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Las Animas Co.



LAS ANIMAS COUNTY, COLORADO

ZONING REGULATIONS

FOLLOWING IS THE TEXT OF A SET OF PROPOSED ZONING REGULATIONS WHICH COULD BE STUDIED FOR ADOPTION BY LAS ANIMAS COUNTY, COLORADO TO INSURE THE PROPER USE OF LAND FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COUNTY.



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ZONING RESOLUTION

LAS ANIMAS COUNTY, COLORADO

A resolution under the authority conferred by the Statutes of the State of Colorado adopting zoning regulations; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; to divide the unincorporated area of the County into districts and establish by reference to maps the boundaries of said districts for administration and interpretation; to provide for definitions and for amendments to these regulations; to provide for their enforcement and prescribing penalties for the violation of the provisions therein; to provide for a Board of Adjustment and defining its powers and duties; to provide for building permits and certificates of occupancy; to provide for invalidity of a part and for repeal of other resolutions or regulations in conflict herewith; and to provide for the effective date of these regulations.

BE IT RESOLVED by the Board of County Commissioners, Las Animas County, Colorado.

ZONING REGULATIONS

LAS ANIMAS COUNTY, COLORADO

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## ZONING REGULATIONS

### LAS ANIMAS COUNTY, COLORADO

#### ARTICLE I. PURPOSE AND TITLE

##### Section 1. Purpose

These regulations are designed to encourage the most appropriate use of land throughout the unincorporated areas of the County, and to insure the logical growth of the various physical elements of the County; to designate, regulate and restrict the location of buildings, structures and land for residence, trade, industry, agriculture or other purposes; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to establish requirements for off-street parking, off-street loading and unloading; to regulate and determine the minimum size of lots in the several districts; to regulate and determine the size of yards and other open spaces; to regulate and limit the density of population; and for said purposes to divide certain parts of the County into zones of such number, shape and area, as may be deemed best suited to carry out these regulations and provide for their administration, enforcement, and amendment for judicial review. Such regulations are deemed necessary in order to conserve and stabilize the value of property; to provide adequate open space for light and air; to secure safety from fire, panic and other dangers; to prevent undue concentration of population; to lessen congestion on streets, roads and highways; to facilitate adequate provisions for utilities and facilities, such as transportation, water, sewerage, schools, parks and other public requirements; to promote health, safety, morals and general welfare.

##### Section 2. Title

These regulations shall be known and may be cited as the Zoning Regulations of Las Animas County, Colorado.

#### ARTICLE II. DEFINITIONS

##### Section 1. General

For the purpose of these regulations, certain terms and words are hereby defined. Words used in the present tense shall include the

future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

## Section 2. Words and Phrases

A. Accessory Buildings and Uses. A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

B. Alley. A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

C. Basement. A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

D. Boarding House. A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.

E. Building. Any structure designed or intended for support, enclosure, shelter or protection of persons, animals, chattels, or property.

F. Building Area. That portion of the lot that can be occupied by the principal use, thus excluding the front, rear and side yards.

G. Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

H. Cellar. A story having more than one-half-(1/2) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

I. Commission. The County Planning Commission.

J. Commissioners. The Board of County Commissioners.

K. District. A section or sections of Las Animas County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

L. Dwelling. Any building or portion thereof which is designed and used exclusively for residential purposes.

M. Dwelling, Single Family. A building having accommodations for and occupied exclusively by one family.

N. Dwelling, Two Family. A building having accommodations for and occupied exclusively by two families.

O. Dwelling, Multiple. A single building having accommodations for and occupied exclusively by more than two families.

P. Family. Shall mean one individual or group of two or more persons related by blood or marriage, living together as members of a single housekeeping unit and doing their cooking in a single kitchen on the premises, as distinguished from a group occupying a boarding and rooming house, lodging house, hotel, club, fraternity or sorority house.

Q. Feed Lot. A parcel of land whereon there is contained an operation of feeding or raising animals in excess of ten head per acre and in excess of 500 head per parcel of land.

R. Floor Area. The total number or square feet of floor space within the exterior walls of a building, not including space in cellars, basements, carports or garages.

S. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

T. Garage, Private. An accessory building or portion of a main building designed or used for the storage of not more than four vehicles owned and used by the occupants of the building to which it is accessory.

U. Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storage of vehicles.

V. Garage, Storage. A building or portion thereof, designed or used exclusively for housing more than four vehicles.

W. Home Occupation. Any occupation or activity carried on in a dwelling by a member or members of the immediate family residing therein. Home occupation shall include the use of a dwelling as an office by a doctor, dentist, lawyer, clergyman or other person residing therein and not employing more than one person outside the immediate family residing therein. In connection with a home occupation, no sign or display other than a name place not more than two square feet in area shall be used to indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. No commodity shall be sold in connection with the home occupation except that which is prepared in the dwelling or except that which is furnished in connection with services rendered therein. No mechanical equipment shall be used in connection with the home occupation which shall be objectionable to the surrounding residence districts and any equipment permitted in this section, shall be properly protected, or grounded as necessary.

X. Hotel or Motel. A building used as a transient abiding place for persons who are lodged for compensation.

Y. Institutions. A building occupied by a non-profit corporation or non-profit establishment for public use.

Z. Lodging House. A building or place where lodging is provided (or equipped to provide lodging regularly) by pre-arrangement for definite periods for compensation, for three or more persons in contradistinction to hotels open to transients.

AA. Lot or Parcel. A piece, plot or area of land, of contiguous assemblage as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under these regulations and having its frontage on a street or officially approved place.

BB. Lot, Corner. A lot abutting upon two or more streets at their intersection.

CC. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

DD. Lot, Double Frontage. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.



EE. Lot, Interior. A lot other than a corner lot.

FF. Lot, of Record. A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the County Clerk and Recorder of Las Animas County, Colorado; or a parcel of land, the deed to which was recorded in the Office of the County Clerk and Recorder of Las Animas County, Colorado prior to the adoption of these regulations.

GG. Non-conforming Uses. Any building or land lawfully occupied by a use at the time of passage of these regulations or amendment thereto, which does not conform after the passage of these regulations or amendment thereto with the use regulations of the district in which it is situated.

HH. Nursing Home, Convalescent Home. A home for the aged or infirmed where occupants are provided with food, shelter, and care for hire or compensation.

II. Parking Space. An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

JJ. Place. An open unoccupied space other than an alley or street, permanently reserved as the principal means of access to abutting property.

KK. Service (Filling) Stations. Any building or premises where automotive fuels are stored underground and made available for sale and dispensing, through fixed equipment into fuel tanks of motor vehicles and where automotive lubricants, supplies and accessories and related services to motorists may or may not be available except that if the sale and dispensing of automotive fuels is incident to the conduct of a public garage, the premises are classified as a public garage.

LL. Signs. Any outdoor advertising having a permanent location on the ground, or attached to or painted on a building, including bulletin boards, billboards, and poster boards. A banjo sign is a sign having a total area of not more than thirty (30) square feet, the advertising content of which is not closer than ten (10) feet to the surface of the ground.

MM. Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next

above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

NN. Story, Half. A space under a sloping roof which has the line of intersection of roof ducting and wall face not more than three (3) feet above the top floor level, and in which space not more than 60% of the floor area is or may be finished off for use.

OO. Street. All property dedicated or intended for public or private street, highway, freeway, or roadway purpose or subject to public or private easement therefor.

PP. Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

QQ. Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and arbors or breeze-ways, but excepting utility poles, fences and retaining walls and ornamental light fixtures.

RR. Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of the roof or exterior walls.

SS. Trailer (Mobile Home). Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, block, skids, jacks, horses or skirtings and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car or house car. Every house trailer not located in a regularly licensed tourist camp which shall be parked for more than ten (10) days shall be deemed a dwelling for purposes of area and set back regulations.

TT. Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

UU. Yard, Front. A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the front lot and the front of the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies, or open porch.

VV. Yard, Rear. A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

WW. Yard, Side. A yard between the main building and the sideline of the lot being the minimum horizontal distance between the building and the side yard line and extending from the front lot line to the rear yard line.

