

INTRODUCTION TO ZONING REGULATIONS

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

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

- 1) Development of land already zoned for commercial uses should be encouraged prior to rezoning of additional land.
- 2) Expansion of business uses into or within residential areas should be permitted only if such expansion maintains or improves the desirability of that area for residential use.
- 3) Encourage energy efficient residential and commercial construction.
- 4) Provide recreational facilities for local residents.
- 5) Provide efficient and effective public services to citizens.

- 6) Utilize educational resources and facilities to the maximum benefit of each citizen.
- 7) Protect and improve existing roadways and plan for orderly development of new streets and roadways.
- 8) Residential construction should be restricted to areas served by existing sewer, water, and streets wherever possible. Provisions should be made for development in order areas, but only if central water and sewer systems are constructed.
- 9) The developer of new subdivisions should pay the cost of public facilities in that subdivision.
- 10) Scattered development should be avoided.
- 11) Maintain the integrity of the downtown business area of Las Animas.
- 12) Provide adequate parking facilities.
- 13) Consider the effect of proposed actions on tax rates.
- 14) Consider the effect of proposed actions on the elderly and low-income residents of the County.
- 15) Direct special attention to maintaining and improving the appearance of areas having high public visibility.
- 16) Insure all new development has adequate drainage.
- 17) Protect the agricultural base of the County.
- 18) Prevent the pollution of ground water.
- 19) To assist orderly efficient and integrated development of the County.
- 20) Promote the health, safety, and general welfare of the residents of the County.
- 21) Ensure conformance of land subdivision plans with the public improvement plans for the County and its various municipalities.
- 22) Ensure coordination of inter-municipal public improvements plans programs.
- 23) Encourage well planned subdivisions by establishing adequate standards for design and improvement.
- 24) Safeguard the interest of the public, the homeowner and the subdivider.
- 25) Secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- 26) Restrict building on flood lands and in other areas poorly suited for building or construction.
- 27) Provide adequate space for future development of schools and parks to serve the population.
- 28) Assure the planning for and provision of an adequate and safe source of water and means of sewage disposal.
- 29) Include solar access regulations in adopted building codes and subdivision regulations.
- 30) Encourage industrial development of a diversified nature which is compatible with the human and natural resources of the County.
- 31) Prevent the encroachment of residential or other uses in commercial or industrial zones that would prohibit the expansion or full operation of the intended commercial or industrial uses in those zones.

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

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

**A RESOLUTION ESTABLISHING ZONING DISTRICTS
FOR BENT COUNTY, COLORADO**

PART I **TITLE**

01.01 **Title**

01.01.01 Title

01.01.02 Short Title

01.01.01 Title

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

01.01.02 Short Title

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

PART II **ZONING DISTRICTS – PURPOSE**

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

02.01.01 General Purpose

02.01.02 Establishment of Zoning Districts

02.01.03 Zoning Map and Boundaries

02.01.01 General Purpose

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

02.01.02 Establishment of Zoning Districts

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

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

02.01.03 Zoning Map and Boundaries.

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

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

PART III ZONING DISTRICTS – AUTHORITY

03.01 Authority

03.01.01 Authority

03.01.01 Authority

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

PART IV ZONING DISTRICTS

04.01	<u>Zoning Districts</u>
04.01.01	Zoning Districts
04.01.02	A-1 Agriculture District
04.01.03	R-2 Rural Residential District
04.01.04	R-2 Urban Residential District
04.01.05	R-3 Urban Residential District
04.01.06	B-1 Highway Business District
04.01.07	B-2 Central Business District
04.01.08	NSD – Neighborhood Shopping District
04.01.09	P. U. D. – Planned United Development District
04.01.10	I-1 Light Industrial District
04.01.11	I-2 Heavy Industrial District
04.01.12	M. U. D. – Multiple Use District

04.01.01 **Zoning Districts**

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

04.01.02 **A-1 Agricultural District**

Description of District.

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

Permitted Uses.

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

Special Review Uses.

1. Riding stables, dude ranches and building pertaining thereto.
2. Cemeteries, and public open space, and recreation areas.
3. Airports
4. Sanitary landfill operations, sewage disposal plants, lumber mills, mines, quarries, sand and gravel operations.
5. Commercial feed yards, fur farms, kennels, veterinary hospitals.

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

Minimum Site Area. 1 acre

Minimum Front Yard. 50 feet

Minimum Rear Yard. 50 feet

Minimum Side Yard. 25 feet

Permitted Signs.

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

04.01.03

R-1 Rural Residential District

Description of District

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

Permitted Uses.

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

5. Public buildings and utility installations.

Special Review Uses.

