



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

BOULDER COUNTY

BOARD OF COUNTY COMMISSIONERS

Thursday March 14, 2019 at 4:30 p.m.

Commissioners' Hearing Room, Third Floor

Boulder County Courthouse, 1325 Pearl Street, Boulder, CO

PUBLIC HEARING

Denver Water's Appeal of the Land Use Director's determination under 8-406 that Denver Water's Moffat Collection System Project (or Gross Reservoir Expansion Project) is not exempt from the County's Areas and Activities of State Interest (1041) Review.

Staff: Dale Case, Director

Introduction and Background

This public hearing is for the Board of County Commissioners to determine if the Land Use Director erred in determining that the Moffat Collection System project is subject to the County's Areas and Activities of State Interest review. Denver Water is appealing the Director's October 22, 2018 decision (Attachment B) that the County's regulations apply. The Director confirmed the decision on January 18, 2019 (Attachment D) after Denver Water requested reconsideration (Attachment C). Denver Water has the burden of proving the Director erred in the decision to include the development in the County's regulations. The scope of the hearing is limited to this narrow issue, and the Board is not considering the scope and impacts of the project or whether it should grant a county permit if Denver Water applies. Should the Board uphold the Director's determination, the project must proceed through the County process and analyzed per the Code criteria in Article 8 of the Boulder County Land Use Code.

On October 12, 2018, Denver Water sought a determination (Attachment A) from the Land Use Director as to whether a provision of State statute applied to its Moffat Collection System Project (Gross Dam and Reservoir expansion). The statutory provision under review is known as the zoned land exemption:

24-65.1-107. Effect of article - developments in areas of state interest and activities of state interest meeting certain conditions

Deb Gardner County Commissioner

Elise Jones County Commissioner

Matt Jones County Commissioner

(1) This article shall not apply to any development in an area of state interest or any activity of state interest which meets any one of the following conditions as of May 17, 1974:

(a) The development or activity is covered by a current building permit issued by the appropriate local government; or

(b) The development or activity has been approved by the electorate; or

(c) The development or activity is to be on land:

(I) Which has been conditionally or finally approved by the appropriate local government for planned unit development or for a use substantially the same as planned unit development; or

(II) Which has been zoned by the appropriate local government for the use contemplated by such development or activity; or

(III) With respect to which a development plan has been conditionally or finally approved by the appropriate governmental authority

Denver Water claims Gross dam was zoned for the use under the Boulder County Zoning Resolution in effect at the time H.B. 1041 was enacted (May 17, 1974).

ANALYSIS

The zoned land exemption is a narrow exception to a local government's otherwise broad authority to regulate the use of land within its jurisdiction. For the exemption to apply to the Gross Reservoir expansion, the County, as of May 17, 1974, would have had to have zoned the property in the area of the proposed expansion for use as a dam and reservoir. The County did not have dam or reservoir zoning in place in 1974. Therefore, the zoned land exemption is inapplicable to the proposed reservoir expansion.

Denver Water claims that the zoned land exemption would apply so long as a reservoir was a use by right as of May 17, 1974. Even under Denver's Water's interpretation of the exemption, the Gross Reservoir expansion is not exempt. According to official county records maintained by the Land Use Department, the parcel area of the project was zoned Forestry prior to and as of May 17, 1974. The zoning regulations in place at the time did not list reservoirs or dams as a permitted use in Forestry District, and, as a result, such a use was not allowed under zoning. (See Boulder County Zoning Resolution, adopted 1965 with amendments through 9/18/1974, attachment E). Thus, the dam and reservoirs were not uses by right in the parcel area as of May 17, 1974.

Denver Water argues that the reservoir and dam were in a Flood Regulatory Area and that use was allowed under the Code provisions in place in 1974 regulating the Flood Regulatory Area. The Flood Regulatory Area was described in parts two and three of Section 18 of the Zoning Resolution and was depicted on the Official Zoning maps defined

in the 1974 Zoning Resolution. The applicable zoning map, the 1965 zoning map, does not show the area of the dam and reservoir within the flood overlay district (also referred to as the Flood Regulatory Area) in 1974. (Attachment F). The 1953 Boulder County Floodplain Zoning Map supports this determination because it also does not show floodplain zoning anywhere near the parcel. (Attachment G). Thus, the County’s flood regulations, including the Flood Regulatory Area provisions, did not apply to the parcel as of May 17, 1974. Although Denver Water contends that Gross Reservoir, as a practical matter, served as a flood mitigation measure through 1974, any practical effect the dam or reservoir had is irrelevant to whether the land was zoned for the use as of May 17, 1974.

Further, even if the project was in the Flood Regulatory Area, the zoning under parts 3.4 and 3.5 Section 18.5 of the 1974 regulations stated: “Any use enumerated in this section may be permitted only upon an application to the Zoning Administrator and the issuance of a special permit by the Planning Commission...” (See attachment E). The required Planning Commissioner review required a public hearing. The county has no evidence that any such review or hearing took place regarding the project. Thus, the development or activity was not zoned for such use as the development did not have Planning Commission approval.

The County has received numerous comments on the project from the public. The comments can be found here <https://www.bouldercounty.org/wp-content/uploads/2019/03/gross-reservoir-dam-expansion-proposal-public-comments-20190314.pdf>

Further information on the County’s [Gross Reservoir information webpage](#).

ACTION REQUESTED

The BOCC should uphold the Director’s determination that the statutory zoned land exemption does not apply to this project and it is subject to review under Article 8 of the Boulder County Land Use Code.

| <i>Attachments:</i> |
|---|
| A. October 12, 2018 letter from Jeff Martin, Denver Water to Dale Case |
| B. October 22, 2018 determination letter from Dale Case to Jeff Martin |
| C. October 30, 2018 appeal and reconsideration letter from Anne Sibree to Dale Case |
| D. January 18, 2019 determination letter form Dale Case to Anne Sibree |
| E. Boulder County Zoning Resolution Adopted 1965 with amendments through 9/18/1974 |
| F. 1965 Zoning District Map for development area |
| G. 1953 Boulder County Floodplain Map |



Land Use

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

January 18, 2019

Anne Sibree
1600 West 12th Ave
Denver CO 80204-3412

This is a response to your October 30, 2018 letter requesting reconsideration of my determination of October 22, 2018 that Denver Water's Moffat Collection System Project was subject to the County's Article 8-200 Regulations of Areas and Activates of State Interest.

I appreciate your further explanation as to why you find the project should be exempt under the statute's Zoned Land Exemption provision. However, I don't find the arguments raise new information that I had not considered in my initial determination and therefore find the previous determination stands. As stated in the initial determination the area of the dam and reservoir was not considered part of the County's Flood Regulatory zoning in 1974.

You filed an appeal along with the request for reconsideration. The appeal was filed timely to the initial determination and may proceed. If you decide to proceed, I request we work together to find a mutually acceptable date for the County Commissioners to consider the appeal and, since this may not be within the 30-day Code requirement under 8-406, ask that we agree to mutually extend the time period to 60-days.

Please let me know if you have any questions and if you are agreeable to extend the hearing timeframe should you decide to continue with an appeal.

Regards,

Dale Case, AICP
Land Use Director

Mr. Dale Case
Director of Land Use
Boulder County Land Use Department
2045 13th Street Boulder, CO 80302

Boulder County Commissioners
P.O. Box 471
Boulder, CO 80306

October 30, 2018

Re: Request for Reconsideration and Stay of the Appeal of the Director of Land Use Determination of Zoned Land Exemption to Boulder County's Land Use Code, Article 8 - Location and Extent, Areas and Activities of State Interest for Denver Water's Moffat Collection System Project

Dear Mr. Case and Boulder County Board of Commissioners,

On October 12, 2018, Denver Water sent a letter to the Director of Land Use ("Director") requesting a determination of the applicability of Article 8 of the Land Use Code to Denver Water's expansion of Gross Dam (the "Project"). Boulder County's Director of Land Use ("Director") denied the exemption request in a letter dated October 22, 2018. Pursuant to Article 8-406, Denver water has ten days to appeal the Director's determination. Denver Water is requesting reconsideration and stay of the appeal based on the information below. Should the Director deny this request, this letter will serve as Denver Water's appeal of the Director's October 22nd determination. If the Director accepts this request for reconsideration and stay, Denver Water requests that the determination on the request for reconsideration be made within 30 days from the date of this letter, after which Denver Water would have 10 days to appeal the reconsidered determination.

Denver Water's October 12th letter to the Director explains why the Project is exempt from the requirements of Article 8 of the Land Use Code under the statutory exemption in C.R.S. §24-65.1-101, et seq. ("H.B. 1041"), known as the "zoned land exemption." Under the exemption, the expansion of Gross dam was an authorized use under the zoning laws in effect prior to the effective date of H.B. 1041 (May 17, 1974), because as of that date the Flood Regulatory Area zoning permitted, by right, "utility facilities such as dams." Denver Water's analysis relies on the 1969 Amendments to Boulder County's Zoning Resolution, which incorporated the new Section XX Definitions and Section 18.5 Flood Plain regulations.

The Director's October 22nd determination did not address the fact that the Flood Regulatory Area authorized dams prior to the effective date of H.B. 1041. Rather, the Director's conclusion states that:

For the exemption to apply to the Gross Reservoir expansion, the County, as of May 17, 1974, would have had to have zoned the property in the area of the proposed expansion for use as a reservoir. The County did not have such zoning in place and, therefore, the zoned land exemption is inapplicable to the proposed reservoir expansion.

Thus, Denver Water is seeking a stay of the appeal process for the Director to reconsider the applicability of the zoned land exemption based on the applicability of the Flood Regulatory Area zoning, as set forth in our original request. Although the construction and use of dams within the Flood Regulatory Area zoning "shall be permitted," the Director explains "the County did not permit reservoirs as a use by right within the flood regulatory area at that time." The Director's decision draws a distinction between a dam and a reservoir that would undermine the express language of the Flood Regulatory Area zoning provision.

The zoned land exemption under C.R.S. §24-65.1-107(1)(c)(II) is explicit, stating that H.B. 1041 "shall not apply to any **development** in an area of state interest or any **activity** of state interest which meets any one of the following conditions as of May 17, 1974: ... (b) The **development or activity** is to be on land ... (II) Which has been zoned by the appropriate local government for the use contemplated by such **development or activity**." (emphasis added). "Development" is defined as "any construction or activity which changes the basic character or the use of the land on which the construction activity occurs." C.R.S. §24-65.1-102(1). In the case of Denver Water's Project, the construction or activity is the expansion of the existing dam. The permitted use for a dam within the 100-year flood plain necessarily results in an impoundment of water.¹

As of May 17, 1974, Gross Dam was within the Flood Regulatory Area, as it is defined in the 1969 flood zone regulations. The Flood Regulatory Area was defined as "that portion of the flood plain subject to inundation by the 100-year flood. Its width is

¹ The Bureau of Reclamation defines a dam as "a barrier built across a watercourse to impound or divert water. A barrier that obstructs, directs, retards, or stores the flow of water. Usually built across a stream. A structure built to hold back a flow of water." See <https://www.usbr.gov/library/glossary/#D>. A reservoir is defined as "a body of water impounded by a dam and in which water can be stored. Artificially impounded body of water. Any natural or artificial holding area used to store, regulate, or control water. Body of water, such as a natural or constructed lake, in which water is collected and stored for use. Dam design and reservoir operation utilize reservoir capacity and water surface elevation data. *Id.*

determined by the 100-year flood. Its length or reach is determined by natural bounds. This equals the intermediate regional flood as defined by the Corps of Engineers.” Section XX (20.35). Gross Dam is within the 100 year-flood area, and the benefit of Gross Dam to the flood plain below is documented in the report dated August 1969, “Flood Plain Information, Boulder Creek and South Boulder Creek, Volume II” report prepared by the U.S. Army Corps of Engineers for the Denver Regional Council of Governments (through the Colorado Water Conservation Board), at 3 (stating, “Gross Reservoir is located about 7 miles upstream of Eldorado Springs. This reservoir, with a storage capacity of 43,060 acre-feet, became effective in 1955 for reducing peak flood flows on South Boulder Creek.”).

The Director’s determination ignores Section 18.5 (3.4) of the Flood Regulatory Area, providing that dams “shall be permitted within the Flood Regulatory Area to the extent they are not prohibited in a particular area by any underlying zoning category.” Instead, the Director states “the land on which the Reservoir is located was zoned Forestry.... Although a portion of Gross Reservoir is within the 100-year floodplain under current County regulations and mapping, the property was not within a Flood Regulatory Area on May 17, 1974.” Based on the history of floodplain mapping in Boulder County, the 1969 zoning regulations went into effect in 1972.² Thus, the regulations were effective in 1972, and the location of the dam falls within the zoning code’s definition of the Flood Regulatory Area.

The Director states that what would have been required within the Flood Regulatory Area would be a “Planning Commission review and approval prior to such development” if there would be a reservoir with the dam. This is not what the Flood Regulatory Area zoning regulations provide. Instead, the only potential limitations on the listed uses by right in the Flood Regulatory Area are the Special Provisions of Section 3.3 and the prohibition of such use by the underlying zoning. In this case, the underlying Forestry zone does not prohibit the use. See Sections 3.3 and 2.4. Section 3.3 Special

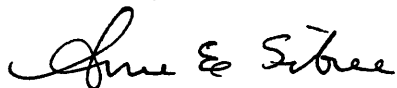
² “In 1965, Boulder County first suggested managing development in floodplains to improve the safety of residents and their property. In 1968, FEMA introduced federal regulations to manage development in floodplains nationwide. Boulder County adopted floodplain regulations for the first time in 1969 even though they were not incorporated into the Land Use Code until 1972. Most of the county’s current FEMA floodplain maps are based on studies from the early 1980s.” See <https://www.bouldercounty.org/transportation/floodplain-mapping/frequently-asked-questions/#floodplain>

Provisions “apply to all uses within the Flood Regulatory Area notwithstanding that such uses may be specifically permitted under the terms of this resolution.” The Special Provisions, limiting structures that affect flood protection elevation heights or the efficiency of the capacity of the channel, are not applicable to the dam expansion. The Director’s determination that this use would require a “Planning Commission review and approval” is not found in the relevant zoning regulation.

Last, it is relevant and important to understand the history of the dam construction and that the use of the land contemplated at the time the land was purchased by Denver Water is the very same use now contemplated. The zoned land exemption itself avoids the unfairness of retroactive application of laws by recognizing the authorizations and permitted uses prior to the enactment of H.B. 1041. The use now contemplated for the Project (the expanded dam) was planned at the time of design, purchase of property, acquisition of water rights, construction and authorization by the Federal Energy Regulatory Commission (“FERC,” formerly the Federal Power Commission). Prior to constructing the dam in the late 1940s, Denver Water purchased the amount of private land necessary to build the dam to its full height. It acquired the necessary approval from FERC, recognizing that the dam would be built in two phases. These efforts were completed in conformity with and reliance upon Boulder County’s zoning ordinance, which allowed, by right, “water reservoirs” in the Forestry zoning district at that time. Zoning Resolution of Boulder County, Colorado Section III(1) (1944). By the time H.B. 1041 went into effect, Denver Water had made substantial expenditures and completed substantial construction.

Please let us know if additional information is needed for reconsideration by the Director or prior to the public hearing if the appeal is not stayed.

Sincerely,

A handwritten signature in cursive script that reads "Anne E. Sibree".

Anne E. Sibree



Land Use

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October 22, 2018

Jeff Martin
Denver Water Program Manager
1600 West 12 Ave
Denver CO 80204-3412

Dear Mr. Martin:

On October 12, 2018, you requested that I determine the applicability of Boulder County Land Use Code Section 8-400 to Denver Water's proposed expansion of Gross Reservoir. Denver Water contends that, as of May 17, 1974, Boulder County zoned the land on which the Gross Reservoir expansion is located for this use and, therefore, the statutory exemption to the applicability of H.B. 1041 regulations in C.R.S. § 24-65.1-107(1)(c) (known as the "zoned land exemption") applies. I disagree with Denver Water's interpretation of the zoned land exemption and Boulder County Land Use Code, and I have determined that 8-400 applies to Denver Water's proposed expansion of Gross Reservoir.

The zoned land exemption is a narrow exception to a local government's otherwise broad authority to regulate the use of land within its jurisdiction. For the exemption to apply to the Gross Reservoir expansion, the County, as of May 17, 1974, would have had to have zoned the property in the area of the proposed expansion for use as a reservoir. The County did not have such zoning in place and, therefore, the zoned land exemption is inapplicable to the proposed reservoir expansion.

You indicate that the zoned land exemption would apply so long as a reservoir was a use by right as of May 17, 1974. Even under Denver's Water's interpretation of the exemption, the Gross Reservoir expansion is not exempt. As of May 17, 1974, the land on which the Reservoir is located was zoned Forestry. The applicable zoning regulations did not list reservoirs as a permitted use within the Forestry District and such a use would not have been allowed. Nonetheless, Denver Water asserts the Reservoir was located within the Flood Regulatory Area overlay and that reservoirs were allowed as a use by right within this overlay district. Both assertions are incorrect.

Although a portion of Gross Reservoir is within the 100-year floodplain under current County regulations and mapping, the property was not within a Flood Regulatory Area on May 17, 1974. Even if it were, the County did not permit reservoirs as a use by right within the flood regulatory area at that time. Instead, the County required Planning Commission review and approval prior to such development. No such Planning Commission review or approval has taken place as of May 17, 1974.

Finally, even assuming Flood Regulatory Area was in place over Gross Reservoir on May 17, 1974, only a small portion of the very large expansion project could have been within that area. Because most of the area to be inundated by the proposed reservoir expansion would have been located outside of the area, the zoned land exemption would also be inapplicable for that reason.

Cindy Domenico *County Commissioner*

Deb Gardner *County Commissioner*

Elise Jones *County Commissioner*

For the reasons above, I find that Section 8-400 of the Boulder County Land Use Code is applicable to the Gross Reservoir expansion project. Before undertaking any work on the project, Denver Water must obtain a permit under Section 8 of the Code. Denver Water may appeal my decision to the Board of County Commissioners as provided for under 8-406(B).

Sincerely,



Dale Case, AICP
Land Use Director

October 12, 2018

Mr. Dale Case
Director of Land Use
Boulder County Land Use Department
2045 13th Street Boulder, CO 80302

Re: Determination of Zoned Land Exemption to Boulder County's Land Use Code, Article 8 - Location and Extent, Areas and Activities of State Interest for Denver Water's Moffat Collection System Project

Dear Mr. Case,

Pursuant to Section 8-406(A) of the Boulder County Land Use Code ("LUC"), Denver Water seeks your confirmation that the expansion of Gross Reservoir, also known as the Moffat Collection System Project ("Project"), is exempt from Article 8 of the LUC per the "zoned land exemption." Under Article 8, Boulder County regulates "Areas and Activities of State Interest" pursuant to C.R.S. 24-65.1-101, et seq. ("H.B. 1041" or "1041 permit").

Denver Water anticipates deadlines within a Federal Energy Regulatory Commission ("FERC") Order for various construction-related plans and activities requiring FERC approval prior to construction of the dam. Denver Water is beginning preliminary work in anticipation of strict construction timelines and deadlines. These plans sometimes require, and will greatly benefit from, Boulder County's engagement and input now and in the near term. For instance, Colorado Department of Transportation ("CDOT") is interested in having Denver Water improve the intersection of Boulder County's Gross Dam Road and State Highway 72. Also, in the near term, Denver Water will host workshops with consulting parties identified in FERC's Order (which will include Boulder County and the local community) to develop plans to minimize construction disturbance within Boulder County and to the local community. These plans will establish best and preferred methods for traffic management, road use and maintenance, hours of use, and quarry operation times, among other Project criteria. Clearly, these matters of local interest will be developed best with Boulder County's participation to inform and advise all participants of applicable Boulder County policies, standards, and criteria. However, Denver Water's ability to move forward with Boulder County on plans to improve traffic safety before construction begins has been halted because Boulder County has declined to engage without Denver Water's submission of a 1041 permit application. Based on our research, the Project falls within the zoned land exemption in H.B. 1041 for the reasons discussed herein.

In general, H.B. 1041 entitles local governments to designate areas and activities of state interest and regulate those areas through their respective zoning codes. Colo.

Rev. Stat. §24-65.1-101. At the same time, the law exempts from the 1041 process “any development or activity . . . on land which has been zoned by the appropriate local government for the use contemplated by such development or activity” as of May 17, 1974. C.R.S. §24-65.1-107(1)(c)(II). *See also Droste v. Board of County Commissioners of County of Pitkin*, 85 P.3d 585, 589 (Colo. App. 2003) (holding “the plain language of the zoned land exemption specifically provides that AASIA [(Areas and Activities of State Interest Act)] does not apply to ‘any development in an area of state interest’ that meets the statutory criteria for the exemption.”); “A History of the Colorado Land Use Commission’s Intervention, 24 Colo. Law. 303 at *303 and FN 14 (February 1995) (discussing that the development of a Safeway market blocking the view from the historic Stanley Hotel was not subject to the 1041 requirements because “the area where the construction took place was actually exempt from state regulation” under C.R.S. Section 24-65.1-107(1)(C)(II) as the land had been zoned in 1967 for commercial development).