### ARTICLE III. DISTRICTS AND BOUNDARIES THEREOF

#### Section 1. Districts

In order to regulate and restrict the use of land and buildings, to limit the height of buildings hereafter erected or structurally altered, and to regulate and determine the area of yards, the unincorporated area is divided into thirteen (13) zone districts known as:

R-D	Restricted Development
F-C	Flood Control
A-1	Agriculture
A-2	Agriculture
R-S	Suburban Residential
R-1	Single Family Residential
R-M	Multiple Family Residential
R-M-H	Mobile Home Residential
C-1	General Business
C-2	Highway Commercial
I-1	Light Industrial
I-2	Heavy Industrial
I-3	Industrial Park

## Section 2. Authorization

The Las Animas County, Colorado, Resolution is authorized by Chapter 106-2 of the 1963 Colorado Revised Statutes as amended and is hereby declared to be in accordance with all provisions of these Statutes.

## Section 3. Zoning Map and Boundaries of Zone Districts

A. The zone symbols and the boundaries of zone districts are shown on the Zone District map which is hereby declared to be a part hereof, being designated as the "Las Animas County Zone Map." Said map and all the notations, references and other information shown thereon, are as much a part of these regulations as if the matters and information set forth by said map were fully described herein.

B. Boundaries. In determining the boundaries of zone districts shown on the map, the following rules shall apply:

- (1) Unless otherwise indicated, the zone boundaries are the centerlines of streets, roads, highways, alleys and channelized waterways, or such lines extended.
- (2) In unsubdivided property, zone boundaries shall be determined by use of the scale on the map. A legal description acceptable to the enforcing officers of these regulations shall be made available if a controversy arises concerning zone district boundaries.
- (3) Where a district boundary is shown by a specific dimension as being located at any given distance from any right-of-way line, such specific dimension shall govern.

## Section 4. Vacations

Whenever any street, alley or other public way is vacated by official action of the County Commissioner of Las Animas County, the Zoning District adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

ARTICLE IV. DISTRICT REGULATIONS

Section 1. General

A. No building shall be erected, converted, enlarged or reconstructed, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as provided in these regulations.

B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.

C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area and parking regulations of the district in which the building is located.

D. The minimum yards and open spaces, including lot area per family, required by these regulations for each and every building at the time of the passage of these regulations or for any building thereafter erected shall not be encroached upon or considered as a yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of these regulations.

E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided herein.

F. The listing of any use as being permitted in any particular district shall be deemed to be an exclusion of such use from any other district, unless such use is specifically permitted in another district under the language set forth in the Schedule of Permitted Uses.

ARTICLE V. R-D, RESTRICTED DEVELOPMENT  
DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the R-D, Restricted Development District.

## Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. General farming, including the sale of the product of the farm.

B. Forestry, but not including greenhouses or nurseries.

C. Radio or television towers, provided they are situated on a lot which is equal in width and depth to the height of the tower.

D. Dwelling, single family, provided such use is not located within an area subject to flooding as determined by water course surveys, and also provided each dwelling unit is served by sanitary sewers.

E. Public park.

F. Golf course.

G. Day camps or summer camps.

H. Industrial parks as permitted in the I-3 District, provided such use is not located within an area subject to flooding as determined by water course surveys, and also provided that all uses located within said unit development are served by sanitary sewers.

I. Accessory buildings and uses customarily incident to uses permitted in this district.

J. Signs for permitted uses as required by Section 3, Article XVIII.

## Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

## Section 4. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII, the area regulations are as follows:

A. Minimum Floor Area. There shall be a minimum floor area of eight hundred (800) square feet per dwelling, not including basements, cellars, garages or carports.

B. Minimum Lot Area. A lot upon which there is erected a dwelling shall contain an area of not less than one-half (1/2) acre, however, the actual lot area shall be subject to the Health Department's minimum sanitary standards.

C. Minimum Lot Frontage. There shall be a lot frontage of not less than one hundred twenty-five (125) feet per dwelling and two hundred (200) feet for other principal structures.

D. Minimum Front Yard. Measured from the front property line, there shall be a front yard of not less than thirty (30) feet for all principal structures, except if the property fronts on a state or federal highway the minimum shall then be fifty (50) feet.

E. Minimum Rear Yard. Measured from the rear property line every principal structure shall have a rear yard of not less than twenty-five (25) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet.

F. Minimum Side Yard. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet per dwelling, except for corner lots, in which case, the side yard on the short street side shall be considered the same as a front yard.

## ARTICLE VI. F-C, FLOOD CONTROL DISTRICT REGULATIONS

### Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the F-C, Flood Control District.

### Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. General farming and dairying, including the sale of the product of the farm.

B. Greenhouses and nurseries, provided that storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.

C. Fish hatcheries.

D. The growing and preservation of trees, provided that storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.

E. Roadside stands for operation during six months of the year for the sale of the products produced on the farm.

F. Radio or television towers, provided they are situated on a lot which is equal in width and depth to the height of the tower.

G. Fur farming.

H. Stock raising, but not including feed lots.

I. Accessory buildings and uses customarily incident to uses permitted in this district.

J. Signs for permitted uses as required by Section 3, Article XVIII.

### Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

### Section 4. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII, the area regulations are as follows:

A. Minimum Lot Frontage. There shall be a lot frontage of not less than two hundred (200) feet for all principal structures.

B. Minimum Front Yard. The front yard regulations are the same as those in the R-D, Restricted Development District as stated therefor.

C. Minimum Rear Yard. The rear yard regulations are the same as those in the R-D, Restricted Development District as stated therefor.



D. Minimum Side Yard. Measured from the side property lines there shall be side yards of not less than thirty (30) feet for all principal structures, except if a side abuts a state or federal highway the minimum side yards shall then be fifty (50) feet on the highway side.

ARTICLE VII. A-1, AGRICULTURAL DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the A-1, Agricultural District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

- A. All uses permitted in the F-C District as stated therefor.
- B. Church or parish house, provided that each church and/or parish house is set back thirty (30) feet from side lot lines and provided that each church and/or parish house is situated on at least one-half (1/2) acre of ground.
- C. Dwelling, single family.
- D. Golf course, provided buildings and structures incidental to the course are located not less than three hundred (300) feet from the nearest residence.
- E. Home occupations, provided that not more than twenty-five (25) percent of the dwelling is used for such purposes.
- F. Library, provided the structure is set back thirty (30) feet from the side lot lines, and fifty (50) feet from the front lot lines.
- G. Non-profit making public park or recreational grounds, provided that the buildings or other structures incidental to the operation of the parks and recreational grounds may not be located closer than one hundred (100) feet from the nearest dwelling.
- H. Schools, public and parochial, provided that all structures and buildings are set back not less than fifty (50) feet from side lot lines and one hundred (100) feet from front property lines.

I. Electric substations and gas regulator stations provided:

- (1) For each electric substation where transformers are exposed there shall be an enclosing wall or fence at least six (6) feet high.
- (2) A side yard of not less than five (5) feet.
- (3) A front yard of not less than thirty (30) feet.
- (4) A rear yard of five (5) feet.

J. Fire station.

K. Police station.

L. Telephone exchange, without shops, garages or general administrative offices.

M. Private outdoor recreational grounds or waters, provided such use is operated for benefit of members and not for gain, (not including a private club which provides a service customarily carried on as a business). Incidental buildings shall not be closer than three hundred (300) feet from the nearest residence.

N. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations. For each instance the water and/or sanitation district shall provide plot plans showing the proposed installation and its relationship to any nearby property. The Board of Adjustment shall prescribe conditions as to setbacks, etc., for each installation so as to protect adjacent properties.

O. Buildings and uses other than academic buildings independent of or incidental to the administration and operation of elementary, high and parochial schools. The Board of Adjustment shall prescribe conditions for each installation in order to protect adjacent properties.

P. Riding academies, public stables and dog kennels, provided:

- (1) Riding academies and public stables are situated on at least one (1) acre of ground and that manure is stored at least one hundred fifty (150) feet from any lot line.
- (2) Dog kennels are situated on at least one-half (1/2) acre of ground.

