

BENT COUNTY, COLORADO

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and
Subdivision Regulations**

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Appendix: Protection and Control of Animals Resolution

INTRODUCTION TO ZONING REGULATIONS

This document shall be incorporated as a part of the Bent County Master Plan. The Master Plan, while not an exact guide, can direct future development. The plan cannot be an exact guide because the plan must reflect the attitudes of the citizens to be meaningful or effective. As circumstances change, as attitudes change, so must the Master Plan change. However, change must come only after a full public hearing to insure that any changes are well thought out and necessary. The plan will serve as the basis to rationally plan for the physical development of the County. The plan will allow elected officials, developers, utilities, public works planners, and the many committees charged with making decisions affecting the development of the County to make those decisions in a consistent, coordinated, and reasonable manner.

The first element of the Master Plan for which citizen input has been sought is land use. The goals and objectives that have been developed for future land use have served as the basis for the zoning plan, master street plan, and subdivision regulations included here as part of the Master Plan. It is hoped that the application of these plans and regulations will achieve those goals and objectives. Those goals and objectives are:

- 1) Development of land already zoned for commercial uses should be encouraged prior to rezoning of additional land.
- 2) Expansion of business uses into or within residential areas should be permitted only if such expansion maintains or improves the desirability of that area for residential use.
- 3) Encourage energy efficient residential and commercial construction.
- 4) Provide recreational facilities for local residents.
- 5) Provide efficient and effective public services to citizens.
- 6) Utilize educational resources and facilities to the maximum benefit of each citizen.
- 7) Protect and improve existing roadways and plan for orderly development of new streets and roadways.
- 8) Residential construction should be restricted to areas served by existing sewer, water, and streets wherever possible. Provisions should be made for development in other areas, but only if central water and sewer systems are constructed.
- 9) The developer of new subdivisions should pay the cost of public facilities in that subdivision.
- 10) Scattered development should be avoided.
- 11) Maintain the integrity of the downtown business area of Las Animas.
- 12) Provide adequate parking facilities.
- 13) Consider the effect of proposed actions on tax rates.
- 14) Consider the effect of proposed actions on the elderly and low-income residents of the County.

- 15) Direct special attention to maintaining and improving the appearance of areas having high public visibility.
- 16) Insure all new development has adequate drainage.
- 17) Protect the agricultural base of the County.
- 18) Prevent the pollution of ground water.
- 19) To assist orderly efficient and integrated development of the County.
- 20) Promote the health, safety, and general welfare of the residents of the County.
- 21) Ensure conformance of land subdivision plans with the public improvement plans for the County and its various municipalities.
- 22) Ensure coordination of inter-municipal public improvements plans programs.
- 23) Encourage well planned subdivisions by establishing adequate standards for design and improvement.
- 24) Safeguard the interest of the public, the homeowner and the subdivider.
- 25) Secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- 26) Restrict building on flood lands and in other areas poorly suited for building or construction.
- 27) Provide adequate space for future development of schools and parks to serve the population.
- 28) Assure the planning for and provision of an adequate and safe source of water and means of sewage disposal.
- 29) Include solar access regulations in adopted building codes and subdivision regulations.
- 30) Encourage industrial development of a diversified nature which is compatible with the human and natural resources of the County.
- 31) Prevent the encroachment of residential or other uses in commercial or industrial zones that would prohibit the expansion or full operation of the intended commercial or industrial uses in those zones.

The plans, regulations, goals, and objectives listed above served as the impetus to the creation of an Urban Services Area. The urban service area is the area in the County and City of Las Animas that can best accommodate new development in a cost effective manner. The provision of and maintenance of streets, alleys, sewer, water, gas, and electric lines has become very expensive. By directing growth to the urban service area these services can be provided at much less cost than if the development is scattered throughout the County. Sequential development that can follow existing utility lines is the ultimate goal. The urban service area as defined today is based upon physical and structural limits to growth. The area can provide sufficient building sites to accommodate more than a doubling of the present population of the Las Animas area. Therefore, land outside the urban services area need not and should not be developed. By the same token, the urban services area contains more area than will be necessary to handle any anticipated growth for many years. Therefore, it is important to control the timing of development within this area if public and private costs are to be held to a minimum. To accomplish this timing or phasing of development, the following policies are established.

1. All new development within the urban services area must be connected to the existing utility systems or the developer must provide a central water and sewer system which is capable of being connected to existing city utilities. No new septic tanks will be allowed on lots created after the enactment of this zoning ordinance.
2. Governmental capital facility expenditures will be directed to those areas that are directly adjoining existing facilities.
3. In order to receive utilities from the City of Las Animas within the urban services area, all new areas proposed for subdivision must apply for, and be eligible for annexation.
4. The City and County recognize no obligation to extend public facilities beyond areas currently served until those areas currently served have structures on eighty-five (85%) of platted building sites.

A RESOLUTION ESTABLISHING ZONING DISTRICTS FOR BENT COUNTY, COLORADO

PART I **TITLE**

01.01 **Title**

01.01.01 Title

01.01.02 Short Title

01.01.01 Title

A resolution and map establishing zoning districts in Bent County, Colorado, regulating the location, height, bulk, and size of buildings and other structures, the percentage of lot which may be occupied, the size of lots, courts, and other open space, the density and distribution of population, and the location and use of land for trade, industry, recreation, and other purposes.

01.01.02 Short Title

For the purposes of brevity, this resolution and map shall be known as the Bent County Zoning Resolution.

PART II **ZONING DISTRICTS – PURPOSE**

02.02 **Purpose, Establishment of Zoning Districts, Map and Boundaries**

02.01.01 General Purpose

02.01.02 Establishment of Zoning Districts

02.01.03 Zoning Map and Boundaries

02.01.01 General Purpose

This resolution is necessary, designed, and enacted for the purpose of promoting the health, safety, morale, and general welfare of the present and future inhabitants of Bent County, Colorado, by lessening congestion in the streets and roads, securing safety from fire and other damages, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements fostering industries and, protecting urban and rural development.

02.01.02 Establishment of Zoning Districts

In order to carry out the provisions of this resolution, the following districts are created:

A-1	Agricultural District
R-1	Rural Residential District
R-2	Urban Residential District
R-3	Urban Residential District
B-1	Highway Business District
B-2	Central Business District
NSD	Neighborhood Shopping District
P. U. D.	Planned Unit Development District
I-1	Light Industrial District
I-2	Heavy Industrial District
M. U. D.	Multiple Use District

02.01.03 Zoning Map and Boundaries.

The location of the zoning districts hereby established are shown on the map entitled "Official Zoning Map of Bent County", dated January 17, 1980, and is hereby made, along with explanatory matter thereof, a part of this resolution and is on file in the office of the County Clerk and Recorder. All amendments made in accordance with the provisions of this resolution shall be recorded on the official map within 24 hours of its adoption, showing the location, effective date, and nature of the change.

Unless otherwise specified on the Official Zoning Map, district boundary lines are lot lines, the center lines of streets, alleys, highways, or such lines extended; corporate lines of incorporated areas" natural boundary lines such as streams, or section lines.

PART III ZONING DISTRICTS – AUTHORITY

03.01 Authority

03.01.01 Authority

03.01.01 Authority

The Bent County Zoning Resolution is authorized by inter alia, article 23, TITLE 31 of the Colorado Revised States Annotated, 1973, as amended, and 24-65, 1-101 et seq. 31-15-601 et seq., and is hereby declared to be in accordance with all provisions of these statutes.

PART IV ZONING DISTRICTS

04.01 Zoning Districts

04.01.01 Zoning Districts

04.01.02 A-1 Agriculture District

04.01.03 R-2 Rural Residential District

04.01.04 R-2 Urban Residential District

04.01.05	R-3 Urban Residential District
04.01.06	B-1 Highway Business District
04.01.07	B-2 Central Business District
04.01.08	NSD – Neighborhood Shopping District
04.01.09	P. U. D. – Planned United Development District
04.01.10	I-1 Light Industrial District
04.01.11	I-2 Heavy Industrial District
04.01.12	M. U. D. – Multiple Use District

04.01.01 Zoning Districts

Two types of uses are provided in each zoning district; they are: permitted uses, and special review uses. Permitted uses are those uses which are considered to be compatible with the intent of that zoning district. Special review uses are those uses that depending on the exact nature of the proposed use, may or may not meet the intent of a zoning district. To obtain a special review permit certain information must be provided to the Planning commission for their consideration, In addition, adjacent property owners shall be notified of the intended use in order to solicit their opinions regarding the appropriateness of a proposed special review use. That procedure is explained in Section 5A.

04.01.02 A-1 Agricultural District

Description of District.

This district is intended to protect and preserve the agricultural industry of the County and to protect rural property owners from encroachment by incompatible land uses.

Permitted Uses.

1. Farming and building pertaining thereto.
2. Ranching and building pertaining thereto.

Special Review Uses.

1. Riding stables, dude ranches and building pertaining thereto.
2. Cemeteries, and public open space, and recreation areas.
3. Airports
4. Sanitary landfill operations, sewage disposal plants, lumber mills, mines, quarries, sand and gravel operations.
5. Commercial feed yards, fur farms, kennels, veterinary hospitals.
6. Power generating stations, high voltage transmission lines, surface or underground pipelines or canals. **Would like to add Wireless Cell Phone Towers.**

7. Residential housing. Applicant must show either:
 - A) Land has not been in productive agricultural use for more than five years.
 - B) The land is unsuitable for agriculture due to natural factors.
8. Private and public clubs, and resort lodges.
9. Campgrounds and mobile unit overnight areas.
10. Agricultural products, processing plants, and feed manufacturing operations.
11. Junkyards

<u>Minimum Site Area.</u>	1 acre
<u>Minimum Front Yard.</u>	50 feet
<u>Minimum Rear Yard.</u>	50 feet
<u>Minimum Side Yard.</u>	25 feet

Permitted Signs.

1. Signs advertising the property sale, lease, or for rent not to exceed 25 square feet each.
2. Signs mounted flush with a building and not extending above the roofline identifying the property, its occupants, and its use, not to exceed 32 square feet each.
3. Signs located on the property identifying the property, its occupants, its use, and its products not to exceed 20 square feet.
4. Signs located on the property posting the property for no trespassing and no hunting.
5. Uniform directional signs located at road intersections as may be approved by the Board of County Commissioners.

04.01.03

R-1 Rural Residential District

Description of District

This district is designed to accommodate permanent low-density residential development.

Permitted Uses.

1. Single- Family dwelling units
2. Private barns and stables
3. Schools and Churches
4. Public parks, golf courses, fairgrounds, and open space.
5. Public buildings and utility installations.

Special Review Uses.

1. Multi-family dwelling units.
2. Mobile Home Parks and Recreational Vehicle Parks (11-23-04)

Minimum Site Area 1 acre

Minimum Front Yard 50 Feet

Minimum Rear Yard 25 feet for Residences
5 feet for Outbuildings

Minimum Side Yard 15 feet

Maximum Building Height 35 feet

Permitted Signs.

1. Two (2) signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Two (2) signs mounted flush with a building and not extending above the roof line identifying the property, its occupants, and its use, not to exceed ten (1) square feet each.

04.01.04

R-2 Urban Residential District.

Description of District.

This district is designed to accommodate primarily permanent single-family occupancy at a low density not to exceed four dwelling units per gross acre.

Permitted Uses.

1. Single-family dwelling units built or assembled on site on a permanent foundation.
2. Schools and churches.
3. Public parks, golf courses and open space
4. Public buildings and utility installations

Special Review Uses.

1. Home occupations
2. Multi-family dwelling up to four (4) units.
3. Modular homes at least 24 feet wide placed on a permanent foundation.

Minimum Front Yard. 25 feet

Minimum Rear Yard. 25 feet for residential
5 feet for outbuildings

Minimum Side Yard. 7 ½ feet

Maximum Building Height. 35 feet

Permitted Signs.

1. Two signs advertising the property for sale, rent or lease, not to exceed ten (10) square feet each.
2. Two signs mounted flush with a building and not extending above the roofline identifying the property, its occupants and its use, not to exceed ten (10) square feet each.

Parking Requirements.

1. Two parking spaces of 180 square feet (exclusive of drives and maneuvering space) shall be provided for each occupancy unit.

04.01.05

R-3 Urban Residential District

Description of District.

This district is designed to accommodate higher density development and provide for a greater diversity of residential accommodations than the R-2 Urban Residential District.

Permitted Uses.

1. Single-family dwelling units
2. Two-family dwellings
3. Three-to-ten family dwellings.
4. Mobile homes within the Las Animas Urban Service Area must contain a minimum of 750 square feet of floor space, and be placed on a permanent foundation. The applicant must own the lot and hook up to city utilities. In all other areas Mobile Homes must contain a minimum of 720 square feet, be tied down, and be skirted.
5. Mobile home subdivisions and parks.
6. Schools and churches
7. Public Parks and Open spaces.
8. Public buildings and utility installations
9. Nursing homes, hospitals, and medical clinics

Special Review.

1. Home occupations

Minimum Site Area.

- | | | |
|----|------------------------|----------------------------|
| a) | Single-family dwelling | 7,000 square feet |
| b) | Two-family dwellings | 4,375 square feet per unit |

- | | | |
|----|-----------------------------------|----------------------------|
| c) | Three-to-ten family dwellings | 3,500 square feet per unit |
| d) | Mobile Homes on single lots | 7,000 square feet |
| e) | Mobilehome subdivisions and Parks | 4 acres |
| f) | All other uses | 7,000 square feet |

Minimum Front Yard. 25 feet

Minimum Rear Yard. 25 feet for residences
5 feet for outbuildings

Minimum Side Yard. 7 ½ feet

Maximum Building Height: 35 feet

Permitted Signs.

1. One sign advertising the property for sale, rent or lease, not to exceed ten (10) square feet.
2. One sign mounted flush with a building and not extending above the roofline identifying the property, its occupants and its use, not to exceed four (4) square feet.

Parking Requirements.

Two parking spaces of 180 square feet (exclusive of drives and maneuvering space) shall be provided for each occupancy unit.

04.01.06

B-1 Highway Business District

Description of District.

This district is designed to accommodate businesses that ordinarily serve customers arriving by automobile for a specific service.

Permitted Uses.

1. Automobile service stations and repair garages.
2. Automobile sales and service.
3. Automobile wash and polish service
4. Agricultural equipment – sales and service
5. Building material and lumber sales
6. Drive-in drinking and eating places
7. Dance halls
8. Bowling alleys
9. Driving ranges and miniature golf
10. Drive-in theaters
11. Trucking and storage operations
12. Equipment rental establishments.

13. Wholesale establishments
14. Motel
15. No new dwelling shall be constructed, except where it will be occupied by the owner, operator, or caretaker of a use permitted in this district. All existing homes in this district shall be considered non-conforming, except that owners of record at the time of passage of this regulation may make improvements to existing structures.

Special Review.

Any other similar use which by nature of the activity requires location adjacent to a major highway.

Minimum Site Area.

Structure coverage shall not exceed 50 percent of the site area.

Minimum Front Yard.

30 feet from any public street right-of way

Minimum Rear and Side Yards.

50 feet from any residential property line. 25 feet from any other property line.

Maximum Building Height.

35 feet.

Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roofline of the structure.
3. Permitted signs may be illuminated, however, no flashing or blinking signs shall be permitted.

Parking Requirements.

1. One (1) parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area for all uses.
2. One (1) parking space of two hundred square feet for each three hundred square feet of office space or public service space.
3. One (1) parking space of two hundred square feet for each rental unit in motels and hotels.
4. One (1) space of two hundred square feet for each four seats in eating and drinking places and theaters and auditoriums.

B-2 Central Business District.**Description of District.**

This district is designed to accommodate businesses that serve the needs of the residents of Las Animas, Hasty, McClave, Caddoe, tourists, and the surrounding agricultural community.

Permitted Uses.

1. Banks and savings and loan associations.
2. Public buildings and offices
3. Furniture, mail order, cleaning, laundry, photographer, shoe repair stores.
4. Appliance sales and repair.
5. Beauty and barber shops.
6. Travel agencies and ticket offices.
7. Charitable, civic, youth, social and fraternal organizations.
8. Indoor entertainment facilities.
9. Liquor, dairy, food, department, antique, clothing, and hardware stores.
10. Medical, dental, legal, engineering, architectural, accounting and other professional services.
11. Mortuaries and funeral homes.
12. Printing, photocopying and blue-printing services.
13. Radio and television studios
14. Hotels, motels, restaurants, bars and lounges.
15. Parking lots.
16. Sporting goods and camera stores.
17. Service stations.

Special Review.

1. Such other retail personal service and professional uses which are conducted entirely within an enclosed structure and by their nature, are compatible with the uses listed above.

Minimum Site Area.

None, provided that conditions of parking requirements are met.

Minimum Front, Side and Rear Yards.

None, provided that conditions of parking requirements are met.

Maximum Building Height.

35 feet

Permitted Signs.

1. Two signs advertising the property for sale, lease, or rent not to exceed six square feet each.
2. Two signs, identifying the property, its occupants and its use, which are self-supported and which do not extend more than three feet above the roof line nor more than three feet over the public right-of-way. Such signs must be no more than ten square feet each, nor less than eight feet above the sidewalk grade.

04.01.08

NSD Neighborhood Shopping District

Description of District

It is the intent of the Neighborhood shopping District to permit retail sale of convenience goods and services in a residential area for the convenience of local residents.

Permitted Uses.

All uses permitted in the R-2 district.

Special Review Uses.

1. Apartments on floors other than the ground floor.
2. Banks and other savings and lending institutions.
3. Barber shops
4. Beauty shops
5. Boarding and lodging houses (above ground floor)
6. Candy and ice cream stores.
7. Churches
8. Cleaning and laundry pickup stations.
9. Clubs and Lodges.
10. Custom dressmaking, furrier, millinery, tailor shops (employing less than five (5) persons).
11. Drug stores and proprietor stores with not over two thousand five-hundred (2,500) square feet of selling space.
12. Electric and telephone substations.
13. Fix-it shops (radio, television and small appliances).
14. Flower and gift shops
15. Food stores (grocery, meat and delicatessen).
16. Hardware stores
17. Laundry (self-service).
18. Key shops
19. Medical, dental and health clinics (for people only).
20. Messenger and telegraph stations.
21. Newsstands
22. Non-profit religious, education and philanthropic institutions, but not penal or mental institutions.
23. Offices – business, professional and public

24. Parks, playgrounds and community buildings.
25. Parking lots (customer and private)
26. Photographers studio
27. Restaurants and tea rooms
28. Service stations
29. Shoe repair and shoe shine shops.
30. Children's amusement parks.
31. Drive-in theatres.
32. Miniature golf courses.
33. Bowling alleys
34. Other uses which are compatible with the intent of this district.

Minimum Site Area. Structure shall not
exceed 65 percent of
site area.

Minimum Front Yard. 25 feet from any public
Street right-of-way

Minimum Side Yard. 25 feet from any resi-
dential property line.
7 ½ feet from any other
property line.

Maximum Building Height. 35 feet

Permitted Signs.

1. Two signs advertising the property for sale, lease, or rent not to exceed 10 square feet each.
2. Two signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which contain no more than 30 square feet.
3. Permitted signs may be illuminated, however, no flashing or blinking signs shall be permitted.

04.01.09

P. U. D. Planned United Development District.

Description of District

This district is designed to provide for the flexible development of large sites to promote higher economic uses while protecting environmental and ecological assets, and to allow for special residential, commercial, and recreational development in which various uses are grouped in appropriate relationships to one another, to open space, and to common facilities.

Permitted Uses.

Any use permitted by right in the preceding listed zone districts. These uses may be separate or in combination and are permitted in accordance with the below listed standards, requirements, and procedures.

Standards and Requirements.

1. General – The P. U. D. shall be designed in a manner that protects the environmental and ecological assets of the area including, but not limited to, plant and animal life, streams and storm drainage courses and scenic vistas.
2. Site – Minimum site area shall be no less than 20 acres. Public water and sanitary sewer facilities shall be available to the site or shall be provided by the developer adequate to serve both permanent and transient population. These facilities shall meet minimum standards set by the Colorado Department of Health.

Design and Development.

1. Usable public open space – including areas for open air recreation, courts, gardens, parks, and walkways, shall not be less than 15 per cent of the total P. U. D. zone. (Streets and parking areas shall not be considered as any portion of the required open space.)
2. Yard dimensions and property line setbacks shall be approved by the Board of County Commissioners.
3. Building height may not exceed 35 feet unless otherwise approved by the Board of County Commissioners.

Parking Requirement.

1. Dwelling units (private and commercial) two (2) spaces of 180 square feet for each unit.
2. Churches, auditoriums, and other facilities accommodating seated audiences one (1) space of 200 square feet for every four (4) seats.
3. Indoor uses including retail establishments, offices, personal service operations, and eating and drinking places, one (1) space of 200 square feet for each 300 square feet of floor area devoted to public use.
4. Manufacturing, fabricating or industrial uses one (1) space of 200 square feet for each 400 square feet of gross floor area.
5. Outdoor or mixed facilities sufficient parking spaces of 200 square feet each as determined in a reasonable way by the Board of County Commissioners.

Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roofline of the structure.
3. Permitted signs may be illuminated, however, no flashing or blinking signs shall be permitted.

Procedures.

The following procedures shall be followed when a P. U. D. District zoning request is submitted for consideration.

1. Prior to the request for P. U. D. zoning, the developer shall submit a preliminary plan to the Planning and Zoning commission, which shall include the following information.
 - a) Proposed building locations, densities and heights.
 - b) Proposed land uses, including the locations and acreages to be devoted to each use.
 - c) Proposed areas which are to be dedicated for public use, including, but not limited to, street and road rights-of-way, public parks and open space, and sites for schools, or other public buildings.
 - d) Proposed grading and drainage plan.
 - e) Proposed method of supplying water and sanitary sewer facilities.
 - f) Proposed circulation, both vehicular and pedestrian, including parking.
 - g) Relation of P. U. D. development to the surrounding area to the Development Plan and Guide.
2. Following P. U. D. zoning district approval in accordance with the preliminary plan and prior to the issuance of any special use or building permit, the developer shall file an official plan with the County Clerk and Recorder. The filed plan shall show all of the above listed requirements of the preliminary plan, any changes, additions, or deletions, as required by the Planning and Zoning commission and the Board of County commissioners, any economic feasibility report or market report required by the Board, or any other special condition, requirement or procedure prescribed by the Board.

I-1 Light Industrial District.

Description of District.

This district is designed to accommodate light industrial, wholesaling and manufacturing operations.

Permitted Uses.

None

Special Review Uses.

1. Any manufacturing or fabricating use from which no volume of sound, vibration, smoke, fumes, gas, noxious odor, heat, glare or radio transmission is disseminated beyond the property lines of the proposed use.
2. Lumber and building material sales.
3. Fuel storage.
4. Heating, plumbing and electrical contractor shops and offices.
5. Warehousing.
6. General and special contractors yards, offices and warehousing.
7. Public utility offices and equipment yards.
8. Radio and television transmitters.
9. Laundry, cleaning and dyeing shops.
10. Upholstery shops.
11. Sign painting.
12. Auto body shops
13. Public or Private Jails or Detention Facilities.

Minimum Site Area.

None, provided that
conditions of parking
and yard requirements
are met.

Minimum Front, Side and Rear Yards.

Fifty (50) feet from any
residential district bound-
ary. Twenty-five (25)
feet from any commer-
cial district boundary.

Maximum Building Height.

35 feet

Permitted Signs.

1. Signs advertising the property for sale, rent, or lease not to exceed ten square feet each.
2. Signs identifying the property, its occupants and its use which are located entirely on the owner's property and which do not extend more than three feet above the roofline of the structure.

3. Permitted signs may be illuminated, no flashing or blinking signs shall be permitted.

Parking Requirements.

1. One parking space of two hundred square feet (exclusive of driveways and maneuvering space) shall be provided for each four hundred square feet of gross floor area for all uses.

04.01.11 I-2 Heavy Industrial District.

Description of District.

This district is designed to accommodate manufacturing, wholesaling, industrial, and other uses which by the nature of their activity, are excluded from the uses permitted in other districts.

Permitted Uses.

None

Special Review Uses.

1. Any manufacturing, fabricating, or industrial use provided that:
 - A. No sound volumes in excess of 70 decibels measured at the property boundary lines is audible.
 - B. No vibration or earth shall be perceptible beyond the property boundary lines.
 - C. No smoke, fumes, gas, noxious odor, heat, or glare are perceptible beyond the property boundary lines.
2. All special uses listed in I.1

Minimum Site Area.

None, provided conditions of parking and yard requirements are met.

Minimum Front, Side, Rear Yards.

50 feet from any residential district boundary, 25 feet from any commercial district boundary.

Maximum Building Height.

35 feet

Permitted Signs.

1. Signs advertising the property for sale, rent or lease not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roofline of the structure.
3. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

Parking Requirements.

1. One (1) parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area for all uses.

04.01.12 Multiple Use District (MUD).

Description of District.