Gross Dam and Reservoir was constructed in the 1950s and is located within the Forestry zoning district and the 100-year floodplain, which means it is also within the Flood Regulatory Area zoning. The property at issue will continue to be used for a dam and reservoir, although larger in size than the current structure. In fact, the size of the dam following construction fulfills the contemplated use at the time of original design and construction. Denver Water includes with this letter a survey from February 1946 that is on file with Boulder County (Plat Book G, pages 77-78) showing the dam at the height contemplated with the Project (depicting the reservoir at the elevation of 7400 feet). We have also attached a copy of the same map from Denver Water’s records for ease of viewing.

The Project is exempt under the zoned land exemption because the property was zoned for such uses by right prior to May 17, 1974. As of May 17, 1974, the Flood Regulatory Area zoning rules applied to “portions of land subject to inundation by the 100-year flood.” Section 3.4 of the zoning rules for a “Flood Regulatory Area” provides: “Permitted uses: the following open uses shall be permitted within the Flood Regulatory Area to the extent they are not prohibited in a particular area by any underlying zoning category: . . . (4) Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines, and water monitoring devices.” Amendment to Boulder County Zoning Resolution, Approved August 11, 1969, Section 18.5, 3.4(4). The use contemplated for the Project was not prohibited in the underlying Forestry Zoning District. Thus, 1041 “does not regulate or apply to lands that fall under the zoned land exemption.” *See Droste*, 85 P.3d at 589.

Our research into the history of the 1969 Flood Regulatory Areas zoning provides insight into why dams were viewed as desirable features in a floodplain. A book published by the City of Boulder notes that during the flood in May 1969, “Gross Reservoir captured the entire runoff generated above the dam averting what would have been much greater flooding in the South Boulder Creek valley.” *See SILVIA PETTEM,*

BOULDER'S FLOODS AND FLOOD MANAGEMENT: PAST AND PRESENT 81-82 (2016). Only a few months later, Boulder County enacted the Flood Area zoning regulations. Although flood control is not the purpose of Gross Dam, it provides a flood protection benefit to Boulder County, as demonstrated in 1969 and more recently in 2013.

We seek Boulder County's concurrence that the Project is exempt from Article 8 of the LUC, so we can begin preparatory work and specific construction activity plans that are being developed now and in the very near term with Boulder County's engagement. We also look forward to working with Boulder County to secure any ancillary permits necessary for successful completion of the Project. Though the Project is exempt from 1041, Denver Water is open to alternative ideas and processes to engage the public and Boulder County Commissioners throughout the process.

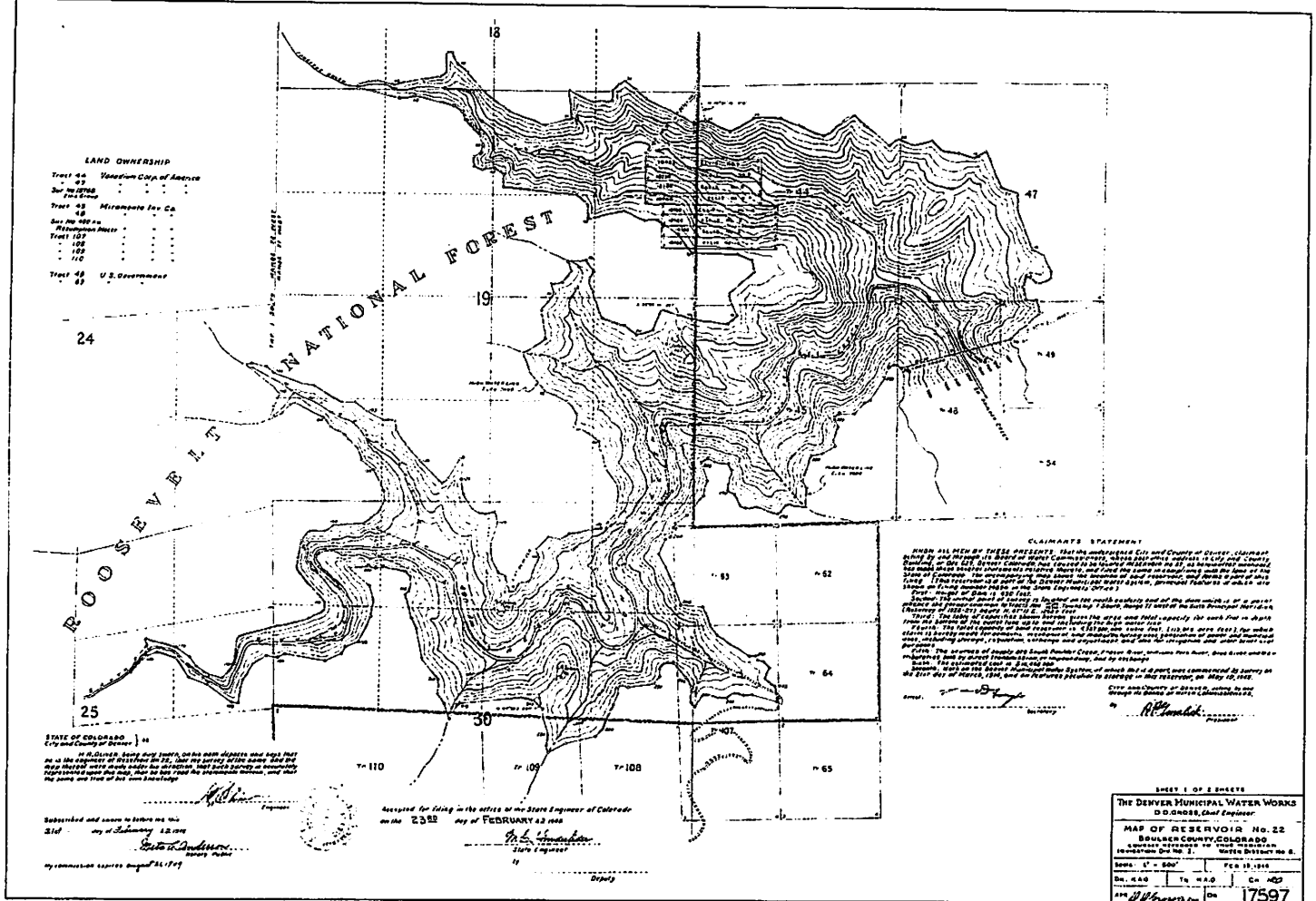
Sincerely,



Jeff Martin
Program Manager
Denver Water

LAND OWNERSHIP

| | |
|----------|---------------------------|
| Tract 34 | Yonelson Corp. of America |
| Tract 35 | Mirampore Inv. Co. |
| Tract 36 | U.S. Government |



CLAIMANTS STATEMENT

I, the undersigned, hereby certify that the maps, plans and drawings herein are true and correct copies of the original maps, plans and drawings filed in the office of the State Engineer of Colorado on the 23rd day of February 1935.

I, the undersigned, hereby certify that the maps, plans and drawings herein are true and correct copies of the original maps, plans and drawings filed in the office of the State Engineer of Colorado on the 23rd day of February 1935.

Witness my hand and the seal of my office, this 23rd day of February 1935.

State Engineer

STATE OF COLORADO
City and County of Denver

I, the undersigned, hereby certify that the maps, plans and drawings herein are true and correct copies of the original maps, plans and drawings filed in the office of the State Engineer of Colorado on the 23rd day of February 1935.

Witness my hand and the seal of my office, this 23rd day of February 1935.

State Engineer

Accepted for filing in the office of the State Engineer of Colorado on the 23rd day of FEBRUARY 1935

[Signature]
State Engineer

SHEET 1 OF 2 SHEETS

THE DENVER MUNICIPAL WATER WORKS
D. B. ROBERT, Chief Engineer

MAP OF RESERVOIR No. 22
BENNER COUNTY, COLORADO

| | | | |
|--------------|--------------------|----------------|---------------|
| Scale: | 1" = 500' | Date: | Feb. 19, 1935 |
| Drawn by: | J. H. A. D. | Checked by: | C. H. H. D. |
| Approved by: | <i>[Signature]</i> | City Engineer: | 17597 |

CAPACITY TABLE

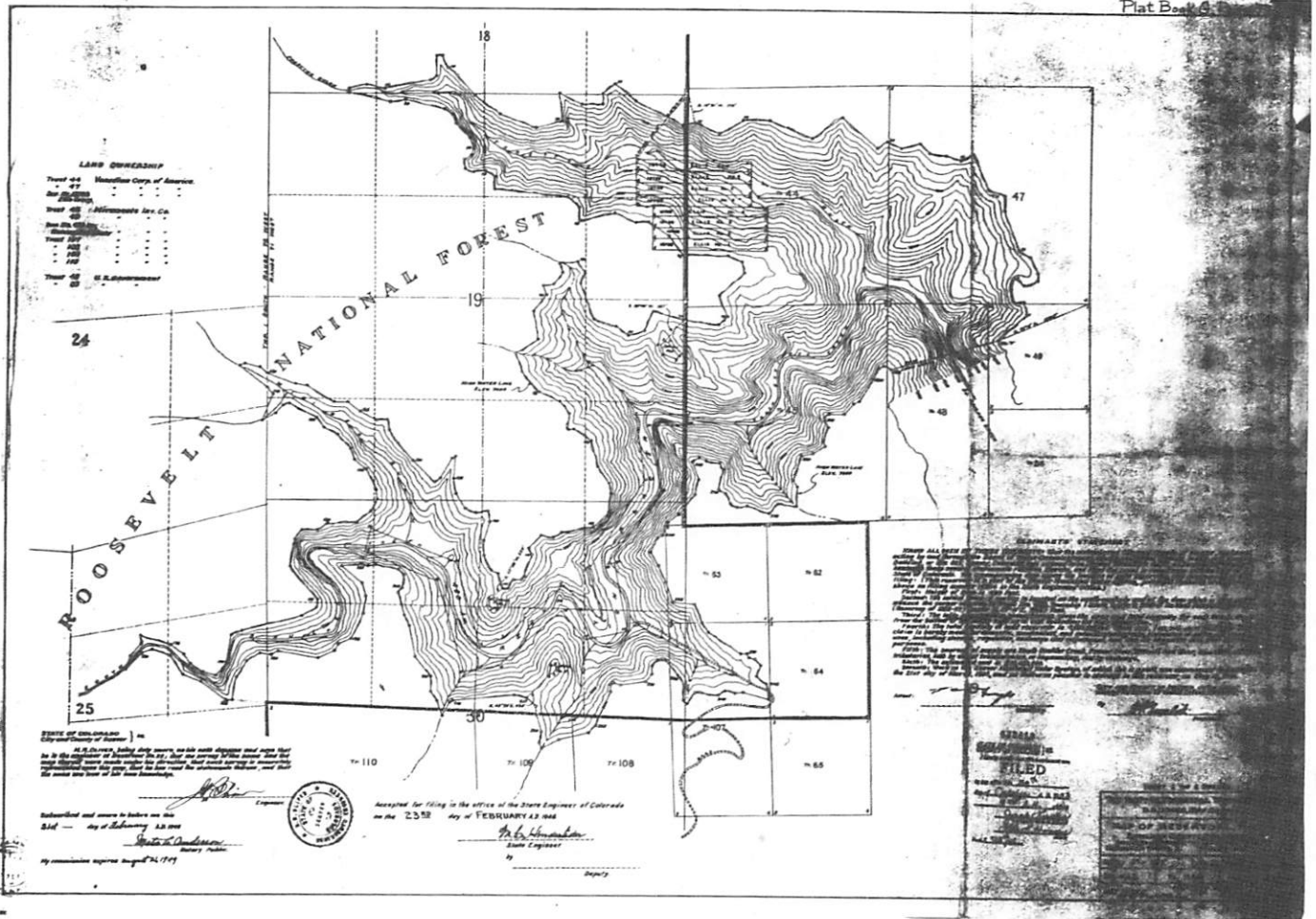
TRAVERSE NOTES FOR HIGH WATER LINE

| LINE | STATION | DATE | TIME | REMARKS | LINE | STATION | DATE | TIME | REMARKS |
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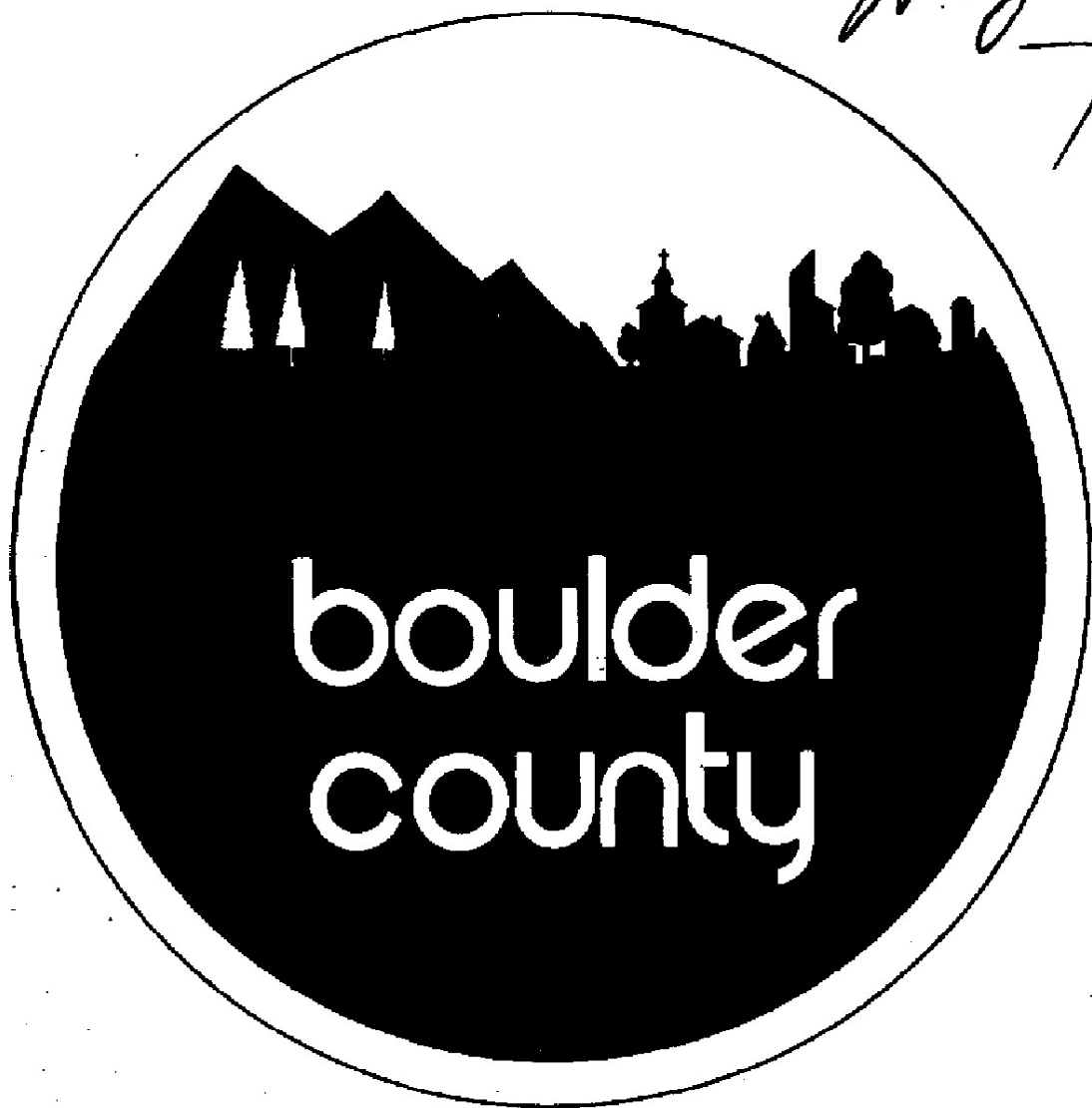
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Accepted the copy in the office of the State Engineer at Colorado on the 23rd day of FEBRUARY 1904

THE DENVER MUNICIPAL WATER WORKS
 D. DORSE, Chief Engineer
MAP OF RESERVOIR NO. 22
 BOULDER COUNTY, COLORADO
 INFORMATION ON THE TRAVEL RECORDS
 IN THE DISTRICT OF
 WATER DISTRICT NO. 1
 MAP NO. 1587
 FEB 1904
 No. 17597
 DR. M. NO. 2



Wages
7



ZONING

RESOLUTION

BOULDER COUNTY
ZONING
RESOLUTION

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OCTOBER 11, 1965

THIS PRINTING CONTAINS ALL AMENDMENTS
ADOPTED AS OF SEPTEMBER 18, 1974

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A RESOLUTION ADOPTING LAND USE ZONING DISTRICTS WITHIN UNINCORPORATED AREAS IN BOULDER COUNTY, COLORADO; ADOPTING MAPS OF SAID AREAS AND ZONING DISTRICTS THEREIN; REGULATING THE USE OF LAND AND THE USE, MINIMUM LOT AREA, MINIMUM LOT WIDTH, MINIMUM LOT FRONTAGE, MINIMUM YARDS AND MAXIMUM HEIGHT FOR BUILDINGS; PROVIDING SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-CONFORMING BUILDINGS; DEFINING CERTAIN TERMS USED HEREIN; AND PRESCRIBING METHODS FOR ENFORCEMENT, AMENDMENT, VARIANCES, SPECIAL PERMITS, INTERPRETATION, SEPARABILITY AND REPEALS.

BE IT RESOLVED BY
THE BOARD OF COUNTY COMMISSIONERS
OF
BOULDER COUNTY, COLORADO:

SECTION I
ENACTING CLAUSES

- 1.1 These regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Boulder County, Colorado, by: lessening congestion in the streets and roads; reducing the waste of excessive amounts of roads; securing safety from fire and other dangers; providing adequate light and air; classifying land uses and the distribution of land development and utilization; protecting the tax base; securing economy in governmental expenditures; fostering Boulder County's economic base; and protecting both urban and non-urban development. These general goals include, among others, the following specific purposes:
 - RESIDENTIAL, FORESTRY AND AGRICULTURAL AREAS ARE PROTECTED AGAINST . . .
 - Fire, explosion, noxious fumes, and other hazards;
 - Offensive noise, vibration, smoke, dust, odors, heat, glare and other objectionable influences;
 - Water pollution;
 - The invasion of abnormal vehicular traffic; and
 - The excessive congestion of buildings.
 - RESIDENTIAL, FORESTRY AND AGRICULTURAL AREAS ARE PROTECTED BY THE PROVISION OF . . .
 - Space off public streets for parking;
 - Access for light and air to windows;
 - Privacy by means of controls over the location of buildings;
 - Usable open area on the same lot;
 - Land to meet the needs of the probable expansion in population;
 - Appropriate sites for those public services which are needed; and
 - Tracts for quasi-public uses which provide essential health and welfare services.
 - BUSINESS, COMMERCIAL AND INDUSTRIAL AREAS ARE PROTECTED AGAINST . . .
 - The establishment of uses which would create serious hazards; or exceptional noise, vibration, smoke, dust, odors, heat or glare; or
 - Water pollution.

BUSINESS, COMMERCIAL AND INDUSTRIAL AREAS ARE PROTECTED BY THE PROVISION OF . . .

- Area in appropriate locations for the transaction of all types of activities;
- Space off public streets for parking;
- Opportunities to concentrate for the material advantage of merchants, customers and employees.

1.2 AUTHORITY

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

1.3 SHORT TITLE

For the purpose of brevity, this Resolution shall hereafter be referred to as the Boulder County Zoning Resolution.

1.4 CONTROL OVER USE

After the effective date of this Resolution, and subject to the provisions of Section XIX (Non-conforming Uses and Non-conforming Buildings):

- (1) Any new building or other structure, and any tract of land, may be used; and
- (2) The use of any existing building, other structure or tract of land may be changed or extended; and
- (3) Any existing building or other structure may be enlarged, reconstructed, structurally altered, converted or relocated;

for any purpose permitted or required by the regulations for the district in which such building, other structure or tract of land is located, and for no other purpose. Such use, change, extension, enlargement, reconstruction, structural alteration, conversion or relocation shall be subject to all other regulations set forth or referred to in the regulations for that district, and to any other applicable regulations of this Resolution.

1.5 CONTROL OVER LOCATION AND BULK

In any district, after the effective date of this Resolution and subject to the provisions of Section XIX (Non-conforming Uses and Non-conforming Buildings), the location and bulk of all buildings and other structures, existing and future, shall be in conformity with:

- (1) All regulations set forth or referred to in the regulations for the district in which such buildings and other structures are located; and
- (2) Any other applicable regulations of this Resolution.