1. Multi-family dwelling units.
2. Mobile Home and Recreational Vehicle Parks (*NOTE: added per special hearing on November 23, 2004*)

<u>Minimum Site Area</u>	1 acre
<u>Minimum Front Yard</u>	50 Feet
<u>Minimum Rear Yard</u>	25 feet for Residences 5 feet for Outbuildings
<u>Minimum Side Yard</u>	15 feet
<u>Maximum Building Height</u>	35 feet

Permitted Signs.

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

04.01.04

R-2 Urban Residential District.

Description of District.

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

Permitted Uses.

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

Special Review Uses.

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

<u>Minimum Front Yard.</u>	25 feet
<u>Minimum Rear Yard.</u>	25 feet for residential 5 feet for outbuildings
<u>Minimum Side Yard.</u>	7 ½ feet
<u>Maximum Building Height.</u>	35 feet

Permitted Signs.

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

Parking Requirements.

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

04.01.05

R-3 Urban Residential District

Description of District.

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

Permitted Uses.

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

Special Review.

1. Home occupations

Minimum Site Area.

- | | | |
|----|-----------------------------------|----------------------------|
| a) | Single-family dwelling | 7,000 square feet |
| b) | Two-family dwellings | 4,375 square feet per unit |
| c) | Three-to-ten family dwellings | 3,500 square feet per unit |
| d) | Mobile Homes on single lots | 7,000 square feet |
| e) | Mobilehome subdivisions and Parks | 4 acres |
| f) | All other uses | 7,000 square feet |

Minimum Front Yard. 25 feet

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

Minimum Side Yard. 7 ½ feet

Maximum Building Height: 35 feet

Permitted Signs.

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

Parking Requirements.

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

04.01.06

B-1 Highway Business District

Description of District.

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

Permitted Uses.

1. Automobile service stations and repair garages.
2. Automobile sales and service.
3. Automobile wash and polish service
4. Agricultural equipment – sales and service
5. Building material and lumber sales
6. Drive-in drinking and eating places
7. Dance halls

8. Bowling alleys
9. Driving ranges and miniature golf
10. Drive-in theaters
11. Trucking and storage operations
12. Equipment rental establishments.
13. Wholesale establishments
14. Motel
15. No new dwelling shall be constructed, except where it will be occupied by the owner, operator, or caretaker of a use permitted in this district. All existing homes in this district shall be considered non-conforming, except that owners of record at the time of passage of this regulation may make improvements to existing structures.

Special Review.

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

Minimum Site Area.

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

Minimum Front Yard.

30 feet from any public street right-of way

Minimum Rear and Side Yards.

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

Maximum Building Height.

35 feet.

Permitted Signs.

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

Parking Requirements.

1. One (1) parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area for all uses.
2. One (1) parking space of two hundred square feet for each three hundred square feet of office space or public service space.

3. One (1) parking space of two hundred square feet for each rental unit in motels and hotels.
4. One (1) space of two hundred square feet for each four seats in eating and drinking places and theaters and auditoriums.

04.01.07

B-2 Central Business District.

Description of District.

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

Permitted Uses.

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

Special Review.

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

Minimum Site Area.

None, provided that conditions of parking requirements are met.

Minimum Front, Side and Rear Yards.

None, provided that conditions of parking requirements are met.

Maximum Building Height. 35 feet

Permitted Signs.

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

04.01.08

NSD Neighborhood Shopping District

Description of District

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

Permitted Uses.

All uses permitted in the R-2 district.

Special Review Uses.

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

appropriate relationships to one another, to open space, and to common facilities.

Permitted Uses.

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

Standards and Requirements.

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

Design and Development.

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

Parking Requirement.

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

Permitted Signs.

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

Procedures.

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

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

04.01.10

I-1 Light Industrial District.

Description of District.

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

Permitted Uses.

None

Special Review Uses.

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

Minimum Site Area.

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

Minimum Front, Side and Rear Yards.

Fifty (50) feet from any residential district boundary. Twenty-five (25) feet from any commercial district boundary.

Maximum Building Height.

35 feet

Permitted Signs.

1. Signs advertising the property for sale, rent, or lease not to exceed ten square feet each.

2. Signs identifying the property, its occupants and its use which are located entirely on the owner's property and which do not extend more than three feet above the roofline of the structure.
3. Permitted signs may be illuminated, no flashing or blinking signs shall be permitted.

Parking Requirements.

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

04.01.11 I-2 Heavy Industrial District.

Description of District.

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

Permitted Uses.

None

Special Review Uses.

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

Minimum Site Area.

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

Minimum Front, Side, Rear Yards.

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

Maximum Building Height.

35 feet

Permitted Signs.

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

Parking Requirements.

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

04.01.12 Multiple Use District (MUD).

Description of District.

