 space per 1,000 sq. ft. of gross floor space
Passenger	1 space per 200 sq. ft. of gross floor space
Veterinary establishments	4 spaces for each doctor and 1 for each employee
Warehouses	1 space for each 5,000 sq. ft. of gross floor area
Wholesale establishments	1 space for each 900 sq. ft. of gross floor area

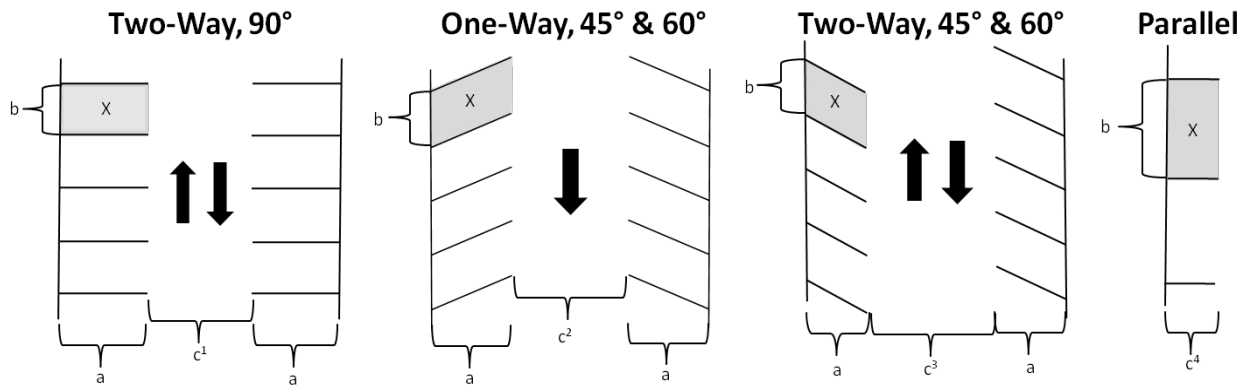
**4-15-04-04 PARKING LOT LAYOUT**

1. In general, surface parking lots shall be beside or behind the land use they serve. Circulation patterns around parking lots can be established using various stall types, angled parking, one or two-way drive aisles, signing, or pavement marking.
2. Parking Stall Options by Type. Required parking may choose the following mix of parking stall types and sizes:
  - a. Standard stalls: up to 100% of total required parking;
  - b. Compact stalls: up to 20% of total required parking;
  - c. Micro stalls: up to 5% of total required parking.
3. Fraction: If the calculation of the number of vehicular parking spaces in the Table 8.10-1 Table of Vehicular Parking Spaces contains a fraction, such number shall be rounded up or down to the next whole number:
  - a. Fractions less than one-half (.5) shall be rounded down to the whole number; and
  - b. Fractions which are one-half (.5) and greater shall be rounded up to the next higher whole number.
4. Motorcycle stalls: Automobile parking requirements may be reduced one (1) space for every four (4) motorcycle spaces, provided up to a maximum five (5) percent of the total required automobile spaces.
5. Tandem Stalls.
  - a. Tandem parking may be permitted for up to fifty percent (50%) of the total residential parking requirement of multifamily developments if all of the following criteria are met:
    - i. Each residential unit may have only one (1) tandem parking stall (equaling two (2) parking spaces) for each multifamily dwelling unit requiring two (2) parking spaces.
    - ii. Ingress and egress for the tandem parking stalls do not interfere with the safety of residents or adjacent property owners, and the functionality of adjacent parking.
  - b. For calculating the percentages of allowed parking stall options: Tandem parking is equivalent to two (2) standard parking spaces.

- c. Design Standards.
  - i. Tandem parking stalls are permitted when their size equals two (2) standard stall dimensions (9 feet by 37 feet), and when storage space is provided in the garage area for items which typically occupy garage space (e.g., bicycles, garbage cans and other gear).
  - ii. Parking spaces are assigned to each unit in the development.
  - iii. Adequate visitor parking is provided.
  - iv. Tandem parking shall not be used for the storage of boats, trailers, recreational vehicles, or materials.
- 6. Parking Stall Length in Surface Parking or Non-Parallel Parking. Parking stalls which have low landscape or additional hardscape (such as a raised walkway) at the head of the stall, may reduce the paved portion of the stall length by two (2) feet as long as the vehicle can hang into the landscape or hardscape by two (2) feet without reducing or impacting pedestrian walkway widths or the proposed landscape. Vehicle overhang must be indicated on all construction drawings using this technique.
- 7. Location Criteria.
  - a. Head-in Compact and Micro stalls may not be located on a fire lane unless their length is equivalent to a Standard stall;
  - b. Single loaded parking stall lengths and the fire lane widths are equal to at least thirty-seven (37) feet with two (2) lanes that are a minimum of nine (9) feet wide;
  - c. Double loaded parking stall lengths and fire lane widths are equal to at least fifty-six (56) feet with two (2) lanes that are a minimum of nine (9) feet wide; or, as otherwise approved by the Director.
  - d. Parking spaces which are closest to the building's entrances shall not be Compact spaces.
  - e. Motorcycle spaces shall be located according to the same criteria and standards that are applicable to Micro parking spaces.
  - f. Visitor parking shall be provided in a location that is convenient to visitors and shall be accessible at all times. Visitor parking shall not be located within a secured private or common parking garage that requires a key, handset, or other electrical or mechanical device to gain access to such spaces.

**4-15-04-05 PARKING SPACE SIZE**

Standard parking spaces shall conform to the dimensions shown on the following table:



Stall Type <sup>1</sup>	Angle	Stall Size (x)	Stall Length (a)	Stall Width (b)	Automobile Drive Aisle Width <sup>2, 3</sup>			
					Two-Way, 90° (c <sup>1</sup> )	One-Way (c <sup>2</sup> )	Two-Way, Angled (c <sup>3</sup> )	Parallel (c <sup>4</sup> )
Standard	90°	18.5' x 9'	18.5'	9'	24'	-	-	-
	60°	18.5' x 9'	20.5'	7'	-	18'	22'	-
	45°	18.5' x 9'	19.5'	6.5'	-	18'	20'	-
Compact	90°	16' x 8'	16'	8'	22'	-	-	-
	60°	16' x 8'	18'	7'	-	18'	20'	-
	45°	16' x 8'	17'	5.5'	-	18'	20'	-
Micro	90°	12' x 7'	12'	7'	18'	-	-	-
	60°	12' x 7'	14'	6'	-	16'	18'	-
	45°	12' x 7'	13.5'	5'	-	16'	18'	-
Parallel	-	20' x 7'	-	20'	-	-	-	7'
Motorcycle	-	8' x 4'	-	-	Shall meet Automobile Drive Aisle Width			

<sup>1</sup> When wheelstops are provided, they shall be positioned eighteen (18) inches into the parking stall. Wheelstops shall not be used in conjunction with curbs.

<sup>2</sup> The automobile drive aisle width is based on the largest stall type and its required drive aisle width when a mix of stall types is utilized along a drive aisle.

<sup>3</sup> Drive aisle widths may be modified for emergency access as required by the adopted Fire Code.

**4-15-04-06 PARKING FLEXIBILITY OPTIONS AND ADJUSTMENTS**

The intent of providing flexible standards and adjustments to parking requirements in order to provide methods, incentives and techniques that will enable development to decrease the reliance on the automobile, diminish the percentage of land dedicated to parking and reduce the amount of parking needed to support the development while

providing adequate parking for its uses and users in order to minimize spillover into adjacent neighborhoods.

**4-15-04-06-01      *PARKING FLEXIBILITY***

The total or a portion of the required off-road parking spaces may be provided through alternative measures including:

1. Off-Site Parking. Required parking may be provided by off-street parking within six hundred (600) feet of the development for which the parking is required. Off-site parking may be shared between multiple uses if those uses meet the parking requirements associated with each use and the Shared Parking requirements in this Section.
2. Shared Parking. Required parking may be shared between uses if all of the following requirements are met:
  - a. Shared parking will only be permitted if principal operating hours do not overlap, or if the overlap is less than one-half hour. Principal operating hours are defined as the time span during which a business or facility has its highest level of activity from employees, clients, customers and/or other users.
  - b. Spaces Required. If the businesses have non-overlapping principal operating hours, the property owner(s) may utilize shared parking spaces to achieve the required number of parking spaces for the use.t.
  - c. Location. The location of the parking facilities must be:
    - i. Within a reasonable walking or sight distance or otherwise associated with the uses involved in the shared parking contract. The location may not be more than six hundred (600) feet from the property line of the business it is serving; and
    - ii. The parking facilities are a permitted use in the applicable zoning district.
  - d. Pedestrian Connection. A convenient pedestrian connection shall be provided between the shared uses and the parking facilities. This pedestrian connection shall be designed as barrier free and built with appropriate lighting and safety considerations.
  - e. Shared Parking Contract. A contract is enacted, signed by all the owners/operators of the shared uses and the County, which provides for County enforcement. The shared parking contract shall:
    - i. Provide that the land comprising the required shared parking facilities shall not be encroached upon, used, sold, leased, or conveyed for any purpose except in conjunction with the building or use which the required parking serves, so long as the shared parking facilities are

- needed. The contract terms shall be for as long as any of the shared uses continues in existence;
- ii. Indicate prime hours of operation for shared uses;
  - iii. Assign maintenance provisions for the parking facilities and landscaping;
  - iv. The parking contract approved by the Director shall be filed with the deed of the parcels involved, so that the agreement is binding upon successors; and
  - v. Changes to the contract, redrafting of the original enacted contract or termination of the contract shall be reviewed and approved by the Director.
3. Electric Vehicle Charging Parking. For every electric vehicle charging station provided, the required number of parking spaces may be reduced by an equivalent number, provided the total reduction does not exceed five percent (5%) of the total required parking spaces.
4. Other Parking Measures. The Director may consider and approve other parking measures that fulfill the intent and purpose of the parking code such as Vertical Stacking Spaces and Family Friendly parking (priority parking after ADA parking, for pregnancy, young children, etc.)

**4-15-04-06-02      *PARKING ADJUSTMENTS***

1. Transportation Demand Management Study. The Development may receive additional reductions in required parking by providing a Transportation Demand Management Study (Study) that reviews multiple comparable projects in the region. The Study must be prepared by a traffic or parking professional. Additional parking reductions up to 25% of the total required off-road parking as recommended by the Study may be approved by the Director, based on the following criteria:
- a. Demonstrable pedestrian, bicycle, or mass transit facilities, including train stations and Park & Ride facilities, or services provided to encourage and promote use by employees, residents or customers which replaces single occupant automobile use, including:
    - i. On-site Car and Bike Sharing
    - ii. Van Pool service
    - iii. Shuttle service
    - iv. Transit passes
  - v. Transit-supportive site design, including the provision of one of the following to improve transit access:
    - (a) Bus stops adjacent to the development;
    - (b) Loading space on-site for transit;
    - (c) Transit information centers;

- (d) Enhanced pedestrian routes within one-half (1/2) mile of a Park & Ride or Rail Station, where all of the following requirements shall apply:
  - (1) Generally continuous weather protection (50% of property frontage not including crossings of vehicular routes);
  - (2) Continuous, direct sidewalks or walks to/from the Park & Ride or Rail Station;
  - (3) Generally continuous street lighting; and, minimized and/or enhanced pedestrian crossings of vehicular routes.
- b. Density of more than 14 dwelling units per acre;
- c. Presence or provision of basic daily uses within 1,300 feet (i.e., ¼ mile) such as grocery/corner store, drug store, and childcare; and/or weekly uses such as bank, convenience store, restaurant, or theater;
- d. Other criteria accepted by the Director as supported by the Study and the intent of this Section.

#### 4-15-04-07 HANDICAP PARKING SPACES

Each parking lot shall contain at the least, the minimum number of handicap spaces shown in the following table:

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces Required
Less than 25	1
26-50	2
51-75	3
76-100	4
101-450	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2 percent of total spaces
Greater than 1000	20 spaces plus 1 space for every 100 spaces or fraction thereof over 1000

Parking spaces for the physically handicapped shall have a stall width of thirteen (13) feet unless the space is parallel to a pedestrian walkway. All other dimensions for the space shall be the same as those for standard parking spaces.

Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance using the shortest accessible route of travel. Whenever possible, the accessible route should not cross lanes for vehicular travel.

Each handicap space shall be clearly designated as being reserved for the use of the physically handicapped with the appropriate signing and/or pavement marking.

**4-15-04-08 SETBACKS**

Parking lots shall be setback from road rights-of-way and from side and rear lot lines in accordance with the approved landscaping plan. **\*Adopted by the BoCC on December 13, 2010**

**4-15-04-09 PEDESTRIAN FACILITIES**

Parking lots shall be designed to minimize conflicts between vehicles or bicycles and pedestrians. Pedestrian routes, which provide direct and convenient access through the site, should be identified, and incorporated into the layout of the parking lot. To the extent practical, pedestrian improvements shall be provided within the parking lot, which collect and channel pedestrians safely through the lot, minimizing the need to use driving aisles for walkways.

Pedestrian routes shall be highly visible, incorporating design elements such as grade separation, special paving, pavement marking, or other means to clearly delineate the routes for both pedestrians and vehicles. Where pedestrian routes cross driving aisles, consideration should be given to providing pedestrian refuge areas.

Pedestrian drop-off areas shall be provided where needed, particularly for land uses serving children and the elderly. Pedestrian drop-off areas shall not be sited in any rights-of-way for public roads.

**4-15-04-10 BICYCLE FACILITIES**

A minimum number of bicycle parking spaces shall be provided, equal in number to five percent (5%) of the total number of automobile parking spaces provided, but not less than one (1) space. However, this requirement for bicycle parking spaces may be reduced by the Director of Community and Economic Development for sites which are unlikely to be accessed by bicycles.

Bicycle parking spaces shall be located near building entrances, but not so close as to interfere with pedestrian or automobile traffic near the entrances.

Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to the parking structure, which shall be of permanent construction materials such as heavy gauge tubular steel permanently attached to the pavement.

**4-15-04-11 DRIVE-IN FACILITIES**

Drive-in facilities shall be designed to minimize interference with access and circulation on public roadways and within the parking lot. In order to accomplish this, drive-in facilities shall be located on separate routes off of the primary circulation routes for vehicles, bicycles and pedestrians, such as the sides or rear of the parking lot. Drive-in facilities shall be clearly signed and marked to provide efficient flow through the facility.

Drive-in facilities shall provide adequate stacking spaces for automobiles entering and exiting the facility.

#### **4-15-04-12    LOADING ZONES**

Loading zones and service areas shall be designed to minimize interference with access and circulation on public roadways and within the parking lot. When possible, loading zones and service areas shall be located on separate routes off of the primary circulation routes for vehicles, bicycles and pedestrians, such as at the sides or rear of the building. Accesses to parking lots, which will also be used by delivery and service vehicles, shall be designed to minimize conflicts with the movements of other vehicles, bicycles, and pedestrians. Loading zones shall meet the following requirements:

1. *Location:* No loading spaces shall be located within thirty (30) feet of road intersections nor in any required yard space.
2. *Surfacing:* All open off-road loading areas shall be surfaced with an all-weather material such as concrete or asphalt designed to carry the heaviest vehicle loads commonly expected. Consideration should be given to the weight of fire and sanitation equipment as well as delivery vehicles.
3. *Repair and Service:* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any zone district.
4. *Utilization:* Space allocated to any off-road loading space, accessory drives, or aisles, shall not be used to satisfy the space requirements for any off-road parking or trash handling facilities.
5. *Ingress and Egress:* Each required off-road loading space shall be provided with a means of unobstructed ingress and egress to an alley or onto a public road wide enough to accommodate expected vehicles. Where such ingress and egress is made into a public road, it shall be through driveways or openings, which meet required standards. Permanent wheel stops or curbing shall be provided to prevent any vehicle using the loading area from encroachment either on the required front yards, side yards, or adjacent property.
6. *Off-Road Loading Requirements:* Loading spaces shall be required for uses which normally handle large quantities of goods, including but not limited to, industrial plants, wholesale establishments, warehouses, freight terminals, hospitals, and retail establishments. Off-road loading spaces may be either inside or outside the building and on the same or adjoining premises. The loading spaces shall be of sufficient size and number to allow normal loading and unloading operations appropriate to the property to be served. In no case shall the loading space hinder the movement of traffic or pedestrians. The loading spaces shall be indicated on site plans submitted for approval. The Director of Community and Economic Development may require one (1) or more additional loading areas if the magnitude of the use would anticipate the need for more loading or standing space. Loading berths shall be ten (10) feet by twenty-five (25) feet with fourteen (14) feet of vertical clearance. The size may be modified by the Director of

Community and Economic Development where site or use conditions warrant changes to this standard. Generally, one (1) loading space shall be provided for every twenty-five thousand (25,000) square feet of gross floor area.

7. *Landscaping Requirements:* Loading areas shall be screened from public roads and adjacent residential property in accordance with the screening requirements of Section 4-16-10.
8. *Vehicle stacking requirements:* Vehicle stacking is the minimum required length of an on-site drive aisle necessary to allow for the movement of vehicles within a parking lot to a drive-up window service or other drive-through services without impeding the flow of traffic on-site and off-site. Stacking distance shall be measured from the point of service within a designated drive aisle. The required stacking distance may be distributed between accesses serving the site, provided a minimum stacking distance of twenty (20) feet is provided at each access point. The minimum required stacking distances shall be as follows:

Type of Facility	Stacking Distance
Drive-up bank	120 feet per window
Drive-up restaurant	200 feet per window
Drive-up liquor store	60 feet per window
Drive-up cleaners	60 feet per window
Automatic car wash	200 feet per wash line
Self-service car wash	60 feet per wash line
Service station	50 feet per service position

## 4-16 OPERATIONAL STANDARDS

These operational standards are designed to limit or eliminate conditions, which may negatively impact the environment and use of surrounding properties. These standards shall apply in all zone districts and to all uses of lands in Adams County.

### 4-16-01 LIGHTING

1. *Position of Lighting Facility:* Lighting facilities shall be arranged and positioned so no direct light or reflection creates a nuisance or hazard on any adjacent property or right-of-way. Exterior lighting shall be compatible with that of adjacent properties.
2. *Consideration of Pilots:* No lighting facility shall make it difficult for pilots to distinguish airport lights from others, result in glare in the eyes of the pilots using an aviation facility, impair visibility in the vicinity of an aviation facility or, in any way create a hazard or endanger the landing, take-off, or maneuvering of aircrafts intending to use an aviation facility.
3. *Lighting Fixtures:* All lighting fixtures shall be located so as to shield direct rays from adjoining properties. Luminaries shall be of a low level, indirect, diffused type and shall not exceed a height of greater than twenty (20) feet above finished grade.
4. *Upward Lighting:* Upward lighting for architectural, landscape or decorative purposes, shall have at least ninety percent (90%) of the total distribution pattern within the profile of the illuminated structure. Light fixtures used to illuminate flags, statues, or any other object mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light not to extend beyond the illuminated object.

### 4-16-02 VIBRATION

Every use shall be so operated so the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the property on which the use is located except those activities typically performed as part of an agricultural operation in an Agricultural Zone District, which shall be exempt.

### 4-16-03 NOISE

1. The maximum permissible sound pressure levels of any continuous source of sound are established for a time period within each zone district listed. Sound pressure levels shall be measured at the property line or boundary of a public right-of-way, at a height of at least four (4) feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the “A” weighting network.

<i>Zone Districts</i>	<i>Day 7:00 a.m. – 10:00 p.m.</i>	<i>Night 10:00 p.m. – 7:00 a.m.</i>
Residential Estate (RE); Residential-1-A (R-1-A); Residential-1-C (R-1-C); Residential Two-Family (R-2); Residential Moderate Density (R-3); Residential High Density (R-4); Mobile Home Dwelling (MH); Commercial-0 (C-0); Neighborhood Park (NP); Natural Areas (NA); Conservation (CO); Public Lands, Parks, Open Space, and Facilities (PL)	55	50
Commercial-1 (C-1); Commercial-2 (C-2); Commercial-3 (C-3); Commercial-4 (C-4); Commercial-5 (C-5); Industrial-1 (I-1)	60	55
Agricultural-3 (A-3); Agricultural-2 (A-2); Agricultural-1 (A-1); Industrial-2 (I-2); Industrial-3 (I-3); Regional Park (RP)	80	75
Other Overlay Zones	Same as Underlying Zone District	Same as Underlying Zone District
Aviation (AV); Denver International Airport (DIA)	None	None

2. *Limits of Construction Activities:* No person shall engage in outdoor construction activities in any zone district between the hours of 10:00 p.m. and 6:00 a.m. Construction projects shall be limited to a maximum permissible noise level of 80 dBA in all zone districts. Construction activities directly connected with abatement of an emergency are excluded from this time restriction. Any construction activity which will be performed outdoors between the hours of 10:00 p.m. and 7:00 a.m. shall be required to obtain a special use permit.