1.6 ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose and provisions of this Resolution, Boulder County, Colorado is hereby divided into the following zoning districts:

- ER - Estate Residential District
- SR - Suburban Residential District
- RR - Rural Residential District
- F - Forestry District
- A - Agricultural District
- MFS - Multiple-Family Suburban District
- MF - Multiple-Family District
- T - Transitional District
- ED - Economic Development District
- H - Historical District (as established February 26, 1968)
- B - Business District
- C - Commercial District
- LI - Light Industrial District
- GI - General Industrial District

1.7 INCORPORATION OF MAPS

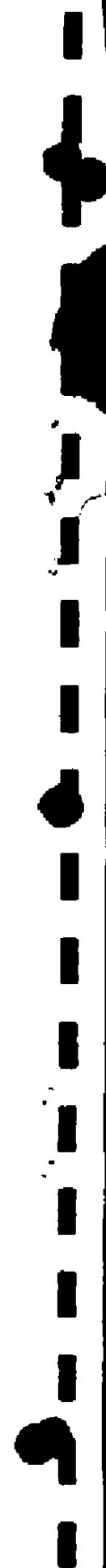
The location and boundaries of the districts established by this Resolution are shown upon the Zoning District Maps of Boulder County, which are hereby incorporated into this Resolution. The said zoning maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this Resolution as if fully set forth and described herein.

1.8 WHEN EFFECTIVE

This Resolution shall take effect immediately after its approval by the Board of County Commissioners of Boulder County on this, the 11th day of October, 1965.

**SECTION II
BASIC USE, LOCATION AND BULK REGULATIONS**

The following schedule of permitted uses and of basic location and bulk regulations for the various districts are hereby adopted and declared to be a part of this Resolution, and may be amended in the same manner as any other part of this Resolution. The listing of any use in said schedule as being permitted in any particular district shall be deemed to be an exclusion of such use from any other district, unless such use is specifically permitted in the other district under the language set forth in the schedule.



**SECTION III
ER - ESTATE RESIDENTIAL DISTRICT**

(LOW DENSITY RESIDENTIAL AREAS LOCATED IN OUTLYING AREAS)

3.1 USES PERMITTED

- (1) One-family dwellings;
- (2) Schools for elementary and high school education;
- (3) Public parks, playgrounds and playfields for daytime use;
- (4) Golf courses, occupying more than 100 acres of land;
- (5) Churches;
- (6) Public utility mains, lines and underground facilities; and
- (7) Accessory buildings and uses.

3.2 MINIMUM LOT AREA

- (1) on unsubdivided land . . . two (2) acres;
- (2) on subdivided land . . . one (1) acre.

3.3 MINIMUM LOT WIDTH

- (1) on unsubdivided land . . . 140 ft.;
- (2) on subdivided land . . . 120 ft.

3.4 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

3.5 MINIMUM FRONT YARD . . . 35 ft. (minimum distance of any building from the front lot line, except as specified in Section XVIII)

3.6 MINIMUM SIDE YARDS (minimum distance of buildings from each side lot line)

- (1) dwellings and accessory buildings . . . 10 ft.;
- (2) all other principal buildings . . . 25 ft.

3.7 MINIMUM REAR YARD . . . 25 ft. (minimum distance of any building from the rear lot line)

3.8 MAXIMUM BUILDING HEIGHT . . . 35 ft.



SECTION IV
SR - SUBURBAN RESIDENTIAL DISTRICT

(LOW DENSITY RESIDENTIAL AREAS LOCATED CLOSE TO URBAN CENTERS)

4.1 USES PERMITTED

- (1) One-family dwellings;
- (2) Schools for elementary and high school education;
- (3) Public parks, playgrounds and playfields for daytime use;
- (4) Golf courses, occupying more than 100 acres of land;
- (5) Churches;
- (6) Public utility mains, lines and underground facilities; and
- (7) Accessory buildings and uses.

4.2 MINIMUM LOT AREA

- (1) on unsubdivided land . . . one (1) acre;
- (2) on subdivided land where the principal building is not connected to both public water and public sewer facilities . . . 30,000 sq. ft.;
- (3) on subdivided land where the principal building is connected to both public water and public sewer facilities . . . 7,500 sq. ft.

4.3 MINIMUM LOT WIDTH

- (1) on unsubdivided land . . . 140 ft.;
- (2) on subdivided land where the principal building is not connected to both public water and public sewer facilities . . . 120 ft.;
- (3) on subdivided land where the principal building is connected to both public water and public sewer facilities . . . 60 ft.

4.4 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

4.5 MINIMUM FRONT YARD . . . 25 ft. (minimum distance of any building from the front lot line, except as specified in Section XVIII)

4.6 MINIMUM SIDE YARDS (minimum distance of buildings from each side lot line)

- (1) dwellings and accessory buildings . . . 7 ft.;
- (2) all other principal buildings . . . 25 ft.

4.7 MINIMUM REAR YARD (minimum distance of any building from the rear lot line)

- (1) dwellings and accessory buildings . . . 15 ft.;
- (2) all other principal buildings . . . 25 ft.

4.8 MAXIMUM BUILDING HEIGHT . . . 35 ft.



SECTION V
RR - RURAL RESIDENTIAL DISTRICT

(OPEN AREAS FOR BOTH AGRICULTURAL AND SEMI-URBAN PURPOSES)

5.1 USES PERMITTED

- (1) One-family dwellings;
- (2) Agriculture, including nurseries, greenhouses, and the grazing of livestock and horses, provided offensive odors and dust are confined to the premises and that the only products sold are those produced on the premises; (see Section 16.3)
- (3) Schools for elementary and high school education;
- (4) Public parks, playgrounds and playfields for daytime use;
- (5) Golf courses, occupying more than 100 acres of land;
- (6) Churches;
- (7) Public utility mains, lines and underground facilities; and
- (8) Accessory buildings and uses.

5.2 MINIMUM LOT AREA

- (1) on unsubdivided land . . . one (1) acre;
- (2) on subdivided land where the principal building is not connected to both public water and public sewer facilities . . . 30,000 sq. ft.;
- (3) on subdivided land where the principal building is connected to both public water and public sewer facilities . . . 15,000 sq. ft.

5.3 MINIMUM LOT WIDTH

- (1) on unsubdivided land . . . 140 ft.;
- (2) on subdivided land where the principal building is not connected to both public water and public sewer facilities . . . 120 ft.;
- (3) on subdivided land where the principal building is connected to both public water and public sewer facilities . . . 120 ft.

5.4 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

5.5 MINIMUM FRONT YARD . . . 25 ft. (minimum distance of any building from the front lot line, except as specified in Section XVIII)

5.6 MINIMUM SIDE YARDS (minimum distance of buildings from each side lot line)

- (1) dwellings and accessory buildings . . . 7 ft.;
- (2) all other principal buildings . . . 25 ft.

5.7 MINIMUM REAR YARD (minimum distance of any building from the rear lot line)

- (1) dwellings and accessory buildings . . . 15 ft.;
- (2) all other principal buildings . . . 25 ft.

5.8 MAXIMUM BUILDING HEIGHT . . . 35 ft.



**SECTION VI
F - FORESTRY DISTRICT**

**(AREAS ESTABLISHED FOR THE PURPOSE OF EFFICIENTLY USING
LAND TO CONSERVE FOREST RESOURCES, PROTECT THE NATURAL
ENVIRONMENT AND PRESERVE OPEN SPACE) (as amended March 2, 1972)**

6.1 USES PERMITTED

- (1) One-family dwellings;
- (2) Seasonal cabins; (as amended March 2, 1972)
- (3) Grazing of livestock and horses, provided offensive odors and dust are confined to the premises;
- (4) Oil drilling, quarries, mining, sand and gravel operations and similar extractive land uses provided that all quarries and sand and gravel operations shall be subject to review as set forth in Section XV of this Resolution entitled Uses Permitted by Special Review. In connection with the granting of permission for sand and gravel mining operations, the Board of County Commissioners may, in addition to imposing other conditions, require compliance with a plan of reclamation; and may specify the basic use, location and bulk regulations to be applicable to areas reclaimed in accordance with the plan of reclamation, and the conditions upon which such basic use, location and bulk regulations shall become applicable; (as amended October 4, 1971)
- (5) Schools for elementary and high school education;
- (6) Parks, playgrounds and playfields for daytime use;
- (7) Riding academies provided all such uses are located at least 660 feet from schools, churches and dwellings on other lots;
- (8) Churches;
- (9) Public utility mains, lines and underground facilities; and
- (10) Accessory buildings and uses.

6.2 DEVELOPMENT CRITERIA (as established March 2, 1972)

The following information shall be provided at the initial submission of a planned unit development or a subdivision in the F - Forestry Zone.

- (1) The County Planning Commission and County Commissioners shall review the uses of land on the basis of environmental influences related to the intent and purposes of this Resolution in order for the uses to be in harmony with the character of the surrounding neighborhood and to promote the health, safety and welfare of Boulder County.
- (2) The County Planning Commission and County Commissioners shall consider evidence submitted by the applicant, the Planning Staff, interested citizens, and other appropriate agencies in arriving at their decisions. Their decisions shall be based on but not confined to the following considerations:
 - (a) that the proposed use will not result in an over-intensive use of the land;
 - (b) that the proposed use will not result in undue traffic congestion or traffic hazards;

- (c) that an adequate water supply is available for the proposed use;
- (d) that detrimental conditions will not result due to development on excessive slopes;
- (e) that the proposed use will not create water, air, noise, or visual pollution;
- (f) that the soil and drainage conditions are of a sufficiently stable nature as to support development including whatever disposal treatment is utilized;
- (g) that fire hazards will not be created or increased without provisions being made to correct this situation;
- (h) that no other adverse conditions are created by a use of the land which is inappropriate or beyond its capability; and
- (i) that the development would not adversely affect any land of significant historical, recreational or aesthetic value.

6.3 MINIMUM LOT AREA (as amended March 2, 1972)

- (1) Five (5) acres;
- (2) When a P.U.D. is proposed, as provided in Section XV (13) of this Resolution, the density factor may be increased up to a maximum of one unit per acre. The amount of increase shall be based on the criteria established in 6.2 of this Section, but in no event shall the density factor greater than one unit per two acres be approved unless the proposed development is connected to both a central water and disposal system;
- (3) All lots which have been legally established prior to the enactment of this amendment shall remain as legal conforming lots.

6.4 MINIMUM LOT WIDTH . . . 140 ft.

6.5 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

6.6 MINIMUM FRONT YARD . . . 15 ft. (minimum distance of any building from the front lot line, except as specified in Section XVIII)

6.7 MINIMUM SIDE YARDS . . . 25 ft. (minimum distance of buildings from each side lot line)

6.8 MINIMUM REAR YARD (minimum distance of any building from the rear lot line)

- (1) dwellings and accessory buildings . . . 15 ft.;
- (2) all other principal buildings . . . 25 ft.

6.9 MAXIMUM BUILDING HEIGHT . . . 35 ft.

SECTION VII
A - AGRICULTURAL DISTRICT

(AREAS WHERE CONSERVATION OF AGRICULTURAL RESOURCES IS OF MAJOR ECONOMIC VALUE)

7.1 USES PERMITTED

- (1) One-family dwellings;
- (2) Two-family dwellings;
- (3) Agriculture, including nurseries, greenhouses, and the grazing of livestock and horses, provided the only products sold are those basically produced on the premises;
- (4) Commercial feed yards, commercial poultry farms, fur farms, kennels, veterinary hospitals and riding academies, provided that all such uses are located at least 660 feet from schools, churches and dwellings on other lots;
- (5) Oil drilling, quarries, mining, sand and gravel operations and similar extractive land uses, provided all such uses shall be located at least 660 feet from schools, churches, and dwellings on other lots, and further provided that all quarries and sand and gravel operations shall be subject to review as set forth in Section XV of this Resolution entitled Uses Permitted by Special Review. In connection with the granting of permission for sand and gravel mining operations, the Board of County Commissioners may, in addition to imposing other conditions, require compliance with a plan of reclamation; and may specify the basic use, location and bulk regulations to be applicable to areas reclaimed in accordance with the plan of reclamation, and the conditions upon which such basic use, location and bulk regulations shall become applicable; (as amended October 4, 1971)
- (6) Schools for elementary and high school education;
- (7) Public parks, playgrounds and playfields for daytime use;
- (8) Golf courses, occupying more than 100 acres of land;
- (9) Churches;
- (10) Public utility mains, lines and underground facilities;
- (11) Accessory buildings and uses;
- (12) Mobile Homes (as established September 23, 1968)
 - (a) Mobile homes as an accessory use on a farm, limited to one mobile home per farm, to house persons employed on the property and their families;
 - (b) Mobile homes as a temporary use not to exceed eighteen (18) months during the construction of a residence on the same lot, provided construction of the permanent dwelling is commenced within 90 days after the temporary permit is granted for the mobile home and that construction of the dwelling is diligently pursued.

7.2 MINIMUM LOT AREA . . . five (5) acres.

7.3 MINIMUM LOT WIDTH . . . 330 ft.

7.4 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

7.5 MINIMUM FRONT YARD . . . 35 ft. (minimum distance of any building from the front lot line, except as specified in Section XVIII)

7.6 MINIMUM SIDE YARDS (minimum distance of buildings from each side lot line)

- (1) dwellings and accessory buildings . . . 7 ft.;
- (2) all other principal buildings . . . 25 ft.

7.7 MINIMUM REAR YARD (minimum distance of any building from the rear lot line)

- (1) dwellings and accessory buildings . . . 15 ft.;
- (2) all other principal buildings . . . 25 ft.

7.8 MAXIMUM BUILDING HEIGHT . . . 50 ft.

SECTION VIII - A
MFS - MULTIPLE-FAMILY SUBURBAN DISTRICT
(MEDIUM DENSITY RESIDENTIAL AREAS)

8.1A USES PERMITTED

- (1) One-family dwellings;
- (2) Two-family dwellings;
- (3) Three-family dwellings;
- (4) Schools for elementary and high school education;
- (5) Public parks, playgrounds and playfields for daytime use;
- (6) Golf courses, occupying more than 100 acres of land;
- (7) Churches;
- (8) Public utility mains, lines and underground facilities;
- (9) Accessory buildings and uses.

8.2A MINIMUM LOT AREA

- (1) on unsubdivided land . . . one (1) acre;
- (2) on subdivided land where the principal building is not connected to both public water and public sewer facilities . . . 30,000 sq. ft.;
- (3) on subdivided land where the principal building is is connected to both public water and public sewer facilities . . . 15,000 sq. ft.

8.3A MINIMUM LOT WIDTH

- (1) on unsubdivided land . . . 140 ft.;
- (2) on subdivided land . . . 120 ft.

8.4A MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

8.5A MINIMUM FRONT YARD . . . 25 ft. (minimum distance of any building from the front lot line, except as specified in Section XVIII)

8.6A MINIMUM SIDE YARDS (minimum distance of buildings from each side lot line)

- (1) dwellings and accessory buildings . . . 7 ft.;
- (2) all other principal buildings . . . 25 ft.

8.7A MINIMUM REAR YARD (minimum distance of any building from the rear lot line)

- (1) dwellings and accessory buildings . . . 15 ft.;
- (2) all other principal buildings . . . 25 ft.

8.8A MAXIMUM BUILDING HEIGHT . . . 25 ft.



**SECTION VIII - B
MF - MULTIPLE-FAMILY DISTRICT
(HIGH DENSITY RESIDENTIAL AREAS)**

8.1B USES PERMITTED

- (1) One-family dwellings;
- (2) Two-family dwellings;
- (3) Multiple-family dwellings;
- (4) Boarding and rooming houses;
- (5) College and university buildings and uses;
- (6) Fraternity and sorority houses;
- (7) Hospitals and sanitariums for the care of sick persons;
- (8) Rest homes, convalescent homes, and nursing homes;
- (9) Schools for elementary and high school education;
- (10) Public parks, playgrounds and playfields for daytime use;
- (11) Golf courses, occupying more than 100 acres of land;
- (12) Churches;
- (13) Public utility mains, lines and underground facilities;
- (14) Accessory buildings and uses.

8.2B MINIMUM LOT AREA

- (1) on unsubdivided land . . . one (1) acre;
- (2) on subdivided land where the principal building is not connected to both public water and public sewer facilities . . . 30,000 sq. ft.;
- (3) on subdivided land where the principal building is connected to both public water and public sewer facilities . . . 15,000 sq. ft.

8.3B MINIMUM LOT WIDTH

- (1) on unsubdivided land . . . 140 ft.;
- (2) on subdivided land . . . 120 ft.

8.4B MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

8.5B MINIMUM FRONT YARD . . . 25 ft. (minimum distance of any building from the front lot line, except as specified in Section XVIII)

8.6B MINIMUM SIDE YARDS (minimum distance of buildings from each side lot line)

- (1) dwellings and accessory buildings . . . 7 ft.;
- (2) all other principal buildings . . . 25 ft.

8.7B MINIMUM REAR YARD (minimum distance of any building from the rear lot line)

- (1) dwellings and accessory buildings . . . 15 ft.;
- (2) all other principal buildings . . . 25 ft.

8.8B MAXIMUM BUILDING HEIGHT . . . 50 ft.



SECTION IX
T - TRANSITIONAL DISTRICT

(AREAS CONTAINING BOTH RESIDENTIAL AND A LIMITED NUMBER OF BUSINESS USES)

9.1 USES PERMITTED

- (1) Greenhouses;
- (2) Hotels and motels, including restaurants and other incidental business uses located inside the principal building;
- (3) Medical and dental clinics;
- (4) Membership clubs;
- (5) Mortuaries;
- (6) Private schools;
- (7) Professional offices;
- (8) Resort cabins, lodges, guest ranches and outdoor recreational areas;
- (9) One-family dwellings;
- (10) Two-family dwellings;
- (11) Multiple-family dwellings;
- (12) Boarding and rooming houses;
- (13) College and university buildings and uses;
- (14) Fraternity and sorority houses;
- (15) Hospitals and sanitariums for the care of sick persons;
- (16) Rest homes, convalescent homes, and nursing homes;
- (17) Schools for elementary and high school education;
- (18) Public parks, playgrounds and playfields for daytime use;
- (19) Golf courses, occupying more than 100 acres of land;
- (20) Churches;
- (21) Public utility mains, lines and underground facilities;
- (22) Accessory buildings and uses.

9.2 MINIMUM LOT AREA

- (1) on unsubdivided land . . . one (1) acre;
- (2) on subdivided land where the principal building is not connected to both public water and public sewer facilities . . . 30,000 sq. ft.;
- (3) on subdivided land where the principal building is is connected to both public water and public sewer facilities . . . 15,000 sq. ft.

9.3 MINIMUM LOT WIDTH

- (1) on unsubdivided land . . . 140 ft.;
- (2) on subdivided land . . . 120 ft.

9.4 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

9.5 MINIMUM FRONT YARD . . . 25 ft. (minimum distance of any building from the front lot line, except as specified in Section XVIII)

9.6 MINIMUM SIDE YARDS . . . 7 ft. (minimum distance of buildings from each side lot line)

9.7 MINIMUM REAR YARD . . . 15 ft. (minimum distance of any building from the rear lot line)

9.8 MAXIMUM BUILDING HEIGHT . . . 50 ft.

**SECTION X - A
ED - ECONOMIC DEVELOPMENT DISTRICT**

**(AREAS FOR SPECIAL USES WHICH HAVE ECONOMIC VALUE FOR
BOULDER COUNTY AND WHICH CAN BE DEVELOPED TO BE COM-
PATIBLE WITH SURROUNDING AREAS)**

10.1A

USES PERMITTED

Special developments such as scientific research laboratories, planned industrial parks, regional office buildings and recreational projects, which can be designed and constructed to be compatible with surrounding agricultural, forest or residential developments, provided no building structure, or premises shall be used and no building or structure shall be erected or altered for any use until and unless a site plan showing the location of proposed buildings and/or other improvements shall have been approved by the County Planning Commission following a public notice and hearing as provided in Section XXIV, and subject to the following special conditions:

- (1) Before approving any such special development, the County Planning Commission shall find that the contemplated development will be of sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood; that it will be consistent with the overall long-range plans for Boulder County; that it will not result in an over-intensive use of land; that it will not result in undue traffic congestion or traffic hazards; that it will not cause water pollution; that the plans indicate that the development will be adequately landscaped, buffered and screened; and that the special development will otherwise promote the health, safety and welfare of Boulder County;
- (2) Areas zoned as ED - Economic Development District shall be at least five (5) acres in size; (as amended June 22, 1970)
- (3) Each area zoned as ED - Economic Development District shall be located on, or have access through, a non-residential area to an expressway or major arterial highway;
- (4) An ED - Economic Development District shall automatically revert to its original zoning classification if a site plan for the area is not approved by the Planning Commission within one year of the date of rezoning; or if not more than one-half the floor area of all buildings or improvements shown on the approved site plan is constructed within three years of the date of rezoning.