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

Permitted Uses.

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

Special Review Uses.

1. All other uses.

Minimum Site Area.

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

PART V. ZONING REGULATIONS – SPECIAL REGULATIONS.

05.01 Special Regulations

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

- 05.01.01 Mobile Home Subdivisions:

Location and size.

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

Platting requirements.

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

05.01.02 Mobile Home Parks.

Location and Size.

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

Requirements.

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

05.01.03 Travel Trailer Parks.

Location.

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

Requirements.

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

05.01.04 Airport Approach Zone.

Location.

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

Requirements.

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

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

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

05.02 **Special Review Uses**

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

05.02.01 General.

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

05.02.02 Special Review Procedure.

Application.

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

Application Review.

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

Hearing.

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

05.02.03 Submission Requirements.

The applicant shall submit:

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

05.02.04 Standards for Review of Applications for Special Review Permits.

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

1. The use is compatible with all existing uses on land adjacent thereto, or appropriate measures have been taken to alleviate such incompatibilities.
2. The use will not unnecessarily scar the land or soil upon which such use is to be placed, leaving deleterious effects such as denuded slopes, uncovered oil piles to be blown away, scars upon areas of natural historic value.
3. Uses with unsightly aspects, odors, or noise are set back a sufficient distance from adjacent property boundaries and proper fencing or

- screening is provided to that adjacent property is not adversely affected.
4. The use shall comply with all applicable air and water pollution control legislation.
 5. The use is consistent with an orderly pattern of development within the County as consistent with the adopted Master Plan.

Limitations on Approval.

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

PART VI NON-CONFORMING USES AND BUILDINGS.

06.01 Non-Conformance

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

06.01.01 Non-Conformance.

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

06.01.02 Alterations and/or Extensions.

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

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

06.01.03 Restoration.

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

06.01.04 Discontinuance.

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

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

06.01.05 Non-conforming Lots.

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

06.01.06 Change in Non-Conforming Use

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

06.01.07 Construction Prior to Passage.

Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit or County approval has been issued and construction of which shall have been diligently pursued within three (3) months of the date of such permit or approval.

PART VII ADMINISTRATION

07.01 Administration

- 07.01.01 Enforcement
- 07.01.02 Zoning Permit
- 07.01.03 Certificate of Occupancy
- 07.01.04 Records
- 07.01.05 Board of Zoning Adjustment
- 07.01.06 Appeals
- 07.01.07 Hearings
- 07.01.08 Fees
- 07.01.09 Interpretation

07.01.01 Enforcement.

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

07.01.02 Zoning Permit.

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

07.01.03 Certificate of Occupancy

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

07.01.04 Records

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

07.01.05 Board of Zoning Adjustment (Variance Board).

Establishment.

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

Membership.

The Variance Board shall consist of five (5) members. Until otherwise provided, the members shall serve without compensation. Each member shall serve for three (3) years, provided, however, that of the first appointed Board three (3) members shall serve for two (2) years

and two (2) members for three years. Vacancies shall be filled for unexpired terms in the same manner as in the case of the original appointments. The County Commissioners may dismiss a board member by a two-third (2/3) vote.

Officers.

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

Duties.

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

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

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

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

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

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

07.01.06

Appeals.

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

the hearing and shall decide the appeal within sixty (60) days of the date of the appeal.

07.01.07

Hearings.

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

07.01.08

Fees.

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

07.01.09

Interpretation – Powers.

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

Variances.

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

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

Procedure.

The Variance Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and applicable zoning

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

Appeals from the Board.

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

PART VIII INTERPRETATION.

08.01 Interpretation and Conflict

08.01.01 Interpretation

08.01.02 Conflict

08.01.01 Interpretation.

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

08.01.02 Conflict

Whenever the requirements of this resolution are in conflict with the requirements of any other resolution, rule, regulation, private covenant, or deed restriction, the more restrictive or that imposing the higher standards shall govern.

PART IX VIOLATION AND PENALTIES.

09.01 Violations and penalties.

09.01.01 Violations and penalties

09.01.02 Notification

09.01.03 Complaints

09.01.01 Violations and Penalties.

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

09.01.02 Notification.

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

09.01.03 Complaints.

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

PART X AMENDMENTS.

10.01 Amendments

- 10.01.01 Amendments
- 10.01.02 Amendments Procedures
- 10.01.03 Standards for Review of Applications for Amendment
- 10.01.04 Rezoning Fees

10.01.01 Amendments.

Applications for Amendment.