Q. Airports or heliports subject to approval and conditions set forth by the Board of Adjustment.

### Section 3. Conditional Uses

Sand and gravel pits or other such large types of excavations, rock crushers, stone quarries, concrete and asphalt mixing plants shall be permitted subject to conditions set forth below:

A. When the application is filed, the applicant shall provide a plan showing the land which will be excavated. This plan shall show the contours of the land on at least five (5) foot contour intervals, any improvements thereon and to a distance of three hundred (300) feet in all directions from the subject.

B. Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land, what curing of the land is planned and the contours on at least five (5) foot intervals.

C. No excavation shall be permitted nearer than thirty (30) feet to the boundary of adjacent property nor nearer than one hundred twenty-five (125) feet to any existing residence, unless by written agreement the owner or owners of such adjacent property consent to a lesser distance and the Board of Adjustment approves such lesser distance. The Board of Adjustment may set a greater distance than above mentioned, when in their opinion it is justified.

D. The Board of Adjustment shall specify the degree of slopes of banks for all excavations, the depth of and the distance from any public structures when excavations are made in or near stream beds. When excavations are near or adjacent to irrigation canals or ditches the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks from such canals and ditches. The Board of Adjustment shall consult with the Commissioners as to setbacks from public rights-of-way when excavation is contemplated near such rights-of-way.

E. Sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet of undisturbed sand or gravel, as evenly as possible, over the entire excavation tract, to provide a water bearing strata for any existing ground water, and more if the Board of Adjustment deems it necessary.

F. After sand and gravel excavation has been completed in a dry pit, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He then shall spread evenly the topsoil

to a minimum depth of eighteen (18) inches. The topsoil shall be spread last so as to produce a new surface for the purpose of growing crops, trees, shrubs and so forth. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.

G. All excavation operations shall maintain haulage roads within the premises covered by the permit in a reasonably dust free condition. The Board of Adjustment shall specify the conditions in each instance to insure this requirement. The hours of operation shall be from six a. m. to ten p. m. , unless a national emergency arises or special permission is granted by the Board of Adjustment.

H. Rock crushers, concrete and asphalt mixing plants may be permitted providing the Board of Adjustment finds that the following facts prevail:

- (1) The use is accessory to a sand and gravel operation, and
- (2) in the finished product the operator uses the product of the sand and gravel pit on which the operation is proposed. The Board of Adjustment may set out additional conditions under which these operations may be permitted and the said conditions may vary by location due to abutting land uses.

I. The operator of any excavation shall post a bond in the form prescribed by the Board in a sum equal to the number of acres covered by the permit, multiplied by five hundred dollars (\$500) to insure full compliance with all of the terms and conditions of the permit and the rules and regulations of the Board of Adjustment pertaining to extraction and processing. The minimum amount of such bond shall be one thousand dollars (\$1,000) and the maximum amount, twenty-five thousand dollars (\$25,000). The Board of Adjustment shall have the power and authority to provide for an alternative method of indemnifying the County in lieu of the posting of the bond herein mentioned.

J. The operator shall furnish evidence that he is insured to the extent of not less than fifty thousand dollars (\$50,000) against liability for any negligent act or omission by the operator arising from the operation or maintenance of an excavation and all activities connected with or incident thereto.

K. Prior to the granting of a permit the property shall be posted for a period of thirty (30) days. This posting shall consist of a sign or signs, the number of which shall be determined by the Building Inspector, of a size three (3) feet by four (4) feet, posted four (4) feet above grade, with lettering not less than two (2) inches in size, placed in conspicuous locations visible from the public rights-of-way.

L. At least fifteen (15) days prior to the hearing the Building Inspector shall by registered mail send notice of the hearing to all property owners within one-half (1/2) mile of the proposed excavation.

M. To defray the cost of posting the property, and determining property owners to whom notice must be sent, there shall be collected a fee of twenty-five dollars (\$25).

N. Upon the granting of a permit by the Board of Adjustment the following fee schedule shall apply:

One acre or less . . . . .	\$200.00
More than one acre to and including two acres. . . .	\$300.00
More than two acres to and including three acres . .	\$400.00
More than three acres to and including four acres . .	\$500.00
More than four acres to and including five acres . . .	\$600.00
More than five acres to and including ten acres . .	\$1,000.00
In addition, land in excess of ten acres (per acre) . .	\$25.00

The above fee schedule shall apply to each individual ownership of land which is included in the operation.

O. All permits shall be in full force for a period of five (5) years from the date of issuance thereof unless a shorter time is set by the Board of Adjustment. Such temporary permits may be renewable by the Board of Adjustment for the same period of time or less, without further notice, hearing or posting of the property involved provided, however, that the operator has complied with all the terms and conditions of the original permit. A renewal of a permit shall be considered as a new permit with respect to fees.

P. The operators of any excavation should discuss future development of the pits with the Planning Commission, State Historical Society and various other interested agencies such as the local park and recreation authority.

Q. The Board of Adjustment shall have the power to cancel permits upon proof of violation of any of these regulations.

#### Section 4. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

#### Section 5. Height Regulations

A. No dwelling shall exceed two and one-half (2-1/2) stories nor shall it exceed thirty-five (35) feet in height.

B. No structure shall exceed sixty-five (65) feet in height, except as provided in Section 4, Article XVIII.

#### Section 6. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII the area regulations are as follows:

A. Minimum Floor Area. The floor area regulations are the same as those in the R-D, Restricted Development District as stated therefor.

B. Minimum Lot Area. A lot upon which there is erected a dwelling shall contain an area of not less than one (1) acre (this may include to the centerlines of rights-of-way).

C. Minimum Lot Frontage. The lot frontage regulations are the same as those in the R-D, Restricted Development District as stated therefor.

D. Minimum Front Yard. Measured from the front property line there shall be a front yard of not less than fifty (50) feet for all structures.

E. Minimum Rear Yard. The rear yard regulations are the same as those in the R-D, Restricted Development District as stated therefor.

F. Minimum Side Yard. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet for all structures, except for corner lots the side yards shall be twenty-five (25) feet on the short street side.

## ARTICLE VIII. A-2 AGRICULTURAL DISTRICT REGULATIONS

### Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the A-2, Agricultural District.

### Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

- A. All uses permitted in the A-1 District as stated therefor.
- B. Storage of agricultural products , provided the storage of manure shall not be permitted nearer than one hundred fifty (150) feet to any lot line.
- C. Processing of agricultural products provided no unusual amount of dust, smoke, fumes, gas, explosives, noxious odor or noise is disseminated.
- D. Hospitals and sanitariums for contagious or infestious diseases.
- E. Canneries.

### Section 3. Conditional Uses

- A. All conditional uses permitted in the A-1 Agricultural District as stated therefor.
- B. Livestock sales rings shall be permitted subject to conditions set forth below:
  - (1) Auctioning of farm implements shall be conducted as a secondary "service" or "convenience" to the livestock auction and shall, in no manner, be conducted for the sale of general household wares, household appliances or furniture, miscellaneous items or junk.

- (2) Parking or storage area for farm implements must be screened and enclosed by a chain link fence at least six (6) feet high. No piece of farm equipment shall remain on the premises for more than fifteen (15) consecutive days except for machinery used for maintenance of the livestock sales ring and premises.
- (3) All corrals or pens for live animals shall be placed at least two hundred (200 feet from any public street or public road and shall be to the rear of main buildings.
- (4) The area shall include adequate off-street parking for automobiles as well as trucks and shall be designed to provide adequate truck maneuvering space for both loaded and unloaded trucks.
- (5) Livestock sales rings shall not be operated in any manner so as to impair or in any-wise, affect the public health, safety or welfare; or to operate said livestock sales ring in any manner as to be a public nuisance.
- (6) No unusual amount of odor or noise disseminated beyond the boundaries of the premises on which the use is located shall be permitted.
- (7) No more than ten (10) per cent of the total number of animals presented for sale at any one auction shall be kept on the premises for more than ten (10) consecutive days following each auction.
- (8) The special permit for operation of a livestock auction ring, as provided in this resolution, shall be revoked, if inspection by the Board of Adjustment or its representatives reveals that the feeding and keeping of animals, as in the manner of a feed lot, is the primary use of the premises.



