

[TABLE OF CONTENTS](#)[ARTICLE I General Provisions](#)[ARTICLE II Procedures and Permits](#)[ARTICLE III Zone Districts](#)[ARTICLE IV Supplementary District Regulations](#)[ARTICLE V Overlay Districts](#)[ARTICLE VI Board of Adjustment](#)[ARTICLE VII Nonconforming Lots, Uses, Structures](#)[ARTICLE VIII Vested Property Rights](#)[ARTICLE IX Adult Business](#)[ARTICLE X Enforcement](#)[APPENDIX](#)**ARTICLE I****General Provisions****Sec. 23-1-10. Title.**

The regulations contained herein shall be known and cited as the *Weld County Zoning Ordinance*.

Sec. 23-1-20. Authority.

The County is authorized by law to regulate zoning, planning, subdivision of land and Building by virtue of Section 30-28-101, et seq., C.R.S.; to regulate certain activities on and uses of land by Section 29-20-101, et seq., C.R.S.; to designate and administer areas and activities of state interest by Section 24-65.1-101, et seq., C.R.S.; to regulate PLANNED UNIT DEVELOPMENTS by Section 24-67-101, et seq., C.R.S.; to establish the point at which statutory vesting occurs pursuant to Section 24-68-101, et seq., C.R.S.; and to exercise the powers of a Board of Health to adopt rules and regulations pursuant to Section 25-1-507(1)(d), C.R.S. In addition, the COUNTY is authorized to regulate zoning, planning, subdivision of land and Building by virtue of the Home Rule Charter. Should further authorizing legislation exist or be enacted, this Chapter is additionally deemed to be enacted pursuant thereto, except to the extent it may be inconsistent therewith.

Sec. 23-1-30. Scope.

This Chapter shall apply to all PUBLIC and private lands situated within the unincorporated portions of the COUNTY, over which the County has jurisdiction under the Constitutions and laws of the State of Colorado and of the United States of America.

Sec. 23-1-40. Purpose and intent.

A. The purpose of this Chapter is to provide a unified regulatory system for land USE in the County. This Chapter is designed to promote the health, safety, convenience, morals, order and welfare of the present and future inhabitants of the COUNTY. The present and future inhabitants of the COUNTY will be benefited through:

1. Lessening congestion in the STREETS or roads or reducing the waste caused by excessive amounts of roads.
2. Securing safety from fire, FLOOD waters and other dangers.
3. Providing adequate light and air.
4. Classification of land USES and distribution of land DEVELOPMENT and utilization.

5. Protecting the tax base of the COUNTY.
6. Securing economy in governmental expenditures.
7. Fostering the COUNTY'S agricultural, business, MINING and other economic bases.
8. Protecting both urban and nonurban DEVELOPMENT.
9. Conserving the value of property.
10. Encouraging the most appropriate USE of land.

B. This Chapter is further intended to protect the public health, safety and welfare by:

1. Regulating activities and DEVELOPMENT in hazardous areas.
2. Protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species.
3. Preserving areas of historical and archaeological importance.
4. Regulating, with respect to the establishment of, roads on public lands administered by the federal government; this authority includes authority to prohibit, set conditions for or require a permit for the establishment of any road authorized under the general right-of-way granted to the public by 43 U.S.C. 932 (R.S. 2447) but does not include authority to prohibit, set conditions for or require a permit for the establishment of any road authorized for mining claim purposes by 30 U.S.C. 21 et seq., or under any specific permit or lease granted by the federal government.
5. Regulating the location of activities and DEVELOPMENTS which may result in significant changes in population density.
6. Providing for phased DEVELOPMENT of PUBLIC services and facilities.
7. Regulating the USE of land on the basis of the impact of land USE changes on the community or surrounding areas.
8. Otherwise planning for and regulating the USE of land so as to provide planned and orderly USE of land and protection of the environment in a manner consistent with constitutional rights.

Sec. 23-1-50. Interpretation.

- A. The word *person* includes a firm, association, governmental entity, organization, partnership, trust, company or corporation, as well as an individual.
- B. The word *shall* is mandatory.
- C. The word *may* is permissive.
- D. The words *used* or *occupied* include the words *intended*, *designed* or *arranged to be used or occupied*.
- E. The word *LOT* includes the words *plot* or *parcel*.

F. Words used in the present tense include the future tense.

G. Words in the singular number include the plural number, and words in the plural number include the singular number, unless the context clearly indicates the contrary.

H. The particular controls the general.

I. Words and phrases used in this Chapter which are not specifically defined in Section 23-1-90 shall be assigned their ordinary, contemporary meanings.

J. All Uses Allowed by Right, Temporary Uses and Uses by Special Review listed in this Chapter are representative and are not all-inclusive.

Sec. 23-1-60. Relationship with other laws.

A. In their interpretation and application, the provisions of this Chapter shall be regarded as the minimum requirements for the protection of public health, safety, comfort, morals, convenience and welfare.

B. This Chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

C. Whenever a provision of this Chapter and any other provision of this Chapter, or any provision of any other law, rule, contract, resolution, ordinance or regulation of the State, federal government or the County, of any kind, contain restrictions covering the same subject matter, the more restrictive requirements or higher standards shall govern, except where preempted.

Sec. 23-1-70. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is for any reason held or decided to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions. The Board of County Commissioners hereby declares that it would have passed the ordinance codified herein and each and every section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, paragraphs, sentences, clauses or phrases might be declared to be unconstitutional or invalid.

Sec. 23-1-80. Implementation procedures.

A. Repeal of Previous Zoning Resolution: Applicable only to 1981 Redistricting. The Official Weld County Zoning Resolution adopted May 29, 1961, was repealed on August 18, 1981. The Official Weld County Zoning map in hard copy is replaced with the digitized version of this map that is maintained in joint cooperation with the Weld County Assessor's Office and the Weld County GIS office. The digitized map is available electronically through the County webpage and is recorded in hardcopy once each year. The maps accompanying the repealed Official Weld County Zoning Resolution shall be amended according to the redistricting procedures in Subsection B below. The Weld County Flood Hazard Overlay District Zoning Maps, recorded April 22, 1980, in Book 901, Reception Numbers 1822844 through 1822908, inclusive; and the Geologic Hazard Area Map of Potential Ground Subsidence Areas in the County recorded May 22, 1978, in Book 832, Reception Number 1754240, are not repealed or amended by this Section. The repeal of the Official Weld County Zoning Resolution shall not prevent the prosecution and punishment of any person for any violation committed prior to its repeal and map amendment. The repeal of the Zoning Resolution shall not affect or repeal any conditions or standards

imposed as a condition for approval of any land use decision by the Board of County Commissioners prior to the effective date of the Zoning Ordinance codified herein and any amendment thereto.

B. Redistricting Procedure for Amending the Official Zoning Map.

1. Intent. The repealed Official Weld County Zoning Resolution and accompanying map contain zone district classifications which are different from the zone district classifications in this Chapter. The intent of this redistricting procedure is to ensure an orderly and harmonious transition from the repealed Official Weld County Zoning Map zone district classifications to the zone district classifications in this Chapter. The Planning Commission and the Board of County Commissioners shall consider the following redistricting procedures during the adoption of the Zoning Ordinance codified herein and the amendment to the Official Weld County Zoning Map. It is not the intent of the redistricting process to correct zoning errors or deficiencies or faulty zoning, or to rezone land because of changing conditions or because it does not conform to the provisions contained in Chapter 22 of this Code.

a. If a parcel of land has been originally zoned by the Board of County Commissioners under the provisions of the Weld County Zoning Resolution and that parcel now contains a number of separate parcels and different USES, the Planning Commission and the Board of County Commissioners may redistrict the entire parcel of land to the least restrictive zone district in this Chapter which most closely corresponds to the previous zoning within the original zone district boundaries.

b. All land zoned Agricultural on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed Agricultural on the Official Zoning Map of the Weld County Zoning Ordinance.

c. All land zoned Estate and Residential on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed R-1 on the Official Zoning Map of the Weld County Zoning Ordinance. Developed land or land which has an existing USE which is zoned High Density RESIDENTIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate R-2, R-3 or R-4 RESIDENTIAL Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing use. Undeveloped land which is zoned High Density RESIDENTIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate R-2, R-3 or R-4 RESIDENTIAL Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the intent or conditions of the original zone amendment or according to the procedures established in this Subsection 1 and Subsection 2 below. All land zoned MOBILE HOME on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed R-5 on the Official Zoning Map of the Weld County Zoning Ordinance.

d. Developed land or land which has an existing USE which is zoned Transitional on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate Residential or Commercial Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped land which is zoned Transitional on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate RESIDENTIAL or COMMERCIAL Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the intent or conditions of the original zone amendment or according to the procedures established in this Subsection 1 and Subsection 2 below.

e. Developed land or land which has an existing USE which is zoned Business or COMMERCIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate COMMERCIAL, Industrial or Agricultural Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped land zoned Business or COMMERCIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed C-1 on the Official Zoning Map of the Weld County Zoning Ordinance.

f. All land zoned Scientific on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to I-1 on the Official Zoning Map of the Weld County Zoning Ordinance.

g. Developed land or land which has an existing USE which is zoned Industrial on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate Industrial, COMMERCIAL or Agricultural Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped or vacant land zoned Industrial on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to I-1 on the Official Zoning Map of the Weld County Zoning Ordinance.

2. If a parcel of property or LOT zoned under the provisions of the repealed zoning resolution may be redistricted or renamed to more than one (1) zone district in this Chapter due to the nature of the USE conducted on the property or LOT, the Planning Commission and Board of County Commissioners shall use the following standards to determine the most appropriate zone district designation for the USE and the property: The Planning Commission and the Board of County Commissioners shall consider the intent statement in Subsection 1 above and the specific standards contained in Subparagraphs 1a to g inclusive. If, after applying these standards, there is still a choice between two (2) different zone districts, the Planning Commission and the Board of County Commissioners shall consider the following standards:

a. If one (1) zone district in this Chapter would allow the USE in question to be allowed by right and the other zone district would allow the USE by permit, the Planning Commission and the Board of County Commissioners shall assign the zone district designation which would allow the USE by right.

b. If both zone districts in this Chapter would allow the USE by right or if both zone districts in this Chapter would allow the USE by permit, the Planning Commission and Board of County Commissioners shall consider the intent statements at the beginning of the zone district in the text of this Chapter to determine the most appropriate zone district to assign to the property.

c. If both zone districts in this Chapter would allow the USE by right or if both zone districts in this Chapter would allow the USE by permit, and the Planning Commission and the Board of County Commissioners cannot make a determination for naming a new zone district based upon the standards and procedures contained in this Subsection 2 and Subsection 1 above, the Planning Commission and Board of County Commissioners shall assign a district designation most similar in name and uses allowed to the district designation that existed on the property under the provisions of the repealed Weld County Zoning Resolution.

d. If a landowner has initiated substantial DEVELOPMENT of a parcel of land and this DEVELOPMENT is allowed in the zone district under the provisions of the repealed Weld County Zoning Resolution, but is not permitted in the zone district proposed under the

provisions of this Chapter, the Planning Commission and the Board of County Commissioners may redistrict a legally definable part of the land or the entire parcel to a zone district in this Chapter which would allow the USE as a use allowed by right or by permit. Substantial DEVELOPMENT shall be considered to be issuance of a building permit or actual physical DEVELOPMENT of the property which conforms to the provisions of the existing COUNTY regulations.