SECTION X - B (as established February 26, 1968)
H - HISTORICAL DISTRICT

(AREAS FOR ALL RESIDENTIAL AND BUSINESS USES WHICH CAN BE DEVELOPED TO BE COMPATIBLE WITH ESTABLISHED HISTORICAL AREAS)

10.1B

USES PERMITTED

All residential, business, public and semi-public uses and structures required to serve the immediate area, provided all new principal buildings and their accessory uses and structures are first approved by the County Planning Commission following a public notice and hearing as provided in Section XXIV, and subject to the following special conditions:

- (1) Before approving any new residential, business, public or semi-public principal building and its accessory uses and structures, the County Planning Commission shall find that the character of the proposed construction is in harmony with the established exterior architectural appeal of structures already located in the neighborhood and with approved public plans for the surrounding area so that existing and future land values within the historical area will not be depreciated. The Planning Commission shall restrict its review in each case to the impact of the proposed construction on the health, safety, morals, and general welfare of Boulder County, keeping particularly in mind the unique characteristics of certain existing structures in the historical district and the fact that the prosperity of the entire County is involved in the preservation of established historical sections of the County. Ordinarily, as a minimum, the following specific criteria shall be considered by the Planning Commission: architectural compatibility, proposed density of occupancy, relation to existing and future open space, vehicular and pedestrian access, and bulk of the proposed building or structure in relation to surrounding buildings and land;
- (2) Areas zoned as H - Historical District, shall be at least ten (10) acres in size;
- (3) Prior to approving the construction of any new principal building and its accessory uses and structures in the H - Historical District, the County Planning Commission shall request comments from the owners of properties abutting and from any representative homeowners' association formed within the H - Historical District. Although final action by the Planning Commission shall not be bound by such local comments, the opinion of such persons and the ideas expressed on the official plans for the H - Historical District shall be given careful attention by the Planning Commission.



SECTION XI
B - BUSINESS DISTRICT

(RESTRICTED BUSINESS AREAS)

11.1 USES PERMITTED

- (1) Uses numbered (1) through (9) as permitted in the T - Transitional District;
- (2) Places for the conduct of any restricted business, not of a commercial or industrial nature, including but not limited to the following:

- antique shops and art shops
- banks
- barber shops and beauty parlors
- book and stationery stores
- clothing shops
- department stores
- drug stores
- dry goods and variety stores
- eating and drinking places
- electrical and household appliance stores
- florists
- furniture stores
- gasoline stations
- gift shops
- grocery stores
- hardware stores
- jewelry and craft shops
- music, radio and television stores
- newsstands
- office supply stores
- offices for business and governmental use
- optometrist shops
- package liquor stores
- paint stores
- photographic studios, equipment and supply stores
- public utility collection offices
- shoe stores
- sporting and athletic goods stores
- indoor theaters
- toy stores
- travel bureaus, and
- watch repairing;

- (3) Public utility mains, and underground facilities; and
- (4) Accessory buildings and uses.

11.2 MINIMUM LOT AREA

- (1) on land where the principal building is not connected to both public water and public sewer facilities . . . 15,000 sq. ft.;

- (2) on land where the principal building is connected to both public water and public sewer facilities . . . no minimum requirement.

11.3 MINIMUM LOT WIDTH

- (1) on land where the principal building is not connected to both public water and public sewer facilities . . . 120 ft.;
- (2) on land where the principal building is connected to both public water and public sewer facilities . . . no minimum requirement.

11.4 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

11.5 MINIMUM FRONT YARD . . . 60 ft. (minimum distance of any building from the centerline of a street or highway, except as specified in Section XVIII)

11.6 MINIMUM SIDE YARD . . . 0 or 12 ft. (as amended February 24, 1969) (minimum distance of buildings from each side lot line or one-half the distance between detached buildings on the same lot)

11.7 MINIMUM REAR YARD . . . 20 ft. (minimum distance of any building from the rear lot line or from the centerline of an alley where one exists)

11.8 MAXIMUM BUILDING HEIGHT . . . 50 ft.

SECTION XII
C - COMMERCIAL DISTRICT

(COMMERCIAL, WHOLESALE, AND SERVICE AREAS)

12.1 USES PERMITTED

- (1) Any use permitted in the B - Business District;
- (2) Places for the conduct of any commercial, wholesale or service activity, not of an industrial nature, and excepting billboards, including but not limited to the following:

- auto and truck repairs
- auto laundries
- bakeries
- bottling works
- bowling alleys
- building materials
- carpentry, including woodworking, and furniture making
- dairies
- drycleaning and dyeing establishments
- electrical, heating, painting, plumbing, roofing and ventilating shops
- frozen food lockers
- laundries
- machine shops
- pet shops
- painting and publishing establishments
- sign painting
- outdoor theaters
- tire vulcanizing shops
- warehouses.

- (3) Billboards and advertising signs. provided the total surface area of all signs does not exceed 100 sq. ft. per lot. each sign does not exceed 10 sq. ft.
- STRICKEN BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ON SEPTEMBER 18, 1974
- num total signs does not exceed 100
no sign is

12.2 MINIMUM LOT AREA

- (1) on land where the principal building is not connected to both public water and public sewer facilities . . . 15,000 sq. ft.;
- (2) on land where the principal building is connected to both public water and public sewer facilities . . . no minimum requirement.

12.3 MINIMUM LOT WIDTH

- (1) on land where the principal building is not connected to both public water and public sewer facilities . . . 120 ft.;
- (2) on land where the principal building is connected to both public water and public sewer facilities . . . no minimum requirement.

- 12.5 MINIMUM FRONT YARD . . . 60 ft. (minimum distance of any building from the centerline of a street or highway, except as specified in Section XVIII)
- 12.6 MINIMUM SIDE YARD . . . 0 or 12 ft. (as amended February 24, 1969) (minimum distance of buildings from each side lot line or one-half the distance between detached buildings on the same lot)
- 12.7 MINIMUM REAR YARD . . . 20 ft. (minimum distance of any building from the rear lot line or from the centerline of an alley where one exists)
- 12.8 MAXIMUM BUILDING HEIGHT . . . 50 ft.

SECTION XIII
LI - LIGHT INDUSTRIAL DISTRICT

AREAS FOR RESEARCH, NON-OFFENSIVE MANUFACTURING AND DISTRIBUTION CENTERS)

13.1 USES PERMITTED

- (1) Any kind of scientific research, manufacturing, compounding, assembling, processing or treatment of products, distribution centers, food and beverage processing, and similar non-offensive "light" industrial uses provided the following limitations are placed on all such uses:
 - (a) All permitted principal uses shall be operated primarily within an enclosed structure;
 - (b) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations shall be confined to the premises of the lot upon which such use is located;
 - (c) Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent surfacing;
 - (d) Outdoor storage areas shall be concealed from view from abutting streets and highways, and from adjoining residential zoning districts;
- (2) Public utility mains, lines and underground facilities;
- (3) Accessory buildings and uses.

13.2 MINIMUM LOT AREA

- (1) on land where the principal building is not connected to both public water and public sewer facilities . . . 15,000 sq. ft.;
- (2) on land where the principal building is connected to both public water and public sewer facilities . . . no minimum requirement.

13.3 MINIMUM LOT WIDTH

- (1) on land where the principal building is not connected to both public water and public sewer facilities . . . 120 ft.;
- (2) on land where the principal building is connected to both public water and public sewer facilities . . . no minimum requirement.

13.4 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

13.5 MINIMUM FRONT YARD . . . 60 ft. (minimum distance of any building from the center-line of a street or highway, except as specified in Section XVIII)

13.6 MINIMUM SIDE YARD . . . 0 or 12 ft. (as amended February 24, 1969) (minimum distance of buildings from each side lot line or one-half the distance between detached buildings on the same lot)

13.7 MINIMUM REAR YARD . . . 20 ft. (minimum distance of any building from the rear lot line or from the centerline of an alley where one exists)

13.8 MAXIMUM BUILDING HEIGHT . . . 50 ft. E33



SECTION XIV
GI - GENERAL INDUSTRIAL DISTRICT

(AREAS FOR GENERAL INDUSTRIAL AND MANUFACTURING PURPOSES)

14.1 USES PERMITTED

- (1) Any use permitted in the C - Commercial District;
- (2) Agriculture;
- (3) Oil drilling, quarries, mining, sand and gravel operations and similar extractive land uses provided that all quarries and sand and gravel operations shall be subject to review as set forth in Section XV of this Resolution entitled Uses Permitted by Special Review. In connection with the granting of permission for sand and gravel mining operations, the Board of County Commissioners may, in addition to imposing other conditions, require compliance with a plan of reclamation; and may specify the basic use, location and bulk regulations to be applicable to areas reclaimed in accordance with the plan of reclamation, and the conditions upon which such basic use, location and bulk regulations shall become applicable. (as amended October 4, 1971)
- (4) Any manufacturing operation and industrial use (including junk yards) which does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

14.2 MINIMUM LOT AREA

- (1) on land where the principal building is not connected to both public water and public sewer facilities . . . 15,000 sq. ft.;
- (2) on land where the principal building is connected to both public water and public sewer facilities . . . no minimum requirement.

14.3 MINIMUM LOT WIDTH

- (1) on land where the principal building is not connected to both public water and public sewer facilities . . . 120 ft.;
- (2) on land where the principal building is connected to both public water and public sewer facilities . . . no minimum requirement.

*14.4 MINIMUM LOT FRONTAGE . . . 40 ft. (minimum front lot line)

14.5 MINIMUM FRONT YARD . . . 60 ft. (minimum distance of any building from the center-line of a street or highway, except as specified in Section XVIII)

14.6 MINIMUM SIDE YARD . . . 0 or 12 ft. (as amended February 24, 1969) (minimum distance of buildings from each side lot line or one-half the distance between detached buildings on the same lot)

14.7 MINIMUM REAR YARD . . . 20 ft. (minimum distance of any building from the rear lot line or from the centerline of an alley where one exists)

14.8 MAXIMUM BUILDING HEIGHT . . . 50 ft.



**SECTION XV
USES PERMITTED BY SPECIAL REVIEW**

The following uses may be permitted in the designated districts upon approval by the Board of County Commissioners, provided the location of each use is first reviewed by the County Planning Commission, following a public notice and hearing as described in Section XXIV, as to environmental influences related to the intent and purpose of this Resolution, and subject to such conditions and safeguards as may be imposed by the Board of County Commissioners in order for the uses to be in harmony with the character of the surrounding neighborhood, to comply with the general purpose of this Resolution, and otherwise to promote the health, safety and welfare of Boulder County:

- 15.1 Group care homes, receiving homes and nurseries and day-care centers for children in ER, SR, RR, F, A, MF and MFS Districts; (as amended December 5, 1966)
- 15.2 Swimming pools and non-profit neighborhood recreation centers as a principal use in the ER, SR, RR, F, A, MFS and MF Districts;
- 15.3 Non-profit community theaters in the RR, F and A Districts;
- 15.4 Mobile home parks in the MFS District; (as amended September 23, 1968)
- 15.5 Public and private campgrounds in the F and A Districts; (as amended November 30, 1970)
- 15.6 Water tanks, water treatment facilities, utility substations and regulator stations in any district;
- 15.7 Airports and heliports in the RR, F, A, T, B, C, LI and GI Districts;
- 15.8 Central collection sewage treatment facilities exclusive of individual septic systems in all districts; (as amended April 3, 1969)
- 15.9 Public sanitary land fill areas in the F, A, and GI Districts;
- 15.10 Cemeteries in the RR, F and A Districts;
- 15.11 Communication facilities in the RR, F and A Districts; (as amended August 29, 1968)
- 15.12 Riding academies in the RR District;
- 15.13 Planned unit developments in any district subject to the following provisions:
 - (1) The proposed unit development shall include an area of not less than three (3) acres;
 - (2) The proposed unit development shall be under single development control through one owner, corporation or agency;
 - (3) The minimum area of lot, width of lot, front yard, rear yard and side yard requirements of the zoning district in which the unit development is located may be varied provided the overall density of the development does not exceed the density of the zoning district in which the unit development is to be located, and all yard

requirements pertaining to the zoning district shall be applicable along the boundaries of the unit development;

- (4) Areas designated as open space or park shall be protected perpetually by appropriate covenants and some type of homeowners' association to control, construct and maintain the mutually owned property;
- (5) The proposed unit development shall be designed to create a desirable environment which will be in harmony with the surrounding neighborhood;
- (6) The minimum amount of functional open space (exclusive of parking or streets) shall be 25% of the total acreage.

15.14 Mortuaries in the MF and RR Districts: (as established March 30, 1967)

15.15 Fire stations in all districts; (as established February 27, 1970)

15.16 Golf courses in the F District; (as established March 2, 1972)

15.17 Resort lodges and guest ranches, including accompanying resort cabins connected to a central sewer and water system in the F District; (as established March 2, 1972)

15.18 Saw mills in the F District; (as established March 2, 1972)

SECTION XVI
ACCESSORY BUILDINGS AND USES

16.1 DEFINITIONS

- A. An "accessory building and use" is a subordinate use of a building, other structure, or tract of land, or a subordinate building or other structure:
 - 1. which is clearly incidental to the use of the principal building, other structure or use of land;
 - 2. which is customary in connection with the principal building, other structure or use of land;
 - 3. which is ordinarily located on the same lot with the principal building, other structure or use of land.

- B. "Accessory buildings and uses" may include, but are not limited to, the following:
 - 1. home occupations;
 - 2. horses and household pets;
 - 3. signs;
 - 4. off-street parking areas;
 - 5. private greenhouses;
 - 6. private swimming pools;
 - 7. incinerators incidental to residential use;
 - 8. storage of merchandise in business, commercial and industrial districts;
 - 9. fallout shelters.

16.2 HOME OCCUPATIONS

A home occupation shall be allowed as a permitted accessory use provided all of the following conditions are met:

- A. Such use shall be conducted entirely by the inhabitants living in the principal dwelling and no others;
- B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof;
- C. The total area used for such purposes shall not exceed one-half the floor area of the user's dwelling unit;
- D. There shall be no exterior advertising other than identification of the home occupation;
- E. There shall be only incidental sale of stocks, supplies, or products conducted on the premises;
- F. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation;
- G. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line;

- H. A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation;
- I. In particular, a home occupation includes, but is not limited to, the following, provided all requirements contained herein are met: art studio, dressmaking or millinery work, office for professional services, office for insurance or real estate sales, and teaching;
- J. A home occupation shall not be interpreted to include the following: beauty parlor, clinic, nursing home, tourist home, animal hospital, or restaurant.

16.3 HORSES AND HOUSEHOLD PETS

Horses and household pets shall be permitted as accessory uses without limitations in the A District and shall be permitted as accessory uses in the ER, SR, RR, F and MF Districts subject to the following provisions:

- A. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses provided at least one-half acre of pasture area is available for each horse.
- B. Pets, such as dogs and cats, which are generally kept within a dwelling, shall be considered as a permitted accessory use, provided not more than four animals of more than four months of age are kept on any one lot.

16.4 SIGNS PERMITTED AS ACCESSORY USES (as amended, Sept. 18, 1974)

A. Definitions

1. Sign

A sign for purposes of this resolution shall be defined as any writing; pictorial representation; decoration (including any material used to differentiate sign copy from its background); form; emblem; or trademark, flag or banner; or any other figure of similar character which is used for advertising and:

- a. is a structure or part thereof (including the roof or wall of a building) or
- b. is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed on to a building, board, plate, canopy, awning, vehicle or upon any material object or device whatsoever; and which by reason of its form, color, wording, symbol, design, illumination, motion or otherwise, attracts or is designed to attract attention to the subject thereof or which is used as a means of identification, advertisement or announcement.

If, for any reason, it cannot be readily determined

whether or not an object is a sign, the Building Official shall make such determination in accordance with the intent and definition of this Section 16.4.

2. On-site Sign

An on-site sign is one relating to the service, function, activities or premises on which it is located.

3. Off-site Sign

An off-site sign is one located other than on the premises of the services, functions or activities to which it relates.

4. Electric Sign

An electric sign is any sign that contains electrical wiring.

5. Illuminated Sign

An illuminated sign is any sign that is lighted by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

6. Sign Plaza

Sign plaza means an area adjacent to a highway, where directional signs and related condensed information, including name, type and number of facilities, may be grouped in tiers or on panels. No advertising copy in such areas shall be visible from the main travelled way.

7. Sign Area

The area of a sign shall be measured in conformance with the following regulations:

- a. In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used. (See diagram #1.)
- b. In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within the singular continuous rectilinear perimeter or not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of

similar character, together with any material or color forming an integral part of a background of the display or as used to differentiate such sign from the backdrop or structure against which it is placed.

- c. Where a sign has two or more display faces, the area of all faces shall be included in determining sign area.
- d. See diagram #1, which is incorporated herein by reference.

B. Signs Permitted by Zoning District

Subject to the general limitations of Section C, signs shall be permitted by zoning district as follows:

1. Estate Residential (ER); Suburban Residential (SR); Multi-Family (MF); Multiple-Family Suburban (MFS) Districts

a. Signs in these districts may include:

- (1) one identification sign per occupied residential lot, provided the total surface area of such sign does not exceed two (2) square feet;
- (2) one 'for sale' or 'for rent' sign per lot, provided the sign is unlighted and the total surface area of such sign does not exceed twelve (12) square feet and each sign face does not exceed six (6) square feet;
- (3) political signs erected by the occupant, provided such signs are not for compensation;

b. Signs otherwise permitted are subject to the following restrictions:

- (1) Such signs shall not be placed within fifteen (15) feet of any side lot line;
- (2) Such signs shall be set back fifteen (15) feet from the front property line;
- (3) Such signs, where free-standing, shall not exceed six (6) feet in height.

2. Rural Residential (RR) District

a. Signs permitted include:

- (1) one identification sign per occupied residential lot, provided the total surface area of such sign does not exceed two (2) square feet;
- (2) one 'for sale' or 'for rent' sign per lot, provided the sign is unlighted and the total surface area of such sign does not exceed twelve (12) square feet and each sign face does not exceed three (3) square feet;
- (3) political signs erected by the occupant, provided such signs are not for compensation;

- (4) one sign advertising the sale of agricultural products produced on the premises, provided the total surface area of such sign does not exceed thirty-two (32) square feet.

b. Signs in this district are restricted as follows:

- (1) Such signs, where free-standing, shall not exceed six (6) feet in height; and
- (2) Such signs must be set back fifteen (15) feet from the front property line;
- (3) Such signs must be set back seven (7) feet from the side property line.

3. Agricultural (A) and Forestry (F) Districts

a. Signs permitted include:

- (1) one identification sign per occupied residential lot, provided the total surface area of such sign does not exceed two (2) square feet;
- (2) one 'for sale' or 'for rent' sign per lot, provided the sign is unlighted and the total surface area of such sign does not exceed twelve (12) square feet and each sign face does not exceed six (6) square feet;
- (3) political signs erected by the occupant, provided such signs are not for compensation;
- (4) one sign advertising a business or one sign advertising the sale of products produced in the business, provided the total surface area of such sign does not exceed sixty-four (64) square feet and thirty-two (32) square feet per sign face.

b. Signs in this district are restricted as follows:

- (1) Such signs shall not exceed ten (10) feet in height;
- (2) Such signs shall be set back fifteen (15) feet from the front lot line;
- (3) Such signs shall be set back seven (7) feet from the side lot line.

4. Economic Development (ED) District

On-site signs in the ED District shall go through Use by Special Review procedure, as established by Section XV, but in no case shall exceed seventy-five (75) square feet per sign face of 150 square feet total surface area.

5. Transitional (T); Business (B); Commercial (C); Light Industrial (LI); and General Industrial (GI) Districts

a. Signs in these districts may include:

(1) Wall signs:

- (a) which are located lower than the height of the building;
- (b) which are attached to, completely surrounded by and within eighteen (18) inches of the principal building;
- (c) where the total surface area does not exceed two (2) square feet for each lineal foot, measured horizontally, of the side of the building to which it is attached;
- (d) which do not exceed 150 square feet, or 25% of the total surface area of the wall.

(2) One free-standing sign per lot line abutting street, not to exceed two (2) square feet total sign area for each lineal foot of the lot width:

- (a) where lots have one use, the total maximum surface area of any one sign face shall not exceed seventy-five (75) square feet or 150 square feet total surface area;
- (b) where lots have more than one use, the total permitted sign area shall not exceed 150 square feet per sign face or 300 square feet total surface area;
- (c) no such signs shall be higher than twenty-five (25) feet above the existing grade;
- (d) such signs shall be set back no less than twenty-five (25) feet from the front property line.

(3) Directional signs shall be those signs necessary for traffic routing or parking and:

- (a) shall not exceed four (4) feet in height; and
- (b) shall not have a maximum area of more than six (6) square feet; and
- (c) shall not exceed three (3) square feet per sign face; and
- (d) shall be limited to one sign per curb cut; and
- (e) the area of such sign shall not be deducted from the maximum surface area permitted above.