- (9) Storage of manure shall not be permitted.
- (10) Use of a building or structure (temporary or permanent) for restaurant or "coffee shop" purposes shall be permitted during the days of the sale only. Structures used for such purposes shall be subject to all regulations of the Las Animas County Building Code and Health Department requirements.
- (11) When the application for livestock auction rings are filed with the Board of Adjustment, the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
  - (a) Topographic map showing two (2) foot contour intervals.
  - (b) Drainage plan showing method of handling drainage problems including storm sewer drainage location, if necessary.
  - (c) Location of existing utilities and proposed utility extensions.
  - (d) Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service, or from the Las Animas County Health Department concerning satisfactory wells and septic tanks.
  - (e) Plat showing dimensions of and locations of all structures, existing or proposed, on the tract of land.
  - (f) Parking plan defining off-street parking areas. Such plan is subject to the provisions of these regulations.
  - (g) Driveway plan indicating all interior driveways, curb cuts and areas for maneuvering trucks.

C. Animal feed lots shall be permitted subject to conditions set forth below:

- (1) No unusual amount of odor or noise shall be disseminated beyond the boundaries of the premises on which the use is located.
- (2) Storage of manure shall not be permitted within two hundred (200) feet of any lot line.
- (3) All corrals, pens and buildings shall be located at least two hundred (200) feet from any lot line.
- (4) When the application for feed lots is filed with the Board of Adjustment, the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
  - (a) Topographic map showing two (2) foot contours.
  - (b) Drainage plan.
  - (c) Location of existing utilities and proposed utility extensions.
  - (d) Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service or from the Las Animas County Health Department concerning satisfactory wells and septic tanks.
  - (e) Plat showing dimensions and locations of all structures, existing or proposed, on the tract of land
  - (f) Parking and loading plan defining off-street parking and loading areas. Such plan is subject to Section 2, Article XVIII of these regulations.
  - (g) Driveway plan indicating all interior driveways, curb cuts and area for maneuvering trucks.

- (h) Petition signed by at least 75% of the property owners within a two-mile radius of the site of the proposed feed lot.
- (i) All plans, plot plans and petitions as required must be submitted to the Las Animas County Planning Commission for approval at least thirty (30) days prior to the hearing date before the Board of Adjustment.

#### Section 4. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

#### Section 5. Height Regulations

The height regulations are the same as those in the A-1, Agricultural District as stated therefor

#### Section 6. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII, the area regulations are as follows:

A. The floor area, lot frontage and rear yard regulations are the same as those in the R-D, Restricted Development District as stated therefor.

B. The lot area, front yard and side yard regulations are the same as those in the A-1, Agricultural District as stated therefor.

### ARTICLE IX. R-S, SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

#### Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the R-S, Suburban Residential District.

#### Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

- A. Single family dwellings.
- B. Churches.
- C. Public buildings, parks, playgrounds and other public recreational facilities.
- D. Public schools, elementary and high, and private educational institutions having a curriculum the same as ordinarily given in public schools.
- E. Colleges.
- F. Farm animals, provided such animals are kept on a parcel of land not less than one-half (1/2) acre in area.
- G. Home occupations, provided that not more than twenty-five (25) percent of the dwelling is used for such purpose.
- H. Golf courses, except miniature courses or driving tees operated for commercial purposes, provided buildings incidental to the course are located not less than three hundred (300) feet from the nearest residence.
- I. Fences, hedges and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
- J. Electric substations and gas regulator stations, provided they conform to the conditions set forth in Section 2-I, Article VII.
- K. Nursing homes and hospitals.
- M. Accessory buildings and uses customarily incident to uses permitted in this district.
- N. Hospitals or clinics for animals, provided that if large animals are to be treated such hospital shall be located on a tract of land of not less than ten (10) acres and that no treatment rooms or pens for large animals shall be maintained closer than two hundred (200) feet to any property line, and provided further that if open kennels are to be provided, no kennel shall be located closer than two hundred (200) feet to any property line.

O. Fire station.

P. Police station.

Q. Radio and television towers, provided a lot width and depth equal to the height of the tower is provided.

R. Seasonal residences.

S. Private outdoor recreational grounds and waters, provided they conform to conditions set forth in Section 2-M, Article VII.

T. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations, provided they conform to the conditions set forth in Section 2-N, Article VII

U. Signs for permitted uses as required by Section 3, Article XVIII.

### Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

### Section 4. Height Regulations

Subject to the modifications set forth in Section 4, Article XVIII no structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.

### Section 5. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII the area regulations are as follows:

A. The floor area, lot area, lot frontage, front yard and rear yard regulations are the same as those in the R-D, Restricted Development District as stated therefor.

B. Minimum Side Yard. The side yard regulations are the same as those in the A-1, Agricultural District as stated therefor.

ARTICLE X. R-1, SINGLE FAMILY RESIDENTIAL  
DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the R-1 Single Family Residential District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. All uses permitted in the R-S District as stated therefor, except, however, there shall be no farm animals nor animal hospitals or clinics for animals.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

Section 4. Height Regulations

The height regulations are the same as those in the R-S Suburban Residential District as stated therefor.

Section 5. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII the area regulations are as follows:

A. Minimum Floor Area. The floor area regulations are the same as those in the R-D, Restricted Development District as stated therefor.

B. Minimum Lot Area. A lot upon which there is erected a dwelling shall contain an area of not less than seventy-five hundred (7,500) square feet.

C. Minimum Lot Frontage. There shall be a minimum lot frontage of sixty (60) feet per dwelling.

D. Minimum Front Yard. The front yard regulations are the same as those in the R-D, Restricted Development District as stated therefor.

E. Minimum Rear Yard. There shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

F. Minimum Side Yard. There shall be a minimum side yard of seven (7) feet for all structures, except for corner lots the side yard shall be fifteen (15) feet on the short street side, and if the short street is a state or federal highway, the side yard shall be twenty-five (25) feet.

ARTICLE XI. R-M, MULTIPLE FAMILY RESIDENTIAL  
DISTRICT REGULATIONS

Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the R-M Multiple Family Residential District.

Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. All uses permitted in the R-1 Single Family Residential District as stated therefor.

B. Multiple dwellings.

C. Boarding and lodging houses.

D. Private clubs and lodges.

E. Fraternities and sororities.

F. Automobile parking lots.

G. Group housing projects.

Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

#### Section 4. Height Regulations

No structure shall exceed three (3) stories or forty-five (45) feet in height except as provided in Section 4, Article XVIII.

#### Section 5. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII the area regulations are as follows:

##### A. Minimum Floor Area.

- (1) There shall be a minimum floor area of eight hundred (800) square feet per dwelling not including basement, cellars, garages or carports.
- (2) The minimum floor area per multiple family dwelling unit shall be four hundred fifty (450) square feet, not including basements, cellars, garages or carports.

##### B. Minimum Lot Area

- (1) A lot upon which there is erected a single family dwelling shall contain not less than seventy-five hundred (7,500) square feet.
- (2) A lot upon which there is erected a multiple family dwelling shall contain not less than twenty-five hundred (2,500) square feet per unit; however, in no instance shall such a structure be built on a lot containing less than sixty-eight hundred (6,800) square feet.
- (3) A lot upon which there is erected a boarding or lodging house, fraternity or sorority, shall contain not less than seventy-five hundred (7,500) square feet.
- (4) A lot having an area less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.



C. Minimum Lot Frontage.

- (1) A lot occupied by a single or multiple family dwelling shall have a minimum frontage of sixty (60) feet.
- (2) A lot occupied by a boarding or lodging house, fraternity or sorority, shall have a minimum frontage of seventy (70) feet.
- (3) A lot having a frontage less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.

D. Minimum Front Yard. The front yard regulations are the same as those in the R-D Restricted Development District as stated therefor.

E. Minimum Rear Yard. The rear yard regulations are the same as those in the R-1 Single Family Residential District as stated therefor.

F. Minimum Side Yard. The side yard regulations are the same as those in the R-1 Single Family Residential District as stated therefor.