3. Minor Corrections. A property owner may request a meeting before the Board of County Commissioners for the purpose of making a minor correction resulting from the application of the redistricting procedures by the Board of County Commissioners. This request shall be filed with the Clerk to the Board of County Commissioners within one hundred eighty (180) days of August 18, 1981. Such request for a minor correction shall be in writing and directed to the Board of County Commissioners, and shall state therein the specific reasons for such request. The Board of County Commissioners shall consider such request at a regularly scheduled meeting within a reasonable period of time, and at such meeting may initiate any minor corrections it deems necessary.

C. Transition to Chapter 27, Planned Unit Development.

1. All properties which have received land use approval for a change of zone to PUD prior to the effective date of Ordinance No. 197 (January 27, 1998) and meet the following additional conditions shall adhere to regulations and processing method for PUD development set forth in this Chapter:

- a. The application for final plan conforms to the approved PUD District; and
- b. The applicant has diligently pursued the final plan or has received an extension of time in accordance with Section 23-2-790 E of this Chapter.

2. All other PUD applications shall adhere to the rules and regulations as set forth in Chapter 27 of this Code. (Weld County Code Ordinance 2010-6)

Sec. 23-1-90. Definitions.

For the purposes of this Chapter, certain terms or words used herein shall be interpreted as defined in this Section. The following specific words and phrases, when appearing in this Chapter in uppercase letters, shall have the meanings stated in this Section:

ACCESSORY BUILDING or *USE*: any BUILDING or USE which:

- a. Is subordinate in purpose, area or intensity to the principal BUILDING or USE served.
- b. Is normally associated with the principal building or use.
- c. Contributes to the needs of the occupants, business enterprise or industrial operation within the principal BUILDING or USE served.
- d. Is located on the same LOT as the principal BUILDING or USE.

ADJACENT: When used to indicate land in the immediate vicinity of a LOT, means land which shares a boundary line with the LOT in question or which would share a boundary line were it not for the separation caused by a STREET or ALLEY.

ADULT BUSINESS, SERVICE or ENTERTAINMENT ESTABLISHMENT: Any business, service or entertainment establishment open to the public in which persons appear in a STATE OF NUDITY for the purpose of entertaining patrons at such establishment. This definition should not include any establishments offering such entertainment where those establishments hold a valid liquor license pursuant to the Colorado Liquor Code or Beer Code.

AIRPORT: Any locality, situated on water or land which is adapted for the landing and taking off of aircraft and which may provide facilities for shelter, supply and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air. Includes all land, BUILDINGS, STRUCTURES or other improvements necessary or convenient in the establishment and operation of an AIRPORT.

AIRPORT (This definition applies only to *AIRPORT* when used in the A-P (Airport Overlay District): Greeley-Weld County Airport, located in Sections 2 and 3, T5N, and Sections 26 and 35, T6N, R65W of the 6th P.M., Weld County, Colorado.

AIRPORT ELEVATION: The established elevation of the highest point on the usable land area (four thousand six hundred ninety [4,690] feet above sea level).

AIRPORT HAZARD: Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT REFERENCE POINT: The point established as the geographic center of the AIRPORT landing area. The reference point at Greeley-Weld County AIRPORT is a point three thousand one hundred (3,100) feet west of the east line of Section 2, T5N, R68W of the 6th P.M., Weld County, Colorado, and two thousand two hundred fifty (2,250) feet south of the north line of said Section 2, which geographical coordinates are Latitude 40°26'8" north and Longitude 104°37'55" west.

AIRSTRIP: Any locality, situated on either water or land which is adapted for the landing and taking off of aircraft, operated by the owner or lessee of the land USED as an AIRSTRIP. An AIRSTRIP may be USED only for private aircraft owned or leased by the operator of the AIRSTRIP.

ALTERATION OF A WATERCOURSE: Any DEVELOPMENT which changes the direction of flow of water in a river or stream or any DEVELOPMENT which results in a change of ten percent (10%) or more in the INTERMEDIATE REGIONAL FLOOD water flows. Any channelization of a river or stream is also considered to be an *ALTERATION OF A WATERCOURSE*.

ANIMAL BOARDING: The maintaining of LIVESTOCK, other than those owned by the property owner and where any of the following are provided: shelter, care, confinement, feed and water.

ANIMAL UNIT: A term and number used to establish an equivalency for various species of LIVESTOCK. The number of LIVESTOCK allowed by right is dependent upon bulk requirements of the A (Agricultural), A-1 (Concentrated Animal), E (Estate) or R-1 (Low-Density Residential) Zone District. LIVESTOCK in excess of the bulk requirements for the Agricultural Zone District shall require a Use by Special Review Permit for a LIVESTOCK CONFINEMENT OPERATION. In the A-1 Zone District, the applicant shall specify the maximum number of ANIMAL UNITS and species to be associated with the Livestock Confinement Operation. All Livestock Confinement Operations in the A-1 Zone District require a Site Plan Review and are subject to the Site Plan

Review requirements outlined in Article II, Division 3, of this Code. All LIVESTOCK shall have the following ANIMAL UNIT equivalents and bulk requirements contained in Tables 23.1A, 23.1B, 23.1C and 23.1D below:

Table 23.1A
Animal Units in the A (Agricultural) Zone District

	<i>Animal Unit Equivalents</i>	<i>Number of Animals Equivalent to One Animal Unit</i>	<i>Maximum Number of Animals per Acre</i>			
			<i>Less Than 80 Gross Acres</i>	<i>Less than 320 Gross Acres, or a Minimum of 1/2 of a Quarter Section</i>	<i>Less than 640 Gross Acres, or a Minimum of 1/2 of a Section</i>	<i>640 Gross Acres or Greater, or a Minimum of 1 Section</i>
Cattle	1	1	4	6	8	10
Bison	1	1	4	6	8	10
Mule	1	1	4	6	8	10
Ostrich	1	1	4	6	8	10
Elk	1	1	4	6	8	10
Horse	1	1	4	6	8	10
Swine	.2	5	20	30	40	50
Sheep	.1	10	40	60	80	100
Llama	.1	10	40	60	80	100
Goat	.1	10	40	60	80	100
Alpaca	.075	13	52	78	104	130
Poultry	.02	50	200	300	400	500
Rabbit	.02	50	200	300	400	500

Table 23.1B
Animal Units in the E (Estate) Zone District

	<i>Animal Unit Equivalents</i>	<i>Number of Animals Equivalent to One Animal Unit</i>	<i>Maximum Number Per Acre</i>
Cattle	1	1	1
Horse	1	1	1
Swine	1	1	1
Mule	1	1	1
Burro	1	1	1
Sheep	.5	2	2
Goat	.5	2	2
Llama	.1	10	10
Alpaca	.075	13	13
Poultry	.04	25	25
Rabbit	.04	25	25

Table 23.1C
Animal Units in the R-1 (Low-Density Residential) Zone District

	<i>Animal Unit Equivalents</i>	<i>Number of Animals Equivalent to One Animal Unit</i>	<i>Maximum Number Per Lot</i>
Cattle	1	1	2
Horse	1	1	2
Swine	1	1	1
Llama	.5	2	4
Alpaca	.5	2	4
Sheep	.2	5	10
Goat	.2	5	10
Poultry	.02	50	100
Rabbit	.02	50	100

Table 23.1D
Animal Units in the A-1 (Concentrated Animal) Zone District

	<i>Animal Unit Equivalents</i>	<i>Number of Animals Equivalent to 1 Animal Unit</i>	<i>Maximum Number of Animals per Acre</i>		
			<i>Less than 320 Gross Acres, or a Minimum of a Quarter Section</i>	<i>Less than 640 Gross Acres, or a Minimum of ½ of a Section</i>	<i>640 Gross Acres or Greater, or a Minimum of 1 Section</i>
Cattle	1	1	6	8	10
Bison	1	1	6	8	10
Mule	1	1	6	8	10
Ostrich	1	1	6	8	10
Elk	1	1	6	8	10
Horse	1	1	6	8	10
Swine	.2	5	30	40	50
Sheep	.1	10	60	80	100
Llama	.1	10	60	80	100
Goat	.1	10	60	80	100
Alpaca	.075	13	78	104	130
Poultry	.02	50	300	400	500
Rabbit	.02	50	300	400	500

Any combination of the above LIVESTOCK and their equivalents as a Use by Right shall not exceed the maximum of four (4) ANIMAL UNITS per acre in the A (Agricultural) Zone District on LOTS less than eighty (80) gross acres, not to exceed six (6) ANIMAL UNITS per acre on LOTS a minimum of one-half (½) of a Quarter Section and less than three hundred twenty (320) gross acres,

not to exceed eight (8) ANIMAL UNITS per acre on LOTS a minimum of one-half (½) of a Section and less than six hundred forty (640) gross acres, and not to exceed ten (10) ANIMAL UNITS per acre on LOTS six hundred forty (640) gross acres or larger; in the A-1 (Concentrated Animal) Zone District, ANIMAL UNITS shall not exceed the maximum of six (6) ANIMAL UNITS per acre on LOTS a minimum of a Quarter Section and less than three hundred twenty (320) gross acres, not to exceed eight (8) ANIMAL UNITS per acre on LOTS a minimum of one-half (½) of a Section and less than six hundred forty (640) gross acres, and not to exceed ten (10) ANIMAL UNITS per acre on LOTS six hundred forty (640) gross acres or larger; one (1) per acre, not to exceed eight (8) ANIMAL UNITS per LOT in the E (Estate) Zone District; or two (2) ANIMAL UNITS per LOT in the R-1 (Low-Density Residential) Zone District.

APPEAL: The request for a review of the County's interpretation of any provision of this Chapter or a request for a VARIANCE.

AREA OF SPECIAL FLOOD HAZARD: See INTERMEDIATE REGIONAL FLOOD definition.

AUXILIARY QUARTERS: One (1) or more interconnected rooms permanently attached to or located within a SINGLE-FAMILY DWELLING which are arranged, designed, used or intended for USE as a complete independent living facility for one (1) FAMILY. All AUXILIARY QUARTERS shall comply with the following requirements:

- a. The AUXILIARY QUARTERS may not be used on any basis as a rental.
- b. The USE is subordinate in purpose, area or intensity and the occupants contribute to the needs of the occupants of the SINGLE-FAMILY DWELLING served.
- c. The gross floor area of the SINGLE-FAMILY DWELLING shall be no less than one thousand six hundred (1,600) square feet in size.
- d. The minimum lot size shall be no less than two and one-half (2½) acres.
- e. The minimum GROSS FLOOR AREA of the AUXILIARY QUARTERS shall be no less than three hundred (300) square feet in size, and the maximum shall not exceed fifty percent (50%) in size of the GROSS FLOOR AREA of the SINGLE-FAMILY DWELLING, not to exceed one thousand (1,000) square feet in size.
- f. The AUXILIARY QUARTERS shall be attached by common roof and foundation.
- g. The AUXILIARY QUARTERS and the SINGLE-FAMILY DWELLING shall be connected by a party wall or shall not be separated by more than twice the width of the projected view of the shortest exterior wall of the AUXILIARY QUARTERS.