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

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

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

1. Description of land area to be rezoned, and requested new classification along with a sketch at sufficient detail, and shall contain boundaries of area requested to be zoned, along with an indication of the existing zoning of all adjacent sides of the area.
2. A statement of justification for the rezoning, including one of the following conditions:
 - a. Changing area conditions
 - b. Error in original zoning
 - c. Conformance to comprehensive plan for areas, or
 - d. Peculiar suitability of the site to a specific use.
3. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within two hundred (200) feet of the boundary of the proposed area of change, in all directions.
4. Statement of proposed water and sewer system from existing water and sewer district or plan for expansion of capacity to support the uses planned for the proposed rezoning.
5. Statement from local school board concerning the adequacy or additional needs of the system to accommodate the proposed rezoning.
6. A description of all proposed parks, playgrounds, and other public facilities.
7. A description of proposed public and private roadways.
8. Any other information or material requested by the Planning Commission or the Board.
9. Time schedule for any contemplated new construction or uses.
10. Justification for any new business or industrial zoning.
11. Effect that the new zoning would have on adjacent uses.
12. Application fee required by Section 10.01.04
13. Application for rezoning to mobile home park shall conform to all submission requirements set forth in the Mobile Home Park District, Section 03.01.06, et seq.

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

10.01.02 Amendment Procedures

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

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

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

10.01.03 Standards for Review of Application for Amendment.

All applications for amendment shall meet the standards listed below. Applications for amendment to a Mobile Home Park (MHP) District shall meet all the requirements and standards as set forth in the MHP district in addition to the procedures and standards set forth in this Section. The Planning Commission may recommend and the Board of County Commissioners may adopt only those amendments which it finds:

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

If the Board of County Commissioners finds that there are substantial changes in the character of the neighborhood or a mistake in the original zoning which warrant an amendment to the zoning plan for Bent County, the Board of County Commissioners shall first propose an amendment to said plan.

10.01.04 Rezoning Fees.

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

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

PART XI VALIDITY OF RESOLUTION.

11.01 Validity of Resolution

11.01.01 Validity of Resolution

Validity of Resolution.

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

PART XII REPEALER

12.01 Repealer

12.01.01 Repealer

12.01.01 Repealer.

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

PART XIII ENACTMENT CLAUSE

13.01 Enactment Clause

13.01.01 Enactment Clause

13-01.01 Enactment Clause.

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

SUBDIVISION APPLICATION PROCEDURE

TIME REQUIREMENT

1. SUBDIVIDER DISCUSSES APPLICATION PROCEDURE WITH ADMINISTRATOR.

NONE

Before submission of a sketch plan, the subdivider shall discuss the subdivision process with the Administrator to develop a general concept of how to proceed and what will be required.

FEES: None

2. SUBDIVIDER SUBMITS 10 COPIES OF SKETCH PLAN TO ADMINISTRATOR.

30-45 DAYS

The Administrator conducts an informal review and analyzes the plan with reference to the County's Subdivision and zoning regulations and to the County's Master Plan. The Planning Commission reviews the plan and suggests changes and makes recommendations. The sketch plan may be forwarded to appropriate government agencies for their comments.

FEES: \$50.00

3. SUBDIVIDER SUBMITS PRELIMINARY PLAN TO THE ADMINISTRATOR

30-45 DAYS, MAY BE EXTENDED

The subdivider shall submit 10 copies of the preliminary plat and 10 copies of a general utility layout plan to the Administrator who shall for-

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

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

:

4. SUBDIVIDER SUBMITS FINAL PLAT TO THE ADMINISTRATOR.

30 DAYS; MAY BE EXTENDED

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

**SUBDIVISION RESOLUTION
BENT COUNTY, COLORADO**

PART I	SUBDIVISION RESOLUTION – PROCEDURE
01.01	<u>Authority, Purpose, and Jurisdiction</u>
01.01.01	Title
01.01.02	Short Title
01.01.03	Purposes
01.01.04	Authority
01.01.05	Jurisdiction
01.01.06	Interpretation, Conflict, and Severability
01.01.07	Savings Provision
01.01.08	Amendments
01.01.09	Resubdivision of Land
01.01.10	Exemption from Definition of Subdivision or Subdivided Land
01.01.11	Enforcement, Violations, and Penalties

01.01.01 Title:

This Subdivision Resolution is to establish rules, regulations, and standards governing the subdivision of land within Bent County, Colorado and providing penalties for the violation of the provisions of this resolution.

01.01.02 Short Title:

For the purpose of brevity this resolution shall hereafter be referred to as the “Subdivision Regulations of Bent County Colorado” or as the “Subdivision Regulations”.

01.01.03 Purposes:

- A. To assure the adequacy of drainage facilities, to safeguard the water table, prevent the pollution of air, streams, and ponds, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the County and the value of the land.

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

01.01.04

Authority:

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

01.01.05

Jurisdiction.

