

## Title 19 ZONING

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## **19.04 General Provisions**

### **19.04.010 Purpose**

- A. The purpose of the provisions of Title 19 Zoning and the zoning districts and regulations set forth in it, and as outlined on the zoning map, is to provide for the orderly growth of the Town, to encourage the most appropriate use of land, to protect and conserve the value of property, to prevent the overcrowding of land, and to promote the health, safety, and general welfare of the public.
- B. The zoning districts and maps have been made with the consideration of future growth, development, and change in land development according to objectives expressed and mapped in the Rangely master plan, as well as with due consideration of existing development and uses of land in the town.
- C. The regulations and districts contained in Title 19 Zoning thus represent reasonable consideration as to the character of the land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greater possible use and enjoyment of land or individual properties, balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties, with the object of promoting and protecting the public welfare through the regulation of land use and the process of land development.

### **19.04.020 Application**

Title 19 Zoning shall apply to the organization and functions of the planning and zoning commission, zoning and rezoning of lands, and procedures for requesting variances within the of the Town.

### **19.04.030 Authorization cited**

Title 19 Zoning is authorized by Section 31-23-301 C.R.S. and is declared to be in accordance with all provisions of that statute.

### **19.04.040 Interpretation--Effect upon existing documents**

In interpreting and applying the provisions of Title 19 Zoning, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. This title is not intended to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, where this title imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this title Zoning shall govern.

### **19.04.050 Restrictions—Generally**

- A. Except as provided in Title 19 Zoning, no building or structure shall be erected, moved, altered, or extended, and no land, building, or structure, or part thereof, shall be occupied or used unless in conformity with the regulations specified in this title for the district in which it is located.
- B. No yards or lots existing at the time of the adoption of said Title shall hereafter be reduced below the minimum dimensions or area required by said title.
- C. No portion of a lot, area, open space, off street parking space or yard required about or in connection with any building for the purposes of complying with said Title may be included as a portion of a lot

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area, an open space, off-street parking area or yard similarly required for any other building or its use except as provided under planned unit developments.

**19.04.060 Jurisdiction**

The territorial jurisdiction of Title 19 Zoning, pursuant to Section 21.23.212 C.R.S., shall include all land located within the legal boundaries of the Town and shall be limited only to control with reference to a major street plan and not otherwise, and shall also include all land lying within three miles of the Town and not located within any other municipality.

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## 19.08 Definitions

- 19.08.010 Construction The words and terms used, defined, interpreted, or further described in this title may be construed as follows:
1. The word “lot” includes “plot” or “parcel”.
  2. “Occupied” or “used” shall be construed to also include “intended, arranged, or designed to be used or occupied.”
- 19.08.020 General application. The specific words and terms designated in this chapter are defined as set forth in Sections 19.08.030 Accessory buildings, structures through 19.08.670 Use by right of this Chapter.
- 19.08.030 Accessory buildings, structures. “Accessory buildings or structures” means a building or structure on the same lot with the building or structure housing the principal use, but housing a use customarily incidental and subordinate to and customarily associated with the principal use.
- 19.08.040 Accessory use. “Accessory use” means a use customarily associated with, but subordinate to the principal use on the same zone lot.
- 19.08.050 Advertising device, outdoor. “Outdoor advertising device” means a building or structure either independent of or attached to another building or structure and which is shaped, painted, or made in such a way as to advertise a commodity, place, or service or to support a pasted, painted or attached advertisement for any commodity, place, or service.
- 19.08.060 Alley. “Alley” means a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.
- 19.08.070 All-weather surface. “All-weather surface” means a surface approved by the town engineer and consisting either of a concrete or asphalt pavement or of crushed rock or road base covered with gravel (Class VI per Colorado State Highway specifications).
- 19.08.080 Building. “Building” means any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including vehicles situated on private property and used for purposes of a building, but excluding fences.
- 19.08.090 Building height. “Building height,” means the vertical distance as measured from the average finished grade at the building setback lines to the point lying one-half (1/2) of the distance between the lowest and highest points of the roof.
- 19.08.100 Building, principal. “Principal building” means a building in which is conducted the main or principal use of the lot on which said building is situated.
- 19.08.110 Business. “Business” means the engaging in of purchase, sale, barter, or exchange of goods, wares, merchandise, or service; the maintenance or operation of offices or recreational or amusement enterprises.
- 19.08.120 Commission. “Commission” means the Rangely planning and zoning commission.
- 19.08.130 Comprehensive development plan. “Comprehensive development plan” means the comprehensive development plan or master plan for the town, which has been officially adopted to provide long-range development policies for the town.
- 19.08.140 Dwelling, multi-unit or multi-family. “Multi-unit, multi-family dwelling” means a building used by two or more families living independently of each other in separate dwelling units, but not including hotels or motels.
- 19.08.150 Dwelling, single-family. “Single-family dwelling” means a detached principal building other than a mobile home designed for and used as a dwelling exclusively by one family as an independent living unit.

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- 19.08.160 Dwelling unit. "Dwelling unit" means one room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a monthly or longer basis.
- 19.08.170 Equivalent performance engineering basis. "Equivalent performance engineering basis" means that by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for other single family housing units.
- 19.08.180 Family. "Family" means one or more persons occupying a common household, but not including boarding houses or rooming houses, lodges, clubs, hotels, or fraternities.
- 19.08.190 Fence. "Fence" means a freestanding structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, used for confinement, screening or decorative purposes.
- 19.08.200 Frontage. "Frontage" means that portion of a lot, parcel, tract or block abutting upon a street.
- 19.08.210 Garage, commercial or public. "Commercial, public garage" means any building or structure where automobiles, trucks, or commercial vehicles are stored, repaired, painted or equipped for a remuneration.
- 19.08.220 Garage, private. "Private garage" means a detached accessory building or portion of a main building used for the storage of vehicles where the capacity does not exceed three vehicles per family. No more than one-third of the total number of vehicles stored in such garage shall be commercial vehicles.
- 19.08.230 Gas station. "Gas station" means a place where motor vehicle fuels are sold at retail.
- 19.08.240 Floor area, gross. "Gross floor area," means the sum of all of the roofed-over floor areas of a building, measured from its exterior walls, and including all accessory buildings on the same lot.
- 19.08.250 Home occupation. "Home occupation" means any use customarily performed within a dwelling by the inhabitants thereof, but which is incidental to the residence use. Such home occupation use shall have no external evidence, except a sign as permitted in Chapter 19.44 Signs and Outdoor Advertising Devices of Title 19 Zoning.
- 19.08.260 Hotel. "Hotel" means a building containing sleeping rooms designed to be rented for a short-term occupancy and which may or may not have eating or drinking facilities as an accessory use.
- 19.08.270 Junk. "Junk" means scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc, and all other scrap metals and their alloys, boxes, rags, used cloth, used rubber, used rope, used tin foil, used bottles, old cotton, used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane parts and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition; and all other products subject to being dismantled or recycled.
- 19.08.280 Junkyard. "Junkyard" means a building, structure or parcel of land or portion thereof used for the collection, storage, or sale of junk.
- 19.08.290 Kennel. "Kennel" means any building, structure or open space devoted wholly or partially to the raising, boarding, or harboring of four or more animals that are over three months old.
- 19.08.300 Lot. "Lot" means a parcel of land occupied or designed to be occupied by one or more buildings, structures or uses arranged so as to meet all of the requirements of this title, and facing upon a public street. A lot may or may not coincide with plots or a subdivision plat.
- 19.08.310 Lot area. "Lot area" means total horizontal area within the lot lines of a lot.
- 19.08.320 Lot, corner. "Corner lot" means a lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed one hundred thirty-five (135) degrees.

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- 19.08.330 Lot coverage. "Lot coverage," means the percent of the total lot area available for bulk or buildings.
- 19.08.340 Lot depth. "Lot depth," means the average horizontal distance between front and rear lot lines.
- 19.08.350 Lot, double frontage. "Double frontage lot" means a lot which runs through a block from street to street and which has two (2) nonintersecting sides abutting on two (2) or more streets.
- 19.08.360 Lot line, front. "Front lot line" means the property line dividing a lot from the right-of-way of the street. For a corner lot, the front lot line shall be designated by the building inspector after considering orientation and setbacks of existing residences; the remaining lot line facing the street shall be subject to setbacks designated for "side yards facing streets", Section 19.32.020 Yard and bulk requirements of this Title.
- 19.08.370 Lot line, rear. "Rear lot line" means, except on a double frontage lot, the property line opposite the front lot line.
- 19.08.380 Lot line, side. "Side lot line" means any lot line other than a front or rear lot line.
- 19.08.390 Lot width. "Lot width" means the distance on a horizontal plane between the side lot lines on a lot measured at right angles to the line establishing the lot depth at the established building setback line.
- 19.08.400 Manufactured home. "Manufactured home" means a single family dwelling which:
1. Is partially or entirely manufactured in a factory;
  2. Is not less than twenty (20) feet in width and twenty-four (24) feet in length;
  3. Is installed on an engineered permanent foundation;
  4. Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof;
  5. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended;
  6. Meets or exceeds on an equivalent performance engineering basis, standards established by the Building Code;
  7. Is skirted or has a permanent perimeter enclosure at its base.
- 19.08.410 Motel. "Motel" means a hotel which usually is arranged in such a manner that individual guestrooms are directly accessible from an automobile parking area.
- 19.08.420 Nonconforming. "Nonconforming" means legally existing at the time of passage of the provisions of title 19 Zoning, but failing to meet all the requirements of this title or any amendment thereto.
- 19.08.430 Off-street loading area. "Off street loading area" means a space located outside of a public street or alley for the discharge of passengers, or a space directly accessible to the building it serves for bulk pickup and deliveries of delivery vehicles.
- 19.08.440 Off street parking area. "Off street parking area" means any parking area located wholly within the limits of one (1) or more lots.
- 19.08.450 Office. "Office" means a room or group of rooms in which business, financial, professional or governmental administration and/or services are conducted, including legal, medical, banking, real estate sales, and other such services. Office use does not include activities such as retail sales, amusement services, medical clinics, repair services or product processing or fabrication.
- 19.08.460 Parking space. "Parking space" means a rectangular area containing not less than two hundred (200) square feet with maneuvering and access space required for the standard American automobile to park within the rectangle.
- 19.08.470 Parsonage. "Parsonage" means a single-family dwelling or manufactured home as defined in this Chapter 19.08 Definitions owned by the church for its pastor and located adjacent to or in the immediate proximity of the church structure.
- 19.08.480 Permitted use. "Permitted use," means a use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

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- 19.08.490 Plat. "Plat" means a subdivision as it is represented as a formal document by drawings and writing.
- 19.08.500 Public hearing. "Public hearing" means a meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express its opinions.
- 19.08.510 PUD (planned unit development). "PUD (planned unit development)" means a project of a single owner or a group of residences or businesses or industries and associated uses, planned as a single entity and, therefore, subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located in separate lots.
- 19.08.520 Right-of-way, private. "Private right-of-way" means all streets, roadways, sidewalks, alleys, and all other areas reserved on private property for present or future use by vehicles and pedestrians in a mobile home park. Any street or roadway less than twenty (20) feet in width shall be deemed one-way.
- 19.08.530 Right-of-way, public. "Public right-of-way" means all streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public as a matter of right for the purpose of vehicular or pedestrian travel.
- 19.08.540 Screening. "Screening," means decorative fencing, evergreen hedges, or earth berms maintained for the purpose of concealing from view the area behind such screening.
- 19.08.550 Setback. "Setback" means the distance required by this title between the exterior wall of a building and the lot line opposite that wall measured perpendicular from such lot line.
- 19.08.560 Special review use. "Special review use" means a use that would not impair the public health, safety, or welfare in one (1) or more zones, but would impair the integrity of the character of the zone in which it is located or in adjoining zones unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulations.
- 19.08.570 Street. "Street" means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and placement of utilities and including the terms "road," "highway", "lane," "place," "avenue," or other similar designation, but not including the term "alley".
- 19.08.580 Street, cul-de-sac. "Cul-de-sac street" means a local street having one end open to vehicular traffic and having one end closed and terminated by a turnaround.
- 19.08.590 Streets, arterial. "Arterial streets" means streets serving major traffic movements, which are designed primarily as traffic carriers, which may or may not stop in the town area.
- 19.08.600 Streets, collector. "Collector streets" means streets that carry traffic from local streets to the arterial system.
- 19.08.610 Structural alteration. "Structural alteration" means any addition to or subtraction of parts of a building, including walls or partitions, foundations, columns, beams, girders, or any structural change in the roof.
- 19.08.620 Structure. "Structure" means anything constructed or erected with a fixed location from the ground, not including utility poles and flagpoles or fences less than four feet high.
- 19.08.630 Subdivider (or developer). "Subdivider, developer" means any person, partnership, joint venture, association, corporation, person in a representative capacity, or other legal entity or legal representative who participates in any manner in the dividing of land for the purpose, whether immediate or future, of sale or building development.
- 19.08.640 Subdivision. "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, business or other use. The term also includes and refers to any division of land previously subdivided or platted.
- 19.08.650 Unimproved parking area. "Unimproved parking area" means any parcel of land, lot, or area used for parking but not provided with a durable and dustless surface.