ARTICLE XII. R-M-H. MOBILE HOME RESIDENTIAL  
DISTRICT REGULATIONS

Section 1. General

This district is composed of mobile home areas consisting of any premises where one or more trailer coaches are parked for living or sleeping purposes, or any premises used or set apart for supplying transient parking space for one or more trailer coaches for living or sleeping purposes, and which includes any structures, vehicles or enclosures used or intended for use as a part of the equipment of such trailer court or camp, except a trailer sales area or any other commercial establishment. The district may be created upon petition for an amendment to the Zone Map. When petitioning for this zone change, there shall be provided a plot plan by a registered engineer, architect or qualified planner, complete in detail and showing the following:

- A. Location and legal description.

- B. Entrance to and exits from the court.
- C. Vehicular roadways, driveways, and pedestrian walks.
- D. Design, showing size and arrangement of mobile home lots and stands, locations of roadways, service and utility buildings.
- E. Topography of two foot contour intervals.
- F. Areas set aside for recreation, clothes washing and drying, storage and off-street parking (see Off-Street Parking, Section 2, Article XVIII).
- G. Fencing and screen planting on the premises.
- H. Provisions for trash and garbage removal.
- I. Gas, electric and phone service connections to each space.
- J. Provisions for the lighting of roadways, driveways, and pedestrian walks.
- K. Water and sewer availability and distribution lines to each space.
- L. Typical lot plan.

## Section 2. General Specifications

A. The minimum free-standing district shall not be less than five (5) acres, and the density of mobile homes shall not be greater than fourteen (14) to the net acre. Net acreage is defined as the acreage remaining after the deduction of the areas set aside for storage, recreation, clothes drying, garbage and trash collection points, utility and service building areas and spaces, roadways, driveways, walkways and off-street parking areas.

B. When considering a zone change for mobile home courts, the Planning Commission shall consider the following requirements:

- (1) The district shall be allowed only abutting adequate street and highways not less than sixty (60) feet wide.

- (2) Due consideration shall be given to the environmental factors involved, in order that liveability may be secured and any adverse effects to surrounding property values or uses eliminated.
- (3) In construing liveability, recognition shall be given to the setting of mobile homes on lots, the availability of schools and shopping facilities, and the nature of the abutting zone districts.
- (4) The applicant shall consult with the school district officials and secure a written statement to be submitted with the application as to the impact on the school district caused by the increased number of school children from the increased residential density of the mobile home court.
- (5) In no instance shall a mobile home district be created in an area where it would be completely surrounded by single family residences or single family zone district, nor in an area where the entrance and exits would front on a single family zone district.
- (6) The court shall be so arranged that all mobile home lots and accessory buildings shall have access only on an interior roadway. Any lots abutting a dedicated public right-of-way shall be fenced and screen planted.

### Section 3. Use Regulations

A building or premises shall be used only for the following purposes:

- A. Mobile homes.
- B. Accessory buildings and uses incidental to and in conformance with the above use.
- C. Schools, public and parochial, provided that all structures and buildings are set back not less than fifty (50) feet from side lot lines and one hundred (100) feet from front property lines.

D. Churches and parish houses, provided the church is set back thirty (30) feet from the side lot lines.

E. Signs for permitted uses as required by Section 3, Article XVIII.

#### Section 4. Mobile Home Court Requirements

A. Minimum width -- two hundred fifty (250) feet.

B. Minimum front yard setbacks -- twenty-five (25) feet; except when it fronts on a state or federal highway, the minimum shall be fifty (50) feet.

C. Minimum rear yard setback -- fifteen (15) feet; except when the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty-five (25) feet.

D. Minimum side yard setbacks -- ten (10) feet along interior lot lines; fifteen (15) feet along public side streets, except if side street is a state highway, the minimum shall be twenty-five (25) feet.

#### Section 5. Mobile Home Lot Requirements

##### A. Minimum Area.

- (1) A maximum of twenty (20) percent of the total lots may be twenty-four hundred (2,400) square feet.
- (2) A minimum of seventy (70) percent of the total lots must be twenty-eight hundred (2,800) square feet.
- (3) A minimum of ten (10) percent of the total lots must be thirty-two hundred (3,200) square feet.

##### B. Maximum Height of Structures.

- (1) Mobile homes -- sixteen (16) feet.
- (2) Accessory buildings -- thirty-five (35) feet.

C. Minimum width of mobile home lot at setback line -- thirty (30) feet.

D. Minimum front yard setback of lot (this shall mean the entry side of the mobile home) -- twenty (20) feet.

E. Minimum end yards setback of lot for yards with double frontages (these are considered as the front and rear of the mobile home) -- eight (8) feet, each end.

F. Minimum rear yard setback of lot -- five (5) feet along interior lot lines.

G. Minimum side yards -- ten (10) feet along the street side of interior roadways or driveways.

#### Section 6. Court Accessory Building Setbacks

A. Minimum front yard -- fifty (50) feet.

B. Minimum side yard -- fifteen (15) feet.

C. Minimum rear yard -- fifteen (15) feet; except if backing onto a dedicated public right-of-way, twenty-five (25) feet.

#### Section 7. General Rules

A. No mobile home shall be parked closer than eight (8) feet to a private interior roadway; however, it must have access to said roadway.

B. Entrance and exit roadways shall connect to a dedicated public right-of-way and shall not be less than thirty-six (36) feet wide from flow line to flow line. Private circulation roadways or driveways shall be continuous, shall connect to entrance and exit roadways, and shall not be less than thirty-five (35) feet wide. Interior roadways and driveways shall be twenty-eight (28) feet wide, back to back. All roadways or driveways shall be hard-surfaced with asphalt or concrete.

C. For each mobile home lot there shall be provided:

- (1) Recreational area in the amount of three hundred (300) square feet.
- (2) Clothes drying space in the amount of fifty (50) square feet (in the event mechanical clothes dryers are provided, this provision may be reduced fifty (50) percent.

- (3) One off-street parking space for each lot (see Off-Street Parking Section 2, Article XVIII).

D. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewerage provisions, being dependent upon mobile home locations in relation to service and utility buildings, must meet with the approval of the Las Animas County Health Department.

E. Wheels shall not be removed from any mobile home, except for a reasonable period of time for repair purposes; and no permanent attachments shall be added to the mobile home.

F. If any part of these regulations conflicts with the rules and regulations of the Las Animas County Health Department, the more restrictive of the two shall apply.

### ARTICLE XIII. C-1, GENERAL BUSINESS DISTRICT REGULATIONS

#### Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the C-1 General Business District.

#### Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

- A. Hotels, motels, restaurants and taverns.
- B. Medical and dental clinics.
- C. Banks.
- D. Laundry and dry cleaning establishments.
- E. Barber shop, beauty parlor, chiropody, massage or similar personal service shops.
- F. Business or commercial schools and dancing or music academies.

- G. Launderette.
- H. Messenger and telegraph service stations.
- I. Offices
- J. Custom dressmaking, millinery, tailoring, shoe repairing, household utility articles or similar trade.
- K. Store or shop for the conduct of a retail business subject to the following limitations: In a retail store where bakery goods, confections, delicatessen or other food products are sold, all food that is prepared upon the premises shall be sold at retail thereon, and provided further, that there shall be no slaughtering of animals or poultry upon the premises.
- L. Photographer.
- M. Bicycles sales and repair shop.
- N. Shop for the repair of electrical and radio equipment and other similar commodities, and not involving the conduct of any manufacturing on the premises.
- O. Key shops.
- P. Theaters.
- Q. Printing shops.
- R. Upholstery shops not involving any furniture manufacturing.
- S. Plumbing, heating and electric shops or stores; not more than ten (10) percent of the lot or tract occupied by such establishment shall be used for the open storage of materials or equipment.
- T. Local service store when used to supply a service to residents in the surrounding area, but involving no manufacturing on the premises and where the treatment of materials is such that the noise, dust, odor, gas, or smoke resulting from the process or treatment will not be objectionable to the surrounding residence districts.
- U. Membership clubs.
- V. Places of assembly.