C. General Provisions Relating to All Signs in Boulder County

1. Prohibited Signs

The following signs shall not be permitted, erected or maintained in the County of Boulder:

- a. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for time, temperature and date signs and traditional barber poles.
- b. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
- c. Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.
- d. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations, during the appropriate holiday period.
- e. Strings which incorporate projected images, emit any sound which is intended to attract attention, or involve the use of live animals.
- f. Any sign (together with its supporting structure) now or hereafter existing, which ninety (90) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Building Official upon good cause for such extension shown. (This provision shall not apply to permanent signs, accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business.)
- g. The use of permanent off-premises signs in general outdoor advertising devices (billboards), except for temporary directional signs and political signs which are subject to controls of Section 16.4.C.7.b.
- h. Any portable advertising signs or portable signs not necessary for traffic direction or circulation.
- i. Any sign or sign structure which:
 - (1) is structurally unsafe; or
 - (2) constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation; or
 - (3) is not kept in good repair; or
 - (4) is capable of causing electrical shocks to persons likely to come into contact with it; or
 - (5) in any other way obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device or any other official sign; or

- (6) uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle; or
- (7) creates, in any other way, an unsafe distraction for vehicle operators or pedestrians; or
- (8) obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare; or
- (9) is located on trees, light poles, utility poles, except where required by law.

j. Any sign located so as to conflict with the clear and open view of devices placed by a public agency for controlling traffic or sign which obstructs a motorist's clear view of an intersecting road, alley or major driveway. The following criterion is to be used to determine the maximum site line encroachment for non-traffic signs:

No sign exceeding thirty (30) inches in height above the roadway shall be permitted within a triangular area defined by the point of intersection of centerlines of the respective roads, alleys or driveways; a point (x) feet from the intersection point, measured on the centerline of the road, alley or driveway where vehicles are required to stop; and a point (y) feet from the intersection point measured on the centerline of a through roadway in accordance with the following table:

| <u>Type of Road</u> | <u>(x) Minor Road</u> | <u>(y) Major Road</u> |
|--|-----------------------|-----------------------|
| Expressways | 110 feet | 650 feet |
| Major Arterials | 80 feet | 525 feet |
| Major Arterials in Mountainous Terrain | 80 feet | 400 feet |
| Collectors | 60 feet | 375 feet |
| Collectors in Mountainous Terrain | 60 feet | 300 feet |
| Local Access | 60 feet | 300 feet |
| Local Access in Mountainous Terrain | 55 feet | 225 feet |

(See diagram #1)

2. Permits Required

- a. It shall be unlawful to display, erect, relocate, or alter any sign without first filing with the Building Official an application, in writing, and obtaining a sign permit for all signs, except for those signs enumerated below:

- (1) identification signs where otherwise permitted;
- (2) 'for sale,' 'for lease' and 'for rent' signs in all districts;
- (3) political signs in all districts.

b. When a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Building Official. A sign permit shall be assessed on the value of the sign: from zero to \$300, the fee shall be \$10; over \$300, the fee shall be increased \$2 for each \$100 in excess of \$300.

c. Revocation of Permits:

If the Building Official finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any other pertinent regulations, or should he find that there has been any misrepresentation in connection with the application for the permit, he shall notify the sign owner or erector of such findings and notify him that the violation must be corrected without delay. The sign owner/erector shall have five (5) working days in which to reply to such notification. If such correction is not made, the Building Official shall revoke the permit and shall serve written notice thereof upon the sign owner or erector. No person shall proceed with any part of such work after such notice is received.

3. Exceptions to Section 16.4

The following signs are not subject to the regulations of Section 16.4, except that such signs shall not be placed in such a manner as to obscure the vision of vehicular and pedestrian traffic. All such exceptions shall be maintained in good condition and shall not constitute a hazard.

- a. Utility warning signs; utility identification signs for public use; buried cable signs; no trespassing, no hunting or other safety signs;
- b. Any signs required by law;
- c. Signs erected in public rights-of-way by a local, state or federal governmental agency controlling or directing traffic;
- d. Mail boxes and house numbers;

- e. Religious symbols at a place of worship or at a church owned or operated facility for purpose of worship;
- f. Cornerstones or engraving;
- g. On-site signs advertising garage sales or pet giveaways, so long as such signs do not exceed two (2) square feet per sign face and such sales do not become a nuisance;
- h. Off-site garage sale signs provided that such signs shall not exceed two (2) square feet per sign face and shall be removed within one day of such sale;
- i. Window display or merchandise signs that are not visible off the lot or premises;
- j. Other signs not visible off the lot or premises.

4. Maintenance and Construction of Signs

- a. All permitted signs shall meet the following requirements:

- (1) Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust or loosening.
- (2) Construction plans for all signs that require a permit shall be submitted to the County Building Official for review and approval.
- (3) All signs, including temporary signs, shall meet Boulder County wind-load specifications.
- (4) All signs shall be kept neatly finished, including all metal parts and supports thereof that are not galvanized or of rust resistant metals.

- b. Electrical Signs:

All electric signs hereafter installed or erected in Boulder County shall bear the label of Underwriters Laboratories, Inc. Electric signs will be rain-tight, except that service holes fitted with waterproof covers shall be provided to each compartment of such signs. All signs erected shall comply with the Electrical Code of Boulder County.

- c. Illumination:

Any light used for the illumination of a sign shall be shielded so that the light will not shine directly on surrounding areas or create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares. The Building Official shall have the power to order a change in the illumination of any sign that becomes a hazard or a nuisance.

d. Inspection:

The Building Official or his authorized representative shall inspect and shall have the authority to order the painting, repair or alteration or removal of a sign which shall constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence at the expense of the owner of such sign.

5. Churches, Schools

Churches and schools in all districts are allowed one on-site identification sign per church or school, provided:

- a. the total surface area does not exceed sixteen (16) square feet per sign face;
- b. the total area of such sign does not exceed thirty-two (32) square feet; and
- c. the setback and height requirements for the district in which such sign is located are met.

6. Sign Plazas

- a. The Board of County Commissioners may enter into such contractual or other arrangements it may consider appropriate under all circumstances with any firm, chamber of commerce, merchant association, state agency, incorporated municipality, or other group for the erection and maintenance of sign plazas, sign malls or informational sites.
- b. The following shall be eligible for space in sign plazas:
 - (1) A business of any type, operating in Boulder County;
 - (2) Points of interest;
 - (3) Businesses and points of interest in adjacent counties directed toward tourists and highway travellers.

7. Temporary Signs

Temporary signs are those signs which relate to such events as public elections, farm auctions, agricultural production sales, annual charitable, civic or fraternal events, bona fide grand openings, show home openings and construction projects. Such signs shall be subject to the following limitations:

a. Temporary signs, in general:

- (1) Temporary signs shall comply with the height, setback and sign area regulations for the district in which they are located.
- (2) On-site temporary signs shall be limited to one (1) per event.
- (3) Off-site temporary signs shall not exceed one (1) per lot.
- (4) Temporary signs shall not exceed two (2) per use in the County, except for political signs.
- (5) Temporary signs shall not be placed more than ninety (90) days prior to the event advertised and shall be removed within fifteen (15) days after the event advertised.
- (6) A temporary sign shall not be allowed for more than 105 days.
- (7) Temporary signs, not otherwise exempted in Section 16.4(C)(3), require a \$25 deposit for each sign with the County Building Official, returnable upon removal of such sign. Failure to comply with the requirements of this Section shall result in forfeiture of the deposit.

b. Political signs:

Subject to the conditions hereinafter set forth, political signs may be erected and maintained in any zone, provided:

- (1) such signs shall not be posted more than 105 days within a six (6)-month period;
- (2) signs relating to an election shall not be posted more than ninety (90) days prior to the election to which the sign relates and shall be removed within fifteen (15) days following the election to which the sign relates.
- (3) the maximum number of political signs in all districts shall not exceed one (1) sign for each 100 feet of front lot line.
- (4) the maximum sign area of political signs shall be no more than thirty-two (32) square feet per sign face and sixty-four (64) square feet total sign area.
- (5) the maximum height above grade shall not exceed eight (8) feet.
- (6) such signs shall meet the setback requirements for the district in which they are located.
- (7) the location of all such signs over three (3) square feet per face, except poster-type signs, shall be registered with the Building Official as to their location, and date of erection.
- (8) such signs shall not require a deposit.

8. Legally Non-conforming Signs

a. Definition:

A legally non-conforming sign shall be any sign which:

- (1) on the effective date of this resolution was lawfully existing, having been lawfully erected under any prior zoning resolution and having been lawfully maintained since that time, but which sign does not conform to the limitations established by this resolution in the district in which the sign is located; or
- (2) on or after the effective date of this resolution was lawfully maintained and erected in accordance with the provisions of this resolution, but which sign, by reason of amendment of this resolution after the effective date thereof, does not conform to the limitations established by such amendment to this resolution.

b. Continuation of legal non-conforming signs:

Subject to the termination section below, any legal non-conforming sign may be continued and maintained, provided:

- (1) such sign is a legal non-conforming sign, as defined above;
- (2) such sign is registered with the County within one year, as follows:
 - (a) The sign owner and the owner of the property upon which the sign is situated, shall make application to the County Building Official for the registration of his sign, as a legally non-conforming sign.
 - (b) The application, in a form prescribed by the Building Official, shall contain the following information:
 - i. the name and address of the owner of the sign and owner of the property upon which the sign is located;
 - ii. the location of the sign in relation to existing buildings;
 - iii. the size, height, setbacks, photograph and description of the sign;
 - iv. the date of erection of the sign and the County permit number for the sign;
 - v. a statement that the sign was constructed in accordance with state and local regulations in effect at the time of construction;

- vi. a statement that the sign remains in proper repair;
- vii. a notarized certificate by the sign owner and landowner that, to the best of their knowledge, every statement in the application is true and correct.

(c) The Building Official, after review of the application and such investigation as he shall deem appropriate, shall register, in books kept by him for that purpose, any sign which meets the definition of a legally non-conforming sign under Section 16.4.C.8.a.

(d) Failure to register a legally non-conforming sign within the one (1)-year period provided in this sub-section shall result in automatic forfeiture of the right to maintain the sign for the amortization period provided in the resolution.

c. Burden of Proof:

The burden of proving a sign is a legally non-conforming sign shall rest with the person claiming such status for a sign.

d. Termination of Legally Non-conforming Signs:

(1) By enlargement or extension of non-conformance:

Extension or enlargement in any way which increases the non-compliance of such sign with the provisions of this resolution shall immediately terminate the right to maintain such a sign.

(2) By abandonment:

Abandonment of a legally non-conforming sign shall terminate immediately the right to maintain such a sign. Any sign that advertises a business, product or service that has not been in use at the location of the sign for ninety (90) days shall be considered abandoned. (This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business.)

(3) By destruction, damage or obsolescence:

The right to maintain any non-conforming sign shall terminate and shall cease to exist whenever

the sign structure is 50% or more damaged or destroyed or becomes sub-standard under any applicable resolution of the County to the extent that the sign becomes a hazard or a danger.

(4) By amortization:

The right to maintain a sign that becomes non-conforming due to the limitations imposed by this sub-section 16.4 or any later amendment shall terminate five (5) years from the effective date of this amendment or such later amendment.

e. Variances:

The Board of Adjustment shall have the power to grant variances in accordance with Section XXIII of this resolution. In addition, the Board of Adjustment shall have the authority to grant variances from the five (5) year amortization period considering the following criteria:

- (1) Whether the character of structure is substantial or insubstantial;
- (2) Whether the sign constitutes a large part of the applicant(s) total business, i.e., whether the loss of the sign would constitute a serious financial loss;
- (3) Whether the sign owner's depreciation for income tax purposes and other purposes indicates that the sign is of little or no present value;
- (4) Whether the owner of the sign has previously enjoyed substantial economic gain due to the monopoly advantage of such sign;
- (5) Whether the sign has a reasonable remaining economic life.

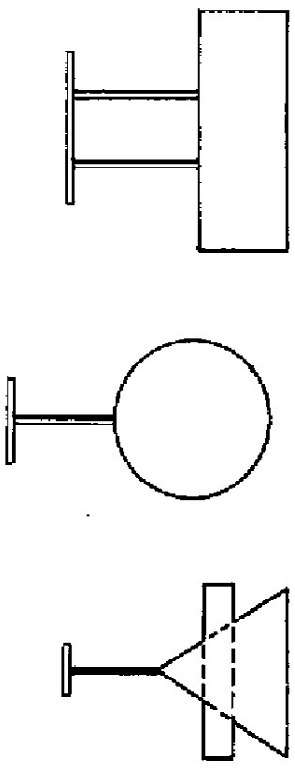
f. No variance from the amortization provision shall be granted for more than one year.

| ZONING DISTRICT | NUMBER AND TYPE OF SIGN | TOTAL SIZE | SETBACKS FROM FRONT LOT LINES | HEIGHT LIMITS |
|--|--|--|--|---------------|
| 1 ESTATE RES. SUBURBAN RES. MULTI-FAMILY SUBURBAN A. B. | ONE IDENTIFICATION PER RESIDENTIAL LOT | 2 SQUARE FEET | N.A. | N.A. |
| | ONE FOR SALE OR RENT | 6 SQUARE FEET PER FACE 12 SQ. FT. TOTAL | 15' | 6' |
| 2 RURAL RESIDENTIAL A. B. | SIGNS ENUMERATED ABOVE | SEE ABOVE | 15' | 6' |
| | ONE SIGN ADVERTISING THE SALE OF PRODUCTS PRODUCED IN LOT | 16 SQUARE FEET PER FACE 32 SQ. FT. TOTAL | 15' | 6' |
| 3 AGRICULTURAL & FORESTRY | AS OUTLINED IN NUMBER 1 ONE FOR BUSINESS ALLOWED IN DISTRICT, OR ONE AS IN NUMBER 2B | 32 SQUARE FEET PER FACE 64 SQ. FT. TOTAL | 15' | 10' |
| 4 ECONOMIC DEVELOPMENT | SPECIAL | 75 SQUARE FEET PER FACE 150 SQ. FT. TOTAL | USE BY SPECIAL REVIEW | |
| 5 TRANSITIONAL BUSINESS COMMERCIAL LIGHT IND. GENERAL IND. | WALL SIGNS | NOT TO EXCEED 25% OF WALL AREA WITH A 150 SQ. FOOT TOTAL | N.A. LOCATED LOWER THAN THE HEIGHT OF THE BUILDING | |
| | ONE FREE STANDING PER STREET FRONTAGE | 75 SQUARE FEET PER FACE 150 SQ. FT. TOTAL | 25' | 25' |
| TOTAL SIGNAGE NOT TO EXCEED TWO SQUARE FEET OF SIGN FOR EACH LINEAL FOOT OF BUSINESS FRONTAGE. | | | | |

COMPUTATION OF SIGN AREA

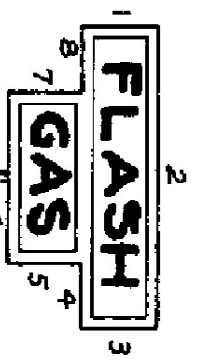
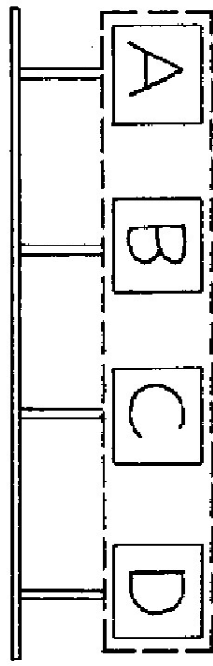
DIAGRAM NO. 1

STANDARD FORMULAS FOR COMMON REGULAR GEOMETRIC SHAPES SHALL BE USED.

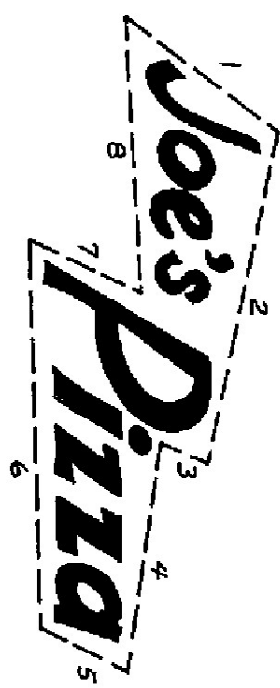


ALL DISPLAY FACES OF A SIGN SHALL BE INCLUDED IN THE TOTAL SIGN AREA.

SIGN AREA SHALL INCLUDE VERTICAL AND HORIZONTAL SPACING BETWEEN LETTERS CONVEYING THE SIGN'S MESSAGE.



THE AREA OF IRREGULARLY SHAPED SIGNS SHALL BE THAT AREA WITHIN A SINGLE CONTINUOUS PERIMETER OF NOT MORE THAN 8 STRAIGHT LINES.



ALL SIDES OF A THREE-DIMENSIONAL FIGURE WHICH ARE VISIBLE BEYOND THE BOUNDARIES OF A LOT SHALL BE MEASURED AS PROJECTED ON A VERTICAL PLANE.

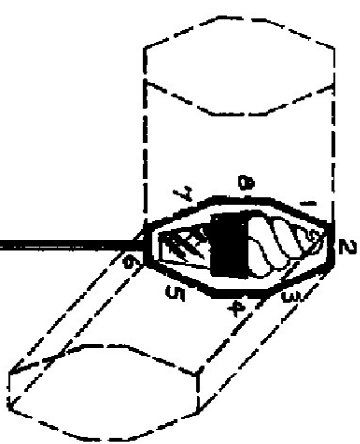
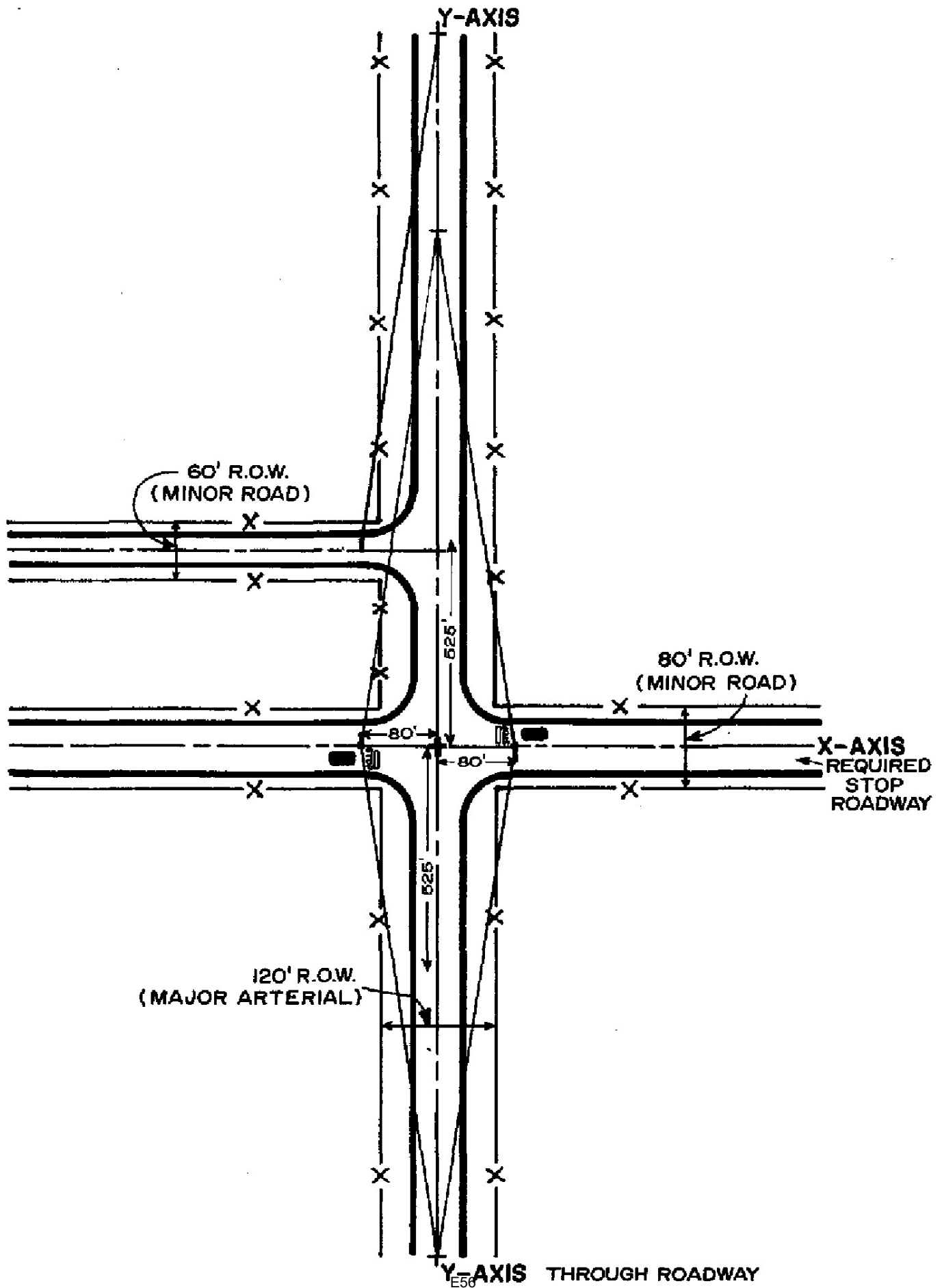


DIAGRAM NO. 2





16.5 OFF-STREET PARKING AREAS

- (1) In all districts, off-street parking area shall be required as an accessory use for new construction or additions involving an increase in floor area, as follows:
 - (a) dwellings . . . 200 sq. ft. of parking area for each dwelling unit;
 - (b) churches . . . two sq. ft. of parking area for each one sq. ft. of church floor area;
 - (c) hospitals and sanitariums . . . one sq. ft. of parking area for every five sq. ft. of total floor area;
 - (d) hotels, motels, rooming houses, fraternity and sorority houses, and similar accommodation units . . . 200 sq. ft. of parking area for every guest room or every four guest beds (whichever is the greater);
 - (e) all business and commercial buildings . . . one sq. ft. of parking area for every two sq. ft. of total floor area.
- (2) Each off-street parking area shall be provided with vehicular access to a street or alley; shall be surfaced with asphalt, concrete, compacted gravel, or equivalent surfacing which shall not cause blowing granular material; shall be properly drained; shall be located within convenient walking distance of the principal building for which the parking area is required; and shall not be located in a required yard in any ER, SR, RR, or MF District.
- (3) No part of an off-street parking area required for any building for the purpose of complying with the provisions of this Resolution shall be included as a part of an off-street parking area similarly required for another building.