19.08.660 Use. "Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

19.08.670 Use-by-right. Use-by-right. Means any use listed as the principal permitted use in this title in any given zone district.

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## **19.12 Zoning Districts and Map**

### **19.12.010 Established**

In order to implement the provisions of this title, the Town establishes the following basic zoning districts as set forth in this Chapter.

### **19.12.020 Residential elements**

Residential districts are as follows:

- A. R-7500. This district is composed of single-family detached dwellings of one (1) or two (2) stories, constructed on lots of seven thousand five hundred (7,500) square feet or larger with a minimum average width of seventy-five (75) feet. This category includes conventional types of residential development with each lot fronting on a public street with full standard improvements. Multi-unit dwellings are permitted at a density not to exceed one (1) unit in each seven thousand five hundred (7,500) square feet of gross land area.
- B. R-5000. This district is composed of single-family dwellings of one (1) or two (2) stories constructed on lots of five thousand (5,000) or more square feet, each with a minimum average width of fifty (50) feet. The dwellings constructed on these lots may be of conventional detached design, "zero-lot-line," "patio," or other forms of single-family dwellings. Multi-unit dwellings are permitted at a density not to exceed one (1) unit in each five thousand (5,000) square feet of gross land area.
- C. R-3500. This district is composed of duplex, semi-attached, fourplex (4) or townhouse dwellings at a maximum density of one unit per three thousand five hundred (3,500) square feet of gross land area. The uses permitted under subsections A and B are also permitted within this district, provided, that those uses meet with the particular density requirements of subsections A and B. Multi-unit dwellings are permitted at a density not to exceed one (1) unit in each three thousand five hundred (3,500) square feet of gross land area.
- D. R-2000. This district is composed of apartments at a maximum density of one (1) unit per two thousand (2,000) square feet of gross land area in two (2) story or three (3) story buildings. These dwellings could be either rental units or individually owned condominium units. Uses permitted in subsections A through B are also permitted in this district; provided, that those uses meet the particular density requirements of subsections A through B. Also, included within this district are special review use mobile home parks in accordance with the special review use provisions of Title 17 Mobile Homes and Recreational Vehicles.
- E. M-2. This district is a mobile home subdivision primarily. Mobile homes and single-family dwellings may be placed in this district at a maximum density of one (1) unit per five thousand (5,000) square feet of gross land area. Single-family homes may also be placed in this district at the same density.
- F. Federally or state-subsidized housing for the elderly may be placed in any residential district at a density not to exceed one (1) unit per two thousand (2,000) square feet of gross land area, and subject to special review approval.
- G. RR. This district is comprised of areas which are in primarily a natural and open state and not yet ready for high density development, or areas utilized for large lot single-family development, or areas utilized for non-commercial ranching, farming, forestry and animal husbandry, and areas where similar residential and agricultural activities are practiced.

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**19.12.030 Commercial elements**

Commercial districts are as follows:

- A. Town Center Commercial. The purpose of this district is to provide for a full range of retail and service facilities, and multiple dwellings convenient to expanding residential areas.
- B. Highway Commercial. This district is comprised of commercial establishments, catering to the needs of travelers, such as service stations, restaurants, motels, and related highway commercial uses.
- C. Commercial Recreation. This district is comprised of areas for certain forms of commercial recreation, including travel trailer parks, recreational vehicle parks, amusement parks, and commercial stables.

**19.12.040 Industrial and other elements**

Industrial and other districts are as follows:

- A. Industrial Park. This district is comprised of areas conceived of as being developed on an integrated, preplanned basis, with streets, landscaping, site and building designs controlled to achieve harmony with the urban surroundings. Distribution, storage, processing and light manufacturing are appropriate to these locations. The following restrictions shall apply:
  - 1. No less than five percent (5%) of the lot area of an industrial park is to be landscaped, and such landscaping plans shall be approved by the planning and zoning commission.
  - 2. There shall be provided screened parking and storage.
  - 3. No uses shall be objectionable by reason of noise, smoke, glare, vibration, odor, or dust.
- B. Light Industry. This district is comprised of areas, which are primarily developed for non-offensive types of light industry, such as corporation yards, fabrication and repair enterprises.
- C. Agricultural. This district is comprised of areas which are primarily in a natural state, of areas utilized for growing of crops and plant materials, or where similar farming activities are practiced.
- D. Cemetery. This district is comprised of areas primarily used for cemeteries.
- E. Planned Unit Developments. This area is for the commingling use of land within a designated area as authorized by the planning and zoning commission, the board of trustees, and the provisions of Title 18 Subdivisions applying to planned unit development.

**19.12.050 Zoning map—Established**

The location and boundaries of the zoning districts established in this chapter are shown on the map entitled “Official Zoning Map of the Town of Rangely, Colorado,” and signed by the mayor and the Town clerk and hereafter referred to as the “zoning map”.

**19.12.060 Zoning map--Adopted by reference**

The zoning map and all the notations thereon are hereby made a part of the provisions of this title 19 Zoning. The signed copy of the zoning map containing the zoning districts designated at the time of the adoption of the provisions of Title 19 Zoning shall be maintained on file in the office of the County clerk. Changes made in district boundaries or other matter portrayed on the official zoning map shall be made in accordance with the provisions of this title and the Colorado Revised Statutes. Changes shall be entered on the official zoning map promptly after the amendment has been approved by the board of trustees with an entry on the official zoning map. No amendment to this title, which involves matter portrayed on the official zoning map, shall become effective until after such change entries have been made on said map.

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**19.12.070 Zoning map—Boundaries**

The district boundary lines shown on the zoning map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Unless otherwise specified on the official zoning map, zone boundaries shall be construed to lay on the centerline of streets, highways, and alleys; on lot lines or platted subdivisions; on the boundary lines of zoning districts or incorporated areas or on section lines.
2. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the centerline. The centerline shall be interpreted as being midway between the shorelines.
3. Where, due to the scale, lack of detail, or illegibility of the zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application, or upon its own motion by the board of zoning adjustment after recommendation by the planning and zoning commission.
4. Where a district divides a land parcel under a single ownership into two (2) districts, the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries; provided that the boundary adjustment is a distance of less than twenty (20) feet. If the adjustment involves a distance of more than twenty (20) feet, the procedures for a district change shall be followed.

**19.12.080 Provisions application to manufactured homes**

In all zoning districts and permitted use designation, the term “single family dwelling” shall include a manufactured home as previously defined under this title, and a manufactured home shall be subject to all applicable zoning requirements, including but not limited to setbacks, side yards, height restrictions, and other provisions applicable generally to single family dwellings.

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## 19.16 Permitted Uses

### 19.16.010 Principal permitted uses

The schedule of uses set forth in this chapter pertaining to the various zoning districts is hereby adopted and declared to be part of this title, and may be amended in the same manner as any other part of this title.

### 19.16.020 Zoning districts

In each zoning district, any use group category not expressly listed as permitted by right by special review shall be deemed to be not permitted. If doubt should arise as to whether a specific use falls within one or more of the use groups listed in the table of permitted uses, an applicant may request that the planning and zoning commission make a finding relative to the use. Uses expressly permitted are designated "P." Those permitted by special review use approval are designated "R." Those not permitted are designated "N".

### 19.16.030 Table of permitted uses

The following uses and use categories are established for the herein designated zones within the Town:

TABLE OF PERMITTED USES

Legends: R -- Special preview use  
P -- Permitted use  
N -- Not permitted

Zones	R7500	R5000	R3500	R2000	M2	TCC	HC	CR	IP	LI	PUD	RR
Permitted Uses												
Noncommercial agriculture and animal husbandry	N	N	N	N	N	N	N	N	N	N	N	P
Agriculture or commercial crop or animal production	R	R	R	R	R	N	N	N	R	R	R	R
Single-family dwellings	P	P	P	P	P	P	N	N	N	N	R	P
Duplex Dwellings	P	P	P	P	N	P	N	N	N	N	R	N
Multiunit dwellings	R	R	R	R	N	R	R	N	N	N	R	N
Boardinghouses & lodging houses	R	R	R	R	N	R	R	N	N	N	R	N
Mobile home parks	N	N	N	R	N	R	N	N	N	N	N	N
Mobile Home Subdivisions	N	N	N	N	R	N	N	N	N	N	N	N
Hotels, motels, (including restaurants and other incidental commercial uses inside the principal building)	N	N	N	N	N	R	R	R	R	R	R	N

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<b>Zones</b>	<b>R7500</b>	<b>R5000</b>	<b>R3500</b>	<b>R2000</b>	<b>M2</b>	<b>TCC</b>	<b>HC</b>	<b>CR</b>	<b>IP</b>	<b>LI</b>	<b>PUD</b>	<b>RR</b>
Public and private Schools (other than children's homes, nurseries, and day care schools, vocational and business schools)	R	R	R	R	N	R	N	N	N	N	R	N
Children's homes, nurseries, and daycare schools	R	R	R	R	N	R	N	N	N	N	R	N
Vocational and Business schools	N	N	N	N	N	R	R	R	R	R	R	N
Commercial greenhouses	N	N	N	N	N	N	N	N	R	R	R	R
Riding Stables	N	N	N	N	N	N	N	R	R	R	R	R
Hospitals	R	R	R	R	N	R	R	N	N	N	R	N
Nursing and retirement homes, senior citizens' housing	R	R	R	R	N	R	R	N	N	N	R	N
Churches, chapels, temples and synagogue	R	R	R	R	N	R	R	R	N	N	R	R
Parsonage	R	R	R	R	N	R	R	R	N	N	R	R
Recreational and social facilities (parks, playfields, playgrounds, tennis clubs, swimming clubs and golf courses	R	R	R	R	N	R	R	R	R	R	R	R
Campgrounds, camper parks, recreational vehicle parks	N	N	N	N	N	R	N	R	R	R	N	R
Gun clubs, shooting ranges	N	N	N	N	N	N	R	R	N	N	R	R
City, county, state & federal uses/buildings	R	R	R	R	N	R	R	R	R	R	R	R
Private & public utility uses	R	R	R	R	N	R	R	R	R	R	R	R
Municipal sewage & water treatment plants & solid waste disposal sites & facilities	N	N	N	N	N	N	N	N	R	R	N	R
Airports/heliports	N	N	N	N	N	N	N	N	R	R	R	R
Cemeteries	R	R	R	R	N	R	R	R	R	R	R	R

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<b>Zones</b>	<b>R7500</b>	<b>R5000</b>	<b>R3500</b>	<b>R2000</b>	<b>M2</b>	<b>TCC</b>	<b>HC</b>	<b>CR</b>	<b>IP</b>	<b>LI</b>	<b>PUD</b>	<b>RR</b>
Mortuaries & funeral chapels	R	R	R	R	N	R	R	N	N	N	N	N
Personal services including, but not limited to, barbershops, beauty shops, dry cleaning outlets, self service laundries, shoe repair shops, & similar activities	N	N	N	N	N	R	R	N	N	N	R	N
Establishments for retailing of convenience goods, including, but not limited to, variety, supermarkets, hardware, sporting goods, shoe, drug stores	N	N	N	N	N	R	R	N	N	N	R	N
Establishments for the retailing of shoppers' goods, including, but not limited to, department stores, or major convenience goods stores.	N	N	N	N	N	R	R	N	N	N	R	N
Furniture & appliance repair	N	N	N	N	N	R	R	N	N	R	R	N
Establishments for a wide variety of commercial Uses including, but not limited to, animal hospitals, kennels, public garages, car washes, cleaning & laundry plants, cold storage lockers, nursery stock production & sales, building material & equipment dealers, welding services & wholesaling services	N	N	N	N	N	R	R	R	R	R	R	N
Medical and dental clinics, professional and business offices, financial institutions	R	R	R	R	N	R	R	N	R	R	R	N
Membership clubs	N	N	N	N	N	R	R	R	N	N	R	R
Indoor eating & drinking establishments	N	N	N	N	N	R	R	R	R	R	R	N

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<b>Zones</b>	<b>R7500</b>	<b>R5000</b>	<b>R3500</b>	<b>R2000</b>	<b>M2</b>	<b>TCC</b>	<b>HC</b>	<b>CR</b>	<b>IP</b>	<b>LI</b>	<b>PUD</b>	<b>RR</b>
Indoor commercial amusement Establishments	N	N	N	N	N	R	R	R	R	R	R	N
Outdoor commercial amusement	N	N	N	N	N	N	R	R	N	N	R	N
Outdoor sales and repair (automobile, mobile home, appliances, eating and drinking establishment etc).	N	N	N	N	N	R	R	N	R	R	R	N
Automobile parking lots	N	N	N	N	N	R	R	R	R	R	R	N
Automobile parking Spaces (municipal & commercial)	N	N	N	N	N	R	R	R	R	R	R	N
Gasoline Service Stations	N	N	N	N	N	R	R	R	R	R	R	N
Automobile Repair Garages	N	N	N	N	N	R	R	R	R	R	R	N
General research facilities	N	N	N	N	N	R	R	N	R	R	R	N
Salvage yards & extractive industries	N	N	N	N	N	N	N	N	R	R	N	R
Accessory buildings & uses	P	P	P	P	P	P	P	P	P	P	P	P
Commercial/ industrial uses including, but not limited to, building contractor's equipment yards, transportation centers & service & warehouses	N	N	N	N	N	R	R	N	R	R	R	N
Facilities for the manufacturing, fabrication processing or assembly of products; provided that such facilities are completely enclosed; & provided that no affects from noise, smoke, glare, vibration, fumes, or other environmental factors are measurable at the property line	N	N	N	N	N	N	R	N	R	R	N	N

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## **19.18 Site Plan, Special Review Requirements**

### **19.18.010 Applicability and procedure**

There regulations shall apply to all special review uses within any zone situated within the Town. Prior to the consideration of any special review use application by the planning and zoning commission and the board of trustees, an application with the information set down in Section 19.18.030 Architecture--Amenities of this Chapter or as otherwise required by the planning and zoning commission shall be submitted to the Town manager. Applications shall be deemed to be complete as determined by said manager. Complete special review use applications shall be submitted a minimum of seven (7) days in advance of the next scheduled meeting of the planning and zoning commission.