This district is intended to provide for varied uses in designated areas. Such areas should have a tradition of mixed uses, or be in a state of transition.

Permitted Uses.

1. Only a conforming use in existence at the time of the creation of this district.

Special Review Uses.

1. All other uses.

Minimum Site Area.

The property must meet all site standards for that use as specified in other areas of these regulations where such use is listed as a permitted use.

PART V. ZONING REGULATIONS – SPECIAL REGULATIONS.

05.01 Special Regulations

- 05.01.01 Mobile Home Subdivisions
- 05.01.02 Mobile Home Parks
- 05.01.03 Travel Trailer Parks
- 05.01.04 Airport Approach zone
- 05.01.01 Mobile Home Subdivisions.

- 05.01.01 Mobile Home Subdivisions:

Location and size.

Mobile home subdivisions shall be located in a zone district where they are a permitted use by right and shall be no less than four (4) acres in size.

Platting requirements.

Mobile home subdivisions shall be platted in accordance with all applicable subdivision regulations prior to the sale or transfer of any single lot as any occupancy unit.

05.01.02 Mobile Home Parks.

Location and Size.

Mobile home parks shall be located in a zone district in which they are a permitted use by right and shall be no less than four (4) acres in size.

Requirements.

Requirements for mobile home parks are published under separate cover. They are available at the Bent County Land Use Administrator's Office.

05.01.03 Travel Trailer Parks.

Location.

Mobile unit overnight courts shall be located in a district in which they are a permitted use by right.

Requirements.

Requirements for travel trailer parks are published under separate cover. They are available at the Bent County Land Use Administrator's Office.

05.01.04 Airport Approach Zone.

Location.

Airport approach zones shall be considered to extend beyond the end of all runways (existing or planned and approved) that are a part of a public airport facility.

Requirements.

Primary Approach Zone – the primary approach zone shall extend from the end of a runway for a distance of one-half (1/2) mile and be one thousand (1,000) feet wide (see diagram after page 94.) This zone shall be free of all structures or buildings and shall be used only for agricultural purposes.

Secondary Approach Zone – the secondary approach zone shall extend from the end of the primary approach zone for a distance of two (2) miles and shall be one thousand (1,000) feet wide at its outer limits (see diagram). The

secondary approach zone shall have a vertical approach of twenty (20) horizontal feet to one (1) vertical foot and no structure or building shall be located in this zone which exceeds the height prescribed by this slope (see diagram). Land uses in this zone shall be those permitted as a use by right in the zoning district in which the approach zone is located.

05.02 Special Review Uses

- 05.02.01 General
- 05.02.02 Special Review Procedure
- 05.02.03 Submission Requirements
- 05.02.04 Standards for Review of Applications

05.02.01 General.

The uses designated as special review uses in zoned districts are contingent uses which may or may not be appropriate in the particular location depending on the nature of the proposed use, and its relationship to the surrounding land uses, and its impact with respect to environmental, social, and economic matters. Special review permits may be approved by the County Commissioners only after reviewing the expected impact of the proposed use on adjacent land uses, the environmental, social, and economic characteristics of the area, and the community in general.

05.02.02 Special Review Procedure.

Application.

An application for special review use permit shall be submitted in writing to the County Administrator along with the information and data required in 05.02.03.

Application Review.

The County Administrator shall forward the application to the Planning and Zoning Commission who shall study and review the application and accompanying evidence before making a recommendation to the Board of Commissioners.

Hearing.

The Board of County Commissioners shall hold a public hearing on the matter and notice of such hearing shall be published at the expense of the applicant in an official newspaper or newspaper of general circulation at least 15 days prior to the hearing date. In addition, written notice of the hearing shall be mailed at the expense of the applicant, at least 15 days prior to the hearing date to the applicant and owners of the properties adjacent to the property in question. The applicant shall furnish at least 20 days prior to the anticipated date of the public hearing a list of the owners of properties adjacent to the property in question.

05.02.03 Submission Requirements.

The applicant shall submit:

1. A detailed sketch plan showing location of all proposed buildings, fences, parking areas, ingress and egress, waste disposal areas, and other construction features and landscaping, and measured distance to adjoining property lines and improvements, including those across a road, street, right-of-way, easements, or other narrow strip of property.
2. A description of the proposed operation in sufficient detail to indicate the effects of operation in producing air and water pollution, odor, noise, glare, fire, or other safety hazards, and traffic congestion.
3. A description of the proposed method for disposal of sewage or other waste in a sanitary and healthful manner.
4. A description of methods for supplying water in such a manner as to be adequate in quantity, quality, and dependability for the proposed use.
5. A site plan of sufficient detail to show finished grading (maximum of 10' contour intervals), drainage and drainage facilities.
6. A site plan of sufficient detail to show proposed fencing and landscaping.
7. A soil study of the proposed site.
8. An application fee of \$50.00, half of which will be returned if application is not approved.
9. Any other information as required by the Planning and Zoning Commission, County Administrator, or the Board of County Commissioners.
10. All plans or plot plans, supplemental information, as required, and fee must be submitted to the County Administrator for study and recommendations at least 14 days prior to the hearing date before the Board of County commissioners.

05.02.04 Standards for Review of Applications for Special Review Permits.

The Planning Commission shall recommend and the Board of County Commissioners shall approve an application for special review use permits only if the County Commissioners find that all of the following conditions are met:

1. The use is compatible with all existing uses on land adjacent thereto, or appropriate measures have been taken to alleviate such incompatibilities.
2. The use will not unnecessarily scar the land or soil upon which such use is to be placed, leaving deleterious effects such as denuded slopes, uncovered oil piles to be blown away, scars upon areas of natural historic value.

3. Uses with unsightly aspects, odors, or noise are set back a sufficient distance from adjacent property boundaries and proper fencing or screening is provided to that adjacent property is not adversely affected.
4. The use shall comply with all applicable air and water pollution control legislation.
5. The use is consistent with an orderly pattern of development within the County as consistent with the adopted Master Plan.

05.02.05 Expedited Review of Affordable Housing Projects

Any complete Special Review Use application for an affordable housing development received by Bent County shall be placed on the next available agenda for the Planning and Zoning Commission and the Board of County Commissioners, following proper public notice. A decision shall be rendered on the application within 90 days to ensure an expedited and timely review of the affordable housing project. Affordable housing projects that qualify for expedited review are those defined pursuant to CRS 29-32-101.

Limitations on Approval.

Any person who wishes to alter a structure or change a use or method of operation of an activity in a matter inconsistent with, or not provided for by the original special review use permit shall first apply to Bent County, Colorado, for a new special review use permit.

PART VI NON-CONFORMING USES AND BUILDINGS.

06.01 Non-Conformance

- 06.01.01 Non-Conformance
- 06.01.02 Alterations and/or Extensions
- 06.01.03 Restoration
- 06.01.04 Discontinuance
- 06.01.05 Non-Conforming Lots
- 06.01.06 Change in Non-Conforming Use
- 06.01.07 Construction Prior to Passage

06.01.01 Non-Conformance.

Certain uses of land and buildings may be found to be in existence at the time of the passage of this resolution which do not meet the requirements of this resolution. It is the intent of this resolution to allow the continuance of such non-conforming use.

06.01.02 Alterations and/or Extensions.

No building or use that is non-conforming as of the effective date of this resolution shall be expanded in any way that would increase the degree of non-conformance. The following changes or alterations may be made to a non-conforming building.

1. Repair to a building that has been officially declared unsafe to restore to a safe condition.
2. Maintenance repairs that are needed to maintain the good condition of a building.
3. Any structural alterations that would reduce the degree of non-conformance or change the use to a conforming use.

06.01.03 Restoration.

A non-conforming building which has been damaged by fire or other natural cause may be restored to its original usability provided such work is begun within three (3) months and completed within twelve (12) months of the time of such calamity.

06.01.04 Discontinuance.

Whenever a non-conforming use has been discontinued for a period of six (6) months, it shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this resolution.

Any non-conforming use in existence at the time of the effective date of this resolution that has an assessed value of all improvements of One Hundred Fifty (\$150.00) or less shall be discontinued within two (2) years from the effective date of non-conformance.

06.01.05 Non-conforming Lots.

Non-conforming lots on record at the time of passage of this resolution may be built upon providing that yard requirements are met and the approval of the Board of Adjustment is obtained.

06.01.06 Change in Non-Conforming Use

No non-conforming use of a building or lot may be changed to another non-conforming use.

06.01.07 Construction Prior to Passage.

Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit or County

approval has been issued and construction of which shall have been diligently pursued within three (3) months of the date of such permit or approval.

PART VII ADMINISTRATION

07.01 Administration

07.01.01 Enforcement
07.01.02 Zoning Permit
07.01.03 Certificate of Occupancy
07.01.04 Records
07.01.05 Board of Zoning Adjustment
07.01.06 Appeals

07.01.07 Hearings
07.01.08 Fees
07.01.09 Interpretation

07.01.01 Enforcement.

This resolution hereby establishes and shall be enforced by an officer appointed by the County to be known as the Zoning Enforcement Officer.

07.01.02 Zoning Permit.

No building shall be erected, occupied, or moved until a permit therefore has been issued by the Zoning Enforcement Officer, and no permit shall be issued unless the proposal is in full accordance with this resolution, except in those instances where a variance has been granted by the Board of Zoning Adjustment.

07.01.03 Certificate of Occupancy

No new building shall hereinafter be occupied or used without a Certificate of Occupancy which has been issued by the Zoning Enforcement Officer. Such Certificate shall be issued within five (5) days after the officer has been notified of building completion and after a final inspection has been made to determine conformance with the provisions of this resolution.

07.01.04 Records

All building permits, application records, records of inspections, and Certificate of Occupancy records shall be kept on file in the office of the Zoning Enforcement Officer and shall be available for inspection by the public.

07.01.05 Board of Zoning Adjustment (Variance Board).

Establishment.

A Board of Zoning Adjustment is hereby established which shall consist of five (5) members who shall be appointed by the County Commissioners. All further reference to the Board of Zoning Adjustment in this section shall hereafter be made to "The Variance Board".

Membership.

The Variance Board shall consist of five (5) members. Until otherwise provided, the members shall serve without compensation. Each member shall serve for three (3) years, provided, however, that of the first appointed Board three (3) members shall serve for two (2) years and two (2) members for three years. Vacancies shall be filled for unexpired terms in the same manner as in the case of the original appointments. The County Commissioners may dismiss a board member by a two-third (2/3) vote.

Officers.

The Variance Board shall, at its first regular meeting of each year, select a Chairman, a Vice-Chairman, and a Secretary. The Secretary may or may not be a member of the Variance Board. The Chairman shall preside at meetings and shall perform all duties usual and ordinary for the presiding officer of any board or group. The Vice-chairman shall perform the duties of the Chairman in the absence of the Chairman. The Secretary shall keep full and complete minutes and records of all meetings and shall have custody of all the records and shall generally perform all of the duties usually performed by the secretary of any board or group.

Duties.

To meet at the call of the Chairman, by his request or by the request of the Zoning Enforcement, or by a party wishing to appeal the decision of the same.

To adopt any rules necessary to transact the Variance Board's business or to expedite its functions or powers so long as they are not inconsistent with the provision of this resolution.

To vote upon the granting of an adjustment to requirements of the Zoning Resolution, which must require the concurrence of the members of the Variance Board in order to revise an order of the Zoning Enforcement Officer.

To keep minutes of the proceedings of each meeting, which shall be filed in the office of the Variance Board, who may designate the Zoning Enforcement Officer to keep such files, and which shall be of public record.

To permit the public to attend and be heard at all of its meetings.

To notify, in writing, the Zoning Enforcement Officer, the owner involved, and the commissioners, of all decisions made, resolutions passed, hearing scheduled, or permits authorized.

07.01.06

Appeals.

The Variance Board shall hold a public hearing on all appeals after providing notice in an official paper or newspaper of general circulation in not less than one issue to be published at least one (1) week in advance of the regular or special meeting of the Variance Board at which the appeal is to be considered. Notice shall specify the meeting agenda and location of the parcel of land which shall be the subject of the hearing and shall decide the appeal within sixty (60) days of the date of the appeal.

07.01.07

Hearings.

A written notice of such hearing shall be sent to adjacent property owners at least fifteen (15) days prior to the hearing. In the event that adjacent property is held in common ownership the notice shall be sent to the appropriate homeowners or condominium association. The appellant shall supply the names of adjacent property owners at the time of filing the application.

07.01.08

Fees.

A fee of \$25.00 shall be charged for each appeal to cover administrative costs of processing. The appellant shall also be required to reimburse the cost of any published notices required in consideration of his appeal under the provisions hereof.

07.01.09

Interpretation – Powers.

The Variance Board shall have the power to interpret this resolution, including any uncertainty as to boundary, location, or meaning or wording, so long as this interpretation is not contrary to the purposes and intent of this resolution.

Variances.

The Variance Board shall have the power to grant variances from the provisions of this resolution, but only where all the following conditions are found to exist:

1. The variance would not authorize any use other than uses enumerated as a permitted use or an approved special review use in the district where the variance is sought. (C. R. Statute 30-28-118)
2. Than an unnecessary hardship to the owner could be shown to occur if the provision of this resolution was literally followed.
3. That the circumstances found to constitute a hardship either were not created by the owner or were in existence at the time of the passage of this resolution or are the result of general conditions of the district and cannot be reasonably corrected, and,
4. That the variance would not be out of harmony with the intent and purpose of this resolution, and the Bent County Master Plan.

Procedure.

The Variance Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and applicable zoning regulations of Bent County. All appeals to the Variance Board shall be in writing and on such a form as shall be prescribed by the Variance Board. Every appeal shall indicate what provision of this Resolution is involved, what relief from these provisions is being sought, and the grounds upon which such an appeal is being sought, as required above. The Chairman of the Variance Board shall then, within forty-five (45) days, call a meeting of the Variance Board for the purpose of the review of the requested appeal. At the same time, a copy of the requested appeal shall be transmitted to the County Commissioners for opinions, which opinions shall be returned to the Variance Board before the date set for hearing the appeal. Notification of the decisions of the Variance Board shall then be made.

Appeals from the Board.

Any further appeal from the decision of the Variance Board may be made to the courts, as provided by law, provided, however, that such appeal is made prior to twenty (20) days following the date of the notification of the Variance Board's decision.

PART VIII INTERPRETATION.

08.01 Interpretation and Conflict

08.01.01 Interpretation

08.01.02 Conflict

08.01.01 Interpretation.

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements adopted for the promotion of the public health, safe, and welfare.

08.01.02 Conflict

Whenever the requirements of this resolution are in conflict with the requirements of any other resolution, rule, regulation, private covenant, or

deed restriction, the more restrictive or that imposing the higher standards shall govern.

PART IX VIOLATION AND PENALTIES.

09.01 Violations and penalties.

09.01.01 Violations and penalties

09.01.02 Notification

09.01.03 Complaints

09.01.01 Violations and Penalties.

Failure to comply with all of the provisions of this resolution, unless a variance has been authorized by the Board of Zoning Adjustment, shall constitute a misdemeanor and upon conviction is punishable by a fine not to exceed Three Hundred Dollars (\$300.00) or imprisonment for a period of not more than ninety (90) days, or both. Each day that such a violation continues to exist shall be considered a separate offense.

09.01.02 Notification.

Whenever the Zoning Enforcement Officer shall find a violation of any of the provisions of this resolution, he shall notify the person responsible for the violation in writing and shall order the necessary corrections.

09.01.03 Complaints.

Any person aggrieved by a violation or apparent violation of the provisions of this resolution may file a written complaint with the Zoning Enforcement Officer who shall investigate such complaint and take legal action within five (5) days to have the violation penalized or removed, if such violation is found to exist.

PART X AMENDMENTS.

10.01 Amendments

10.01.01 Amendments

10.01.02 Amendments Procedures

10.01.03 Standards for Review of Applications for Amendment

10.01.04 Rezoning Fees

10.01.01 Amendments.

Applications for Amendment.

Amendments, supplements, changes or repeal of this ordinance or any section thereof, or to the official zoning map may be initiated by application of:

1. Any citizen, group of citizens, firm or corporation residing on, owning, or leasing property in the County;
2. The Planning Commission
3. Board of Zoning Adjustment
4. Board of County Commissioners
5. City Council

Application for an amendment to this ordinance shall be made on such a form as the Planning commission shall prescribe and shall be filed with the County Land Use Administrator. Before considering an amendment to the Official Zoning Map the Board may request the following information.

1. Description of land area to be rezoned, and requested new classification along with a sketch at sufficient detail, and shall contain boundaries of area requested to be zoned, along with an indication of the existing zoning of all adjacent sides of the area.
2. A statement of justification for the rezoning, including one of the following conditions:
 - a. Changing area conditions
 - b. Error in original zoning
 - c. Conformance to comprehensive plan for areas, or
 - d. Peculiar suitability of the site to a specific use.
3. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within two hundred (200) feet of the boundary of the proposed area of change, in all directions.
4. Statement of proposed water and sewer system from existing water and sewer district or plan for expansion of capacity to support the uses planned for the proposed rezoning.
5. Statement from local school board concerning the adequacy or additional needs of the system to accommodate the proposed rezoning.
6. A description of all proposed parks, playgrounds, and other public facilities.
7. A description of proposed public and private roadways.
8. Any other information or material requested by the Planning Commission or the Board.
9. Time schedule for any contemplated new construction or uses.
10. Justification for any new business or industrial zoning.
11. Effect that the new zoning would have on adjacent uses.
12. Application fee required by Section 10.01.04

13. Application for rezoning to mobile home park shall conform to all submission requirements set forth in the Mobile Home Park District, Section 03.01.06, et seq.

All applications for changes to the zoning ordinance or map shall be referred by the County Land Use Administrator and to the Planning Commission, which commission shall return a recommendation either recommending for or against the proposed change to the Board of County Commissioners within thirty (30) days of the receipt thereof.

10.01.02 Amendment Procedures

Before any amendment to this ordinance or map is enacted, the Board of County Commissioners shall hold a public hearing fifteen (15) days advance notice of the time and place of which shall be published in an official paper or a newspaper of general circulation within the County.

The adoption of any amendment, supplement, change, modification, or repeal shall require the favorable vote of a majority of the County Commissioners, except that under the following circumstances a unanimous vote of the members shall be required.

1. Whenever a protest against such changes is filed with the Land Use Administrator, the protest shall be signed by the owners of twenty percent (20%) or more either of the lots included in such proposed change, or of those immediately adjacent extending one hundred (100) feet in any direction or,
2. When the Planning Commission has not recommended approval of such change.

10.01.03 Standards for Review of Application for Amendment.

All applications for amendment shall meet the standards listed below.

Applications for amendment to a Mobile Home Park (MHP) District shall meet all the requirements and standards as set forth in the MHP district in addition to the procedures and standards set forth in this Section.

The Planning Commission may recommend and the Board of County Commissioners may adopt only those amendments which it finds:

1. To be consistent and in accordance with the adopted plan, and,
2. Is designed to prevent the overcrowding of land and will avoid undue concentration of population, and
3. Is designed to facilitate the adequate provision of transportation, water sewage, schools, parks, and other requirements.

If the Board of County Commissioners finds that there are substantial changes in the character of the neighborhood or a mistake in the original

zoning which warrant an amendment to the zoning plan for Bent County, the Board of County Commissioners shall first propose an amendment to said plan.

10.01.04 Rezoning Fees.

Applications for rezoning shall be accompanied by one of the following fees:

To Industrial	\$ 250.00
To Business	\$ 150.00
To Residential	\$ 200.00
To Mobile Home Park	\$ 100.00, plus \$2.50 for every proposed unit
To Travel Trailer Park	\$ 100.00, plus \$2.50 for every proposed unit.

PART XI VALIDITY OF RESOLUTION.

11.01 Validity of Resolution

11.01.01 Validity of Resolution

Validity of Resolution.

Should any section, clause, or provision of this resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this resolution as a whole, or any part thereof other than the part so declared to be invalid.

PART XII REPEALER

12.01 Repealer

12.01.01 Repealer

12.01.01 Repealer.

All resolution or other codes of the County inconsistent herewith to the extent of the inconsistency and no further are hereby repealed. The repeal of the above mentioned resolutions or codes does not revise any other resolution or code. Such repeals shall not effect or prevent the prosecution and punishment of any person for violation of any resolution or code repealed hereby for any offense committed prior to the repeal.

PART XIII ENACTMENT CLAUSE

13.01 Enactment Clause

13.01.01 Enactment Clause

13-01.01 Enactment Clause.

Upon approval and adoption by the Board of County Commissioners of Bent County, a certified copy of this Resolution and of the Official Zoning Map shall be filed, according to law, in the Office of the County Clerk and Recorder of the County of Bent. This Resolution shall become of full force and effect as of the date of its adoption, this being the 17th day of January 1980.

SUBDIVISION APPLICATION PROCEDURE

TIME REQUIREMENT

- | | |
|-----------------------------|---|
| 1. | SUBDIVIDER DISCUSSES APPLICATION PROCEDURE WITH ADMINISTRATOR. |
| NONE | <p>Before submission of a sketch plan, the subdivider Shall discuss the subdivision process with the Administrator to develop a general concept of how To proceed and what will be required.</p> <p>FEES: None</p> |
| 2. | SUBDIVIDER SUBMITS 10 COPIES OF SKETCH PLAN TO ADMINISTRATOR. |
| 30-45 DAYS | <p>The Administrator conducts an informal review and analyzes the plan with reference to the County's Subdivision and zoning regulations and to the County's Master Plan. The Planning Commission reviews the plan and suggests changes and makes recommendations. The sketch plan may be forwarded to appropriate government agencies for their comments.</p> <p>FEES: \$50.00</p> |
| 3. | SUBDIVIDER SUBMITS PRELIMINARY PLAN TO THE ADMINISTRATOR |
| 30-45 DAYS, MAY BE EXTENDED | <p>The subdivider shall submit 10 copies of the preliminary plat and 10 copies of a general utility layout plan to the Administrator who shall forward such to the Planning Commission and to appropriate government agencies for comment.</p> |

The Planning Commission shall consider the plat and pass a resolution of recommendations to approve, conditionally approve, or disapprove the preliminary plat. Such recommendation shall be forwarded to the Board who will hold a public hearing upon the preliminary plat. After the public hearing, the Board shall approve, conditionally approve or disapprove the plat. Approval of the plat will be effective for 12 calendar months.

- FEE: 1-15 LOTS - \$100. & ADVERTISING
- 16-35 LOTS - \$150. & ADVERTISING
- 35-75 LOTS- \$200. & ADVERTISING
- 76 & ABOVE - \$250. & ADVERTISING

:

4. SUBDIVIDER SUBMITS FINAL PLAT TO THE ADMINISTRATOR.

30 DAYS; MAY BE EXTENDED

One reproducible mylar and ten copies of both the final subdivision plat and the construction plat shall be submitted to the Administrator who will forward such to the Board. The Board will approve or disapprove the final subdivision plat within 30 days of receiving same from the Administrator.

SUBDIVISION RESOLUTION
BENT COUNTY, COLORADO

PART I SUBDIVISION RESOLUTION – PROCEDURE

01.01 Authority, Purpose, and Jurisdiction

01.01.01	Title
01.01.02	Short Title
01.01.03	Purposes
01.01.04	Authority
01.01.05	Jurisdiction
01.01.06	Interpretation, Conflict, and Severability
01.01.07	Savings Provision
01.01.08	Amendments
01.01.09	Resubdivision of Land
01.01.10	Exemption from Definition of Subdivision or Subdivided Land
01.01.11	Enforcement, Violations, and Penalties

- 01.01.01 Title:
- This Subdivision Resolution is to establish rules, regulations, and standards governing the subdivision of land within Bent County, Colorado and providing penalties for the violation of the provisions of this resolution.
- 01.01.02 Short Title:
- For the purpose of brevity this resolution shall hereafter be referred to as the “Subdivision Regulations of Bent County Colorado” or as the “Subdivision Regulations”.
- 01.01.03 Purposes:
- A. To assure the adequacy of drainage facilities, to safeguard the water table, prevent the pollution of air, streams, and ponds, and to encourage the wise use

and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the County and the value of the land.

- B. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision. .
- C. To guide public and private policy and action in order to provide playgrounds, recreation, and other public requirements and facilities.
- D. To protect and conserve the value of the land throughout the County and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- E. To establish reasonable standards of design and procedure for subdivision and resubdivisions in order to further the orderly layout and use of land and to insure proper legal descriptions and monumenting of subdivided land.
- F. To provide for open spaces through the most efficient design and layout of land including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning regulations of Bent County.
- G. To protect and provide for the public health, safety, and general welfare of the County.
- H. To guide the future growth and development of the County, in accordance with the Bent County Master Plan as amended.
- I. To provide the adequate light, air, and privacy, to secure safety from fire, flood and other dangers, and to prevent the overcrowding of the land and undue concentration and congestion of population.
- J. To protect the character and the social and economic stability of all parts of the County and to encourage the orderly and beneficial development of all parts of the County.
- K. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings and to provide for the property location and width of streets and building lines.