#### 4-16-04 DUST AND DEBRIS CONTROL

1. *Prohibition of Blowing Dust and Debris:* The blowing of dirt, sand, or debris from one property to an adjacent, or surrounding property, or right-of-way is not permitted. Agricultural operations in Agricultural Zone Districts are exempt from this prohibition.
2. *Prevention of Blowing Dust and Debris:* The prevention of blowing of dirt, sand, or debris may be accomplished by oiling, placement of base course, asphaltting, application of calcium chloride, watering and wetting down the area, installation of a snow fence or barrier, chiseling the ground, and/or other effective means. Agricultural operations in Agricultural Zone Districts while exempt from this requirement generally may be required to take actions where blowing dust is determined by the Tri-County Health Department or the Director of Public Works which constitutes a hazard to motorists or the public health.

**4-16-05 ELECTROMAGNETIC AND ELECTRICAL INTERFERENCE**

No equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment. No use may be made of land or water within the County, which will create electrical interference with navigational signals for radio communications between an aviation facility and aircraft.

**4-16-06 HUMIDITY, HEAT, GLARE, SMOKE, OR RADIATION**

Every use shall be operated so it does not emit any offensive, harmful, hazardous, or annoying amount of heat, glare, humidity, smoke, or radiation at any point on any boundary line of the lot on which the use is located.

**4-16-07 ODOR**

Every use shall be operated so it does not create a malodorous condition except those odors, which may typically be associated with an agricultural operation in an Agricultural Zone District.

**4-16-08 MOVING BUILDINGS OR STRUCTURES**

**4-16-08-01 PERMIT REQUIRED**

No building or structure shall be moved into, within, or set down in the unincorporated area of Adams County or transported upon any public right-of-way within said area until a moving permit and a building permit have been obtained.

**4-16-08-02 INSPECTION AND CONFORMANCE REQUIRED**

Buildings or structures proposed to be moved shall meet all the regulations of Adams County and shall be compatible in size, structure, age, value, and general architectural design to the neighborhood in which they are proposed to be moved. A building proposed to be moved, is required to be inspected prior to being moved.

**4-16-09 MOVING AND CULVERT INSTALLATION PERMIT FOR OIL AND GAS WELLS**

**4-16-09-01 PERMIT REQUIRED**

A Moving and Culvert Installation Permit must be obtained each time a County road is used for the transportation of a drilling rig. The names of both the Operator and Mover shall appear on the application for the permit. The Director of Public Works must be notified of the day and time of the move prior to commencing the move. The Oil and Gas Well Inspector may temporarily postpone moves due to inclement seasonal weather conditions where road or bridge damage might occur. If a move is temporarily postponed

due to inclement seasonal weather conditions, the life of the permit shall be extended for the number of days during which the move was temporarily postponed.

**4-16-09-02 PERMIT WITHHELD**

A Moving and Culvert Installation Permit shall be withheld unless a copy of the drilling permit issued by the State of Colorado Oil and Gas Conservation Commission and evidence of insurance is submitted by both the Operator and Mover meeting the following requirements and are submitted to the Director of Public Works:

1. A policy of liability insurance obtained by each of the parties named on the application wherein the County shall be named as an insured party. The endorsement of Adams County as an insured party shall be obtained by each applicant. The policy shall specify damage to County roads, bridges, and other property of the County is an insured item, with a minimum liability coverage of \$100,000 to guarantee payment for damage to any County roads, bridges, and/or property of Adams County during any moving operations and under all Moving and Culvert Installation Permits issued hereunder.
2. In lieu thereof, the applicant may request the County to substitute a letter of indemnity or self-insurability in place of a liability policy. If in the determination of the Board of County Commissioners, a letter of indemnity or self-insurability provides sufficient coverage for damages, which might occur, the substitution shall be allowed.
3. No policy or liability insurance shall be permitted to lapse, be canceled, or be withdrawn unless ten (10) days written notice from the insurance company is given to Adams County prior to any lapse, cancellation, or withdrawal. In the event of any such lapse, cancellation, or withdrawal, the Moving and Culvert Installation Permit shall be deemed canceled and no further moves shall be allowed until reinstatement of this policy of liability or letter of indemnity. The policy or letter of indemnity shall be kept valid and in force as long as the drilling rig remains in the County and until such rig leaves the County.

## 4-17 SIGNS AND OUTDOOR COMMERCIAL ADVERTISING DEVICES

### 4-17-01 PURPOSE

The purpose and intent of these sign standards are to provide each property owner an opportunity for effective identification while limiting the number and area of all signs permitted and maintaining the visual appearance of scenic corridors and all other areas of Adams County by avoiding clutter.

### 4-17-02 APPLICABILITY

These sign standards apply to all signs and attractive devices of whatever nature and wherever located, within the unincorporated portions of Adams County except off-premise signs which are regulated by Section 4-15 of these Development Standards and Regulations. All signs or attractive devices not specifically permitted or excepted by this Section are prohibited.

Provided any sign or attractive device complies with all standards in this Section and allows on-premise commercial messages, the sign or attractive device shall also be permitted to allow non-commercial messages to the same extent.

In conjunction with these Development Standards and Regulations, the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. seq, and the Colorado Rules and Regulations promulgated there under by the Colorado Department of Transportation shall be adhered to. Nothing in these Standards and Regulations shall be construed to allow advertising devices which are prohibited, or otherwise non-conforming with the Colorado Outdoor Advertising Act.

### 4-17-03 EXEMPTED SIGNS

The provisions of this Section do not apply to the following, which are therefore excepted from obtaining a sign permit.

1. *Art*: Works of art not used in connection with a commercial promotion or as an advertising device.
2. *Merchandise*: Merchandise or models of products or services, which are incorporated as an integral part of an indoor window display. Merchandise includes photographic window displays of real estate available for sale, lease, or rental from a licensed real estate broker.
3. *Signs on Vehicles*: Signs displayed on motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs indicating the name of the owner or business which are located on delivery trucks, trailers, and the like; provided, the primary purpose of such vehicles is not for the display of signs, and provided such vehicles are parked or stored in areas appropriate to their use as vehicles.

4. *Cornerstones*: Cornerstones, tablets, and the like which identify the name of the building or the date of erection, when carved into stone, concrete, bronze, or other permanent material and are made an integral part of a building or structure.
5. *Menu Display Boxes*: One (1) menu display box of up to two (2) square feet is allowed for each restaurant, bar, and lounge for the purpose of displaying menus. A permit shall be obtained for menu display boxes larger than two (2) square feet, and the exceeding two (2) square feet shall be counted against the total allowable sign area.
6. *Small Signs*: Signs not legible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
7. *Interior Signs*: Signs displayed within the interior of a building, which are not legible from the exterior of the building.
8. *Address Numbers*: Address numbers, provided they do not exceed five (5) square feet in area.
9. *Single-family and Two-Family Residential Signs*: Non-illuminated wall-mounted signs for single-family and two-family uses which do not exceed three (3) square feet in area and non-illuminated freestanding signs no more than five (5) feet in height and three (3) square feet in area.
10. *Pennants*: Strings of flags, pennants, and streamers shall be permitted and shall not require a sign permit for properties in the C-4 and C-5 Zone Districts which have frontage on a road in the state highway system, excluding the interstate system.
11. *Official Notices and Warning Signs*: Official notices erected by the government, public utility companies, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, or similar devices. These signs shall not be legible from the property line unless required to be larger by Federal, State, or local laws. This includes signs in the right-of-way which comply with the current Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Administration to control traffic, identify roads, warn of danger, or are otherwise required by Federal, State, or local laws.
12. *Temporary Signs*: All temporary signs shall meet the following requirements:
  - a. Temporary Signs:
    - i. The maximum sign size shall be thirty-two (32) square feet.
    - ii. One (1) temporary sign may be displayed for a period not to exceed fourteen (14) consecutive days, a maximum of two times per calendar year for each lot or parcel. For properties with more than one unit or tenant, each unit or tenant may display one (1) temporary sign for a period not to exceed fourteen (14) consecutive days, a maximum of two times per calendar year. For properties with more than one unit or tenant, no more than five (5) temporary signs shall be displayed on a property at any given time.

- iii. Signs shall be placed on private property, outside any right-of-way or easement and shall be placed to avoid any sight obstruction for motorists, cyclists, and pedestrians.
  - iv. Banners, balloons and/or flags may be used for a period of time not to exceed fourteen (14) consecutive days in any calendar year to promote a special event.
  - v. Signs associated with an approved Temporary Use Permit shall be allowed for the duration of the permit. Signs associated with a Special Use Permit shall be considered permanent signs and are required to obtain a sign permit and a building permit.
  - vi. Shall not be illuminated.
13. Changing copy on the face of a sign, display encasement, marquee, or maintenance where no structural changes are made, or changing the interchangeable letters on signs designed for use of interchangeable letters does not require a sign permit.
14. Notices posted by governments for public hearings do not require a sign permit.

#### **4-17-04 PROHIBITED SIGN TYPES**

Any sign or attractive device not specifically authorized by this Section 4-15 is prohibited unless required by law. The following are examples of signs, conditions, and other attractive devices which are prohibited:

- 1. Any sign or attractive device located within, on, or projecting over a property line which borders a public or private road, highway, alley, lane, parkway, avenue, road, sidewalk, easement, or other right-of-way, except as provided in this Section 4-14.
- 2. Any sign which would create a sight obstruction for traffic or create a hazard for motorists, cyclists, or pedestrians.
- 3. Any sign or attractive device attached to any public utility pole or structure, road light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein.
- 4. Any sign or attractive device placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.
- 5. Any sign or attractive device which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the building and fire codes as adopted by Adams County.
- 6. Any sign or attractive lighting device, whether on the exterior of the building, or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, scintillating, blinking, or strobe light illumination.

7. Any sign or attractive lighting device with exposed incandescent, metal halide, fluorescent light bulbs, or other exposed light source.
8. Any sign or attractive device which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign which employs any stereopticon, or motion picture projection.
9. Any sign which includes animated images or graphics, scrolling messages, or video moving images similar to television images.
10. Any sign or attractive device animated by any means, including fixed aerial displays, balloons, pennants, including strings of flags, streamers or devices affected by the movement of the air, and inflatable signs or inflated devices, except as provided for in Sections 4-05 and 4-14-03 of these Development Standards and Regulations.
11. Any sign or attractive device with movement of the sign body such as rotating, moving up and down or any other type of action involving a change in position of the sign body or segment thereof, whether by mechanical or any other means.
12. Any banner, temporary, or portable sign or attractive device including, but not limited to: sandwich, A-frame, tire rim or hand-held sign, animated sign or costumed character, stuffed animal, vehicle used as a sign or sign structure, string of lights arranged in the shape of a product, an arrow, or any commercial message with the exception of holiday decorations except as provided for in this Section 4-14.
13. Any sign or attractive device mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract attention of the public for advertising purposes.
14. Any sign or attractive device painted, attached, or mounted on fuel tanks, outdoor storage containers and/or solid waste receptacles or their enclosures.
15. Any roof sign or roof mounted attractive device.
16. Any sign or attractive device which includes search lights or beacons.
17. Auditory commercial messages or music.
18. Any sign or attractive device unlawfully erected or maintained.
19. Any sign considered graffiti pursuant to the definition in Chapter 11.

#### **4-17-05 GENERAL SIGN REQUIREMENTS**

##### **4-17-05-01 SIGN AREA MEASUREMENT**

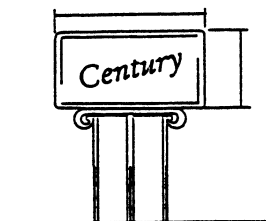
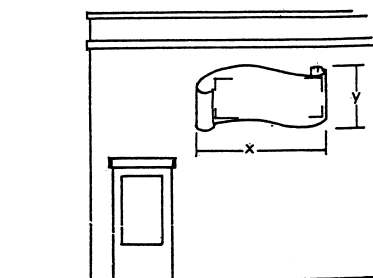
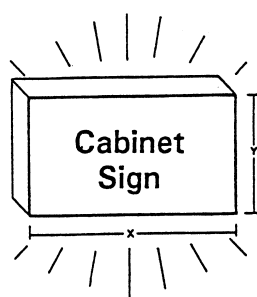
The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used

to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework, bracing, or other decorative fence or wall when such fence or wall otherwise conforms to these regulations and is clearly incidental to the display itself. For canopy signs, if the canopy is backlit, the entire canopy area shall be used to determine sign area.

4-17-05-01-01

**SIGN COPY WITH BACKGROUND**

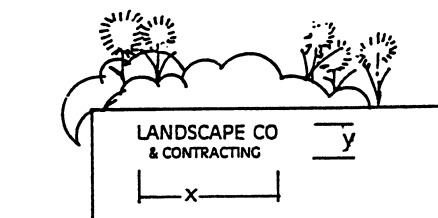
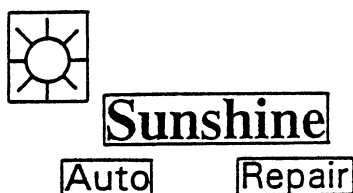
Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured by the area contained within the sum of the smallest rectangle(s) which will enclose both the sign copy and the background.



4-17-05-01-02

**INDIVIDUAL LETTERS**

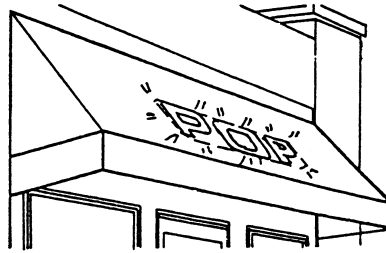
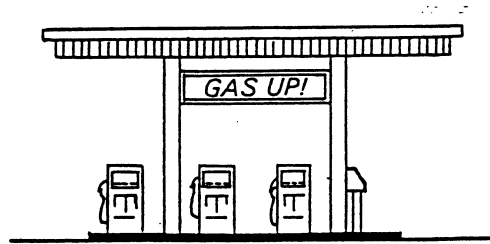
Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for a sign copy, is measured as a sum of the smallest rectangle(s) which will enclose each word and each graphic in the total sign.



4-17-05-01-03

**ILLUMINATED SIGNS**

Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface, or illuminated element, which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs, spanner board signs, and/or interior lit awnings.



4-17-05-01-04

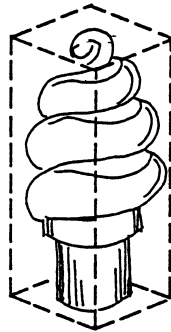
**MULTI-FACED SIGNS**

Multi-faced signs are measured as a total of all sign faces. However, when two (2) sign faces are placed back-to-back so that both faces cannot be viewed from any one (1) point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. If the sign area of the faces is not equal, computation will be based on the larger of the two (2) sign faces.

4-17-05-01-05

**SCULPTURAL SIGNS**

Spherical, free-form, sculptural, or other non-planar sign areas are seventy-five percent (75%) of the sum of the areas using only the four (4) vertical sides of the smallest four-sided polyhedron which will encompass the sign structure. Signs with greater than four (4) faces are prohibited.

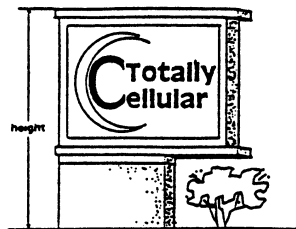


#### 4-17-05-02 SIGN HEIGHT MEASUREMENT

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed based on the elevation of the base of the sign being equal to the elevation of the nearest point of the crown of the adjacent public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.

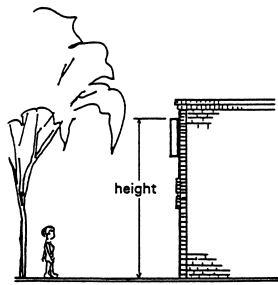
##### 4-17-05-02-01 **FREESTANDING SIGNS**

Sign height is the distance measured from grade at the base of a sign to the topmost portion of a sign, excluding decorative embellishments. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.



##### 4-17-05-02-02 **BUILDING MOUNTED SIGNS**

The height of wall, fascia, mansard, parapet, or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.



#### **4-17-06 TYPES AND AREAS OF PERMANENT SIGNS**

##### **4-17-06-01 SIGN PERMIT AND BUILDING PERMIT REQUIREMENTS**

A sign permit shall be required to display, erect, relocate, or alter any sign. All applications for sign permit to display, erect, relocate, or alter any sign shall be submitted to the Director of Community and Economic Development on an application form published by the Director of Community and Economic Development. The application shall be accompanied by an elevation drawing of the sign as well as a site plan depicting the location of the sign on the property and applicable fees.

A building permit shall be required to display, erect, relocate, or alter any sign in accordance with the building code as adopted by Adams County. All applications for building permits to display, erect, relocate, or alter any sign shall be submitted to the Director of Community and Economic Development Department on an application form published by the Community and Economic Development Department. The application shall be accompanied by all required submittals including, but not limited to, those materials required by the building code as adopted by Adams County.

##### **4-17-06-01-01 *TIME FOR REVIEW OF SIGN PERMITS AND BUILDING PERMITS***

1. The Director of the Community and Economic Development Department shall inform the applicant of the completeness of their application within ten (10) business days after the date an application is received.
2. Once the application is complete the County will review for compliance with the County's Development Standards and Regulations and the building code. The County will inform the applicant within ten (10) business days after the completeness determination of a recommended approval, denial, or requirement of resubmittal of the application, unless the applicant agrees to an extension. The applicant will have thirty (30) days to respond to the County's request for resubmittals. Once

resubmitted the County will have an additional ten (10) business days to review the application for compliance with the County's Development Standards and Regulations and the building code.

#### **4-17-06-02 CRITERIA FOR ISSUANCE OF A SIGN PERMIT**

Any application for a sign permit to place or construct a sign may be issued only upon finding the sign meets the following criteria:

1. The size, height, design, location, duration, and characteristics of each sign shall comply with the standards in this Section 4-14.
2. Any light used to illuminate a sign shall be arranged to reflect light away from nearby residential properties and away from the vision of passing motorists. Internal illumination is encouraged.
3. The sign or attractive device provides for on-premise commercial advertising or other non-commercial messages. The sign or attractive device does not permit off-premise commercial advertising, see section 4-15.
4. All signs shall be located completely within an enclosed sign cabinet (except individual letters or graphics against a wall, fascia, or parapet of a building or surface of another structure as allowed by these regulations, that has been painted, textured, or otherwise altered to provide a distinctive background for a sign copy) or other approved method by the Director of Community and Economic Development.

#### **4-17-06-03 ELECTRONIC SIGN STANDARDS\***

##### **4-17-06-03-01 DEFINITION OF ELECTRONIC SIGN\***

An electronic sign is a sign which displays electronic static images, static graphics, or static pictures, with or without textual information. Such a sign may be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed.

All electronic on-premise signs shall only contain information and/or advertising for goods and services specifically available on site. Any advertising for goods and services not located on the site shall conform to the off-premise (billboard) regulations.

##### **4-17-06-03-02 ELECTRONIC SIGN RESTRICTIONS**

An electronic sign is permitted to be incorporated into a permanent freestanding or permanent wall sign subject to the following restrictions:

1. *Duration of Message:* Each message displayed shall remain motionless for a minimum of four (4) seconds, with ten (10) seconds optimal. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
2. *Transition of Message:* Each message shall transition to the next message instantaneously.
3. *Prohibited Electronic Signs:* Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sound, employs stereopticon, or includes motion picture projection. Any sign or attractive device which displays its message or portion thereof for less than four (4) seconds before a change occurs shall be considered flashing or intermittent.
4. *Brightness / Luminance:* Electronic signs shall be equipped with and employ the use of light monitors and controls that allow sign brightness to automatically adjust to outside conditions. Electronic signs shall not exceed a maximum of 0.3 foot-candles over ambient lighting conditions when measured at the required distance. A foot-candle is a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. The required distance shall be calculated using the following formula:

$$\begin{aligned} & \text{distance measuring maximum brightness in linear feet} \\ & = \sqrt{(\text{sign area in square feet} \times 100)} \end{aligned}$$

#### 4-17-06-04 FREESTANDING SIGN STANDARDS

##### 4-17-06-04-01 **DEFINITION OF FREESTANDING SIGN**

A freestanding sign is a sign which is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

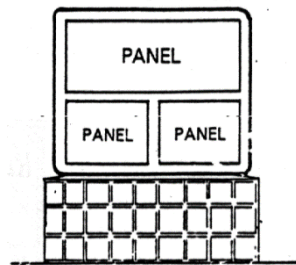
##### 4-17-06-04-02 **FREESTANDING SIGN RESTRICTIONS**

Freestanding signs are permitted subject to the following restrictions:

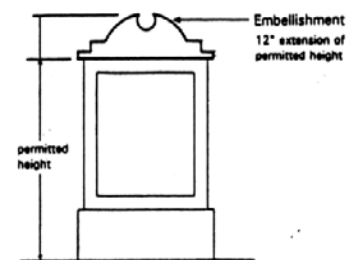
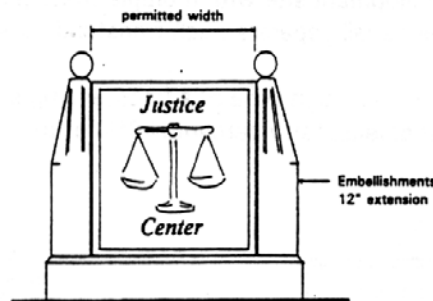
1. *Number of Freestanding Signs:* One (1) freestanding sign is permitted for lots or parcels with zero (0) feet to four hundred ninety-nine (499) feet of street frontage; one (1) additional freestanding sign is permitted for lots or parcels with five hundred (500) feet of street frontage or more. Additional freestanding signs may be permitted at the discretion of the Director of Community

and Economic Development at permitted accesses to enhance wayfinding.