### **19.18.020 Plan requirements for special review use applications**

Said office is available to assist applicants in determining what information is appropriate for a specific application. Unless waived as per the provisions of Section 19.18.040 Waiver of plan and architectural requirements of this Chapter , the following information shall be submitted for special review use approvals: two (2) copies of a site plan drawn to a scale of one (1) inch equals twenty (20) feet, one (1) inch equals forty (40) feet, or one (1) inch equals fifty (50) feet, whichever is deemed appropriate by said office and submitted on sheets measuring a minimum of twenty-four (24) by thirty-six (36) inches, and containing the following information:

1. A title block, situated in the lower right hand corner of each page, indicating the property owner, applicant, the drawing date (including revision dates), plan title, and name of the engineers/architects or draftsmen.
2. North arrow;
3. Written and graphic scale;
4. The original signature and seal of the professional engineer and/or land surveyor and/or architect responsible for the submissions. Survey information shall conform to standards set down by the Colorado State Board of Registration for Professional Engineers and Land Surveyors;
5. A location map at the scale of one (1) inch equals four hundred (400) feet showing surrounding properties within three hundred (300) feet of the subject site, and including roads, watercourses, zone boundaries, and zoning designations;
6. Square footage of the property; building coverage expressed in square feet, and as a percentage of gross land area;
7. Existing improvements, including all structures, utility poles, stonewall, fences, wells, septic systems, etc., both above and below ground;
8. Names and addresses of all owners of properties within three hundred (300) feet of the subject property as determined from the most recent county assessor's records;
9. Existing and proposed contours at two (2) foot contour intervals, including topographic bench marks, based on USGS datum;
10. The size and location of all existing and proposed public and private utility and access easements or other rights-of-way;
11. Dimensions of proposed structures, including basement and first floor elevations, relative to USGS datum;
12. Location, dimensions, and names of adjacent streets, and proposed internal streets showing centerline radii and curb return radii; location and dimensions of bike/pedestrian paths and walkways shall be shown;
13. The proposed layout of parking facilities, including locations and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indication of

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- direction of travel; also, standard sectional details. A breakdown of parking requirements shall be provided in tabular form, in conformance with Chapter 19.40 Off street parking and loading;
14. The location of all exterior lighting, signage, and fencing used to divide properties and to screen mechanical equipment and trash containers.
  15. Existing specific physical site features, including drainage ways, irrigation canals, etc., and within fifty (50) feet of the site;
  16. The location of all existing trees greater than four (4) inches caliper, with an indication as to those which are to be retained on the property; also, the location and dimensions of landscaped areas, location and names of all proposed plant material and ground cover, and the location of other pertinent landscape features;
  17. Location of all existing and proposed recreational amenities, such as open play areas, swimming pools, tennis courts, tot lots, and similar facilities;
  18. Wastewater or septic systems, water supply, and irrigation systems, including details and specifications, and invert and top-of-frame elevations
  19. Sediment and erosion control measures;
  20. Storm drainage system design, including invert and top-of-frame elevations, pipe sizes, standard details, and supportive computations and runoff calculations based on existing and post-development conditions.

**19.18.030 Architecture-Amenities**

Special review use applications for new structures or major additions to existing structures shall be accompanied by architectural plans of all buildings, structures, signs, lighting standards, and other amenities, in particular:

1. Building exterior elevations and perspective drawings, including building materials and color;
2. Building floor plans with details of how each area is to be utilized;
3. Lighting standard perspectives and specifications;
4. Sign details, perspectives, and dimensions (demonstration of compliance with Chapter 19.44 Signs and Outdoor Advertising Devices;
5. Special site amenity details (sidewalks, stone paving, fencing, etc.);
6. Landscaping, with emphasis on dry land landscape treatment.

**19.18.040 Waiver of plan and architectural requirement**

Depending on the nature of the proposal, the planning and zoning commission may, by majority vote, waive the submission of any part of the information required under Sections 19.18.020 Plan requirements for special review use applications and 19.18.030 Architecture--Amenities of this Chapter if it finds that special conditions exist, which justifies such waiver.

**19.18.050 Special review use approval-When required**

No building or use specified in Chapter 19.16 Permitted Uses of Title 19 Zoning as requiring a special review use shall be built or established, or expanded by more than twenty (20%) percent of its gross floor area (calculated as the sum of expansions of the gross floor area since 1982) without first receiving a special review use approval by the planning and zoning commission. New uses may occupy existing structures without a special review use approval provided such uses:

1. are similar to those which occupied the structure prior to vacating the premises;
2. do not have parking requirements which differ from those for the use vacating the premises;
3. conform with Chapter 19.16 Permitted Uses; and

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4. obtain a sign permit pursuant to Chapter 19.44 Signs and Outdoor Advertising Devices of Title 19 Zoning.

**19.18.060 Special review use procedures**

In addition to the plan and architectural plan requirements of Sections 19.18.020 Plan requirements for special review use applications and 19.18.030 Architecture--Amenities of this Chapter, any special review use application shall show not only owners of abutting properties but also owners of properties located within three hundred (300) feet of the subject property. The planning and zoning commission shall conduct a public hearing on any special review use application within thirty five (35) days of acceptance of a completed application by the office of community development or such other office as designated by the Town manager. Notice of such hearing shall be published in a newspaper having general circulation in the Town at least ten (10) days in advance of the hearing and shall be mailed to property owners within three hundred (300) feet of the subject property at least seven (7) days in advance of the hearing. The commission shall either approve, approve with conditions or modifications, or deny such application within thirty-five days of the public hearing. Any denial of a special feview use may be appealed to the board of trustees within ten (10) days of the planning and zoning commission action. The board shall apply the hearing and approval requirements of Section 19.18.070 Approval criteria in this Chapter to any action that it takes.

**19.18.070 Approval criteria**

In approving any special review use application; the planning and zoning commission shall consider the following criteria:

1. That the proposal is consistent with Rangely Master Plan;
2. That the proposal is compatible with existing neighborhood uses;
3. That there is no adverse impact on public services, such as police and fire protection, drainage, water supply, and sanitary sewer service;
4. That the requirements of all applicable sections of this title have been met;
5. That vehicular and pedestrian ingress and egress and internal vehicular and pedestrian traffic patterns are safe and suitable and have been designed to maximize safety and convenience and avoid hazards and congestion; that all curb cuts have adequate sight lines and separating distances from street intersections;
6. That off street parking and loading and drainage improvements are adequate to promote public safety and to prevent flooding;
8. That potential nuisances, such as noise, vibration, air pollution, and glare, have been avoided;
9. That buffering and landscaping adequately complement building architecture and enhance neighborhood compatibility and aesthetics;
10. That the building and site architecture are not excessively similar, nor excessively dissimilar to existing structures in the immediate neighborhood;
11. That the location and size of the proposed use and the nature and intensity of use in relation to the size of the site will be in harmony with the orderly development of the area and compatible with other existing uses.

**19.18.080 Conditions for issuance of building permits and certificates of occupancy**

The building official may issue a building permit and ultimately a certificate of occupancy only when he finds that the conditions of a special review use approval have been fulfilled.

1. In the event that site improvements and amenities and any other conditions of said approval cannot be completed due to seasonal constraints or for other reasons, the building official shall require a

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bond or other appropriate form of guarantee necessary to insure within a period of time certain established by the building official completion of such improvements and satisfaction of any such other conditions.

2. In lieu of a bond or other appropriate form of guarantee the planning and zoning commission shall cause a contract to be executed between the developer or permittee and the Town describing the improvements and amenities to be completed and such other conditions of the special review use approval to be satisfied and containing a schedule for the phasing of such improvements, amenities, and conditions. The obligations and covenants under this contract shall be binding upon all successors and assigns of the developer or permittee.
3. All deferred improvements, amenities, and conditions shall be completed within a period not to exceed a period of five (5) years from the date of the issuance of a certificate of occupancy. In the case of a contract as described in subsection 2. herein, failure by the developer or permittee to complete any or all of the improvements and amenities and satisfy the conditions as described in said contract shall be deemed a violation or violations of the this Code, and the Town may cite the developer or permittee into the municipal court for said violation or violations. Each such developer or permittee shall be guilty of a separate violation for each and every day such developer or permittee is in violation of said contract shall be deemed a separate offense. The Town may further have the right to bring causes of action or suit for injunctive relief or specific performance as the Town may elect.

**19.18.090 Revisions**

Any substantial revision of an approved special review use application shall require the approval of the planning and zoning commission. Minor changes of an approved plan may be made, with the concurrence of the planning and zoning commission chairman and Town manager or his designee, provided the changes do not affect the overall layout, design, density, or overall nature of the approved site plan.

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## **19.22 Planned Unit Development**

### **19.22.010 Purpose**

These planned unit development provisions of Title 19 Zoning are adopted to further the following objectives:

1. To encourage a more efficient use of land and public or private services and to reflect changes in the technology of land development so that maximum benefits may accrue to the community;
2. To better relate the type, design, and layout of residential and commercial development to a particular site, while encouraging preservation of the site's natural characteristics, minimizing adverse visual impacts, promoting energy conservation, and maximizing the preservation of open space;
3. To integrate residential, commercial, recreational, industrial, and community facilities, so as to provide optimum transportation efficiencies and population distribution and to enhance pedestrian access and movement;
4. To provide a more flexible mechanism for the development of quality site layouts and superior architectural designs, while granting to the private developer densities higher than those normally allowed under conventional zoning. 19.22.020 State act superseded. Pursuant to the provisions of 24-67-107(1) CRS, 1973, as amended, the "Planned Unit Development Act of 1972" is hereby superseded as of the effective date of this chapter, and the provisions of the chapter shall henceforth govern planned unit development (PUDs) in the Town.

### **19.22.030 Definitions**

- A. "Common open space" means a parcel of land, an area of water, or combination of land and water within the site designed for a planned unit development designed and intended primarily for the use or enjoyment of residents, occupant, and owners of the planned unit development.
- B. "Plan" means the provisions of development of a planned unit development, which may include, and need not be limited to, easements, covenants, and restrictions relating to use, location, design, height and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities, common open space, and other public facilities. "Provisions of the plan" means the written and graphic materials describing items referred to in this definition.
- C. "Planned unit development" or "PUD" means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, and the plan for which may not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

### **19.22.040 Planned Unit Development Standards**

- A. PUD Zone. Development of land in accordance with this chapter shall take place only on land which has been zoned PUD under the procedures outlined in Chapter 19.64 Amendments of Title 19 Zoning. A PUD zone change shall be applied for concurrent with a special review use application pursuant to Chapter 19.18 Special Review Requirements of Title 19 Zoning and this Chapter, and a PUD zone shall be established in conjunction with a specific application. Notwithstanding, the board of trustees may, by its own action, establish PUD zones in furtherance of sound planning practice.