01.01.04

Authority:

These subdivision regulations are authorized by Article 30, Title 23 of the Colorado Revised Statutes, 1973, as amended, from sections 101-137 and by Article 29, Title 29, sections 101-107, and are hereby declared to be in accordance with all provisions of those statutes.

01.01.05

Jurisdiction.

- a. These subdivision regulations shall apply to all subdivisions of land as defined herein, located within the limits of the County.
- b. No land shall be subdivided within the County until:
 - 1. The subdivider or his agent shall submit a sketch plan of the parcel to the Land Use Administrator.
 - 2. The Land Use Administrator shall approve the sketch plan and preliminary plat and upon approval shall submit to the Board of County Commissioners for their approval, disapproval, or conditional approval.
 - 3. When approved by the Board of County Commissioners the final plat must be filed with the Bent County Clerk and Recorder at the applicant's expense.
- c. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of and not in conformity with the provisions of these subdivision regulations, no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these subdivision regulations.

01.01.06

Interpretation, Conflict, and Separability:

- a. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- b. Conflict with Public and Private Provisions:

1. Public Provisions:

These subdivision regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulations, statute or other provision of law. Where any provision of these subdivision regulations imposes restrictions different from those imposed by any other provision

of these subdivision regulations or any other section of County resolutions or any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Private Provisions:

These subdivision regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these subdivision regulations are more restrictive or impose high standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these subdivision regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive or with higher standards than the requirements of these regulations, or the determination of the Board of County Commissioners, in approving a subdivision or in enforcing these subdivision regulations or determinations thereunder, then such provisions shall be operative and supplemental to these regulations and determinations made thereunder.

3. Separability:

If any part or provision of these subdivision regulations or application thereof to any person or circumstances is judged invalid by any court, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons

or circumstances. The Board of County Commissioners hereby declares that it would have enacted the remainder of these subdivision regulations even without any such part, provision, or application.

01.01.07

Saving Provision:

These subdivision regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, for corporation by lawful action of the County except as shall be expressly provided for in these subdivision regulations.

01.01.08

Amendments.

For the purpose of providing for the public health, safety and general welfare, the Board of County Commissioners may from time to time amend the provisions imposed by these subdivision regulations provided the Board of County Commissioners adopts the amendment by resolution. Public hearings on all proposed amendments shall be held by the Board of County Commissioners in the manner prescribed by law.

01.01.09

Resubdivision of Land:

a. Procedure for Resubdivision:

For any change in a map of an approved or recorded subdivision plat, if any change affects any street layout shown on such map or area reserved thereon for public use or any lot line or if it affects any map or plan legally reached prior to the adoption of these subdivision regulations, such parcel shall be approved by the Board of County Commissioners by the same procedure, rules and regulations as for a subdivision.

b. Procedure for Subdivision where Future Subdivision is Indicated:

Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the Board of County Commissioners may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

01.01.10

Exemption from the Definition of Subdivision:

- a. Where, it is determined by the Land Use Administrator, and the Board of County Commissioners that extraordinary hardships or practical difficulties may result from strict compliance with these subdivision regulations and/or the purposes of these subdivision regulations may be served to a great extent by an alternate proposal, it may approve exemptions, provided the Board passes a resolution authorizing such exemption, with or without a formal hearing, to these subdivision regulations so that substantial justice may be done and the public interest secured, provided such exemptions shall not have the effect of nullifying the intent and purpose of these subdivision regulations as provided in 01.01.03 of this Part I and further provided the Land Use Administrator shall not recommend for approval and the Board shall not grant approval of an exemption unless all of the following standards and requirements are met:
 1. Each building site, tract or lot access as otherwise required for subdivided land in these subdivision regulations and roads constructed within the property in question shall meet the minimum standards as set forth in these subdivision regulations and by the County Engineer.
 2. Such division shall not be detrimental to the public good or impair the intent and purpose of these subdivision regulations or the Colorado Revised Statutes, 30-29-133, 1973, as amended and shall not be in conflict with this regulation or any adopted elements of the Bent County Master Plan, as amended.
 3. If the exemption is adjacent or abutting a subdivision, lot sizes must be as large or larger than those lots in the subdivision.
 4. Any person seeking an exemption under this subsection 01.01.10 shall submit their request for exemption to the Administrator on a

form supplied by the Administrator, which application shall include the following:

- (a) A boundary drawing showing the legal description and acreage of the subject property and of the lots to be created.
 - (1) One copy of this drawing shall contain the proposed layout and legal descriptions.
 - (2) One (1) copy of this drawing shall contain the proposed layout, legal descriptions and all man-made features on and adjacent to the subject property and existing road rights-of-way adjacent to the property, existing easements, existing ditch laterals, and other improvements shall also be shown.
- (b) A legible vicinity sketch at a scale of sufficient detail showing the perimeter outline of the property and significant man-made features (roads, lakes, ditches, bridges) within one (1) mile of the surrounding area. This vicinity sketch shall be placed on the drawing requested (a) (2) above.
- (c) Statements indicating the type of water system proposal, also documentation of water rights, future use, and well permit or application for plan for augmentation, if applicable. In the case of water from a district association, or municipality, correspondence from that entity indicating availability of water service and commitment to serve (and specifying all conditions to such service, if any).
- (d) Statements indicating the type of sewer proposed. Where on-lot sewage disposal is proposed on any lot of five (5) acres or less, the application shall include the results of eight (8) foot boring representative of the entire tract to be divided and a percolation test run on each proposed lot of less than five (5) acres. These must be done by a licensed engineer or an approved sanitarian. In the case of sewage treatment by a sanitation district or municipality, correspondence indicating

availability of service and commitment to serve (and all conditions to service, if any).

- (e) A subdivision improvements agreement and sufficient collateral must be submitted in accordance with Part II of this resolution.
 - (f) The applicant shall be responsible for having his application reviewed by applicable utilities. Information requested from these agencies is as follows:
 - (1) Easements required (same should be placed on plat) and,
 - (2) Line capacity and ability of utility to provide service both at present and in the future.
 - (g) Each application will be reviewed by applicable federal, state, and local agencies. Each agency will be asked to make comment relative to the impact of the property division and what the applicant must do to comply with their rules and regulations.
 - (h) Completed Deed of Dedication forms, where necessary, for the dedication of additional right-of-way along County streets and/or new rights-of-way for the lots to be created. (NOTE: These rights-of-way must be shown on the plat.)
 - (i) School site and/or open space dedication, or fee in lieu of, as required in Part II of this resolution.
 - (j) Application fee of \$25.00
6. Any division of land pursuant to this subsection 01.01.10 is hereby found to be not within the intent and purposes of the definition of “subdivision” or “subdivided land” contained within the rest of these subdivision regulations.
7. The Land Use Administrator shall refer the completed application to the Board of county Commissioners with his/her recommendations for approval, conditional approval, or disapproval. The Board of County Commissioners

will review and make the final decision and shall have the Land Use Administrator notify the applicant in writing of their decision. If the application for exemption is approved or conditionally approved, a mylar boundary survey shall be recorded by the applicant with the Bent County Clerk and Recorder at the expense of the applicant.

8. Before property within an approved exemption is sold, an actual field survey shall be made of the property and lot corners shall be established. If this was done at the time of application, a second survey will not be required.

01.01.11 Enforcement, Violations, and Penalties:

a. General:

It shall be the duty of the Administrator to enforce these subdivision regulations and to bring to the attention of the County Attorney any violations or lack of compliance herewith.

- b. It shall be unlawful to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any plat, plan, or replat of any subdivision within the area subject to application of these subdivision regulations unless said plan, plat, or replat shall have been approved as prescribed in these subdivision regulations and filed with the offices of the Bent County Clerk and Recorder.
- c. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these subdivision regulations.
- d. Any owner or agent of the owner of any land located within a subdivision who transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision, before such plat has been approved by the Board of County Commissioners and recorded and filed in the offices of the Bent County Clerk and Recorder, shall pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold as provided in Article 31, Title 23, Section 216 of the Colorado Revised Statutes, 1973, as amended.

01.02 Subdivision Application Procedure

01.02.01 General Procedure

01.02.01 General Procedure:

Whenever any subdivision of land is proposed, before any contract is made for sale of any part thereof, and before any permit for the erection of a structure in

such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedures which includes these four (4) steps:

- a. General discussion of proposal with the Administration
- b. Submission of Sketch Plan
- c. Submission of Preliminary Plan
- d. Submission of Final Plat

01.03 Sketch Plan Requirements

- 01.03.01 Discussion of Requirements
- 01.03.02 Application Procedure and Requirements
- 01.03.03 Drawing Requirements
- 01.03.04 Review of Sketch Plan
- 01.03.05 Approval of Sketch Plan

01.03.01 Discussion of Requirements:

Before preparing the sketch plan for a subdivision, the applicant should discuss with the Administrator the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, water improvements, fire and police protection and similar matters, as well as the availability of existing utility services. The Administrator, at this time, shall advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approved those aspects of the subdivision coming within their jurisdiction.

01.03.02 Application Procedure and Requirements:

Sketch Plan applications will be made on forms available from the Administrator and shall be submitted to the Administrator.

a. Contents of Sketch Plan Application:

1. Five (5) copies of a vicinity map or maps (drawn to an appropriate scale) showing the general location of the proposed subdivision area. These may be an insert on the Sketch Plan Map (clause 3, below).
2. Existing topographic contours at not more than fifty (50) feet intervals drawn from available data, such as U. S. Geological Survey Maps.
3. Five (5) copies of a map or maps drawn to a scale of 1" = 50' (see sub-section 01.01.01 for drawing requirements) showing:

- (a) A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
- (b) The acreage of the entire tract and the area to the nearest half (1/2) acre and percentage of total area to be devoted to streets and to each other type of use, such as residential, commercial, industrial, or public.
- (c) Boundaries of the area to be subdivided.
- (d) Significant man-made features within the area to be subdivided such as railroads, existing utilities, roads, and buildings.
- (e) The names and addresses of the land owner, the subdivider and the firm or individual responsible for the layout or design, and an address and telephone number of an agent who shall be authorized to receive all notices required by these regulations.
- (f) A tentative drainage plan for the proposed subdivision.

4. Written explanations concerning:

- (a) What entity will provide water service, type of water service proposed and documentation of water availability.
- (b) What entity will provide sewer service, type of service proposed.
- (c) Anticipated population, dwelling units and land use activities supported by indicators of need for the proposed subdivision.
- (d) An affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the Book and the Page of each conveyance to the present owner as recorded in the Bent county Clerk and Recorder's Office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date contract for sale was executed, and, if any corporations are involved, a complete list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock.

5. Be accompanied by a fee of \$50.00.

01.03.03 Drawing Requirements:

- a. The scale of the sketch plan map shall not be less than 1" = 50'. Some variation from this will be acceptable in the case of large subdivisions, provided the plans and design are clearly legible. Maps shall include True North point, name of the subdivision, name of the county, township, range, principal meridian, section and quarter section, block and lot numbers.
- b. The dimensions of each and every map submitted shall be twenty-four (24) inches by thirty-six (36) inches. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.

01.03.04 Review of Sketch Plan:

- a. The Administrator shall review the Sketch Plan for fulfillment of the requirements listed in subsection 01.03.02 and may request the subdivider or his agent to provide any information not provided required in subsection 01.03.02. The Administrator shall then submit the Sketch Plan and his written recommendation of approval, conditional approval, or disapproval, with reasons for disapproval or conditional approval, to the Planning commission in writing for their review and consideration at the next scheduled Planning Commission meeting.
- b. The Planning Commission shall review the Sketch Plan and the recommendations of the Administrator, taking into consideration the requirements of these subdivision regulations and the best use of the land being subdivided. Particular attention should be given by the Planning Commission in their review to the arrangement, location and width of streets, their relation to topography of the land, sewage disposal, drainage, lot sizes and arrangements, water availability, the further development of adjoining lands as yet unsubdivided and the requirements of the zoning regulations. Official Zoning Map, the Land Use Policies of the County and the Bent County Master Plan.

01.03.05 Approval of the Sketch Plan:

After reviewing and discussing the Sketch Plan and map and recommendations of the Administrator, the Planning Commission will advise the applicant of the specific changes, if any, it will require in the layout and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the final subdivision plat. Approval by the Planning commission of the Sketch Plan shall constitute authorization to prepare and submit a Preliminary Plat by the applicant. Such approval, conditional approval, or disapproval shall be made by the Planning Commission thirty (30) days after receiving the Sketch Plan application and the recommendations from the Administrator.

01.04	Preliminary Plat Requirements:
01.04.01	Application Procedure and Requirements
01.04.02	Drawing Requirements
01.04.03	Public Hearing
01.04.04	Notice to Other Governmental Entities
01.04.05	Review of Preliminary Plat and General Utility Layout Plans
01.04.06	Public Improvements
01.04.07	Effective Period of Preliminary Plat Approval
01.04.08	Zoning Regulations

Based upon the approval of the Planning Commission of the Sketch Plan application, the applicant should file an application for approval of the Preliminary Plat with the Administrator.

a. Contents of Preliminary Plat Application:

1. Information on all land which the applicant proposes to subdivide and all land immediately adjacent extending 300 feet therefrom or of that directly opposite thereto, extending 300 feet from the street frontage of such opposite land with the names of the owners as shown on the County Assessor's files. This information may be shown on a separate current Tax Map reproduction from the County Assessor's Office showing the subdivision superimposed thereon.
2. Ten (10) copies of the preliminary plat showing: (See subsection 01.04 for drawing requirements)
 - (a) The location of the property with respect to surrounding property and streets, the names of adjoining developments and the names of adjoining streets.
 - (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 - (c) The location of existing streets, easements, water bodies, streams and other pertinent features such as railroads, buildings, parks, cemeteries, and irrigation ditches.
 - (d) The location and width of all existing and proposed streets and easements, alleys, and other public ways and easement and proposed street rights-of-way and building setback lines.
 - (e) The location and dimensions and areas of all proposed or existing lots.

- (f) The location and dimensions of all property proposed to be set aside for parks or playgrounds use or other public or private reservations with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (g) The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owners and the name of the registered land surveyor.
- (h) The date of the map and the location of all existing and proposed monuments.
- (i) Proposed names of all new streets and name of the subdivision.
- (j) Indication of the use of any lot (single-family, multi-family) and an indication of all uses other than residential proposed by the subdivider.
- (k) The approximate boundaries, shown on the County's Flood Hazard Boundary Map of area subject to inundation or stormwater overflows of an intensity estimated to occur with a return frequency of once every 100 years.
- (l) Soil types and their boundaries based on either the National Cooperative Soil Survey, the U. S. Department of Agriculture or the Soil Conservation Service.
- (m)Plats shall be consecutively numbered or lettered in alphabetical order and the blocks in numbers additions to subdivisions bearing the same date shall be numbered or lettered consecutively throughout the service additions. Where streets in the proposed subdivision will combine with streets already named and existing in the County, then those streets in the proposed subdivision will take the same name as the street they will connect to in the County.
- (n) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outblocks shall be lettered in alphabetical order within each block.
- (o) A drainage plan designed to accommodate the discharge of any increase in the historic runoff from the proposed site.
- (p) Indication of any present, existing zoning districts, tax districts or other special districts if any.

(q) All information required on the Sketch Plan application should also be shown on the Preliminary Plat and the following notations shall also be shown:

- (1) Explanation of drainage easements, if any.
- (2) Explanation of site easements, if any.
- (3) Explanation of reservations, if any.
- (4) Endorsement of the owner, as follows:

Owner

Date

(r) Form for endorsements by the Planning Commission Chairman as follows:

Approved by resolution of the Bent County Planning Commission.

Chairman

Date

3. Three (3) copies of general utility layout plans showing: (See subsection 01.04.02, paragraph b. for drawing requirements).
 - (a) Layouts of sewer and water lines and facilities and how they will tie into existing County facilities and lines.
 - (b) Approximate radii of all street curves, lengths of tangents and central angles of all streets and approximate grade to streets.
 - (c) Plans showing the locations of street pavements, drainage easements, rights-of-way, the location and size of existing and proposed sanitary sewers, stormwater drains and fire hydrants, showing connection to any existing or proposed utility systems, and approximate location and size of all water, gas electric, telephone or other underground utilities and structures.
 - (d) Location, size, elevation and other appropriate description of any existing facilities or utilities, including but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as railroads, buildings, features noted on the Bent County Plan, at the point of connection to proposed facilities and utilities within the subdivision and each tree with a diameter of six (6) inches or more, measured twelve (12) inches above level. The water elevations of adjoining lakes or

streams shall also be provided at the date of the survey and the approximately high and low water elevations of such lakes or streams. All elevations shall be referred to the U. S. G. S. datum plane.

- (e) Topography at the same scale as the Sketch Plan with a contour interval of two (2) feet, referred to sea-level datum.
- (f) Notation of approval as follows:

.....
Owner Date

.....
Planning Commission Chairman Date

- (g) Title, name, address, signature and seal of registered professional engineer and/or surveyor and date, including revision dates.

4. Three (3) copies of written textual materials shall be submitted as follows:

- (a) Function, ownership and matter of maintenance of common open space not otherwise reserved or dedicated for public use.
- (b) The substance of all covenants, grants of easements or restrictions imposed upon the use of the land, buildings and structures.
- (c) Geological investigation report regarding area suitability for the proposed development.
- (d) Total number of proposed dwelling units.
- (e) Total number of proposed off-street parking spaces, excluding those associated with single-family residential development.
- (f) Estimated total number of gallons per day of water system requirements for domestic use where a distribution system is proposed; also, estimated water necessary for emergency fire protection. A report on the proposed plan for water supply in a form suitable for transmittal to the State Division of Water Resources for review. The report will contain appropriate and adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:

- (1) Evidence of ownership or right of acquisition of, or use of existing and proposed water rights.
- (2) Historic use and estimated yield of claimed water rights.
- (3) Amenability of existing rights to a change in use.
- (4) Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending services to that area.
- (5) Evidence concerning potability of the proposed water supply for the subdivision.

For the purposes of Part (1) of this subsection evidence shall consist of either:

- (1) A copy of the application which will be submitted to the Water Court for a water right, change in water right, or plan of augmentation; or,
- (2) A copy of the decree for an existing water right which authorized the type of use required by the subdivision.

For purposes of Part (4) of this subsection evidence shall consist of a letter from the appropriate water district or association indicating that they can and will serve the development and describing in detail the amount of water that they have available with which to serve it.

- (h) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed or disposal means and suitability where no central sewage treatment facility is proposed.
- (i) Estimated construction costs and proposed method of financing of the streets and other facilities such as: water distribution system, sewage collection system, storm drainage facilities and such other utilities and improvements as may be required of the developer by the County.
- (j) Adequate evidence from public or private utility companies that they can and will supply electricity or gas to the proposed subdivision stating the amount of gas or electricity available for use within the subdivision and the feasibility of extending services if no services presently exist in the area.

- (k) A traffic study detailed enough to indicate the effect traffic flow will have on the subdivision and upon connecting streets and roads and intersection.
- 5. Be submitted to the Administrator prior to a regular or special meeting of the Planning Commission.
- 6. Be accompanied by a fee of:

1-15 Lots	\$100 Plus Advertising Costs
16-35 Lots	\$150 Plus Advertising Costs
36-75 Lots	\$200 Plus Advertising Costs
76 & Above:	\$250 Plus Advertising Costs

01.04.02 Drawing Requirements:

a. Preliminary Plats:

To be prepared by a Colorado State licensed land surveyor at a scale of not more than 1" = 50'. It may be prepared in pen or pencil and the sheets shall be numbered in sequence if more than one (1) sheet is used and all sheets shall be twenty-four (24) inches by thirty-six (36) inches. It should be noted that the Preliminary Plat prepared for this step may also be used for the final subdivision construction plans and, therefore, should be drawn on reproducible mylar, in pencil where possible capable of legible reproduction, which will make any changes on the final plat easier to make.

b. General Utility Layout Plans:

To be prepared by a Colorado licensed engineer. These plans shall be drawn at a scale of no more than 1" = 50' and map sheets shall be of the same size as the Preliminary Plat.

01.04.03 Public Hearing:

- a. The Board shall hold a public hearing on the Preliminary Plat. This public hearing shall be held after the Planning Commission has reviewed the Preliminary Plat and passed a resolution recommending approval, conditional approval, or disapproval to the Board. At the time of the Planning Commission's recommendations to the Board, the Administrator shall submit a notice for publication in one (1) newspaper of general circulation to be published at least fifteen (15) days before a regularly scheduled Board meeting, which meeting will be a public hearing on the

Preliminary Plat. The Administrator shall mail notices to all property owners who are adjacent or opposite property owners of the proposed subdivision property.

01.04.04 Notice to Other Governmental Entities:

After submission of the Preliminary Plat and General Utility Layout Plans to the Administrator by the Applicant, the Administrator may send out copies or notices of such to appropriate officials or agencies of the local government, adjoining counties or municipalities, school or special districts and other official bodies which the Administrator deems necessary including any review required by municipal, regional or state entities under applicable state and federal law.

01.04.05 Review of Preliminary Plat and General Utility Layout Plans:

- a. The Administrator, after receipt of the Preliminary plat and the General Utility Layout Plans from the applicant, shall review such for fulfillment of the requirements of subsection 01.04.01 and 01.04.02 and may request the subdivider or his agent to provide any information not provided required in subsection 01.04.01. Failure of the applicant or his agent to provide requested information may be grounds for disapproval of the Preliminary Plat by either the Planning Commission or the Board. The Administrator, after review, shall forward the Preliminary Plat and the General Utility Layout Plan with his written recommendations for approval, conditional approval or disapproval to the Planning Commission for their consideration at their next regularly scheduled meeting or a special meeting.
- b. The Planning Commission shall review the Preliminary Plat and the General Utility Layout Plans and the report of the Administrator and shall then advise the applicant of any required changes and/or additions. In its review of the Preliminary Plat and General Utility Layout Plans, the Planning Commission shall take into consideration the requirements of the zoning regulations of the County. The requirements for improvements in the subdivision regulations of this resolution, adopted County Land Use Policies, and the Bent County Master Plan.
- c. The Planning Commission shall approve, conditionally approve, or disapprove the Preliminary Plat within thirty (30) days after the date of receiving the Preliminary Plat and General Utility Layout Plans from the Administrator. This thirty (30) day period may be extended by joint agreement of the subdivider and the Planning commission. The Planning Commission's action on either approval, conditional approval, or disapproval shall be by resolution and be a recommendation to the County commissioners.
- d. The Planning Commission's resolution of recommendation shall be forwarded to the Board for their consideration within a thirty (30) day period. Immediately after

the Planning Commission's resolution of recommendation, the Administrator shall fulfill all of the requirements of subsection 01.04.03 concerning notices of public hearing.

- e. After the public hearing, the Board shall review the Preliminary Plat and the General Utility Layout Plans, the recommendations of the Planning Commission, any governmental agency comments and testimony and exhibits submitted at the public hearing and then shall advise the applicant of any required changes and/or additions.
- f. In its review of the Preliminary Plat and the General Utility Layout Plans, the Board shall take into consideration the requirements of the zoning regulations of the County. Requirements for improvements in the subdivision regulations. Adopted County Land Use Policies and the Bent County Master Plan.
- g. The Board shall approve, conditionally approve, or disapprove the Preliminary Plat and the General Utility Layout Plans within thirty (30) days after the date of the meeting of the Board at which the public hearing on the Preliminary Plat, including adjourned date there, is closed. This thirty (30) day period may be extended by joint agreement between the Board and the applicant. One copy of the Preliminary Plan and the General Utility Layout Plans shall be returned to the subdivider or his agent with the date of approval, conditional approval, or disapproval and the reasons therefore accompany the plat. The approval, conditional approval, or disapproval of the Preliminary Board and the General Liability Plans by the Board shall be by resolution.

01.04.06 Public Improvements:

The Planning Commission shall require the applicant to indicate on the plat all roads and public improvements to be dedicated, all special districts for water, fire and utility improvements which shall be required to be established or extended and any other special requirements deemed necessary by the Planning commission to conform the Preliminary Plat to the Official Zoning Map and the Bent County Plan.

01.04.07 Effective Period of Preliminary Plat Approval:

The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the subdivision must have been obtained from the Board. Any plat not receiving final or partial final approval within the period of time set forth herein shall be null and void and the developer shall be required to resubmit a new plat for preliminary approval subject to all existing and/or new zoning and subdivision regulations. A Preliminary Plat shall also be null and void and be subject to the same stipulations mentioned above if an applicant fails to complete all requirements

of a partial final plat agreement within the specified time. Completion of the requirement of a partial final plat will extend the period of Preliminary Plat approval for one (1) year.

01.04.08 Zoning Regulations:

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the county zoning resolution or subdivision regulations of this resolution which render the plat nonconforming as to bulk or use, provided that final approval is obtained within the one (1) year period.