2. *Sign Design:* The permanent sign base of a freestanding sign shall be reviewed at the time of a sign and/or building permit submittal.
3. *Sign Landscaping:* A landscaped area located around the base of the sign equal to two and one-half (2.5) square feet for each square foot of sign area, is required for all freestanding signs. The landscaped area shall contain living landscape material consisting of shrubs, and/or perennial ground cover plants placed throughout the required landscaped area having a spacing of not greater than three (3) feet on center. Where appropriate, deciduous, or evergreen trees shall be planted in a manner, which frames or accents the sign structure.
4. *Number of Sign Panels:* A freestanding sign may consist of more than one (1) sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed which does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.



5. *Embellishments:* Freestanding sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of twelve (12) inches on any side.



6. *Setback:* The leading edge of any freestanding sign is required to be set back a minimum of eight (8) feet from the front property or

- right-of-way line, and a minimum of fifteen (15) feet or the height of the sign from any side or rear lot line, whichever is greater.
7. *Sign Height:* The maximum height of any freestanding sign shall be twenty-four (24) feet for signs in the C-0, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3, NP, and RP Zone Districts, and twelve (12) feet for signs in the R-E, R-1-A, R-1-C, R-2, R-3, R-4, A-1, A-2, A-3, M-H, NA, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit or legal, non-conforming uses, the Director of Community and Economic Development shall determine which sign height allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign height is compatible with the surrounding area; 2) The type of use and associated sign height is more consistent with a different Zone District; or 3) The Zone District where the use is a principally permitted use is more consistent for the basis of sign height.
  8. *Sign Area:* The maximum area of any freestanding sign face shall be one-hundred-sixty (160) square feet for signs in the C-3, C-4, and C-5 Zone Districts, one hundred (100) square feet for signs in the A-1, A-2, A-3, C-0, C-1, C-2, I-1, I-2, I-3, NP, and RP Zone Districts, and forty (40) square feet for signs in the R-E, R-1-A, R-1-C, R-2, R-3, R-4, M-H, NA, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit, or legal, non-conforming uses, the Director of Community and Economic Development shall determine which sign area allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign area is compatible with the surrounding area; 2) The type of use and associated sign area is more consistent with a different Zone District; or 3) The Zone District where the use is a principally permitted use is more consistent for the basis of sign area.
  9. *Clearance:* No freestanding sign shall project over any sidewalk, private drive, parking lot, or public road.
  10. *Sight Distance Triangle:* Freestanding signs are prohibited in the sight distance triangle as calculated in Chapter 7 of these regulations.
  11. *Subdivision Signs:* Permanent subdivision or neighborhood identification signs for neighborhoods which have adopted an Adams County Neighborhood Plan shall be constructed of brick, or other approved material by the Director of Community and Economic Development and reviewed as part of a new subdivision

and/or sign permit request. Subdivision or neighborhood identification sign(s) shall not exceed forty (40) square feet in area and shall not exceed twelve (12) feet in height. All subdivision or neighborhood identification signs shall be setback a minimum of eight (8) feet from the front property line and a distance equal to the height of the sign from the side and rear property lines. All subdivision or neighborhood identification signs on the same side of a road or highway shall be separated by a minimum of one thousand three hundred twenty (1,320) linear feet. All subdivision or neighborhood identification signs shall be maintained by a homeowners association, lot owners association, or other County approved management entity. Permanent subdivision or neighborhood identification signs shall also conform to the sign landscaping, clearance, and sight distance triangle provisions of this Section 4-14-06-04-02.

#### **4-17-06-05 BUILDING-MOUNTED SIGNS**

##### **4-17-06-05-01 DEFINITION OF BUILDING-MOUNTED SIGN**

A building-mounted sign is a sign, which is attached to any supporting elements of a building. Building mounted signs include canopies, marquees, projecting, suspended, wall, and window signs.

##### **4-17-06-05-02 BUILDING-MOUNTED SIGN RESTRICTIONS**

Building-mounted signs are permitted subject to the following restrictions:

1. *Total Number of Signs:* No more than one (1) building-mounted sign shall be permitted per frontage or commercial/industrial user in the A-1, A-2, A-3, R-E, R-1-A, R-1-C, R-2, R-3, R-4, M-H, C-0, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3, NP, RP, NA, CO, and PL Zone Districts.
2. *Projecting and Suspended Signs:* Projecting and suspended signs which extend less than four (4) feet and are hung at least six (6) inches away from the building and clear the sidewalk by at least eight (8) feet in height are permitted. Such signs are permitted to be placed perpendicular to the building face or corner of the building. Projecting and suspended signs are limited to one (1) sign not to exceed sixteen (16) square feet per business and do not count against the total number of permitted building mounted signs. Projected and suspended signs are counted against the total building mounted sign area.
3. *Building-Mounted Sign Placement:* No building mounted signs are permitted at a location higher than the cornice line of any building.

Sign copy on decorative awnings on second story windows shall not be permitted.

4. *Awning/Canopy Signs:* Awning/canopy signs may be used in lieu of projecting signs and may be used in coordination with flush-mounted wall signs. Awning and canopy signs that exceed twenty (20) square feet shall be counted as a building-mounted sign. All awning/canopy signs shall be limited in area as a building mounted sign.
5. *Building Wall Painting:* Graphics painted directly on the building when the wall surface already has been painted and is presently painted in a uniform manner, are permitted. Signs proposed on unpainted rock or brick are not permitted. Historic ghost graphics shall not be defaced or obscured. Building wall painted signs are counted against the total building mounted sign area.
6. *Sign Area:* The maximum total area of all building-mounted signs shall be fifteen percent (15%) of the building wall area on which the sign(s) is(are) placed for signs in the C-3, C-4, and C-5 Zone Districts, five percent (5%) of the building wall area on which the sign(s) is(are) placed for signs in the A-1, A-2, A-3, C-0, C-1, C-2, I-1, I-2, and I-3, NP, and RP Zone Districts, and forty (40) square feet for signs in the R-E, R-1-A, R-1-C, R-2, R-3, R-4, M-H, NA, CO, and PL Zone Districts. For uses permitted by Conditional Use Permit, Special Use Permit, Temporary Use Permit or legal, non-conforming uses, the Director of Community and Economic Development shall determine which sign area allowance best suits the use. In making this determination, the Director of Community and Economic Development shall find one or more of the following: 1) The proposed sign area is compatible with the surrounding area; 2) The type of use and associated sign area are more consistent with a different Zone District; or 3) The Zone District where the use is a principally permitted use is more consistent for the basis of sign area.
7. *Window Signs:* Window signs shall not exceed fifteen percent (15%) of the total window area per building face. Window signs are counted against the total building mounted sign area. Window signs or attractive devices shall be placed so as not to prevent or inhibit free ingress to or egress from any window, door, or any exit way required by the building and fire codes as adopted by Adams County.
8. *Clearance:* Building-mounted signs shall be located so there is a minimum of nine (9) feet of vertical clearance over any sidewalk, private drive, or parking lot and twelve (12) feet of vertical clearance over any public road.

## **4-18 OFF-PREMISE ADVERTISING DEVICES (BILLBOARD)**

### **4-18-01 PURPOSE**

The Purpose of this section is to advance the County's legitimate and substantial interest in limiting the number and area of off-premise advertising devices permitted to maintain the visual appearance of scenic corridors, avoid clutter, and protect the health, safety, and welfare of the citizens of Adams County by mitigating traffic distractions.

### **4-18-02 APPLICABILITY**

Off-premise advertising devices are permitted with an approved Conditional Use Permit in the C-5 and industrial zone districts. All off-premise advertising devices shall meet the standards contained in this Section 4-16.

A Conditional Use Permit or a Major Amendment to an existing Conditional Use Permit or Planned Unit Development shall be required to display, erect, relocate, or alter any off-premise advertising device excluding indirect lighting traditionally used and attached to a sign, but not internally located.

Provided any Off-Premise Advertising Device complies with all standards in this Section and allows off-premise commercial messages, the Off-Premise Advertising Device shall also be permitted to allow non-commercial messages to the same extent.

In conjunction with these Development Standards and Regulations, the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. seq, and the Colorado Rules and Regulations promulgated thereunder by the Colorado Department of Transportation shall be adhered to. Nothing in these Standards and Regulations shall be construed to allow advertising devices which are prohibited, or otherwise non-conforming with the Colorado Outdoor Advertising Act.

### **4-18-03 MAXIMUM NUMBER OF SIGNS**

Only one (1) two-faced off-premise advertising device shall be permitted per lot.

### **4-18-04 MAXIMUM SIZE**

No off-premise advertising device shall exceed three hundred (300) square feet per face.

### **4-18-05 MAXIMUM HEIGHT AND MINIMUM CLEARANCE**

No off-premise advertising device shall exceed forty (40) feet in height. Height shall be determined as the distance from the grade of the right-of-way on which the sign

fronts to the top of the sign including all projections. If located within one thousand (1,000) feet of an intersection of two (2) or more public rights-of-way, the lowest point of the sign face(s) shall be at least eight (8) feet above the ground.

#### **4-18-06 ELECTRONIC SIGN STANDARDS\***

##### **4-18-06-01 DEFINITION OF ELECTRONIC SIGN\***

An electronic sign is a sign which displays electronic static images, static graphics, or static pictures, with or without textual information. Such a sign may be changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message is displayed.

##### **4-18-06-02 ELECTRONIC SIGN RESTRICTIONS\***

An electronic sign is permitted to be incorporated into an off-premise sign subject to the following restrictions:

1. *Duration of Message:* Each message displayed shall remain static for a minimum of four (4) seconds, with ten (10) seconds optimal. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
2. *Transition of Message:* Each message shall transition to the next message instantaneously.
3. *Prohibited Electronic Signs:* Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sound, employs stereopticon, or includes motion picture projection. Any sign or attractive device which displays its message or portion thereof for less than four (4) seconds before a change occurs shall be considered flashing or intermittent.
4. *Brightness / Luminance:* Electronic signs shall be equipped with and employ the use of light monitors and controls that allow sign brightness to automatically adjust to outside conditions. Electronic signs shall not exceed a maximum of 0.3 foot-candles during nighttime hours from sunset to sunrise. A foot-candle is a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. The required distance shall be calculated using the following formula:

$$\begin{aligned} & \text{distance measuring maximum brightness in linear feet} \\ & = \sqrt{(\text{sign area in square feet} \times 100)} \end{aligned}$$

#### 4-18-07 OTHER LIMITATIONS

All off-premise signs shall meet the following requirements:

1. All off-premise signs on the same side of a road or highway shall be separated by a minimum of two thousand (2,000) linear feet.
2. The minimum right-of-way and property line setback requirements shall be equal to the height of the billboard as measured from the leading edge of the sign face. Variations in the setback requirement may be granted with the issuance of a Conditional Use Permit.
4. All off-premise signs may be illuminated.
5. Off-premise signs which contain, include, or are illuminated by a changeable message including electronic, digital, LED, fiber optics, light bulbs, or other illumination devices are allowed and shall remain motionless for periods not less than four (4) seconds, with ten (10) seconds optimal. A Conditional Use Permit, Major Amendment to an existing Conditional Use Permit or Planned Unit Development shall be required prior to installing any electronic means to any off-premise sign.
6. Where an off-premise sign has two (2) faces that are designed to be back-to-back, the faces shall not be more than three and one half (3.5) feet from one another. Where an off-premise sign has two (2) faces arranged in a V-shape, the faces shall be: a maximum of 45 degrees at the interior angle, or a maximum of 15 feet apart at its widest point, whichever is less.
7. Before any off-premise sign is erected, a building permit must be approved and issued by the Director of Community and Economic Development.

\*Electronic Sign Regulations were adopted by the Board of County Commissioners on May 3, 2010

#### 4-18-08 OTHER USES

An off-premise sign may be classified as a principal or accessory use on the property.

#### 4-18-09 REVIEW PROCESS

The review process for an off-premise sign is as follows:

1. The applicant submits a Conditional Use Permit application to the Adams County Community and Economic Development Department.
  - a. The Director of Community and Economic Development will inform the applicant of the completeness of their Conditional Use Permit application within ten (10) business days after the date an application is received.
  - b. Once the application is deemed complete, the County will review for compliance with the County's Development Standards and Regulations. The County will inform the applicant within ten (10) business days after the completeness determination of a recommended approval, denial, or requirement of resubmittal of the application, unless the applicant agrees to an extension. The applicant will have thirty (30) days to respond to the County's request for resubmittals. Once resubmitted, the County will have

- an additional (10) business days to review the application for compliance with the County's Development Standards and Regulations.
- c. Once reviewed, the County will schedule the application for the next available Planning Commission after all notice requirements are met in accordance with Section 2-01-06.
  2. If the Conditional Use Permit is approved by the Board of County Commissioners, the applicant submits a sign permit application and a Roadside Sign Permit Application from the Colorado Department of Transportation, if applicable, to the Adams County Community and Economic Development Department.
  3. The Adams County Community and Economic Development Department reviews the sign permit application for compliance with the Development Standards and Regulations and executes the local jurisdiction approval section of the Roadside Sign Permit Application.
  4. If approved by Adams County, the applicant submits the issued sign permit as well as the executed Roadside Sign Permit Application to the Colorado Department of Transportation.
  5. Once the Colorado Department of Transportation has issued a Roadside Advertising Permit, the applicant returns the sign permit and Roadside Advertising Permit to Adams County for review, approval, and issuance of a building permit.

#### **4-18-10 ADVERTISING BILLBOARD (HORIZONTAL BILLBOARD)**

An Advertising Banner is an 'off-premise sign', horizontal to the ground and of sufficient size to be seen by air passengers either landing or departing Denver International Airport. It must not be legible to the general public at ground level and is solely intended to be viewed by air passengers.

All Advertising Banners shall meet the standards contained in this Section 4-15.

Advertising Banner may be approved by issuance of an approved Conditional Use Permit (CUP) by the Board of County Commissioners. In addition to the general performance standards for Advertising Banners the Board of County Commissioners may impose additional condition, and/or conditions precedent in order to mitigate negative externalities associated with the location or operation of the advertising banner to ensure compatibility with the surrounding area.

#### **4-18-11 LOCATION**

Advertising Banners are permitted with an approved Conditional Use Permit in the A-3, agriculture zone district. Advertising Banners are permitted within a five (5) mile perimeter of Denver International Airport. In addition, advertising banners may be located within the area delineated by the Adams County Board of County

Commissioners. All Advertising Banners shall be separated by a minimum of two thousand (2,000) linear feet.

**4-18-12 MAXIMUM SIZE OF AN ADVERTIZING BANNER AND MINIMUM SIZE OF PROPERTY**

The area of an Advertising Banner shall be a maximum of ten (10) acres. An Advertising Banner shall not be located on A-3 zoned property which is less than two and a half (2.5) acres in size.

**4-18-13 MAXIMUM HEIGHT OF AN ADVERTIZING BANNER**

The maximum height of an Advertising Banner shall be a maximum of six (6) feet.

**4-18-14 OTHER LIMITATIONS**

All Advertising Banners shall meet the following requirements:

1. The minimum setback requirements for Advertising Banners shall be consistent with the minimum setback requirements of the A-3 Zone District.
2. An Advertising Banner shall not be legible from adjacent public roadways, freeways, or adjacent properties. Where the property on which an Advertising Banner is located fronts a public roadway and the Advertising Banner is attached to the ground, the Advertising Banner shall be screened from the public roadway by a wood or brick screen fence, a minimum of six (6) feet high, along the portion of the Advertising Banner that is adjacent to the public roadway. No Advertising Banner may be located within five hundred (500) feet of a residentially zoned or used property (measured from the property line to the leading edge of an Advertising Banner) unless a waiver is obtained from the affected property owner(s) and the waiver is recorded with the Adams County Clerk and Recorder.
3. Advertising Banners may be illuminated provided that such illumination (1) shall not present a hazard to pilots of any type of aircraft, (2) is not directed upward, and (3) has been approved by the County. The FAA and DIA will be important referral agencies and their comments will be considered by the Board of County Commissioners in their decision regarding the issuance of a Conditional Use Permit.
4. Before any Advertising Banner is erected, a building permit and a sign permit must be approved and issued by the County.
5. Advertising Banners shall be made of a non-reflective, flame- retardant material (i.e., mesh) as approved by the County. The FAA and DIA will be important referral agencies and their comments will be considered by the Board of County Commissioners in their decision regarding the issuance of a Conditional Use Permit.
6. Advertising Banners shall be securely fastened to the ground and/or an appropriate support structure shall be constructed to County specifications.

7. Advertising Banners shall be constructed of material which does not allow collection of rainwater or other significant amounts of precipitation which may cause a nuisance to aircraft pilots.

**4-18-15 OTHER USES**

Once an Advertising Banner is established on a lot, all other use or accessory use of the lot shall cease, and no use or accessory use shall be established until such Advertising Banner is removed from the property.

## **4-19 LANDSCAPING**

### **4-19-01 PURPOSE**

The purpose of this Section is to provide landscaping and performance standards which:

1. Enhance and promote a unique image for Adams County.
2. Protect the public health, safety, and welfare by:
  - a. Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
  - b. Minimizing noise, air, water, and visual pollution;
  - c. Screening and buffering incompatible land uses;
  - d. Reducing the amount of reflected glare and heat absorbed in and around developments;
  - e. Breaking up large expanses of parking lots;
  - f. Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
  - g. Providing screening from wind.
3. Conserve water resources by:
  - a. Promoting the use of xeriscaping and drought-tolerant native plantings; and
  - b. Promoting the utilization of stormwater detention as an irrigation source.
4. Ensure landscaping is an integral part of the site design and development process.

### **4-19-02 APPLICABILITY**

Development which satisfies one (1) of the following criteria shall be exempt from this section:

1. Agricultural uses.
2. Submitted or approved plans, building permits and/or development existing prior to the effective date of this Section shall comply with the regulations which were in effect at the time of approval.

The provisions of this article shall apply to development, which meets one (1) of the following and is not exempt:

1. All new development which has not applied for a building permit before the effective date of this Section; or
2. Existing development which requires a change in use permit as determined within the Change in Use Section of Chapter 4.

When there is a change in use, as determined within the Change in Use Section of Chapter 4\*, all of the applicable landscape requirements that can reasonably be complied with shall be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure on a permanent foundation. Mere financial hardship caused by the cost of meeting the landscaping requirement does not constitute grounds for finding compliance is not reasonably possible.

The Screening and Fencing Standards of Chapter 4, as amended, determine additional standards and regulations for screening and fencing performance standards.

#### **4-19-03 EXISTING VEGETATION**

Existing valuable trees, shrubs and grasses shall be preserved within natural drainage areas and areas not needed for development. Healthy, mature trees and younger plants, which would normally succeed older plants, shall be preserved. Trees, which are decayed, diseased, or reaching the end of their natural life span should not be preserved. If valuable trees are destroyed by the development, new trees shall be installed to replace the destroyed trees. Existing vegetation, which is retained as part of the development, may be counted as part of the landscaping requirement, unless prohibited by Section 4-17, Weeds and Dangerous Trees, of these standards and regulations.

#### **4-19-04 LANDSCAPE MATERIALS & LOCATION**

All landscape materials shall conform to these standards and regulations. All landscape materials shall be healthy and compatible with the local climate and the site soil characteristics, drainage, and water supply.