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- B. Minimum Site. Any parcel or parcels of land to be developed under this chapter shall be no less than one (1) acre in size, unless the planning and zoning commission and board of trustees finds that one (1) or more of the following conditions exists:
1. That the parcel (or parcels) contains unusual topographic features such that a waiver of the minimum size requirements will preserve the physical or topographic feature, while allowing appropriate development of the balance of the parcel;
  2. That the property is adjacent to or across the street from property, which has been developed as a PUD, and it has been determined that the PUD will contribute to the maintenance of the amenities and the values of the neighboring property.
- C. Waiver. It is the intent of this chapter to encourage development, which may not normally conform to the strict application of the provisions of Title 19 Zoning. In considering any PUD application, the board of trustees may, by its own action or upon recommendation of the planning and zoning commission, waive or modify Chapters 19.12 Zoning Districts and Map, 19.16 Permitted Uses, 19.28 Permitted Accessory Uses, 19.32 Lots, Yards, and Building Heights, 19.40 Off street Parking and Loading, and 19.44 Signs and Outdoor Advertising Devices of said Title. Similarly, the board shall apply road and utilities design and construction standards, as set down in Title 18 Subdivisions, where the infrastructure is intended to be dedicated to the Town. However, the board of trustees may establish less stringent design standards for any PUD development, infrastructures of which shall remain private. Twenty-five percent (25%) of the area of each PUD shall be reserved as open space (all areas exclusive of buildings, parking, and traffic circulation). Should any PUD plan include the division of land intended for sale, the plan shall be subject to subdivision approval.
- D. Composition and Densities.
1. Mixed land uses are permitted and encouraged in a planned unit development. The board of trustees, upon recommendation of the planning and zoning commission, may establish with each PUD application the desired mix of residential, commercial, and industrial uses and appropriate lot and area coverages, setbacks, and height restrictions, provided the resultant mix conforms with the Town Plan of Development as it may be amended from time to time.
  2. In determining appropriate residential densities for any PUD plan, the planning and zoning commission and board of trustees shall consider the following criteria:
    - a. Physical site constraints (i.e., floodplain, steep slopes, soils, etc.);
    - b. Availability and capacity of utilities (wastewater, gas, water, and drainage);
    - c. Availability, condition, and size of transportation systems (i.e., streets, sidewalks), and recreational facilities;
    - d. Proximity to basic services;
    - e. Types of dwelling units, as may be recommended by the Rangely Master Plan or Housing Strategy.

The board of trustees may deem land unsuitable for a PUD, in whole or in part, upon the findings of a qualified engineer or soils specialist. The board may also deem land premature for PUD consideration when approval of any PUD plan would create growth patterns such that governmental inefficiencies, duplication of facilities, and unnecessary public costs and financial burdens may result from providing the extension of public services and that such planned support facilities cannot be accomplished in a planned, orderly or efficient manner.

- E. Open Space.
1. Land designated, as common open space shall be dedicated to a homeowners' or condominium association, which shall be responsible for maintaining the common open space. The articles of incorporation and the by-laws shall ensure that the association will be provided with adequate funding for the maintenance, repair and replacement of such open space and its components by a system of fees assessed against the property owners of the planned unit development.

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Alternatively, the developer or the town may propose other arrangements for ownership and maintenance of the common open space, which the board of trustees may deem adequate.

2. Where appropriate, common open space shall connect into existing public open space or adjacent common open space. Pedestrian and/or equestrian trails or pathways shall connect into adjoining trails or pathways, if applicable.
3. Public open space dedication, payment of fees in lieu of dedication, and fees to defray park development costs for any PUD shall conform to the requirements of Section 18.12.020 Design criteria of Chapter 18.12 Planning Criteria of Title 18 Subdivisions.

#### **19.22.050 Evaluation criteria**

In making its decisions relative to PUD sketch and site development planning, the board of trustees shall, upon recommendation of the planning and zoning commission, shall consider the evaluation criteria set down in Section 19.18.070 Approval criteria of Chapter 19.18 Special Review Requirements of Title 19 Zoning.

#### **19.22.060 Submission data requirements**

- A. PUD Sketch Plan. The following information shall be submitted by the applicant for sketch plan review:
  1. Location map showing the location of the site and existing land uses within three hundred (300) feet of the site, the existing zoning of the site, and the size of the site in acres;
  2. Sketch plan showing the general location of proposed land use types (single-family, multi-family, common open space, commercial, etc.), general landscaping, parking, pedestrian paths, utilities locations, and other miscellaneous site amenities;
  3. Concept summary sheet containing the following items:
    - a. A description of the type of dwelling units proposed,
    - b. An approximate average square footage of all dwelling units proposed by type of unit,
    - c. The total number of bedrooms in each dwelling unit,
    - d. The anticipated population to be generated by the development,
    - e. The amount and type of commercial space proposed,
    - f. The amount of common or public open space,
    - g. The gross residential density in units per acre,
    - h. The maximum and average height of all buildings.
- B. PUD Site Development Plan. The applicant for site development plan review and approval, with all maps to be drawn at a scale of one-inch equals fifty feet or larger on sheets of twenty-four (24) by thirty-six (36) inches, shall submit the following information:
  1. A site development plan containing the information set down in the site plan, special review use regulations of Chapter 19.18 Special Review Requirements of Title 19 Zoning relative to application submission requirements, as well as the following information:
    - a. Common or public open space,
    - b. Size, type, and location of landscaping and/or other landscape elements,
    - c. Development phasing or scheduling;
  2. Architecture. Architectural elevations and other descriptive material or items which contain sufficient detail to illustrate and design philosophy of the project, building configurations, proposed materials, and indication of building access and openings; also, architectural floor plans;
  3. Common open space map, articles of incorporation of homeowners' association, and condominium documents, including:

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- a. Map showing common open space, including acres and size of common open space, and any part thereof
- b. Articles of incorporation for a homeowners' association, if any,
- c. Association by-laws and membership rules and regulations,
- d. The language of covenants, agreements, or easements restricting the use of common open space; providing for the maintenance of such common open space;
- 4. Reports from the Town Manager concerning the adequacy and availability of the wastewater utility system to accommodate the PUD. The board may require supportive documentation to be submitted by a qualified professional engineer;
- 5. Reports from the water utility and fire district relative to the ability of the proposed PUD to be serviced by those public services;
- 6. Traffic study prepared by qualified traffic engineer for any project containing one hundred (100) or more dwelling units, or as otherwise deemed necessary by the board of trustees;
- 7. Storm Drainage Master Plan. An analysis by a qualified hydrologist or professional engineer of drainage conditions both before and after development of the PUD, quantifying anticipated increases in runoff, peak discharge rates, and including justification for sizing of culverts, storm drainage catch basins, detention ponds, etc.;
- 8. Plan and profile maps of public improvements, if applicable;
- 9. Public improvement agreement and guarantee, if applicable, in a form acceptable to the town.

**19.22.070 Procedures**

Nothing herein shall be construed as preventing consideration of a sketch and development plan, upon mutual consent of the board of trustees and the applicant.

- 1. Resubmission Review. Prior to the formal submission of a request for a planned unit development approval, the applicant shall meet with the town manager and other relevant town staff in order to review the nature of the submission and the procedures that will be required to process the application.
- 2. PUD Sketch Plan Review.
  - a. Administrative Review. Within one (1) week of receipt of a submission containing the information required under subsection A of Section 19.22.060 Submission data requirements of this Chapter, the Town manager shall schedule an administrative review of the proposal. Comments shall be recorded and submitted to both the planning and zoning commission and board of trustees for their consideration in making a decision.
  - b. Planning and Zoning Commission Review and Recommendation. The planning and zoning commission shall review the PUD sketch plan and submit a written report and recommendation to the board of trustees within thirty (30) days of its receipt of the application.
  - c. Board of Trustees Approval. The board of trustees shall act on the PUD sketch plan application within thirty (30) days after its submission to the board, by approving, approving with modifications, or denying the application. PUD sketch plan approval shall be valid only if followed by a PUD site development plan approval within six (6) months, and if the PUD development plans substantially conforms to the sketch plan.
- 3. PUD Development Plan Review and Approval.
  - a. Application Requirements. The applicant shall submit a PUD site development plan application, zone change application, and special review use application, together with the submission data requirements set down herein, as well as required fees; an application for subdivision is required should the PUD include a division of land. In considering a

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subdivision application in conjunction with a PUD, the board may waive or relax the technical standards set down therein.

- b. **Guarantee of Public Improvements.** At the time that the final PUD plan is submitted, a form and amount of guarantee acceptable to the Town must be furnished by the applicant to assure the installation of all public improvements associated with the PUD. Building permits will be issued only for that part of the development for which the required guarantee has been provided.
  - c. **Administrative Review.** Immediately after receipt of the application, staff may schedule an administrative review. If an administrative review is conducted, the report of that review shall be submitted to both the planning and zoning commission and board of trustees to help guide their decisions.
  - d. **Planning and Zoning Commission Review.** The PUD development plan application and accompanying zone change application and special review use application shall be reviewed concurrently by the planning and zoning commission; it shall apply the evaluation criteria outlined in Section 19.18.070 Approval criteria of Chapter 19.18 Special Review Requirements of Title 19 Zoning in making its recommendations. The planning and zoning commission shall have thirty-five (35) days from the day it has found the applications complete to complete its review and return its comments and recommendations to the board of trustees.
  - e. **Board of Trustees Approval.** Following receipt of the applications by the board of trustees, and upon finding that the applications are complete, public hearings shall be scheduled in accordance with zone change and special review use hearing notice requirements. Following the close of the public hearings, the board of trustees shall take action within thirty-five (35) days, by either granting approval, approval with modifications, or denial. Failure of the board of trustees to take action within the time prescribed in this section shall be deemed to be an approval of the applications in their entirety. In making its decision, the board of trustees shall also consider the evaluation criteria set down in Section 19.18.070 Approval criteria of Chapter 19.18 Special Review Requirements of Title 19 Zoning.
  - f. **Filing Requirements.** Immediately following PUD approval, a reproducible copy of the PUD development plan documents, bearing the signatures of the planning and zoning commission chairperson, that of the mayor, and of the Town manager, together with the dates each agency took its action, shall be filed in the office of the County clerk and recorder. Such reproducibles shall represent the PUD as modified by the board's approval. No building permit shall be issued, nor site improvements commenced, until the filing has been confirmed.
  - g. **Validity of PUD Development Plan Approval.** Should construction under a PUD development plan approval not be initiated within one (1) year, the approval may be held invalid upon action of the board of trustees, following a recommendation of the planning and zoning commission. Should the board make such a finding, it shall file a notice of its findings in the office of the County clerk and recorder. Following such action, the board may initiate a rezoning of the PUD zone in accordance with Chapter 19.64 Amendments of Title 19 Zoning.
  - h. **Effect of Final Approval.** Following recording of the PUD development plan, the PUD plan shall constitute the development and zoning regulations for the area defined in the plan; any owner of land in such area may obtain a building permit for development which is consistent with the final plan.
4. **Modification of Amendment of an Approved PUD Development Plan.** The Town manager may grant minor modifications to an approved PUD development plan; such modifications may include minor changes in layout, design, color, setback, coverage, landscaping, and may also

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include approval for accessory structures which are deemed consistent by virtue of scale and design with the PUD development. Major modifications to the plan approval will require an amendment to the PUD plan following recommendation by the planning and zoning commission and public hearing and approval by the board of trustees as established herein. At this hearing, interested parties are invited to attend and comment.

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## **19.24 Temporary Uses**

### **19.24.010 Intent**

It is the intent of this Chapter to provide a mechanism for accommodating uses which are normally of short-term duration, and which, by their very nature, are not appropriately considered under the strict approval criteria reserved for permanent uses. The intent of this Chapter is also to provide, for more routine temporary uses, an administrative process to expedite the process of any requests made pursuant to this chapter, while addressing relevant health and safety concerns. A renewal of a temporary use may be approved for good and sufficient reasons by the board of zoning adjustments.

### **19.24.020 Approval Process**

The following temporary uses are permitted upon application and approval by either the board of zoning adjustment or by the Town manager as those duties are distributed below (the notation "BZA" denotes action required by the board of zoning adjustments; "Admin." denotes action to be taken by the Town manager):

<b>Use</b>	<b>Zone</b>	<b>Max Duration</b>	<b>Responsible Agency</b>
A. Construction office or yards incidental to construction on the premises	All	9 Months	Admin
B. Carnivals, Circuses, Bazaars, Fairs	All except residential	1 Week	Admin
C. Tent-Meetings, Crusades, Outdoor Concerts	All except residential	1 Week	Admin
D. Non-commercial concrete batching or hot-mix asphalt plant	LI, IP, NC	3 Months	Admin
E. Signs erected only for political campaigns	All	1 Month	Admin
F. Mobile office facilities	All except residential	1 Year	BZA
G. Christmas tree sales	All except residential	45 Days	Admin
H. Mobile Classroom facilities	All	1 Year	BZA

### **19.24.030 Criteria**

In considering any request for temporary use, either the Board or the Admin. shall consider the criteria set down in Section 19.18.070 Approval criteria of Chapter 19.18 Special Review Requirements in Title 19 Zoning in making a decision, and may establish reasonable conditions to an approval. Such conditions may address the following areas of concern:

1. Hours of operation.
2. Adequacy of emergency services.
3. Control of trash and litter.

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4. Provision of adequate off street parking.
5. Adequacy of site relative to site access and proximity to residential districts, public facilities, or places of assembly.
6. Control of alcoholic beverages.
7. Conformity of any temporary structure with Uniform Codes.
8. Other relevant concerns related to public health and safety.

The Town manager shall act on a request for temporary use within five (5) working days of receipt. A denial may be appealed to the board of zoning adjustments within ten (10) days of such decision.

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## **19.28 Permitted Accessory Uses**

### **19.28.010 Conditions**

The uses specified in this chapter are permitted in the districts designated; provided, that they are incidental to and on the same premises as the permitted use.