- a. These subdivision regulations shall apply to all subdivisions of land as defined herein, located within the limits of the County.
- b. No land shall be subdivided within the County until:
 1. The subdivider or his agent shall submit a sketch plan of the parcel to the Planning Commission through the Administrator.
 2. Obtain approval of the sketch plan and preliminary plat and final approval of the plat itself by the Planning Commission and/or the Board;
 3. The approved final plat is filed with the Bent County Clerk and Recorder.
- c. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of and not in conformity with the provisions of these subdivision regulations, no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these subdivision regulations.

01.01.06

Interpretation, Conflict, and Separability:

- a. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- b. Conflict with Public and Private Provisions:
 1. Public Provisions:
These subdivision regulations are not intended to interfere with, abrogate or annul any other

ordinance, rule or regulations, statute or other provision of law. Where any provision of these subdivision regulations imposes restrictions different from those imposed by any other provision of these subdivision regulations or any other section of County resolutions or any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Private Provisions:

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

3. Separability:

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

the remainder of these subdivision regulations even without any such part, provision, or application.

01.01.07 Saving Provision:

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

01.01.08 Amendments.

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

01.01.09 Resubdivision of Land:

a. Procedure for Resubdivision:

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

b. Procedure for Subdivision where Future Subdivision is Indicated:

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

future opening and extension of such streets may be made a requirement of the plat.

01.01.10

Exemption from the Definition of Subdivision:

a. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these subdivision regulations and/or the purposes of these subdivision regulations may be served to a great extent by an alternate proposal, it may approve exemptions, provided the Board passes a resolution authorizing such exemption, with or without a formal hearing, to these subdivision regulations so that substantial justice may be done and the public interest secured, provided such exemptions shall not have the effect of nullifying the intent and purpose of these subdivision regulations as provided in 01.01.03 of this Part I and further provided the Planning Commission shall not recommend for approval and the Board shall not grant approval of an exemption unless all of the following standards and requirements are met:

1. Each building site, tract or lot access as otherwise required for subdivided land in these subdivision regulations and roads constructed within the property in question shall meet the minimum standards as set forth in these subdivision regulations and by the County Engineer.
2. The property to be divided is not a part of a parcel, site, tract, or lot previously divided into four (4) parcels under this subsection 01.01.10 nor a part of an existing subdivision, nor would approval of the request create more than four (4) parcels out of the property as it existed January 17, 1980.
3. Such division shall not be detrimental to the public good or impair the intent and purpose of these subdivision regulations or the Colorado Revised Statutes, 30-29-133, 1973, as amended and shall not be in conflict with this regulation or any adopted elements of the Bent County Master Plan, as amended.
4. If the exemption is adjacent or abutting a subdivision, lot sizes must be as large or larger that those lots in the subdivision.
5. Any person seeking an exemption under this subsection 01.01.10 shall submit their request for exemption to the Administrator on a form supplied by the Administrator, which application shall include the following:

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

- (f) The applicant shall be responsible for having his application reviewed by applicable utilities. Information requested from these agencies is as follows:
 - (1) Easements required (same should be placed on plat) and,
 - (2) Line capacity and ability of utility to provide service both at present and in the future.
 - (g) Each application will be reviewed by applicable federal, state, and local agencies. Each agency will be asked to make comment relative to the impact of the property division and what the applicant must do to comply with their rules and regulations.
 - (h) Completed Deed of Dedication forms, where necessary, for the dedication of additional right-of-way along County streets and/or new rights-of-way for the lots to be created. (NOTE: These rights-of-way must be shown on the plat.)
 - (i) School site and/or open space dedication, or fee in lieu of, as required in Part II of this resolution.
 - (j) Application fee of \$25.00
6. Any division of land pursuant to this subsection 01.01.10 is hereby found to be not within the intent and purposes of the definition of "subdivision" or "subdivided land" contained within the rest of these subdivision regulations.
7. The Administrator shall refer the completed application to the Planning Commission who shall recommend approval, conditional approval, or disapproval of the exemption to the Board who shall, by resolution approve, conditionally approve, or disapprove of the exemption. The Board shall notify the applicant, in writing, of their decision. If the application for exemption is approved or conditionally approved, a boundary survey of the approved lots shall be recorded with the Bent County Clerk and Recorder.
8. Before property within an approved exemption is sold, an actual field survey shall be made of the property and lot corners shall be established. If this was done at the time of application, a second survey will not be required.)