BASE FLOOD: See INTERMEDIATE REGIONAL FLOOD.

BASEMENT: Any floor level below the first story or main floor of a building. The BASEMENT is wholly or partially lower than the surface of the ground. For the purposes of this Chapter, any crawl space with six (6) feet or more between the floor and the ceiling shall be considered to be a BASEMENT.

BASEMENT (This definition applies only to a BASEMENT when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): Any floor level below the first story or main floor of a building, having its floor subgrade (below ground level) on all sides. The BASEMENT is wholly or partially lower than the surface of the ground. For the purposes of this Chapter, any crawl space with six (6) feet or more between the floor and the ceiling shall be considered to be a BASEMENT.

BED AND BREAKFAST FACILITY: A facility in an owner-occupied DWELLING that offers TEMPORARY accommodation to lodging guests for a fee.

BREWERY: Any establishment licensed pursuant to the provisions of Title 12, Article 47, C.R.S., where malt liquors are manufactured, except brew pubs. Malt liquors include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2 %) of alcohol by weight or four percent (4%) alcohol by volume.

BREW PUB: A retail establishment licensed pursuant to the provisions of Title 12, Article 47, C.R.S., that manufactures not more than one million eight hundred sixty thousand (1,860,000) gallons of malt liquor on its licensed premises or licensed alternating proprietor licensed premises, combined, each calendar year. Malt liquors include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2 %) of alcohol by weight or four percent (4%) alcohol by volume.

BUILDING: Any STRUCTURE, excluding fences, erected for shelter or enclosure of persons, animals or personal property of any kind.

BUILDING ENVELOPE: The two-dimensional space within which a structure is permitted to be built on a lot. The bulk requirements for the specific zone districts addressed in this Code shall also be followed.

BUILDING HEIGHT: The vertical distance from mean natural grade at foundation to the highest point of the roof or appurtenances, not including church spires and residential chimneys.

BUILDING, PRINCIPAL: A BUILDING in which is conducted the main or primary USE of the LOT on which said BUILDING is located.

CAMPGROUND: An area used for TEMPORARY placement and occupancy of RECREATIONAL VEHICLES or camping tents.

CARGO CONTAINER: A receptacle with all of the following characteristics:

- a. Of a permanent character and accordingly strong enough to be suitable for repeated use, constructed of metal and being airtight and water-resistant.
- b. Specially designed to facilitate the carriage of goods, by one (1) or more modes of transport, one (1) of which shall be by vessels, without intermediate reloading.
- c. Fitted with devices permitting its ready handling, particularly its transfer from one (1) mode of transport to another.

d. So designed to be easy to fill and empty.

e. Having a cubic displacement of one thousand (1,000) cubic feet or more for a cargo container used solely for storage. Cargo containers used for DWELLINGS shall conform to the bulk requirements in each zone district.

f. A railroad car of any type shall not be considered a CARGO CONTAINER.

CEMETERY: Land used for the burial of the dead and dedicated for memorial purposes, whereby plots are reserved and sold. Includes columbaria and mausoleums.

CHANNEL (FLOODPLAIN): 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.

CHILD CARE CENTER: A facility, by whatever name known, which is maintained for the whole or part of a day for the care of more than eight (8) children under the age of sixteen (16) years and not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery SCHOOLS, kindergartens, preschools, play groups, day camps, summer camps and centers for developmentally disabled children and those facilities which give twenty-four-hour care for dependent and neglected children, and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a PUBLIC, private or parochial college or a private or parochial SCHOOL; except that the term shall not apply to any kindergarten maintained in connection with a PUBLIC, private or parochial elementary SCHOOL system of at least six (6) grades or to any preschool established pursuant to the provisions of Title 22, Article 28, C.R.S., which is maintained in connection with a public school system of at least six (6) grades so long as the school system is not also providing extended day services.

CHURCH: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Table 23-1D

<i>Land Use Process for Churches</i>															
Zone	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4	I-1	I-2	I-3	E	PUD	A
Application	USR	USR	USR	USR	USR	SPR	SPR	SPR	USR	SPR	SPR	SPR	USR	USR/SPR	USR

USR – Use by Special Review

SPR – Site Plan Review

CLUSTER: A residential development technique that concentrates individual lots on part of the site to allow the remaining land to be used for recreation, common open space and the preservation of environmentally sensitive features such as wildlife habitat, riparian zones and agricultural lands. If a CLUSTER development is proposed on agricultural lands, the land shall be currently used or capable of being used for agricultural production such as farming and ranching operations for the next forty (40) years. The intent of the A (Agricultural) Zone District as outlined in Chapters 22, 23,

24 and 27 of this Code, including Weld County's Right to Farm, shall be met. A CLUSTER development may be used in URBAN and NONURBAN AREAS.

COMMERCIAL: An activity where goods, products or services are bought, sold or transferred in ownership on a fee, contract or barter basis excluding those uses listed by right and accessory uses in the A (Agricultural) Zone District.

COMMERCIAL JUNKYARD: An open or enclosed area where any waste, JUNK or used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited, to scrap iron and other metals, paper, rags, rubber tires and bottles. A COMMERCIAL JUNKYARD also includes the storage or keeping of DERELICT VEHICLES.

COMMERCIAL MINERAL DEPOSIT: A natural mineral deposit of limestone used for construction purposes, coal, sand, gravel and quarry aggregate, for which extraction by an EXTRACTOR is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, State or nation.

COMMERCIAL SCHOOL: A SCHOOL established to provide on-site training of business, trade, commercial, industrial, clerical, managerial or artistic skills, such as a beauty SCHOOL, ceramic store or driving SCHOOL. This definition applies to SCHOOLS that are owned and operated privately for profit and that do not typically offer a complete educational curriculum. This classification excludes establishments that provide training in an activity that is not otherwise generally permitted in the zone district. Incidental instructional services in conjunction with another primary use shall not be considered a COMMERCIAL SCHOOL.

COMMERCIAL VEHICLE: Any vehicle, other than an automobile, used or previously used to facilitate an activity where goods, products or services are bought, sold or transferred in ownership on a fee, contract or barter basis, excluding those uses listed by right and accessory uses in the A (Agricultural) Zone District. A COMMERCIAL VEHICLE shall include, but is not limited to, semi-tractors and trailers, dump trucks, construction equipment and tow trucks. A COMMERCIAL VEHICLE shall not be allowed to deteriorate to the condition of a DERELICT VEHICLE or be utilized as a storage unit, unless the use is allowed through the zone district.

COMMON OPEN SPACE: A parcel of land, an area of water or a combination of land and water, excluding STREETS, PARKING LOTS and rights-of-way within the site designated for a Planned Unit Development, designed and intended primarily for the USE or enjoyment of residents, occupants and owners of the Planned Unit Development.

COMPLETE APPLICATION: All necessary information required as part of the submittal criteria of a land use case, as defined in sections pertaining to the type of case being processed.

COMPREHENSIVE PLAN: The duly adopted Weld County Comprehensive Plan, Chapter 22 of this Code.

CONSERVATION EASEMENT: An encumbrance upon an identified parcel of land stipulating the restriction on additional or future development. The easement restricts the development rights to the land, but the landowner still holds the title to the property, the right to restrict public access and the right to sell, give or transfer ownership of the property.

CONSTRUCTION TRAILER: A MANUFACTURED STRUCTURE or COMMERCIAL VEHICLE used for other than a TEMPORARY time period for office use or the storage of construction-related plans, supplies, equipment and related items to be accessed exclusively by Construction personnel. CONSTRUCTION TRAILERS shall comply with requirements set forth in this Chapter, including required zoning SETBACKS and OFFSETS, and shall be installed in accordance with the requirements set forth in Chapter 29 of this Code and adhere to the zoning permit requirements of Section 23-4-190 of the Code. All CONSTRUCTION TRAILERS shall demonstrate that water and sewage disposal facilities are available.

CONTRACTOR'S SHOPS: Establishments engaged in installing and servicing such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation and service facilities or utilities.

CORRECTIONAL FACILITY: Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under twenty-four-hour supervision by professionals ("lock down"), except when on approved leave. If the USE otherwise complies with this definition, a CORRECTIONAL FACILITY may include, by way of illustration, a pre-parole facility, jail, prison or other place of incarceration.

COUNTY: The COUNTY of Weld, a home rule county in the State of Colorado.

CRITICAL FEATURE: An integral and readily identifiable part of a FLOOD protection system, without which the FLOOD protection provided by the entire system would be compromised.

DAIRY: An establishment for the primary production and subsequent sale or distribution of milk and/or milk products.

DERELICT MANUFACTURED (MOBILE) HOME: A MANUFACTURED (MOBILE) HOME that is partially or totally damaged by fire, earthquake, wind or other natural causes, or is in a state of general dilapidation, deterioration or decay resulting from improper lack of maintenance, vandalism or infestation with vermin or rodents. Any such DERELICT MANUFACTURED (MOBILE) HOME shall be returned to and maintained in the condition as originally established on site and as inspected by the Building Inspection Department, or it shall be removed from site.

DERELICT VEHICLE: A vehicle that is inoperable (unable to move under its own power); is partially or totally dismantled; has all or portions of its body work missing or is substantially damaged; does not have valid registration with the State, as required by Section 42-3-103, 42-3-138 or 42-12-102, C.R.S., and/or the number plate assigned to it is not permanently attached to the vehicle, as required by Section 42-3-123, C.R.S.; or is lacking proper equipment to the extent that it would be unsafe or illegal to USE on public road rights-of-way or otherwise not equipped with lamps and other equipment, as required in Sections 42-4-202 to 42-2-227, C.R.S. This definition shall not include implements of husbandry, farm tractors or vehicles customarily operated in a FARMING operation.

DEVELOPER: The legal or beneficial owner or owners of any of the land proposed to be included in a given DEVELOPMENT, or the authorized agent therefor, including the holder of an option or contract to purchase, or other individual having an enforceable legal interest in such land.

DEVELOPMENT: The placement, construction, erection, reconstruction, movement and/or alteration of BUILDINGS and/or other STRUCTURES, the placement of paved areas, drainage

improvements or alterations on the historic flow of drainage patterns or amounts, and the placement of lighting and/or other appurtenances related to any and all USES.

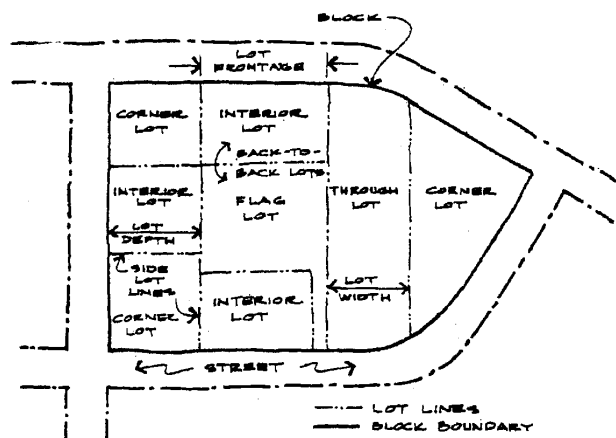
DEVELOPMENT (This definition applies only to *DEVELOPMENT* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

DEVELOPMENT STANDARDS: A list of items that are compiled and approved by the COUNTY that governs the USE and/or operation of a Special Review Permit. The list is placed on the Special Review Permit Plan map prior to recording the map with the County Clerk and Recorder.