##### **4-19-04-01 LANDSCAPE MATERIALS**

All landscape materials shall conform to these standards and regulations. All landscape materials shall be healthy and compatible with the local climate and the site soil characteristics, drainage, and water supply.

No artificial trees, plants, or turf shall be used as a landscape material. If an applicant is interested in using artificial turf in their development, they shall meet the minimum standards for required plant materials and submit a request for an alternative turf design with drainage specifications to the Director of Community and Economic Development. Areas for cultivation of crops or pasture shall not be considered landscaped. No noxious weeds, as defined by the Colorado Department of Agriculture, will be permitted in any area designated for landscaping.

#### 4-19-04-02 LANDSCAPE LOCATION

Landscaped areas shall not be enclosed by a fence, which limits its visibility. If a sight obscuring fence is required, it shall be set back from the landscaped area. This will have the effect of having the landscaped area adjacent to the right-of-way and the fence will be located behind the landscaped area.

All landscaping shall be located so it does not interfere with utilities, easements, road lighting or fire hydrants.

#### 4-19-05 XERISCAPING

Xeriscaping is encouraged in all areas of the county. When xeriscaping is proposed, the xeriscape landscape plans shall be developed to assure a successful, low water and low maintenance landscape. The following fundamental principles should be followed in proposing a xeriscape landscape plan:

1. *Planning and Design:* In addition to aesthetics and function of plants, the soils, drainage patterns, exposure to heat and wind, and the manner in which the site is irrigated, must be considered.
2. *Limited Turf Areas:* Where feasible, use less water demanding materials, such as ground covers, low water usage plants, or mulches instead of turf, and locate turf only in areas where it provides functional benefits.
3. *Turf Species:* Areas close to the building or where uniform turf is desired are best planted with fine-bladed, sod-forming turf varieties such as Buffalo grass or Bluegrass. Outlying areas, where soil cover is needed, but foot traffic is limited, can be planted with various coarse grasses such as Tall Fescue, Smooth Brome, and Wheatgrasses. Species of grass, which grow with the average rainfall received by Adams County per year, include Tall Fescue, Smooth Brome Fairway Crested Wheatgrass, Ephraim Crested Wheatgrass, Buffalo grass, Blue Gramma, and others. Some varieties of Bluegrass, which are relatively drought tolerant, include Majestic, America, and Merion. The above listed drought tolerant grasses need water to become established. They also need occasional irrigation during a prolonged dry spell. The key to drought tolerance is deep root development. This is brought about by deep, thorough soil preparation and deep, infrequent watering.
4. *Soil Improvements:* Soil improvement allows for better absorption of water and improved water-holding capacity of the soil. Soils with organic matter also provide nutrients to plants. Improve the soil prior to planting and installation of any irrigation system by digging in a minimum of three (3) cubic yards of organic matter per one thousand (1,000) square feet to

- be planted. Organic matter could include aged manure, sphagnum peat moss, humus, compost, or aged sawdust.
5. *Efficient Irrigation:* When used, well-planned sprinkler systems can save water. For efficient water use, irrigate turf areas separately from other plantings. Landscape plantings should be grouped according to similar water needs. Turf areas are best watered with sprinklers. Trees, shrubs, and groundcovers can be watered efficiently with low volume drip or spray systems.
  6. *Mulches:* Mulched planting beds are an ideal replacement for turf areas. Mulches cover and cool the soil, minimize evaporation, reduce weed growth, and slow erosion. Mulches also provide landscape interest. Mulches should be placed over geo-textile fabric (filter fabric) where ground cover or shrubs are to be used in order to allow water and air to pass through the fabric and discourage weed growth.
  7. *Low Water Use Plants:* Low water use plants can serve nearly every landscape function. Section 4-16-14 includes recommended guides on xeriscape plants for the Front Range area.

#### 4-19-06 BUFFERYARDS

##### 4-19-06-01 BUFFERYARDS

The exterior boundaries of the lot which do not abut a public road right-of-way shall meet the bufferyard requirements shown below, depending upon the adjacent land use. All lesser intensity uses shall be buffered from higher intensity uses with a plant material bufferyard. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use. Plant material used for bufferyards between uses differing in intensity is in addition to the total landscaping requirement.

The following bufferyards and plantings shall be required between the identified land uses at the time of occupancy:

Land Use	Existing Residential Uses	Existing Commercial Uses	Existing Industrial Uses	Existing Institutional Uses	Existing Agricultural Uses
New Residential Uses	A	C	D	A	A
New Commercial Uses	C	A	B	B	C
New Industrial Uses	D	B	none	D	D
New Institutional Uses	A	B	D	A	A

**Note:** If a use does not conform to one (1) of the above categories, the Director of Community and Economic Development shall determine which category best matches the use.

Bufferyard Classification Requirements:

1. **Bufferyard A:** Five (5) foot minimum bufferyard width with one (1) tree per eighty (80) linear feet of lot line.
2. **Bufferyard B:** Ten (10) foot minimum bufferyard width with two (2) trees per eighty (80) linear feet of lot line.
3. **Bufferyard C:** Fifteen (15) foot minimum bufferyard width with two (2) trees per eighty (80) linear feet of lot line and six (6) foot high sight obscuring fence or wall located on the interior line of the bufferyard. \*
4. **Bufferyard D:** Fifteen (15) foot minimum bufferyard width with three (3) trees per sixty (60) linear feet and six (6) foot sight obscuring fence or wall located on the interior line of the bufferyard. \*

*\*A continuous hedge may be substituted for the required fence or wall in Bufferyards C and D, as long as it has a minimum height at installation of three (3) feet and will reach six (6) feet or more at maturity.*

**4-19-06-02 SPECIAL BUFFERYARDS**

Any new development abutting any portion of the designated Adams County Trail System, a public park, or limited access highway, shall be buffered from the trail, or park, using a Type C Bufferyard, unless increased or decreased by the Director of Community and Economic Development.

**4-19-07 REQUIRED LOT LANDSCAPING**

In addition to the required bufferyards and bufferyard landscaping, the following site landscaping shall also be required:

1. **Minimum Landscape Area:** All developments shall be required to landscape a minimum of ten (10) percent of the lot area. At least fifty (50) percent of the required landscape area shall be placed so it abuts adjoining public rights-of-way, excluding alleys and drives.
2. **Other Requirements:** The placement and design of the landscaping shall be at the discretion of the developer but shall be approved by the Director of Community and Economic Development. In addition to the plantings required under this Section, both Section 4-16-08, Off-Road Parking Lot Landscaping, and Section 4-16-06, Bufferyards, shall apply. The bufferyard landscaping requirements and the required landscaping adjacent to the front of a lot are required even if the 10% lot coverage is exceeded. The landscape area depth is measured from the property line (generally, the right-of-way line) inward. In eastern Adams County, no shrubs shall be required.

3. All applicants not able to meet the landscaping requirements may submit an Appeal from Administrative Decision. **\*Adopted by the BoCC on December 13, 2010**
4. The applicant/owner of land where landscaping is placed with or without County approval is responsible for relocation, alteration, and/or removal if required by the County at the owner's expense. Any landscaping within the right-of-way will not be used in the assessment of the land as part of right-of-way acquisition.

#### **4-19-07-01 STREET FRONTAGE LANDSCAPING**

The area along any property line abutting a public road right-of-way shall be landscaped using one (1) or any combination of the following landscape options:

1. *Option 1:* Install a twenty-five (25) foot wide area along the road right-of-way. Within the landscape area, one (1) tree and two (2) shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.
2. *Option 2:* Install a twenty (20) foot landscape area along the road right-of-way. Within the landscape area, one (1) tree and two (2) shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.
3. *Option 3:* Install a ten (10) foot landscape area along the road right-of-way. Within the landscape area, two (2) trees and five (5) shrubs shall be planted per forty (40) linear feet of frontage. Drive aisles shall be counted as zero (0) feet in depth.
4. *Option 4:* Install a five (5) foot landscape area along the road right-of-way. Within the landscape area, one (1) tree and two (2) shrubs shall be placed per forty (40) linear feet of frontage. A thirty (30) inch high decorative wall or the building shall be located between the parking area and the road frontage. Drive aisles shall be counted as zero (0) feet in depth.
5. *Option 5:* Install a landscape berm with a two (2) foot minimum average height. The berm shall have a slope of no greater than one (1) foot of rise to every four (4) feet of run. Within the landscape area, one (1) tree and five (5) shrubs shall be planted per sixty (60) linear feet of frontage.

#### **4-19-07-02 OFF-ROAD PARKING LOT LANDSCAPING**

The following landscaping requirements can be used to satisfy the 10% total lot landscaping requirement and shall be consistent with the following:

1. *Trees:* There shall be one (1) tree provided for every ten (10) parking stalls.
2. *Internal Landscape Area:* Depending on the number of spaces, the following square feet of landscaped area must be placed within the vehicle use areas. The required landscaped area shall be "stepped" up based on the number of stalls, which will be provided. For example, a parking lot with fifty-two (52) stalls shall provide twenty-five (25) square feet per stall.

<b><i>Number of Parking Stalls</i></b>	<b><i>Required Landscaped Area</i></b>
0-9	None required
10-25	15 sq. ft. per stall
26-50	18 sq. ft. per stall
51-99	25 sq. ft. per stall
100 or more	35 sq. ft. per stall

3. *Distance to Landscaping:* No parking stall shall be more than one-hundred-twenty (120) feet from a required internal landscaped area.
4. *Terminal Islands:* The developer is encouraged to utilize landscaped terminal islands at the end of parking rows and/or divider strips between parking rows to help disperse the required landscaping throughout the entire parking lot.
5. *Curbs:* Landscaped areas within parking lots or along the perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.
6. *Clear Vision Area:* Clear vision areas within the off-road parking area must be established at road intersections by maintaining a maximum height for shrubs and ground cover of thirty (30) inches. Within a clear vision area, tree branches must be trimmed up eight (8) feet from the ground.
7. *Minimum Landscape Islands:* The minimum width or length of any landscaped area shall be five (5) feet; however the recommended minimum size is eight (8) feet. All of the required landscaped areas must contain a minimum of seventy-five (75) percent living landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping material. In eastern Adams County, the percentages of living landscaping material may be reduced to fifty (50) percent. Sidewalks abutting public rights-of-way are not counted toward the nonliving landscape material percentage.
8. *Splitting Parking Lots:* Parking lots containing between 200-750 parking stalls are required to be divided into two (2) or more lots, separated by a landscaped strip which may be counted toward the required off-road parking landscaping area. Parking lots with more than 750 stalls are required to divide the lot into at least two parking lots with a landscaped strip separating them. The minimum width of these landscaping strips shall be ten (10) feet.

9. *Sidewalks Counted:* A landscaped divider strip within a parking lot which separates either parking rows or parking lots shall be allowed to count a sidewalk located within this divider strip toward a part of the required off-road parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:
  - a. The sidewalk has a five (5) foot wide walking path and shall add two (2) feet for vehicle overhang if the sidewalk abuts a parking stall.
  - b. The sidewalk runs the entire length of the divider strip.
  - c. The sidewalk is bordered on at least one (1) side by landscaping, of which the sidewalk cannot account for more than fifty percent (50%) of the area of the divider strip.
10. *Other Vehicle Areas:* Areas used for vehicle service, parking, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive up service, shall be considered parking areas and shall comply with the parking lot landscaping requirements. Drive areas shall be calculated at a rate of one (1) parking space per two hundred (200) square feet of vehicle service area.
11. *Vehicle Sales Lots:* Vehicle sales lots shall provide trees at the rate of one (1) tree per one hundred (100) lineal feet, and shrubs at the rate of one (1) shrub per ten (10) lineal feet of display area fronting a public right-of-way. Plants may be grouped together, provided at least two-hundred-fifty (250) square feet of contiguous growing area, not encroached upon by shrubs or impervious surfaces, surrounds each planted tree.

#### 4-19-08 GENERAL PERFORMANCE STANDARDS FOR ALL USES

##### 4-19-08-01 COVER IN LANDSCAPED AREAS

All required landscaped areas and bufferyards must contain a minimum of seventy-five percent (75%) organic landscaping material, with a maximum of twenty-five percent (25%) non-living landscaping materials. All required landscaped areas and bufferyards shall be irrigated, maintained, and kept free of weeds, debris, and litter. In eastern Adams County, the percentages of living landscaping material shall be reduced to fifty percent (50%) and an automatic irrigation system is not required. Eastern Adams County is defined as that portion of Adams County outside the definition of Urban Adams County as defined in Chapter 11. In eastern Adams County, single-family residential land uses are not required to install landscaping and no landscaping is required for commercial and industrial land uses, which are serviced exclusively by wells, and which are restricted by the Colorado Division of Water Resources to inside use only. In addition, xeriscaping is encouraged in all areas of the County.

**4-19-08-01-01 MINIMUM SIZE REQUIREMENTS FOR TREES AND SHRUBS**

Landscaping materials shall comply with the following minimum size standards at the time of planting, with caliper measurements taken six (6) inches above grade.

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Size at Planting</i>
Ornamental	Less than 20'	1" to 1-1/2" cal.
Large Deciduous	Over 20'	2" to 2-1/2" cal.
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gal. container
Upright Shrubs	3' to 10'	5 gal. container

**4-19-08-01-01-01 GRADING STANDARD**

The following grading standard shall apply to all new landscaping and buffering areas:

<i>Landscaping</i>	<i>Maximum Slope</i>	<i>Minimum Slope</i>
Lawn and grassed areas	4:1	100:1
Berms and Mounds		
Grassed	4:1	20:1
Non-Maintenance	2:1	N/A

**4-19-08-02 MAINTENANCE STANDARDS**

All landscaping and required buffering shall be continually maintained including irrigation if applicable, weeding, pruning, and replacing in a substantially similar manner as originally approved. The following survival standards shall apply to all landscaping and required buffering:

1. *Living Ground Covers:* Living ground covers must be fifty percent (50%) established after the first growing season, and ninety percent (90%) established thereafter.
2. *Non-Living Ground Covers:* Non-living ground covers, such as rock or mulch must be one hundred percent (100%) intact after one (1) year and eighty percent (80%) intact thereafter.
3. *Trees and Shrubs:* Trees and shrubs must have a one hundred percent (100%) survival rate after one (1) year and a ninety percent (90%) survival rate thereafter.

**4-19-09 LANDSCAPING PERFORMANCE STANDARDS FOR SPECIFIC USES****4-19-09-01 RESIDENTIAL USES****4-19-09-01-01 SINGLE FAMILY DWELLING LANDSCAPING**

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum thirty percent (30%) of the back yard shall be landscaped.
3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping. Single-family residential uses in eastern Adams County are not required to install landscaping or automatic irrigation systems.
4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<i>Plant Type</i>	<i>Maturity Height</i>	<i>Minimum Plant Size at Planting</i>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallons
Upright Shrubs	3' to 10'	5 gallons

**4-19-09-01-02 SINGLE FAMILY ATTACHED LANDSCAPING**

1. *Front and Side Setbacks:* The entire front and side setbacks shall be landscaped, except for driveways.
2. *Back Yard Setback:* A minimum of thirty percent (30%) of the back yard shall be landscaped.
3. *Required Ground Cover:* A minimum of thirty percent (30%) of the required front and side landscape area must be covered by living

ground material, such as low growing ground cover, shrubs, or grass, within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one-hundred-twenty five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.

4. *Required Trees and Shrubs:* A minimum of one (1) large tree and five (5) shrubs, or two (2) ornamental trees and five (5) shrubs, shall be required for each lot. Evergreens shall be considered ornamental.
5. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<b><i>Plant Type</i></b>	<b><i>Maturity Height</i></b>	<b><i>Minimum Plant Size at Planting</i></b>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallons
Upright Shrubs	3' to 10'	5 gallons

4-19-09-01-03

***DWELLING, TOWNHOUSE LANDSCAPING***

1. *Minimum Landscaped Area:* Not less than 30% of the site area shall be landscaped.
2. *Required Ground Cover:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.

4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (30% - 70%) and ornamental (30% - 70%) trees. Evergreens shall be considered ornamental.
6. *Minimum Size Requirements:* Minimum size requirements for trees and shrubs shall be:

<b><i>Plant Type</i></b>	<b><i>Maturity Height</i></b>	<b><i>Minimum Plant Size at Planting</i></b>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallons
Upright Shrubs	3' to 10'	5 gallons

7. *Irrigation System Required:* A fully automatic irrigation system is required.

4-19-09-01-04

***DWELLING, MULTI-FAMILY LANDSCAPING***

1. *Minimum Landscaped Area:* Not less than thirty percent (30%) of the site area shall be landscaped.
2. *Required Ground Material:* A minimum of one-third (1/3) of the required landscape area must be covered by living ground material within one (1) year following occupancy and thereafter. If the required landscaping cannot be completed prior to occupancy, then a bond in the amount of one hundred twenty-five percent (125%) of the cost of the landscaping, as established by a local landscaping firm, must be filed with the Director of Community and Economic Development to guarantee completion of the landscaping within one (1) planting season after occupancy. If the landscaping has not been completed within one (1) planting season, the County may proceed against the bond to complete the landscaping.
3. *Required Trees and Shrubs:* A minimum of one (1) large tree and two (2) shrubs, or two (2) ornamental trees and two (2) shrubs, shall be required for each increment of fifteen hundred (1,500) square feet in western Adams County and three thousand (3,000) square feet in eastern Adams County.
4. *Parking Lot Landscaping:* All parking lots which consist of thirty (30) spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.

5. *Required Tree Mix:* The selection of trees shall be a mix of large deciduous (10% - 50%) and ornamental (10% - 50%). Evergreens shall be considered ornamental.
6. Minimum size requirements for trees and shrubs shall be:

<b><i>Plant Type</i></b>	<b><i>Maturity Height</i></b>	<b><i>Minimum Plant Size at Planting</i></b>
Ornamentals	Less than 20'	1" to 1-1/2"
Large Deciduous	Over 20'	2" to 2-1/2"
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gallons
Upright Shrubs	3' to 10'	5 gallons

7. *Irrigation System Required:* A fully automatic irrigation system is required.

**4-19-09-01-05      *DWELLING, MANUFACURED HOME PARK***

A twenty (20) foot strip around the boundary must be landscaped to provide a visual screen. All open spaces and other unimproved areas must be suitably landscaped. All landscaping must be maintained and furnished with an automatic sprinkler system.

**4-19-09-01-06      *DWELLING, MOBILE HOME PARK***

A landscaping plan shall be submitted for review and approval. The setbacks of the development and any other area not covered by mobile homes, driveways, ingress and egress, or other structures, shall be landscaped.

**4-19-09-02      COMMERCIAL USES**

**4-19-09-02-01      *AUTOMOBILE SERVICE STATIONS***

1. *Screening:* Service stations shall be separated from abutting residential properties by a six (6) foot high masonry wall and a Bufferyard as required in Section 4-17-06.
2. *Landscaping:* In addition to all other required landscaping, boundary landscaping is required for a minimum depth of ten (10) feet along all property lines abutting roads, except for the area required for road openings. Permanent irrigation facilities shall be provided for all landscaped areas.

**4-19-09-02-02      *BED & BREAKFAST ESTABLISHMENTS***

1. *Screened Parking:* Off-road parking for the guest rooms shall be screened with landscaping meeting the requirements of a Type C Bufferyard.

**4-19-09-02-03      *CAMPGROUNDS, COMMERCIAL***

In addition to all other required landscaping, interior landscaping of the campground shall require at least one (1) tree and two (2) shrubs per campsite. Each tree shall be at least two (2) inch caliper in size when planted. Shrubs shall be a minimum of five (5) gallon size when planted.

**4-19-09-02-04      *DRIVE-IN ESTABLISHMENTS, INCLUDING DRIVE-THRU RESTAURANTS***

1. *Landscaping:* Planting requirements for the drive-up window and access lanes shall be the same as those required for parking area landscaping in accordance with the Parking Performance Standards in Section 4-13 of these standards and regulations.

**4-19-09-02-05      *GUN AND ARCHERY RANGES***

Two (2) Type D Bufferyards shall encircle the perimeter of the gun range to provide a natural noise barrier. A ten (10) foot berm shall be incorporated into the bufferyard around the site.