W. Undertaking establishments.

X. Tire store sales and service but not including vulcanizing on the premises.

Y. New and used automobile sales and storage lots.

Z. Filling stations and automobile repair garages.

AA. Bowling alleys.

BB. Accessory buildings and uses customarily incident to uses permitted in this district.

CC. Signs for permitted uses as required by Section 3, Article XVIII.

### Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

### Section 4. Height Regulations

No building shall exceed six (6) stories or seventy-five (75) feet in height, except as provided in Section 4, Article XVIII.

### Section 5. Area Regulations

There shall be no minimum area requirements other than area required for parking as provided in Section 2, Article XVIII.

## ARTICLE XIV. C-2, HIGHWAY COMMERCIAL DISTRICT REGULATIONS

### Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the C-2, Highway Commercial District.

### Section 2. Use Regulations

A building or premises shall be used only for the following purposes:



- A. New and used automobile sales and storage lots.
- B. Undertaking establishments.
- C. Filling stations and automobile repair garages.
- D. Truck stops.
- E. Tire store sales and service including vulcanizing, involving no manufacturing on the premises.
- F. Food storage lockers not including slaughtering on the premises.
- G. Milk distributing stations, but not involving bottling on the premises.
- H. Hotels and motels.
- I. Commercial recreation, including bowling alleys, drive-in theaters, dance halls, skating rinks, restaurants and refreshment stands, golf driving ranges and miniature golf courses.
- K. Retail stores for the sale of automobile parts and accessories, souvenirs, curios, film, magazines and other products customarily sold to meet the needs of the motoring public, but not including junk salvage, or automobile wrecking yards.
- L. Taverns and package liquor stores.
- M. Accessory buildings and uses customarily incident to uses permitted in this district.
- N. Equipment sales and storage.
- O. Signs for permitted uses as required by Section 3, Article XVIII.

### Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

#### Section 4. Height Regulations

No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided in Section 4, Article XVIII.

#### Section 5. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII the area regulations are as follows:

A. There are no minimum requirements for floor area, lot area or lot frontage.

B. Minimum Front Yard. Measured from the front property line there shall be a front yard of not less than fifty (50) feet, except for motor fuel pumps which may be erected twenty-five (25) feet from the front line.

C. Minimum Rear Yard. A rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than twenty (20) feet in depth for a two story building or less than thirty (30) feet in depth for a three story building.

D. Minimum Side Yard. No side yard is required, except on corner lots, in which case there shall be a side yard of not less than fifteen (15) feet on the street side. If the street side is a state or federal highway the side yard shall be twenty-five (25) feet.

### ARTICLE XV. I-1, LIGHT INDUSTRIAL DISTRICT REGULATIONS

#### Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the I-1, Light Industrial District.

#### Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. Airports or heliports, subject to approval and conditions set forth by the Board of Adjustment.

B. Automobile repair shops.

C. Builders supply yards, sale of cement and concrete products, and lumber yards.

D. Any kind of scientific research or manufacture, compounding, assembling, processing or treatment of products provided the following limitations are placed on all such uses:

- (1) All permitted uses shall be operated entirely within a complete enclosed structure.
- (2) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations shall be confined to the premises of the lot upon which such use is located.
- (3) Travel and parking portions of the lot shall be surfaced with asphalt, concrete or equivalent paving.

E. Cabinet making and carpenter shops, etc.

F. Greenhouses.

G. Ice and cold storage plants.

H. Manufacture of handicraft products.

I. Plumbing, heating, roofing and sheet metal shops.

J. Storage warehouses.

K. Storage of oil, gasoline and petroleum products, limited to one thousand (1,000) gallons above grade.

L. Accessory buildings and uses customarily incident to uses permitted in this district.

M. Signs for permitted uses as required by Section 3, Article XVIII.

### Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

### Section 4. Height Regulations

There shall be no height restrictions.

## Section 5. Area Regulations

There shall be no minimum area requirements other than area required for parking as provided in Section 2, Article XVIII.

## ARTICLE XVI. I-2, HEAVY INDUSTRIAL DISTRICT REGULATIONS

### Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the I-2, Heavy Industrial District.

### Section 2. Use Regulations

A building or premises shall be used only for the following purposes:

A. Any use permitted in the I-1 District as stated therefore.

B. Any industrial or manufacturing operations provided the following limitations are placed on all such uses:

- (1) Unusual amounts of dust, fumes, odors, smoke, vapor, noise, lights and vibration shall be confined within the I-2 District.
- (2) Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and adjoining residential districts.

C. Junk yards, providing they are enclosed by a solid wall or fence at least six (6) feet high.

### Section 3. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

### Section 4. Height Regulations

There shall be no height restrictions.

## Section 5. Area Regulations

There shall be no minimum area requirements other than area required for parking as provided in Section 2, Article XVIII.

## ARTICLE XVII. I-3, INDUSTRIAL PARK DISTRICT REGULATIONS

### Section 1. General

The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the District Regulations in the I-3, Industrial Park District.

### Section 2. Use Regulations

Said premises or buildings shall not be used or occupied at any time for any purpose other than for the purposes of manufacturing, wholesaling, retailing associated with wholesaling, jobbing, warehousing or business designated by the County Commissioners to be of a kindred nature, which will have need for the facilities furnished. No building shall be erected, reconstructed, or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises. Included are all uses permitted in the I-1 District.

### Section 3. Fumes, Odor and Noise Regulations

No noxious or offensive trade or activity shall be carried on nor shall anything be done thereon which may be or may become an annoyance or nuisance by reason of unsightliness or excessive emission of odors, dust, fumes, smoke or noise. Proof of noncompliance shall be determined by measurements taken by standardized measurements and standardized instruments. The cost of said work and measurements are to be borne by the occupant.

### Section 4. Landscaping

No buildings or structures above ground shall extend beyond the building lines, and the said area between the building lines and the property lines is to be used either for open landscape or for off-street surfaced parking areas. If the said area is to be landscaped, it shall be done attractively with lawn, trees, shrubs, etc., and according to the plans first approved in writing by the Las Animas County Building Inspector. Any landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition. Parking areas shall likewise be maintained in good condition.

## Section 5. Parking Regulations

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 2, Article XVIII.

## Section 6. Storage Facilities

A. No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon.

B. Semi-finished products stored on the property shall be confined to the rear one-half of the property.

C. Any finished products may be displayed on the outside of the building except in the required front yards.

## Section 7. Loading Docks

No loading dock or loading area shall be constructed fronting on a designated street or highway unless ample space is provided between such loading dock and the nearest street right-of-way line for loading and unloading of trucks, trailers or other vehicles.

## Section 8. Height Regulations

There shall be no height restrictions.

## Section 9. Area Regulations

Subject to the modifications set forth in Section 4, Article XVIII, the area regulations are as follows:

A. There shall be no restrictions on floor areas or lot frontages.

B. Minimum Front Yard. Measured from the front property line there shall be a front yard of not less than ten (10) feet. Where lots have double frontage the required front yard shall be provided on both streets.

C. Minimum Rear Yard. Measured from the rear property line there shall be a rear yard of ten (10) feet, except where a rear property line adjoins a dedicated alley or easement no rear yard is required.

D. Minimum Side Yard. Measured from the side property line there shall be side yards of not less than ten (10) feet.

E. An industrial park shall have a minimum area of ten (10) acres.

## ARTICLE XVIII. SPECIAL REGULATIONS

### Section 1. General

The District Regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the District Regulations appearing elsewhere in these regulations.

### Section 2. Off-Street Parking and Unloading

No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty (50) percent, or changed in use unless there is provided on the lot, space for the parking of automobiles or trucks in accordance with the following minimum requirements:

- A. Bowling alley, five parking spaces for each alley.
- B. Business, professional or public office building, studio, bank, medical or dental clinic, three parking spaces plus one additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000).
- C. Church, one parking space for each eight seats in the main auditorium.
- D. College or school, one parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.
- E. Community center, library, museum or art gallery, ten parking spaces plus one additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
- F. Dwellings, one parking space for each dwelling unit.
- G. Hospital, sanitarium, home for the aged, or similar institution, one parking space for each three beds.