DISTILLERY: Any establishment licensed pursuant to the provisions of Title 12, Article 47, C.R.S., where spirituous liquors are manufactured. Spirituous liquors include any alcohol beverage obtained by distillation, mixed with water and other substances in solution and includes among other things brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing at least one-half of one percent (0.5 %) alcohol by volume and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except as provided in Sections 12-47-103(19) and (39), C.R.S., shall not be construed to be fermented malt or malt or vinous liquor but shall be construed to be spirituous liquor.

DOMESTIC SEPTIC SLUDGE: Liquid, semi-liquid or solid waste pumped from septic tanks, vaults, waste holding tanks and similar STRUCTURES which would be pumped and transported for final disposal by a licensed County septic tank cleaner. This definition does not include hazardous waste, industrial waste which is toxic or hazardous, infectious, highly putrescible or waste that contains more than one percent (1%) petroleum hydrocarbons by volume. Septic sludge under this definition may not contain more than fifteen percent (15%) raw sewage by volume.

DOUBLE FRONTAGE: A lot that fronts upon two (2) parallel streets, or a lot that fronts upon two (2) streets that do not intersect at the boundaries of the lot. A DOUBLE FRONTAGE LOT is often referred to as a Through Lot, as illustrated below.



DWELLING, MULTI-FAMILY: A BUILDING containing four (4) or more DWELLING UNITS other than MOBILE HOMES or MANUFACTURED HOMES arranged, designed and intended to be occupied by four (4) or more LIVING UNITS.

DWELLING, SINGLE-FAMILY (SINGLE-FAMILY DWELLING): A DWELLING UNIT or MANUFACTURED HOME other than a MOBILE HOME arranged, designed and intended to be occupied by not more than one (1) LIVING UNIT. The projected view of any exterior wall of a DWELLING UNIT or MANUFACTURED HOME shall not be less than twenty-four (24) feet.

DWELLING, THREE-FAMILY/TRIPLEX: A BUILDING containing three (3) DWELLING UNITS other than MOBILE HOMES or MANUFACTURED HOMES arranged, designed and intended to be occupied by not more than three (3) LIVING UNITS.

DWELLING, TWO-FAMILY/DUPLEX: A BUILDING containing two (2) DWELLING UNITS other than MOBILE HOMES or MANUFACTURED HOMES arranged, designed and intended to be occupied by not more than two (2) LIVING UNITS.

DWELLING UNIT: One (1) or more interconnected rooms which are arranged, designed, used or intended for USE as a complete independent living facility for one (1) LIVING UNIT. The term *DWELLING UNIT* does not include HOTELS, MOTELS, RECREATIONAL VEHICLES or other places or accommodations when used for transient occupancy.

ELECTRIC TRANSMISSION LINES: The system, including lines and support STRUCTURES, used to transmit electric energy in amounts of one hundred fifteen (115) kV and above.

ELEVATE: To build or raise a STRUCTURE to the level, or above the level of the REGULATORY FLOOD DATUM.

ENCLOSED: An object or activity shall be ENCLOSED if all aspects of, or a USE, are surrounded on all sides of a BUILDING.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION (This definition applies only to *MANUFACTURED HOME PARK* or *SUBDIVISION* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A parcel (or contiguous parcels) of land divided into two (2) or more MANUFACTURED HOME LOTS for rent or sale.

EXOTIC ANIMAL: Any vertebrate animal except fishes and amphibians that is not defined herein as *LIVESTOCK* or *HOUSEHOLD PET*.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION (This definition applies only to an *EXPANSION TO AN EXISTING MANUFACTURED HOME PARK* or *SUBDIVISION* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): The preparation of additional sites by the construction of facilities for servicing LOTS on which the MANUFACTURED HOMES are to be affixed (including the installation of utilities, construction of streets and either final site grading or the pouring of concrete pads).

EXTRACTOR: Any individual, partnership, association or corporation which extracts COMMERCIAL MINERAL DEPOSITS for USE in the business of selling such deposits or for use in another business owned by the extractor or any department or division of federal, state, county or municipal government which extracts such deposits.

FAMILY: An individual, or a group of two (2) or more individuals related by blood, marriage or adoption, living together. (See also *LIVING UNIT*.)

FARM, RANCH AND GARDEN BUILDINGS AND USES: Those BUILDINGS and STRUCTURES used to shelter or ENCLOSE LIVESTOCK, feed, flowers, field equipment, DAIRY operations or similar USES; and those USES of land devoted to raising of crops, poultry or LIVESTOCK.

FARMING: The cultivation of land, growing of crops, ranching and/or the raising of LIVESTOCK.

FARMLAND – U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICES: The availability of a consistent supply of clean water must exist in order to have prime FARMLAND. Prime FARMLAND is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and is also available for these USES (the land could be cropland, pastureland, rangeland, forest land or other land, but not urban build-up land or water). It has the soil quality, growing season and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable FARMING methods. In general, FARMLANDS have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, salt and sodium content and few or no rocks. Prime FARMLANDS are permeable to water and air. Prime FARMLANDS are not excessively erodible or saturated with water for a long period of time, and they either do not FLOOD frequently or are protected from flooding. (U.S. Department of Agriculture, Soil Conservation Services [Special Series 17], January 1980; additional supplements.)

FARMLAND – WELD COUNTY NONPRIME: NONPRIME FARMLAND is low capability land that is not considered important land for food production. It may be composed of poorer soils prone to erosion or may have topographical limitations such as slopes or gullies.

FARMLAND – WELD COUNTY PRIME: The availability of a consistent supply of quality water must exist in order to have PRIME FARMLANDS. PRIME and PRIME *if irrigated* lands fall into upper capability classes as defined by the Natural Resource Conservation Service and Colorado State University Cooperative Extension Service and should be protected equally if irrigation water is available and they are located within a reasonable distance of water delivery STRUCTURES.

FILL: Any material such as earth, clay, sand, concrete, rubble or waste of any kind which is placed or stored upon the surface of the ground.

FLOOD: A general and TEMPORARY condition of partial or complete inundation of normally dry land areas caused by the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD AREA: Any land which is subject to inundation by the flood waters of an intermediate regional flood. Flood hazard areas in the unincorporated areas of the COUNTY are shown as FP-1 and FP-2 (Floodprone) and FW (FLOODWAY) District on the Official Weld County Flood Hazard Overlay District Zoning Maps.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the AREA OF SPECIAL FLOOD HAZARDS and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency that includes FLOOD profiles, the FLOOD Boundary FLOODWAY Map and the WATER SURFACE ELEVATION of the BASE FLOOD.

FLOOD, ONE-HUNDRED-YEAR: (See INTERMEDIATE REGIONAL FLOOD).

FLOOD WATER DEPTH: The depth of the water at any point in a FLOODPLAIN during an INTERMEDIATE REGIONAL FLOOD.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source. An INTERMEDIATE REGIONAL FLOODPLAIN includes the land area which is likely to be inundated by the water of an INTERMEDIATE REGIONAL FLOOD.

FLOODPROOF: Any combination of structural and nonstructural designs, changes, adjustments or additions to properties or STRUCTURES which are designed to eliminate FLOOD damage to STRUCTURES and water and sanitary sewer facilities.

FLOODWAY: The CHANNEL of a river or WATERCOURSE and the adjacent land areas which is required to carry and discharge the floodwaters of the INTERMEDIATE REGIONAL FLOOD without increasing the WATER SURFACE ELEVATION more than one (1) foot. The FLOODWAY is shown on the Official Weld County Flood Hazard Overlay District Zoning Maps as the FW (FLOODWAY) District.

FOSTER CARE HOME: A facility certified by the County or a child placement agency for child care in the residence of a person or family for the purpose of providing twenty-four-hour care for one (1) or more children under the age of twenty-one (21), who may or may not be related to the head of the household. Medical foster care homes, as defined by Section 26-2-102, C.R.S., are included in this definition.

FUNERAL HOME: A BUILDING or part thereof for funeral services, including but not limited to space and facilities for embalming, performance of autopsies, cremation, related storage and a chapel.

GEOLOGIC HAZARD: A geologic phenomenon which is so adverse to past, current or foreseeable construction or land USE as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to: unstable or potentially unstable slopes, seismic effects, radio activity and GROUND SUBSIDENCE.

GEOLOGIC HAZARD AREA: An area which contains or is directly affected by a GEOLOGIC HAZARD.

GROSS FLOOR AREA: The sum total of the floor area of each horizontal level of a BUILDING, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

GROUND SUBSIDENCE: A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, dissolution of underground minerals or underground mining.

GROUP HOME FACILITY: A DWELLING UNIT which is licensed by the State, and/or authorized or regulated by either the state or federal government or both, and which provides non-

institutionalized housing for a group of persons living as a single housekeeping unit, as determined by reference to Sections 30-28-115, 31-23-301 and 31-23-303, C.R.S. A GROUP HOME FACILITY shall be for one (1) of the following groups:

- a. A group of no more than eight (8) handicapped persons living in a state-licensed group home or independent living center, as defined by Section 26-8.1-102, C.R.S.;
- b. A group of no more than eight (8) persons with developmental disabilities (see Sections 27-10.5-102 and 30-28-115, C.R.S.) living in a state-licensed group home or community residential home;
- c. A group of not more than eight (8) persons with a mental illness, as specified and limited by Section 30-28-115, C.R.S., living in a state-licensed group home; or
- d. A group of not more than eight (8) persons, sixty (60) years of age or older, who do not need nursing facilities.

Group homes that do not meet the conditions listed above, or which are proposed to be located within seven hundred fifty (750) feet of an existing GROUP HOME FACILITY or RESIDENTIAL THERAPEUTIC CENTER, shall be considered RESIDENTIAL THERAPEUTIC CENTERS for the purposes of this Code.

HAZARD AREA: Any area governed by the GEOLOGIC HAZARD Overlay District regulations where a natural or man-made condition presents a potentially significant harm to public health, safety, welfare or property.

HEAVY MANUFACTURING - PROCESSING: The manufacture of compounding process or raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic materials or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of the manufacturing process, i.e., Ethanol Plant.

HEIGHT (This definition applies only when used in the A-P AIRPORT Overlay District: For the purpose of determining the HEIGHT limits in all surfaces set forth in this Section and shown on the zoning map, the datum shall be MEAN SEA LEVEL elevation unless otherwise specified.

HOME BUSINESS: An incidental USE to the principal permitted USE for gainful employment of the FAMILY residing on the property, where:

- a. Such USE is conducted primarily within a DWELLING UNIT or ACCESSORY STRUCTURE and principally carried on by the FAMILY resident therein.
- b. Such USE is clearly incidental and secondary to the principal permitted USE and shall not change the character thereof.