**4-19-10      LANDSCAPING PLAN REQUIRED**

A landscaping plan shall be required as a condition of building permit approval. The Director of Community and Economic Development shall determine if the plan meets the requirements of these standards and regulations. At a minimum, a landscaping plan shall contain the following items:

1. Scale - written and graphic;
2. North arrow;
3. Label the zoning of subject property and adjacent properties;
4. Label the current land use of subject property and all adjacent properties;
5. Existing plant material, if applicable;
6. Plants to be removed or relocated, if applicable;
7. Existing and proposed structures, overhangs, and paving, if applicable;
8. Planting details specifying mulching materials;
9. Details of berms, walls, or any other structural buffering device if required by these standards and regulations;
10. Title block with name of project, name of person preparing plan and date;
11. A written statement describing type of irrigation system proposed - detail the proposed irrigation system or method of irrigation;
12. Plant schedule showing the following:
  - a. Number and location of plants of each species; and,

- b. Plant name (common name, botanical name, and variety name); and,
  - c. Size and condition of plants - size be expressed in terms of size of container, height of plant, or caliper of tree; condition to be expressed in terms of size of container, ball, and burlap, and/or bare root plant division (list shall be divided according to trees, shrubs and ground covers, and turf types); and,
13. Cost estimate including materials and cost of installation when installation of landscaping is deferred.

**4-19-11 LANDSCAPING INSTALLATION AND CERTIFICATE OF OCCUPANCY**

All required landscaping and buffering shall be installed prior to issuance of a Certificate of Occupancy. If weather conditions necessitate a delay in installation of landscaping, a Certificate of Occupancy may be issued only if collateral is filed with the County in an amount designated by the Director of Community and Economic Development, along with a schedule of completion, and a development agreement. The amount of the collateral will reflect one-hundred-twenty five percent (125%) of the estimated cost of purchasing and installing the landscaping. In eastern Adams County, single-family residential land uses are not required to install landscaping and no landscaping is required for commercial and industrial land uses, which are serviced exclusively by wells, and which are restricted by the Colorado Division of Water Resources to inside use only.

**4-19-12 LANDSCAPING PHASING**

A development agreement will be accepted in partial lieu of landscape if the applicant chooses to install landscape in phases. In the case of phased landscaping, a Certificate of Occupancy may be issued only if collateral is filed with the County in an amount designated by the Director of Community and Economic Development, along with a schedule of completion, and a development agreement. The amount of the collateral will reflect one-hundred-twenty five percent (125%) of the estimated cost of purchasing and installing the landscaping. All landscape phasing shall be approved at the discretion of the Director of Community and Economic Development.

**4-19-13 DEVELOPMENT ABUTTING ADAMS COUNTY TRAIL SYSTEM**

Any new development abutting any portion of the designated Adams County Trail System, a public park, or limited access highway, shall be buffered from the trail, or park, using a Special Bufferyard (Type C), unless increased or decreased by the Director of Community and Economic Development.

**4-19-14 REQUIRED LOT LANDSCAPING**

In addition to the required bufferyards and bufferyard landscaping, the following site landscaping shall also be required:

**4-19-15 ADMINISTRATIVE RELIEF**

Administrative relief is provided to add flexibility in the application of the landscaping regulations in this Section 4-17 when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of administrative relief should not always mean a requirement is reduced without mitigation – be it landscaping combined with urban design elements (i.e. architectural elements within a parking lot that screen parking to provide shade pavement, sidewalk/tree lawn area, gathering space or plaza, or natural areas), concentrated/denser plant material within a reduced buffer yard width, or demonstrations of concepts that are equal to or superior in fulfilling the purpose of the landscaping requirements).

A written request for administrative relief shall be submitted to the Director of Community and Economic Development either before or in conjunction with the building permit review process. The written request shall:

Include a justification in terms of the findings necessary to grant administrative relief; and the written request shall close with a section for the Director of Community and Economic Development's use, which will include a block for the decision of approval/denial, the Director of Community and Economic Development's signature, and decision date.

The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Director of Community and Economic Development.

The Director of Community and Economic Development must make all the following findings in order to grant administrative relief:

The strict application of the regulations in question is unreasonable given the development proposal or the measures proposed by the applicant, or the property has extraordinary or exceptional physical conditions or unique circumstances which do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

The intent of the landscaping section and the specific regulation in question is preserved, and;

The granting of the administrative relief will not result in an adverse impact upon surrounding properties.

The Director of Community and Economic Development shall render a decision on the request within ten (10) working days of receipt of the request and all required information.

An appeal of the decision of the Director of Community and Economic Development may be made to the Board of Adjustment within ten (10) days after the decision. At this time, the appeal will be placed on the agenda for the next Board of Adjustment meeting. The Landscape Appeal shall be processed in the same manner as a Variance request.

The Board of Adjustment shall grant the appeal, modify the administrative decision, or deny the appeal based on consideration of the staff report, the evidence from the public hearing, and compliance with the criteria for approval.

#### **4-19-15-01 ADMINISTRATIVE RELIEF POLICIES**

The County recognizes the specific landscape requirements in this Section cannot and do not anticipate all possible landscape situations. In addition, the County recognizes there may be landscape proposals that conform to the purpose, intent, and objectives of the landscape standards, but were not anticipated in the specific regulations. Therefore, the County may grant administrative relief in the event of these situations and proposals.

The County recognizes a proposed development of a relatively small commercial or industrial lot, which was created prior to the current landscape requirements, or the expansion or remodeling of an existing commercial site may present unusual difficulties in complying with the current requirements. Therefore, the County may grant administrative relief in the event of these situations and proposals.

The County shall attempt to balance the reasonable use of such a lot with the provisions of required landscaping. This balance will be affected by the site's characteristics, as well as the proposed development plan.

The County recognizes in order to allow reasonable development; there should be an upper limit to the amount of the site, which is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of the site.

The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all the categories of landscape requirements are considered important, the County generally assigns the following priorities for compliance with the landscape requirements:

Adjacent residential uses should be buffered;

An attractive appearance of the project should be provided along adjacent roads by landscaped setbacks and trees, and;

The parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings. Compliance with the requirements, such as the third priority above, should not be “forced” into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

#### **4-19-16 RECOMMENDED PLANT MATERIALS**

The following is a reference list of agencies and local jurisdictions that have plant material recommendation lists that are most compatible with the Adams County area:

- Denver Water Wise Landscape Handbook (Denver Water)
- Colorado Native Plant Society Low-Water Native Plants for Colorado Gardens: Front Range & Foothills (West Adams County)
- Colorado Native Plant Society Low-Water Native Plants for Colorado Gardens: Prairie and Plains (Central and East Adams County)
- Colorado State University Extension Office Publications
- A Plant Select guide to plants for smart, stunning, successful western gardens (partnership with CSU and Denver Botanic Gardens)

## 4-20 WEEDS AND DANGEROUS TREES

### 4-20-01 WEEDS AND OFFENDING VEGETATION

1. *Definition of Weed:* Any underbrush, bush, shrub, or plant material greater than nine inches in height which: 1. ordinarily grows without cultivation; not in planting beds or otherwise in a controlled manner; or not for the purpose of food production; and 2. is allowed to grow in such a manner or extent that it causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.
2. *Duty to Control Weeds:* It is the duty of every owner or occupant to abate weeds and offending vegetation on all premises.
3. *Maximum Height of Weeds:* Weeds and offending vegetation greater than twelve (12) inches in height, on all premises, shall be cut to and maintained at a height of six (6) inches or less according to the following:
  - a. In Residential (except RE), Commercial, and Industrial Zone Districts, within the entire lot or parcel.
  - b. In the A-1 and RE Zone Districts, within the established front building setback and within the required side and rear setback for principal dwellings. If no structure exists on the property, then the minimum required principal dwelling setbacks. In the A-2 and A-3 Zone Districts, within the required or established principal dwelling setbacks. In all Agricultural and the RE Zone Districts a minimum of a twenty (20) foot perimeter around the existing principal dwelling and all accessory structures.
  - c. In CO, PL, AV, and DIA Zone Districts, no requirements.
  - d. Notwithstanding the forgoing, any weeds classified as noxious by the State of Colorado or Adams County must be completely abated in accordance with the requirements of the State of Colorado or Adams County, as applicable.

### 4-20-02 DANGEROUS TREES

1. *Duty to Control Dangerous Trees:* Any owner or occupant of a lot shall cause to be cut or removed any dangerous trees located on the lot which may be considered troublesome, a hindrance to the general public, or which in any way endangers the security and usefulness of any public road, highway, aviation facility, alley, utility, sidewalk, or bicycle trail.
2. Tree Branch Clear Height
  - a. *Roads, Alleys, and Highways:* All trees located on a lot shall be trimmed to a clear height of twelve (12) feet above the surface of public roads, alleys,

or highways when the branch extends into the established right-of-way or existing roadway.

- b. *Public Sidewalks and Bicycle Trails:* All trees shall be trimmed to a clear height of eight (8) feet above public sidewalks or bicycle trails when the branch extends into or over the sidewalk or trail. All tree limbs shall be trimmed so as not to interfere with sight distance triangles in accordance with these standards and regulations.
3. *Duty to Control Interfering Roots:* Dangerous trees upon a lot whose roots are causing interference with public sidewalks or utilities shall be controlled or removed.

## **4-21 MARIJUANA BUSINESSES**

### **4-21-01 PURPOSE**

The purpose of the following general performance standards is to address elements of planning, design, operation, and maintenance to be applied to all marijuana businesses in Adams County. Any use-specific performance standards contained in these standards and regulations shall also be applied. Where a use-specific performance standard conflicts with a general performance standard, the use-specific standard shall apply.

### **4-21-02 LICENSING**

Prior to the operation of any marijuana business, a license must be obtained from the state of Colorado, and a local license must be obtained from Adams County, as applicable.

Uses established pursuant to this section shall at all times be in complete compliance with the terms and conditions of its marijuana businesses license.

### **4-21-03 PERFORMANCE STANDARDS**

#### **4-21-03-01 PERFORMANCE STANDARDS FOR ALL MARIJUANA BUSINESSES**

1. No marijuana business shall be allowed as a home occupation use.
2. No marijuana business shall be located in a residentially zoned or used building, or in a movable or mobile structure.
3. Where a retail marijuana store and a retail marijuana cultivation facility are located on the same site in a commercial zone district, the cultivation facility shall be no more than twice the size of the store.
4. All marijuana businesses shall develop properties in harmony with the surrounding area and shall enhance design elements of buildings and properties accordingly.
5. Inspections of marijuana businesses may occur at any time with or without notice.
6. Best industrial practices to mitigate odor, noise, lights, vapors, fumes, and dust, such as scrubbers and filters, shall be utilized and functioning at all times.
7. These standards and regulations recognize the protections afforded by Article XVIII, Section 14 of the Colorado Constitution, and desires to affirm the ability of patients and primary caregivers to otherwise be afforded the protections of Article XVIII, Section 14 of the Colorado Constitution and §25-1.5-106, C.R.S. (2009).
8. These standards and regulations shall in no way limit application and enforcement of any statutes of the state of Colorado.
9. All distances shall be measured from property line to property line.

**4-21-03-02 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA STORE**

1. Permitted Zone Districts: Medical Marijuana Stores are only permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.
2. Location:
  - a. No Medical Marijuana Store shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, and public housing facility.
  - b. No Medical Marijuana Store shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
  - c. No Medical Marijuana Store shall be located within 50 feet of any residentially zoned or used property.
  - d. No Medical Marijuana Store shall be located within 750 feet of any other Medical Marijuana Center or Retail Marijuana Store.

**4-21-03-03 PERFORMANCE STANDARDS FOR RETAIL MARIJUANA STORE**

1. Permitted Zone Districts: Retail Marijuana Stores are only permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.
2. Location:
  - a. No Retail Marijuana Store shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, and public housing facility.
  - b. No Retail Marijuana Store shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- c. No Retail Marijuana Store shall be located within 50 feet of any residentially zoned or used property.
- d. No Retail Marijuana Store shall be located within 750 feet of any other Retail Marijuana Store or Medical Marijuana Center.

**4-21-03-04 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA PRODUCT MANUFACTURING FACILITY**

1. Permitted Zone District: Medical Marijuana Product Manufacturing Facility is permitted in the I-1, I-2, and I-3 zone districts.
2. Location:
  - a. No Medical Marijuana Product Manufacturing Facility shall be located

within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.

- b. No Medical Marijuana Product Manufacturing Facility shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- c. No Medical Marijuana Product Manufacturing Facility shall be located within 50 feet of any residentially zoned or used property.

#### **4-21-03-05 RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY**

- 1. Permitted Zone District: Retail Marijuana Product Manufacturing Facilities are permitted in the I-1, I-2, and I-3 zone districts.
- 2. Location:
  - a. No Retail Marijuana Product Manufacturing Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based information provided to the County by the State of Colorado), playground, park, and public housing facility.
  - b. No Retail Marijuana Product Manufacturing Facility shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
  - c. No Retail Marijuana Product Manufacturing Facility shall be located within 50 feet of any residentially zoned or used property.

#### **4-21-03-06 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA CULTIVATION FACILITY**

- 1. Permitted Zone District: Medical Marijuana Cultivation Facilities are permitted in the C-3, C-4, and C-5 zone districts for dual operations, the I-1, I-2, and I-3 zone districts for stand-alone operations, and the A-3 zone district on parcels of at least 35 acres in size for indoor stand-alone operations west of Imboden Road from the northern border of Adams County south to the intersection of Imboden Road and E. 56<sup>th</sup> Avenue; then south of E. 56<sup>th</sup> Avenue between Imboden Road and Pass-Me-By Road; then west of Pass-Me-By Road from E. 56<sup>th</sup> Avenue to the southern border of Adams County.
- 2. Location:
  - a. No Medical Marijuana Cultivation Facility shall be located within 1,000 feet

of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.

- b. No Medical Marijuana Cultivation Facility shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- c. No Medical Marijuana Cultivation Facility shall be located within 50 feet of any residentially zoned or used property.

#### **4-21-03-07 PERFORMANCE STANDARDS FOR RETAIL MARIJUANA CULTIVATION FACILITY**

- 1. Permitted Zone District: Retail Marijuana Cultivation Facilities are permitted in the C-3, C-4, and C-5 zone districts for dual operations, the I-1, I-2, and I-3 zone districts for stand-alone operations, and the A-3 zone district on parcels of at least 35 acres in size for indoor stand-alone operations west of Imboden Road from the northern border of Adams County south to the intersection of Imboden Road and E. 56<sup>th</sup> Avenue; then south of E. 56<sup>th</sup> Avenue between Imboden Road and Pass-Me-By Road; then west of Pass-Me-By Road from E. 56<sup>th</sup> Avenue to the southern border of Adams County.
- 2. Location:
  - a. No Retail Marijuana Cultivation Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public housing facility.
  - b. No Retail Marijuana Cultivation Facility shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
  - c. No Retail Marijuana Cultivation Facility shall be located within 50 feet of any residentially zoned or used property.

#### **4-21-03-08 PERFORMANCE STANDARDS FOR MARIJUANA TESTING FACILITY**

- 1. Permitted Zone District: Retail Marijuana Testing Facilities are permitted in the I-1, I-2, and I-3 zone districts.
- 2. Location:
  - a. No Retail Marijuana Testing Facility shall be located within 1,000 feet of any existing public or private elementary, middle, junior high, or high school, state-licensed daycare homes and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, park, and public

- housing facility.
- b. No Retail Marijuana Testing Facility shall be located within 100 feet of any existing place of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house or correctional facility.
- c. No Retail Marijuana Testing Facility shall be located within 50 feet of any residentially zoned or used property.

**4-21-03-09 PERFORMANCE STANDARDS FOR MARIJUANA HOSPITALITY BUSINESS**

1. Permitted Zone District: Marijuana Hospitality Businesses are permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.
2. Location:
  - a. No Marijuana Hospitality Business shall be located within 1,000 feet of any existing public or private elementary, middle junior high or high school, state licensed daycare home and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, or public housing facility.
  - b. No Marijuana Hospitality Business shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house, or correctional facility.
  - c. No Marijuana Hospitality Business shall be located within 50 feet of any residentially zoned or used property.
  - d. No Marijuana Hospitality Business allowing for outdoor consumption shall be located within 500 feet of any residentially zoned or used property.
  - e. No Marijuana Hospitality Business shall be located within five miles of any other Marijuana Hospitality Business or Retail Marijuana Hospitality and Sales Business.
3. Mobile Premises: A Marijuana Hospitality Business with a Mobile Premises shall designate and maintain a fixed place of business in unincorporated Adams County this is separate from the Mobile Premises.
4. A Marijuana Hospitality Business may be allowed as an accessory use to any established Commercial Uses, as defined in Chapter 11, in any zone district where a Marijuana Hospitality Business is still required, even if operating as an accessory use. The accessory use must comply with all requirements of Section 4-03, Accessory Uses Performance Standards, as well as this Section.
5. If any outdoor consumption area is permitted as part of the Marijuana Hospitality Business, it shall be no greater in size than fifty percent (50%) of the indoor consumption area. The outdoor consumption area shall be concealed by an eight (8) foot solid screen fence or other effective

screening material, as approved by the Director of Community and Economic Development.

#### **4-21-03-10 PERFORMANCE STANDARDS FOR RETAIL MARIJUANA HOSPITALITY AND SALES BUSINESSES**

1. Permitted Zone Districts: Marijuana Hospitality Businesses are permitted in the C-3, C-4, C-5, I-1, I-2, and I-3 zone districts.
2. Location:
  - a. No Marijuana Hospitality Business shall be located within 1,000 feet of any existing public or private elementary, middle junior high or high school, state licensed daycare home and daycare centers in existence as of the date of application (based on information provided to the County by the State of Colorado), playground, or public housing facility.
  - b. No Marijuana Hospitality Business shall be located within 100 feet of any existing house of worship, youth center, public swimming pool, video arcade, alcohol or drug rehabilitation facility, group home for the developmentally disabled, halfway house, or correctional facility.
  - c. No Marijuana Hospitality Business shall be located within 50 feet of any residentially zoned or used property.
  - d. No Marijuana Hospitality Business allowing for outdoor consumption shall be located within 500 feet of any residentially zoned or used property.
  - e. No Marijuana Hospitality Business shall be located within five miles of any other Marijuana Hospitality Business or Retail Marijuana Hospitality and Sales Business.
  - f. The consumption area within a Retail Marijuana Hospitality and Sales Business shall not exceed fifty percent (50%) of the total floor area of the retail establishment, but in no case more than one thousand five hundred (1,500) square feet.
  - g. If any outdoor consumption area is permitted as part of the Retail Marijuana Hospitality and Sales Business, it shall be no greater in size than fifty percent (50%) of the indoor consumption area. The outdoor consumption area shall be concealed by an eight (8) foot solid screen fence or other effective screening material, as approved by the Director of Community and Economic Development.

#### **4-22 SEXUALLY ORIENTED BUSINESSES**

##### **4-22-01 SEXUALLY ORIENTED BUSINESSES BY ZONE DISTRICT**

A person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business outside of the C-4, C-5, I-1, I-2, or I-3 Zone Districts.

#### **4-22-02 MISDEMEANOR OFFENSES**

A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within fifteen hundred (1,500) feet of:

1. Any church;
2. Any school meeting all requirements of the compulsory education laws of the state;
3. The boundary of any residential district;
4. A dwelling unit (single or multiple);
5. A public park adjacent to any residential district; or
6. Another sexually oriented business.

A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof.

#### **4-22-03 MEASUREMENTS AND DISTANCES**

For purposes of this Section, distance between any two (2) sexually oriented businesses or between a sexually oriented business and any church, school, public park, dwelling unit (single or multiple) or residential district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the property on which the sexually oriented business is conducted, to the nearest property line of the premises of another sexually oriented business, a church, school, or dwelling unit (single or multiple), or the nearest boundary of an affected public park, or residential district.

#### **4-22-04 NONCONFORMING USE**

1. Any sexually oriented business lawfully operating on February 1994 that is in violation of this Section will be deemed a nonconforming use as provided for in Chapter 5 (Nonconforming Conditions) of these Regulations.
2. A sexually oriented business lawfully operating is not rendered in violation of this Section by the subsequent location of a church, school, dwelling unit (single or multiple), public park, or residential district, within fifteen hundred (1,500) feet of the sexually oriented business.

#### **4-22-05 EXCLUSIONS**

The provisions of this Section regulating nude model studios do not apply to:

1. A college, junior college, or university supported entirely or partly by taxation.
2. A private college or university which maintains and operates, educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

3. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one (1) time.

## 4-23 SITE DESIGN CONSIDERATIONS

### 4-23-01 LOT DESIGN STANDARDS

#### 4-23-01-01 LOT DIMENSIONS

1. *Lot Dimension to Conform to Zoning:* Lot dimensions shall conform to the requirements of the zone district in which the property is located.
2. *Lot Depth Ratio:* No lot shall have an average depth greater than three (3) times the average width unless the lot width exceeds four-hundred-forty (440) feet.