01.05 Final Plat Requirements

- 01.05.01 Application Procedure and Regulations
- 01.05.02 Contents of Final Plat Application
- 01.05.03 Drawing Requirements
- 01.05.04 Review of Final Subdivision Plat

01.05.01 Application Procedure and Regulations:

Following approval of the Preliminary Plat and General Utility Layout Plans by the Planning Commission and the Board, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator an application for final approval of the subdivision plat. The final plat may reflect the entire preliminary plat or any logical part thereof.

01.05.02 Contents of Final Plat Application:

1. Notation of any self imposed restrictions and locations of any building proposed to be established in this manner, if required by the Board in accordance with these regulations.
 2. All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof, or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per linear foot of the monuments.
- b. The applicant shall provide at least five (5) copies of Construction Plans showing: (See subsection 05.05.03 for drawing requirements).
1. Plans and profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or

roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown.

2. Plans and profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants, showing connection to any existing or proposed utility systems, and exact locations and sizes of all water, gas, sewer, electric, telephone, or other underground utilities and structures.
 3. All specifications for sewer system design, water system design, street, curb, gutter and sidewalk design will follow the County's design specifications for those improvements, facilities and utilities.
- c. In addition, the applicant shall provide a site-grading and landscape plan for the entire subdivision.
- d. The Final Plat application shall:
1. Include the entire subdivision, or section thereof, which derives access from an existing State or County
 2. Be accompanied by a minimum of four (4) copies of the subdivision plat and four (4) copies of the construction plans, as described in these subdivision regulations.
 3. Comply in all respects to the approved, revised Preliminary Plat.
 4. Be submitted to the Administrator prior to a regular or special meeting of the Board.
 5. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, County uses, utilities, parts, and easements in a form approved by the County Attorney and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to Bent County, Colorado, all the streets, local government uses, easements, parks, and required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____, 20____, and recorded in the Bent County Clerk and Records Office.

By:.....
Owner or Representative

Date:.....

The applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for Bent County, Colorado, in the sum of not less than \$10,000. which actual sum shall be determined by the County Attorney before signing of the final subdivision plat.

6. Be accompanied by a surety bond, if required, in a form satisfactory to the County Attorney and in an amount established by the Board. The surety bond shall include a provision that surety shall comply with all the terms of the ordinance extending final subdivision plat approval by the Board, and shall include but not be

limited to, the performance of all required subdivision and on-site improvements including the costs of extending and connecting water and sewer service and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the County free and clear of all liens and encumbrances.

7. Be accompanied by written assurance from the public utility companies and improvement districts that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by either the Planning Commission or the Board upon Preliminary Plat approval.

8. The applicant shall also pay a fee, to be determined by the Board based on current market value for each street sign required by the Board to be installed by the County in the proposed subdivision.

e. The following notifications are required to be on the face of the final plat.

1. A notarized certification by all parties having any titled interest in or lien upon the land consenting to the plat and dedicating public ways, grounds, and easements. The certification shall read:

Know all men by these presents that _____ being the owner(s) of that part of the (described quarter-section, section, township and range), Bent County Colorado, being more particularly described as follows:

(Include Complete Legal Description)

4. A certification by a Colorado licensed engineer approving that plat and the Construction Plans. The certification shall read:

I (engineer's name), hereby certify that I have reviewed the map and construction plans presented hereon and find them in substantial compliance with the Bent County construction specifications and standards for improvements.

.....
Engineer Seal

5. A proper form for the approval of the Board of County Commissioners shall read:

Approved by the Board of County Commissioners of Bent County, Colorado, by Resolution No. _____. Witness my hand and corporate seal of Bent County, Colorado, this _____ day of _____, 20____, A. D.

.....
County Clerk Seal

6. A proper form for recording the time of filing with the Bent County Clerk and Recorder to read:

I hereby certify that this instrument was filed for record in my office at _____ o'clock _____ M. on the _____ day of _____, A. D., 20____.

.....
Bent County Clerk and Recorder

7. The final subdivision plat at time of submission to the Administrator shall be accompanied by a fee of:

1-15 Lots	\$100 & Advertising
16-35 Lots	\$150 & Advertising
36-75 Lots	\$200 & Advertising
76 & Above	\$250 & Advertising

01.05.03 Drawing Requirements:

The final subdivision plat and construction plans shall be presented in a permanent medium or reproducible mylar at the same scale and contain the same information except for any changes or additions required by the Planning Commission's recommendations accepted by the Board, as shown on the Preliminary Plat. In addition the final subdivision plat shall contain all the information described in subsection 01.05.02 and shall be prepared by a Colorado

licensed land surveyor. The final construction plans shall contain all the information described in subsection 01.05.02 paragraphs b. and c. and shall accompany the final subdivision plat and be prepared by a Colorado registered engineer.

01.05.04 Review of the Final Subdivision Plat:

- a. After receipt of the final subdivision plat and the construction plans from the applicant by the Administrator, the Administrator shall review such for compliance with the requirements in subsection 01.05.02 and 01.05.03 of these regulations and forward the application and all accompanying documents to the Board for consideration at their next regular or special meeting.
- b. The Board shall approve, conditionally approve, or disapprove the final plat within thirty (30) days after receiving the application and accompanying documents from the Administrator. This thirty (30) day period may be

extended by joint agreement of the applicant and the Board. The approval, conditional approval, or disapproval of the final plat by the Board shall be by resolution which shall set forth in detail any conditions to which the approval is subject. In the resolution, the Board shall stipulate the period of time when the performance bond shall be filed or the required improvements installed, whichever is applicable. In no event shall a surety agreement be submitted later than three (3) months from the date of final subdivision plat approval by resolution, together with all required documents and completion of required procedures. In no event shall the period of time stipulated by the Board for completion of required improvements exceed two (2) year from the date of final subdivision plat approval by resolution passed by the Board.
- c. In their consideration of the final subdivision plat the Board shall take into consideration the regulations for zoning, subdivision, County adopted Land Use Policies and the Bent County Master Plan.
- d. One (1) copy of the final subdivision plat and the construction plans shall be returned to the applicant with the date of approval, conditional approval, or disapproval noted thereon and the reasons therefore accompanying the plat.
- e. When a bond is required, the Chairman of County commissioners and the Administrator shall endorse approval on the plat after the bond has been approved by the Board and all the conditions of the resolution pertaining to the plat have been satisfied.
- f. When installation of improvements is required, the Chairman of the County commissioners and the Administrator shall endorse approval on the Plat after all conditions of the resolution have been satisfied. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the

Board as shown by a certificate signed by a licensed, registered engineer in the State and by the County Attorney that the necessary dedication of public lands and improvements has been accomplished, or that satisfactory surety arrangements have been made to insured completion of all improvements.

PART II SUBDIVISION REGULATIONS - PERFORMANCE BOND AND IMPROVEMENTS

02.01 Assurance for Completion and Maintenance of Improvements

- 02.01.01 Improvements
- 02.01.02 Improvements Agreement
- 02.01.03 Temporary Improvements
- 02.01.04 Costs of Improvements
- 02.01.05 Governmental Units
- 02.01.06 Failure to Complete Improvements
- 02.01.07 Acceptance of Dedication Offers

02.01.01 Improvements

Completion of Improvements:

Before the plat is signed by the Chairman of the County Commissioners, all applicants shall be required to complete, in accordance with the Board's decision and to the satisfaction of a Colorado licensed engineer, all the street, sanitary and other improvements including lot improvements on the individual lots of the subdivision as required by these regulations, specified in the final subdivision plat and as approved by the Board and to dedicate same to Bent county, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

02.01.02 Improvements Agreement

- a. The Board, in its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final

subdivision plat, and that, as an alternative, the applicant post surety at the time of application for final subdivision plat approval in an amount estimated by the Board as sufficient to secure to the County the satisfactory construction, installation, extension and dedication of the uncompleted portion of required improvements. The surety shall also secure all lot improvements on the individual lots of the subdivision as required in these subdivision regulations.

- b. Such surety shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency and manner of

execution as set forth in these subdivision regulations. The period within which required improvements must be completed shall be specified by the Planning commission in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of final approval.

- c. Such surety shall be approved by the Board as to the amount and conditions satisfactory to the Board. The Board may at this time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Planning Commission.

02.01.03 Temporary Improvements:

The applicant shall build and pay for all costs of temporary improvements required by the Board and shall maintain for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement the developer shall file with the County a separate suitable bond for temporary facilities which bond shall insured that the temporary facilities will be properly constructed, maintained and removed.

02.01.04 Costs of Improvements:

All required improvements shall be made by the applicant, at his expense, without reimbursement by the County.

02.01.05 Governmental Units:

Governmental units to which these bonds and contract provision apply may file in lieu of said contract or bond a certified resolution or ordinance from officers or

agencies authorized to act in their behalf, agreeing to comply with the provisions of this section 02.01 of this resolution.

02.01.06 Failure to Complete Improvements:

For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Board in the resolution approving the final plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the County may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

02.01.07 Acceptance of Dedication Offers:

Acceptance of formal offers of dedication of streets, public area, easements and parks shall be by resolution of the Board. The approval of the Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County of any easement, street, public areas, or park shown on said plat. The Board may require said plat to be endorsed with appropriate notes to this effect.

02.02 Inspection of Improvements

02.02.01 General Procedure and Fees

02.02.02 Release or Reduction of Performance Bond

02.02.01 General Procedure and Fees:

The Board shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay the County an inspection fee of two percent (2%) of the amount of the performance bond or the estimated cost of required improvements and the subdivision plat shall not be signed by the chairman of the Board unless such fee has been paid at the time of application for final subdivision approval. These fees shall be due and payable upon demand of the County and no building permits or certificates of occupancy shall be issued until all fees are paid. If a Colorado license engineer acting on behalf of the County, finds upon inspection that any of the required improvements have not been constructed in accordance with the County's construction standards and specifications for improvements, the applicant shall be responsible for completing the improvements. Whenever the cost of improvements is covered by a surety agreement, the applicant and the legal entity guaranteeing that surety shall be severally and jointly liability for completing the

improvements according to specification. If actual inspection costs are less than 2% of the bonded amount, the difference shall be returned to the applicant.

02.02.02 Release or Reduction of Performance Bond:

a. Certificate of Satisfactory Completion:

The Board will not accept dedication of the required improvements, nor release nor reduce a performance bond, until a Colorado licensed engineer, on behalf of the County, has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the engineer acting on behalf of the County, through submission of details as built survey plat of the subdivision, indicating location, dimensions, materials and other information required by the Board or by the engineer acting on behalf of the County, that the layout of line and grade of all public improvements is in accordance with construction

plans for the subdivision and that title insurance policy has been furnished to and approved by the County Attorney indicating that the improvements have been completed, are ready for dedication to the County, and are free and clear of any and all liens and encumbrances. Upon such approval, the Board shall thereafter accept the improvements for dedication in accordance with the established procedure.

b. Reduction of Performance Bond:

A performance bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvements dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent (25%) of the principal amount.

02.03 Escrow Deposits for Lot Improvements

02.03.01 Acceptance of Escrow Funds

02.03.02 Procedures on Escrow Fund

02.03.01 Acceptance of Escrow Funds:

whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Administrator, may, nevertheless, issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by a Colorado licensed engineer acting on behalf of the County, for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.

02.03.02 Procedures on Escrow Fund:

All required improvements for which escrow monies have been accepted by the Administrator at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period, the Administrator shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Administrator, he may request the Board to authorize the County to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificates of occupancy for which the escrow monies are being deposited with the Administrator, prior to obtaining a certificate of occupancy, a notarized statement from the purchaser(s) of the premises, authorizing the Administrator to

install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the developer.

02.04 Maintenance of Improvements

02.04.01 Requirements

02.04.02 Maintenance Bond

02.04.01 Requirements:

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until formal acceptance of said improvements by the Board.

02.04.02 Maintenance Bond:

The applicant shall be required to file a maintenance bond with the Board, prior to dedication, in an amount considered adequate by the Board and in a form satisfactory to the County Attorney, in order to assure the satisfactory condition of the required improvements, including improvements on the individual lots for a period of one (1) year after the date of their acceptance by the Board and dedication of same to the County.

02.05 Deferral or Waiver of Required Improvements

02.05.01 General Provision

02.05.02 Deferred Future Improvement Costs

02.05.01 General Provisions:

The Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare or which are inappropriate because of inadequacy or lack of connection facilities.

02.05.02 Deferred Future Improvement Costs:

Whenever it is deemed necessary by the Board to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate (or lack of) connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the County prior to signing of the final subdivision plat or the applicant may post a bond insuring completion of said improvements upon demand of the County.

02.06 Issuance of Building Permits and Certificates of Occupancy

02.06.01 Requirements and Procedures

02.06.01 Requirements and Procedures:

- a. Where a performance bond has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the County, as required in the Board's final approval of the subdivision plat.
- b. The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit. The developer shall at the time of the dedication submit monies in escrow to the Board in a sum determined by a Colorado licensed engineer, acting on behalf of the County, for the necessary final improvement of the street.
- c. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2) for the final two (2) lots of a subdivision, until all public improvements required by the Board for the plat have been fully completed and dedicated to the County.

02.07 Consumer Protection Legislation and Conflict of Interest Statutes

02.07.01 Issuance of Building Permit and Relationship to Consumer Protection.

02.07.01 Issuance of Building Permit and Relationship to Consumer Protection:

- a. No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized representative shall have violated any federal, state or local law pertaining to consumer protection of real estate land sales promotion or practices or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate of occupancy until so ordered by a court of competent jurisdiction.
- b. With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the County until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any revocation.

PART III SUBDIVISION REGULATIONS - REQUIREMENTS FOR IMPROVEMENTS

03.01 Requirements for Improvements, Reservations and Design

- 03.01.01 General Improvements
- 03.01.02 Self-Imposed Restrictions
- 03.01.03 Monuments
- 03.01.04 Character of the Land
- 03.01.05 Subdivision Name

03.01.01 General Improvements:

Conformance to Applicable Rules and Regulations:

In addition to the requirements established herein these subdivision regulations, all subdivision plats shall comply with the following laws, rules, and regulations.

- a. All applicable statutory provisions;
- b. The County's zoning regulations, building and housing codes and all other applicable County resolutions and all other applicable laws of the appropriate jurisdictions.

- c. The Bent County Master Plan and the Official Zoning Map of the County.
- d. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway.
- e. Plat approval may be withheld if a subdivision is not in conformity with the above guidelines or the policies and purposes of these subdivision regulations established in 01.01.03 of this resolution or not in conformity with adopted County Land Use Policies.

03.01.02 Self-Imposed Restrictions:

If the owner places restrictions on any of the land contained in the subdivision greater than those required by the zoning regulations of this resolution or the subdivision regulations of the same, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning commission may require that restrictive covenants be recorded with the Bent county clerk and Recorder in a form to be approved by the County Attorney.

03.01.03 Monuments:

The applicant shall cause to be placed such permanent reference monuments in the subdivision as required herein and as established by a Colorado licensed land surveyor.

- a. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
- b. The external boundaries of a subdivision shall be monumented in the field by monuments which meet all the requirements established in CRS 106-2-34, CRS 136-2-1 and all other applicable Colorado State Statutes regulating monumenting. These monuments shall be placed not more than 1,000 feet apart in any straight line and at all corners, at the end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along the meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

- c. All internal boundaries and those corners and points not referred to in the preceding paragraph b. shall be monumented in the field by like monuments as described in paragraph b. above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river changes its radius and at all angle points in any line.
- d. All such monuments shall be set flush with the ground and be planted in such a way that they will resist weathering and erosion of the ground.
- e. All monuments shall be properly set in the ground by a registered land surveyor prior to the time the Planning commission recommends approval of the final plat.

03.01.04 Character of the Land:

Land which the Board finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth formations or topography, utility easements or other features reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Board, upon the recommendation of a licensed engineer, acting on behalf of the County, to solve the problems created by the unsuitable land conditions. Land in a subdivision which is in a designated floodway or flood fringe shall have the County Floodplain regulations apply to buildings.

03.01.05 Subdivision Name:

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these subdivision regulations. The Planning Commission shall have final authority to approve or disapprove the name of the subdivision which shall be determined at sketch plan approval.

03.02 Lot Improvements

03.02.01 Lot Arrangement

03.02.02 Lot Dimensions

03.02.03 Access to Lots

03.02.01 Lot Arrangement:

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all the lots in compliance with the zoning regulations of the County and in compliance with the County's building and housing codes and in providing driveway access to buildings on such lots from approved streets.

03.02.02 Lot Dimensions:

- a. Lot dimensions shall comply with the minimum standards set forth in County Zoning regulations. Where lots are more than double the minimum required area for the zoning district in which those lots are located, the Planning Commission may require that such lots be arranged so as to allow the further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with these subdivision regulations and the zoning regulations of Bent County.
- b. Side lots shall be approximately at right angles to straight street lines or radial to curved street lines.
- c. Every lot shall abut or have access to a public street.
- d. Double frontage lots shall be avoided except where they back upon a major street. Where double frontage lots are permitted access to those lots from the major street shall be prohibited.
- e. Corner lots for residential use shall have extra width to allow proper setback from both streets.

03.02.03 Access to Lots:

Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major or secondary arterials.

03.03 Soil Preservation, Grading, and Seeding

- 03.03.01 Soil Preservation and Final Grading
- 03.03.02 Lot Drainage
- 03.03.03 Lawn Grass Seed and Sod
- 03.03.04 Debris and Waste
- 03.03.05 Performance Bond to Include Lot Improvements

03.03.01 Soil Preservation and Final Grading:

- a. No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot precovered with soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets or where the grade has not been changed or natural vegetation seriously damaged.
- b. Topsoil shall not be removed from residential lots but shall be redistributed so as to provide at least six (6) inches of cover on lots and at least four (4) inches of cover between the sidewalks and curbs and shall be stabilized by seeding or planting.
- c. Sedimentation facilities (debris basins, sedimentation traps) and other control measures such as hay bales, berms, interceptor ditches and terraces shall be installed in conjunction with the initial grading operation and be maintained throughout the development and construction process to remove sediment from runoff waters draining land under development. These shall be maintained by the developer to assure functional operation during all phases of construction by periodic maintenance activities.
- d. Land which has been cleared for development and upon which construction has not commenced within sixty (60) days of such initial clearing shall be protected from erosion and consequent sedimentation by appropriate

vegetation and land covering techniques such as seeding, sodding, ground cover installation or other vegetative or earth covering techniques.
- e. Construction activity on individual single family lots or groups of lots shall be conducted only if sedimentation facilities are installed and maintained throughout the construction period to prevent sediment from any lot or groups of lots during all phases of project construction.
- f. No grading, cutting, or filling shall be accomplished on any site under development such that unprotected land surfaces will be in contact with surface water or will encroach upon natural waterways or their floodplains, unless erosion control and sedimentation control devices can be installed between the grading area and water surface during development and construction and vegetation be restored upon project completion. The provision of this paragraph f. shall not apply to grading necessitated by drainage or other utility improvements required or authorized by the County.

03.03.02 Lot Drainage:

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage

pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

03.03.03 Lawn Grass Seed and Sod:

- a. Lawn grass seed or native grass seed shall be sown at not less than four (4) pounds to each 1,000 square feet of land area.
- b. All seed shall have been tested for germination within one (1) year of the date of seeding and the date of testing shall be on the label containing the seed analysis.
- c. No certificate of occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed, except that between October 1 and March 15, and between May 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and the property owner, with a copy to the Administrator that re-spreading of soil and seeding of lawn will be done during the immediate following planting season and leave a cash escrow for performance in such amount as shall be determined by the Administrator.
- d. Sod may be used to comply with any requirement of seeding set forth herein.

03.03.04 Debris and Waste:

- a. No cut trees, timber, debris, earth, rocks, stones, soil and other waste materials of any kind shall be buried in any land or left or deposited on any lot or street at the time of issuance of a certificate of occupancy and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision. Nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.
- b. Each subdivider and/or developer shall be required to furnish and install fences wherever the Board determines that a hazardous condition may exist. The fences shall be constructed according to the standards for the zone district in which the subdivision exists and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

03.03.05 Performance Bond to Include Lot Improvements:

- a. The performance bond shall include an amount to guarantee completion of all requirements contained in Section 03.02 and 03.03 of this resolution and all other lot improvements required by the Board.
- b. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond the County may enforce the provision of the bond whether the

provisions of this Part III of this resolution or any other applicable law, ordinance or regulation has not been complied with.

03.04 Streets and Alleys:

- 03.04.01 General Requirements
- 03.04.02 Grading and Improvement Plan
- 03.04.03 Relationship of Streets to Density Generators
- 03.04.04 Access to Primary Arterials
- 03.04.05 Road Names
- 03.04.06 Street Lights
- 03.04.07 Road Surfacing and Improvements.
- 03.04.08 Railroads and Limited Access Highways
- 03.04.09 Bridges
- 03.04.10 Widening and Realignment of Existing Roads

03.04.01 General Requirements:

- a. The arrangement of major streets shall conform to the Circulation Section of the Bent County Master Plan. Streets in the subdivision shall normally connect with streets already dedicated in adjoining or adjacent subdivisions and take the same street name as in the adjoining or adjacent subdivisions.
- b. Minor residential streets should be planned so as to discourage through traffic. Permitted cul-de-sacs shall not serve more than 20 homes and shall terminate with a turnaround having a curbline radius of not less than 35 feet.
- c. Centerline offsets of intersecting streets shall be avoided but where necessary should not be less than 150 feet.
- d. Blocks in subdivisions shall be not less than 300 feet long and not more than 600 feet long, except as allowed by the Board.
- e. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
- f. Under normal circumstances, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited.
- g. The right-of-way widths and pavements widths (back-to-back curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

TYPE	PAVEMENT WIDTH	RIGHT-OF-WAY
Major Streets and Highways	48 Feet	100 Feet
Collector Streets	44 Feet	80 Feet
Local Streets	34 Feet	60 Feet
Alleys	20 Feet	20 Feet

1. The horizontal alignment on all streets where the centerline deflects two (2) degrees or more shall be as follows:

RADII OF HORIZONTAL CURVES	
Major Streets	700 Feet Minimum
Secondary Streets	300 Feet Minimum

2. The following curb radii will apply at street intersections for property lines and curbs:

	Property Line Radius	Curb Radius
Local Street to Local Street	15 Feet	15 Feet
Local Street to Collector Street	20 Feet	30 Feet
Collector Street to Collector Street	15 Feet	30 Feet

03.04.02 Grading and Improvement Plan:

Roads shall be graded and improved and conform to County standards and specifications for the construction of streets. Road grading and improvements shall be approved as to design and specifications by a licensed engineer, acting on behalf of the County, in accordance with the construction plans required to be submitted prior to final plat approval.

03.04.03 Relationship of Streets to Density Generators:

All thoroughfares shall be properly related to special traffic generators such as industries, businesses, schools, churches, and shopping centers to population densities and to the pattern of existing and proposed land uses.

03.04.04 Access to Primary Arterials:

Where a subdivision borders on or contains an existing or proposed primary arterial, the Planning Commission may require that access to such streets be limited by one (1) of the following means:

- a. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial and screening shall be provided in a strip of land along the rear property line of such lots.
- b. A series of cul-de-sacs, U-shaped streets or short loops entered from and designed generally at right angles to such a parallel street with the rear lines of their terminal lots backing onto the major arterial.
- c. A marginal access or service road (separated from the primary arterial by a planning or grass strip and having access thereto at suitable points).

03.04.05 Road Names:

- a. The Board shall approve or disapprove all roads names at the time of sketch plan approval.
- b. The local postmaster shall be consulted by the Board prior to rendering any decision on road names.
- c. Names shall be sufficiently different in sound and in spelling from other road names in the County so as not to cause confusion. A road which is, or is planned as, a continuation of an existing road shall bear the same name.

03.04.06 Street Lights:

Installation of street lights shall be required in accordance with design and specifications standards approved by the Board.

03.04.07 Road Surfacing and Improvements:

- a. After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface of cause to be surfaced roadways to the widths prescribed in subsection 03.04.01 of these subdivision regulations. Adequate provision shall be made for culvert drains and bridges.

- b. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to County standards.

03.04.08 Railroads and Limited Access Highways:

Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

In residential districts a buffer strip of at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on a plat as such. This strip is reserved for screening. The placement of structures hereon is prohibited.

03.04.09 Bridges:

- a. Bridges of primary benefit to the applicant, as determined by the Board, shall be constructed at the full expense of the applicant without reimbursement from the County. Such costs shall be included in the performance bond.
- b. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Board, will be fixed by special agreement between the County and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his land developed and so served.

03.04.10 Widening and Realignment of Existing Roads:

- a. Where a subdivision borders an existing narrow road or when the Bent County Master Plan, Official Zoning Map or zoning setback regulations indicate plans for realignment or widening a road that would require the use of some land in the subdivision, the applicant shall be required to improve and dedicate, at his expense, such areas for widening or realignment of such roads.
- b. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations and applicable construction and street specifications of the County.
- c. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the zoning regulations of the County whether the land is to be dedicated to the County in fee simple or any easement is granted to the County.