H. Hotel, one parking space for each three sleeping rooms or suites plus one space for each two hundred (200) square feet of commercial floor area contained therein.

I. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment, one parking space for every two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

J. Mortuary or funeral home, one parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms.

K. Private club or lodge, one parking space for every ten members.

L. Restaurant, night club, cafe or similar recreation or amusement establishment, one parking space for each one hundred (100) square feet of floor area.

M. Retail store or personal service establishment, one parking space for each two hundred (200) square feet of floor area.

N. Rooming house, lodging house, fraternity or sorority, one parking space for each two beds.

O. Sports arena, stadium or gymnasium (except school), one parking space for each five seats or seating spaces.

P. Theater or auditorium (except school), one parking space for each five seats or bench seating spaces.

### Section 3. Signs

The following regulation shall govern the location, area and type of signs permitted within the County:

#### A. General sign requirements:

- (1) All signs shall be structurally safe and shall be securely anchored or otherwise fastened, suspended, or supported so that they will not be a menace to the safety or persons or property.



- (2) No sign, outdoor commercial advertising device or lighting device constituting a nuisance to an adjacent residential district, because of lighting glare, focus, animation or flashing of a sign, lighting or advertising device shall be erected or continued in operation.
- (3) No "revolving beacon" or "fountain" sign shall be permitted in any district.
- (4) No sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.
- (5) Ground signs shall not be located on public property except by specific approval of the Board of County Commissioners.
- (6) Temporary signs or banners on or over public property may be authorized by the Board of County Commissioners for a period not to exceed ten (10) days.
- (7) Signs projecting over a street, alley or other public space shall project not more than ten (10) feet and be no closer than two (2) feet to a plumb-line from curblines; clearance below such signs shall be a minimum of nine (9) feet.
- (8) Roadside market signs advertising produce grown and sold on the premises on which they are located. Said signs shall not remain continuously erected more than six (6) months of any calendar year.

B. Residential districts:

- (1) One identification sign shall be permitted per residential use provided such sign does not exceed two (2) square feet in area; said sign may be wall, pedestal, ground, or projecting type (but not projecting over public property).

- (2) One sign of a temporary nature, such as "for sale" or "for rent" shall be permitted per residential use provided such sign does not exceed six (6) square feet and is not lighted; said sign may be wall, pedestal or ground type.

C. Agricultural districts. Highway billboards, or other such highway oriented advertising devices shall be permitted providing such signs and devices are located at least one thousand (1000) feet from any existing advertising sign or device.

D. Public or semi-public uses. One identification sign shall be permitted per public or semi-public use provided such sign does not exceed ten (10) square feet in area; said sign may be wall, pedestal, ground or projecting type.

E. Industrial parks. No billboards or advertising signs other than those identifying the name, business and products of the person or firm occupying the premises shall be permitted. And all such signs must be wholly supported by and attached to the walls and supports of said building, except that a detached sign not to exceed ten (10) feet by twenty (20) feet in size offering the premises for sale or lease may be permitted.

F. R-D, F-C, C-1, C-2, I-1 and I-2 districts. No restrictions except the general sign requirements of Section 3 above.

#### Section 4. Additional Height and Area Regulations

A. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet, provided that the front yard depth shall be thirty (30) percent in excess of those specified in these regulations, and further provided that the side yard of an interior lot shall be twenty (20) feet and the side yard on a corner lot shall be equal to the front yard requirements as stated hereinabove.

B. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are except from the height regulations as herein contained.

C. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building the garage shall be regarded as a part of the main building for the purpose of determining side and rear yards.

D. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

E. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt course, cornices and ornamental features which are not to exceed twelve (12) inches.

F. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

G. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Official for a distance of not more than three and one-half (3-1/2) feet and where the same are so placed as not to obstruct light and ventilation.

H. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.

I. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard provided these projections be at least two (2) feet from the adjacent side lot line.

J. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.

K. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

L. In the event that a lot is to be occupied by a group of two or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one main building on the lot provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one story buildings, thirty (30) feet for two story buildings and forty (40) feet for three or four story buildings.

M. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one story buildings, thirty (30) feet for two story buildings, and forty (40) feet for three or four story buildings.

N. Where lots have double frontage, the required front yards shall be provided on both streets.

O. The required side yard on the street side of a corner lot shall be one-half the required front yard on such street, provided that no adjacent structures front on the same street, in which case the entire required front yard must be provided, except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.

P. The front yards heretofore established shall be adjusted in the following cases:

- (1) Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
- (2) Where forty (40) percent or more of the frontage on one side of a street between two intersecting

streets is developed with two or more buildings that have a front yard of less depth than herein required, then:

- (a) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or
- (b) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

## ARTICLE XIX. NON-CONFORMING USES

### Section 1. Non-Conforming Uses Continued or Changed

The lawful use of a building or land, including the use of land for storage purposes or for advertising signs existing at the time of the effective date of these regulations may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

### Section 2. Non-Conforming Use Due to Change in Zoning

Whenever the use of a building or land becomes a non-conforming use through a change in the zoning regulations or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

### Section 3. Non-Conforming Use Stopped or Discontinued

In the event that a non-conforming use of any building or land is discontinued, or its normal operation stopped, for a period of one year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

#### Section 4. Non-Conforming Use Enlarged

No existing building devoted to a use prohibited by these regulations, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located; provided, however, that during the ten-year period immediately following the effective date of these regulations, non-conforming industrial uses in commercial districts and non-conforming commercial uses in industrial districts may be extended or enlarged, but not to exceed a fifty (50) percent increase in the cubicle contents of the building.

#### Section 5. Non-Conforming Use Destroyed or Damaged

When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.

### ARTICLE XX. BOARD OF ADJUSTMENT

#### Section 1. Establishment of Board

A Board of Adjustment is hereby created. The Board shall consist of five (5) members appointed by the Board of County Commissioners, each to be appointed for a term of three (3) years, and removable for cause by the Board of County Commissioners upon written charges, and after public hearings. Vacancies in the Board shall be filled by the Board of County Commissioners for the unexpired term of any member whose term becomes vacant. One member only of the Board shall be appointed from the membership of the Las Animas County Planning Commission and the loss of membership on the Planning Commission by such member shall also result in his immediate loss of membership on the Board, and the appointment of another Planning Commissioner to the Board by the Board of County Commissioners.

#### Section 2. Meetings of the Board of Adjustment

The members of the Board shall select one of their number as Chairman and one as Vice-Chairman who shall serve one year and until their successors have been selected. Meetings may be called at any time by the Chairman of the Board or in his absence, by the Vice-Chairman or at such times as the Board may determine. A majority of the Board shall

constitute a quorum for the transaction of business. The Chairman of the Board, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the Office of the Board and shall be a public record.

### Section 3. Appeals to Board

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Building Inspector. Such appeal shall be taken within thirty (30) days, by filing with the Officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court of Record on application on notice to the Building Inspector and on due cause shown. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within thirty (30) days. Upon the hearing, any party may appear in person or by agent or by attorney. A fee of twenty-five dollars \$(25.00) shall be paid to the County Auditor at the time the notice of appeal is filed to be credited to the General Fund of Las Animas County, Colorado.

### Section 4. Powers of the Board

The Board of Adjustment shall have the following powers;

A. To hear and decide appears where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any Zoning Regulation or any regulation relating to the location or soundness of structures.



b. To hear and decide, in accordance with the provisions of any regulation, requests for special exemptions or variances or for the interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by any such regulation to pass.

C. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of these regulations or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of these regulations would result in peculiar and exceptional practical difficulties to, or executorial and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship of such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these regulations. No such variance shall be authorized by the Board unless it finds that:

- (1) The strict application of these regulations would produce undue hardship;
- (2) Such hardship is not shared generally by other properties in the same Zoning District and the same vicinity;
- (3) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the District will not be changed by the granting of the variance; and
- (4) The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to these regulations. In exercising the above mentioned powers such Board may, in conformity with the provisions of said Sections, reserve or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have



all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations or to effect any variation thereof.