A HOME BUSINESS shall not be interpreted to include the following: clinic, HOSPITAL, nursing home, animal hospital, HOTEL/MOTEL, RESTAURANT, mortuary or organized classes where more than six (6) persons meet together for instruction on a regular basis (does not include classes sponsored by a PUBLIC SCHOOL).

HOME OCCUPATION: An incidental use of a DWELLING UNIT for gainful employment of the resident therein, where:

a. Whether a CLASS I or CLASS II, a HOME OCCUPATION may utilize up to fifty percent (50%) of a DWELLING UNIT and/or in ACCESSORY BUILDINGS with appropriate building permits.

b. Such USE is clearly incidental and secondary to the USE of the dwelling for dwelling purposes and shall not change the character thereof.

c. Hours of operation for public access shall be limited between 7:00 a.m. and 7:00 p.m.

d. There is no exterior storage, display or sales of materials, goods, supplies or equipment related to the operation of such HOME OCCUPATION, nor of any highly explosive or combustible materials.

e. Does not create any negative impacts to the public health, safety and general welfare of the adjacent property owners, such as little or no offensive noise, vibration, smoke, dust, odors, lighting, traffic congestion, trash accumulation, heat, glare or electrical interference, or other hazard or nuisance noticeable off the LOT.

f. HOME OCCUPATIONS shall maintain compliance with Health, Building and all other applicable local, state and federal regulations.

Ordinarily, a HOME OCCUPATION shall not be interpreted to include the following: clinic, HOSPITAL, nursing home, animal hospital, HOTEL/MOTEL, RESTAURANT, mortuary, vehicle or boat repair (including painting) or organized classes where more than six (6) persons meet together for instruction on a regular basis (does not include classes sponsored by a PUBLIC SCHOOL).

HOME OCCUPATION – CLASS I: A HOME OCCUPATION – CLASS I shall be conducted solely by the inhabitants of the DWELLING UNIT and comply with all criteria called out in the HOME OCCUPATION definition above. The site shall not be accessible by the public. Signage: may consist of a maximum of one (1) nonilluminated sign no more than one (1) square foot in size which must be attached to the face of the DWELLING UNIT. Ordinarily, a HOME OCCUPATION – CLASS I shall include similar uses to home office (no customers), cake decoration and internet sales, etc. A day care home (eight [8] or fewer children under the age of sixteen [16]) shall be considered a CLASS I HOME OCCUPATION.

HOME OCCUPATION – CLASS II: A HOME OCCUPATION – CLASS II shall be conducted by the inhabitants of the DWELLING UNIT plus up to two (2) external employees and comply with all criteria called out in the HOME OCCUPATION definition above. Two (2) associated COMMERCIAL VEHICLES can be included under this application. There shall only be incidental sales of stocks, supplies or products conducted on the premises. Signage: may consist of a maximum of one (1) nonilluminated sign no more than nine (9) square feet in size which must be attached to the face of the DWELLING UNIT. Does not produce traffic volumes exceeding that produced by the DWELLING UNIT by more than sixteen (16) average daily trips, provided adequate off-street parking is provided. Please keep in mind that one (1) vehicle produces two (2) trips, one (1) when arriving and one (1) when leaving. Therefore, an average of only eight (8) cars can come to the property per day. Trips include those produced by the residents for any purpose related to conducting the business, the two (2) employees, clients, deliveries related to the business, etc. Ordinarily, a HOME OCCUPATION – CLASS II shall include uses similar to hair salon, welding shop, tax preparation with customers, etc., provided it meets the criteria set forth.

HOSPITAL: Any institution receiving inpatients and rendering medical, surgical, psychiatric or obstetrical care for humans, to include general HOSPITALS and specialized institutions.

HOTEL/MOTEL: A BUILDING or portion thereof or a group of BUILDINGS which provides sleeping accommodations for hire in separate units or rooms for transients on a daily, weekly or similar short-term basis. A HOTEL or MOTEL shall not be deemed to include any establishment which primarily provides residential living accommodations on a permanent basis.

HOUSEHOLD PETS: Any nonvenomous species of reptile and any domestic dog, domestic cat, rodent, primate or bird over the age of six (6) months; provided that members of the order *crocodilia* (e.g. crocodiles, alligators, etc.), large primates, including gorillas, orangutans, baboons, chimpanzees, members of the class Aves, order *falcones* (e.g. hawks, eagles, vultures, etc.); and animals defined as LIVESTOCK herein, shall not be considered to be HOUSEHOLD PETS for the purpose of this Chapter. (Note: See definitions of EXOTIC ANIMALS, LIVESTOCK and KENNEL.)

INSTRUMENT RUNWAY: The East-West Runway, No. 9-27, equipped, or to be equipped, with a precision electronic navigation aid, landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions and described as follows: A tract of land in Sections 2 and 3, T5N, and Sections 35 and 26, T6N, R65W, of the 6th P.M., situated in Weld County, Colorado, or more particularly described as follows: Beginning at the intersection of State Highway 263, Darling Ranch Road, thence North 74°12' west a distance of six thousand two hundred (6,200) feet is the centerline of the INSTRUMENT RUNWAY, which extends fifty (50) feet on each side of said centerline.

INTERMEDIATE REGIONAL FLOOD (BASE FLOOD, ONE-PERCENT FLOOD, ONE-HUNDRED-YEAR FLOOD): A FLOOD which has a one-percent chance of being equaled or exceeded in any given year.

JUNK: Scrap brass, iron, lead, tin, zinc; all other scrap metals and alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles, old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; DERELICT VEHICLES; used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

KENNEL: Any place other than a PET SHOP or veterinary clinic or HOSPITAL, where five (5) or more HOUSEHOLD PETS of one (1) species, or a total of eight (8) or more household pets of two (2) or more species, are kept or maintained. Property that is zoned A (Agricultural) and not part of a platted subdivision or unincorporated town and which is larger than ten (10) acres shall be permitted to keep or maintain the following without being considered a KENNEL: eight (8) HOUSEHOLD PETS of one (1) species, or sixteen (16) HOUSEHOLD PETS of two (2) or more species and, in addition, no more than thirty (30) birds, as long as the landowner or occupant holds a current Common Bird Breeder license issued by the Colorado Department of Agriculture Animal Industry Division and is in good standing with such Division.

LANDSCAPE: Includes any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or turf, and may include natural features such as rock, stone and bark, and architectural features including, but not limited to, fountains, reflecting pools, art works, screen walls, fences, STREET furniture, walks, decks and ornamental concrete or stonework.

LANDSCAPE MAINTENANCE: The regular irrigation, weeding, fertilization, mowing, trash cleanup and pruning of all LANDSCAPE, the treatment or repair of all diseased, insect-ridden, broken or vandalized LANDSCAPE, and the replacement of dead or irreparable LANDSCAPE in substantially similar kind.

LEGAL LOT: As used in this Chapter, the term *LEGAL LOT* shall refer to:

- a. Any parcel lawfully in existence at the time of adoption of the ordinance codified herein.
- b. Any parcel created subsequent to the adoption of the ordinance codified herein, which:
 - 1) Meets the minimum area and similar requirements specified by this Chapter and which was created in conformance with Chapter 24 of this Code.
 - 2) For parcels in the A (Agricultural) Zone District, meets the minimum area and similar requirements specified by this Chapter or which was created in conformance with Chapter 24 of this Code.
 - 3) For which a Use by Special Review has been approved in conformance with this Chapter and for which any required documents have been recorded with the County Clerk and Recorder.
 - 4) Be approved in conformance with Section 23-3-40 L of this Chapter.

LEVEE: A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from Temporary Flooding.

LEVEE SYSTEM: A FLOOD protection system which consists of a LEVEE or LEVEES and associated STRUCTURES, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIVESTOCK: Cattle, bison, mules, burros, llamas, ostriches, elk, horses, swine, sheep, goats, poultry and rabbits.

LIVESTOCK CONFINEMENT OPERATION (L.C.O.): A place of confinement for LIVESTOCK, corralled, penned or otherwise caused to remain in pens or corrals, where feeding is other than grazing, or where the capacity at any one (1) time is greater than permitted in the bulk requirements for the zoning district in which it is located. For example, an L.C.O. may include DAIRIES, feedlots and poultry and swine production facilities.

LIVING UNIT: One (1) FAMILY plus up to three (3) additional individuals whose place of residence is with the FAMILY in the DWELLING UNIT.

LOT: The basic DEVELOPMENT unit, an area with fixed boundaries, USED or intended to be USED by one (1) BUILDING and its ACCESSORY USES, STRUCTURES and/or BUILDINGS. A Lot shall not be divided by any public highway, STREET or ALLEY. A LOT must meet the requirements of the zoning district in which it is located and must have access to a PUBLIC STREET or an approved private STREET.

LOW GROUND SUBSIDENCE HAZARD AREA: areas in which the rate and magnitude of any surface displacement would be small enough to warrant repair of damage to existing STRUCTURES and application of adequate engineering design to future STRUCTURES so they can withstand small amounts of foundation displacement. These are areas below which all or essentially all pillars have been removed, allowing the possibility of relatively uniform and complete subsidence to have occurred. Problems in such areas should be reduced to post-subsidence compaction and related surface settling, and to small-scale effects of subsurface shifting resulting from any small residual or secondary voids.

LOWEST FLOOR: The LOWEST FLOOR elevation of STRUCTURES without a BASEMENT shall be considered to be the elevation, above MEAN SEA LEVEL of the top of the foundation of the STRUCTURE. The LOWEST FLOOR elevation of STRUCTURES with a BASEMENT shall be considered to be the elevation, above MEAN SEA LEVEL, of the floor of the BASEMENT of the STRUCTURE. The LOWEST FLOOR elevation of a MOBILE HOME shall be considered to be the elevation, above MEAN SEA LEVEL, of the top of the MOBILE HOME PAD.

MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCIES: Public Utilities or Public Agencies operating or constructing a mine, ELECTRIC TRANSMISSION LINES, domestic water storage facilities, POWER PLANTS, SUBSTATIONS of electrical utilities, wastewater treatment facilities, water treatment facilities, including extensions, expansions or enlargements thereof; STORAGE AREAS of utilities providing electricity, water, wastewater and natural gas or other petroleum derivatives, including extension, expansions or enlargements thereof; PIPELINES of utilities providing natural gas or other petroleum derivatives, including extensions, expansions or enlargements thereof; road, park or other public way, ground or space, public building or structure or public utility, whether publicly or privately owned.

MAJOR THOROUGHFARE: A road or STREET designed, constructed and used as an ARTERIAL STREET, EXPRESSWAY or FREEWAY, or as a frontage road serving an ARTERIAL STREET, EXPRESSWAY or FREEWAY.

MANUFACTURED HOME: A single-family dwelling which: is partially or entirely manufactured in a factory; is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; is installed on an engineered permanent foundation in compliance with ANSI A225.1-1987, Manufactured Home Installations, Appendix C; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq., as amended. A MANUFACTURED (MOBILE) HOME shall not be allowed to deteriorate to the condition of a DERELICT MANUFACTURED (MOBILE) HOME.