01.01.11

Enforcement, Violations, and Penalties:

- a. General:

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

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

01.02 Subdivision Application Procedure

01.02.01 General Procedure

01.02.01 General Procedure:

Whenever any subdivision of land is proposed, before any contract is made for sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedures which includes these four (4) steps:

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

01.03 Sketch Plan Requirements

01.03.01 Discussion of Requirements

01.03.02 Application Procedure and Requirements

01.03.03 Drawing Requirements

- 01.03.04 Review of Sketch Plan
- 01.03.05 Approval of Sketch Plan

01.03.01 Discussion of Requirements:

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

01.03.02 Application Procedure and Requirements:

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

a. Contents of Sketch Plan Application:

1. Five (5) copies of a vicinity map or maps (drawn to an appropriate scale) showing the general location of the proposed subdivision area. These may be an insert on the Sketch Plan Map (clause 3, below).
2. Existing topographic contours at not more than fifty (50) feet intervals drawn from available data, such as U. S. Geological Survey Maps.
3. Five (5) copies of a map or maps drawn to a scale of 1" = 50' (see sub-section 01.01.01 for drawing requirements) showing:
 - (a) A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
 - (b) The acreage of the entire tract and the area to the nearest half (1/2) acre and percentage of total area to be devoted to streets and to each other type of use, such as residential, commercial, industrial, or public.
 - (c) Boundaries of the area to be subdivided.
 - (d) Significant man-made features within the area to be subdivided such as railroads, existing utilities, roads, and buildings.
 - (e) The names and addresses of the land owner, the subdivider and the firm or individual responsible for the layout or design, and an address

and telephone number of an agent who shall be authorized to receive all notices required by these regulations.

(f) A tentative drainage plan for the proposed subdivision.

4. Written explanations concerning:

(a) What entity will provide water service, type of water service proposed and documentation of water availability.

(b) What entity will provide sewer service, type of service proposed.

(c) Anticipated population, dwelling units and land use activities supported by indicators of need for the proposed subdivision.

(d) An affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the Book and the Page of each conveyance to the present owner as recorded in the Bent county Clerk and Recorder's Office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date contract for sale was executed, and, if any corporations are involved, a complete list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock.

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

01.03.03 Drawing Requirements:

a. The scale of the sketch plan map shall not be less than 1" = 50'. Some variation from this will be acceptable in the case of large subdivisions, provided the plans and design are clearly legible. Maps shall include True North point, name of the subdivision, name of the county, township, range, principal meridian, section and quarter section, block and lot numbers.

b. The dimensions of each and every map submitted shall be twenty-four (24) inches by thirty-six (36) inches. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.

01.03.04 Review of Sketch Plan:

a. The Administrator shall review the Sketch Plan for fulfillment of the requirements listed in subsection 01.03.02 and may request the subdivider or his agent to provide any information not provided required in subsection 01.03.02. The Administrator shall then submit the Sketch Plan and his written

recommendation of approval, conditional approval, or disapproval, with reasons for disapproval or conditional approval, to the Planning commission in writing for their review and consideration at the next scheduled Planning Commission meeting.

- b. The Planning Commission shall review the Sketch Plan and the recommendations of the Administrator, taking into consideration the requirements of these subdivision regulations and the best use of the land being subdivided. Particular attention should be given by the Planning Commission in their review to the arrangement, location and width of streets, their relation to topography of the land, sewage disposal, drainage, lot sizes and arrangements, water availability, the further development of adjoining lands as yet unsubdivided and the requirements of the zoning regulations. Official Zoning Map, the Land Use Policies of the County and the Bent County Master Plan.

01.03.05 Approval of the Sketch Plan:

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

01.04 Preliminary Plat Requirements:

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

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

- a. Contents of Preliminary Plat Application:

1. Information on all land which the applicant proposes to subdivide and all land immediately adjacent extending 300 feet therefrom or of that directly opposite thereto, extending 300 feet from the street frontage of such opposite land with the names of the owners as shown on the County Assessor's files. This information may be shown on a separate current Tax Map reproduction from the County Assessor's Office showing the subdivision superimposed thereon.
2. Ten (10) copies of the preliminary plat showing: (See subsection 01.04 for drawing requirements)
 - (a) The location of the property with respect to surrounding property and streets, the names of adjoining developments and the names of adjoining streets.
 - (b) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 - (c) The location of existing streets, easements, water bodies, streams and other pertinent features such as railroads, buildings, parks, cemeteries, and irrigation ditches.
 - (d) The location and width of all existing and proposed streets and easements, alleys, and other public ways and easement and proposed street rights-of-way and building setback lines.
 - (e) The location and dimensions and areas of all proposed or existing lots.
 - (f) The location and dimensions of all property proposed to be set aside for parks or playgrounds use or other public or private reservations with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
 - (g) The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owners and the name of the registered land surveyor.
 - (h) The date of the map and the location of all existing and proposed monuments.
 - (i) Proposed names of all new streets and name of the subdivision.
 - (j) Indication of the use of any lot (single-family, multi-family) and an indication of all uses other than residential proposed by the subdivider.
 - (k) The approximate boundaries, shown on the County's Flood Hazard Boundary Map of area subject to inundation or stormwater overflows of

Chairman

Date

3. Three (3) copies of general utility layout plans showing: (See subsection 01.04.02, paragraph b. for drawing requirements).