16.6 TEMPORARY STRUCTURES (as established September 23, 1968)

- (1) In all districts, a structure used for construction purposes or to house an employee on the property for protection or control of a large building project may be permitted, provided a building permit is issued for one year, subject to renewal upon application and approval by the Chief Building Official of Boulder County;
- (2) A mobile home may be allowed as a temporary facility in the LI and GI Districts for use as an office or work area, provided:
 - (a) the facility does not exceed 20% of the floor area of the principal use;
 - (b) the facility is located on the same lot as the principal use;
 - (c) a permit has been granted by the Chief Building Official for a period not to exceed two (2) years, which then may be renewed upon review and approval by the County Planning Commission;
 - (d) recognized mobile home standards are met;
- (3) "Temporary structure" shall be interpreted to include mobile homes as defined in this Resolution.



**SECTION XVII
USES NOT ITEMIZED**

Upon application or on its own initiative, the County Planning Commission may, by resolution, add to the uses listed for a zoning district any other similar use which conforms to the conditions set forth in the following special findings:

- 17.1 Such use is more appropriate in the use group to which it is added;
- 17.2 Such use conforms to the basic characteristics of the use group to which it is added;
- 17.3 Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.

When any use has been added to any use group in accordance with this Section, such use shall be deemed to be listed in the appropriate section of that use group and shall be added thereto in the published text of this Resolution at the first convenient opportunity, with a notation indicating that the addition was made in accordance with this Section.



**SECTION XVIII
SUPPLEMENTARY LOCATION AND BULK REGULATIONS**

18.1 SUPPLEMENTARY LOT AREA, LOT WIDTH AND LOT FRONTAGE REGULATIONS

- (1) Where an individual lot was held in separate ownership from adjoining properties or was platted prior to the effective date of this Resolution in a recorded subdivision approved by the County Planning Commission and Board of County Commissioners and has less area, less width or less frontage, than required in other sections of this Resolution, such lot may be occupied according to the permitted uses provided for the district in which such lot is located. For purposes of this Resolution, a lot of between 28,000 sq. ft. and 30,000 sq. ft. may be divided into four lots of from 7,000 sq. ft. to 7,500 sq. ft. each, provided each principal building on such lots is connected to both public water and public sewer facilities.
- (2) The minimum lot area and minimum lot width regulations otherwise required by this Resolution may be reduced by as much as one-third for any lot abutting a park, either public or private, as platted in the subdivision, provided the net density for the combined residential and park areas is not greater than the basic residential requirements of this Resolution for the district in which the lot is located.
- (3) In measuring the minimum lot area where the requirement is one acre or more, one-half of the area of adjacent public rights-of-way may be included provided such measured public rights-of-way do not exceed ten percent of the total lot area. On all lots smaller than one acre, the minimum lot area shall not include portions of adjacent rights-of-way.
- (4) In mountainous terrain where unusual topography exists and where adjacent private roads are provided, a dwelling may be exempt from having frontage on a public road, if such action is authorized in each instance by the Board of County Commissioners.
- (5) Private rights-of-way in recorded mountain subdivisions shall be considered public streets for the purpose of the "lot frontage" regulations of this Resolution.
- (6) No part of an area, width or frontage required for a lot for the purpose of complying with the provisions of this Resolution shall be included as an area, width or frontage required for another lot.

18.2 SUPPLEMENTARY YARD REGULATIONS

- (1) Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two feet.
- (2) Fire escapes may extend into a required rear yard not more than six feet.
- (3) The side yard along the street side of a normal corner lot (not a reverse corner lot) shall be not less than one-half the front yard requirement for the district in which the lot is located.
- (4) The side yard along the street side of a reverse corner lot shall be not less than the required front yard requirement for the district in which the lot is located.
- (5) No part of a yard required for a building for the purpose of complying with the provisions of this Resolution shall be included as a yard for another building.

18.3 SUPPLEMENTARY BUILDING HEIGHT REGULATIONS

- (1) The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, silos, parapet walls, cornices without window antennas, or necessary mechanical appurtenances usually carried above the roof level.
- (2) All dwellings shall be constructed with at least seventy-five percent of the roof surface higher than seven (7) feet from grade.
- (3) It shall be unlawful to construct, build, or establish any building, trees, smoke stack, chimney, flag pole, wire, tower, or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing, and take-off of aircraft at a publicly used airport.

18.4 EXPRESSWAYS AND MAJOR ARTERIALS

For the purpose of this Resolution there are hereby established and designed on the Zoning District Maps of Boulder County, "Expressways" and "Major Arterials" along which the minimum yard requirement for all buildings,*billboards, and advertising signs shall be not less than the normal zoning district requirement, ten feet from the property line, or the following distance from the centerline of the right-of-way (whichever requirement is the greater):

* BILLBOARDS AND ADVERTISING SIGNS, STRICKEN BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ON SEPTEMBER 18, 1974

- (1) expressways 160 feet
- (2) major arterials in non-mountainous terrain 110 feet
- (3) major arterials in mountainous terrain 60 feet

18.5 FLOOD PLAIN (as established August 11, 1969)

1.0 Statement of Purpose: To promote the public health, safety, and general welfare, to minimize flood losses in areas subject to flood hazards, and to promote wise use of the flood plain, this flood plain section has been established with the following purposes intended:

- 1.1 To reduce the hazard of floods to life and property through:
 - (1) Prohibiting certain uses which are dangerous to life or property in time of flood.
 - (2) Restricting uses which would be hazardous to the public health in time of flood.
 - (3) Restricting uses which are particularly susceptible to flood damage, so as to alleviate hardship and eliminate demands for public expenditures for relief and protection.
 - (4) Requiring permitted flood plain uses, including public facilities which serve such uses, to be protected against floods by providing flood proofing and general flood protection at the time of initial construction.
- 1.2 To protect flood plain occupants from a flood which is or may be caused by their own, or other, land use and which is or may be undertaken without full realization of the danger, through:

- (1) Regulating the manner in which structures designed for human occupancy may be constructed so as to prevent danger to human life within such structures.
- (2) Regulating the method of construction of water supply and sanitation systems so as to prevent disease, contamination and unsanitary conditions.
- (3) Delineating the describing areas that could be inundated by floods so as to protect individuals from purchasing flood plain lands for purposes which are not in fact suitable.

1.3 To protect the public from the burden of avoidable financial expenditures for flood control and relief.

- (1) Regulating all uses within the flood plain areas so as to produce a method of construction and a pattern of development which will minimize the probability of damage to property and loss of life or injury to the inhabitants of flood hazard areas.

1.4 To protect the "storage capacity of flood plains" and to assure retention of sufficient "floodway" area to convey flood flows which can reasonably be expected to occur by:

- (1) Regulating filling, dumping, dredging, and alteration of channels by deepening, widening, or relocating.
- (2) Prohibiting unnecessary and damage creating encroachments.
- (3) Encouraging uses such as agriculture, recreation and parking.

1.5 To protect the hydraulic characteristics of the small watercourses, including the gulches, sloughs and artificial water channels used for conveying flood waters, which make up a portion of the urban drainage system.

- (1) Regulating filling, dumping and channelization so as to maintain natural storage capacity and slow flow characteristics.
- (2) Prohibiting encroachment into the small watercourses to maintain their water carrying capacity.
- (3) Encouraging uses such as greenbelt, open space recreation and riding trails.

2.0 General Provisions:

2.1 Jurisdiction: The jurisdiction of this section includes all lands adjacent to any creek, river or stream within the County of Boulder, Colorado that would be inundated by the 100-year flood for that river or stream as defined in the Definitions section of this Resolution.

2.2 District Types: The Flood Regulatory Area covers the 100-year flood plain. Where deemed to be in the public interest by the County of Boulder, Colorado, and to promote wise use of the flood plain, the Flood Regulatory Area may be subdivided into the Floodway Area and the Flood Storage Area.

The Flood Regulatory Area is defined by computing the 100-year flood plain limits under existing channel and flood plain conditions.

Subdivision of the Flood Regulatory Area into the Floodway Area and the Flood Storage Area must not cause a 100-year flood water surface profile rise of more than one foot above that for the Flood Regulatory Area, (in light of the uses of the subdivided area which are reasonably anticipated and will be permissible after the subdivision is accomplished).

The subdivision of the Flood Regulatory Area and accompanying hydraulic studies must be based upon all of the Flood Storage Area reach being filled. Creation of the Floodway Area and Flood Storage Area must be made only with the full understanding that such subdivision (may) tend to increase flood peaks downstream. The Floodway Area and Flood Storage Area shall be added to the zoning map for the Flood Regulatory Area which is subdivided.

- 2.3 Boundaries: The boundaries of the Flood Regulatory Area, the Floodway Area and the Flood Storage Area shall be as they appear on the zoning map. The boundary lines on the map shall be determined by the use of the scale appearing on the map.
- 2.4 Effect of Flood Plain Regulations: The regulations set forth in this section of the Flood Regulatory Area, the Floodway Area and the Flood Storage Area shall apply to those lands within the 100-year flood plain mapped and designated. The regulations of this section shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zoning category. This section supersedes provisions of any zoning relating to flood plains. Any underlying zoning shall remain in full force and effect to the extent that its provisions are more restrictive.
- 2.5 Warning and Disclaimer of Liability: The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that the areas outside flood plain area boundaries or land uses permitted within such areas will always be totally free from flooding or flood damages. Nor shall this section create a liability on the part of or a cause of action against the County of Boulder or any officer or employee thereof for any flood damages that may result for reliance on this section.
- 2.6 Non-Conforming Uses: The requirements of Section XIX shall apply.
- 2.7 Adoption of Official Maps: The location and boundaries of the Flood Areas established by this Resolution are shown upon the "Zoning District Maps of Boulder County," which are hereby incorporated into this Resolution. The said zoning maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this Resolution as if fully set forth and described herein. Each change in the official map shall be subject to the Amendment procedure as required in Section XXII.
- 2.8 Mapping Disputes: The following procedure shall be used by the Board of Planning Commissioners in deciding contested cases in which the location of a district boundary is disputed. In all cases the person contesting the location of the district boundary shall be given a reasonable opportunity to present

his case to the Commissioners and to submit his own technical evidence if he so desires. The Commission shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is not correct.

2.9 Mandatory Review: In the event that significant changes occur within the Flood Regulatory Area, such as flood control measures, channelization and stream improvements, etc., there shall be an evaluation of the boundaries of the various districts as follows: The County Engineer will study the magnitude of the apparent change and will make recommendations to the Commission as to whether there is need for a full scale study of the boundaries with a view to possible revision. The Commission shall then determine whether such a study will be made. Shall the Commission or any person or persons, as a result of such a study or for other reasons, desire to change the boundaries of any area, the procedure for amendments of the Zoning Resolution set forth in Section XXII shall be followed (except for subdivisions of the Flood Regulatory Area, which may be accomplished either under Section XXII or as elsewhere provided).

3.0 Flood Regulatory Area:

3.1 Application: The provisions for this section apply to all flood plains of rivers, creeks and streams in the unincorporated County of Boulder, Colorado for which "100-year flood" data and corresponding elevations or profiles are available, and which have been designated and approved by the State Water Conservation Board.

3.2 Description: The Flood Regulatory Area shall include the area delineated on the maps and profiles for the 100-year flood plain limits for the watercourses in Boulder County, signed by the County Engineer and on file in the Planning Office.

3.3 Special Provisions: The following regulations shall apply to all uses within the (unsubdivided) Flood Regulatory Area (or Floodway Area) notwithstanding that such uses may be specifically permitted under the terms of this Resolution.

- (1) The flood protection elevation or height shall correspond to a point one foot above the elevation or "flood profile" shown on or attached to the flood map for a particular area.
- (2) No "structure" (temporary or permanent) fill, including fill for roads and levees deposit, obstruction, storage of materials, or other flood plain uses shall be permitted that unreasonably affects the efficiency or the capacity of the floodway or increases flood heights or affects the "storage capacity of the Flood Plains" in such a manner as to materially raise flood profiles or increase current velocities so as to materially increase the likelihood of erosion and damage to structures. A rise in a flood profile by one foot or more shall ordinarily be considered to be a material rise, and a rise of less than one foot shall ordinarily be considered to be immaterial.
- (3) No uses shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities of systems.

3.4 Description of Uses:

Permitted Uses: The following open uses shall be permitted within the Flood Regulatory Area to the extent that they are not prohibited in a particular area by any underlying zoning category:

- (1) Agricultural uses such as general farming, pasture, tract farming, sod farming and wild crop harvesting.
- (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips, and storage yards for equipment or machinery easily moved or not subject to flood damage but not extending to include junkyards nor solid waste disposal facilities.
- (3) Public and private recreational uses not requiring "permanent or temporary structures" designed for human habitation such as parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and natural preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, and hunting and fishing and hiking areas.
- (4) Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines and water monitoring devices.
- (5) Open pit mining for removal of top soil, sand, gravel or other minerals.
- (6) Road and highway structures.

3.5 Special Exceptions: Any use enumerated in this section may be permitted only upon application to the Zoning Administrator and the issuance of a special permit by the Planning Commission as provided in Section XXIV, Special Permits of this Resolution:

3.51 "Structures" accessory to open uses permitted in Description of Uses, Section 3.4 of this Resolution, whether temporary or permanent may be permitted.

- (1) Structures will not be designed for human residential habitation.
- (2) Structures will have a low flood damage potential.
- (3) The structure or structures, if permitted, will be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - (a) Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and
 - (b) So far as practicable, structures will be placed so their longitudinal axes are approximately on the same line as those of adjoining structures.
- (4) Structures will be firmly anchored to prevent the structure or building from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream or river; and
- (5) Service facilities such as electrical and heating equipment will be at or above the flood protection elevation for the particular area.

3.52 Other "Structures (Temporary or Permanent)" for people may be permitted.

- (1) Such structures shall comply with Section 3.51, (3), (4), and (5) of this section.
- (2) The first floor, or basement floor of any structure to be erected, constructed, reconstructed, or moved on the flood plain shall be constructed on fill, piers, or pilings, at or above the flood protection elevation for the particular area, and the fill shall extend at such elevation at least 15 feet beyond the limits of any structure or building erected thereon.
- (3) *The fill or deposition of materials shall not affect the "storage capacity of the flood plains" (in such a manner as to materially raise flood profiles or increase current velocities so as to materially increase the likelihood of erosion and damage to structures) and the fill or deposition of materials shall not encroach on that portion of the flood plain which would have significant and perceptible flow during the flood, and which for that reason would help convey flood waters.*
- (4) *The fill or other materials will be protected against erosion by rip-rap, vegetative cover or "bulkheading."*
- (5) *The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be at or above the flood protection elevation for the particular area or "flood proofed." Solid waste disposal facilities such as junkyards or areas for the dumping of refuse shall also require a permit from the County.*

4.0 Floodway Area:

- 4.1 Application: Section 3.1 shall apply thereto.
- 4.2 Description: The Floodway Area shall include that portion of the Regulatory Area required for the reasonable passage or conveyance of the 100-year flood. *This is the area of significant depths and velocities and due consideration should be given to effects of fill, loss of cross-sectional flow area, and resulting increased water surface elevations.*
- 4.3 Special Provisions: Section 3.3 (2), 3.3 (3), Special Provisions Flood Regulatory Area of this section shall apply thereto.
- 4.4 Description of Uses: The open uses that are permitted in Section 3.4 Description of Uses are permitted, provided that such use does not include any filling or deposit of materials.
- 4.5 Special Exceptions: Section 3.51 "Structures" Accessory to Open Space Uses of this section shall apply thereto.

5.0 Flood Storage Area:

- 5.1 Application: (This section shall apply to all lands included in the Flood Storage Area as defined herein.)
- 5.2 Description: The Flood Storage Area shall include that portion of the Flood Regulatory Area that may serve as a temporary storage area for flood waters from the 100-year flood and that lies landward of the Floodway Area.

- 5.3 Permitted Uses: Any use permitted by the underlying zoning regulations shall be permitted, provided the use meets the requirements of Section 5.5. However, uses allowed by this Section shall be permitted only upon application to the Zoning Administrator and the issuance of a special permit by the Planning Commission as provided in Section XXIV, Special Permits of this Resolution.
- 5.4 Application for Special Permit May Include Application to Subdivide Flood Regulatory District: Applications for Special Permits may include an application to subdivide the Flood Regulatory District as to the land included in the application, so that the land included in the application will be designated as lying in whole or in part in the Flood Storage Area or Floodway Area. The applicant seeking such subdivision shall include in his application, at the applicant's expense, a report of a licensed professional engineer competent in the field of hydrology, including accurate maps, which report and maps shall show, in the opinion of the engineer, which portions of the land included in the application lie in whole or in part of the Flood Storage Area and Floodway Area as defined herein. The report shall further state that subdivision of the Flood Regulatory District, in the manner shown in the report, complies with all the standards and requirements of this Resolution. Applications to subdivide the Flood Regulatory District may be included in an application for a permit for a use of the land included in the application, or may be submitted apart from any application for a permit for a use. If the application is submitted apart from any application for a permit for a use, then the granting of the application to subdivide shall not be construed to be the granting of a permit to make a use of the land included, and an application for a special permit shall be required as above provided before any use of the land can be made for which a special permit would be required.
- 5.5 Special Provisions:
- (1) No fill, structure, deposit or other flood plain uses shall be permitted that adversely affect the efficiency of any channels or floodways of any tributaries to the main stream or river, drainage ditches, or any other drainage facilities or systems.
 - (2) The first floor or basement opening of any building or structure to be erected, constructed, reconstructed, altered, or removed on the flood storage areas shall be constructed on fill at or above a point two (2) feet above the 100-year flood elevation for the particular area, and the fill shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon.
 - (3) The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, shall be at or above a point two (2) feet above the 100-year flood elevation for the particular area.

**SECTION XIX
NON-CONFORMING USES AND NON-CONFORMING BUILDINGS**

19.1 DEFINITIONS

- (1) A "non-conforming use" shall include any legally existing use, whether within a building or other structure or on a tract of land, which does not conform to the "use" regulations of this Resolution for the district in which such "non-conforming use" is located, either at the effective date of this Resolution or as a result of subsequent amendments which may be incorporated into this Resolution.
- (2) A "non-conforming building" shall include any legally existing building which does not conform to the "location and bulk" regulations of this Resolution for the district in which such "non-conforming building" is located either at the effective date of this Resolution or as a result of subsequent amendments which may be incorporated into this Resolution.

19.2 CONTINUATION OF USE

A non-conforming use may be continued and a non-conforming building may continue to be occupied, except as both of the foregoing are otherwise provided for in this Section.

19.3 CHANGE OF USE

A non-conforming use may be changed to any conforming use.

19.4 ABANDONMENT OF USE

If active and continuous operations are not carried on in a non-conforming use during a continuous period of one year, the building, other structure or tract of land where such non-conforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

19.5 RESTORATION

A non-conforming building which has been damaged by fire or other unforeseen natural causes may be restored to its original condition provided such work is started within six months of such calamity and completed within one year of the time the restoration is commenced.

19.6 ENLARGEMENT OF A NON-CONFORMING USE

A non-conforming use shall not be enlarged or extended, but normal maintenance of a building or other structure containing a non-conforming use is permitted.

19.7 ALTERATION OF A NON-CONFORMING BUILDING

A non-conforming building may be structurally altered, repaired, or enlarged in any way permitted by these regulations; however, no alterations, repairs, or enlargements shall be made in a non-conforming building which would increase the degree of non-conformity with the location and bulk regulations of this Resolution.

19.8 STRUCTURAL CHANGES

Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe by the County Building Inspector may be strengthened or restored to a safe condition.

SECTION XX
DEFINITIONS

As used in this Resolution, the following words shall be interpreted and defined in accordance with the provisions set forth in this Section.

20.1 RULES OF CONSTRUCTION OF LANGUAGE

- (1) The particular controls the general.
- (2) In case of any difference of meaning or implication between the text of this Resolution and the captions for each section, the text shall control.
- (3) The word "shall" is always mandatory and not directory. The word "may" is permissive.
- (4) Words used in the present tense include the future, unless the context clearly indicates the contrary.
- (5) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- (6) A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- (7) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

20.2 AGRICULTURE

Uses involving the cultivation of land, production of crops, and/or the keeping of livestock, but not including feed yards as defined herein.

20.3 BOARDING AND ROOMING HOUSE

A building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall include compensation in money, service or other things of value.