#### Section 5. Actions of the Board

The Board of Adjustment shall transmit its actions, accompanied by the written findings of fact, to the Board of County Commissioners and the Planning Commission within one week after such actions have been taken and such actions shall become effective thirty (30) days after the date of such transmittal unless changed or amended by the Board of County Commissioners. The Board of County Commissioners shall not make any change or amendment without holding one or more public hearings, due notice of which shall be given as prescribed by law.

#### Section 6. Appeals to District Court

Appeals may be taken to the District Court by any person or persons, jointly or severally, aggrieved by any decision of the Board or any taxpayer, or any officer, department, board or bureau of the County, in the manner and form provided by the statutes of the State of Colorado in such cases made and provided.

### ARTICLE XXI. BUILDING REGULATIONS, BUILDING INSPECTOR

#### Section 1. Creation of Office

There be and is hereby created in Las Animas County, Colorado, the Office of Building Inspector, who shall be appointed by the Board of County Commissioners at such salary and compensation as shall be determined.

#### Section 2. Powers and Duties of Inspector

The duties of the Building Inspector shall be generally, the enforcement of all regulations in connection with zoning, the inspection or construction of buildings, alteration thereof, or the moving of buildings within the County. He is hereby empowered to file complaints against any person, persons, firm or corporation for violating any of the provisions of any of the regulations over which he has been granted jurisdiction, and he shall request the County Attorney of said County to prosecute such violation without unnecessary delay. He shall be charged with such further duties as may from time to time be allotted to him by the Board of County Commissioners.

ARTICLE XXII. BUILDING PERMITS

Section 1. Application

Any person or persons intending to construct, re-construct or re-locate a building or other structure or addition thereto, within any area of the County governed by these regulations, shall, before proceeding with said work, or commencing any excavation in connection therewith, file in the Office of the County Building Inspector a written application in duplicate for a building permit together with such additional plans and specifications as may be required, and shall obtain a building permit therefor.

Section 2. Plats

Each application for a building permit shall be accompanied by a plat, in duplicate, showing the actual dimensions of the lot to be built upon, its legal description, the size, shape, location and kind of building, structure or addition, the type of construction material to be used and the probable cost thereof. On the issuance of a building permit one copy of said plat shall be retained by the Building Inspector as a permanent record and one copy shall be returned to the applicant. A record of applications and plats shall be kept in the Office of the Building Inspector.

Section 3. Building Permit Fee

The Building Inspector shall at the time of issuance of any building permit as aforesaid, charge and collect in advance for issuance of said permit, a fee as set forth below. Said fee shall be the property of the County and shall be paid over to the County Treasurer for credit to the General Fund of the County.

<u>Total Valuation</u>	<u>Fee</u>
Less than \$20.000	No Fee
\$20.00 to and including \$100.00	\$2.00
More than \$100.00 to and including \$400.00	\$3.00
More than \$400.00 to and including \$700.00	\$5.00
More than \$700.00 to and including \$1,000.00	\$6.00
Each additional \$1,000.00 or fraction, to and including \$25,000.00	\$3.00
Each additional \$1,000.00 or fraction to and including \$50,000.00	\$2.50
Each additional \$1,000.00 or fraction to and including \$100,000.00	\$1.50
Each additional \$1,000.00 or fraction more than \$100,000.00	\$1.00

#### Section 4. Expiration

Every permit issued by the Building Inspector under the provisions of these regulations shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within sixty (60) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

#### Section 5. Suspension or Revocation.

The Building Inspector may, in writing, suspend or revoke a permit issued under provisions of these regulations whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of these or other regulations.

#### Section 6. Enforcement

Where there are practical difficulties or unnecessary hardship in the way of carrying out the provisions of this Article, the Board of Adjustment, after due notice, may prescribe in a specific case a variation in the application of any provision in harmony with the general purpose and intent of this Article so that the public health, safety and welfare may be conserved, and the Board of Adjustment may also grant in undeveloped sections of the County temporary and conditional permits, of not more than one year's duration for structures and uses not permitted by this Article, but which are necessary for the development of any section. No building permit shall be issued for the erection of any building unless the plans conform to these regulations and no building shall be erected in violation of or which shall not conform to the provisions of these regulations, and no building shall be erected in violation of or which shall not conform to the provisions of these regulations under any permit heretofore issued, unless construction thereof shall have been commenced in good faith prior to the enactment of these regulations.

### ARTICLE XXIII. OCCUPANCY PERMITS

#### Section 1. Permits

Subsequent to the effective date of these regulations, no change in

use or occupancy in an existing building other than for single family and two family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the new occupancy complies with all provisions of these regulations.

#### Section 2. Application

No permit for excavation for, nor the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

#### Section 3. Certificate of Occupancy for Non-Conforming Uses

A certificate of occupancy shall be required of all lawful non-conforming uses of land or buildings created at the time of passage of these regulations. Application for such certificates of occupancy for non-conforming uses shall be filed with the Building Inspector by the owner or lessee of the land or building occupied, by such non-conforming use within two years from the effective date of these regulations. It shall be the duty of the Building Inspector to issue a certificate of occupancy for a lawful non-conforming use, or failure of the Building Inspector to issue such certificate of occupancy for a non-conforming use, may be considered evidence that such non-conforming use did not lawfully exist at the effective date of these regulations.

#### Section 4. Records

A record of all certificates of occupancy shall be kept on file in the Office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

### ARTICLE XXIV. GENERAL PROVISIONS, LEGISLATIVE PROVISIONS, PENALTY

#### Section 1. Interpretation, Purpose and Conflict.

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended that these regulations are to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if these regulations impose a greater restriction, these regulations shall control.

## Section 2. Amendments

The Board of County Commissioners may from time to time on its own motion or on petition, amend, supplement, change, modify or repeal the boundaries of districts or regulations, or restrictions herein established. When such amendment, supplement, change, modification, or repeal is requested through a petition by thirty percent of the land-owners in the district or districts requesting change. Upon such filing or upon separate request by the board, the Planning Commission shall hold a public hearing not less than fifteen days after notice published in a newspaper of general circulation in the area affected. At such public hearing, any person may appear and request or protest the requested change. The Planning Commission as soon as is practicable shall make its recommendation to the Board of County Commissioners. The Board of County Commissioners shall thereafter by resolution either adopt or reject such amendment, supplement, change, modification or repeal, and if it is adopted by the Board of County Commissioners, the same shall be published once in the official newspaper of such county and take effect on the twentieth day after its publication.

## Section 3. Enforcement

It shall be the duty of the Building Inspector of Las Animas County to enforce these regulations. Appeals from a decision of the Building Inspector may be made to the Board of Adjustment as provided in Article XX.

## Section 4. Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of an index and they shall be wholly disregarded by any persons, officer, court, or other tribunal in construing the terms and provisions of these regulations.

## Section 5. Violation and Penalty

It is declared unlawful for any person to violate any of the terms and provisions of these regulations or other official control adopted by the Board of County Commissioners pursuant thereto. Violation thereof, shall be a misdemeanor and may be punishable by a fine up to one hundred dollars for each and every day that any violator fails to comply with the provisions of these regulations. All fines for violation shall be paid to the Las Animas County Treasurer and shall be credited to the General Fund of the County.

In the event of a violation or a threatened violation of these regulations or restrictions, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute an appropriate action or proceedings to seek an injunction in a court of competent jurisdiction to prevent, restrain, correct or abate such violation or threatened violation and it is the duty of the County's Attorney to institute such action.

Any taxpayer of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by these regulations.

Section 6. Validity

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations.

Section 7. Repeal of Conflicting Ordinances

All regulations and parts of regulations in conflict herewith are hereby repealed, except any regulations that impose more restrictive regulations than are imposed herein.

Section 8. Enactment

These regulations shall be in full force and effect from and after their passage, approval and publication as provided by law.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AD 19\_\_\_\_ BY  
THE BOARD OF COUNTY COMMISSIONERS OF LAS ANIMAS COUNTY,  
COLORADO.



Signed: \_\_\_\_\_  
Chairman

Signed: \_\_\_\_\_  
Secretary

Attest: \_\_\_\_\_  
County Clerk