MANUFACTURED HOME (This definition applies only to MANUFACTURED HOMES when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A STRUCTURE transportable in one (1) or more sections, which is built on a permanent chassis and is designed for USE with a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. A MANUFACTURED (MOBILE) HOME shall not be allowed to deteriorate to the condition of a DERELICT MANUFACTURED (MOBILE) HOME.

MANUFACTURED STRUCTURE: Any factory-assembled STRUCTURE with or without service connections that is not a DWELLING.

MASTER PLAN: A document or series of documents prepared and adopted according to state law which sets forth policies for the future of a municipality.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which BASE FLOOD elevations shown on a community's FLOOD INSURANCE RATE MAP are referenced.

MINING: The act of recovering mineral, sand, gravel, quarry, coal or other resources from the ground. *MINING* shall include, but not be limited to, recovery of the resources by processing on site (including "in-situ," solution, and other extractive methods), open pit excavation, wet or dry pit excavation and subterranean excavation.

MOBILE HOME: A transportable STRUCTURE which as originally built exceeds either eight (8) feet in width or thirty-two (32) feet in length, was originally built on a chassis and was originally designed to be used as a year-round DWELLING UNIT with or without a permanent foundation. A SINGLE-FAMILY DWELLING which is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., as amended, but does not meet all of the other provisions of the definition of MANUFACTURED HOME, is considered to be a MOBILE HOME. A MOBILE HOME or MANUFACTURED HOME shall not be converted to any USE other than a SINGLE-FAMILY DWELLING and shall not be allowed to deteriorate to the condition of a DERELICT MOBILE HOME. A MOBILE HOME or manufactured home, converted or in its original condition, shall not be used as an AGRICULTURALLY EXEMPT BUILDING or as a TEMPORARY STRUCTURE for storage.

MOBILE HOME (This definition applies only to MOBILE HOMES when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.): A MOBILE HOME shall be required to have a permanent engineered foundation. The elevation of any interior grade of a crawl space or the top of the floor in any basement, walk-out, etc., must be one (1) foot above the Base Flood Elevation.

MOBILE HOME PAD: The concrete base, footing or blocking which is set on or in level soil to provide support for the placement of a *MOBILE HOME*. This base, footing or blocking may consist of separate concrete blocks or a single concrete slab as described in Subsections 29-2-120.A through E of this Code.

MOBILE HOME PAD (This definition applies only to MOBILE HOME PADS when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.): A MOBILE PAD is not allowed.

MOBILE HOME PARK: An area under single ownership or control designed primarily for the rental of portions of the area as spaces for occupied MOBILE HOMES.

MOBILE HOME SUBDIVISION: An area platted into LOTS according to adopted COUNTY standards and procedures and designed primarily for the sale of such LOTS to individuals as permanent sites for MOBILE HOMES.

MODERATE GROUND SUBSIDENCE HAZARD AREA: Areas subject to MODERATE SUBSIDENCE are defined by potential surface disruption of sufficient magnitude to damage STRUCTURES to such an extent as to render them unsafe or unusable. The rate of such disruption, however, is slow enough to allow time for recognition of the problem and safe, orderly abandonment of surface STRUCTURES. These areas are characterized by previous SUBSIDENCE over

undermined areas where pillars were left. This condition produces the potential for further small-scale collapse and differential settlement.

NEIGHBORHOOD: When used in this Chapter in reference to a particular LOT, the word *NEIGHBORHOOD* is intended to describe in a general way the land area which is in the vicinity of the LOT in question and which will be affected to a greater extent than other land areas in the COUNTY by USES which exist on the LOT or are proposed for it. A *NEIGHBORHOOD* always includes LOTS which are *ADJACENT* to the LOT under consideration and, depending upon the land USE in question, may include more remote areas as well.

NEW CONSTRUCTION: STRUCTURES for which the *START OF CONSTRUCTION* commenced on or after the effective date of the ordinance codified herein, August 25, 1981, 1999.

NEW MANUFACTURED HOME PARK OR SUBDIVISION (This definition applies only to a *NEW MANUFACTURED HOME PARK OR SUBDIVISION* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A *MANUFACTURED HOME PARK* or *SUBDIVISION* for which the construction of facilities for servicing the LOTS on which the *MANUFACTURED HOMES* are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NIGHTCLUB, BAR, LOUNGE OR TAVERN: An establishment primarily intended to serve alcoholic beverages to customers on premises and licensed as such by the State and the County.

NONCOMMERCIAL JUNKYARD: An area where any waste, junk or used or secondhand materials are stored or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, building materials and bottles. A *NONCOMMERCIAL JUNKYARD* may also include the storage or keeping of *DERELICT VEHICLES* registered last or currently registered under the property owner and/or tenant's name. This definition does not include *COMMERCIAL VEHICLES*. If the Zone district allows, the *NONCOMMERCIAL JUNKYARD* shall be totally *ENCLOSED* within a *BUILDING* or *STRUCTURE* or visually *SCREENED* from all *ADJACENT* properties and public rights-of-way.

NONCOMMERCIAL TOWER: Any mast or pole taller than forty (40) feet and permanently attached to the property. The *NONCOMMERCIAL TOWER* may include over-the-air high definition television (HDTV) reception, short wave radio, citizens band radio, wireless internet, and cell phone range extension, for example.

NONCONFORMING USE OR STRUCTURE: A *USE* or *STRUCTURE* that does not conform to a provision or requirement of this Chapter, but was lawfully established prior to the time of its applicability.

NONINSTRUMENT RUNWAY: runways that are not equipped with electronic navigation equipment. The *NONINSTRUMENT RUNWAYS* are the crosswind *RUNWAY* (*RUNWAY 17-25*) and the parallel practice *RUNWAY* (*RUNWAY 3-21*).

NONURBAN SCALE DEVELOPMENT: Developments comprised of nine (9) or fewer residential lots, located in a nonurban area as defined in Chapter 22 of this Code, not adjacent to other *PUDs*, subdivisions, municipal boundaries or urban growth corridors. *NONURBAN SCALE DEVELOPMENT* shall also include land used or capable of being used for agricultural purposes and

including development which combines clustered residential uses and agricultural uses in a manner that the agricultural lands are suitable for farming and ranching operations for the next forty (40) years. NONURBAN SCALE DEVELOPMENT on PUBLIC WATER and septic systems may have a minimum lot size of one (1) acre and an overall density of two and one-half (2½) acres per septic system. NONURBAN SCALE DEVELOPMENT proposing individual, private wells and septic systems shall have a minimum lot size of two and one-half (2½) acres per lot. This definition does not affect or apply to those Coordinated Planning Agreements between the County and municipalities which are in effect as of May 14, 2001.

NOXIOUS WEEDS: Includes one (1) or more annual, biennial or perennial plants which are causing or may cause damage or loss to a considerable portion of land or livestock in the COUNTY. Includes, but is not limited to, those species listed at Section 15-1-20 of this Code.

NUDE, STATE OF NUDITY: A person appears NUDE or in a STATE OF NUDITY when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breasts below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

OFFICE: A room, studio, suite or BUILDING in which a person transacts his or her business or carries on his or her stated occupation, including but not limited to accounting, correspondence, telephone answering, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives, professionals such as engineers, architects, planners, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents and doctors.

OFFSET: The horizontal distance between any BUILDING or STRUCTURE, as measured from the farthest projection of the BUILDING or STRUCTURE, except for window wells, air conditioners, gutters or downspouts, and a LOT line, other than a STREET right-of-way line.

OIL AND GAS PRODUCTION FACILITIES: Consist of the oil or gas well, pumps, heater treaters, separators, meters, compressors, TANK BATTERY and other equipment directly associated with the producing well, all of which must be connected and functional.

Table 23-1E

<i>Land Use Process for Siting Oil and Gas Production Facilities</i>															
Zone	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4	I-1	I-2	I-3	E	PUD	A
Application	USR	USR	USR	USR	USR	USR	USR	USR	USR	USR	SPR	SPR	USR	*	UBR

USR – Use by Special Review

SPR – Site Plan Review

UBR – Use by Right

* – PUD – Callout by Zone District Requirements, unless specifically addressed in PUD application as a UBR

OIL AND GAS STORAGE FACILITY: One (1) or more tanks which receive and store oil or gas from sources other than direct from the oil and gas well.

OIL AND GAS SUPPORT AND SERVICE: Location and operation bases for businesses whose primary activity includes the following kinds of USES:

- a. Parking and maintenance of exploration, production or workover equipment.
- b. Equipment and storage yards for road and pipeline construction contractors, and production unit set-up and maintenance contractors.
- c. Parking and maintenance for tank and water service companies.
- d. Storage and rental yards for pipe and production equipment.
- e. Field OFFICES USED by production-related records and maintenance personnel.
- f. Disposal and recycling sites for production waste (except production water disposed through either SECONDARY RECOVERY or deep well disposal methods and the mode of transport to such injection wells is exclusively via pipeline from the source and no on-site storage occurs), except businesses whose activities are primarily manufacturing and fabricating or whose use is primarily for general company OFFICES used by other than company officials.
- g. Oil and gas processing facilities and related equipment, including, but not limited to, compressors associated with gas processing or which compress gas to enter a pipeline for transport to market.

OUTDOOR STORAGE: The outdoor placement or leaving of goods for future use, preservation or disposal, and associated with land USES such as the sales, rental, distribution or wholesale sale of products, supplies and/or equipment.

OVERLAY ZONING DISTRICT: A zoning district superimposed over the UNDERLYING ZONING DISTRICT which places further restrictions upon land USES. These restrictions are intended to protect the public health, safety and welfare from man-made and natural disasters such as airplane accidents, FLOODS and GEOLOGIC. DEVELOPMENTS within the OVERLAY ZONING DISTRICT shall conform to the requirements of both zones.

PARKING LOT: An area used for the purpose of TEMPORARY, daily or overnight storage of vehicles, which is not located in a dedicated public right-of-way, a travel lane, a service drive or any easement for PUBLIC ingress or egress.

PET SHOP: An establishment wherein the primary occupation is the retail sale or grooming of HOUSEHOLD PETS or the sale of pet supplies.

PIPELINE: Any PIPELINE and appurtenant facilities designed for, or capable of, transporting natural gas or other petroleum derivatives ten (10) inches in diameter or larger which creates a hoop stress of twenty percent (20%) or more at their specified minimum yield strength. PIPELINES regulated, licensed or permitted under federal regulations as interstate transmission lines shall be exempt from regulation under this Chapter.

POWER PLANT: Any electrical generating facility with an energy generation capacity of fifty (50) megawatts or more, and any facilities appurtenant thereto, or any expansion, extension or enlargement thereof increasing the existing design capacity by fifty (50) megawatts or more.

PRINCIPALLY EMPLOYED or PRINCIPALLY ENGAGED: This definition applies to an employee who is PRINCIPALLY EMPLOYED at or PRINCIPALLY ENGAGED in the employment activities occurring on the subject property. This subject property shall be under review

for a Zoning Permit for a Mobile Home to be used as a TEMPORARY ACCESSORY Farm use, or for activities and USES as a Use by Special Review. The USE of the MOBILE HOME shall be substantiated by verification of employment necessary to the operation of the site where the MOBILE HOME is located. Such verification shall consist of tax records, employment agreements or other documentation as determined suitable by the Department of Planning Services. Such verification shall substantiate the need for the employee and on-site living quarters to the operation of the Agricultural Land USE.