### **19.28.020 Home occupation**

Home occupations shall be allowed as a permitted accessory use governed by the following regulations:

1. Home occupations must be clearly secondary to the use of the building and shall not occupy more than twenty percent (20%) of the total floor area of the main building, or if located in an accessory building, shall not occupy more than five percent (5%) of the total lot area.
2. Home occupations shall be conducted only by residents living on the premises.
3. The operation shall not generate objectionable traffic in the area and off-street parking must be provided to accommodate all needs created by the home occupation.
4. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

### **19.28.030 Residential districts R-7500, R-5000 and R-3500**

Permitted uses in residential districts R-7500, R-5000, and R-3500 are:

1. Garage only for the storage of automobiles and/or one commercial vehicle;
2. Automobile parking and loading space, as required by the provisions of this title;
3. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales from the premises;
4. A guesthouse may be maintained in a residential district accessory to a dwelling; provided such guesthouse is used for the occasional housing of guests of the occupants of the principal dwelling, so long as such guesthouse is not used for commercial purposes, and no charge is made for the use of said premises;
5. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than three (3) feet into a required yard or into required open space as established by coverage standards;
6. A swimming pool may be permitted in any district as an accessory use subject to the requirements of the State Department of Health and the following requirements:
  - a. No public or private swimming pool may be located in any required front yard or yard abutting a street.
  - b. Every swimming pool must be completely surrounded by a fence or wall not less than five (5) feet in height with no openings large enough to permit children to pass through other than gates or doors that can be fastened to protect against entry. A dwelling house or accessory building may be used as part of such required enclosure.
7. Any accessory buildings, structures, or uses required in a addition to and in conjunction with any use-by-right in the district are permitted;
8. Community centers, and all other accessory buildings or structures incidental to multi-unit housing developments.

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**19.28.040 District R-2000**

Permitted uses in district R-2000 are as follows:

1. Any accessory use permitted in the R-7500 residence district;
2. Recreational facilities and clubhouses for residents of a mobile home park or residential complex.
3. Community centers, and all other accessory buildings or structures incidental to multi-unit housing developments.

**19.28.050 District RR**

Permitted uses in the rural residential district are as follows:

1. Customary accessory structures and uses associated with ranching, forestry, farming, and animal husbandry.
2. Home occupations pursuant to Section 19.28.020 Home occupations of this Chapter.
3. Any accessory use permitted in a residential zone pursuant to subsections 1. through 7. of Section 19.28.030 Residential Districts R-7000, R-5000, and R-3500 of this Chapter.
4. Signs pursuant to Chapter 19.44 Signs and Outdoor Advertising Devices of Title 19 Zoning.

**19.28.060 Commercial, industrial use district**

Permitted uses in commercial and industrial use districts are as follows:

1. Any building or structure incident to and necessary for the operation of a use by right in the district.
2. A dwelling unit occupied by the owner or manager of the permitted use and located in the same building as the permitted use.

**19.28.070 Planned unit development**

Permitted uses in a planned unit development are as follows:

1. As approved by the board of trustees in the master development plan for the project;
2. Any use permitted in a zoning district which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles, or which allows products to be consumed on the premises outside the principal building, and which is not a part of a planned unit development must submit a site plan, including screening, to be reviewed and approved by the planning and zoning commission. In reviewing the approving the site plan for such a use, the planning and zoning commission must be satisfied that the traffic circulation on and adjacent to the site is arranged so as to avoid hazardous or adverse effects on adjacent sites and streets;
3. Accessory structures shall maintain a two (2) foot side yard, except that no part of any accessory building shall be located closer than ten (10) feet to any principal structure, either on the same lot or in an adjacent lot;
4. Accessory buildings or corner lots shall be set back from the side street a distance not less than that required for the principal building.
5. Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.

**19.28.080 Commercial Recreation District**

Permitted uses in a Commercial Recreation District are as follows:

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1. Any building or structure incident to and necessary for the operation of a use by right in the district.
2. A dwelling unit occupied by the owner, manager, or caretaker of the permitted use.

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## **19.32 Lots, Yards and Building Heights**

### **19.32.010 Yard and bulk requirements—Generally**

The schedule of yard and bulk requirements set forth in this Chapter and implemental regulations pertaining to the various zoning districts are hereby adopted and declared to be part of Title 19 Zoning and may be amended in the same manner as any other part of said Title.

### **19.32.020 Yard and bulk requirements-Residential districts**

<b>Yard and Bulk Item</b>	<b>R7500</b>	<b>R5000</b>	<b>R3500</b>	<b>R2000</b>	<b>M2</b>	<b>RR</b>	<b>Singlewide</b>	<b>Doublewide</b>
Minimum lot area per dwelling unit (sq ft)	7500	5000	3500	2000	5000	See Note8	4000	5000
Minimum frontage on a Town accepted street or state or county road (ft)	50	50	50	50	50	See Note9	40	50
Maximum lot coverage (% of lot area)	40	40	40	50	40			
Minimum front yard setback from front property line for principal & accessory uses (ft)	20	20	20	20	20	20	15	15
Minimum side yard setback from a street for all uses (ft) see note 2, 3, 4, 12	12	12	12	12	12	12	12	12
Minimum side yard setback from an interior lot line for principal uses (ft) See note 2, 3, 4, 7	5/10	5/10	5/10	5/10	5/10	5/10	5/10	5/10
Minimum side yard setback from an interior lot line for principal and accessory uses in excess of two stories (ft) See note 3, 4			10	10				
Maximum rear yard setback for principal uses (ft)	10	10	15	15	5	20	3	3
Minimum rear & side yard setbacks for accessory uses (ft) See note 5								
Maximum height for principal & accessory uses (ft)	35	35	35	45	15	35	35	35
Maximum # animals (livestock) allowed per acre	0	0	0	0	0	4	0	0
Side clearance between coaches							15	15
Rear clearance between coaches							18	18

Notes:

1. Minimum side yard setback. In the case where the side street is less than that shown on the major street plan, the setback from the centerline of the street shall be one-half of the width projected street, plus one-half of the front setback.
2. Minimum rear yard setbacks. In the case where a street abuts to the rear, a distance of at least one-half of the front setback requirement may be used.
3. Notwithstanding side yard setbacks set down herein, zero lot line development is permitted.
  - a. when common walls between units conform to the Uniform Building Codes

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- b. when a 10 foot setback is maintained from any adjoining accessory or principal use either existing or proposed; such setbacks may be guaranteed by subdivision approval or covenant.
4. No more than one side yard shall have less than 10 foot setback.
  5. None, except as may be required under the Uniform Building Code.
  6. Where development of infill lots occurs in established neighborhoods, front yard setbacks (including those on corner lots) shall substantially conform to front yard setbacks already established in the neighborhood.
  7. Where development of infill lots, with 50 foot frontage takes place, 5 foot side yards are permitted by action of the board, if it is demonstrated that adequate parking is provided to accommodate two motor vehicles in the front yards and RVs in the rear yards.
  8. With public water and sewer 12,000 square feet, and without public water and sewer 2 acres.
  9. Two acre sites 150 feet, 12,000 square feet, 80 feet.
- Special note: Fences are not subject to the setbacks specified in this section.

19.32.030 Yard and bulk requirements – Commercial / industrial

<b>Yard and Bulk Item</b>	<b>TCC</b>	<b>HC</b>	<b>CR</b>	<b>LI</b>	<b>IP</b>
Minimum lot area (sq ft)	None	None	None	None	None
Minimum frontage on a Town accepted street or state or county road (ft)	None	2	2	2	2
Maximum lot coverage (% of lot area)	None	None	None	None	None
Minimum front yard setback from front property line for principal & accessory uses (ft)	2	2	2	2	2
Minimum side yard setback from a street for all uses (ft) See note 1	2	2	2	2	2
Minimum side yard setback from an interior lot line for principal uses (ft)	2	2	2	2	2
Maximum rear yard setback for principal and accessory uses (ft)	2	2	2	2	2
Maximum height for principal uses (ft)	50	50	50	50	50

Notes:

1. Minimum side yard setback. In the case where the side street is less than that shown on the major street plan, the setback from the centerline of the street shall be one-half of the width projected street, plus one-half of the front setback.

Minimum rear yard setbacks: In the case where a street abuts to the rear, a distance of at least one-half of the front setback requirement may be used.

2. To be determined by the building inspector for all permitted or accessory uses, and by the PZC and board of trustees in conjunction with and SPR or special review use regulations.

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General Note: Fences are not subjected to the setbacks specified in this section.

Special Note: Yard and bulk items applicable to the R2000 zone shall apply to single family dwelling or duplex dwelling in Town Center Commercial Zoning District.

**19.32.040 Exceptions to building requirements**

- A. The following uses may be excepted from the maximum height requirement provided written approval is granted by the board of trustees which has found that the use would not injure the value of, use of, or prevent the proper access of light and air to adjacent properties nor would be out of harmony with the intent and purpose of this title: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, ranch and farm accessory uses and other similar projections.
- B. In computing yard and open space, the following architectural features shall not be considered: unroofed terraces or patios, cornices, sills, eaves, ornamental features or other similar architectural features up to a distance of three (3) feet from the exterior wall of the building, and open fire escapes up to a distance of four (4) feet.

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## **Chapter 19.34 Oil and Gas Regulations**

### **19.34.010 Purpose**

These regulations are herein established to mitigate against the dangers to the public health, safety, and welfare inherent in the development of oil and gas improvements in proximity to public improvements and industrial, commercial, and especially residential structural improvements.

### **19.34.020 Applicability**

These regulations shall apply to any new residential, commercial, and industrial development; residential, commercial, or industrial structure; to the construction of new public roads; and to the drilling of new oil and gas wells; siting of new storage tanks, heater/treaters, pipelines, water injection liens and other oil field improvements within the Town. The opening up or redrilling of inactive wells shall not be subject to the setback requirements set down for the drilling of new wells. Where the requirements of the Colorado Oil and Gas Conservation Commission, the Uniform Fire Code, or other Federal, State, or Local regulations are applicable; the more restrictive regulation shall take precedence. No permits shall hereafter be issued, nor approvals granted under this Code, without first complying with the terms of this Chapter 19.34 Oil and Gas Regulations.

### **19.34.030 Definitions**

- A. "High Pressure Gas Line" means a gas line of 100 p.s.i. (lbs./sq. inch) pressure or greater.
- B. "High Pressure Water Injection Line" means any water line of 500 p.s.i. (lbs./sq. inch) pressure or greater, and intended for the purpose of assisted recovery of hydrocarbons.
- C. "Inactive Oil, Gas, or Injection Well" means for the purposes of these regulations, inactive wells are those wells not currently producing, and sealed off; the term "inactive" may be applied to a well temporarily shut-in but subject to the possibility of being rendered active in the future. "Inactive wells" are those wells which are presently non-producing, or which shall be abandoned subsequent to the passage of this regulation. Wells may be considered permanently abandoned if the waiver provisions of Section 19.34.050 Inactive oil and gas improvements--Waivers have been met.
- D. "Oil and Gas Improvements" means for the purposes of these regulations the term "oil and gas improvement's shall include, but not be limited to wells, pumps, pump jacks, tanks, batteries, oil and gas pipelines, water pipelines, water injection lines, water lines, heaters, treater, LACT units, pump stations, compressor stations, and any and all other equipment pipelines, and material of any kind or type used, or to be used, in the drilling, fracking, producing, and marketing of any substances which now are, or which may be in the future, produced from any mineral lease tract within the town of Rangely.
- E. "Producing Oil, Gas, or Injection Well" means a well currently operational and under production, either in the extraction of oil or gas, or in the injection of water, steam, or gas for purposes of secondary or tertiary recovery.
- F. "Sour Gas" means gas which contains one (1) grain or more (or sixteen (16) parts per million or more) of H<sub>2</sub>S per one hundred (100) s.c.f. (standard cubic feet).
- G. "Subordination Agreement" means for the purposes of this act, subordination agreement shall be defined as a written relinquishment of surface rights by an owner of mineral operating rights and allocation of liabilities between surface owners and owners.
- H. "Sweet Gas" means gas which contains less than one (1) grain (or 16 parts per million) of H<sub>2</sub>S per 100 s.c.f. (standard cubic feet.)

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I. "Well or Oil Well" means a well or hole drilled into the earth for the purpose of exploring or extracting from the earth oil, gas, or other hydrocarbon substances, or a well or hole in the earth by means of and through which oil, gas and other hydrocarbon substances are extracted, produced, or capable of being produced from the earth, or a well or hole for the purpose of secondary or tertiary recovery or disposal thereof (i.e., water injection well, etc.).