20.4 BUILDING

Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which:

- (1) is permanently affixed to the land;
- (2) has one or more floors and a roof; and
- (3) is bounded by either open space or the lot lines of a lot.

20.5 BUILDING HEIGHT

The vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the roof surface.

20.6 BULK

"Bulk" is the term used to describe the size and mutual relationships of buildings and other structures and therefore includes:

- (1) the size of buildings and other structures;
- (2) the shape of buildings and other structures;
- (3) the location of exterior walls of buildings and other structures, in relation to lot lines, to the centerline of streets, to other walls of the same building, and to other buildings or structures; and
- (4) all open spaces relating to a building or a structure.

20.7 DWELLING (as amended June 22, 1970)

A building or portion thereof used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including mobile homes, hotels, motels, tents, seasonal vacation cabins or other structures designed or used primarily for temporary occupancy.

20.8 DWELLING, MULTIPLE-FAMILY

A building occupied by three or more families living independently of each other, but not including hotels or motels.

20.9 DWELLING, ONE-FAMILY

A detached building, arranged, designed and intended to be occupied by not more than one family, and which has not more than one kitchen and not less than one bathroom.

20.10 DWELLING, TWO-FAMILY

A building occupied by two families living independently of each other.

20.11 DWELLING UNIT

One or more rooms and a single kitchen, designed as a unit for occupancy by one family, for living and sleeping purposes, located in a one-family two-family or multiple-family dwelling.

20.12 FAMILY

An individual or two or more persons related by blood or marriage, or an unrelated group of not more than three persons living together in a dwelling unit.

20.13 FEED YARD

An enclosure for the feeding and fattening of fowls, hogs, cattle, or other livestock where the animals are kept within a restricted area and where a majority of the feed is purchased rather than being produced on the same property.

20.14 FLOOR AREA

The total floor area located within the outside walls of a building, exclusive of basement area, garage, carport and porches.

20.15 HOTEL AND MOTEL

A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which no provision is made for cooking in any individual room or suite. A motel or hotel room or suite which includes cooking facilities shall be considered a dwelling unit.

20.16 JUNK YARD

A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.

20.17 LOT

A parcel of land occupied or designed to be occupied by one or more buildings, structures or uses, together with such open areas as are required under this Resolution. Where more than one principal building is located on a lot, the bulk regulations of this Resolution shall apply to each principal building.

20.18 LOT AREA

The total horizontal area within the lot lines of a lot.

20.19 LOT LINE, FRONT

The property line dividing a lot from a street. On a corner lot only one street shall be considered as a front line and the shorter street frontage shall be considered the front line.

20.20 LOT LINE, REAR

The line opposite the front lot line.

20.21 LOT LINE, SIDE

Any lot lines other than front lot lines or rear lot lines.

20.22 LOT WIDTH

The distance parallel to the front lot line, measured between side lot lines through that part of the building or structure where the lot is narrowest.

20.23 MOBILE HOME

A vehicle or similar portable structure which is used for temporary or permanent living purposes and which vehicle or similar portable structure is not listed on the general property assessment roles of Boulder County.

20.24 PROFESSIONAL OFFICE

An office for professions such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

20.25 PUBLIC WATER AND PUBLIC SEWER FACILITIES

Those facilities of a municipality or a sanitation and/or water district which are organized and operated pursuant to State Statutes governing such facilities, which have the authority to levy an ad valorem tax, and which are approved by the County Health Officer.

20.26 SIGNS

Any device designed to inform or attract the attention of persons on premises on which the sign is located but not including any flag, badge, or governmental agency or of any civic, charitable or governmental organization.

Signs include:

- (1) On-site signs . . . signs relating to premises on which they are located.
- (2) Off-site identification signs . . . located other than on the premises of the services, facilities, or activities to which they relate;
- (3) Identification signs . . . signs identifying the premises, occupants of the premises, or activities available on the premises;
- (4) Commercial signs . . . signs for the purpose of outdoor display for general commercial advertising.

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20.27 SUBDIVIDED LAND

Land located within a subdivision approved by the County Planning Commission and by the Board of County Commissioners and recorded in the office of the County Clerk and Recorder.

20.28 STREET

A public thoroughfare which affords the principal means of access to abutting property.

20.29 YARD

That portion of the open area on a lot extending open and unobstructed from the ground upward (except that accessory buildings may locate in rear yards required for principal buildings) from a lot line or centerline, when so designated, for a depth or width specified by the regulations for the district in which the lot is located.

20.30 CHANNEL (as established August 11, 1969)

A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

20.31 EQUAL DEGREE OF ENCROACHMENT (as established August 11, 1969)

Equal Degree of Encroachment is established by considering the effect of encroachments on the hydraulic efficiency of the flood plain along a significant reach of the stream, on both sides.

20.32 FLOOD (as established August 11, 1969)

Water from a river, stream, watercourse, ocean, lake or other body of standing water that temporarily overflows or inundates adjacent lands and which may affect other lands and activities through stage elevation, backwater, and/or increased ground water level.

20.33 FLOOD PLAIN (as established August 11, 1969)

The relatively flat or lowland area adjoining a river, stream, watercourse, ocean, lake, or other body of standing water which has been or may be covered temporarily by flood water. For administrative purposes the flood plain may be defined as the area that would be inundated by the "Standard Project Flood" (C. of E.) or the "Maximum Probable Flood" (TVA).

20.34 FLOOD PROTECTION ELEVATION (as established August 11, 1969)

An elevation one foot above the elevation or "flood profile" of the 100-year flood under existing channel and flood plain conditions. It is one foot above the elevation of the flood for the Flood Regulatory Area as shown on the zoning map in the office of Planning.

20.35 FLOOD REGULATORY AREA (as established August 11, 1969)

That portion of the flood plain subject to inundation by the 100-year flood. Its width is determined by the 100-year flood. Its length or reach is determined by natural bounds. This equals the intermediate regional flood as defined by the Corps of Engineers.

20.36 FLOOD STORAGE AREA (as established August 11, 1969)

That portion of the regulatory area that may serve as a temporary storage area for flood waters from the 100-year flood and that lies landward of the floodway.

20.37 FLOODWAY (as established August 11, 1969)

That portion of the regulatory area required for the reasonable passage or conveyance of the 100-year flood. This is the area of significant depths and velocities and due consideration should be given to effects of fill, loss of cross-sectional flow area, and resulting increased water surface elevations.

20.38 FLOOD PROFILE (as established August 11, 1969)

A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

20.39 FLOOD PROOFING (as established August 11, 1969)

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

20.40 FLOOD STAGE (as established August 11, 1969)

For purposes of this Resolution, the term is used to mean the height or elevation of a flood as referred to some datum. For other purposes, it is commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

20.41 100-YEAR FLOOD (as established August 11, 1969)

This is one that has a frequency of occurrence of one hundred (100) years determined from an analysis of floods on a particular stream and other streams in the same general region. It has about a one percent chance of occurring in any given year.

20.42 ORDINARY HIGH WATER MARK (as established August 11, 1969)

The highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a definite mark.

20.43 REACH (as established August 11, 1969)

An hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood plain where flood heights are primarily controlled by man-made or natural flood plain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

20.44 STORAGE CAPACITY OF A FLOOD PLAIN (as established August 11, 1969)

The volume of space above an area of flood plain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

20.45 STRUCTURE, PERMANENT (as established August 11, 1969)

A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

20.46 STRUCTURE, TEMPORARY (as established August 11, 1969)

A structure which is built of such materials and in such a way that it would commonly be expected to have relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

20.47 WATERCOURSE (as established August 11, 1969)

A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.



**SECTION XXI
ENFORCEMENT**

21.1 BUILDING PERMIT

It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the unincorporated territory covered by this Zoning Resolution without the property owner or his authorized representative first obtaining a building permit from the County Building Inspector or his authorized representative. The County Building Inspector shall not issue any building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of this Zoning Resolution. Approval of the aforesaid plans by the County Health Officer or his authorized representative shall be obtained prior to the issuance of said building permit. All permits shall be issued in conformance with the provisions of this Resolution and shall be valid for a period of time not exceeding one year from the date of issue.

21.2 INSPECTION

The County Building Inspector or his authorized representatives are hereby empowered to inspect and examine any building, structure or tract of land concerning which they have reasonable cause to believe that a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this Resolution. If a violation shall be found to exist, the County Building Inspector or his authorized representatives shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable provisions of this Resolution; provided, however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are hereinbelow set forth; and provided further that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of this Zoning Resolution in any court action instituted seeking full compliance therewith, but evidence of compliance with such order may be introduced as matter in mitigation and extenuation.

21.3 VIOLATIONS AND REMEDIAL ACTIONS

Any person, firm or corporation, whether as principal, agent, employee or otherwise, who shall use any land, or erect, construct, reconstruct, alter, maintain or use any building or structure in violation of any regulation in, or any provision of, this Zoning Resolution, shall be fined an amount not to exceed one hundred dollars (\$100.00) for each violation, such fine to inure to said County of Boulder. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.

If any land shall be used, or any building or structure erected, constructed, reconstructed, altered, maintained or used in violation of any regulation or provision of this Zoning Resolution, or amendments thereto, or the applicable statutes of the State of Colorado, the Board of County Commissioners by the County Attorney or Assistant County Attorney, the District Attorney of Boulder County, or any owner of real estate within the district in which such building, structure or land is situated, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding

to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use; and the fine hereinabove provided for may be recovered in that same civil action wherein such injunction, mandamus and/or abatement is sought, separate and district proceedings may be instituted seeking varying forms of relief, as the law may allow.

21.4 NON-LIABILITY FOR DAMAGES

This Resolution shall not be construed to hold Boulder County in any manner responsible for any damages to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of court action as hereinabove set forth or the forbearance by Boulder County to so proceed.

21.5 NON-LIABILITY OF OFFICIALS

Any County Official or employee, charged with the enforcement of this Zoning Resolution, acting in good faith and without malice on behalf of said County in the discharge of his official duties, shall not thereby render himself personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee, stemming from any act or omission performed by him in the enforcement or attempted enforcement of any provision of this Resolution, shall be defended by the legal officer(s) of the County until final termination of the proceedings.

**SECTION XXII
AMENDMENTS**

22.1 STATE STATUTES

Amendments to this Resolution shall be in accordance with the applicable statutes of the State of Colorado, as they presently exist or as they may in the future be amended to provide.

22.2 AUTHORITY AND PLANNING COMMISSION REVIEW

The Board of County Commissioners of Boulder County may from time to time amend the number, shape, boundaries or area of any district, or any regulation of or within such district, or any other provision of this Zoning Resolution. Any such amendment shall not be made or become effective unless the same shall have been proposed by, or be first submitted for the approval, disapproval or suggestions of the Boulder County Planning Commission. If disapproved by such Commission within thirty (30) days after such submission, such amendment, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of said Board of County Commissioners.

22.3 NOTICE AND FEES

Before finally adopting any such amendment, as aforesaid, the Board of County Commissioners shall hold a public hearing thereon, and at least thirty (30) days notice of the time and place of said hearing shall be given by at least one publication in a newspaper of general circulation in Boulder County. The County Planning Commission may, in Bylaws as it may adopt, provide for the giving of additional public notice prior to any determination by said Commission, in a manner consistent with the applicable laws of the State of Colorado. The County Planning Commission may also in its Bylaws require a reasonable fee payment to be made by any applicant seeking a rezoning of property, in order to cover the approximate charges to be expended by Boulder County in processing each rezoning request.



**SECTION XXIII
VARIANCES FOR HARDSHIP**

23.1 BOARD OF ADJUSTMENT POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties all of which shall be exercised subject to the laws of the State of Colorado and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this Resolution and in accordance with the public interest and the most appropriate development of the neighborhood:

- (1) To hear and decide appeals from, and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by this Resolution; and
- (2) To authorize upon appeal in specific cases variances from the terms of this Resolution where, by reason of exceptional narrowness, shallowness or slope of a specific piece of property at the time of the enactment of this Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantial impairment of the intent and purposes of this Resolution, and provided no variance shall authorize any use in a zoning district other than a use specifically permitted in such zoning district.

23.2 PROCEDURE

The Board of Adjustment shall hold a public hearing on all applications and appeals with the following special conditions required:

- (1) A notice of said hearing shall be published in a newspaper of general circulation within Boulder County at least fourteen (14) days prior to the hearing date.
- (2) For applications for variances to this Resolution, the Board of Adjustment shall mail a written notice of said hearing by first class mail at least fourteen (14) days prior to the hearing date to the applicant and to owners of property adjacent to the property in question. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the Board of Adjustment.
- (3) For applications for variances to this Resolution, a fee of \$25.00 shall be charged to cover the cost of advertising and processing.
- (4) Unless otherwise stated in the Board of Adjustment minutes, all variance permits shall be valid for a period of time not to exceed six months from the time such variance is granted.



**SECTION XXIV (as amended February 24, 1974)
SPECIAL PERMITS**

Before approving, conditionally approving, disapproving or tabling an application for: a site plan for a special development in an E. D., Economic Development District (Section XA); a new residential, business, public or semi-public principal building and its accessory uses and structures in an H, Historical District (Section XB); the location of Uses Permitted by Special Review (Section XV); the location of off-site identification signs (Section XVI); or the plans for buildings or structures in flood plains (Section XVIII), the County Planning Commission shall hold a public hearing on any such matter with the following special conditions required:

- (1) A notice of said hearing shall be published in a newspaper of general circulation within Boulder County at least seven (7) working days prior to the hearing date.
- (2) A written notice of said hearing shall be mailed at least seven (7) working days prior to the hearing date to the applicant and to owners of property adjacent to the property in question. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the County Planning Commission.

24.1 (as established August 11, 1969)

Procedure to be followed in any Flood Regulatory Area, Floodway Area, or Flood Storage Area in passing on Special Exception Permits: Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, or a request for subdivision of the Flood Regulatory Area, the Commission shall, prior to rendering a decision thereon:

- 24.11 Require the applicant to submit, at the time of application, two copies of an aerial photograph or plan, certified by a competent engineer, which accurately locates the flood plain proposal with respect to the Area limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations; building flood elevation; and flood proofing measures.
- 24.12 Require the applicant to furnish such of the following additional information as is deemed necessary by the Commission for the valuation of the effects of the proposal upon flood flows and flood plain storage and to render a decision on the proposed flood plain storage use.
 - (1) A typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations, size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, and soil types and other pertinent information.
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream.
 - (4) Specification for building construction and materials, "flood proofing," filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

24.13 Applications to Subdivide the Flood Regulatory Area:

If an application for a special permit includes both an application to subdivide the Flood Regulatory Area and an application for a special permit for a use of the land included, the Commission shall act upon the application to subdivide before acting upon the application for a special permit for a use, and shall then apply to the application for a special permit for a use those standards set forth below for the area in which the included land is located.

24.14 Factors upon which the decision of the Planning Commission shall be based:

- (1) In determining an application for subdivision of the Flood Regulatory Area, the Commission shall base its decision upon the standards set forth in Section 2.2, 4.2, and 5.2.
- (2) In determining an application for a special permit for a use of land located in the Flood Storage Area, the Commission shall base its decision upon the standards set forth in Section 5.5.
- (3) In determining an application for a special permit for a use of land located in either the unsubdivided Flood Regulatory Area or the Floodway Area, the Commission shall base its decision upon the standards contained in Sections 3.3, 3.51, 3.52, 3.53, and 4.2 and 4.4, and the following factors:
 - (a) The effects upon the efficiency or capacity of the floodway area;
 - (b) The effects upon lands upstream, downstream and in the immediate vicinity;
 - (c) The effects upon the flood profile and flood heights;
 - (d) The effects upon the Flood Storage Area and lands beyond the Flood Storage Area;
 - (e) The effects upon any tributaries to the main stream, drainage ditches or any other drainage facilities or systems;
 - (f) Whether additional public expenditures for flood protection or prevention will be necessary;
 - (g) Whether the applicant would obtain an undue advantage compared to later applicants who might request a permit;
 - (h) Whether the proposed use is a dwelling unit or will otherwise be inhabited;
 - (i) The potential danger to persons upstream, downstream, and in the immediate vicinity.

24.15 Conditions Attached to Special Exception Permits:

Upon consideration of the factors listed above the purposes of this Resolution, the Planning Commission may attach such conditions to the granting of a Special Permit for a use, or to the granting of an application to subdivide the Flood Regulatory Area, in addition to those required by special permits, as it deems necessary in furthering the purposes of this Resolution. Such conditions may include specifications for, with limitation because of specific enumeration: modification of sewage disposal and water supply facilities, modification of other waste disposal methods and facilities, landscaping, periods of operation, operational controls, sureties, deed restriction, and adequate flood proofing.

- (1) **Flood Proofing:** Special exceptions requiring flood proofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area as described in the Special Provisions section, flood velocities, forces and other factors associated with the flood protection elevation. The Commission shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the flood protection elevation for the particular area.
- (a) Anchorage to resist flotation and lateral movement.
 - (b) Installation of watertight doors, bulkheads and shutters.
 - (c) Reinforcement of walls to resist water pressure.
 - (d) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (e) Addition of mass or weight to structures to resist flotation.
 - (f) Installation of pumps to lower water levels in structures.
 - (g) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
 - (h) Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
 - (i) Construction to resist rupture or collapse, caused by water pressure or floating debris.
 - (j) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.



**SECTION XXV
INTERPRETATION**

In the interpretation and application of the provisions of this Resolution, the following regulations set forth below shall govern:

25.1 PROVISIONS ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Resolution shall be regarded as the *minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare*. This Resolution shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.

25.2 APPLICATION OF OVERLAPPING REGULATIONS

Whenever both a provision of this Resolution, and any other provision of this Resolution, or any provision of any other law, ordinance, resolution, rule, or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. All uses and all locations and bulk permitted under the terms of this Resolution shall be in conformity with all other provisions of law.

25.3 EXISTING PERMITS AND PRIVATE AGREEMENTS

This Resolution is not intended to abrogate or annul:

- (1) Any permits issued before the effective date of this Resolution; or
- (2) Any easement, covenant or any other private agreement.

25.4 USE GROUPS

No use listed in any use group shall be construed to include any use listed in any other use group, except where the phrasing of the use is exactly the same.



**SECTION XXVI
SEPARABILITY**

It is hereby declared to be the legislative intent that the several provisions of this Resolution shall be severable, in accordance with the provisions set forth below:

26.1 IF ANY PROVISION IS DECLARED INVALID

If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- (1) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
- (2) Such decision shall not affect, impair or nullify this Resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.

26.2 IF THE APPLICATION OF ANY PROVISION IS DECLARED INVALID

If the application of any provision of this Resolution to any lot, building, other structure or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- (1) The effect of such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and
- (2) Such decision shall not affect, impair or nullify this Resolution as a whole or the application of any provision thereof, to any other lot, building, other structure or tract of land.



**SECTION XXVII
REPEALS**

Zoning Resolutions of Boulder County effective prior to the date of adoption of this Resolution are hereby repealed.

The repeal of any of the above mentioned Resolutions does not revive any other Resolution or portion thereof repealed by said Resolution.

Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any Resolution repealed hereby, for an offense committed prior to the repeal.