(a) Layouts of sewer and water lines and facilities and how they will tie into existing County facilities and lines.

(b) Approximate radii of all street curves, lengths of tangents and central angles of all streets and approximate grade to streets.

(c) Plans showing the locations of street pavements, drainage easements, rights-of-way, the location and size of existing and proposed sanitary sewers, stormwater drains and fire hydrants, showing connection to any existing or proposed utility systems, and approximate location and size of all water, gas electric, telephone or other underground utilities and structures.

(d) Location, size, elevation and other appropriate description of any existing facilities or utilities, including but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams and other pertinent features such as railroads, buildings, features noted on the Bent County Plan, at the point of connection to proposed facilities and utilities within the subdivision and each tree with a diameter of six (6) inches or more, measured twelve (12) inches above level. The water elevations of adjoining lakes or streams shall also be provided at the date of the survey and the approximately high and low water elevations of such lakes or streams. All elevations shall be referred to the U. S. G. S. datum plane.

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

(f) Notation of approval as follows:

.....
Owner Date

.....
Planning Commission Chairman Date

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

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

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

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

- (1) A copy of the application which will be submitted to the Water Court for a water right, change in water right, or plan of augmentation; or,

- (2) A copy of the decree for an existing water right which authorized the type of use required by the subdivision.

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

- (h) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed or disposal means and suitability where no central sewage treatment facility is proposed.
 - (i) Estimated construction costs and proposed method of financing of the streets and other facilities such as: water distribution system, sewage collection system, storm drainage facilities and such other utilities and improvements as may be required of the developer by the County.
 - (j) Adequate evidence from public or private utility companies that they can and will supply electricity or gas to the proposed subdivision stating the amount of gas or electricity available for use within the subdivision and the feasibility of extending services if no services presently exist in the area.
 - (k) A traffic study detailed enough to indicate the effect traffic flow will have on the subdivision and upon connecting streets and roads and intersection.
- 5. Be submitted to the Administrator prior to a regular or special meeting of the Planning Commission.
 - 6. Be accompanied by a fee of:

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

01.04.02 Drawing Requirements:

- a. Preliminary Plats:

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

b. **General Utility Layout Plans:**

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

01.04.03 **Public Hearing:**

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

01.04.04 **Notice to Other Governmental Entities:**

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

01.04.05 **Review of Preliminary Plat and General Utility Layout Plans:**

- a. The Administrator, after receipt of the Preliminary plat and the General Utility Layout Plans from the applicant, shall review such for fulfillment of the requirements of subsection 01.04.01 and 01.04.02 and may request the subdivider or his agent to provide any information not provided required in subsection 01.04.01. Failure of the applicant or his agent to provide requested information may be grounds for disapproval of the Preliminary Plat

by either the Planning Commission or the Board. The Administrator, after review, shall forward the Preliminary Plat and the General Utility Layout Plan with his written recommendations for approval, conditional approval or disapproval to the Planning Commission for their consideration at their next regularly scheduled meeting or a special meeting.

- b. The Planning Commission shall review the Preliminary Plat and the General Utility Layout Plans and the report of the Administrator and shall then advise the applicant of any required changes and/or additions. In its review of the Preliminary Plat and General Utility Layout Plans, the Planning Commission shall take into consideration the requirements of the zoning regulations of the County. The requirements for improvements in the subdivision regulations of this resolution, adopted County Land Use Policies, and the Bent County Master Plan.
- c. The Planning Commission shall approve, conditionally approve, or disapprove the Preliminary Plat within thirty (30) days after the date of receiving the Preliminary Plat and General Utility Layout Plans from the Administrator. This thirty (30) day period may be extended by joint agreement of the subdivider and the Planning commission. The Planning Commission's action on either approval, conditional approval, or disapproval shall be by resolution and be a recommendation to the County commissioners.
- d. The Planning Commission's resolution of recommendation shall be forwarded to the Board for their consideration within a thirty (30) day period. Immediately after the Planning Commission's resolution of recommendation, the Administrator shall fulfill all of the requirements of subsection 01.04.03 concerning notices of public hearing.
- e. After the public hearing, the Board shall review the Preliminary Plat and the General Utility Layout Plans, the recommendations of the Planning Commission, any governmental agency comments and testimony and exhibits submitted at the public hearing and then shall advise the applicant of any required changes and/or additions.
- f. In its review of the Preliminary Plat and the General Utility Layout Plans, the Board shall take into consideration the requirements of the zoning regulations of the County. Requirements for improvements in the subdivision regulations. Adopted County Land Use Policies and the Bent County Master Plan.
- g. The Board shall approve, conditionally approve, or disapprove the Preliminary Plat and the General Utility Layout Plans within thirty (30) days after the date of the meeting of the Board at which the public hearing on the Preliminary Plat, including adjourned date there, is closed. This thirty (30) day period may be extended by joint agreement between the Board and the applicant. One copy of the Preliminary Plan and the General Utility Layout Plans shall be returned