03.05 **Drainage and Storm Sewers:**

- 03.05.01 The applicant must show in accordance with applicable Colorado State statutes that the proposed drainage plan for the subdivision will prevent storm waters in excess of historic runoff caused by the proposed subdivision, to enter, damage, be carried by conduits, water supply ditches and appurtenant structures, and other storm drainage facilities. All drainage plans presented at the preliminary plan stage must be certified by a licensed engineer to meet the above requirements.

03.06 **Water Facilities**

- 03.06.01 General Requirements

03.06.01 General Requirements:

- a. The location of all fire hydrants, all water supply improvements, mains and lines shall be shown on the preliminary plat and the cost of installing same shall be included in the performance bond to be furnished by the developer.
- b. Fire hydrants shall be required for all subdivisions and shall be located and installed according to the Fire Underwriter's Standards and Specifications.

03.07 **Sewage Facilities**

- 03.07.01 General Requirements

03.07.01 General Requirements:

All sewage improvements, mains and lines shall be shown on the preliminary plat and the cost of installing same shall be included in the performance bond furnished by the developer.

03.08 **Sidewalks**

- 03.08.01 General Requirements

03.08.01 General Requirements:

- a. Sidewalks shall be included within the dedicated right-of-way of all roads required in subsection 03.04.01 of this resolution except if the sidewalk requirement is waived by the Board.
- b. Sidewalks four (4) feet wide shall be constructed in accordance with County specifications.

03.09 **Utilities**

- 03.09.01 Location

- 03.09.02 Easements

03.09.01 Location:

All utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Wherever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Board, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

03.09.02 Easements:

Easements centered on rear lot lines shall be provided for utilities and property coordination shall be established between the subdivider and the applicable utility companies for the width and establishment of utility easements in adjoining properties. Easements shall be indicated on the plat.

03.10 Preservation of Natural Features and Amenities

03.10.01 General Requirements

03.10.01 General Requirements:

Existing natural features which would add value to residential development or to the County as a whole, such as trees, watercourses, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision for any change of grade of land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved and all trees, where required, shall be welled and protected against change of grade. The preliminary plat shall show the number and location of existing trees and shall further indicate all those marked for retention and the location of all proposed shade trees, if any, along the street side of each lot.

03.11 Public Uses, Parks, Recreation Areas Requirements

03.11.01 Need for Parks and Public Use Areas

03.11.02 Required Land Dedication

03.11.01 Need for Parks and Public Use Areas:

The need for public use areas, created as a result of land development shall be the responsibility of the subdivider to provide in part, through either dedication or reservation of land or by the payment of sufficient funds for land acquisition. Said

dedication, reservation or payment of funds shall be made prior to recording the final plat. Public use areas shall include land for public buildings, parks, and open space, preservation of natural features or other necessary public services not including streets and roads or transit systems. The location and requirements for the type of public use areas shall be determined based on the particular type of development, adopted County plans and the recommendations of the Planning Commission. Public use areas required by this section 03.11 shall be provided based on the following alternatives. The Board, after recommendation by the Planning Commission, shall select the alternative used.

03.11.02 Required Land Dedication

- a. Five (5) percent of the gross land area of the final plat shall be dedicated to the public for schools and parks. Any area so dedicated shall only be accepted at the discretion of the Board.
- b. Five (5) percent of the gross land area of the final plat shall be reserved through deed restrictions as open area, the maintenance of which shall be ensured by specific obligations in the deed of each lot within the subdivision. The alternative (b) shall not be utilized for Planned Unit Development (PUD).
- c. In lieu of the dedication or reservation of land, cash payments shall be made to the Board in an amount equal to the current market value of the undeveloped land required for dedication by paragraphs a. and b. above. Undeveloped land shall mean without buildings or structures but shall include other improvements or utilities if installed prior to recording of the final plat. Current market value shall be determined as follows:
 1. The subdivider shall obtain an appraisal of the property by an appraiser of his choice and at his expense.
 2. The Board shall obtain an appraisal of the same property by an appraiser of its choice and at its expense.
 3. The average of these two (2) appraisals shall be deemed to be the current market value of the property.

PART IV SUBDIVISION REGULATIONS - AMENDMENTS

04.01 Amendments

- 04.01.01 Application for Amendment
- 04.01.02 Amendment Procedures
- 04.01.03 Standards for Review of Applications for Amendment
- 04.01.04 Rezoning Fees

04.01.01 Application for Amendment:

- a. Amendments, supplements, changes or repeal of this ordinance or any section thereof, or to the official zoning map may be initiated by application of:
 - 1. Any citizen, group of citizens, firm or corporation residing on, owning or leasing property in the County:
 - 2. The Planning Commission, or
 - 3. The Board of County Commissioners.
- b. Application for an amendment to this ordinance shall be made on such a form as the Planning Commission shall prescribe and shall be filed with the County Administrator. Applications for an amendment to the Official Zoning Map shall contain all of the following information:
 - 1. Description of land area to be rezoned, and requested new classification along with a sketch to scale of 1 inch - 100 feet, bearing contour lines at vertical intervals of 2 feet upon mylar or line, and shall contain boundaries of area requested to be rezoned along with an indication of the existing zoning on all adjacent sides of the area.
 - 2. A statement of justification for the rezoning, including one of the following conditions:
 - (a) Changing area conditions
 - (b) Error in original zoning
 - (c) Conformance to comprehensive plan for areas, or
 - (d) Peculiar suitability of the site to a specific use.
 - 3. Description and sketches of buildings or uses proposed, if rezoning is granted, along with a description of land and building uses within two hundred (200) feet of the boundary of the proposed area of change, in all directions.

4. Statement of proposed water and sewer system from existing water and sewer district or plans for expansion of capacity to support the uses planned for the proposed rezoning.
 5. Statement from local school board concerning the adequacy or additional needs of the school system to accommodate the proposed rezoning.
 6. A description of all proposed parks, playgrounds, and other public facilities.
 7. A description of proposed methods to accommodate changes in traffic patterns on existing and proposed public and private roadways.
 8. Any other information or material requested by the Planning Commission or the Board.
 9. Time schedule for any contemplated new construction and or uses.
 10. Justification for any new business or industrial zoning.
 11. Effect that the new zoning would have on adjacent uses.
 12. Application fee required by Section One.
 13. Application for rezoning to mobile home park or commercial/industrial district shall conform to all submission requirements set forth in the Mobile Home Park district or commercial/Industrial District, Section Five and Section Four.
- c. All applications for changes to the zoning ordinance or map shall be referred by the County Administrator to the Planning Commission, which commission shall return a recommendation either recommending for or against the proposed change to the Board of County Commissioners within thirty (30) days of the receipt thereof.

04.01.02 Amendment Procedures:

- a. Before any amendment to this ordinance or map is enacted, the Board of County Commissioners shall hold a public hearing thirty (30) days advance notice of the time and place of which shall be published in an official paper or a newspaper of general circulation within the County.
- b. For proposed amendments to the official zoning map, the commissioners shall place a sign in a conspicuous place on the subject property not less than thirty (30) days prior to the hearing date stating the change request, the date, time and place of the hearing.

04.01.03 Standards for Review of Applications for Amendment:

- a. Applications for amendment to a Mobile Home Park (MHP) District or a Commercial/Industrial District shall meet all the requirements and standards as set forth in the MHP District in addition to the procedures and standards set forth in this Section.
- b. The Planning Commission may recommend and the Board of County Commissioners may adopt only those amendments which it finds:
 - 1. To be consistent and in accordance with the adopted County Master Plan; and
 - 2. Is designed to prevent the overcrowding of land and will avoid undue concentration of population; and
 - 3. Is designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
- c. If the Board of County Commissioners finds that there are substantial changes in the character of the neighborhood or a mistake in the original zoning which warrant an amendment to the Master Plan for Bent County, the Board shall first propose an amendment to said plan.

INTERPRETATIONS AND DEFINITIONS

PART I INTERPRETATIONS AND DEFINITIONS

01.01 Interpretation, Conflict and Severability:

01.01.01 Interpretation

01.01.02 Conflict

01.01.03 Severability

01.01.01 Interpretation:

The provisions of this resolution shall be interpreted and applied to be the minimum required for the proper protection of the public health and morals and the promotion of safety and general welfare.

01.01.02 Conflict with Other Laws:

Whenever these requirements are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is the most restrictive or which requires the higher standards shall apply.

01.01.03 Severability:

Sections, subsections, paragraphs, and other provisions of this resolution shall be deemed to be severable and should any section, subsection, paragraph or

provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this resolution as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

01.02 **Definitions**

01.02.01 Certain Terms, Words

01.02.02 Complete Definitions

01.02.01 Certain Terms, Words:

For the purposes of this resolution, certain terms of words used herein shall be interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular member includes the plural and the plural number includes the singular.
- c. The word "he" refers to both male and female gender.
- d. The word "shall" is a mandatory requirement, the word "may" is a permissive action and the word "should" is a preferred action.
- e. The words "used or occupied" include the words "intended", "designed", or "arranged" to be used or occupied.
- f. The word "lot" includes the words "plot" or "parcel".

01.02.02 Complete Definitions:

Access Street - - Streets designed to carry vehicular traffic from a residential area or mobile home park to a public street or highway.

Accessway - - A way providing for vehicular traffic from a mobile home stand to an abutting collector street or cul-de-sac street.

Accessory building or structure - - A building or structure on the same lot with the building or structure housing the principal use, including fences.

Alley - - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties which principal frontage is on some other street.

Apartment House - - See Dwelling, multi-family

Applicant - - The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Automobile, abandoned - - Any motor vehicle, or portion thereof, which when operated on a highway is required to be registered by the State of Colorado and whose registration has been expired for a period of one (1) month or more. Notwithstanding the foregoing definition, as motor vehicle or portion thereof stored within a permitted building or structure shall not be considered to be an abandoned automobile.

Accessory Use - - A use customarily associated with, but subordinate to the principal use on the same lot.

Automobile, mobile home, trailer, and farm implement sales - - The sale or rental of new and used motor vehicles, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automobile Wrecking Business - - The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Block - - A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

Board - - The Board of County Commissioners of Bent County, Colorado

Bond - - Any form of security including a cash deposit, surety bond, collateral, property of instrument of credit in an amount and form satisfactory to the Board of County Commissioners. All bonds shall be approved by the Board whenever a bond is required by these regulations.

Building, Height - - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the main height between eaves and ridge for gable, hip, and gambrel roofs.

Campground - - Any plot of improved property utilized for camping and parking of camping units as herein defined for a period not to exceed thirty (30) days.

Camping Unit - - Any pick-up camper, motor home, travel trailer, tent trailer or similar mobile unit not exceeding either eight (8) feet in body width or thirty-two (32) feet in body length and designed specifically for recreational and vacation

purposes only. This does not include temporary housing used at construction sites.

Cemetery - - Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Collector Roads - - A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

Commission - - Las Animas - Bent County Planning Commission

County Administrator - - Also referred to as the "Administrator". The person in this position is responsible for the administration of this resolution and has the authority to promulgate applications, upon approval of the Board, for the various aspects of this resolution.

Cul-de-sac - - A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Density - - A unit of measurement; the number of dwelling units per acre of land.

Gross Density - - The number of dwelling units per acre of total land to be developed.

Net Density - - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Developer - - The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premises.

Development - - Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

Dwelling, single-family mobile home - - A structure designed to be transported after fabrication and exceeding either eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating, and electrical facilities.

Dwelling, Multi-family - - A building consisting of two (2) or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units which are

built or assembled on a foundation on site meeting 1976 Uniform Building and Housing Codes, 1978 National Electrical Code, the 1972 Colorado Technical Plumbing Code and the 1976 Fire Prevention Code.

Dwelling Unit - - Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by one (1) family and its household members.

Easement - - Authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

Escrow - - A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Administrator of the County Clerk in a separate account.

Family - - One (1) or more persons occupying a common household, but not including boarding or rooming houses, lodges, clubs, hotels, or fraternities.

Frontage - - That side of a lot abutting on a street or way and ordinarily regarded as the front of a lot.

Home Occupation - - Any activity which results in a product or service not used in its entirety by the family group, which is carried on in a residence meeting all the following criteria:

---Such use must be conducted entirely within a dwelling and carried on by the inhabitants living there and no others;

---Such use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof;

---The total area used for such purposes may not exceed one-half (1/2) of the first floor area of a single-family or one-half (1/2) of the floor area of the user's dwelling unit in a multiple-family dwelling or a two-family dwelling;

---There must be no advertising display or other indications of the home occupation on the premises, except as provided for in the zoning regulations;

---There must be no exterior storage on the premises of material or equipment used as a part of the home occupation; an exception to this provision may be granted if adequate measures are agreed upon which will provide for the screening of such material from public view;

---There must be no offensive smoke, noise, vibration, dust, odors, or heat or glare noticeable at or beyond the property line.

Hotel - - A building containing sleeping rooms designed to be rented for short term occupancy and which may or may not have eating or drinking facilities and an accessory use.

Improvements - - See lot improvements or Public improvements.

Joint Ownership - - Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

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

Kenel - - Any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six (6) or more animals that are over four (4) months old.

Licensed Engineer - - The County engineer or the licensed engineer designated by the Board of County Commissioners to furnish engineering assistance for the administration of these regulations.

Loading Area - - A parking space other than on a public street or alley for the parking of commercial vehicles for the purpose of loading or unloading materials and merchandise.

Local Road - - A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot - - A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future as for the transfer of ownership or for building development.

Lot Area - - The number of square feet included within a lot as measured within the boundaries of the lot, measured on a horizontal plane upon which the boundaries have been vertically projected.

Lot, Corner - - A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Improvement - - Any building, structure, place, work of art or other object, or improvement of land on which they are situated constituting a physical betterment of real property or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Lot Length - - The average distance from the street to the rear of the lot, measured perpendicularly from the street line upon which the lot faces.

Lot Width - - The average distance between two (2) lot lines, measured perpendicularly from one (1) of the sides.

Master Plan - - A comprehensive plan for development of the local government, prepared and adopted by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. Generally referred to as the Bent County Master Plan.

Mobile Home Park - - Any plot of ground upon which two (2) or more mobile homes, occupied or intended to be occupied for dwelling or sleeping purposes are located for any period of time, regardless of whether or not a charge is made for such accommodations and whether or not the mobile homes and/or land are owned by the occupants, developed in accordance with the County's Mobile Home Park Regulations. A mobile home park shall not include camper or trailer parks.

Modular Home Dwelling - - Any structure, or component thereof, designed primarily for single-family residential occupancy, not including a mobile home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site. Each modular home shall conform to the standards in Bent County Building and Housing Codes, the National Electrical Code, the Colorado Technical Plumbing Code, Farmers Home Administration Requirements, and be similar in appearance to a conventional single family home.

Motel - - A building or groups of buildings containing individual rooms for sleeping or living, designed and used for temporary rental occupancy and with automobile parking space adjacent to or within the proximity of each rental unit.

Non-Conforming Use - - A building, structure or use of land existing at the time of enactment of the County Zoning resolution or any amendment thereto and which does not conform to the regulations of the district or zone in which it is situated.

Official Zoning Map - - The map established by the Board of County Commissioners pursuant to law, which delineates the boundaries of all zoning areas in the County.

Outbuilding - - Any Accessory Building

Owner - - Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under the regulations.

Parking Area - - An open space or an enclosed structure or building used exclusively for the temporary storage of registered automobiles.

Parking Space - - That part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking for one (1) automobile or vehicle.

Parking, Off-Street - - Any parking area located wholly within the limits of one (1) or more lots.

Planning Commission - - The Planning Commission appointed by the Board of County Commissioners of Bent County in accordance with law.

Preliminary Plat - - The preliminary drawing or drawings and accompanying material described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Primary Arterial - - A road intended to move through traffic to and from such major attractions as central business districts, regional shopping centers, colleges, and/or universities, military installations, major industrial areas and similar traffic generators within the County and/or used as a route for traffic between communities or large areas.

Professional Activities - - The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

Public Building or Use - - Any building open to the general use, participation or enjoyment of the public and owned by the County, State, or Federal Government or by a public utility corporation.

Public Improvement - - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, water and sewer mains and lines, lot improvement or this facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Public Utility - - For the purpose of this resolution only, an electrical substation, a gas regulator station, a telephone exchange, a water or sewer pumping station or a water reservoir.

Registered Engineer - - An engineer properly licensed and registered in the State of Colorado.

Registered Land Surveyor - - A land surveyor properly licensed and registered in the State of Colorado.

Resubdivision - - A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way - - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such rights-of-way are established.

Road Right-of-way width - - The distance between property lines measured at right angles to the center line of the street.

Roadside Stand - - A temporary structure designed or used for the display or sale of agricultural and related products or for other whole products. Roadside stands are not considered a home occupation or business use.

Rooming or Boarding House - - A building, or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Screening - - Either:

- (a) A strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year round dense screen at least six (6) feet high; or,

- (b) An opaque wall or barrier or uniformly painted fence at least six (6) feet high.

Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) direction arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two (2) square feet in area., which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearly properties.

Secondary Arterial - - A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

Special Review Use - - Any use listed as a special review use in the County Zoning resolution in any given zone district.

Special Review Use Permit - - A permit issued by the Administrator after approval of a special review use by the Board of County Commissioners.

Setback - - The distance required by these regulations between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots, curved streets, etc., exist, the setback shall be taken as an average distance.

Shade Tree - - A tree in a public place, street, special easement or right-of-way adjoining a street as provided in these regulations.

Sign - - Any structure, poster, banner, insignia, billboard, trademark, or other device used to indicate directions, advertise, announce or attract attention, except that flags and banners of any country, state, city or non-profit organization shall not be included.

Sketch Plan - - A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

Structural Alteration - - Any addition to, or subtraction of parts of a building, including walls, columns, beams, girders, foundations, doors, and windows.

Structure - - Anything constructed or erected upon the ground, except utility poles, flag poles, or walls and fences less than four (4) feet high.

Subdivider - - Any person who (1) having interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases or develops, or offers to sell, lease or develop or advertises for sale, lease or development, any interest lot, parcel site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision.

Subdivision or Subdivided Land - - Any parcel of land in the County, which is to be used for condominiums, apartments, or other multiple dwelling units unless such land when previously subdivided was accompanied by a filing which complied with the provisions of this resolution with substantially the same density, or which is divided into two or more parcels, separate interests, or interests in common, unless exempted under paragraphs (a), (b), and (c) below.

- (a) The terms "subdivision" and "subdivided land" as defined in the above paragraph shall not apply to any division of land which creates parcels of land each of which comprises thirty-five or more acres or land and none of which is intended for use by multiple owners.
- (b) Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and "subdivided land, as defined in the paragraph above, shall not apply to any division of land:
 - (1) Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;
 - (2) Which is created by order of any court in this state or by operation of law, or which could be created by any court in this state pursuant to the law of eminent domain;
 - (3) Which is created by a lien, mortgage, deed of trust, or any other security instrument;
 - (4) Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.
 - (5) Which creates cemetery lots.
 - (6) Which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property;

- (7) Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for the purposes of this subsection as only one interest; or,
 - (8) Which is created by the combination of continuous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph.
- (c) The Board of County Commissioners may, pursuant to rules and regulations or resolution, exempt from this definition of the terms "subdivision" and "subdivided land", any division of land if the Board of County commissioners determines that such division is not within the purposes of this resolution.

Subdivision Improvements Agreement - - One or more arrangements which may be accepted by the county to secure the construction of such public improvements as are required by this resolution within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

Subdivision Plat - - The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Board for approval and which, if approved, may be submitted to the Bent County Clerk and Recorder of Deeds for filing.

Subdivision Requirements - - Information, either required by the Commission or Board, to enable them to make decisions on matters brought to their attention. The Commission or Board may waive the submission of information not deemed pertinent or necessary to make judgment on a matter.

Surety - - See Subdivision Improvements Agreement.

Temporary Improvements - - Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Yard - - The space on the same lot, excluding street and alley rights-of-way, as a building or structure that is unoccupied and open to the sky.

Yard, Front - - That portion of a yard between the street right-of-way and the building and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.

Yard, Rear - - That portion of a yard between the rear of a building and a rear lot line or from the alley right-of-way and between two (2) side lot lines, the depth of which shall be the least distance between the building and the rear lot line.

Yard, Side - - All the yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and the building.

BENT COUNTY

MOBILE HOME PARK REGULATIONS

MOBILE HOME REGULATIONS

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MHP - MOBILE HOME PARK

01.01 **DEFINITIONS**

01.01.01 **Definitions**

- a. For the purpose of this Zoning District, "MHP", unless the context otherwise requires, the following terms have the following meanings:
- b. Access Street -- Streets designed to carry vehicular traffic from a mobile home park to a public street or highway system.
- c. Accessory Building -- A service building.
- d. Accessway -- A way for vehicular traffic providing access from a mobile home stand to an abutting collector street, cul-de-sac street, or service street.
- e. Administrator -- The Administrator of Bent County, Colorado, or his authorized representative.
- f. Applicant -- Any person who shall apply to the Board requesting that the boundaries of MHP district be fixed by amendment of this ordinance.
- g. Board -- Board of County Commissioners, Bent County, Colorado
- h. Collector Street -- A private street, within a mobile home park, designed to gather vehicular traffic from abutting mobile home spaces, cul-de-sac streets and service streets and carry it to an access street.
- i. Commission -- The Planning Commission.
- j. Cul-de sac Street -- A private dead-end street within a mobile home park with an appropriate turn around to provide for the convenient reversal of traffic.
- k. Easement -- Authorization by a property owner for the use by another person or entity for a specified purpose of any designated part of his property.
- l. Grade, Finished -- The complete surfaces of lawns, lots, walks and roads brought to grades as shown upon plans or designs relating thereto.
- m. Impervious Material -- A material, such as clay, which does not allow the passage of water.

- n. License -- A written license issued by the County Commissioners or their authorized representative authorizing the operation of a mobile home park under these regulations.
- o. Mobile Home -- A structure designed to be transported after fabrication and exceeding either eight (8) feet in body width or thirty-two (32) feet in body length, excluding towing gear and bumper. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating, and electrical facilities.
- p. Mobile Home Park -- Any plot of ground upon which two or more mobile homes, occupied or intended to be occupied for dwelling or sleeping purposes, are located for any period of time, regardless of whether or not a charge is made for such accommodations and whether or not the mobile homes and/or the land are owned by the occupants.
- q. Mobile Home Space -- A plot of ground within a mobile home park designed for the accommodation of one mobile home.
- r. Mobile Home Stand -- That portion of an individual mobile home space which has been reserved for the placement of a mobile home, and structures or additions appurtenant to the mobile home.
- s. Parking Area -- An open space or an enclosed structure or building used exclusively for the temporary storage of registered automobiles.
- t. Person -- An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality or any other political subdivision of the state, or any interstate body or any other legal entity.
- u. Portable Utility Building -- A structure located on a mobile home lot which is designed and used solely for the storage and use of personal equipment and possessions of the mobile home occupants.
- v. Portable Utility building Stand -- The ground located beneath a portable utility building.
- w. Right-of-way -- A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets,

crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such rights-of-way are established.

x. Screening -- Either:

(a) A strip at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high or

(b) An opaque wall or barrier or uniformly painted fence at least six (6) feet high.

Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: For each entrance, one (1) directional arrow with the name of the establishment with **For Patrons Only** or like limitation, not over two (2) square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

y. Service Building -- A building housing laundry facilities, operated by the mobile home park management, recreational facilities, storage and all other activities, facilities and uses which may be authorized or approved by the Board under 3.01.06-4,5 infra.

z. Service Street -- A private street, within a mobile home park, designed to be used primarily for service vehicles such as garbage trucks, fire trucks, and mobile home transport vehicles.

aa. Site -- A MHP district.

bb. Street -- A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

cc. Street Frontage -- That side of a mobile home space abutting a street or roadway and ordinarily regarded as the front of the mobile home space. On a corner mobile home, space only one side shall be considered as the front and the shorter street frontage shall be considered the front of the mobile home space.

dd. Structure -- Anything constructed or erected, the use of which requires a location on the ground, or attachment to something located on the ground,

including, but not by way of limitation, signs, fences, buildings, comfort stations, water or sanitary stations, mobile homes, recreational vehicles and tents.

ee. Unit -- Mobile home space

ff. Rules of Construction of Language:

1. The particular controls the general.
2. In case of any difference of meaning or implication between the text of these Regulations and the captions for each section, the text shall control.
3. The word "shall" is always mandatory and not directory. The word "may" is permissive.
4. Words used in the present tense include the future unless the context clearly indicates the contrary.
5. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

01.02 Description of District

01.02.01 Description of District

This district MHP is provided for any real property within the county to be used for a Mobile Home Park.