**19.34.040 Uniform Setbacks**

Uniform setbacks between oil/gas improvements, and public rights of way, and residential, commercial, and industrial structural improvements are established as follow:

<b>Improvement</b>	<b>Setback</b>
1. Setback of oil and Gas wells, active or inactive, from principal or accessory residential, from wellhead commercial or industrial structures, and vice-versa.	150' radius
2. Setbacks or producing or inactive water injection well from principal or accessory residential, from wellhead commercial or industrial structures and vice-versa.	150' radius
3. Setback of producing or inactive oil, gas, and water injection wells, from edge of a public ROW, from wellhead and vice-versa.	75' radius
4. Setback of edge of perimeter berm of oil storage tanks from principal and accessory residential, commercial, or industrial structures, and vice-versa.	150'
5. Setback of edge of perimeter berm of oil storage tanks from edge of public ROW's, and vice-versa.	75'
6. Setback of producing or inactive oil, gas, and water injection wells and edge of oil storage tank perimeter berm from places of assembly, schools and vice-versa.	300'
7. Setback of high-pressure water injection line from all principal and accessory residential, commercial, or industrial structures, and vice-versa.	35'
8. Setback of oil and gas flow, gathering and transmission lines containing "sour" gas, or potentially containing "sour" gas, from all principal and accessory residential, commercial, or industrial structures; places of assembly, schools, and vice-versa.	35'
9. Setback of any high pressure gas line, or any gas line without odorant, from all principal and accessory residential, commercial, or industrial structures, places of assembly, schools, and vice-versa.	35'
10. Setback of low-pressure odorized "sweet" gas lines, including main municipal service lines, from principal and accessory residential; commercial or industrial structures; places of assembly, schools and vice-versa.	15'

**19.34.050 Inactive oil and gas improvements – Waivers**

Any applicant wishing to perform activities within the limits of setbacks set down in Section 19.34.040, above, may apply for a waiver of all, or a portion of these requirements, as they might apply to any inactive oil or gas improvements. The board of trustees, upon recommendation of the planning and zoning Commission, may grant such waiver, if the following conditions have been met:

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1. Submission of a certification from a qualified professional Engineer that the abandonment procedures of the Colorado Oil and Gas Conservation Commission have been adhered to in abandoning the well.
2. Submission of a statement from the Colorado Oil and Gas Conservation Commission that its abandonment procedures have been complied with, provided that the commission has a record of such well.
3. Proof that any surface rights of any mineral rights operator or lessee of record have been subordinated, or other proof, acceptable to the Board, that any possibility of reutilization of the improvement has been precluded.
4. Filing in the County clerk and recorder's office of a Surface subordination Agreement between the owner(s) of the surface and the mineral rights lessee(s) and operator(s) and of a statement containing the legal description of the location of the oil or gas improvements (including lot and block numbers); information referencing the abandonment procedures utilized to abandon subject well, and containing official certifications of the Oil and Gas Conservation Commission and any professional engineers certifying such abandonment and containing a clause holding the Town and any applicable oil and gas lessee and operator harmless concerning any liability extending from approval of any structural improvements constructed closer than the minimum setbacks set down herein.

**19.34.060 Aesthetic considerations**

Where new oil field improvements are being developed or installed near, or within existing residential areas within the Town, those individuals or companies responsible for such improvements shall employ every practical means to mitigate aesthetic impacts, including, but no limited to, the following:

1. Installation of low-profile tanks and/or use of berming to achieve low-profile effect.
2. Use of landscaping or screening, and site restoration techniques when not in conflict with Uniform Fire Code or similar regulatory restrictions.
3. Use of cellars to shield well equipment from view.
4. Use of earth-tone colors, as specified by BLM regulations, on all new equipment visible from the surface.
5. Prevention of mud and dust by permanent surfacing on access roads to new oil field improvements.

**19.34.070 Surface demarcation of buried oil field improvements**

Surface "warning" markers shall be provided by any mineral rights lessee or operator delineating any subsurface oil field improvements in proximity to residential, commercial, or industrial developments at reasonable intervals, at all turning points, and adjacent to crossing of all public ROWs. Such signs shall identify the type of improvements so demarcated; the owner, operator, or lessee of the improvement, and a twenty-four (24) hour telephone number and address for informational purposes.

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## **Chapter 19.36          Screening**

### **19.36.010 Screening**

All nonresidential industrial and commercial uses' exterior areas including, but not limited to, parking areas, service areas and storage areas shall be screened by means of plant materials, earth mounding, architectural screens or siting so as to provide visual and aural separation between these elements and adjacent property. Screening shall not exceed six (6) feet in height except as follows:

1. Salvage junkyard shall be screened within an eight (8) foot high opaque solid fence or earth mounding so as to provide visual and aural separation between such use and adjacent areas.
2. All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least eight (8) feet in height to provide visual and aural separation between such use and adjacent areas.

### **19.36.020 Fences, walls, and hedges**

Fences, walls, and hedges shall be permitted only as follows:

1. No fences, walls, and hedges shall exceed six feet in height except as required for screening, recreation purposes as approved by the planning and zoning commission; or unique security requirement as approved by the planning and zoning commission.
2. No fence, wall or hedge exceeding four (4) feet in height shall be located in any required front yard.
3. No fence, wall or barrier of any kind shall be electrified or have electrical equipment attached to it in any manner so as to have a potential of electrically charging any fence, wall or barrier of any kind without the approval, by majority vote, by the board of trustees during a regularly scheduled meeting. The board of trustees shall receive any and all applications for electric fences, walls or barriers of any kind from the building inspector. The application for approval shall have been filled out by the owner/lessor and shall contain the following information:
  - a. Location, type, type of materials, type of approved electrical equipment, of the fence, wall or barrier of any kind;
  - b. Reason for requesting the approval of the installation;
  - c. Safeguards proposed to protect any and all persons or animals who may inadvertently come into contact with such systems.
4. All fences, walls or barriers of any kind presently existing in the Town shall also be made to comply with this section by the following method:
  - a. The owner/lessor shall be notified by certified mail of this chapter and the requirements for compliance.
  - b. The owner/lessor shall be given a period of time not to exceed thirty (30) calendar days to begin the above-mentioned procedures for approval.
  - c. Should the board of trustees, by majority vote, refuse the applicant's request to continue use of the electrically charged fence, wall or barrier of any kind, the applicant will receive written notification by certified mail of that decision and be given a period of time not to exceed ten (10) calendar days to remove, repair or otherwise neutralize the electrically charged system.

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**Chapter 19.40      Off street Parking and Loading**

**19.40.010 Parking--General requirements**

Off street parking spaces shall be provided in conjunction with any new structure, or with the addition or change in use of any existing structure within any district, and subject to the standards set down in Section 19.40.030 Off street parking standards. An off street parking space shall contain not less than one hundred eighty (180) square feet, or a dimension measuring no less than ten (10) feet by eighteen (18) feet. Each maneuvering land shall be provided adequate ingress and egress by means of an access lane or lanes, each access lane is to have a minimum width of twenty-two (22) feet for two (2) way traffic movement and eleven (11) feet for one (1) way traffic movement.

**19.40.020 Parking--Measurement of structure floor area**

For the purpose of determining off street parking and loading requirements and standards, “floor area” shall mean that area used, designed, or intended to be used in conjunction with the principal use, but excluding areas occupied by stairwells, elevator shafts, hallways, ornamental balconies, restrooms, air-conditioning or other utility equipment, and all other areas set aside for nonpublic purposes, such as storage and incidental repair.

**19.40.030 Off street parking standards**

The following off-street parking standards are minimum requirements for off street parking associated with both principal and accessory uses. In the case of uses not specifically listed, the off street parking requirements shall be determined by the planning and zoning commission. Where more than one use is conducted on a single lot, parking shall be required for each use, except as permitted under Section 19.40.090 Joint use of parking spaces.

<b>Use</b>	<b>Standard</b>
Single and multifamily dwellings	Two spaces per dwelling unit (driveway and garage or carport area defined as off street parking space)
Federally or state-subsidized housing for the elderly	One space per dwelling unit
Mobile home park	Two spaces per dwelling unit
Customary home occupation	One space for each nonresident employee
Boardinghouses and lodging-houses	One space for each unit
Motels, hotels, and tourist courts	One space per unit plus one space per two employees
Auditoriums, churches, stadiums, Theaters, and other places of assembly with fixed seats	One space per four seats
Retail stores, service or repair shops (including groceries, dry goods, etc.)	One space per three hundred twenty-five square feet
Offices (except medical and dental)	One space per three hundred square feet of floor area, plus one space per three employees
Offices, medical and dental	One space per two hundred square feet of floor area
Eating or drinking establishments	One space for three seats
Industrial, storage warehouse and manufacturing establishment	Two spaces for three employees
Hospitals and nursing homes	One space fore three seats

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Gasoline service stations/motor stall plus one space for each fuel pump	Five spaces plus two spaces for each services stall plus one space for each fuel pump
Community center, club, athletic club	One space per one hundred square feet of floor space
Preschool nursery, day care school, kindergarten, and elementary or intermediate school	One space per classroom plus one space per three hundred square feet of other space
High school, college, university or business school	One space per teacher plus one space per administrative employee plus one space per one space per three students plus one space per three dormitory rooms

**19.40.040 Parking--Location of spaces**

Off street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than three (300) hundred feet from the building or use they are required to serve, measured in a straight line from the building.

**19.40.050 Parking--Plan requirements**

A plan, drawn to scale, indicating how the off-street parking and loading requirements, excluding single-dwelling unit areas, are to be fulfilled shall accompany an application for special review or a building permit, whichever applies. The plan shall show all elements necessary to indicate that the requirement is being fulfilled.

**19.40.060 Parking--Space maintenance**

Areas used for standing and maneuvering of vehicles shall have paved surfaces maintained adequately for all-weather use. Areas used solely for storage of vehicles, equipment, and materials shall have a durable surface consisting of an aggregate base course.

**19.40.070 Parking--Lots—Construction**

Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector. An extension of time may be granted by the building inspector providing a performance bond or its equivalent is posted equaling one and one-half times the cost to complete the improvement, as estimated by the building inspector; provided the parking space is not required for immediate use. In the event the improvements are not completed within one year’s time, the bond or its equivalent shall be forfeited, and the improvements constructed under the direction of the city.

**19.40.080 Loading**

A. For the purpose of providing space off of the street for loading or unloading goods of any type, one (1) space shall be required in all districts for any use with a gross floor area of ten thousand (10,000) square feet or less, including outside storage of goods, but excluding dwellings. Each loading space shall measure at least ten (10) feet high by thirty-five (35) feet long by fourteen (14) feet wide. Furthermore, each industrial business or commercial use shall provide one (1) additional space for each fifteen thousand (15,000) square feet or fraction thereof of gross floor area over and above the first ten thousand (10,000) square feet.

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B. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

**19.40.090 Joint use of off street parking spaces**

Specific and appropriate joint use of off street parking spaces may be permitted by the board of trustees in response to a particular development situation. The board may grant such approval only after it has received a written agreement made between the user parties involved clearly stipulating the terms of the joint use of the parking spaces, and that such spaces are committed and available to the respective users on a non-conflicting basis.

**19.40.100 Parking in unimproved areas prohibited**

The off street parking of vehicles shall not be permitted in unimproved parking areas in HC and TCC zones. The Town shall be responsible for providing signs on those lots covering the no parking restrictions.

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## **Chapter 19.44          Signs and Outdoor Advertising Devices**

### **19.44.010 Definitions**

- A. “Sign” means any structure, poster, banner, flag, emblem, insignia, billboard, trademark, painted surface, or other device used to indicate directions, advertise, announce or attract attention.
- B. “Sign Face” means a sign face is a plane defined by one (1) continuous perimeter enclosing the limits of the sign, and encompassing all lettering, wording, design, or symbols together with any background designed as an integral part of and obviously related to the sign.
- C. “Sign, Single-Faced” means a sign with one (1) face. The area shall be the area of the single face.
- D. “Sign, Double-Faced” means a sign with two (2) faces, mounted back to back. The area shall be the area of largest face or the area of one (1) face if both faces have equal area.
- E. “Sign, Multi-Faced” means a sign with three (3) or more faces. The area shall be the combined area of all faces.
- F. “Sign, Commercial” means a sign, which directs attention to a business, industry, community, service, activity, or product, sold, conducted, manufactured, or offered upon the premises where such sign is located.
- G. “Sign, Directional” means a sign on the premises displayed for the convenience of the public and identifying entrance and exit drives, parking area, one (1) way drives, restrooms, freight entrances, and the like.
- H. “Sign, Identification” means a sign on the premises bearing the name of a school, college, park, church, or other public or quasi-public facility.
- I. “Sign Trespass” means a sign on the premises or lot restricting the right to enter such premises or lot and indicating the private nature of such premises, lot, or driveway.
- J. “Sign, Outdoor Advertising” means a sign, which directs attention to a business, commodity, service, or activity, which is generally sold, offered, or conducted elsewhere than upon premises where such sign is located.
- K. “Sign, Temporary” means a sign on the premises which is intended to advertise community or civic projects or programs, construction projects, or real estate for sale or lease.
- L. “Sign, Public Purpose” means a non-commercial sign off the premises locating public or education institutions, historical structures or areas, or public parks or buildings.
- M. “Sign, Overhanging” means any sign extending at an angle from a building, which is its sole support.
- N. “Sign, Ground” means any sign supported by uprights or braces, placed upon the ground and not attached to any part of any building.
- O. “Sign, Roof and Sky” means any sign erected, constructed, or maintained upon the roof of any building.
- P. “Sign, Wall” means any painted sign or poster on any surface or place that may be affixed to the front, rear, or side wall of any building or any sign painted directly on any such wall.
- Q. “Sign, Pole” means any sign erected on a pole or poles and that is wholly or partially independent of any building or support.
- R. “Sign, Directly Illuminated” means any sign emitting any artificial light external to and not structurally connected to the sign which light shall be so shielded that no direct rays from it are visible elsewhere than on the lot where the sign is located.
- S. “Sign, Flashing” means any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all time in use.
- T. “Sign, Moving” means any sign, which has any visible revolving, or rotating parts or any visible mechanical movement of any description, excepting clocks.
- U. “Sign, Structure” means any structure which supports or is capable of supporting any sign. It may be a single pole or may or may not be an integral part of the building.