to the subdivider or his agent with the date of approval, conditional approval, or disapproval and the reasons therefore accompany the plat. The approval, conditional approval, or disapproval of the Preliminary Board and the General Liability Plans by the Board shall be by resolution.

01.04.06 Public Improvements:

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

01.04.07 Effective Period of Preliminary Plat Approval:

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

01.04.08 Zoning Regulations:

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

01.05 Final Plat Requirements

01.05.01 Application Procedure and Regulations

01.05.02 Contents of Final Plat Application

01.05.03 Drawing Requirements

01.05.04 Review of Final Subdivision Plat

01.05.01 Application Procedure and Regulations:

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

01.05.02 Contents of Final Plat Application:

1. Notation of any self imposed restrictions and locations of any building proposed to be established in this manner, if required by the Board in accordance with these regulations.
 2. All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof, or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per linear foot of the monuments.
- b. The applicant shall provide at least five (5) copies of Construction Plans showing: (See subsection 05.05.03 for drawing requirements).
1. Plans and profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown.
 2. Plans and profiles showing the locations and typical cross-sections of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants, showing connection to any existing or proposed utility systems, and exact locations and sizes of all water, gas, sewer, electric, telephone, or other underground utilities and structures.
 3. All specifications for sewer system design, water system design, street, curb, gutter and sidewalk design will follow the County's design specifications for those improvements, facilities and utilities.
- c. In addition, the applicant shall provide a site-grading and landscape plan for the entire subdivision.
- d. The Final Plat application shall:
1. Include the entire subdivision, or section thereof, which derives access from an existing State or County

2. Be accompanied by a minimum of four (4) copies of the subdivision plat and four (4) copies of the construction plans, as described in these subdivision regulations.
3. Comply in all respects to the approved, revised Preliminary Plat.
4. Be submitted to the Administrator prior to a regular or special meeting of the Board.
5. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, County uses, utilities, parts, and easements in a form approved by the County Attorney and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

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

By:.....
 Owner or Representative

Date:.....

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

6. Be accompanied by a surety bond, if required, in a form satisfactory to the County Attorney and in an amount established by the Board. The surety bond shall include a provision that surety shall comply with all the terms of the ordinance extending final subdivision plat approval by the Board, and shall include but not be limited to, the performance of all required subdivision and on-site improvements including the costs of extending and connecting water and sewer service and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the County free and clear of all liens and encumbrances.

2. A certification by a registered land surveyor. The certification shall read:

I, (surveyor's name), a duly registered land surveyor in the State of Colorado, so hereby certify that this plat of (subdivision name) truly and correctly represents the results of a survey made by me or under my direct supervision.

.....
Surveyor Seal

3. A certification by the Bent County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat. The certification shall read:

I hereby certify that I have examined the tax records for the property described hereon and find the property to be on this day of _____, 20__ A. D., at _____ o'clock _____ M., free and clear of encumbrances.

.....
Treasurer Seal

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

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

.....
Engineer Seal

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

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

.....
County Clerk Seal

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

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

.....
Bent County Clerk and Recorder

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

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

01.05.03 Drawing Requirements:

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

01.05.04 Review of the Final Subdivision Plat:

- a. After receipt of the final subdivision plat and the construction plans from the applicant by the Administrator, the Administrator shall review such for compliance with the requirements in subsection 01.05.02 and 01.05.03 of these regulations and forward the application and all accompanying documents to the Board for consideration at their next regular or special meeting.
- b. The Board shall approve, conditionally approve, or disapprove the final plat within thirty (30) days after receiving the application and accompanying documents from the Administrator. This thirty (30) day period may be extended by joint agreement of the applicant and the Board. The approval, conditional approval, or disapproval of the final plat by the Board shall be by resolution which shall set forth in detail any conditions to which the approval is subject. In the resolution, the Board shall stipulate the period of time when the performance bond shall be filed or the required improvements installed, whichever is applicable. In no event shall a surety agreement be submitted later than three (3) months from the date of final subdivision plat approval by