01.03 District Boundaries and Requirement

01.03.01 District Boundaries and Requirement
01.03.02 Site Conditions
01.03.03 Streets and Lighting
01.03.04 Parking of Motor Vehicles
01.03.05 Utilities
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- 01.03.15 Commercial or Business Use
- 01.03.16 Signs
- 01.03.17 Compaction
- 01.03.18 Schools, Parks, and Recreation Areas

01.03.01 District Boundaries and Requirements:

The boundaries of the MHP district are not delineated in this ordinance but shall be fixed by amendment of the Bent County Zoning Resolution and Map, at such times in the future as such district may be applied to specific real property in this county. Provided, however that:

(a) General District Selection Criteria: MHP districts shall be located in areas where the effect on surrounding property shall be minimized, where the health, safety and general welfare of MHP residents and others will be protected, and where the topography is suitable for MHP development.

(b) Specific District Requirements:

1. Area: The area contained in said district shall be no less than ten (10) acres and no more than eighty (80) acres.

2. Density and Space:

(a) The mobile home park shall have a gross density of not more than five and one-half units per acre.

(b) The minimum area of a mobile home space shall be five thousand (5,000) square feet with a minimum width of fifty (50) feet.

(c) Upon the determination of the Commission that terrain or aesthetic conditions require it, groups or clusters of mobile homes shall be placed on a combined lot where the area of the combined lot is equal to the minimum lot area required for an equal number of mobile homes on standard lots and where the minimum setbacks are honored on the combined lots perimeter line.

C. Mobile Home Parks shall not be allowed in Zoning District R-2

01.03.02 Site Conditions

(a) The condition of the soil, groundwater level, drainage and topography within a mobile home park shall not be such as to create hazards to the property or the health or safety of the occupants of the mobile home park.

(b) The site of a mobile home park shall not be exposed to health and safety hazards such as objectionable smoke, noxious odors, unusual noise, sudden flooding, subsidence or erosion, or the probability of insect or rodent infestation.

(c) The entire ground surface within the mobile home park shall be graded and equipped in such a manner as to provide diversion of water away from buildings, patios, and mobile home stands to prevent standing water and soil saturation, which would be detrimental to structures and to provide adequate and safe surface drainage.

(d) For the purpose of preventing soil erosion and unusual and objectionable dust, exposed ground surfaces within a mobile home park, except planting beds and areas preserved in their natural state for scenic reasons, shall be paved, surfaced with gravel, crushed rock, or like material, or planted in a vegetation growth capable of preventing such erosion and dust.

(e) Storage facilities other than garages or enclosures on individual spaces for vehicles, boats and recreational vehicles, other than private passenger vehicles, shall be designed in such a manner that the view of such storage facilities from property adjoining the mobile home park and from public roads shall be obscured.

01.03.03 Streets and Lighting:

(a) A mobile home park shall be serviced by a private street system constructed and maintained in compliance with this Resolution and providing safe and convenient access from abutting public streets or roads to all mobile home spaces.

(b) The alignment and grade of all such streets shall be properly adapted to the topography of the mobile home park and shall provide for safety of traffic movement, satisfactory surface and groundwater drainage, and the proper functioning of sanitary and storm sewer systems.

(c) All such streets shall be hard surfaced, shall be curbed and guttered, and shall be constructed at least to the standards set forth in the Road Profile (Appendix A) and Curb Profile (Appendix B) or such other structures or devices which will adequately perform the same function(s) as curbs and gutters.

(d) The paved surface of such streets, excluding curb and gutter, shall be of adequate width to accommodate anticipated traffic within the mobile home park and in any case shall meet the following requirements:

- (1) Access streets and collector streets - - 26 feet minimum width.

- (2) All other service streets and cul-de-sac streets - - 24 feet minimum width.
- (3) Streets designated as one-way streets - - 24 feet minimum width.
- (e) Cul-de-sacs shall be a minimum of 80 feet in diameter and shall serve access to no more than 20 mobile home spaces.
- (f) Cul-de-sac streets shall not exceed 500 feet in length.
- (g) Minimum and maximum grades on all streets within a mobile home park shall be as follows:
 - (1) Access streets - 12% maximum in a maximum distance of 150 feet.
 - (2) Service streets - 8% maximum
 - (3) All streets - 0.5% minimum
- (h) Street intersections shall generally be at right angles, and for a distance of 75 feet from the point of intersection and along with centerlines of intersecting streets a right angle shall be maintained as nearly as possible with consideration for topography and the mobile home park design.
- (i) Where the centerlines of intersecting streets are offset to form a jog, the minimum distance between the points of intersection of the centerlines of the offset intersecting streets shall be 100 feet.
- (j) All service access roads and pedestrian walkways serving more than two mobile home spaces shall be lighted for the safe movement of vehicles and pedestrians at night with a minimum illumination of one (1) foot candles.
- (k) All walkways shall be paved.
- (l) The site shall have at least one direct access to a public street by a roadway.
- (m) The mobile home park shall be so designed that all mobile home spaces and accessory buildings abut an interior roadway.

(n) All access streets shall be designed so as to provide adequate access to and from the mobile home park site. All access streets shall be designed so as to minimize impact on existing roads and highways and to maximize integration with existing transportation facilities in the area. All access streets shall provide for adjacent or non-adjacent pedestrian walkways, paths, or trains.

01.03.04 Parking of Motor Vehicles:

(a) A minimum of two (2) off-street parking spaces, having a minimum area of 320 square feet, shall be maintained for each mobile home space, surface material shall be hard surface or of granular material no greater than 1 1/2 inch grade.

(b) Off-street automobile parking spaces shall have access to a paved street, driveway or parking area over an accessway of sufficient width to accommodate an automobile. Surface material shall be hard surface or of granular material no greater than 1 1/2 inch grade.

(c) A minimum of one off-street space, having a minimum area of 160 square feet, shall be maintained for every two mobile home spaces for the purpose of guest parking. No mobile home space shall be more than three hundred (300) feet from such a guest parking space, surface material shall be hard surface or of granular material no greater than 1 1/2 inch grade.

01.03.05 Utilities:

(a) All utility services shall be available in a park, and shall be installed in a workmanlike manner, and in compliance with all applicable codes and standards. Mobile homes in such parks shall have adequate means of heating and lighting, installed in accordance with applicable codes and standards.

(b) All mobile homes, service buildings, and other facilities shall be provided at all times with an adequate supply of water, and shall be served by a water system designed, constructed, and protected in accordance with Colorado Department of Health recommendations: Standards for Quality of Water Supplied to the Public, and applicable provisions of the current edition of the Colorado Department of Health Technical Plumbing Code, and section 25-1-114 (i) (h), C. R. S. 1973.

(c) All utility easements shall be a minimum of ten (10) feet in width and shall provide convenient ingress and egress and for construction and maintenance vehicles.

(d) The water distribution system shall be so constructed that no more than twenty-five (25) mobile home lots will be without water as a result of water service line breakages or repairs within the park.

(e) Where the water supply is subject to service interruption, the occupants shall be notified in advance of such interruptions if possible.

(f) Where the cause of the water service interruption occurs within the park and the interruption exceeds a period of twelve (12) hours, the owner shall be responsible for providing a temporary emergency water supply for the occupants.

(g) Water service lines, including valves, riser pipes and connections shall be installed in compliance with the Colorado Technical Plumbing Code. Every mobile home lot shall be provided with an individual water service pipe and a riser pipe in conformance with the Colorado Technical Plumbing Code. The riser pipe shall extend at least four (4) inches vertically above ground unless it is shielded by a riser protector and casement extending above ground and fitted with a lid. The riser shall terminate with two threaded valved outlets which provide connections for the mobile home water piping and for a garden hose. The mobile home water outlet shall be securely capped when a mobile home does not occupy the lot.

(h) Where a public sewer system is available, all plumbing fixtures, building sewers, and mobile home park sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the Colorado Water Quality Control Commission, the Colorado Department of Health, and other applicable local government sewage disposal requirements, shall be installed and all plumbing fixtures, building sewers, and mobile home park sewers connected thereto.

(i) Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, or freezing.

(j) Sewer lines shall be constructed of approved materials with adequate vents, watertight joints, and sufficient cleanouts.

(k) Sewers shall be at a grade sufficient to insure a mean velocity of two feet per second when flowing full. The system shall be designed for minimum flow rate of at least 300 gallons per day per mobile home lot. Horizontal and vertical drainage lines connecting with other horizontal drainage lines shall enter through 45 degree "y" branches or other combinations of equivalent sweep. Manholes or cleanouts shall be provided at the upper end of each main sewer line and manholes shall be

provided at intersections of two or more sewer lines, at changes in grade or alignment more than 45 degrees and at intervals of not more than 400 feet.

(l) Each mobile home lot shall be provided with a sewer branch line and rise pipe at least four inches inside diameter. The branch line shall be installed with a uniform slope of at least one-fourth inch per linear foot and shall be properly trapped and vented when all fixtures in the mobile home are not trapped and vented. The branch line shall terminate at a riser pipe of at least four inches inside diameter, which extends vertically four inches above ground elevation, or has the ground graded from the riser pipe rim. When necessary the riser pipe shall be protected by a concrete collar four inches thick and 12 inches in diameter.

(m) The sewer service connection shall be equipped with standard screw, ring, or clamp-type fittings or adapters so that water-tight, and tamper-proof connections can be obtained at the mobile home drain outlet and sewer rise pipe. The connection shall be of approved semi-rigid, non-collapsible, corrosion-resistant pipe having a smooth interior surface and an inside diameter of not less than three inches.

(n) The sewer service connection shall be installed and maintained with a uniform grade not less than one-quarter inch per foot and shall be no longer than necessary to connect the mobile home drain and sewer riser pipe. Dependent mobile homes with drain outlets less than three inches inside diameter shall be connected with reducers and screw or clamp-type fittings.

(o) When a mobile home does not occupy the mobile home stand, the sewer rise pipe shall be capped with a watertight cap or plug.

01.03.06 Refuse:

(a) The storage, collection and disposal of refuse in a mobile home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution, or other nuisance conditions.

(b) Durable, washable, and non-absorbent metal or plastic containers with tight-fitting lids shall be provided at each mobile home lot or at a central storage area conveniently located not more than 200 feet from any mobile home lot. Refuse containers shall be provided at the rate of at least one 30 gallon (4 cu. ft.) container for each mobile home lot or an equivalent storage capacity in centralized storage facilities.

(c) The number of containers used and the frequency of collection shall be sufficient to prevent over-filled containers. Refuse shall be routinely.

collected and removed from the premises not less than once weekly. Refuse shall be disposed of at a lawful disposal site in accordance with requirements of the Colorado Solid Wastes Disposal Sites and Facilities Act.

01.03.07 Insect and Rodent Control:

(a) Rodents and insects shall be controlled by approved sanitary practices, vermin-proofing of buildings, extermination, and other control methods.

01.03.08 Water Supply:

(a) The mobile home park shall connect to a public water system if such a system exists within two thousand (2000) feet of the proposed development, and if approved by the Public Water System.

(b) A private central water system shall be permitted if the supply source is determined to be adequate to meet required demands. Where the source for a central system is determined to be inadequate, the proposed mobile home park may either be denied or the net density reduced to prevent exceeding the system capacity. The development of a central water supply source to serve the mobile home park shall be made only after express approval has been granted by the health officer and plans and specifications for the water system have been approved by the appropriate State agencies. Private individual water wells shall not be permitted.

(c) A minimum of one thousand (1000) gpd (gallons per day) shall be provided for each mobile home space in the mobile home park for domestic and individual lot irrigation needs at graduating pressures of not less than twenty (20) nor more than eighty (80) pounds per square inch to all fixtures. The number of mobile home spaces to be occupied in a mobile home park shall be limited to the quantity of water available to supply each such mobile home space with the above.

(d) Adequate water supply shall be provided to any additional structures such as service building, office building, etc. where such service may be required.

(e) Provision for irrigation of proposed landscaped areas within the mobile home park but excluding individual lots shall be made in determining water needs.

01.03.09 Sanitation System:

(a) Mobile home parks shall be served by a public sewer system if such a system exists within two thousand (2000) feet of the proposed development, and if permitted by such public system.

(b) The development of a central treatment system to serve the mobile home park shall be made only after the specifications for the disposal system have been approved by the State Department of Health and the State Water Quality Control Commission. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained, and operated so as not to create a nuisance or health hazard.

(c) Mobile home drains, sewer standpipes, and connections thereto shall conform to standards as required by the utility serving the mobile home park. The mobile home drain shall be watertight and self-draining. This drain shall be constructed of smooth plastic pipe or of other material approved by the State or local plumbing laws and regulations. All sewer lines will contain devices allowing access and cleaning of said lines at locations separated by no more than 250 feet.

01.03.10 Electrical Outlets:

An electrical outlet supplying both 110/220 volts capable of providing 100 amperes or more of current, shall be provided for each mobile home space. The installation shall comply with all State and local electrical regulations.

01.03.11 Fire Protection:

Every mobile home park shall be equipped at all times with fire hydrants and fire extinguishing equipment in good working order of such type, size, and number and so located within the park as prescribed by the Planning Commission, or to satisfy fire regulations.

01.03.12 Portable Utility Building Stand:

In the event the surface of a portable utility building stand is designed to be more than six (6) inches below the finished grade of the mobile home space, the entire surface of the utility building stand shall be covered with crushed rock, gravel, or other like material, for the purpose of providing surface water drainage. Such stand shall be provided with anchors or tie-downs which, in the discretion of the Commission, will prevent accidental movement of the portable utility building.

01.03.13 Outdoor Recreation Areas:

(a) A mobile home park shall provide an amount not less than twenty (20%) of the gross mobile home park area for outdoor recreational area or areas.

(b) Outdoor recreation areas include, but not by way of limitation, adult recreation and child play areas, and swimming pools, but shall not include areas devoted to guest parking, utilities, drying yards, a roadway, mobile home space, storage area nor any area required for setbacks.

(c) Outdoor recreation areas shall be located in such a manner as to be free from hazards and topography incompatible with the purposes of the recreation areas, and shall be conveniently located, where the topography and traffic of the mobile home park permits.

01.03.14 Setbacks:

The minimum setback along property lines of a mobile home park shall be as follows, and no structures, including mobile homes, shall be erected, constructed or located closer to such property lines than the minimum setback distance, unless otherwise specifically provided:

(a) Public street or highway rights-of-way, other than four-lane highways - 100 feet from the centerline of such right-of-way or 30 feet from the property line, whichever distance is the greater.

(b) Public street or highway rights-of-way having four or more traffic lanes, excluding frontage roads - 130 feet from the centerline of such right-of-way or 75 feet from the property line, whichever distance is the greater.

(c) Private road rights-of-way and easement - 25 feet from the centerline of such right-of-way or easement or 10 feet from the easement boundary whichever distance is the greater.

(d) All other property lines - 20 feet from the property line; provided, that screening fences and shrubs or trees may be erected or located closer to such property lines than the minimum setback distance.

01.03.15 Commercial or Business Use:

All commercial or business uses within a MHP district shall be subject to special review requirements.

01.03.16 Sign:

One sign, and only one sign, advertising a mobile home park and displayed to the general public shall be allowed within 1,000 feet of such boundaries. Such identification sign shall not exceed forty (40) square feet in area and shall not be of thereon, flashing-light variety or involve movement.

01.03.17 Compaction:

The entire area of each mobile home park, excluding recreational areas, shall contain soil compacted to a field density of ninety-five (95%) percent.

01.03.18 Schools, Parks, and Recreation Areas:

(a) A mobile home park shall not cause a significant adverse impact upon existing surrounding school facilities so as to necessitate overcrowding or double sessions, substantial new equipment or building expenditures or new school sites.

(b) If a mobile home park is likely to have a significant adverse impact upon existing school facilities, the Planning Commission and Board of Trustees shall consult the school district before recommending approval or disapproval of the proposed mobile home park and shall comply with all requirements of section 03.11 of the Bent county subdivision regulations regarding land dedication procedures.

01.04 Procedure for Application for Amendment of Zoning Map for a Mobile Home Park.

01.04.01 Procedure for Application for Amendment of Zoning Map for a Mobile Home Park.

(a) Any citizen or group of citizens, fire or corporation, residing, owning or leasing property in the county may apply for an amendment to fix the boundaries of this MHP district.

(b) Such application shall be filed with the County Administrator

(c) Within ninety (90) days from the date of filing the application with the County Administrator, the Planning Commission shall examine the application and recommend to the Board of County Commissioners the approval or disapproval of the application.

(d) The Board of County Commissioners, prior to certification, shall then proceed in conformity with the provisions of the Zoning Ordinance or

Resolution concerning amendment thereof, including notice of hearing requirements.

01.05 Contents of Application for Approval of a Mobile Home Park

01.05.01 Contents of Application for Approval of a Mobile Home Park

(a) Applications for an amendment shall be made in writing to the Zoning Administrator and shall contain:

1. The name and address of the applicant, and if the applicant is a partnership, association, or corporation, the names and addresses of all managers, partners, and executives directly responsible for operation in this county.

2. An identification of the land to be included in the district to include:

(a) The location of the lands by legal subdivision, section, township, range, county, and municipal corporation, if any.

(b) The name, if any, by which such lands or any part thereof are known.

(c) The approximate number of acres to be affected.

(d) The nearest town, village, or city.

3. A general description of the land which shall include as nearly as possible its vegetative cover, the annual rainfall, the general directions and average velocities of the winds, endangered species of fish and wildlife, its past and present uses, its present surface waters, and adjudicated water rights and their immediate drainage areas and uses, and the nature and depth of the topsoil, subsoil, mineral seams, or other deposits of commercially valuable quantities and any subsurface waters known to exist.

4. A United States Geological Survey topographic map, if available, of the district.

5. A map in such detail as the Administrator may specify, showing the boundaries of the land to be affected, its surrounding immediate drainage area, the location and names, where known, of all roads, railroads, public or private rights-of-way and easements, utility lines, lakes, streams, creeks, springs, and other surface water courses, oil wells, gas wells, water wells, and the limits of underground mines and surface mines, whether active or inactive,

on or immediately adjacent to the land to be affected. The map shall also show:

- (a) The names, last known addresses and boundary lines of the present surface landowners and occupants on the adjacent land to be affected.
- (b) The location, ownership, and uses of all buildings on, or on lands adjacent to, the land to be affected.
- (c) Any political boundaries of special districts on or near the land to be affected.

6. A site plan which shall be drawn by a registered land surveyor or engineer to a scale of one (1) inch equals 100 feet, bearing contour lines at vertical intervals of two feet upon mylar or linen and shall contain the following information:

- (a) The legal description of the site, dimensions of the site perimeter north point, and total land area within the site perimeters.
- (b) The proposed name of the mobile home park.
- (c) The location and width of all streets, alleys, or roads adjacent to or within the site perimeters, together with walks, curbs, pavements, existing structures, existing utility easements, proposed recreational and parking areas, the number, size and location of all mobile home spaces, and proposed utilities such as gas, water, electricity, and sewer.
- (d) The size of all proposed or existing water and sewer lines.
- (e) The location and dimensions of all proposed accessory uses and any other proposed structures.
- (f) The existing zoning district of the site and the existing zoning districts adjacent to the site for a distance of 600 feet from the site perimeter.
- (g) The signature of the owner and surveyor as well as signature blanks for the signature of the chairman of the Board of County Commissioners.

7. Typical street and walk sections.

8. Landscaping Plan

Incorporated into the plot plan or submitted as a separate exhibit there shall be a landscaping plan, in such detail and scope as may be required by the Planning Commission containing such information that is required by County Subdivision regulations and a surface drainage plan showing the proposed grading contours within the mobile home park and the location and dimensions of all tile lines, culverts, catch basins, drain inlets, turf, and masonry gutters, all curbs, drainage disposal, and any existing facilities to be used for surface drainage. The applicant may submit a written statement of the provisions to be made for surface drainage plan. The landscaping plan and surface drainage plan shall be prepared by a registered land surveyor or engineer. Landscaping plans shall be produced on tracing paper or velum having outer dimensions of at least 24 inches by 36 inches and drawn to a scale of one inch equals 100 feet and shall contain such information as the following:

- (a) The outline of mobile home stands, patios, accessory buildings, and other improvements.
- (b) An appropriate landscaping plan.
- (c) The details of all features pertaining to site improvements, such as retaining walls, tree walls, and other site improvement details now shown upon other drawings.

9. Sources of water supply and methods to be used for sewage and garbage disposal and evidence, satisfactory to the board, of the legal, technical and natural sufficiency of such supplies and methods.

10. Such further information as may be requested by the Planning Commission to enable them to determine that the proposed mobile home park will comply with legal requirements.

11. The developer must file a plat of the mobile home park covering the location of all existing and proposed utilities and public lands prior to or at the time of final approval of the mobile home park.

12. A minimum fee as described in the Bent County Zoning Ordinance and Resolution.

13. Such other information as the Zoning Administrator, or Planning Commission, or the Board of County Commissioners deems necessary, or as good faith compliance with the provisions of this ordinance require.

14. Description of the source and adequacy of existing fire protection facilities and any anticipated new facilities.

15. Description of anticipated impact upon surrounding school facilities and any anticipated new facility requirements, including projected impact upon school classroom and teacher capacity, school transportation expense, and school site necessity.

16. The applicant shall cause notice of the application to be published in a newspaper of general circulation in a locality of the proposed mobile home park once a week for four consecutive weeks commencing within 15 days after filing of the application. The notice shall contain information regarding the identity of the applicant, the location of the proposed mobile home park, the proposed dates of commencement and completion of the mobile home park, and the location and final date for filing objections to the application. The Administrator shall mail a copy of the notice immediately after first publication to all adjacent property owners within 300 feet of the proposed mobile home park. Proof of such notice and mailing shall be attached to and become part of the application.

17. A public hearing shall be held pursuant to all applicable regulations.

18. The requested amendment shall be granted if it is established that the application complies with the requirements of this ordinance, the standards in Bent County, and all applicable federal and state laws. The board shall not deny an application except for one or more of the following reasons:

(a) The application is incomplete.

(b) The application is not accompanied by the required fee.

(c) Any part of the proposed use is contrary to this ordinance, the standards for review contained in section 01.05.01, the law or policy of this state, or the United States.

(d) The proposed mobile home park would irreparable hard, destroy, or materially impair any area that is of a unique and irreplaceable historical archeological, scenic, agricultural, recreational or natural value.

(e) The proposed mobile home park endangers the public health and safety.

19. When, upon review of the application and the plot plan, the board shall be satisfied that there is compliance with this ordinance, a building permit for all or a part of the mobile home park at the determination of the board and subject to all terms of this ordinance and other applicable statutes, ordinances, rules and regulations shall be issued for the construction of the mobile home park within the MHP district.

PROVIDED, HOWEVER, the Board may enact such amendment only in part or for a limited period of time if it shall determine that the purposes of this ordinance would be served by time-phased or temporary rezoning of the proposed district.

01.06 Deposit of Fees and Forfeitures

01.06.01 Deposit of Fees and Forfeitures

- (a) All forfeitures and other monies collected under the provisions of this ordinance shall be deposited with the county treasurer.
- (b) All fees shall be deposited with the county treasurer in the Planning and Zoning fund.

01.07 State Statutes and Regulations

State Statutes and Regulations

Except where not so strict as this ordinance, all appropriate Colorado Statutes and Regulations of Colorado State agencies are incorporated herein by this reference as if set out verbatim.

01.08 Rules and Regulations

01.08.01 Rules and Regulations

The Administrator may promulgate such rules and regulations subject to approval by the board, as may be necessary and proper to accomplish the purposes of this ordinance.

01.09 Saving Clause
01.09.01 Saving Clause

Should any section, clause or provision of this Resolution be declared by a Court or competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof, other than the part so declared to be invalid.

BENT COUNTY

TRAVEL TRAILER PARK

RESOLUTION

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BENT COUNTY TRAVEL TRAILER PARKS RESOLUTION

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BENT COUNTY TRAVEL TRAILER PARKS RESOLUTION

05.01.03 Permits; Applicability; Plot Plans; and Nonconforming Uses

- a. It shall be unlawful for any person to construct, alter, extend, maintain or operate any travel trailer park in the unincorporated territory of Bent County, Colorado, unless he holds a valid travel trailer park permit issued by the administrative authority in the name of such person and a Bent County Department of Health sanitation permit for such travel trailer park.
- b. A travel trailer park shall have an area of not less than four (4) acres and sites for no less than fifteen (15) recreational vehicles.
- c. Except as otherwise expressly provided herein, application for a travel trailer park permit shall be made to the administrative authority prior to the commencement of any construction, alteration, extension, maintenance, or use of the travel trailer park and shall be accompanied by a plot plan drawn to a scale of one inch equals 50 feet or one inch equals 100 feet upon a reproducible medium, and containing the following information:
 1. The legal description of the site; dimensions of the site perimeter; north point; and total land area within the site perimeters.
 2. The date of preparation; and the name and address of the applicant.
 3. The location and width of all roads within the site perimeters, together with the location and type of proposed accessory uses; the location of the entrance to the travel trailer park, the location of existing and proposed utility, water and sewer lines; and the location of comfort stations and outside water outlets.
 4. The location and dimensions of proposed parking areas; and the location of the total number of proposed travel trailer sites;
 5. The ownership of the travel trailer park and the ownership of the immediately adjoining property;
 6. A description of the adjoining land use and topography and an illustration of watercourses or bodies of water on

adjoining property within a distance of 300 feet from the boundaries of the travel trailer park.