#### 4-23-01-02 LOT CONFIGURATION

1. *Double Fronting Lots:* Lots with double frontage shall be avoided except where necessary to provide separation of residential development from arterials, to provide ingress and egress in commercial and industrial lots, or to overcome specific disadvantages of topography and orientation. Double frontage lots shall be permitted in rural areas where the lot size is five (5) acres or greater. Access for double fronting lots shall be taken from interior roads not perimeter collectors or arterials.
2. *Flag Lots:* Flag lots shall be allowed in all zone districts but shall only be used where all other lot alternatives are impractical. If a reasonable development alternative exists, flag lots shall not be utilized even though their use might allow more lots to be created than other alternatives. In addition, no flag lot shall be approved where the flag lot is being used as a means of avoiding the construction of public roads or the extension of utilities. The minimum width of the pole of any flag lot shall be thirty (30) feet where the lot fronts a local road, arterial, or collector or meet the required minimum lot width of the pertinent zone district. The maximum depth of the pole shall be six hundred (600) feet. In all cases where a flag lot fronts a highway, arterial, or collector, only one (1) access shall be approved for every two-hundred-fifty (250) feet of road frontage. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided.
3. *Wedge-Shaped Lots:* In the case of irregular or wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property line where a lot fronts on a local road, a highway, arterial, or collector or meet the required minimum lot width of the pertinent zone district. The width at the front property line can be reduced to thirty (30) feet where a shared driveway is provided. In all cases, where a wedge-shaped lot fronts a highway, arterial, or collector, only one access shall be approved for every two-hundred-fifty (250) feet of road frontage. Lots shall be required to

share access where inadequate frontage exists for multiple accesses to be provided.

4. *Split Lots*: No single lot shall be divided by a road, alley, or other lot without creation of two (2) or more separate lots.
5. *Side Lot Lines*: Side lot lines shall be substantially at right angles or radial to road right-of-way lines or road centerlines.

#### **4-23-02 ACCESS**

##### **4-23-02-01 ACCESS SUBJECT TO APPROVAL**

All accesses are subject to approval of the Director of Public Works or the Colorado Department of Transportation for state highways. In cases where an access point would impede or interfere with the planned traffic flow of a road, or create a traffic hazard, an access permit may be denied.

##### **4-23-02-02 ACCESS DESIGN AND CONSTRUCTION**

All access shall meet the requirements of these standards and regulations.

#### **4-23-03 DRAINAGE**

##### **4-23-03-01 DRAINAGE DEVELOPMENT DESIGN**

All developments shall be designed and constructed in compliance with the drainage criteria listed in Chapter 9 of these regulations.

##### **4-23-03-02 DRAINAGE DESIGN AND CONSTRUCTION PLANS SUBJECT TO APPROVAL**

All drainage plans are subject to approval of the Director of Public Works or Director of Community and Economic Development and are required for any building or other permit. All drainage facilities shall meet the requirements of these standards and regulations.

#### **4-23-04 UTILITIES**

##### **4-23-04-01 UTILITIES SUBJECT TO APPROVAL**

All utility locations and installations are subject to approval by the applicable public agency and/or private utility company. Utilities shall meet the minimum requirements of the utility company and any public agency including but not limited to these standards and regulations.

**4-23-04-02 UNDERGROUND UTILITIES**

All site utilities shall be underground.

**4-23-04-03 CONNECTION TO EXISTING SYSTEMS**

Utilities shall tie into existing sanitary and storm sewer and water main stub outs, if possible, to avoid disturbance to existing pavement.

**4-23-04-04 CUTTING, BACKFILLING, AND PAVING**

Where cuts in existing roads are made for utility work, all cutting, backfilling, and paving shall be done in accordance with the applicable public agency's specifications and procedures. Where a cut is made to a County road, a permit shall be obtained from the Director of Public Works. All cuts to County roads shall be completed in accordance with these standards and regulations.

**4-23-05 SITE GRADING**

**4-23-05-01 NON-ENGINEERED APPEARANCE**

The aesthetic goal of grading is to imitate natural landforms. Long, monotonous, unchanging slopes with severe breaks in slope have an unnatural, man-made appearance and shall be avoided.

**4-23-05-02 GRADE CHANGE DESIGN**

Grade changes shall be designed imaginatively, accenting, or de-emphasizing the change in grade as appropriate. Circulation elements, such as trails and sidewalks, can effectively respond to grade conditions by meandering in long gentle curves.

**4-23-05-03 AREA OF SITE GRADING**

The area to be graded shall be kept as small as is practical in order to avoid large undeveloped graded areas. After grading, all areas not to be built within the same construction season shall be revegetated and other erosion control measures taken as appropriate. All revegetation and erosion control measures shall meet the requirements of these standards and regulations and be approved by the Director of Community and Economic Development.

**4-23-05-04 OVERLOT GRADING**

Overlot grading will be done to preserve existing topographic features where possible and to provide positive drainage.

**4-23-05-05 SLOPE STANDARDS**

Unless otherwise specified by these standards and regulations, all site grading shall be designed to meet the following standards:

1. Planting Areas
  - a. Minimum Slope: 2%
  - b. Maximum Slope: 30%
2. Parking Lot Pavement
  - a. Minimum Slope: 2%
  - b. Maximum Slope: 4%
3. Pedestrian Plaza Areas
  - a. Minimum Slope: 1%
  - b. Maximum Slope: 2%
4. Private driveways, public roads, and sidewalks shall comply with the slope requirements outlined in Chapter 7 of these regulations.

**4-23-06 PEDESTRIAN AND BICYCLE AMENITIES****4-23-06-01 PEDESTRIAN AND BICYCLE ACCESS TO SITE**

Pedestrian and bicycle access onto the site shall be maximized in all proposed projects. This may be accommodated through the provision of on-site walkways, trails, paths or sidewalks and bike lanes or trails, which originate at the property boundary.

**4-23-06-02 INTERNAL PEDESTRIAN AND BICYCLE CIRCULATION**

Internal pedestrian and bicycle circulation shall be facilitated through appropriately sealed walkways, paths, trails or sidewalks and bike lanes or trails. Special emphasis shall be placed on providing pedestrian and bicycle access to proposed recreational and/or open space areas.

**4-23-06-03 BICYCLE PARKING**

Bicycle parking shall be provided for all commercial development. Bicycle parking areas should be located near structure entries but should not encroach into pedestrian walkways.

**4-23-06-04 SIDEWALKS**

1. *Minimum Width:* The minimum width of all sidewalks shall be 5½ feet measured from the flowline.
2. *Sidewalk Design and Construction:* Sidewalks shall be designed and constructed in accordance with these standards and regulations.
3. *Open Space Connections:* Sidewalks should occur along roadways and extend into major open space areas.

4. *Sidewalk Maintenance:* The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting the property including snow removal for pedestrian access.

**4-23-06-05 BICYCLE PATH OR TRAILS**

1. *Minimum Width:* Bicycle path or trails shall serve both pedestrians and bicycles and shall be at least eight (8) feet wide.
2. *Bicycle Path Design and Construction:* Bicycle paths and trails shall be designed and constructed in accordance with these standards and regulations.
3. *Open Space Connections:* Bicycle paths and trails should occur along roadways and extend into major open space areas.
4. *Bicycle Paths and Trails Maintenance:* The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of bicycle trails along the right-of-way abutting the property including snow removal for access.

#### 4-24 OFF-ROAD UTILITY, DUMPSTER, RECYCLING, AND TRASH HANDLING FACILITIES

All off-road utility, dumpster, recycling, and trash handling facilities serving commercial and industrial uses shall meet the following requirements:

1. *Location:* All utilities (including heating and air conditioning units), dumpsters, and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Community and Economic Development Department. All utility, dumpster, and trash handling facilities including the occupant's recycling facilities shall be completely screened from public view, and from the view of any development on any adjoining property. A wall, solid wood fence, evergreen hedge, earth berm, or any combination thereof shall be provided to obscure these facilities. However, when the service side of the particular facility faces any property line, a wall or solid wood fence with gates or doors must be provided. If shrubs are used as the screening material, they shall be a minimum of five (5) feet in height, spaced no farther than four (4) feet apart. If a wall, solid wood fence, or berm is used as the screening material, its minimum height shall be six (6) inches above the proposed facility.
2. *Recycling Facilities:* Public recycling drop off sites shall be encouraged and are permitted as an accessory use in all nonresidential zone districts. The drop off site shall be kept free of litter, residue, and debris by the party responsible for the maintenance and management of the drop off facility. One (1) freestanding or wall sign is allowed up to twenty-five (25) square feet in area upon issuance of a building permit. The drop off site containers must be durable, waterproof, covered and well maintained. The name and phone number of the party responsible for maintenance shall be posted on the container. Containers on the site shall have uniform colors. The Community and Economic Development Department may impose additional conditions if necessary to protect adjacent properties.
3. *Access:* All required dumpster, recycling, and trash handling facilities shall be designed with appropriate means of access to a road or alley in a manner which will least interfere with traffic movement, and which will most facilitate the service of the facilities.
4. *Utilization:* Space allocated to any off-road dumpster and trash handling facilities shall not be used to satisfy the space requirements for off-road parking and/or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

## 4-25 ANIMAL KEEPING

### 4-25-01 HOUSEHOLD PETS AND OTHER ANIMALS

Household pets shall be subject to the following limitations:

1. *Allowed:* Household pets shall be allowed as an accessory use in all Agricultural and Residential Zone Districts according to Table 4-23-01-1.
2. *Penned:* Except in agricultural zone districts, all household pets shall be penned or otherwise confined to their owner's property except when on a leash and in the control of the owner. Unconfined animals are a violation of the "Pet Animal Licensing and Control Regulations", as adopted December, 2016, as amended.
3. *On Agricultural Lands:* The keeping of household pets shall not be regulated in agricultural zone districts of more than thirty-five (35) acres. However, the keeping of more than ten (10) dogs and/or cats, shall conform to the standards listed in Section 4-23-04 for Private Kennels and/or Catteries.
4. *Pigeons:* Pigeons are allowed in Agricultural, Residential Estate, Single-Family Residential, Duplex/Mobile Home, and Multi-Family Zone Districts, in conformance with Table 4-23-01-1 and the standards contained in Section 4-23-03.

### 4-25-02 GUARD DOGS

Guard Dogs, patrolling for the protection of property, shall be allowed in all Commercial and Industrial Zone Districts, subject to the following:

1. *Number of Guard Dogs Permitted:* See the Animal Density Table in Section 4-20 to calculate the number of permitted household pets.
2. *Confinement of Guard Dog(s):* The area being patrolled by a guard dog(s) shall be fenced with a minimum seventy-two (72) inch high chain link or solid screen fence.
3. *Notice of Guard Dog(s):* A sign warning of the presence of said dog(s) stating what hours the dog(s) is on patrol shall be posed in plain view of the public around the perimeter of the fenced area. The sign must also state the name of the owner and the handler of the dog(s), with a phone number where the handler can be reached.
4. *Garbage Disposal:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
6. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
7. *Care of Animals:* All dogs shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Management.

**4-25-03 PIGEON KEEPING**

In addition to the limitations imposed by Animal Density Table 4-23-01-1, pigeon keeping shall be required to meet the following standards:

1. *Permitted Number of Pigeons:* See Table 4-23-01-1.
2. *Loft Floor Space:* There shall be at least one (1) square foot of loft floor space for each mature pigeon.
3. *Loft Design:* The pigeon loft shall be of such sufficient size and design, and constructed of such material, it can be easily maintained in a clean and sanitary condition.
4. *Loft Compliance:* The loft shall be in compliance at all times with all applicable Tri-County Health regulations.
5. *Setback from Residential Structure:* The loft shall be set back a minimum of twenty-five (25) feet from any residential structure.
6. *Lot Line Setbacks:* The loft shall be set back from all lot lines in accordance with the accessory setbacks for the zone district in which it is located.
7. *Pigeon Feed:* All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.
8. *Pigeon Feeding:* All pigeons shall be fed within the confines of the loft.
9. *Pigeon Release for Flying:* Pigeons will not be released for flying for four (4) hours after feeding.
10. *Pigeon Confinement:* All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training, and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons.

**4-25-04 PRIVATE KENNELS AND CATTERIES**

In all Agricultural, Residential Estate, Single Family Residential, and Duplex/Mobile Home Zone Districts, private kennels and catteries may be maintained according to the following conditions:

1. A Special Use Permit must be obtained unless the use is not regulated (NR) in the Animal Density Table in Table 4-23-01-1.
2. *Permitted Number of Dogs and/or Cats:* See the Animal Density Table in Table 4-23-01-1 to calculate the number of permitted household pets.
3. *Building Permit Required:* A building permit shall be obtained for all kennels, pens, shelters, or other similar structures.
4. *Prohibited Animals:* Boarding dogs and/or cats other than those animals owned by the resident and/or owner and immediate family shall be prohibited.
5. Minimum Space Requirements
  - a. *Dogs:* Each dog shall be provided a minimum space equal to the following equation:

- (1) Width of Kennel = Length of dog from nose to base of tail + 2 feet.
- (2) Length of Kennel = Width of Kennel + 2 feet.
- (3) Height of Kennel = Head height of dog standing on all four legs + 1 foot.
- b. *Cats*: Each adult cat shall be provided a minimum of six (6) cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of eight (8) cubic feet of area.
- 6. *Garbage Disposal*: All animal and food garbage shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department.
- 7. *Pest Control*: Environmental and/or chemical and scientific controls shall be provided for pest control.
- 8. *Drainage*: Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
- 9. *Mixing of Dogs and Cats*: Dogs and cats shall not be housed in the same primary enclosure.
- 10. *Care of Animals*: All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by Adams County Humane Society and Adams County Animal Management.
- 11. *Other Standards*: All animal keeping shall conform to Section 4-20 of these standards and regulations.

#### 4-25-05 COMMERCIAL KENNEL AND CATTERIES

The operation of Commercial kennels and/or catteries is allowed in Agricultural, Commercial and Industrial Zone Districts. Commercial kennels and/or catteries shall not be conducted without first having obtained a conditional use permit and approval of a management plan from the Board of County Commissioners.

- 1. *Offspring Not Limited*: The total number of dogs and/or cats allowed under the Conditional Use Permit shall not apply to offspring under five (5) months of age, belonging to one of the adult animals.
- 2. *Management Plan Required*: A management plan detailing how the facility will be operated shall be submitted prior to issuance of a Conditional Use Permit.
- 3. *Minimum Standards*: In addition to the requirements of Section 4-23-04, commercial kennels shall meet the following minimum standards:
  - a. A washroom consisting of a basin or sink and a lavatory shall be provided to maintain the cleanliness among animal caretakers.
  - b. All breeding and boarding kennel operators shall be licensed by the appropriate governmental authority.
  - c. A person responsible for the commercial kennel or cattery, whether the owner of the facility or an employee, shall reside permanently on the subject property. If a responsible party is not available on site, the kennel shall be posted with the name and phone number of a responsible party.

- d. Any dwelling unit newly constructed to house the owner or employee shall meet the applicable zone district requirements.
- 4. *Exemptions:* Those operations exempt from obtaining a conditional use permit shall be as follows:
  - a. A public or private zoological park; or
  - b. A public animal pound; or
  - c. A veterinary hospital operated by a licensed veterinarian; or
  - d. A research institution using animals for scientific research; or
  - e. An animal shelter operated by an organized humane society; or
  - f. A pet shop; or
  - g. A circus.

Although exempt from obtaining a conditional use permit, these operations shall meet all the requirements for a private kennel as outlined in Section 4-23-04.

#### **4-25-06 NON-COMMERCIAL ANIMAL FEEDING OPERATION (AFO) AND CONCENTRATED ANIMAL FEEDING OPERATION (CAFO), LIVESTOCK**

The keeping of poultry and/or livestock, except chickens, is only allowed in the Agricultural and Residential Estate Zone Districts. Livestock may be kept on property in the Residential Estate Zone District only if the owner of said livestock resides on the property and is a registered member of a 4-H or FFA or other agricultural education program. This does not apply to horses kept for recreational purposes.

The keeping of non-commercial livestock and poultry, except chickens, is allowed in accordance with Table 4-23-01-1, Tabulation of Animal Unit Densities. The maximum number of allowable livestock per lot does not apply to young animals below weaning age, or six (6) months of age, whichever is less.

On those properties where livestock and poultry, except chickens, are allowed, the following standards shall be observed:

1. *Manure:* All manure shall be removed periodically or incorporated into the soil on a regular basis so the manure does not draw flies, or other insects, or cause obnoxious odors.
2. *Drainage:* Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property. Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
3. *Feed:* Spillage and left-overs from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors.
4. *Pens:* Any new shed, shelter, pen, or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business

and shall be set back twenty-five (25) feet from the side lot line and fifty (50) feet from the front lot line.

5. *Insects and Rodents:* All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
6. *Fenced:* In subdivided areas, all livestock shall be kept within a fenced area.
7. *Colorado Rules:* Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission.

In agricultural zone districts of greater than thirty-five (35) acres, the number of livestock is not regulated, unless the operation meets the definition of a Livestock Confinement Operation. However, the keeping of such livestock must comply with the performance standards listed above except the keeping of livestock shall be exempt from the manure and feed requirements on parcels greater than thirty-five (35) acres in size.

#### **4-25-07 NON-COMMERCIAL ANIMAL FEEDING OPERATION (AFO) AND CONCENTRATED ANIMAL FEEDING OPERATION (CAFO), CHICKENS**

##### **4-25-07-01 PURPOSE**

The purpose of these regulations is to permit limited small animal husbandry uses within residential environments to promote access to fresh food and the associated health benefits as well as encourage sustainability through reduced vehicle trips for food and energy consumption associated with food production. The regulations below are intended to permit the keeping of chickens for household purposes, and not for a profit, while preventing negative impacts associated with this use.

##### **4-25-07-02 APPLICABILITY**

The keeping of chickens is only allowed as an accessory use with any legal detached, single family residential use, excluding where the single-family residence is a mobile home or as otherwise regulated by State law. Accessory dwelling units are also allowed to keep chickens so long as the cumulative number of chickens on the property does not exceed the allowance. The keeping of chickens is allowed in accordance with Table 4-22-01-1. The maximum number of allowable chickens per lot does not apply to chicks not yet at egg-bearing age, or six (6) months of age, whichever is less.

##### **4-25-07-03 PERFORMANCE STANDARDS**

1. *Allowed number of chickens:* No more than six (6) domestic chicken hens are permitted per each detached, single family residential use. Three (3) chickens shall equal one (1) household pet.

2. *Shelter Requirements:*
  - a. Type: Chickens must be provided with a covered, predator-resistant shelter structure that is properly ventilated and heated, with nesting boxes, designed to be easily accessed, cleaned, and maintained.
  - b. Size: The shelter structure shall provide at least three (3) square feet per chicken. The shelter structure shall not exceed one-hundred twenty (120) square feet.
3. *Perimeter Fencing:*
  - a. In addition to the shelter requirements described above, chickens shall be confined to areas that are fully enclosed with adequate perimeter fencing to prevent the chickens from escaping when not in their shelters, to prevent predators' entry, and from coming into contact with wild ducks, geese or their excrement. Each chicken shall be provided at least 10 square feet of area within the perimeter fencing.
  - b. Fences required by this subsection shall comply with the provisions of Section 4-07-01-02-02 (Residential Use Fencing, Walls, and Screening) and shall be resistant to predators.
  - c. Adequate fencing material for purpose of this subsection shall include wood, wire, and stone. Fencing with openings that would allow chickens to pass through, such as a split rail or wrought iron fence with wide openings, will not be deemed adequate for purposes of this subsection.
4. *Location of Shelter Structures and Perimeter Fences:* Chicken structures and perimeter fencing shall be located in the rear or backyard of the lot as determined by street frontage, and not the orientation of the residence. Chickens shall be kept within such facilities and are not permitted within any other portions of the lot.
5. *Setbacks:* Neither the shelter structure nor perimeter fencing shall be located less than five (5) feet from any abutting property line.
6. *Access:*
  - a. During daylight hours, the chickens must have access to the shelter structure, located adjacent to the shelter, which is adequately fenced with perimeter fencing as required by this Section to protect them from predators.
  - b. From dusk till dawn, the chickens must be further protected from predators by being closed inside the shelter structure.

#### **4-25-07-04 PROVISION OF FOOD, WATER, AND SANITATION**

1. *Water:* Fresh water must be available at all times in adequate receptacles.

2. *Food:* Sufficient nutritive food must be provided daily and must be stored in a resealable, airtight, metal, rodent proof container to discourage attracting mice, rats, and other vermin.
3. *Cleanliness:* The shelter and surrounding area must be kept clean from accumulation of excrement and debris so as to not create a nuisance and be compliant with the County's stormwater regulations.
4. *Compliance with Current Stormwater Regulations:* The use of excrement as applied fertilizer shall only be allowed in conformance with the County's stormwater regulations.