PROCESSING: An activity associated with the transformation of materials or substances into new products, which may include blending of gases and liquids.

PROGRAM DEFICIENCY (This definition applies only to *PROGRAM DEFICIENCY* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A defect in a community's FLOODPLAIN management regulations or administrative procedures that impairs effective implementation of those FLOODPLAIN management regulations or of NFIP standards in 44 C.F.R. Sections 60.3, 60.4, 60.5 or 60.6.

PUBLIC: When used as modifying a STRUCTURE, activity or purpose, means a STRUCTURE, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the STRUCTURE or facility available for the USE of all members of the PUBLIC without regard to membership status.

PUBLIC WATER AND PUBLIC SEWER: Transmission, storage, treatment, collection or distribution facilities which are constructed, operated or maintained by any group, organization, special district or municipality for the purpose of providing the members of the group, organization, special district or municipality with common water and sewer service facilities.

PUD (PLANNED UNIT DEVELOPMENT): A zoning district which includes an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of DEVELOPMENT for a number of DWELLING units, COMMERCIAL, educational, recreational or industrial USES, or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of USE, density, LOT coverage, open space or other restriction to the existing land use regulations. A PUD is created in accordance with Chapter 27 of this Code.

QUALIFIED GROUND WATER SCIENTIST: A scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, professional experience or completion of accredited university programs that enable that individual to make sound professional judgments regarding ground water monitoring, contaminant fate and transport, and corrective action.

RECREATIONAL FACILITIES: The following classes of recreational facilities have the following meanings:

- a. *PUBLIC RECREATIONAL FACILITIES:* PUBLIC parks, zoos, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which fall within the definition of the word *PUBLIC*, as defined above.

b. *PRIVATE RECREATIONAL FACILITIES*: Includes golf courses, tennis courts, swimming pools, country clubs and RECREATIONAL FACILITIES for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them.

c. *COMMERCIAL RECREATIONAL FACILITIES*: Includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities and the like, operated on a commercial basis for USE by the paying PUBLIC.

RECREATIONAL VEHICLE: A transportation STRUCTURE or self-propelled vehicle with or without flexible, removable or collapsible walls and partitions designed to be used as a dwelling for travel, recreation or vacation USES. The term *RECREATIONAL VEHICLE* shall include: motor home, camper bus and travel trailer, but shall not include pickup trucks with camper shells that do not extend above the cab of the truck. For the purpose of this Code, a RECREATIONAL VEHICLE shall be subject to all requirements and restrictions for MOBILE HOMES as provided in this Chapter when its placement is intended for nontransient residency. A RECREATIONAL VEHICLE shall not be used for TEMPORARY Storage, TEMPORARY ACCESSORY Farm USE, TEMPORARY ACCESSORY USE During a Medical Hardship, TEMPORARY ACCESSORY USE as an OFFICE, or as a Principal DWELLING UNIT.

RECREATIONAL VEHICLE (This definition applies only to *RECREATIONAL VEHICLE* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A vehicle which is built on a single chassis; is four hundred (400) square feet or less when measured at the largest horizontal projection; is designed to be self-propelled or permanently towable by a light-duty truck; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REFERRAL: A portion of a complete application given to a referral agency for review of a case. The referral information may contain only portions or elements of the complete application.

REGULATORY FLOOD DATUM: One (1) foot above the elevation of the surface of the water of an INTERMEDIATE REGIONAL FLOOD. If only the depth of the floodwater of an INTERMEDIATE REGIONAL FLOOD has been determined, the REGULATORY FLOOD DATUM is equal to the depth of the FLOOD water plus one (1) foot.

RELOCATION OF A WATERCOURSE: See ALTERATION OF A WATERCOURSE.

REMEDY A VIOLATION (This definition applies only to *REMEDY A VIOLATION* when used in the administration of a Flood Hazard Overlay District DEVELOPMENT Permit or the FLOOD HAZARD Overlay District): To bring the STRUCTURE or other DEVELOPMENT into compliance with state or local FLOODPLAIN management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the STRUCTURE or other affected DEVELOPMENT from FLOOD damages, implementing the enforcement provisions of this Chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the STRUCTURE or other DEVELOPMENT.

REPAIR SERVICE ESTABLISHMENT: Any BUILDING wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding four thousand (4,000) watts or five (5) horsepower, or

any place wherein the primary occupation is interior decorating, including reupholstering, furniture repair and the making of draperies, slipcovers and similar articles.

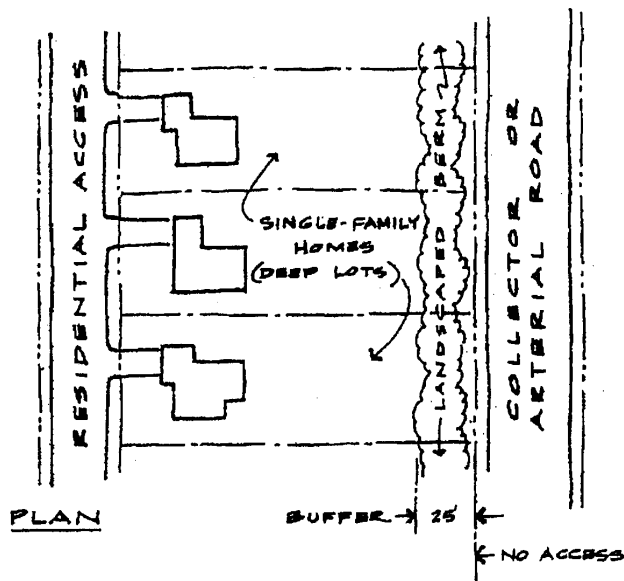
RESEARCH LABORATORY: A facility for scientific research in technology-intensive fields. Examples include, but are not limited to, biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coating fibers, films, heat transfer and radiation research facilities.

RESIDENTIAL THERAPEUTIC CENTER: A DWELLING UNIT which is not specifically designated as a GROUP HOME FACILITY and which provides a community living environment for individuals requiring custodial care, medical treatment or specialized social services. This definition includes any number of people who live together who lack the ability to live independently, or who have been ordered into the facility by a court of competent jurisdiction, and who require the support, supervision and care of adults who may not be related. The definition includes, but is not limited to, the following: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS Virus. This definition does not include correctional facilities.

RESTAURANT: An establishment that furnishes, for compensation, food and drinks of any kind for consumption primarily therein. A TEMPORARY snack bar or refreshment stand at a public or nonprofit RECREATIONAL FACILITY and for the convenience of patrons of the facility shall not be deemed to be a RESTAURANT.

RESTAURANT, DRIVE-IN: An establishment that furnishes, for compensation, food and drink of any kind for consumption primarily off the premises or which delivers food and drink to customers in their vehicles.

REVERSE FRONTAGE: A through lot that is not accessible from one (1) of the parallel or nonintersecting streets upon which it fronts.



RUNWAY: The area of the AIRPORT constructed and used for landing, and taking off, of aircraft.

SALES TRAILER: A MANUFACTURED STRUCTURE used for an other than a TEMPORARY time period for the sale or purchase of lots or homes in a subdivision/ development to be accessed by the general public. SALES TRAILERS shall comply with requirements set forth in this Chapter, including required zoning SETBACKS and OFFSETS, and shall be installed in accordance with the requirements set forth in Chapter 29 of this Code and adhere to the zoning permit requirements of Section 23-4-190 of the Code. All SALES TRAILERS shall demonstrate that water and sewage disposal facilities are available. The maximum number of SALES TRAILERS is limited to one (1) per subdivision/ development.

SCHOOL: Includes any one (1) or more of the following categories: a PUBLIC SCHOOL, community college, junior college, college or university; an independent or parochial SCHOOL which satisfies the compulsory SCHOOL attendance requirements appearing in the School Attendance Law of 1963, Title 22, Article 33, C.R.S.; or a COMMERCIAL SCHOOL, as defined herein.

SCREENED: Construction and maintenance of fences, earth berms or the USE of LANDSCAPING materials or other materials USED with the approval of the Department of Planning Services to lessen the noise, light, heat or visual impacts of a USE on surrounding uses. A SCREENING PLAN shall be submitted and approved by the Department of Planning Services.

SECONDARY RECOVERY: A technique of recovering additional crude from a mineralized zone by injecting steam, water and similar methods in an effort to force more of the crude to a production well.

SEMI-TRAILER: As defined in Section 42-1-102(89), C.R.S., means any wheeled vehicle, without motor power, that is designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon, or is carried by, such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways and roads.

SETBACK: The horizontal distance between any BUILDING or STRUCTURE, as measured from the farthest projection of the BUILDING or STRUCTURE, except for window wells, air conditioners, gutters or downspouts, and the established PUBLIC or private STREET right-of-way line. If the abutting PUBLIC STREET is designated to be upgraded to a higher classification as defined by the Transportation Plan necessitating additional right-of-way, then the SETBACK shall be measured from the future right-of-way line. The future right-of-way line (measured from the center of the road) is determined by dividing the needed right-of-way as defined below in half. The following is a list of the right-of-way needed for road designations as defined in the Transportation Plan. Road classifications and applicable right-of-way requirements are found in Article VII, Chapter 24 of this Code.

- a. Principal ARTERIAL (interstate) – three-hundred-foot right-of-way.
- b. Principal ARTERIAL (other) – one-hundred-fifty-foot right-of-way.
- c. Minor ARTERIAL – One-hundred-foot to one-hundred-fifty-foot right-of-way.
- d. County ARTERIAL – one-hundred-foot right-of-way.
- e. County COLLECTOR – eighty-foot right-of-way.

f. County LOCAL – sixty-foot right-of-way.

SEVERE GROUND SUBSIDENCE HAZARD AREA: Zones labeled *SEVERE* are areas in which the effects of rapid subsidence, such as failure of BUILDING foundations, roadways, gas mains and similar frequently USED or potentially dangerous features, may endanger the lives of persons in the immediate vicinity. Such areas have been undermined and are characterized by the presence of pillars and physical evidence of void space, or by the absence of evidence of surface subsidence. The collapse of decomposed pillars could induce almost instantaneous subsidence or displacement with equally or almost equally rapid destruction of structures at the surface.

SEWAGE TREATMENT PLANT: A facility designed for the collection, removal, treatment and disposal of water-borne sewage generated within a given service area.

SHOOTING RANGE - INDOOR: A facility designed or used for shooting at targets with rifles, pistols or shotguns and which is completely enclosed within a building or structure.

SHOOTING RANGE - OUTDOOR: The use of land for archery and/or the discharging of firearms for the purpose of target practice, skeet or trap shooting or temporary competition, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

SIGN: Any object, device, display, structure or part thereof, situated outdoors or indoors, and used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means. A *SIGN* is any writing (including any combination of a letter, word or number), pictorial representation (including illustration, figures, design, colors, symbols or declaration), product, form (including shapes resembling any human, animal or product design that conveys a recognizable meaning, identity or distinction) or any part thereof, or is written, painted, projected upon, illuminated, printed, designed into, constructed or otherwise placed on or near a building, board, plate or upon any material object or device whatsoever, which by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject or to the premises upon which it is situated, or is used as a means of identification, advertisement or announcement.