7. The existing zoning district of the travel trailer park and the existing zoning districts adjacent to the site for a distance of 600 feet from the site perimeter.
 8. A vicinity sketch map drawn to a scale of at least one inch equals 600 feet and illustrating street and highway locations in the vicinity of the travel trailer park.
 9. A landscaping plan prepared in the same manner and containing the same information as required for a mobile home landscaping plan.
- d. The plot plan, together with the landscaping plan, shall be in compliance with this Resolution, regulations hereunder, and all other applicable laws and regulations, and when, upon review of the application and the plot plan, the administrative authority shall be satisfied that there is such compliance, a building permit shall be issued for the construction of the travel trailer park. Upon completion of the construction of the travel trailer park and a final inspection by the administrative authority, a travel trailer park permit shall be issued if said construction shall have been completed in full compliance with this Resolution.
 - e. After the effective date of this Resolution, no travel trailer park permits shall be issued for new travel trailer parks unless and until the property on which they are to be situated is zoned for travel trailer park use and such zoning is a matter of record in the office of the clerk and Recorder of Bent County, Colorado.
 - f. Travel trailer park permits shall be transferable and shall remain valid so long as the travel trailer park for which such permit has been issued shall be in existence and in compliance with this Resolution.
 - g. Any expansion or extension of a nonconforming travel trailer park shall be made in conformity with the provisions of this Resolution.
 - h. No use of property, structures or recreational vehicles existing on the effective date of this Resolution shall be deemed a nonconforming use, structure or travel trailer park.

05.02.03 Sites: Comfort Stations: Water and Sanitary Stations

- a. All recreational vehicles or tents parked in a travel trailer park for use as an overnight accommodation shall be parked no more than one unit per site.
- b. Each site within a travel trailer park shall be a minimum of one thousand three-hundred fifty (1,350) square feet in area, excluding roadways.
- c. Each site shall be equipped with an electrical hookup for a recreational vehicle.
- d. A travel trailer park shall contain at least one (1) comfort station.
- e. A comfort station shall occupy no more than ten percent (10%) of the gross travel trailer park area and shall be maintained primarily for the use of travel trailer park occupants. The general public shall not be invited by advertisement, or otherwise, to use such comfort station.
- f. Comfort stations in travel trailer parks shall have the following minimum facilities:

<u>Sites</u>	<u>Toilets</u>		<u>Urinals</u>	<u>Lavatories</u>		<u>Showers</u>	
	<u>Male/Female</u>		<u>Male</u>	<u>Male/Female</u>		<u>Male/Female</u>	
15	1	1	1	1	1	1	1
16-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	3	4	2	4	4	3	3

For every 30 additional sites in excess of 100 sites, one (1) additional male toilet, female toilet, male lavatory and female lavatory shall be provided. For every additional site in excess of 100 sites one (1) additional male shower and female shower shall be provided. For every 100 sites in excess of 100 an additional urinal shall be provided.

- g. Every site within a travel trailer park shall be within a radius of at least four hundred fifty (450) feet from a comfort station; provided, however, that in no event shall a comfort station be located nearer than seventy-five (75) feet from any site.

- h. Each travel trailer park shall contain at least one (1) water station, and travel trailer parks having in excess of one hundred (100) sites shall contain one (1) water station for every one hundred sites.
- i. Every water station shall be equipped with two (2), or more, hydrants, a water fountain, a sump, a vacuum breaker to prevent siphonage, a shut-off valve for controlling the rate of water flow, and a flexible hose to reach the inlet of recreational vehicle water storage tanks. The water station shall be constructed in a good and workmanlike manner in order to allow good drainage and to prevent freezing.
- j. Each travel trailer park shall contain at least one (1) sanitary station, and travel trailer parks having in excess of 100 sites shall contain one (1) sanitary station for every 100 sites.
- k. The draining basin of the sanitary station shall be constructed of an impervious material. The sanitary station shall be connected to the travel trailer park water supply and shall provide facilities for washing recreational vehicle waste holding tanks and for cleaning the general area of the sanitary station. (See Appendix A for an example of the construction of a sanitary station).

05.03.03 Density; Roads; Setback Requirements; Signs; and Outdoor Recreation Areas

- a. The maximum density within a travel trailer park shall be twenty (20) sites per acre.
- b. Access to a travel trailer park shall not be through any developed residential area through land platted for residential subdivision, unless such plat has been of record in the office of the Bent County Clerk and Recorder for more than three (3) years and no residential buildings shall have been constructed upon any of the lots within such subdivision.
- c. Road systems within a travel trailer park shall form a loop-system only, and shall be constructed in the same manner and to the same standards as an access road. If such road system is for one-way traffic only, directional signs shall be installed.
- d. Access roads to travel trailer parks shall be 16 feet in width if providing one-way traffic, and 24 feet in width if providing two-way traffic, and shall be surfaced with granular material of no greater than one and one-half (1 1/2) inch grade.
- e. Entranceways into travel trailer parks, or onto travel trailer park access roads, off of state or federal highways shall be rounded by at least a forty

(40) foot radius arc in order to provide convenient and safe ingress and egress to such highways without traffic obstruction. Such intersections shall also be maintained free from obstruction to visibility for a distance of one hundred twenty-five (125) feet along the access road or entranceway from its intersection with such highway. If the entranceway abuts a hard surfaced road the first 25 feet shall be hard surfaced also.

- f. Sites, as defined by this Resolution, within a travel trailer park, and recreational vehicles parked within a travel trailer park, shall comply with and observe the following minimum setback requirements.

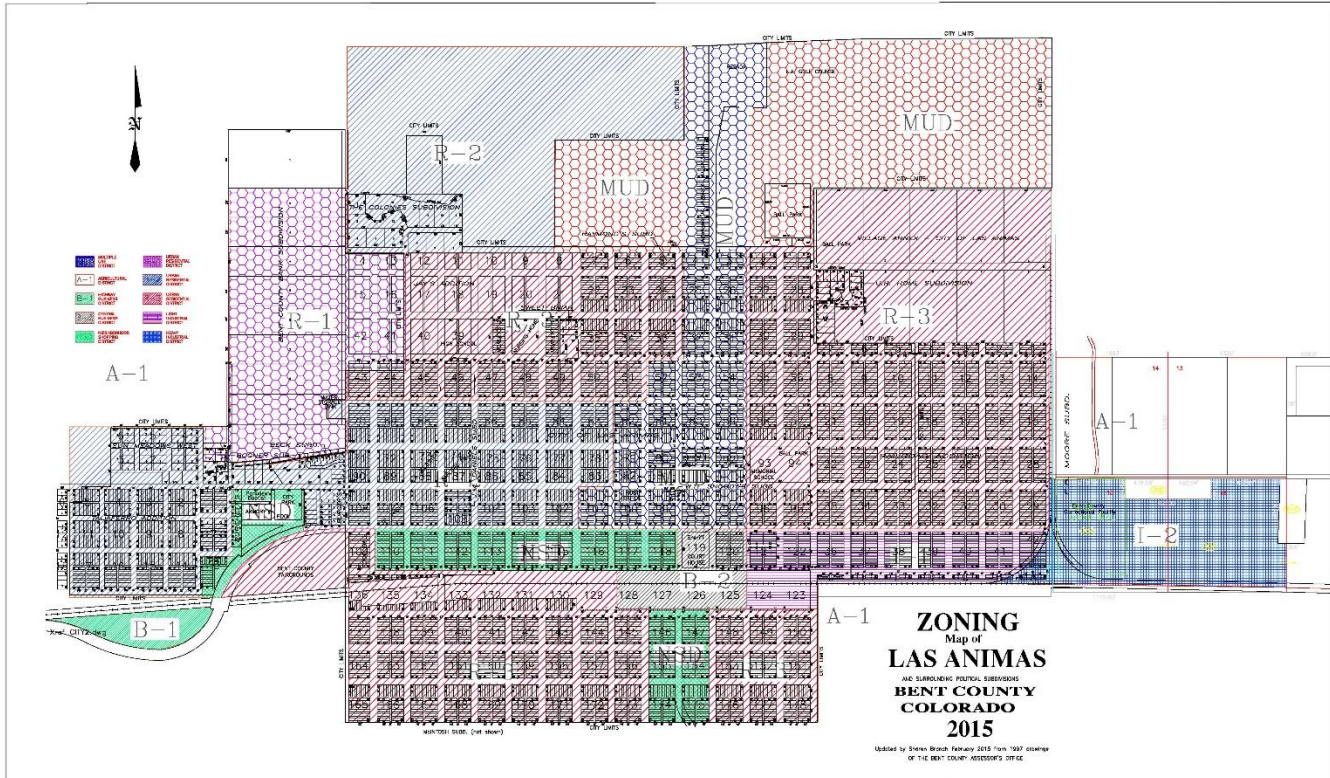
	<u>Description</u>	<u>Setback</u>
1.	From the perimeter of the travel trailer park	75 feet
2.	From existing single family residences or tourist accommodations, unless the same are accessory uses within the travel trailer park	250 feet
3.	From the boundary of a public right-of-way	200 feet

- g. The minimum setback requirement in "f" shall not apply if the site or recreational vehicle is totally obscured from sight by natural barriers or artificial screening from within a distance of one hundred (100) feet from such single family residences or tourist accommodations as measured from the point of such buildings nearest to the site or recreational vehicle.
- h. Where a travel trailer park is immediately adjacent to a mobile home park, the minimum setback required under "f-1" and "f-2" may be reduced to 20 feet along the boundary between the mobile home park and the travel trailer park; provided, however, that if the mobile home park and travel trailer park are under separate ownership, the travel trailer park shall be screened from sight by natural barriers, artificial barriers, or the planting of trees and shrubs.
- i. Roads and pedestrian walkways within the travel trailer park, buildings, comfort stations, and other areas or facilities subject to nighttime use shall be lighted for safe nighttime use.
- j. No signs identifying the travel trailer park shall be more than 500 feet from the perimeter of the park or within the park perimeter except one (1) permanent sign of forty (40) square feet or less, located within the park. In lieu thereof, two (2) permanent signs of twenty (20) square feet, or less, each, may be located within the park, and one (1) sign constructed for temporary location and not exceeding

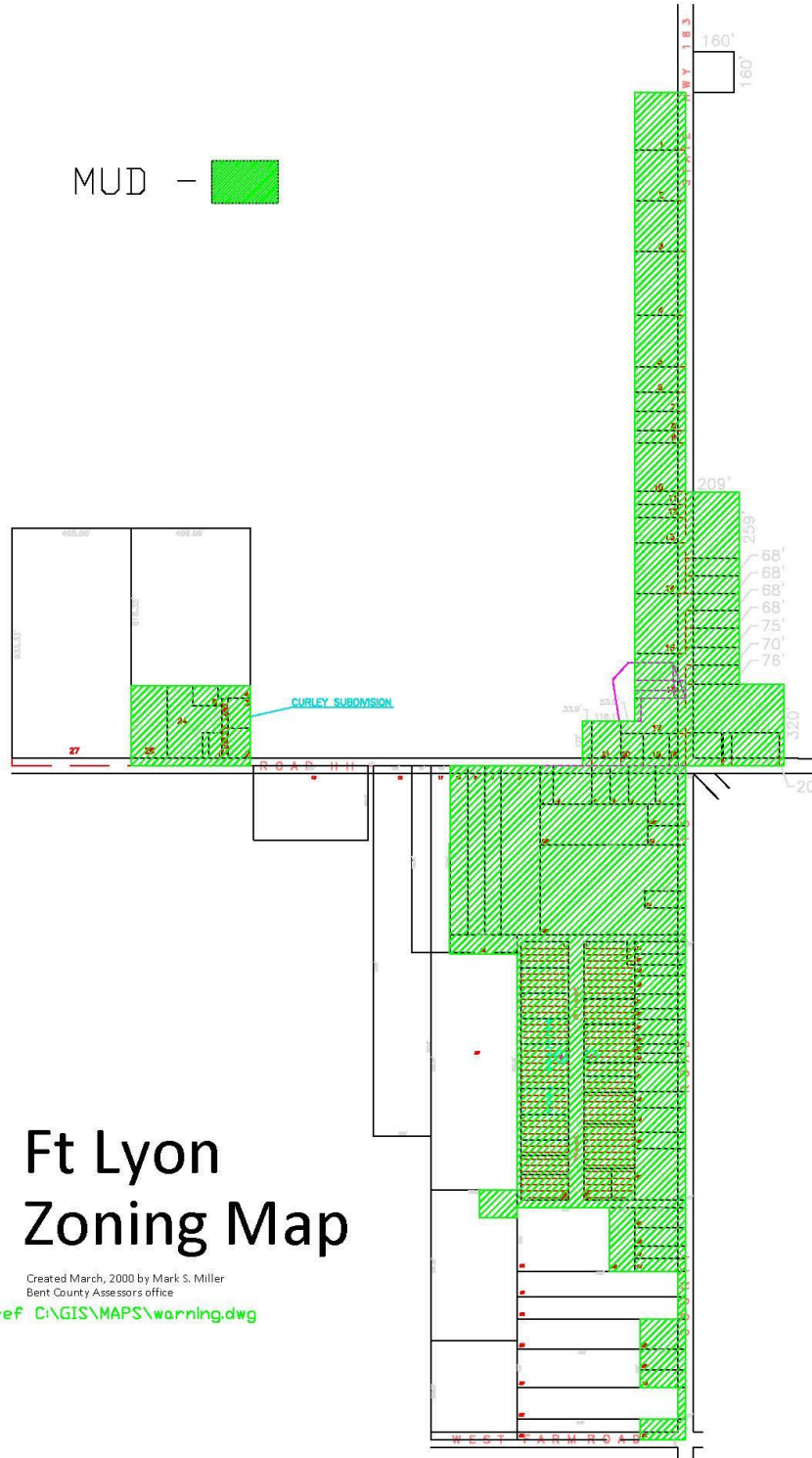
four (4) square feet in area may be constructed and used within or without the park. Signs of the neon or flashing-light variety shall not be used for such identification purposes.

- k. A minimum of eight percent (8%) of the gross area within the perimeters of a travel trailer park shall be maintained as an outdoor recreation area. Outdoor recreation areas include adult recreation and child play areas and comfort stations, but shall not include areas devoted to parking.

MAPS



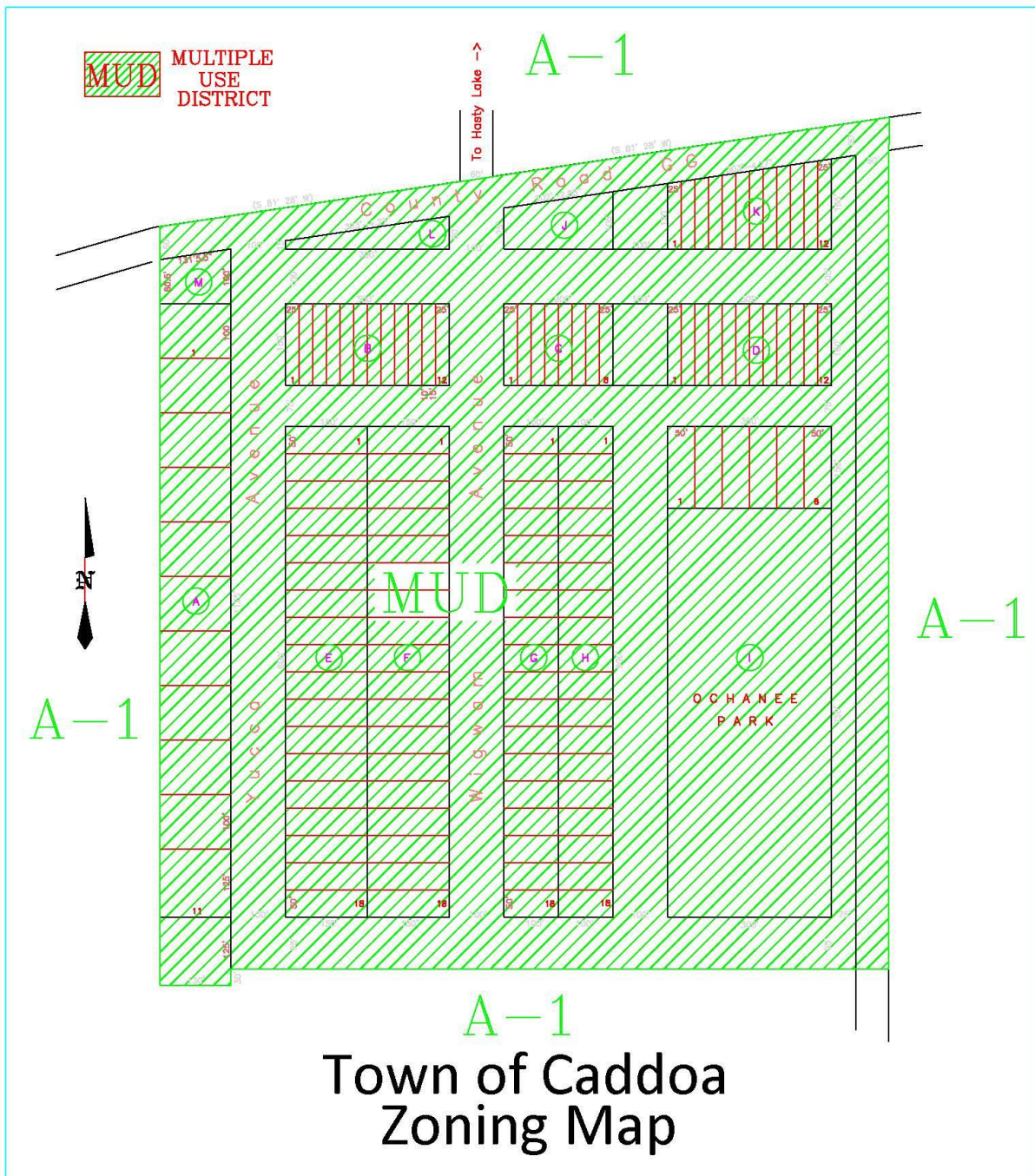
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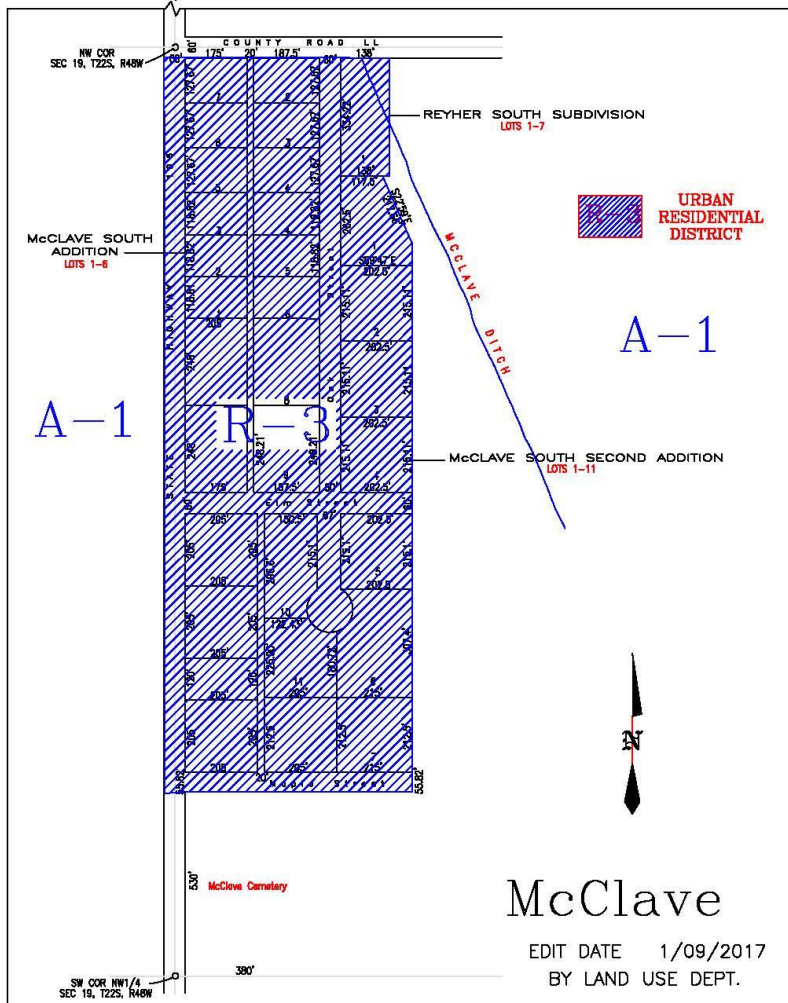
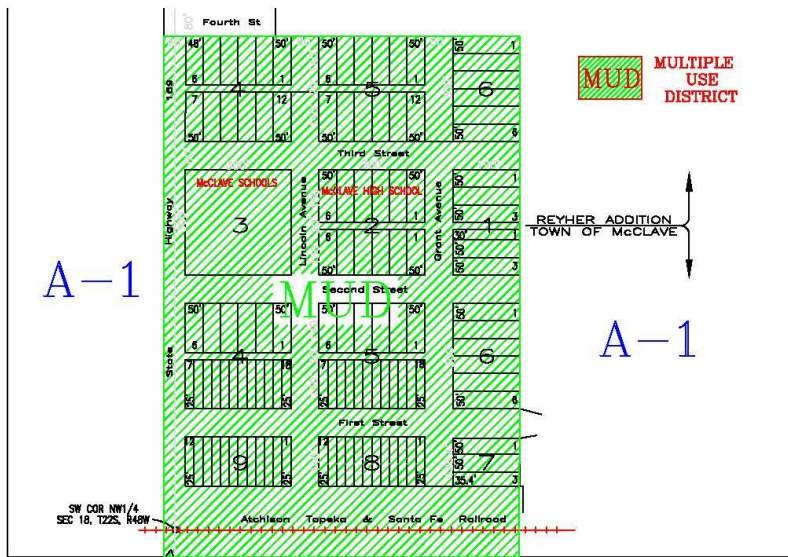


Ft Lyon Zoning Map

Created March, 2000 by Mark S. Miller
Bent County Assessors office

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McClave

EDIT DATE 1/09/2017
BY LAND USE DEPT.

BENT COUNTY, COLORADO

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Patti Nickell
Bent County Clerk

STATE OF COLORADO)
) § ORDINANCE 2009-1
COUNTY OF BENT)

AN ORDINANCE FOR THE PREVENTION OF ENVIRONMENTAL BLIGHT

WHEREAS, the Board of County Commissioners of the County of Bent, State of Colorado (hereinafter the "Board") is authorized pursuant to §30-15-401, et seq., C.R.S. to provide for and compel the removal of rubbish, including trash, junk, garbage, weeds, brush, disabled vehicles and to provide for and compel the removal of any building or structure, the condition of which presents substantial danger or hazard to public health, safety or welfare, or any dilapidated building of whatever kind, including single-wide trailer houses, which are in a state of substantial disrepair by the owner, or uninhabited because of deterioration or decay which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter, from lots and tracts of land within the County, including removal performed by the County; and,

WHEREAS, The Board finds that certain areas of unincorporated Bent County have or may become blighted, with the consequent impairment of taxable values upon which, in part, county revenues depend; that such blighted areas are detrimental or inimical to the health, safety, morals and general welfare of the citizens and to the economic welfare of the county; that in order to improve and maintain the general character of unincorporated Bent County, it is necessary to rehabilitate such blighted areas; that the purposes of this ordinance are to rehabilitate such areas by eliminating blight and blighting factors within such areas for the protection of the health, safety, morals and general welfare of the county, to preserve existing values of other properties within or adjacent to such areas; and to preserve the taxable value of the property within such areas; and the necessity in the public interest for provisions herein set forth is hereby declared as a matter of legislation determination to be a public purpose and a public use.

WHEREAS, the Board has previously adopted Ordinance 2005-2 which, by the enactment of this Ordinance No. 2009-1, is hereby repealed.

WHEREAS, the Board finds that it is necessary for the protection of the public health and safety that Ordinance 2009-1 become immediately effective upon adoption because environmental blight constitutes a continuing nuisance and threat to the citizens of Bent County.