#### **4-25-07-05     NUISANCE PREVENTION**

1. *Nuisance-Free Facilities As Prerequisite:* A permit to keep chickens within the County shall not be granted or renewed unless the owner or keeper provides facilities which will reasonably assure the Director of Community and Economic Development that the premises will be maintained in a sanitary condition, free from insects and rodents, offensive odors, excessive noise or any other conditions which constitute a public nuisance.
2. *Dust, Odors, and Waste Prohibited:* All coops and runs shall be regularly cleaned and maintained to control dust, odor, and waste and to prevent the facilities from constituting a nuisance, safety hazard, or health problem to surrounding properties. Odors associated with the coop shall be contained within the owner's property boundary.
3. *Slaughtering Prohibited:* The chickens may not be slaughtered by the owner or keeper thereof, except pursuant to the lawful order of State or County health officials or for the purpose of euthanasia when surrendered to a licensed veterinarian.
4. *Disposal:* Dead animal carcasses shall be properly and safely disposed of within 24 hours as recommended by the applicable health department.
5. *Roosters prohibited:* Roosters are not permitted, except where allowed in Agricultural zone districts as described in these regulations.

#### **4-25-07-06     PERMITTING (ANNUAL REGISTRATION OF USE)**

##### **4-25-07-06-01     REQUIREMENTS**

1. Any person keeping chickens pursuant to this Section must obtain a permit from the County.
2. The Permit Application shall include:
  - a. A plan or drawing showing the proposed locations of all chicken facilities to be located upon the property for which the permit is requested.
  - b. Details demonstrating the applicant's compliance with the requirements of this Section.

3. No property with outstanding code violations will be issued a permit.
4. Prior to the issuance of a permit, the County may inspect the parcel for which the permit is requested. per
5. A permit issued pursuant to this Section shall allow the keeping of chickens on the specific property identified in the permit. The permit shall be personal to the permittee and is non-transferrable.
6. A permit issued pursuant to this section shall be in effect for twelve (12) months after which the permittee may reapply or will expire.

**4-25-07-06-02      *DENIAL OR REVOCATION OF PERMIT***

1. The County may deny or revoke a permit to keep, maintain or possess chickens within the County if determined that any provision of this Section is being violated or if the County finds that maintenance of chicken(s) interferes with the reasonable and comfortable use and enjoyment of property.
2. Removal of Shelter: [Upon] expiration, revocation or denial of a permit, all chicken facilities shall be removed from the property within 14 days of such expiration, revocation, or denial.

**4-25-08      KEEPING OF BEES**

**4-25-08-01      PURPOSE**

The purpose of these regulations is to permit limited small animal husbandry uses within residential environments to promote access to fresh food and the associated health benefits as well as encourage sustainability through reduced vehicle trips for food and energy consumption associated with food production. The regulations below are intended to permit beekeeping for household purposes, and not for a profit, while preventing negative impacts associated with this use.

**4-25-08-02      APPLICABILITY**

The keeping of bees is only allowed as an accessory use with any detached, single family residential use, excluding mobile homes. Other accessory uses, such as accessory dwelling units, are also allowed to keep bees so long as the cumulative number of colonies on the property does not exceed the total allowance for the single-family residential use.

**4-25-08-03      DEVELOPMENT REGULATIONS**

**4-25-08-03-01      *ALLOWED NUMBER OF BEE COLONIES***

1. No more than two (2) bee colonies are permitted per detached, single family residential use in residential, commercial, and industrial zone districts as determined by Table 4-22-01-1. Animal Densities and Uses.

2. Two (2) bee colonies shall equal one (1) household pet.

**4-25-08-03-02      *PERFORMANCE STANDARDS***

1. *Type:* Bee colonies must be provided with a predator-resistant structure, or hive, that is properly ventilated and elevated from the ground and designed to be easily accessed, cleaned, and maintained.
2. *Size:* The hive shall not exceed eight (8) square feet.
3. *Number:* One (1) colony per hive. A maximum of two (2) hives are allowed, as applicable.
4. *Location:* Bee keeping structures shall be located in the rear or backyard of the lot. They shall not be located between the rear of the dwelling and the front yard lot line.
5. *Orientation:* The entrance/exit of the structure shall be oriented away from the closest adjacent property line(s).
6. *Access:*
  - a. All bee colonies shall be kept in inspectable hives with removable combs.
7. *Setbacks:* The structure shall be setback at least fifteen (15) feet from any abutting property line.
8. *Flyway Barriers:*
  - a. A flyway barrier constructed at least six (6) feet in height around the structure consisting of a fence or vegetation. This barrier must be designed so that the bees are forced to fly at an elevation of at least six (6) feet above the ground level over the property line.
  - b. Fences shall comply with the provisions of Section 4-07-01-02-02 (Residential Use Fencing, Walls, and Screening) of this Code.

**4-25-08-03-03      *PROVISION OF FOOD, WATER, AND SANITATION***

1. *Water:* Freshwater must always be available in adequate receptacles in order to prevent swarming near water sources where they may cause human, bird or domestic pet interactions.
2. *Cleanliness:* The shelter and surrounding area must be kept clean from colony-produced materials, such as honey, honeycomb and brood comb, and debris so as to not create a nuisance.

**4-25-08-03-04      *NUISANCE PREVENTION***

1. *Nuisance-Free Facilities as Prerequisite:* A permit to keep bees within the County shall not be granted unless the owner or keeper provides facilities which will reasonably assure the Director that the premises will be maintained in a sanitary condition, free from colony-produced materials, such as honeycomb and brood comb, or any other conditions which constitute a public nuisance.

2. *Removal of Materials from the Colony:* Any materials removed from the colony shall be immediately moved away from the colony and enclosed in a bee and predator-proof location that is inaccessible to bees or their predators.
3. *Prohibited Attributes:*
  - a. Aggressive or Africanized bees are not permitted. Africanized, hybrid bee species, *Apis mellifera scutellata*, or bees displaying abnormally aggressive behavior are not permitted.
  - b. Aggressive queens are not permitted. Aggressive queens shall be removed, and the colony shall be re-queened with a non-aggressive species.
  - c. Bees not residing in a structure are not permitted. Bee colonies living outside of a designated colony structure as determined by these regulations are not permitted.

#### **4-25-08-04 PERMITTING (ANNUAL REGISTRATION OF USE)**

##### **4-25-08-04-01 REQUIREMENTS**

Any person keeping bees pursuant to this Section must first have been issued a permit by the County.

1. Permitting is subject to the following requirements:
  - a. The application shall include a plan or drawing showing the proposed locations of all bee facilities to be located upon the property for which the permit is requested.
  - b. Such plan or drawing shall include details demonstrating the applicant's compliance with the requirements of this Section.
  - c. No outstanding code violations exist on the subject property.
2. Prior to the issuance of a permit, the County may inspect the parcel for which the permit is requested.
3. A permit issued pursuant to this Section shall allow the keeping of bees on the specific property identified in the permit. The permit shall be personal to the permittee and is non-transferrable.
4. A permit issued pursuant to this section shall be in effect for twelve (12) months after which the permit will expire unless the permittee reapplies.

##### **4-25-08-04-02 DENIAL OR REVOCATION OF PERMIT**

1. The County may deny or revoke a permit to keep, maintain or possess bees within the County if it is determined that any provision of this Section is being violated or if the County finds that maintenance of bees interferes with the reasonable and comfortable use and enjoyment of property.
2. *Removal of Colony:* Upon expiration, revocation or denial of a permit, all bees and bee keeping-related facilities shall be removed from the property within 14 days of such expiration, revocation, or denial.

#### **4-25-09 TABULATION OF ANIMAL UNIT DENSITIES**

The types and densities of animals allowed in each zone district are detailed in Table 4-23-01-1. Any combination of allowed animals may be kept, but at no time shall the maximum number of any specific type of animal be exceeded, nor shall the total maximum number of household pets or the total maximum number of livestock be exceeded. Where allowed, the number of livestock is in addition to the number of household pets permitted, and the number of household pets is in addition to the number of livestock permitted.

For animals not listed or not clearly fitting within one (1) or more the categories listed, the Director of Community and Economic Development shall determine in what zone district(s) the animal is allowed and in what lot size categories the keeping of such an animal is appropriate. Should the property owner disagree with the determination of the Director of Community and Economic Development, the matter shall be referred to the Planning Commission for a recommendation to resolve the issue.

The following are acronyms used in Table 4-23-01-1 and their meaning:

NR = Not Regulated

NA = Not Allowed

AC = Acre

CUP = Conditional Use Permit

11/9/2021

Table 4-23-01-1. Animal Densities and Uses

A-1, A-2, and A-3 ZONE DISTRICTS	Up to .50 AC	>.5 - 1 AC	>1 - 2 AC	>2 - 5 AC	>5 - 10 AC	>10 -35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	10	20	20	20	20	NR <sup>1</sup>
Maximum Number of Livestock Units Allowed	NA	4/AC	4/AC	4/AC	4/AC	NR	NR <sup>1</sup>

Type of Animal	Livestock Unit Equivalents	Number of Animals Equivalent to One Livestock Unit	Maximum Number of Animals Per Acre			
			Lot size 0.5 - <5.0 AC	Lot size 5 - <10 AC	Lot size 10 - <35 AC	Lot size 35 AC or greater
Alpacas	1	1	4	4	NR	NR <sup>1</sup>
Beefalo	1	1	4	4	NR	NR <sup>1</sup>
Bees (Colonies)	0.2	5	20	20	NR	NR
Buffalo	1	1	4	4	NR	NR <sup>1</sup>
Cats	1	1	4 <sup>2</sup>	5 <sup>2</sup>	8 <sup>2</sup>	NR <sup>1</sup>
Cattle	1	1	4	4	NR	NR <sup>1</sup>
Chickens (Hens/Roosters)	.02	50	200	200	NR	NR <sup>1</sup>
Chinchillas	.02	50	2	200	NR	NR <sup>1</sup>
Deer	1	1	4	4	NR	NR <sup>1</sup>
Dogs	1	1	4 <sup>2</sup>	6 <sup>2</sup>	8 <sup>2</sup>	NR <sup>1</sup>
Ducks/Geese	.02	50	200	200	NR	NR <sup>1</sup>
Elk	1	1	4	4	NR	NR <sup>1</sup>
Emus	.066	15	60	60	NR	NR <sup>1</sup>
Ferrets	.02	50	200	200	NR	NR <sup>1</sup>
Game Fowl	--	--	NR	NR	NR	NR <sup>1</sup>
Goats	.125	8	32	32	NR	NR <sup>1</sup>
Guinea Pigs	.02	50	200	200	NR	NR <sup>1</sup>
Horses	1	1	4	4	NR	NR <sup>1</sup>
Llamas	1	1	4	4	NR	NR <sup>1</sup>
Mules	1	1	4	4	NR	NR <sup>1</sup>
Ostriches	.066	15	60	60	NR	NR <sup>1</sup>
Peafowl	--	--	See Note 3	NR	NR	NR <sup>1</sup>
Pigeons	--	--	See Note 3	NR	NR	NR <sup>1</sup>
Rabbits	0.08	12.5	See Note 3	50	NR	NR <sup>1</sup>
Sheep	0.25	4	16	16	NR	NR <sup>1</sup>
Swine	0.25	4	16	16	NR	NR <sup>1</sup>
Turkeys	.02	50	200	200	NR	NR <sup>1</sup>
<b>Type of Use</b>						
Private Kennel/Cattery <sup>4</sup>	--	--	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	NR
Commercial Kennel	--	--	See Note 5	See Note 5	See Note 5	See Note 5
LCO	--	--	NA	NA	NA	CUP

**NOTES:**

<sup>1</sup> The numbers of animals on property over 35 acres in size shall not be regulated, unless the definition of a Livestock and/or Poultry Confinement Operation is met.

<sup>2</sup> This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.

<sup>3</sup> Allowed by Special Use Permit.

<sup>4</sup> Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.

<sup>5</sup> Allowed by Conditional Use Permit.

*Animal Densities and Uses, Cont.*

RE, RESIDENTIAL ESTATE ZONE DISTRICT	<1.0 AC	1-2 AC	>2 – 5 AC	>5-10 AC	>10-35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	20	20	20	30	30
Maximum Number of Livestock Units Allowed	NA	2/AC	2/AC	2/AC	2/AC	2/AC

Type of Animal	Livestock Unit Equivalents	Number of Animals Equivalent to One Livestock Unit	Lot size <1.0 AC	Lot size 1 - 2 AC	Lot size >2 - 5.0 AC	Lot size >5 - 10 AC	Lot size >10-35 AC	Lot size >35 AC
Alpacas	1	1	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>
Beefalo	1	1	NA	2/AC	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>
Bees (Colonies) <sup>7</sup>	0.2	5	NA	5 <sup>3</sup>	5 <sup>3</sup>	5	10	25
Buffalo	1	1	NA	2/AC	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>
Cats	1	1	3 <sup>2</sup>	4 <sup>2</sup>	4 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>
Cattle	1	1	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>
Chickens (Hens/Roosters)	.02	50	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	4/AC <sup>1</sup>	10/AC <sup>1</sup>	10/AC <sup>1</sup>
Chickens (Hens) <sup>6</sup>	.02	50	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	4/AC <sup>1</sup>	10/AC <sup>1</sup>	10/AC <sup>1</sup>
Chinchillas	.02	50	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	4 <sup>2</sup>	4 <sup>2</sup>	4 <sup>2</sup>
Deer	1	1	NA	2/AC	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>
Dogs	1	1	2 <sup>2</sup>	3 <sup>2</sup>	3 <sup>2</sup>	4 <sup>2</sup>	4 <sup>2</sup>	5 <sup>2</sup>
Ducks/Geese	.02	50	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	4/AC <sup>1</sup>	10/AC <sup>1</sup>	10/AC <sup>1</sup>
Elk	1	1	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>
Emus	.066	15	NA	5/AC <sup>1</sup>	10/AC <sup>1</sup>	10/AC <sup>1</sup>	10/AC <sup>1</sup>	10/AC <sup>1</sup>
Ferrets	.02	50	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>
Game Fowl	--	--	10 <sup>3</sup>	15 <sup>3</sup>	25 <sup>3</sup>	30	35	40
Goats	.125	8	NA	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>
Guinea Pigs	.02	50	10 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>
Horses	1	1	NA	2/AC	2/AC	2/AC	2/AC	2/AC
Llamas	1	1	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>
Mules	1	1	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>	2/AC <sup>1</sup>
Ostriches	.066	15	NA	2/AC <sup>1</sup>	5/AC <sup>1</sup>	5/AC <sup>1</sup>	5/AC <sup>1</sup>	5/AC <sup>1</sup>
Peafowl	--	--	10 <sup>3</sup>	15 <sup>3</sup>	25 <sup>3</sup>	30	35	40
Pigeons	--	--	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Rabbits	0.08	12.5	10 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>
Sheep	0.25	4	NA	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>
Swine	0.25	4	NA	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>	4/AC <sup>1</sup>
Turkeys	.02	50	NA	2/AC <sup>1</sup>	2/AC <sup>1</sup>	4/AC <sup>1</sup>	10/AC <sup>1</sup>	10/AC <sup>1</sup>
Type of Use								
Private Kennel/Cattery <sup>4</sup>	--	--	4	22	22	22	22	22
Commercial Kennel	--	--	NA	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5
LCO	--	--	NA	NA	NA	NA	NA	NA

**NOTES:**

<sup>1</sup> These livestock are permitted only if the owner or resident is a registered member of a 4-H or FFA or another agricultural educational program.

<sup>2</sup> This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.

<sup>3</sup> Allowed by Special Use Permit.

<sup>4</sup> Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.

<sup>5</sup> Allowed by Conditional Use Permit.

<sup>6</sup> Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-23-07.

<sup>7</sup> Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-23-08.

*Animal Densities and Uses, Cont.*

R-1-A, R-1-C, SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS	<1.0 AC	>1 – 2 AC	>2 – 5 AC	>5 – 10 AC	>10 -35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	20	20	20	30	30

Type of Animal	Lot size <1.0 AC	Lot size 1 - 2 AC	Lot size >2 - 5 AC	Lot size >5 - 10 AC	Lot size >10 – 35 AC	Lot size >35 AC
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies) <sup>5</sup>	NA	5 <sup>2</sup>	5 <sup>2</sup>	5	10	25
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>	5 <sup>1</sup>	5 <sup>1</sup>
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens) <sup>4</sup>	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Deer	NA	NA	NA	NA	NA	NA
Dogs	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Rabbits	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
Type of Use						
Private Kennel/Cattery <sup>2</sup>	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA

**NOTES:**

<sup>1</sup> This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.

<sup>2</sup> Allowed by Special Use Permit.

<sup>3</sup> Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.

<sup>4</sup> Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-23-07.

<sup>5</sup> Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-23-08.

*Animal Densities and Uses, Cont.*

<b>R2, DUPLEX ZONE DISTRICT AND MH, MOBILE HOME ZONE DISTRICTS</b>	<b>&lt;1.0 AC</b>	<b>&gt;1 - 2 AC</b>	<b>&gt;2 - 5 AC</b>	<b>&gt;5 - 10 AC</b>	<b>&gt;10 – 35 AC</b>	<b>&gt;35 AC</b>
Maximum Number of Household Pets Allowed	8	15	15	15	25	25

<i>Type of Animal</i>						
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies) <sup>6</sup>	NA	NA	NA	NA	NA	NA
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens) <sup>5</sup>	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Deer	NA	NA	NA	NA	NA	NA
Dogs	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Rabbits	2 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
<i>Type of Use</i>						
Private Kennel/Cattery <sup>2</sup>	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA

**NOTES:**

<sup>1</sup> This animal is considered a “household pet” in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.

<sup>2</sup> Allowed by Special Use Permit.

<sup>3</sup> Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.

<sup>4</sup> Within the MH Zone District, the numbers listed above apply to individual mobile home lots or spaces.

<sup>5</sup> Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-23-07.

<sup>6</sup> Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-23-08.

*Animal Densities and Uses, Cont.*

<b>R-3, R-4, MULTI-FAMILY ZONE DISTRICTS</b>	
Maximum Number of Household Pets Allowed	5
<i>Type of Animal</i>	
Alpacas	NA
Beefalo	NA
Bees (Colonies) <sup>5</sup>	NA
Buffalo	NA
Burros	NA
Cats	1 <sup>2</sup>
Cattle	NA
Chickens (Hens) <sup>4</sup>	NA
Chickens (Roosters)	NA
Chinchillas	2 <sup>2</sup>
Deer	NA
Dogs	1 <sup>2</sup>
Ducks/Geese	NA
Elk	NA
Emus	NA
Ferrets	2 <sup>2</sup>
Game Birds	NA
Goats	NA
Guinea Pigs	2 <sup>2</sup>
Horses	NA
Llamas	NA
Mules	NA
Ostriches	NA
Peafowl	NA
Pigeons	See Note 3
Rabbits	2 <sup>2</sup>
Sheep	NA
Swine	NA
Turkeys	NA
<i>Type of Use</i>	
Private Kennel/Cattery <sup>4</sup>	NA
Commercial Kennel	NA
LCO	NA
<p><b>NOTES:</b></p> <p><sup>1</sup> All Restrictions noted in this table are on a “per unit” basis and apply to each individual unit in a multi-family development.</p> <p><sup>2</sup> This animal is considered a “household pet” in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.</p> <p><sup>3</sup> Allowed by Special Use Permit.</p> <p><sup>4</sup> <i>Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-22-07.</i></p> <p><sup>5</sup> <i>Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-22-08.</i></p>	

*Animal Densities and Uses, Cont.*

<b>C-0, C-1, C-2, C-3, C-4, C-5, I-1, I-2, AND I-3 ZONE DISTRICTS</b>	<b>&lt;1.0 AC</b>	<b>&gt;1 -2 AC</b>	<b>&gt;2 -5 AC</b>	<b>&gt;5 – 10 AC</b>	<b>&gt;10 – 35 AC</b>	<b>&gt;35 AC</b>
<i>Type of Animal</i>						
Alpacas	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA
Bees (Colonies) <sup>5</sup>	NA	5	5	10	25	25
Burros	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA
Cats	NA	NA	NA	NA	NA	NA
Cattle	NA	NA	NA	NA	NA	NA
Chickens (Hens) <sup>4</sup>	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA
Chinchillas	NA	NA	NA	NA	NA	NA
Deer	NA	NA	NA	NA	NA	NA
Dogs	NA	NA	NA	NA	NA	NA
Dogs, Guard	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>
Ducks/Geese	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA
Ferrets	NA	NA	NA	NA	NA	NA
Game Fowl	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA
Guinea Pigs	NA	NA	NA	NA	NA	NA
Horses	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA
Pigeons	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Rabbits	NA	NA	NA	NA	NA	NA
Sheep	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA
<i>Type of Use</i>						
Private Kennel/Cattery <sup>3</sup>	NA	NA	NA	NA	NA	NA
Commercial Kennel	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA
<b>NOTES:</b>						
<sup>1</sup> Non-conforming single-family residences located in these zone districts will be required to conform to the requirements of for the R-1-A and R-1-C Zone Districts.						
<sup>2</sup> An additional three (3) guard dogs, over the two (2) allowed as a Use-by-Right, may be allowed by Special Use Permit.						
<sup>3</sup> Allowed by Special Use Permit.						
<sup>4</sup> Detached, Single Family Uses may keep up to six (6) chickens for household purposes in accordance with Section 4-23-07.						
<sup>5</sup> Detached, Single Family Uses may keep up to two (two) bee colonies for household purposes in accordance with Section 4-23-08.						