V. "Sign, Tourist Oriented Directional" means a sign installed with approval of the Town, by the State Highway Department along State Highways and giving direction to tourist oriented businesses.

#### **19.44.020 Chapter Purpose**

The intent of this Chapter is to define the types of signs which will be permitted in the various zoning districts and those which will be prohibited, the manner in which sign areas and dimensions will be measured and exempting certain types of signs from this title. It is further the intent of this chapter to encourage the erection of signs, which will preserve and enhance property values within the community, which will provide for the public convenience, health, and welfare, and which will protect the public safety.

#### **19.44.030 Restrictions—Generally**

No sign not specifically exempted by this Chapter shall hereafter be located, erected, moved, reconstructed, enlarged, converted, or structurally altered unless such sign conforms to the provisions of this title.

#### **19.44.040 Signs Exempted**

The following signs shall be exempted from the requirements of this title:

1. Flags, banners, or emblems of governmental, civic, philanthropic, or educational organization flown or exhibited on the premises of such organization and limited singly or in the aggregate to an area of forty-eight (48) square feet but excluding signs that are prohibited in Section 19.44.050 Signs prohibited of this Chapter.
2. Signs of a duly constituted government body, including traffic control signs, street signs, and public notices required by law.
3. Painted scene, figure, or decorative signs enhancing building architecture but not including trademarks or advertising message.
4. Holiday decorations, flags, emblems, or banner customarily associated with any national, local, or religious holiday and limited to a display period of not more than sixty days.
5. Signs located in the interior of windows and intended for viewing from the outside but excluding signs that are prohibited in Section 19.44.050 Signs prohibited of this Chapter.

#### **19.44.050 Signs Prohibited**

The following signs shall not be permitted in any zone: outdoor advertising signs not on the premises, signs on trees and utility poles, signs on vacant property except a sign advertising the premises for sale or lease, obsolete signs advertising a business or activity no longer being conducted, moving signs, roof, or sky signs, and flashing signs, except that signs indicating time and/or temperature by means of white intermittent lighting are permitted in the TCC, HC, LI, and PUD zones.

#### **19.44.060 Signs in residence zones**

The following signs shall be permitted in the M-2, RR, R-7500, R-5000, R-3500, and R-2000 zones:

1. Identification signs with a sign area not exceeding five (5) square feet and limited to one per lot or parcel under common ownership, except that identification signs for charitable, historical, religious, government or educational uses may have a sign area not exceeding twenty (20) square feet.

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2. Directional signs such as entrance or exit with a sign area not exceeding two (2) square feet and not limited in number.
3. Temporary signs with a sign area not exceeding twenty (20) square feet, limited to one on the premises, and limited to the life of the program, project, activity, or special event they list or advertise, but not to exceed sixty (60) days and to be renewed but once per calendar year.
4. Public purpose signs with a sign area not exceeding twenty (20) square feet.
5. No trespassing signs with a sign area not exceeding two (2) square feet and limited to one sign per driveway, or one (1) sign per one hundred (100) feet of lot frontage or boundary.
6. Commercial signs with a sign area not exceeding five (5) square feet and associated with a home occupation.
7. Tourist oriented directional signs with a sign area not exceeding thirty six (36) square feet.

**19.44.070 Signs in Nonresidential Zones**

The following signs shall be permitted in the TCC, HC, CR, and LI zones:

1. All signs permitted in residential zones.
2. Commercial signs with a sign area not exceeding two (2) square feet for each lineal foot of the principal building facing the street or one (1) square foot for each lineal foot of lot frontage on the principal street.

**19.44.080 Height and location limitations**

The following limitations on height and location shall apply to signs, as follows:

1. In residential zones, no wall, pole, or ground sign shall exceed a height of eight (8) feet measured from average ground level at the base of or below the sign to the highest element of the sign.
2. In non-residential zones, no sign shall exceed a height of twenty-five (25) feet measured from average ground level at the base of or below the sign to the highest element of the sign.
3. A sign may be erected within public right-of-way provided it is installed behind the sidewalk or area where sidewalks would normally be installed and proof of insurance is filed with the Town. No sign shall be installed at an intersection so as to interfere with safe sight lines.

**19.44.100 Illumination**

Illuminated signs shall be shielded to avoid casting direct light upon an abutting property in any zone, upon any public street or park, or upon any residential building or use. No searchlight or any beam or beacon of light resembling any emergency vehicle or facility shall be permitted as part of any sign.

**19.44.110 Interference with traffic**

No sign shall be maintained where by reason of its position, size, shape, or color, it may obstruct, impair, obscure, or be confused with any traffic control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic or be misconstrued as public safety warning or official traffic control sign.

**19.44.120 Maintenance of Signs**

Signs and sign structures shall be maintained in good condition and repaired as necessary. Signs which become unsafe or dilapidated or are no longer functional or are abandoned or become obsolete shall, upon notice from the building inspector, be removed or repaired by the owner or lessee of the property on which the signs stand within thirty (30) days from the date such notice is given.

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**19.44.130 Non-conforming signs**

Any sign, which lawfully exists prior to the adoption or amendment of this title, may be maintained subject to the following provisions:

1. No such sign may be enlarged or altered in such a manner as to increase its non-conformity, however, any sign or portion thereof may be altered to decrease its nonconformity.
2. No nonconforming sign shall be re-established after the activity, business, or usage to which it relates has been discontinued.
3. If any such sign or nonconforming portion thereof is destroyed by any means to an extent of more than fifty percent (50%) of its value at the time of said destruction, it shall not be reconstructed except in conformity with the applicable provisions of this title.
4. If any such sign should for any reason be moved from its location, it shall conform to the provisions of the zone in which it is located after it is moved.

**19.44.140 Sign permits required**

Sign permits shall be required as follows:

1. For all commercial signs. Such permits shall be applied for from the Town manager on a form provided by the Town, and the application fee shall be established by resolution of the town council.
2. For all signs regulated by the Uniform Sign Code. Such permit shall be applied for and issued in accordance with the provisions of the Uniform Sign Code, 1982 Edition, as amended.
3. For any sign adjacent to a State highway. Such permit shall be applied for from the State Highway Department, and the issuance of any sign permit by the Town is conditional upon approval by said department.

**19.44.150 Appeal to Planning and Zoning Commission**

An applicant may appeal to the planning and zoning commission a decision of the Town manager denying a sign permit or establishing conditions of such permit. Such appeal shall be taken within thirty (30) days of such decision, and the shall act on such appeal within thirty (30) days of its receipt of such appeal.

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**Chapter 19.48 Airport Hazard Area**

**19.48.010. Airport Hazard Area**

No material change shall be made in the use of land and no structure or tree shall be erected, planted, altered or otherwise established that would result in an obstruction into the airport hazard area of the Rangely airport. This regulation shall not be construed to require the removal, lowering or other changes of any structure or tree not conforming to this regulation as of its adoption date. The airport hazard area of the Rangely airport shall be defined as the volumetric zone of airspace above the combination of primary, approach and transitional surfaces of the airport as hereby defined.

1. Primary Surface. A geometric plane which is defined as the surface longitudinally centered on:
  - a. Runway 6/24 of the Rangely Airport; and,
  - b. Runway 3/21 of the Rangely Airport.

The dimensions of the primary surface(s) can generally be described as extending two hundred (200) feet beyond each end of the hard surface runways and is five hundred (500) feet in width for runway 6/24 and two-hundred fifty (250) feet in width for runway 3/21. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The specific dimensions for the runways and primary surfaces are as follows:

Runway Data Rangely Airport

	Runway 6/24	Runway 3/21
	Existing	Existing
Maximum elevation above mean sea level	5274'	5243'
Actual runway length	6700'	2400'
Actual runway width	75'	60'
Primary surface length	7100'	2800'
Primary surface width	500'	250'

2. Approach Surface. A geometric plane, which is defined as a sloping surface, that extends upward twenty (20) feet horizontally for each foot vertically from the ends of and at the same elevation as the primary surface, and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline. The width of the inner edge of the approach surface coincides with the width of the primary surface ends and expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at the horizontal distance of five thousand (5,000) feet from the primary surface ends.
3. Transitional Surface. A geometric plane which is defined as beginning as a sloping surface that extends from the sides of and at the same elevation as the primary surface and the approach surface at a slope of seven (7) feet horizontally for each foot vertically up to a height of one hundred fifty (150) feet above the Rangely airport elevation of five thousand two hundred seventy four (5274) feet.

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## **Chapter 19.52      Nonconforming Uses**

### **19.52.010 Maintenance authorized--Extension, alteration prohibited**

Subject to the provisions of this chapter, a nonconforming structure or use may be continued and maintained in reasonable repair, but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure, which was arranged or designed for the nonconforming use at the time of adoption of the provisions of this title is not an extension of a nonconforming use. A complete record of the location, value, nature, and extent of all nonconforming uses shall be maintained by the planning and zoning commission.

### **19.52.020 Discontinuance**

If a nonconforming use is discontinued for a period of six (6) months, further use of the property shall be for a conforming use.

### **19.52.030 Termination of specific uses**

- A. A nonconforming use not involving a structure or one involving a structure having an appraised value for tax purposes of less than five hundred dollars (\$500) shall be discontinued within two (2) years from the date of passage of Title 19 Zoning.
- B. A use, which is nonconforming with respect to provision for screening, shall provide screening within a period of five (5) years from the date of passage of Title 19 Zoning.

### **19.52.040 Alteration increasing nonconformance**

If a nonconforming use is changed, structurally altered, or expanded in any way that would increase the degree or area of nonconformance, it shall be changed to a use conforming to the regulations of the district.

### **19.52.050 Destruction of fifty percent (50%) of structural value**

If a nonconforming use structure or a structure containing a nonconforming use is destroyed by fire, flood, wind, explosion or act of God to an extent exceeding fifty percent (50%) of the appraised value for tax purposes of the building using new materials, a future structure or use on the property shall conform to the provisions of Title 19 Zoning. If destruction is determined to be less than fifty percent (50%), restoration must be started within twelve (12) months of such calamity and completed within twenty-four (24) months of initiating restoration, no expansion of the nonconforming use shall be permitted.

### **19.52.060 Structure commenced prior to effective date of regulations**

Nothing contained in Title 19 Zoning shall require any change in the plans, construction, alteration, or designated use of a building, for which a building permit has been issued and construction work has commenced prior to the adoption of said title, except that if the designated use will be nonconforming, it shall, for the purpose of Section 19.52.020 Discontinuance of said Title, be discontinued if not in operation within one (1) year of the date of issuance of the building permit.

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**19.52.070 Nonconforming lots of record**

In any district in which single-family dwellings are permitted, a single-family residence and customary accessory buildings may be erected on any single lot of record which exists as such at the time of adoption of this title. Such a lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the district in which it is located for area, or width, or both; provided, however, that the requirements of the district for minimum yard dimensions shall be met unless a variance to said requirements has been granted by the board of adjustment. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the item of passage of or amendment to this title, a part or all of said lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the lands shall be considered for the purpose of this title to be an undivided parcel, and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by this title.

**19.52.080 Change from one nonconforming use to another nonconforming use**

No nonconforming use of a building or structure or land may be changed to another nonconforming use, as may be determined by the board of trustees.

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## **Chapter 19.56 Vested Property Rights**

### **19.56.010 Purpose**

The purpose of this chapter, is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended, which Article establishes vested property rights as the result of certain municipal approvals in the land use review process.

### **19.56.020 Definitions**

As used in this chapter, unless the context otherwise requires:

1. "Site specific development plan" means a plan that has been submitted by a landowner or a landowner's representative describing with reasonable certainty the type of and intensity of use for a specific parcel of parcels of property, which for all such plans shall be the final approval step, irrespective of its title, which occurs prior to the building permit application. A "site specific development plan" shall not include a variance or a sketch plan or a preliminary plan as defined in Section 18.08.020 Definitions of Chapter 18.08 Construction--Definitions of Title 18 Subdivisions, a final architectural plan, a public utility filing, or any construction drawing, and related documents specifying materials and methods of construction of improvements. In addition, zoning that is not a part of a site-specific development plan shall not result in the creation of a vested right.
2. "Application" means a substantially complete application for approval of a site-specific development plan that has been submitted to the Town in compliance with applicable requirements established by this Code.
3. "Landowner" means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interest.
4. "Property" means all real property subject to land use regulations of the Town.
5. "Vested property right," means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.