NOW THEREFORE BE IT FURTHER ORDAINED by the Board that the "prevention of environmental blight" Ordinance No. 2009-1 shall be in full force and effect in all of the unincorporated portions of Bent County, including, without limitation and not limited to, residential lots, subdivided parcels zoned "A-1" which have a residential structure situated thereon. Ordinance 2009-1 shall not apply to industrial zoned tracts of ten (10) or more acres currently in industrial use and in agricultural land currently in agricultural use as the term AGRICULTURAL LAND is defined in Section 39-1-102(1.6), C.R.S. as to rubbish (including junk, trash and garbage) only, or to residential lots of more than one (1) acre as to weeds and brush only, or to "affected land" subject to the "Colorado Mine Reclamation Act" as the term "affected land" is defined in C.R.S. Section 34-22-103(1.5), or to land subject to the "Colorado Surface Coal Mining Reclamation Act", pursuant to Article 33 of Title 34, C.R.S. as to buildings and structures only. In all places where this Ordinance or any portion thereof, is in force and effect, the following provisions shall apply, to wit:

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Patti Nickell
Bent County Clerk

I. CAUSES OF BLIGHT OR BLIGHTING FACTORS

- A. It is hereby determined that the following uses, structures, and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. It shall be unlawful for any person to maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in unincorporated Bent County owned, leased, rented or occupied by such person:
- (1) The outside storage or accumulation of rubbish, junk, trash, garbage, weeds, brush or refuse of any land. Domestic refuse stored in a closed container in such a manner as not to create a nuisance for a period not to exceed thirty (30) days shall be exempt from this section. The term "junk" shall include, but not be limited to, parts of machinery or motor vehicles, tires, inoperable vehicles whether on private property or County public right-of way, unused stoves or appliances stored in the open, boxes, grass clippings, remnants of wood, metal, plastic, dilapidated signs, fences or retaining walls, or any other material or other cast-off material of any kind, whether or not the same could be put to any reasonable use.
 - (2) Any building or structure which presents a substantial danger or hazard to public health, safety, or welfare, or any dilapidated building of whatever kind, including single-wide trailer houses, which are in a state of substantial disrepair by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter.
 - (3) The causes of blight or blighting factors set forth in subsections (1) and (2), above are not unlawful if such uses of property are incidental to and necessary for the carrying out of any business or occupation lawfully being carried on upon the property in question and are permitted under the Zoning Regulations of Bent County applicable to that zone district.

II. ENFORCEMENT AND PENALTY

- A. The Bent County Sheriff or such other person as the Bent County Commissioners may designate by resolution from time to time (hereinafter the "Enforcing Authority"), may perform inspections for the enforcement of this Ordinance and may periodically inspect unincorporated Bent County for causes of blight or blighting factors within unincorporated Bent County.
- B. Failure by either the owner or the occupant to remove the causes of blight or blighting factors shall constitute a violation of this code, punishable on conviction thereof by a fine or imprisonment, or both, not to exceed the limits established in §30-15-402 C.R.S. EXCEPT that, nothing herein shall preclude the separate prosecution of zoning or building code violations pursuant to § 30-28-201 et seq. or §30-28-20, et seq., C.R.S. or both, and the imposition of imprisonment or fines, or by both authorized by the said §30-28-10, et seq. and §30-28-201 et seq.

III. REMOVAL OF BLIGHT

In addition to any other remedies available, where the Enforcing Authority believes that a cause of blight or blighting factors exist at a property subject to this ordinance, the Enforcing Authority may remove and dispose of such blight or blighting factor pursuant to the following procedures:

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Patti Nickell
Bent County Clerk

A. Rubbish, Trash— Junk, Garbage —Weeds and Brush.

- (1) Where the cause(s) of blight or blighting factor(s) are rubbish, trash, junk, garbage, weeds or brush, the Enforcing Authority shall first send a notice via certified mail return receipt requested or by personal delivery to the owner of record as shown in the records of the county assessor, and a copy of the same notice to the "occupant" of the property if the property address and the owners address differ. If the owner is not a resident of the State of Colorado as shown by the records of the Bent County Assessor notice may be provided via first-class mail to the owner of record as shown in the records of the county assessor, and a single publication of the notice in the Bent County Democrat. Said notice(s) shall advise the recipient of the following: (1) the nature of the cause(s) of blight or blighting factor(s), (2) a demand that the cause(s) of blight or blighting factor(s) be removed within 14 days of the date of the notice (3) that the recipient has a right to request a hearing in the County Court by signing and returning a form accompanying the notice, within 14 days of the date of the notice, to the attention of the Enforcing Authority who sent the notice (4) that if the cause(s) of blight or blighting factor(s) are not removed and if no hearing is requested by returning the accompanying form within 14 days, that the Enforcing Authority may apply without further notice for an administrative warrant for the removal and disposal of the cause(s) of blight or blighting factor(s) from the County Court and that the costs of the removal and destruction shall become a lien against the lot or lots from which the cause(s) of blight or blighting factor(s) have been removed.
- (2) In the event that the recipient(s) of the notice referred to in paragraph 1 above fails to remove the cause(s) of blight or blighting factor(s) within 14 days or to sign and return the request for hearing form within such time, then the Enforcing Authority may apply for an administrative entry and seizure warrant by affidavit from the County Court. To apply for an administrative entry and seizure warrant, the Enforcing Authority shall present to the County Court: (1) a copy of Ordinance 2009-1; (2) a sworn or affirmed affidavit stating the factual basis for such warrant; (3) evidence that the property owner has received notice of the violation and has failed to remove the rubbish or request a hearing within the 14 day period; (4) a general description of the location of the property which is the subject of the warrant; (5) a general list of any rubbish to be removed from such property; and (6) the proposed disposal or temporary impoundment of such rubbish. Within 14 days following the date of the issuance of the administrative warrant, such warrant may be executed in accordance with the directions of the issuing court, a copy of such issued warrant shall be provided or mailed to the property owner, and proof of the execution of such warrant, including a written inventory of any property impounded, shall be submitted to the issuing Court.
- (3) In the event that a recipient of the notice referred to in paragraph 1 above submits the request for hearing form to the Enforcing Authority within 14 days, then the Enforcing Authority may request a hearing date from the County Court and shall as soon as practicable provide notice of the hearing by first-class mail to the person requesting the hearing. If, following the hearing, the Court issues a warrant to enter and remove the causes of blight or blighting factor(s), then within fourteen days following the date of the issuance of the warrant, such warrant may be executed in accordance with the directions of the issuing Court, a copy of such issued warrant shall be provided or mailed to the property owner, and proof of the execution of such warrant, including a written inventory of any property impounded, shall be submitted to the issuing Court.

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Bent County Clerk

B. Buildings and Structures.

- (1) Where the cause(s) of blight or blighting factor(s) are buildings or structures, the Enforcing Authority shall first send a notice via first-class mail or by personal delivery to the owner of record as shown in the records of the county assessor, and a copy of the same notice to the "occupant" of the property if the property address and the owners address differ. Said notice(s) shall advise the recipient of the following: (1) the nature of the cause(s) of blight or blighting factor(s), (2) a demand that the cause(s) of blight or blighting factor(s) have been removed within 14 days of the date of the notice, (3) that if the cause(s) of blight or blighting factor(s) are not removed within 14 days, the Enforcing Authority may initiate legal action for the removal and disposal of the cause(s) of blight or blighting factor(s) from the County Court and that the costs of the removal and destruction shall become a lien against the lot or lots from which the cause(s) of blight or blighting factor(s) have been removed,
- (2) In the event that the recipient(s) of the notice referred to in paragraph 1 above fails to remove the cause(s) of blight or blighting factor(s) within 14 days, then the Enforcing Authority may refer the matter to the County Attorney's Office to file an action in County Court to cause the property owner and/or occupant and to seek a judicial order for the removal of blight or blighting factor.
- (3) In the event that the property owner fails to remove the blighting factor within 14 days of the issuance of the court order for the removal of such blight, then such order may be executed in accordance with the directions of the issuing Court, a copy of such order shall be provided or mailed to the property owner, and proof of the execution of such order, including a written inventory of any property impounded, shall be submitted to the issuing Court.

IV. COLLECTION OF COSTS

- A. In the event that the Enforcing Authority performs the removal or elimination of the causes of blight or blighting factors, the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, shall become an assessment upon the lots and tracts from which such causes of blight or blighting factors have been removed. The Enforcing Authority shall keep a written record of all such costs which shall be part of the file kept by the Board.
- B. Any assessment pursuant to this ordinance shall be a lien against such lots or tract(s) of land until paid and shall have priority over all other liens, except, general taxes and prior special assessments.
- C. In case such assessment is not paid within 60 days after notice is mailed to the property owner, it may be certified by the clerk to the County Treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes collected. The laws of this state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collections of assessments pursuant to this Ordinance.

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Patti Nickell
Bent County Clerk

V. EFFECTIVE DATE

This Ordinance shall become effective on August 12, 2009.

VI. SEVERABILITY

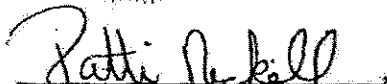
If any paragraph or subparagraph of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of this Ordinance and, to this end, the provisions of this Ordinance are declared to be severable.

DATED this 22nd day of July, 2009

BOARD OF COUNTY COMMISSIONERS
OF BENT COUNTY, COLORADO




Bill Long, Chairman


Patti Nickell
Bent County Clerk

Introduced, read and ordered published this 22nd day of July, 2009.

Published July 30, 2009.

Adopted this 12th day of August, 2009.

BENT COUNTY, COLORADO

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Bent County Clerk

RESOLUTION NO. 2011- 21

**A RESOLUTION OF BENT COUNTY, COLORADO,
PROVIDING FOR PROTECTION AND CONTROL OF ANIMALS
WITHIN BENT COUNTY, COLORADO**

STATE OF COLORADO)
) §
COUNTY OF BENT)

The Board of County Commissioners (the "Board") met in regular session in its office in Bent County, Colorado, on the 2nd day of November, 2011.

Present:	Bill Long	Chairman
	Lynden Gill	Commissioner
	Tom Wallace	Commissioner
	Patti Nickell	County Clerk

The following proceedings, among others, were had and done, to-wit:

Section 1. Purpose. The Board of County Commissioners of Bent County declare that the purpose and intent of this resolution is to provide for the protection and control of animals within Bent County and that such matters are in the best interest of the health, safety and welfare of the residents.

Section 2. Title. This resolution shall be known and referred to as the Bent County Animal Care and Control Resolution.

Section 3. Definitions. As used in this resolution, unless the context clearly indicates otherwise, the following words and terms are defined as set forth in this section:

(a) "Animal" means any live, vertebrate creature, domestic or wild, member of the animal kingdom known as animalia.

(b) "Animal owner" means any person who owns, keeps, harbors, possesses or otherwise has custody or control of any animal in the County, whether such person is a resident or non-resident of the County. A person shall be presumed to be "harboring" or "possessing" an animal if the occupant of any premises on which an animal is kept, or to which an animal customarily returns daily for food and care, is keeping the animal within the meaning of this title, and such person shall be subject to the applicable provisions of this resolution.

(c) "Animal Owner's Authorized Agent" means any person who acts for and in the place of the Animal Owner by authority from the Animal Owner.

(d) "Cat" means any domesticated animal of the species *Felis domesticus*.

(e) "County Enforcement Officer" means the person empowered by the Bent County Commissioners to enforce the provisions of this resolution to include issuance of summons or complaints, impoundment, disposal by adoption, or humane euthanasia of any animal as deemed necessary per Section 14 of this resolution. Such person may include the Sheriff and Sheriff's deputies from the Bent County Sheriff's Office.

(f) "Dog" means any domesticated animal of the species *Canis familiaris* or other species of the family Canidae.

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(g) "Guard Dog" means a dog disciplined through special training to protect persons and/or property by attacking or threatening to attack any person found within the area authorized to be patrolled by the dog.

(h) "Leash" means a substantial chain, cord, rope or similar device sufficient to hold an animal in restraint, and which is not more than six feet in length.

(i) "Person" shall mean a person, firm, corporation, partnership, association, trust, estate, or other entity.

(j) "Pet Animal Care Facility" means those portions of all buildings, yards, pens, and other areas at a single location in which any animals are kept, handled, or transported for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading or otherwise transferring animals, except livestock as defined in C.R.S. §35-80-102(9).

(k) "Public Nuisance" means behavior, which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.

(l) "Vicious Animals" means any animal which without being provoked, attacks or bites, or attempts to attack or bite humans or other animals on public or private property or in a terrorizing manner or in an apparent attitude of attack, approaches any person upon the streets, sidewalks, or any other public property or private property belonging to and in possession of such person whether or not the attack is consummated or is capable of being consummated. An animal shall not be deemed a vicious animal by reason of having bitten or attacked under the following circumstances:

- (1) Any person engaged in the unlawful entry into or upon the animal owner's property where the animal is kept.
- (2) Any person engaged in the unlawful entry into or upon the animal owner's automobile or other vehicle wherein the animal is confined.
- (3) Any person engaged in attacking or molesting another person.
- (4) Any person who deliberated and wantonly provokes such animal to bite or attack such person, another person, or another animal.

(m) "Running at large" means, unless specifically excepted by this resolution, an animal, when off or away from the premises of the owner, possessor, owner's agent, or keeper thereof and not under the direct, reasonable, and competent control of such owner, possessor, agent or keeper by means of a leash, any animal intruding upon the property of a person other than the owner shall be deemed to be running at large. Notwithstanding any of the provisions of the resolution, a dog shall be deemed "Not under direct, reasonable and competent control" when the dog inflicts damage or injury by biting, jumping upon, pollution of vegetation, or by any other means whatsoever to the person or property of another, other than the owner except in defense of the owner, family or property. An animal within an automobile or confined to or within a vehicle of its owner shall not be deemed to be running at large.

(n) "Stray Animal" means any animal found loose or unattached anywhere within the unincorporated portions of the County running at large.

(o) "Incompetent Control" means it is unlawful to permit the animal to be in the care or custody of a person who is not competent to restrain and control the animal.

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Section 4. Quantity of Pet Animals Restricted. In no event shall any person residing or utilizing property in a MUD district, as defined by the Bent County Zoning Code, own, keep or harbor more than four dogs of more than six months of age. In all other zoning districts, in no event shall any person own, keep or harbor more than 15 adult dogs or cats, of more than six months of age. Notwithstanding the above, in no event shall any person keep at his or her premises more pet animals as can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners, keeper or others and without constituting a public nuisance to the occupants or neighboring properties. The quantity restrictions stated herein shall not apply to any property appropriately licensed as a Pet Animal Care Facility by the Colorado Department of Agriculture.

Section 5. License And Special Review Use Permit Required. It shall be unlawful for any person to operate a pet animal care facility, unless such person has applied for and received a Pet Animal Care Facilities License from the Colorado Department of Agriculture, Animal Industry Division, and a Special Use Permit from the Bent County Board of County Commissioners.

Section 6. Reasonable Control of Cats. It shall be unlawful for any person to fail to have reasonable control of their cats. For purposes of this section, a cat shall not be deemed under reasonable control when such cat inflicts damage or injury to the person or property of anyone other than the owner or keeper thereof.

Section 7. Running at Large. It shall be unlawful for any person owning or having charge of any animal, or harboring any animal, to permit the animal to run at large within the County, except on the premises of the owner or the person having charge of the animal. It shall not be a defense to an offense of this section that the owner did not authorize or allow the animal to run at large or that the owner did not know the animal was at large.

Section 8. Disturbing the Peace. It shall be unlawful for any animal owner or keeper, or person in charge of the care of any animal to permit such animal to disturb the peace and quiet of any person or neighborhood by barking, fighting, howling, crying, or be emitting any other similar sound or noise in an excessive, ongoing or untimely fashion. If any pet animal does so disturb the peace and quiet, its owner or keeper may be prosecuted as stated hereunder, provided that such owner or keeper shall not be so charged unless they or a member of their household over the age of 18 years has received a written warning from the County Enforcement Officer of a previous complaint at least once within the preceding 12 months. This section shall not apply to animals located in a Pet Animal Facility, or in any facility operated by Bent County or the City of Las Animas, for the temporary impoundment of pets.

Section 9. Public Nuisance Prohibited. It shall be unlawful for any owner or keeper of a pet animal to fail to exercise proper care and control of his pet animal so as to have it become a public nuisance. For the purposes of this section, a public nuisance includes:

(a) A pet animal which is a safety or health hazard, which damages or destroys the property of another (including garden and flower beds and trees), which creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home or which urinates or defecates upon private property not owned or exclusively occupied by the owner or keeper, or upon public property. If the feces deposited by the pet animal are not immediately removed by the owner or keeper.

(b) A pet animal at large that jumps on, or attempts to hurt a person or persons, or that runs after him vocalizes at horses, joggers, pedestrians, bicyclists, or any vehicle being driven upon the roads or any public grounds or place within the County.

(c) A pet animal that exhibits exuberant greeting behavior without the intent to harm, including but not restricted to jumping up, chasing, and excessive mouthing.

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(d) A pet animal that chases or attacks wildlife, including birds, or livestock on property not owned or exclusively occupied by the owner or keeper, whether or not the pet animal injures or destroys the wildlife or livestock.

Section 10. Confinement During Estrus. Any unspayed female animal in the stage of estrus (heat) shall be securely confined during such period of time within a house, building, or other secure enclosure which is so constructed so to prevent other animals of the same species from gaining access to the confined animal. Any person or owner of an animal who does not adequately so confine the animal during the state of estrus, or whose animal during estrus creates a neighborhood nuisance, shall be in violation of this resolution. This section shall not apply when animals are intentionally brought together within an enclosed area of the owner's premises or an enclosed area of the owner's authorized agent's premises for purpose of breeding.

Section 11. Reporting on Biting. Any person having knowledge that an animal has bitten a human shall immediately report the incident to the County Enforcement Officer, the appropriate law enforcement agency, or the county health officer.

Section 12. Confinement of Dogs and Cats. Any dog or cat which has bitten a person shall be observed for a period of ten days from the date of the bite. The procedure and place of observation shall be designated by the investigation officer of responsible agency. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment in a designated animal shelter or any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce such dog or cat for impoundment as proscribed in this section. Refusal to produce said dog or cat constitutes a violation of this section and each day of such refusal shall constitute a separate and individual violation.

It shall be unlawful for any person to remove from any place of confinement a dog or cat which has been confined as authorized without the consent of the impounding agency.

Section 13. Vicious Animal.

(a) Harboring and possessing prohibited. It shall be unlawful for any person to own, keep, harbor, or possess any vicious animal within the County of Bent.

(b) Impoundment and Destruction. It shall be the duty of the law enforcement officer, or County Enforcement Officer to seize and impound any vicious animal. After making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner, if such owner is immediately ascertainable and available, if the law enforcement officer or other appropriate officer determines that the vicious animal cannot be seized without exposing the officer and/or other persons to damage or personal injury from such vicious animal, it shall be lawful for the officer to destroy the animal without notice to the animal's owner, keeper or possessor.

(c) Compliance with court-ordered destruction. The Judge of the County Court may order any person found guilty of violating this section to destroy or dispose of a vicious animal within 24 hours from the date of the court order therefore, and to subject the person to all the penalties of this title, and the person shall be deemed guilty of a separate offense for violation of the court order. Further, upon failure of the person to comply with the court order, the County through its agents or by the appropriate law enforcement official, shall impound and shall cause the animal to be humanely destroyed. The owner of such animal shall be liable for and shall pay all costs of impoundment and destruction of the animal.

(d) If a complaint has been filed in the County Court of the County against the owner of the animal for violation of this title, the County Judge shall have the authority to and may upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or other animals in the community, order the animal to be destroyed in a humane manner. In the event such an order is

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Patti Nickell
Bent County Clerk

issued by the County Judge, the animal owner shall be responsible for and shall pay all costs associated with the destruction of the animal, impoundment or other costs and fees incurred as a result of impoundment of the animal. Surrender of the animal by the owner to the County does not relieve or render the owner immune from the decision of the County court, nor to the fees and fines which may result from a violation or violations of this resolution.

Section 14. Cruelty to Animals. It shall be unlawful for any person to commit or to cause to be committed any intentional act of cruelty, harassment, abandonment, or torture of any animal. Consistent therewith, it is unlawful for any person to unnecessarily or cruelly beat or torment any animal, to overdrive or overload, or overwork any animal, to unnecessarily fail to provide the animal with the person's care and custody with the property food, drink and protection from the weather, to carry in or upon or to attach any cruel and inhumane manner, any animal to any vehicle, to intentionally cause any animal to be needlessly and/or cruelly wounded, mutilated strangled or inhumanely killed, or in any other way to commit or cause to be committed any similar acts of cruelty to or inhumane treatment of any animal. Ownership of animal shall not be a justifiable defense for such acts, or for violation of this section.

Section 15. Animal Fights or Exhibition Prohibited. It shall be unlawful for any person to cause, instigate, or encourage any animal to fight, or to enter into combat in any manner, and it shall be unlawful for any person to maintain any place where animals are suffered to fight for exhibition, wager, or sport.

Section 16. Impoundment.

(a) Animal Shelter. The Board of County Commissioners is hereby authorized to establish an animal shelter for the County to be operated by the County and its employees, or at their election, to contract with a public or private person or organization for the operation and maintenance of an animal shelter for and on behalf of the County of Bent.

(b) Any animal, in violation of this resolution or any other applicable resolution or ordinance of the County of Bent or state law may be taken into custody by a county employee, or law enforcement officer, and impounded in a humane manner.

Section 17. Impoundment Notice. Upon the impoundment of any dog or cat, where the owner of such animal is known, the County Enforcement Officer shall as soon as possible, notify such owner of the impoundment by telephone and shall certify in writing upon an appropriate form the date and time when the telephone notice was given and the disposition thereof. If the owner cannot be reached by telephone notice or if the owner fails to redeem the dog or cat within 24 hours from the time the owner receives the notice, then the County Enforcement Officer shall send by certified mail, return receipt requested, or by personal service a written notice of the impoundment to the animal owner.

(a) Impoundment of Stray animals. Upon the impoundment of any animal other than a dog or cat, the County Enforcement Officer shall, within 24 hours thereof, send by certified mail, return receipt requested, or by personal service, written notice of such impoundment to the animal's owner if the owner and address are known. If the owner or his address is not known and cannot be ascertained, then the County Enforcement Officer shall post a notice of the animal's impoundment in a conspicuous place at the County Courthouse. The posted notice shall set forth the description of the impounded animal, the date of impoundment, and the location at which the animal was taken into custody.

(b) Release of impounded animal. Any animal impounded under the provision of this title shall not be released from impoundment until all fees and costs have been paid including but not limited to impoundment fees, room and board fees, veterinary charges or other related costs.

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Patti Nickell
Bent County Clerk

(c) Disposition of unclaimed animals. If any animal has been impounded for more than four days, and the owner has failed or refused to redeem or retrieve the animal from impoundment, the animal shall be deemed abandoned, shall become property of the County, and shall thereafter be placed for adoption or shall be humanely destroyed and disposed of in an appropriate manner.

(d) In the event an unhealthy or seriously injured animal is impounded and its owner cannot be identified or contacted, and it is determined by a licensed veterinarian that the condition of the animal is such that a healthy recovery is precluded or that such animal will transmit serious diseases to other animals, then the animal shall be humanely destroyed.

(e) A complete and accurate record of all animals impounded shall be maintained, including the facts regarding the release or method of disposal of such animal.

(f) Refusal to retrieve an impounded animal. Refusal to retrieve any impounded animal by the owner of the animal shall not relieve the owner of the duty to pay all fees and costs associated with impoundment or other charges which have been assessed. The owner of any animal who fails or refuses to pay such fees and charges shall be in violation of this section, and may be cited into County Court and fined or imprisoned to be subject to both such fine and imprisonment as provided in this resolution.

Section 18. Penalties. Whoever violates any provision of this resolution shall be punished as follows:

(a) Any violation of any provision of this resolution, not involving bodily injury to any person shall be a class two petty offense, and notwithstanding the provision of section 18-1.3-503 C. R. S., punishable, upon conviction, by a fine of not more than \$500.00 or by imprisonment in the County Jail for not more than 180 days, or by both such fine and imprisonment for each separate offense. The penalty assessment procedure provided in Section 16-2-201, C. R. S., may be followed by a dog control officer or any arresting law enforcement officer for any such violation.

(b) Notwithstanding the above maximum fine as set forth above, any violation of any provisions of this resolution not involving bodily injury to any person shall be subject to the following fine schedule:

- (1) \$50.00 for the first offense;
- (2) \$100.00 for the second offense;
- (3) \$200.00 for the third offense.

Any offense following the third offense, shall be subject to such fine and imprisonment in County Jail, as the presiding Judge of the Bent County Court deems appropriate.

(c) Any offense involving bodily injury to any person by a dog shall be a class two misdemeanor, and any violator shall be punished as provided in Section 18-1-106, C. R. S., for each separate offense.

(d) Whenever a County Enforcement Officer has probable cause to believe that a violation of this resolution has been committed, he may issue a citation or Summons and Complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.

Section 19. Severability. If any section, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this resolution.

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Patti Nickell
Bent County Clerk

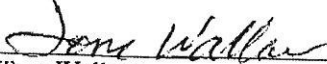
Section 20. Effective Date. This Resolution shall become effective upon passage and adoption by this Board, by the following vote on roll call:

LONG - Yes GILL -- Yes WALLACE - Yes

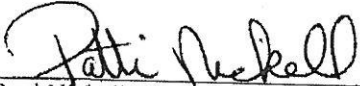
Signed this 2nd day of November, 2011.


Bill Long, Chairman
Bent County Board of
Commissioners


Lynden E. Gill,
Bent County Commissioner


Tom Wallace,
Bent County Commissioner

ATTEST:


Patti Nickell
Bent County Clerk & Recorder