## **4-26 MANAGEMENT PLANS**

### **4-26-01 PURPOSE**

Management plans are intended to provide for the long-term maintenance and care of open space and other large tracts of land created through the subdivision or Planned Unit Development process.

### **4-26-02 APPLICABILITY**

Any subdivision or Planned Unit Development including a conservation area, common open space, agricultural land, or tracts that are not building sites, shall include a management plan as part of the Development Agreement and/or Subdivision Improvements Agreement for that project.

### **4-26-03 PROCESS**

The first application for any sketch plan, preliminary plat or preliminary development plan including conservation area, common open space, agricultural land, or tracts that are not building sites, shall include a proposed preliminary management plan. The preliminary plan may be composed of text, graphics and/or photographs and shall include, as a minimum, the following elements:

1. The name of the project;
2. The name, address and phone number of the person preparing the management plan;
3. The name, address, and phone number of the person(s) responsible for maintaining the property included in the management plan;
4. The precise, proposed use(s) of the property to be included in the management plan;
5. The goals of the management plan;
6. The legal description of the property included in the management plan;
7. The availability of irrigation water, and if available, the amount of water, the name of the ditch company and the method of delivering the water to the site;
8. A brief narrative describing the methods to be used to control runoff, wind and water erosion, noxious weeds, and pests;
9. A description of the current condition of the property, including photographs or other graphic representations of any areas having been identified as needing reclamation, restoration, or other special attention;
10. A description by common name and scientific name of any species of plants or animals to be introduced to the site and an explanation of the reasons for such introduction;

11. A description by common name and scientific name of any species of plants or animals to be eliminated from the site, the reasons for such elimination and the timetable for elimination;
12. A plan for financing current improvements;
13. A plan for long term maintenance and monitoring of the property; and
14. A contingency plan for maintenance of the property if irrigation water is removed from the site.

#### **4-26-04 REVIEW CRITERIA**

The Board of County Commissioners shall consider the following criteria when reviewing a proposed management plan:

1. The proposed management plan includes all the elements described in Section 4-24-03;
2. The management plan provides for best available practices to maintain the property for the uses(s) specified in the management plan;
3. Noxious weeds shall be properly controlled on the property;
4. Wetlands and wildlife habitat included in the property shall be properly protected;
5. An individual or organization is designated to provide an adequate funding mechanism to ensure maintenance and annual monitoring of the property for the life of the project;
6. An adequate mechanism is included in the management plan to keep the County informed of any changes in ownership or responsibility for the management of the property and to report the results of the annual monitoring to the Director of Community and Economic Development; and
7. The contingency plan is adequate to provide for the long-term maintenance of the site if irrigation water is removed from the site or the use of the site changes significantly.

#### **4-26-05 FINAL APPROVAL**

Final approval of any applicable subdivision or Planned Unit Development by the Board of County Commissioners shall include consideration of the final management plan for the site. The management plan shall be included in the Development Agreement or Subdivision Improvements Agreement for the project.

#### **4-26-06 AMENDMENTS**

Minor adjustments to management plans may be authorized by the Director of Community and Economic Development upon a finding the original intent and purpose of the management plan is preserved. If the Director of Community and Economic Development determines the adjustments are not minor or they will change the intent and purpose of the original management plan, the plan shall be reviewed

by the Board of County Commissioners at a public hearing with notice as required for a final plat.

## **4-27 NONCONFORMING CONDITIONS**

### **4-27-01 CONTINUATION OF USE**

A nonconforming use may be continued and a nonconforming building may continue to be occupied, except as both of the foregoing are otherwise provided for in Section 4-25.

### **4-27-02 REPAIR, MAINTENANCE AND RECONSTRUCTION OF NONCONFORMING STRUCTURES OR USES**

#### **4-27-02-01 MINOR REPAIRS PERMITTED**

Minor repairs to and routine maintenance of property where nonconforming conditions exist are permitted and encouraged. Such work may require a building permit.

#### **4-27-02-02 MAJOR REPAIRS REQUIRES ZONING APPROVAL**

Major repairs (i.e., work or renovation estimated to cost more than fifty percent (50%) of the market value of the structure to be renovated) may be done only in accordance with a zoning review approval and building permit. Major repair work requires approval by the Director of Community and Economic Development. Major repair work must meet the requirements of Section 4-25-03.

#### **4-27-02-03 DETERMINATION OF THE VALUE OF REPAIRS**

In determining the value of repairs for purposes of application of Sections 4-25-02-01 and 4-25-02-02, the following definitions and procedures shall apply:

1. The costs of renovation or repair or replacement shall mean the fair market value of the materials and labor necessary to accomplish the renovation, repair, or replacement.
2. The cost of renovation or repair or replacement shall mean the total cost of all intended work. No person may seek to avoid the intent of this Section by doing work incrementally.
3. The market value shall mean either the market value for property for tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by an independent qualified appraiser, mutually selected by the Director of Community and Economic Development and the property owner. A qualified appraiser shall be a Member of the Appraisal Institute (M.A.I.) or an Accredited Rural Appraiser (A.R.A.). If a disagreement concerning the valuation occurs, an appraisal shall be requested by the Director of

Community and Economic Development. The property owner shall pay the cost of an appraisal.

#### **4-27-02-04 ZONING REVIEW APPROVAL PROCEDURE AND CRITERIA**

The Director of Community and Economic Development shall approve issuance of a zoning review approval if the Director of Community and Economic Development finds, in completing the renovation, repair or replacement work:

1. No violation of Section 4-25-03 will occur; and
2. The property owner will comply to the extent reasonably possible with all provisions of these standards and regulations applicable to the existing use with the following limitations:
  - a. The property owner shall not lose the right to continue a nonconforming use.
  - b. Compliance with a requirement of these standards and regulations is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation.

#### **4-27-03 EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS**

##### **4-27-03-01 NO INCREASE IN NONCONFORMITY**

Except as specifically provided in this Section 4-25-03, no person may engage in any activity causing an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

1. An increase in the total amount of space devoted to a nonconforming use; or
2. Greater dimensional nonconformity with respect to restrictions such as setback requirements, height limitations, density requirements; or
3. Increase in exposure to natural or man-made hazards restricting development. Requirements or restrictions of each applicable overlay zone district must be met prior to allowing any expansion or enlargement of a nonconforming situation.

##### **4-27-03-02 NONCONFORMING USE MAY BE EXPANDED INTO OTHER PORTIONS OF THE SAME BUILDING**

A nonconforming use may be extended throughout any portion of a completed building which, when the use was made nonconforming, was manifestly designed,

or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

**4-27-03-03 NONCONFORMING USE MAY NOT BE EXPANDED TO COVER MORE LAND**

A nonconforming use of open land may not be extended to cover more land than was occupied by said use when it became nonconforming.

**4-27-03-04 NONCONFORMING USE MAY BE INCREASED IN INTENSITY**

The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and the increase in activity does not result in a violation of any other provision contained in Section 4-25. In addition, such increases in activity may not violate other requirements of these standards and regulations.

**4-27-03-05 SINGLE-FAMILY HOMES MAY BE EXPANDED**

Any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities, that is, nonconformities not in existence at the time of such enlargement or replacement, or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. The intent is to allow, for example, a room addition for a home, which may have a nonconforming setback. Extension of the nonconforming wall would be allowed as long as the degree of setback encroachment was not increased or a new setback encroachment did not occur. Also, this would allow replacement of a home, which is a primary use (and nonconforming) in an industrial zone district.

The replacement or expansion of a single-family residence is subject to the limitations established by Section 4-25-05.

**4-27-03-06 ADMINISTRATIVE REMEDIES FOR EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS**

**4-27-03-06-01 *REQUEST PERMIT OR REZONING***

Those persons owning properties, which have nonconforming uses, may apply for a Special Use Permit, Conditional Use Permit or Rezoning, as appropriate, in an effort to come into compliance with the requirements of these standards and regulations.

**4-27-03-06-02      *REQUEST VARIANCE***

Those persons owning properties with structures or uses with dimensional nonconformities, but a conforming use of land or buildings, may apply to the Board of Adjustment for a variance if they wish to expand or enlarge the structure or use of land.

**4-27-03-06-03      *APPEAL DETERMINATION TO BOARD OF ADJUSTMENT***

Those owners or developers of land who disagree with the interpretation of an administrative official regarding a determination that a nonconforming situation exists may appeal the administrative decision to the Board of Adjustment.

**4-27-03-06-04      *APPEAL TO DISTRICT COURT***

Final decisions of the Board of County Commissioners or Board of Adjustment may be appealed to the District Court in accordance with the provisions of State Statutes.

**4-27-03-07      NONCONFORMING MOBILE HOME PARK****4-27-03-07-01      *CONTINUATION OF USE OF EXISTING MOBILE HOMES IN A NONCONFORMING MOBILE HOME PARK***

Continued use of those owner-occupied mobile homes existing within a nonconforming mobile home park shall be allowed regardless of whether or not past approval of a building permit or occupancy permit was granted by the County, and regardless of whether or not the mobile home meets the general requirements of the mobile home dwelling zone district, provided the following minimum standards are met:

1. The mobile home remains in its existing location within a nonconforming mobile home park.
2. The mobile home is not subject to a condition which constitutes an immediate public health and/or safety problem for the residents of the mobile home park as determined by the Director of Community and Economic Development. Examples of an immediate public health and safety problems include but are not limited to the following: improper installation of gas lines, unstable blocking or tie downs which could cause the unit to collapse, additions to mobile homes considered dangerous structures under provisions of the County Building Code, mobile homes located in a public right of way, mobile homes located over a slope that is considered unstable or excessively steep, inadequate water pressure for fire protection at a particular mobile home or inadequate access within the nonconforming mobile home park which would hinder the ability to reach a particular mobile home

for firefighting purposes, contaminated well water, and blocked or failed on-site wastewater treatment systems.

**4-27-03-07-02      *RECREATIONAL VEHICLES NOT TO BE USED AS DWELLING UNITS***

Residences, which do not meet the definition of mobile home, but are instead considered recreational vehicles or travel trailers, are not considered to be nonconforming under this provision and are not allowed to be used as dwelling units in nonconforming mobile home parks.

**4-27-03-07-03      *PLACEMENT OR REPLACEMENT OF A MOBILE HOME IN A NONCONFORMING MOBILE HOME PARK***

Placement of a mobile home on a vacant space or replacement of an existing mobile home within a nonconforming mobile home park is allowed under the following conditions:

1. The mobile home park has placed on file with the County the following:
  - a. A complete site plan which establishes the location of mobile home spaces and utility hookups and the total number of mobile home spaces allowed historically.
  - b. A fire protection plan approved by the applicable fire district addressing the following items: adequate water pressure for fire protection, adequate minimum distance for fire hydrants, and adequate access for fire protection purposes.
  - c. Demonstration of adequacy of water and sewer service through approval of the Water and Sanitation District serving the park (or approval of well and on-site wastewater treatment systems by the Division of Water Resources and Tri-County Health Department).
  - d. No mobile homes within the mobile home park have been determined to be subject to a condition, which constitutes an immediate public health, and/or safety problem for the residents as described in Section 4-25-03-07-01.
  - e. Provision of screening or buffering of adjacent less intense uses if determined necessary by the Director of Community and Economic Development.
2. The new mobile home meets the following placement requirements:
  - a. Mobile Home Setbacks
    - (1) *Side Setback*: The minimum required distance between homes, not including any attached

structures, is ten (10) feet. The distance between units is measured from the longest dimension side of one unit to the longest dimension side of the other unit.

- (2) *Rear Setback*: The minimum required distance between homes, not including any attached structures, is six (6) feet. The distance between units is measured from the most narrow dimension side of one unit to the most narrow dimension side of another unit.
  - (3) *Rear to Side Setback*: If the homes are placed such that a most narrow dimension side of one unit is placed in proximity to a longest dimension side of another unit, the setback between these units on those sides, not including any attached structures, is six (6) feet.
  - (4) *Front Setback*: The minimum required distance between a home including any attached structures and the road is three (3) feet.
- b. *Attached or Detached Accessory Structures*
- (1) *Minimum Required Distance Between a Mobile Home and a Detached Accessory Structure*: Three (3) feet from a noncombustible structure and six (6) feet from a combustible structure.
  - (2) *Minimum Required Distance Between a Mobile Home and an Attached Accessory Structure Not Used for Living Quarters on an Adjacent Mobile Home*: Three (3) feet from a noncombustible attached structure and six (6) feet from a combustible attached structure.
  - (3) *Minimum Required Distance Between a Mobile Home and an Attached Accessory Structure Used for Living Quarters on an Adjacent Mobile Home*: Ten (10) feet.
- c. *Off Road Parking*: Two (2) off road parking spaces of nine (9) feet by nineteen (19) feet dimensions are provided for each mobile home, unless the road fronting the mobile home is thirty-five (35) feet or more in width, in which case one (1) on road parking space and one (1) off road parking space of nine (9) feet by nineteen (19) feet dimensions per mobile home is required.
- d. *Setbacks from Property Lines*: The minimum required setbacks for those mobile homes placed on spaces adjacent to a property boundary line is five (5) feet. A greater setback may be required in those circumstances where a utility easement exists along the property boundary line. If a utility easement exists along the property boundary line, the setback shall be

as established by the utility companies. In no case, can the setback be reduced to less than five (5) feet.

- e. *Minimum Floor Area*: two-hundred-fifty-six (256) square feet.
3. Installation and construction of attached and detached accessory structures are subject to the provisions of the County Building Code.
4. Set up and tie down provisions of the County Building Code and standards for placement of manufactured homes of the mobile home dwelling zone district shall be met.

#### **4-27-04 CHANGE IN USE**

##### **4-27-04-01 CHANGE IN USE TO CONFORM TO SECTION 4-25-03**

A change in use of property where a nonconforming situation exists may not be made except in accordance with Section 4-25-03.

##### **4-27-04-02 CHANGE IN USE TO CONFORMING USE PERMITTED**

If the intended change in use is a principal use permissible in the zone district where the property is located, and if all of the other requirements of these standards and regulations can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with the provisions of these standards and regulations is achieved, the property may not revert to its nonconforming status.

##### **4-27-04-03 CHANGE IN USE TO CONFORM TO SECTION 4-25-03**

If the intended change in use is to a principal use permissible in the zone district where the property is located, but all of the requirements of these standards and regulations cannot reasonably be complied with, then the change is permissible if the entity authorized to issue a permit for that particular use issues the required permit which would authorize the change. Conditions may be placed on any permit issued in order to mitigate any impact, which would result from not meeting these standards and regulations. This permit may be issued if the permit issuing authority finds, in addition to any other findings which may be required by these standards and regulations, that:

1. The intended change will not result in a violation of Section 4-25-03; and
2. All of the applicable requirements of these standards and regulations can reasonably be complied with will be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation. In no

case may an applicant be given permission to construct a building or add to an existing building if additional nonconformities would be created.

#### **4-27-04-04 CHANGE IN USE TO CONFORM TO SECTION 4-25-03**

If the intended change in use is to another principal use, which is nonconforming in the zone district in which the property is located, then the change is permissible if the permit issuing authority formally approves the change. Conditions may be placed on any permit issued in order to mitigate any impact, which would result from not meeting these standards and regulations. The permit issuing authority may issue the permit if it finds, in addition to other findings which may be required by these standards and regulations, that:

1. The use requested is one which is permissible in some zone districts with either a zoning review approval and building permit, special use, or conditional use permit;
2. The intended change will not result in a violation of Section 4-25-03;
3. All of the applicable requirements of these standards and regulations, which can reasonably be complied with will be complied with. Compliance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure placed on a permanent foundation. In no case may an applicant be given permission to construct a building or add to an existing building if additional nonconformities would be created; and
4. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation.

#### **4-27-05 ABANDONMENT OF USE AND DISCONTINUANCE OF NONCONFORMING SITUATION**

If active and continuous operations are not carried on in a nonconforming use during a continuous period of six (6) months, the building, other structure, or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only by a conforming use. Intent to resume active operations shall not affect the foregoing. The burden of proof an operation has been continuous rests with the owner or operator of the use. The evidence an operation has been continuous must be clear, indicate that at the specific time in question the use was in operation, and must be conclusive.

#### **4-27-06 NONCONFORMING LOT**

##### **4-27-06-01 NONCONFORMING LOTS USING WELL AND SEPTIC**

No lot existing at the time of passage of these standards and regulations or any amendment thereto, shall be required to be reduced or enlarged to conform to the requirements on lot sizes, except those requirements pertaining to the use of individual wells and septic systems.

##### **4-27-06-02 NONCONFORMING LOTS CREATED PRIOR TO JULY 1, 1972**

On tracts of land in the A-3 and A-2 zone districts created prior to July 1, 1972, which do not meet the minimum lot size requirement, construction of a single-family dwelling shall be allowed subject to the minimum requirements of the A-1 zone district.

##### **4-27-07 NON-CONFORMING USES, STRUCTURES, AND NATURAL OBJECTS LOCATED WITHIN THE AVIATION INFLUENCE AREA**

This Section shall not be construed to require the removal, or alteration of any lawful constructed building, structure, or use in existence at the time this regulation is adopted. Nor shall this section be construed to require any change in the construction, alteration, or intended use of any structure in cases where a building permit for the construction or alteration of a structure was issued prior to the adoption of this Section.

##### **4-27-07-01 NON-CONFORMING USES LOCATED IN NOISE OVERLAY**

###### **4-27-07-01-01 *EXISTING SINGLE-FAMILY HOMES MAY CONTINUE***

Previously approved and lawfully constructed single family homes may continue, but are subject to the provisions regarding enlargement or reconstruction of the single family homes as cited below.

###### **4-27-07-01-02 *EXISTING UNDEVELOPED LAND ENCOURAGED TO CHANGE USES***

Previously zoned and platted residential areas which are vacant are encouraged to change land uses in order to ensure future compatibility with this overlay zone district.

###### **4-27-07-01-03 *NEW SINGLE-FAMILY HOMES MAY BE CONSTRUCTED***

New single-family dwellings may be constructed on parcels or lots created prior to the effective date of these standards and regulations, or as allowed by State Statute, or when located on previously zoned and platted residential areas, provided appropriate interior noise level reduction measures are employed during construction.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

**4-27-07-01-04      *ENLARGEMENT AND REPLACEMENT OF SINGLE-FAMILY HOMES***

Proposals to enlarge, or reconstruct non-conforming single-family residences must employ interior noise level reduction measures for the structure or portion of the structure subject to the building permit.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

**4-27-07-01-05      *ENLARGEMENT AND REPLACEMENT OF NON-RESIDENTIAL STRUCTURES***

Proposals to reconstruct non-conforming office, commercial, or other non-residential structures must employ interior noise level reduction measures for the structure, or portion of the structure occupied by members of the public.

Plans, which illustrate the noise reduction measures that will be employed, must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

**4-27-07-02      NON-CONFORMING USES LOCATED OUTSIDE THE NOISE OVERLAY ZONE DISTRICT AND IN THE AVIATION INFLUENCE AREA**

**4-27-07-02-01      *AIRCRAFT ACTIVITY COVENANT WITH DISCLOSURE REQUIRED***

Aircraft Activity Covenant with Disclosure, which acknowledges and permits the creation of noise by aviation operations shall be signed and recorded prior to issuance of a building permit for a residence within the noise overlay zone district.

**4-27-07-02-02      *LIGHTS AND MARKER INSTALLATION***

The owner of any existing nonconforming structure is required to permit the installation, operation, and maintenance of markers and lights as deemed necessary by the aviation authority or operator, to indicate to the operators of aircraft in the vicinity of the aviation facilities the presence of aviation hazards.

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