### **19.56.030 Notice and Hearing**

No site specific development plan shall be approved for the purpose of establishing a vested property right until after a public hearing before the board of trustees or planning and zoning commission, conducted for the specific purpose of establishing a vested property right, and preceded by a notice of the time and place of such hearing published not less than fifteen (15) days of the date of such hearing in a newspaper having general circulation within the Town. If a landowner wishes the approval of a site specific development plan to have the effect of creating a vested right pursuant to article 68 of Title 24, C.R.S., as amended, the landowner must so request at least twenty (20) days prior to any scheduled action on such a site specific development plan. Failure of the landowner to request such a hearing renders any development plan on which such action resulting in approval has been taken not to be a site specific development plan, and no vested property rights shall be deemed to have been created. At its option the board of trustees or the planning and zoning commission may combine the notice of such hearing with any other hearing notice required by this code on a site specific development plan. At such hearing interested persons shall have an opportunity to be heard.

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**19.56.040 Approval--Effective date—Amendments**

A site-specific development plan shall be deemed approved upon the effective date of the approval action by the board of trustees or the planning and zoning commission relating thereto. In the event amendments to a site specific development plan are proposed by a landowner/developer and approved by the board of trustees or the planning and zoning commission, the effective date of such amendments for purposes of the duration of a vested property right shall remain the date of approval of the original site specific development plan unless the board of trustees or the planning and zoning commission specifically finds to the contrary and incorporates such finding in its approval of the amendment.

**19.56.050 Notice of approval**

Each map, plat or site plan or other document constituting a site specific development plan shall contain the following language: Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.” Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of the use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once not more than fourteen days after approval of the site specific development plan, in a newspaper of general circulation within the Town.

**19.56.060 Vested property right--Duration—Termination**

A property right that has been vested shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site-specific development plan unless expressly authorized by the Town. The Town may enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three years where warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions.

**19.56.070 Payment of costs**

In addition to any and all other fees and charges imposed by this code, the landowner requesting a hearing on the creation of a vested property right shall pay all costs occasioned by the Town in the preparation of the notice of such hearing, subsequent publication, and any other actions associated with the creation of vested property rights. The schedule of such fees and charges shall be established by resolution of the board of trustees.

**19.56.080 Other provisions unaffected**

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of this code pertaining to the development and use of property.

**19.56.090 Limitations**

Nothing in this chapter is intended to create a vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article, or a judicial determination that said article is invalid or unconstitutional, this chapter shall be deemed to be repealed and the provisions hereof no longer effective.

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## **Chapter 19.60          Variances and Zoning Appeals**

### **19.60.010 Variances**

The planning and zoning commission acting as the board of zoning adjustments shall have the power to grant variances from the provisions of Chapter 19.32 Lots, Yards, and Building Heights of Title 19 Zoning in cases where, because of specific location, topography, shape, or size of the lot, the strict application of these provisions would cause exceptional practical difficulties or undue hardship to the property owner. A variance may be granted only if all the following conditions are found to exist:

1. No use or use modification shall be authorized other than those permitted as a use-by-right in the zoning district;
2. Conformance to the purposes and intent of the comprehensive plan, future land use, and ultimate development of the zoning district shall be upheld;
3. The values and use of adjacent properties and their access to light and air will not be adversely affected;
4. The hardship is peculiar, site-specific to the property, not created by the applicant, and cannot reasonably be corrected;
5. Substantial justice shall be done and that any relief granted shall not be arbitrary or discriminatory.

### **19.60.020 Zoning appeals**

A notice of appeal, specifying the grounds thereof, shall be filed with the official from which the appeal is taken upon a form prescribed by the planning and zoning commission acting as the board of zoning adjustments by the person(s) aggrieved within thirty (30) days of any order, requirement, decision, or determination of the administrative official charged with the enforcement of the provisions of Title 19 Zoning. Said notice shall be in writing and shall indicate what provisions of said Title is involved, what relief from these provisions is being sought, and the ground upon which the appeal is based. Said official shall at once transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed unless the official certifies to the board that, in his opinion, a stay would cause imminent peril to life and property. The board may affirm, wholly or partly, or, where there are no practical difficulties or unnecessary hardships in carrying out the strict letter of the provisions of said Title 19, may reverse or modify any such order, requirement, decision, or determination as long as the spirit of said provisions is observed, public safety and welfare secured, and substantial justice done. A vote to reverse or modify shall require four (4) affirmative votes of the members of the board.

### **19.60.030 Procedures generally**

The board shall set a public hearing within thirty (30) days of its receipt of an application for a variance or notice of appeal. A notice of such hearing shall be published in a newspaper of general circulation in the town at least one week prior to said hearing. A copy of said notice shall be sent to the parties submitting an application or notice of appeal and to the official charged with the enforcement of Title 19 Zoning. In the case of a variance, notice of the hearing will be sent at least one week in advance of said hearing to all abutting property owners, including those who may be separated from the subject property by a street or alley, or other public right of way, and a copy of said notice shall be posted prominently on the property on which the variance is sought. At the hearing any person may appear in person or by attorney or agent. The board shall render a decision within thirty (30) days of said hearing and shall notify the person(s) applying for a variance or submitting a notice of appeal. A copy of said decision shall be provided to the official charged with the enforcement of the provisions of Title 19 Zoning.

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## **Chapter 19.64      Amendments**

### **19.64.010 Initiation**

Amendments, supplements, changes or repeal of the provisions in this title or the zoning map may be initiated by the board of trustees, by the planning and zoning commission, or by application of a citizen or group of citizens, firm or corporation, residing, owning or leasing property in the town.

### **19.64.020 Prerequisite actions**

Amendments to Title 19 Zoning shall be in accordance with the laws of the state of Colorado which require the following action before adoption of any such amendment:

1. Study and recommendation on the proposed amendment by the planning and zoning commission; and
2. Completion of a public hearing before the board of trustees after at least fifteen (15) days' notice of the time and place of such hearing by publication in a newspaper having general circulation within the Town.

### **19.64.030 Application—Contents**

Application for an amendment to the provisions of this title shall be made on such a form as the planning and zoning commission prescribes and shall be filed with the Town manager. Applications for an amendment to the official zoning map shall contain all of the following information:

1. Description of land area requested to be rezoned, along with an indication of the existing zoning on all adjacent sides of the area;
2. A statement of justification for the rezoning, including one of the following conditions: changing area conditions, error in original zoning, conformance to Rangely master plan for area, or peculiar suitability of the site to a certain use;
3. Description and sketches, if available, of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within two hundred feet of the boundary of the proposed area of change in all directions;
4. Time schedule for any contemplated new construction or uses;
5. Justification for any new business or industrial zoning;
6. Effect that the new zoning would have on adjacent uses.

### **19.64.040 Application--Recommendation of planning and zoning commission**

All applications for change to the zoning ordinance or official zoning map shall be referred by the Town manager to the planning and zoning commission, which shall return a recommendation either for or against the proposed change to the board of trustees within fifteen (15) days of the receipt thereof.

### **19.64.050 Application--Adoption--Approval by board of trustees required**

The adoption of any amendment shall require the favorable vote of a majority of the board of trustees, except, however, when there is filed a protest against a change by the owners of twenty percent or more of the area of the lots included in such proposed change, of those immediately adjacent in the rear thereof extending one hundred (100) feet there from, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots. In such a case, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the board of trustees.

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**19.64.060 Application--Adoption--Board of trustees overruling planning and zoning commission recommendation**

The favorable vote of three-quarters (3/4) of the board of trustees shall be required to approve an amendment or map change that has not been recommended by the planning and zoning commission.

**19.64.070 Rezoning—Generally**

For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the rezoning of land is to be discouraged.

**19.64.080 Rezoning--Minimum size of parcel**

No amendment changing the zoning classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract has three hundred (300) feet of frontage on one public street or has one (1) acre of area, or abuts on a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the property which is subject to the proposed amendment.

**19.64.090 Rezoning--Notice to property owners**

An applicant for rezoning must provide certified notice to property owners of proposed zone request.

**19.64.100 Annexed territory**

Any area annexed by the Town shall be brought under the provisions of this title and the map there under within ninety (90) days from the effective date of the annexation ordinance, irrespective of any legal review, which may be instituted challenging the annexation. During such ninety (90) day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area.

**19.64.110 Records**

The Town manager shall maintain a record of amendments to the text and map of this title in a form convenient for the use of the public.

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**Chapter 19.68            Planning and Zoning Commission**

**19.68.010 Creation—Powers**

Pursuant to the authority conferred by the Colorado Revised Statutes, 1973, as amended, there is created a planning and zoning commission for the Town. The commission shall have all of the powers and perform each and all of the duties specified by the statutes, as amended, together with any other powers and duties, which are conferred, or may be, conferred hereafter<sup>1</sup> by local regulation or provisions of this Code. The commission shall be appointed and serve as the board of zoning adjustments to hear requests for and grant variances as specified in Chapter 19.60 Variances and Zoning Appeals and to hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of the provisions of Title 19 Zoning.

**19.68.020 Members--Terms and qualifications**

The planning an zoning commission shall consist of seven (7) members appointed by the board of trustees. Terms shall be four (4) years and staggered with four (4) expiring May 1st following the next municipal election. All members of the planning and zoning commission shall be bona fide residents of the Town, and, if any member ceases to reside in the Town, his membership shall immediately terminate. No member of the commission shall hold any municipal office of profit.

**19.68.030 Organization-Rules**

The commission shall elect its chairman, and such other officers it deems advisable, from among its members. The terms of such officers shall be for one year and shall expire May 1st of each year. The commission shall keep minutes of its meetings and may adopt by-laws, rules of procedure, or other regulations for the conduct of its business both as the planning and zoning commission and the board of zoning adjustments not inconsistent with the State statutes and this Code.

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**Chapter 19.70      Fees**

**19.070.10 Fees**

Fees to cover the costs of advertising, processing, and other costs for a Special Review Use, Variances and Zoning Appeals, Planned Unit Development, Zoning Regulation Amendment, and Zoning Map Amendment shall be established by resolution of the Town council.

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## **Chapter 19.76            Enforcement and Penalty**

### **19.76.010 Zoning enforcement officer--Authority designated**

This title shall be administered and enforced by the Town manager .

### **19.76.020 Interpretation--Most restrictive provision applies**

The provisions of this title shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of Title 19 Zoning are less restrictive than comparable conditions imposed by any other provisions of said Title or of any other provisions of this Code, resolution, or regulation, the provisions which are more restrictive shall govern.

### **19.76.030 Responsibilities of specific groups and officers**

Responsibilities in general of the planning and zoning commission, the Town manager, the board of adjustment, and the board of trustees include, but are not limited to, the following:

1. It shall be the responsibility of the planning and zoning commission to hear all applications for zoning changes and changes in Title 19 Zoning, as prescribed by law and said title and to recommend action to the board of trustees. The planning and zoning commission has authority to approve special review uses under the provision of this section. The planning and zoning commission has no authority to approve variances, and all requests for variances shall be sent to the board of zoning adjustment for hearing.
2. The Town manager is charged with the interpretation and enforcement of this title. Appeals from a decision of said Manager shall be presented to him who shall forward such appeal with all pertinent information to the board of zoning adjustment for hearing.
3. The board of zoning adjustment shall hear and decide all questions on appeal from decision of the Town manager (using the written opinions of both the planning and zoning commission and the board of trustees in making such a decision) and shall issue variances in accordance with Section 19.60.010 of Title 19 Zoning.
4. The board of trustees has the sole responsibility of changes in the zoning map and changes in Title 19 Zoning.

### **19.76.040 Complaints**

Any person aggrieved by a violation or apparent violation of the provisions of Title 19 Zoning may file a written complaint with the Town manager who shall immediately investigate such complaint and take legal action to have the violation penalized and removed, if such a violation is found to exist. .

### **19.76.050 Notification of violation--Failure to abate**

- A. If the Town manager finds, or if any person files with him a complaint in writing alleging that any provisions of Title 19 Zoning are being violated, he shall immediately investigate and, when necessary, give written notice to the person responsible to cease such violation forthwith.
- B. Written notice may be delivered in person or by certified mail to the violator or to any person in charge of property where violation is occurring.
- C. If the violation, which is the subject of the notice delivered by the Town manager, is not remedied within a reasonable time to be determined by the official, but not to exceed ninety (90) days, then action shall be brought against the party or parties in violation, pursuant to said Title.

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**19.76.060 Penalty**

The owner or owners of any building or buildings or premises or part thereof where anything in violation of Title 19 Zoning exists or is placed or maintained; any architect, builder, or contractor who assists in the commission of any such violation; and all persons or corporations who violate or maintain any violation of any of the provisions of said Title, or who fail to comply therewith or with any requirements thereof, or who build in violation of any statement of plan submitted and approved there under, shall for each and every violation or noncompliance be guilty of a petty offense. Every person violating or contributing in any way to the violation of any provision of said Title is guilty of a separate offense for each day during which such violation continues and may be punished therefore as provided in said Title.

**19.76.070 Liability for damages**

Title 19 Zoning shall not be construed to hold the Town or its authorized representatives responsible for any damage to persons or property by reason of the inspection or reinspection authorized in this title, or failure to inspect or reinspect, or by reason of issuing a building permit as provided in this title. .

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