SIGN, FLUSH WALL: Any sign attached to, painted on or erected against the wall of a building in such a manner that the sign face is parallel to the plane of the wall and is wholly supported by the wall. Banners, canvas or any other similar material may be used for this type of sign only if the material is securely attached directly to the building fascia or to a rigid sign structure in a manner which prevents the material from flapping, waving or otherwise moving.

START OF CONSTRUCTION (This definition applies only to *START OF CONSTRUCTION* when used in the administration of a FLOOD HAZARD Overlay District Development Permit or the FLOOD HAZARD Overlay District): Includes SUBSTANTIAL IMPROVEMENT, and means the date the building permit was issued, provided that the actual START OF CONSTRUCTION, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a STRUCTURE on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a MANUFACTURED HOME on a foundation. *Permanent construction* does not include land preparation, such as clearing, grading and FILLING; nor does it include the installation of STREETS and/or walkways; nor does it include excavation for a BASEMENT, footings, piers or foundations or

the erection of TEMPORARY forms; nor does it include the installation on the property of ACCESSORY BUILDINGS, such as garages or sheds not occupied as DWELLING UNITS or not part of the main STRUCTURE.

STORAGE AREA: Any facility, including appurtenant facilities, designed to store fifty million (50,000,000) cubic feet or more of natural gas or similar petroleum derivatives, or one hundred thousand (100,000) barrels or more of liquid petroleum derivatives.

STREET: A strip of land intended for vehicular USE and providing principal means of access to LOTS. For the purpose of this Chapter, *STREETS* shall be classified and defined as follows:

a. *FREEWAY:* A major regional highway, including interstate highway, designed to carry very large volumes of vehicular traffic, with full control of access and all intersections grade-separated.

b. *EXPRESSWAY:* Similar to a *FREEWAY*, except that all intersections need not be grade-separated.

c. *ARTERIAL:* A *STREET* designed to carry high volumes of vehicular traffic over long distances in a direct manner.

d. *COLLECTOR:* A *STREET* designed to collect or distribute vehicular traffic from one (1) or more individual residential or nonresidential areas to or from an *ARTERIAL*, *EXPRESSWAY* or *FREEWAY*.

e. *LOCAL:* A *STREET* designed to carry vehicular traffic from one (1) or more lots to or from a *COLLECTOR*.

f. *ALLEY:* A minor way which is used primarily for vehicular service access to the rear or side LOTS otherwise abutting on a *STREET*.

g. *FRONTAGE ROAD:* A *STREET* parallel and *ADJACENT* to an *ARTERIAL*, *EXPRESSWAY* or *FREEWAY* which provides access to *ADJACENT LOTS* so that each *ADJACENT LOT* will not have direct access to the *ARTERIAL*, *EXPRESSWAY* or *FREEWAY*.

STRUCTURE: Anything that is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including poles, lines, cables or distribution facilities of public utilities.

STRUCTURE (This definition applies only to *STRUCTURE* when used in the A-P (Airport) Overlay District): An object constructed or installed by man, including but not limited to *BUILDINGS*, towers, smoke stacks, overhead *TRANSMISSION* lines, signs, drill rigs and cranes.

STRUCTURE, TEMPORARY: Anything constructed in such a manner 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.

SUBSTANTIAL DAMAGE (This definition applies only to *SUBSTANTIAL DAMAGE* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): Damage of any origin sustained by a structure whereby the cost of restoring the

structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a STRUCTURE the cost of which equals or exceeds fifty percent (50%) of the market value of the STRUCTURE either before the improvement is started or, if the STRUCTURE has been damaged and is being restored, before the damage occurred. For the purposes of this definition, *SUBSTANTIAL IMPROVEMENT* is considered to occur when the first alteration of any wall, ceiling, floor or the structural part of the building commences, whether or not that alteration affects the external dimensions of the STRUCTURE. The term does not, however, include any project for improvement of a STRUCTURE to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alternation of a STRUCTURE listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTATION: Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity which has an incoming or outgoing power line which is more than sixty-nine (69) kV.

SUITABLE SOIL: A soil which will effectively filter effluent by removal of organisms and suspended solids before the effluent reaches any highly permeable earth such as joints in bedrock, gravel or very coarse soils and which has percolation rates slower than five (5) minutes per inch and has a vertical thickness of at least five (5) feet beneath the plow line of the site and the top of the high groundwater table.

SUPERELEVATION: The raised portion of highway above the normal cross slope to prevent a vehicle from sliding outward, or counteracting all the centrifugal force of a vehicle traveling at an assumed speed.

TANK BATTERY: One (1) or more storage tanks which receive and store oil or gas directly from and as it is produced by a well.

TEMPORARY: Less than six (6) months.

THEATER: A BUILDING or STRUCTURE designed for USES such as the enactment of live performances and/or the showing of motion pictures.

THEATER, DRIVE-IN: An area and associated STRUCTURES used for the showing of motion pictures outdoors.

THRESHOLD: That imaginary line on the RUNWAY perpendicular to the RUNWAY centerline which marks the useful limit of the RUNWAY. The threshold of all RUNWAYS is the physical end of that particular RUNWAY, with the exception being RUNWAY 9-27 which has its displaced threshold eight hundred feet (800) feet west of the physical end.

TRAINING FACILITY: A facility in which domestic animals or LIVESTOCK not owned by the property owner are trained.

TRANSLOADING: A process of transferring a Commodity from one (1) mode of Transportation to another whose primary activity includes the following kinds of USES:

a. Rail and truck transloading of commodities and materials, including, without limitation, those for the agricultural and oil and gas industries, and including but not limited to grains, petroleum products, sand, pipe and storage related to the same.

TRAVEL WAY: That portion of the roadway for movement of vehicles, exclusive of shoulders and auxiliary lanes.

UNDERLYING ZONING DISTRICT: The zone districts designated on the Official Zoning Map of Weld County. These zone districts regulate the height and bulk of BUILDINGS and the USE of land in the unincorporated areas of the County.

URBAN GROWTH CORRIDOR: An area delineated in an adopted County Comprehensive Plan (in accordance with the Goals, Policies and Guidelines), prepared pursuant to Section 22-2-110, within which urban development is encouraged by delineation of the area, compatible future land use designations and implementing actions in a local comprehensive plan, and outside of which urban development is discouraged. An urban growth area usually defines the limit within which the full range of urban level services will be provided. The purpose is to promote projected urban development within and adjacent to existing urban areas so as to ensure efficient utilization of land resources and urban services to adequately support that urban growth.

URBAN SCALE DEVELOPMENT: DEVELOPMENTS exceeding nine (9) lots and/or located in close proximity to existing PUDs, subdivisions, municipal boundaries or urban growth corridors and boundaries. All URBAN SCALE DEVELOPMENTS shall pave the internal road systems of the DEVELOPMENTS. URBAN SCALE DEVELOPMENT requires support services such as central water, sewer systems, road networks, park and recreation facilities and programs, and storm drainage. This definition does not affect or apply to those Coordinated Planning Agreements between the County and municipalities which are in effect as of May 14, 2001.

USE: Any purpose for which a STRUCTURE or a tract of land may be designed, arranged, intended, maintained or occupied; also any activity, occupation, business or operation which is carried on in or on a STRUCTURE or on a tract of land.

UTILITY SERVICE FACILITY: Public utility mains, lines, SUBSTATIONS, gas regulator stations, PUBLIC lift or pumping stations for domestic water and sanitary sewer service, and accessory STRUCTURES where no PUBLIC office, repair or storage facilities are operated or maintained.

VARIANCE (This definition applies only to *VARIANCE* when used in the administration of a FLOOD HAZARD Overlay District Development Permit or the FLOOD HAZARD Overlay District): A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

VEHICLE RENTAL ESTABLISHMENT: Any USE of property primarily for the rental of vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, boats, farm machinery construction equipment and other heavy rolling stock; and whereon such vehicles are stored.

VEHICLE SALES ESTABLISHMENT: Any USE of property for the sale of vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, MOBILE HOMES, boats, farm machinery, construction equipment and other heavy rolling stock.

VEHICLE SERVICE/REPAIR ESTABLISHMENT: Any USE of property whereon vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, MOBILE HOMES, boats, farm machinery, construction equipment and other rolling stock are serviced and repaired, including body work, welding and painting.

VIOLATION (This definition applies only to *VIOLATION* when used in the administration of a FLOOD HAZARD Overlay District Development Permit or the FLOOD HAZARD Overlay District): The failure of a STRUCTURE or other DEVELOPMENT to be fully compliant with the community's FLOODPLAIN management regulations. A STRUCTURE or other DEVELOPMENT without the elevation certificate, other certifications or other evidence of compliance required in NFIP Standards Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in *VIOLATION* until such time as that documentation is provided to show otherwise.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, where specified of an INTERMEDIATE REGIONAL FLOOD or FLOODS of various magnitudes and frequencies in the FLOODPLAINS of coastal or riverline areas.

WATERCOURSE: Any natural CHANNEL through which water flows.

WATERTIGHT: Impermeable to the passage of water and capable of resisting the hydrostatic and hydrodynamic loads and the effects of buoyancy during an INTERMEDIATE REGIONAL FLOOD.

WHOLESALE TRADE ESTABLISHMENT: Any BUILDING wherein the primary occupation is the sale of merchandise for resale.

WIND GENERATOR: A generator specifically designed to convert the kinetic energy in wind into electric energy. A *WIND GENERATOR* may include a generator, tower and associated control or conversion electronics. The height of a wind tower is measured at the hub of the generator.

WIND TURBINE: A machine or machines that convert the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). The wind energy conversion system includes all parts of the system except for the tower and transmission equipment, excluding turbines for private use. Permitted through a USR in all districts. 1041 permit application is required only if of state-wide concern. A wind turbine or windmill generating 50V of energy or less, associated with a farm or ranch operation and less than seventy (70) feet in height is considered a private (noncommercial) machine and not subject to the USR application process.

WINERY: Any establishment licensed pursuant to the provisions of Title 12, Article 47, C.R.S., where vinous liquors are manufactured; except a vintner's restaurant licensed pursuant to Section 12-47-420, C.R.S. Vinous liquors include wine and fortified wines that contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) alcohol by volume and shall be construed to mean an alcohol beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

YARD: The area of a LOT, between a LOT LINE and the required SETBACK. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1; Weld County Code Ordinance 2001-8; Weld County Code Ordinance 2002-9; Weld County Code Ordinance 2003-10; Weld County Code Ordinance 2004-5; Weld County Code Ordinance 2005-01; Weld County Code Ordinance 2006-2; Weld County Code Ordinance 2007-1; Weld County Code Ordinance 2007-14;

Weld County Code Ordinance 2008-16; Weld County Code Ordinance 2009-8; Weld County Code Ordinance 2010-6; Weld County Code Ordinance 2011-3; Weld County Code Ordinance 2011-9; Weld County Code Ordinance 2012-1)