APPROVED:

BOULDER COUNTY BOARD OF COMMISSIONERS

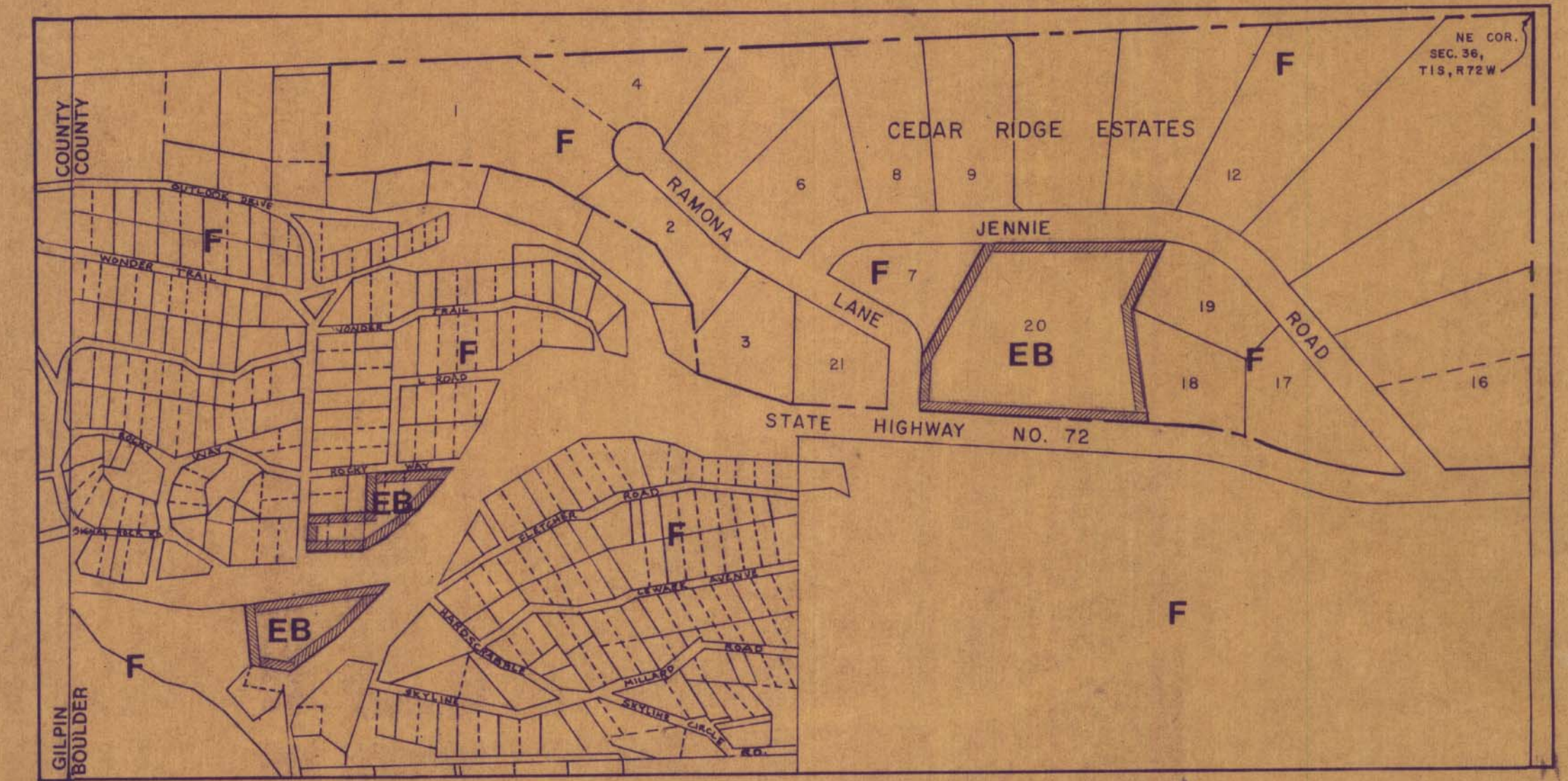
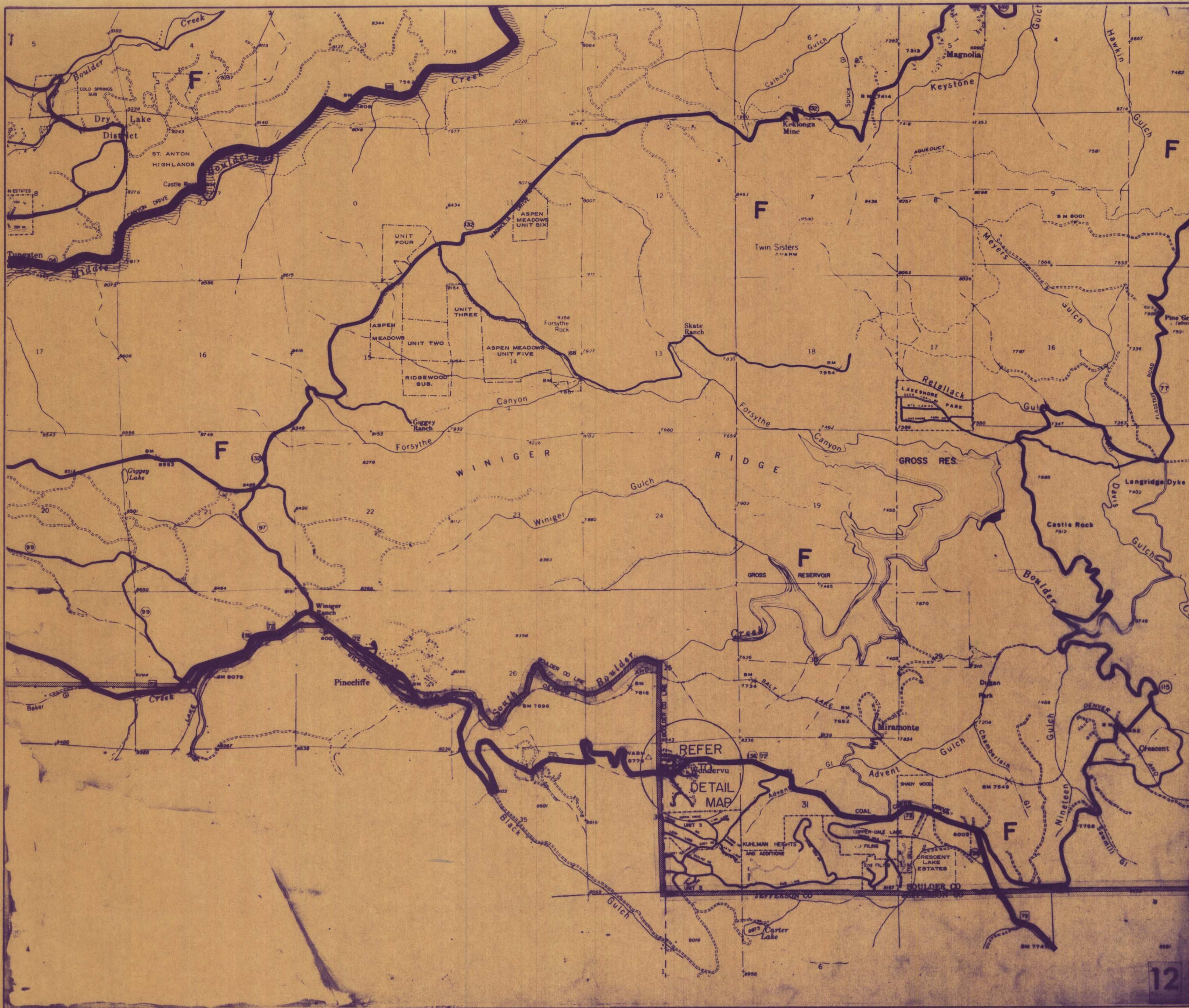
(Signed) Joe Smith
Chairman

ATTEST:

(Signed) Mildred B. Stilley
Deputy County Clerk

The following is a list of amendments to the Boulder County Zoning Resolution since its official adoption by the Board of County Commissioners on October 11, 1965. Amended sections and/or subsections, their docket numbers and dates of approval are listed below:

| <u>Section(s) and/or Subsection(s)</u> | <u>Docket #</u> | <u>Title</u> | <u>Date of Approval</u> |
|---|-----------------|-----------------------------------|-------------------------|
| 1.6 | 388 | Establishment of Districts | 2/26/68 |
| 6.1 | 598 | F District - Uses Permitted | 3/03/72 |
| 6.1 (5) | 586 | F District - Uses Permitted | 10/04/71 |
| 6.1 (5) | 378 | F District - Uses Permitted | 11/30/67 |
| 6.2 | 598 | Development Criteria | 3/02/72 |
| 6.3 | 598 | Minimum Lot Area | 3/02/72 |
| 7.1 (5) | 586 | A District - Uses Permitted | 10/04/71 |
| 7.1 (5) | 378 | A District - Uses Permitted | 11/30/67 |
| 7.1 (12) | 436 | A District - Mobile Homes | 9/23/68 |
| 10.1A (2) | 530 | Area Size in ED District | 6/22/70 |
| 10 B | 347 | H-Historical District | 2/26/68 |
| 11.6 | 455 | Minimum Side Yard | 2/24/69 |
| 12.1 (3) | AR-73-(1)-2 | Billboards in C District | 9/18/74 |
| 12.6 | 455 | Minimum Side Yard | 2/24/69 |
| 13.6 | 455 | Minimum Side Yard | 2/24/69 |
| 14.1 (3) | 586 | GI District - Uses Permitted | 10/04/71 |
| 14.1 (3) | 378 | GI District - Uses Permitted | 11/03/67 |
| 14.6 | 455 | Minimum Side Yard | 2/24/69 |
| 15.1 | 295 | Uses Permitted by Special Review | 12/05/66 |
| 15.4 | 436 | Uses Permitted by Special Review | 9/23/68 |
| 15.5 | 547 | Uses Permitted by Special Review | 11/30/68 |
| 15.8 | 465 | Uses Permitted by Special Review | 4/03/69 |
| 15.11 | 426 | Uses Permitted by Special Review | 8/29/68 |
| 15.15 - Adopted under Section XVII by Planning Commission | | Uses Permitted by Special Review | 2/27/70 |
| 15.16 | 598 | Uses Permitted by Special Review | 3/02/72 |
| 15.17 | 598 | Uses Permitted by Special Review | 3/02/72 |
| 15.18 | 598 | Uses Permitted by Special Review | 3/02/72 |
| 16.4 | AR-73-(1)-2 | Signs Permitted as Accessory Uses | 9/18/74 |
| 16.6 | 436 | Temporary Structure | 9/23/68 |
| 18.4 | AR-73-(1)-2 | Expressways and Major Arterials | 9/18/74 |
| 18.5 | 473 | Flood Plain | 8/11/69 |
| 20.7 | 531 | Dwelling Definition | 6/22/70 |
| 20.26 | AR-73-(1)-2 | Sign Definition | 9/18/74 |
| 20.30-20.47 | 473 | Definitions | 8/11/69 |
| 24 | 473 | Special Permits | 8/11/69 |
| 24 | 388 | Special Permits | 2/26/68 |
| 24 | AR-73-(1)-6 | Special Permits | 1/24/74 |



DETAIL MAP
SCALE: 1"=250'

12

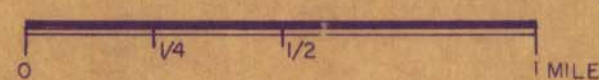
A PART OF THE
ZONING DISTRICT MAP
BOULDER COUNTY, COLORADO
MAP No. 12

A PART OF TOWNSHIPS 1S RANGES 71, 72 WEST

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY, COLORADO, THE 11 DAY OF October 1965.



SCALE: 1 INCH = 2,000 FEET



- ZONING DISTRICTS**
- EB EXISTING BUSINESS DISTRICT
 - NR NON-URBAN RESIDENTIAL DISTRICT
 - SR SUBURBAN RESIDENTIAL DISTRICT
 - RR RURAL RESIDENTIAL DISTRICT
 - F FORESTRY DISTRICT
 - A AGRICULTURAL DISTRICT
 - MF MULTIPLE-FAMILY DISTRICT
 - T TRANSITIONAL DISTRICT
 - ED ECONOMIC DEVELOPMENT DISTRICT
 - B BUSINESS DISTRICT
 - C COMMERCIAL DISTRICT
 - LI LIGHT INDUSTRIAL DISTRICT
 - GI GENERAL INDUSTRIAL DISTRICT
 - MFS MULTIPLE FAMILY SUBURBAN DISTRICT
 - H HISTORICAL DISTRICT
 - FO FLOODPLAIN OVERLAY DISTRICT

The limits of the FO District depicted on this zoning map are approximate. For the exact delineation of the boundaries of the FO District, refer to those floodplain reports listed within Section 17-201 of the Boulder County Zoning Resolution.

ADOPTED DECEMBER 17, 1985

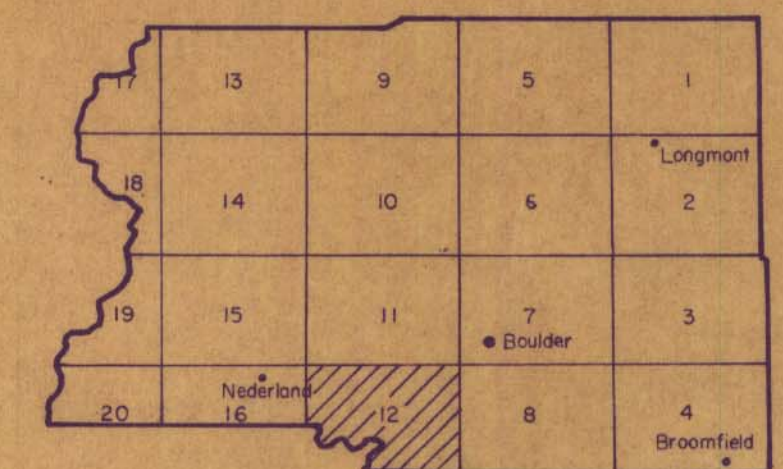
| ZONING AMENDMENTS | |
|-------------------|---|
| DOCKET NUMBER | DATE APPROVED BY THE COUNTY COMMISSIONERS |
| | |

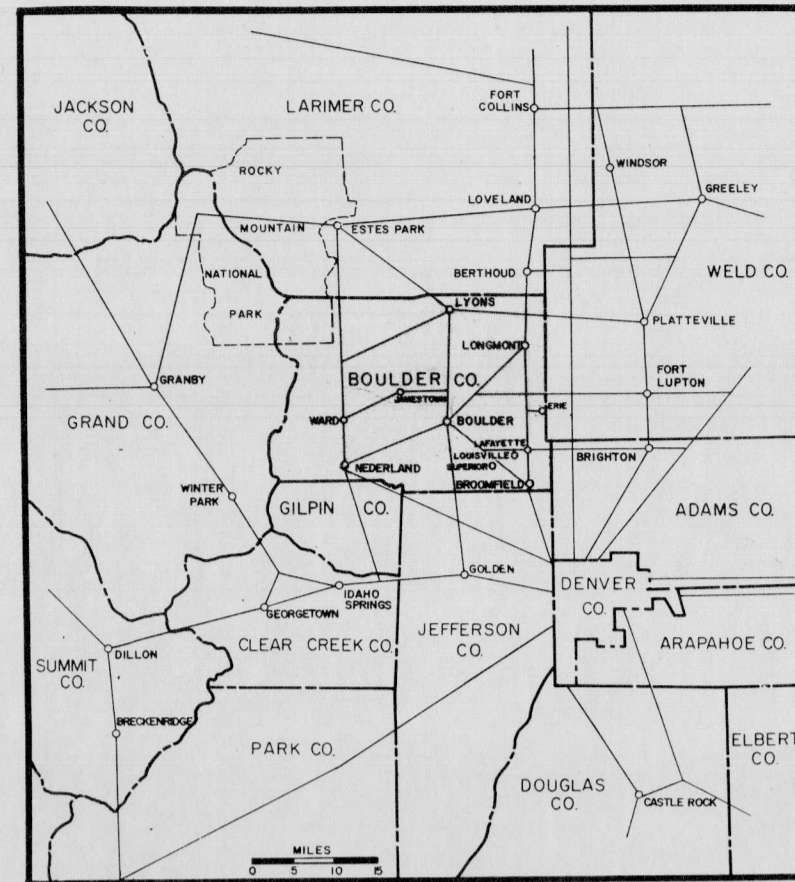
LEGEND

- ZONING DISTRICT BOUNDARY
- CITY LIMITS
- SUBDIVISION
- FEDERAL ROUTE
- STATE ROUTE
- COUNTY ROUTE
- LAND AREA SITUATED EAST OF THIS LINE IS DEPICTED ON THE 1" = 500' SCALE ZONING DISTRICT MAPS.

| CIRCULATION | |
|--------------------|------------|
| EXISTING | PROPOSED |
| FREWAY | ▨▨▨▨▨▨▨▨▨▨ |
| EXPRESSWAY | ▨▨▨▨▨▨▨▨▨▨ |
| PRINCIPAL ARTERIAL | ▨▨▨▨▨▨▨▨▨▨ |
| MINOR ARTERIAL | ▨▨▨▨▨▨▨▨▨▨ |
| COLLECTOR | ▨▨▨▨▨▨▨▨▨▨ |
| RES. COLLECTOR | ▨▨▨▨▨▨▨▨▨▨ |

KEY MAP

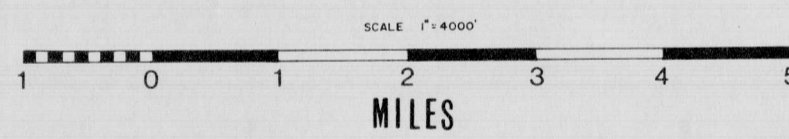




LOCATION MAP

| RESOLUTION | DATE | REVISION | DATE |
|------------|-----------|----------|----------|
| AUGUST | 17th 1976 | MAY | 1st 1979 |
| JANUARY | 28th 1971 | JANUARY | 1st 1971 |
| DECEMBER | 16th 1971 | JANUARY | 1st 1972 |
| JANUARY | 22nd 1973 | JANUARY | 1st 1973 |
| JANUARY | 14th 1974 | JANUARY | 1st 1974 |
| | | | |
| | | | |

LEGEND



- | | | | |
|----------------------|-------|--------|--------|
| | PAVED | GRAVEL | R.O.W. |
| FREEWAY - EXPRESSWAY | ==== | ----- | |
| ARTERIAL | ==== | ----- | |
| COLLECTOR | ==== | ----- | |
| LOCAL ACCESS | ==== | ----- | |
- | | |
|---------------|-------|
| U.S. HIGHWAY | |
| STATE HIGHWAY | |
| COUNTY ROAD | |
| JEEP TRAIL | |

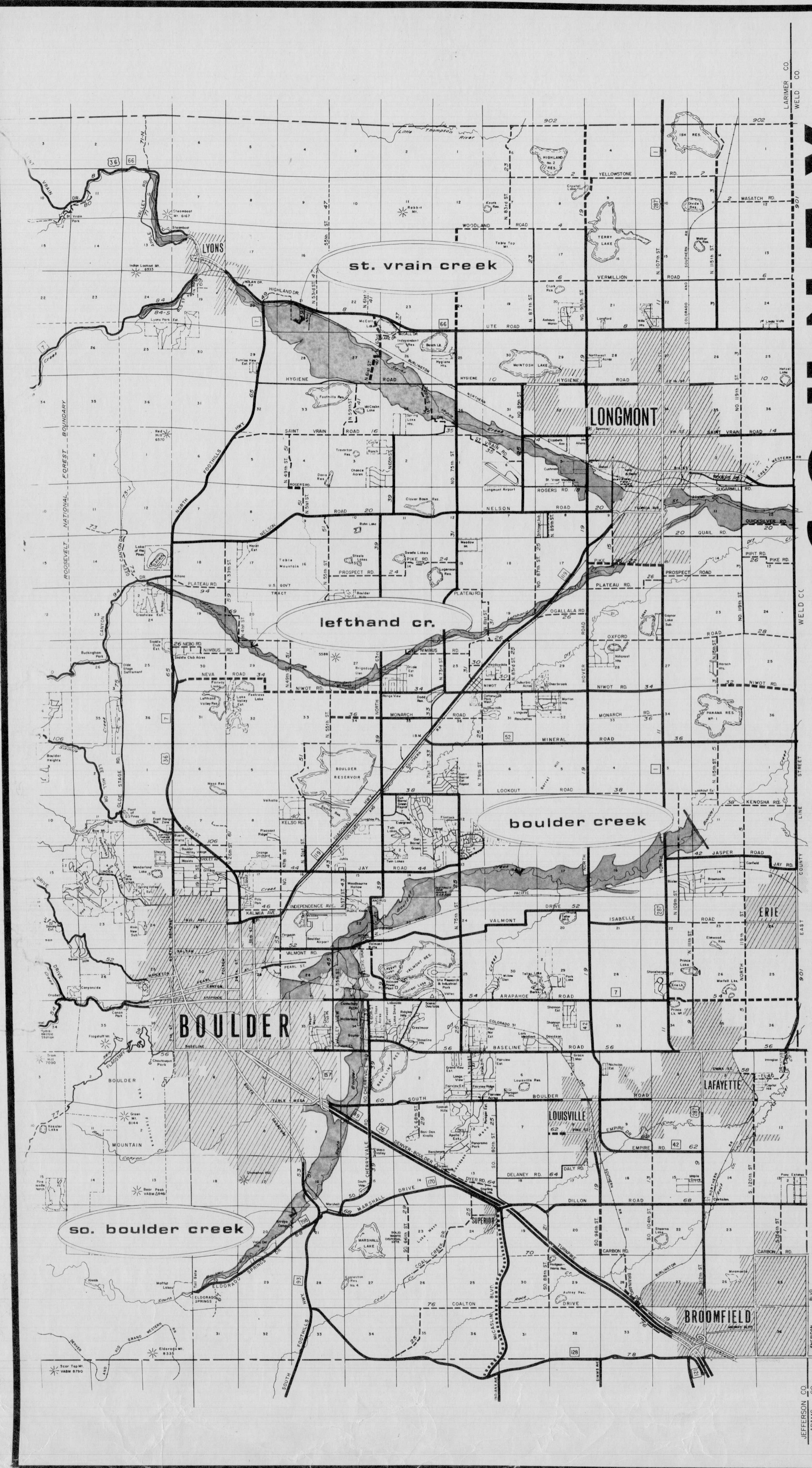
FOR MORE INFORMATION CONCERNING ROADS, SEE BOULDER CO. ROAD DIRECTORY.

COMMISSIONERS DISTRICT BOUNDARY

MOUNTAIN PARK

INCORPORATED

COUNTY AP



BOULDER COUNTY

OFFICIAL MAP ADOPTED DEC. 15, 1953. REVISIONS APPROVED BY BOARD
 PREPARED BY BOULDER COUNTY ENGINEERING DEPARTMENT

BOULDER COUNTY flood plain zoning map

PREPARED BY THE BOULDER COUNTY ENGINEERING DEPARTMENT