

Zoning Ordinance

*Drafted by the Jefferson County Zoning Commission and
approved by Jefferson County Commissioners at Golden,
Colo., Monday, Feb. 3, 1941.*

●
In conformity with the state
zoning laws of Colorado,
passed by the 32nd General
Assembly.
●

Compliments Of

JEFFERSON COUNTY ABSTRACT COMPANY
Court House, Golden Golden 148

and

RECORD ABSTRACT & TITLE INSURANCE CO.
725 18th St., Denver MAin 1207

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Jefferson County Zoning Resolution

RESOLUTION ADOPTING ZONING ORDINANCE AND MAPS ACCOMPANYING SAME, ESTABLISHING OFFICE OF COUNTY BUILDING INSPECTOR, FIXING THE TIME, COMPENSATION AND DUTIES OF SAID OFFICE, AND ESTABLISHING A BOARD OF ADJUSTMENT AND FIXING THE TERM, COMPENSATION AND DUTIES OF THE MEMBERS THEREOF AND THE RULES GOVERNING PROCEDURE OF SAID BOARD.

WHEREAS, the public necessity and convenience of the people of the County of Jefferson, State of Colorado, require certain regulations for the purpose of promoting the health, safety, morals, convenience and the prosperity or welfare of the present and future inhabitants of said County, including, among other things, the lessening of congestion in the streets or roads, or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses, and distribution of land development and utilization, protection of the tax base, securing economy in government expenditures, fostering the county's agricultural and other industries, and the protection of both urban and non-urban developments, and

WHEREAS, heretofore pursuant to the provisions of Chapter 92, 1939 Session Laws of Colorado, the Board of County Commissioners of Jefferson County, Colorado, did establish a County Planning Commission designated as Jefferson County Planning Commission, and did appoint the members thereof, and

WHEREAS, said Jefferson County Planning Commission did promulgate a zoning plan, which said plan was duly submitted to the State Planning Commission of the State of Colorado, as provided by said Chapter 92, and

WHEREAS, said zoning plan, together with a master plan and maps designated "Zoning District Map, parts 1 to 5 inclusive" were by said Jefferson County Planning Commission duly certified to the Board of County Commissioners of Jefferson County, Colorado, and

WHEREAS, pursuant to legally published notice a public hearing was held on said zoning plan and no protests thereon were made to or lodged with said Board of County Commissioners, and

WHEREAS, certain minor changes were made in said zoning plan by the Board of County Commissioners of Jefferson County, Colorado, which said changes were duly certified to the Jefferson County Planning Commission and duly accepted by said Planning Commission,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Jefferson, State of Colorado, in regular meeting assembled at Golden, Colorado, this 3rd day of February, A. D. 1941, that the said zoning plan heretofore referred to herein, together with the master plan and zoning district map, parts 1 to 5 inclusive, accompanying the same, said zoning plan being designated "Zoning Ordinance for Jefferson County, Colorado," be and the same are hereby approved, adopted, and by this resolution put into immediate force and effect from and after the date of this resolution in accordance with the terms and provisions thereof, which are as follows, to-wit:

"ZONING ORDINANCE FOR JEFFERSON COUNTY, COLORADO" CERTIFICATE OF JEFFERSON COUNTY PLANNING COMMISSION

We, the duly appointed and acting Jefferson County Planning Commission do hereby certify the following zoning ordinance, master plan and accompanying maps to be approved by the Board of County Commissioners of Jefferson County, Colorado, subject to its final acceptance by the said Board after public hearing as provided by statute in which the entire county is zoned into districts as hereinafter set forth, in which no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used or located except as hereinafter set forth.

From and after the acceptance by the Jefferson County Board of County Commissioners after public hearing, as provided by statute, no building shall be commenced nor proceeded with except after the issuance of a written building permit for same issued by the County building inspector for any building located in any district except the unrestricted district as hereinafter set forth.

ED. M. OLMSTED
JOHN E. MEIER
JAMES G. BIGGINS, JR.
HOMER L. PEARSON
W. G. DUVALL

COUNTY OF JEFFERSON }
STATE OF COLORADO, } ss.

The foregoing instrument was acknowledged before me this 26th day of September, 1940, by Ed. M. Olmsted, John E. Meier, James G. Biggins, Jr., Homer L. Pearson, and W. G. Duvall.

WITNESS my hand and official seal.

RAY G. HENRY,
Notary Public.

(SEAL)

My commission expires January 4, 1941.

SECTION 1. DISTRICT RESIDENTIAL ONE (R.1)

A. Use Regulations.

In an R.1 district no building or premise shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used for other than one or more of the following uses:

- (1) Single family dwelling.
- (2) Public library, public museum, telephone exchange where no public business office and no repairing or storage facilities are maintained, school; provided, however, that the word school as used in this connection shall not include vocational or trade schools, so-called schools for abnormal adults or children, and institutions other than those for children required by the laws of the State of Colorado to attend primary, secondary and high schools as that term is ordinarily used.
- (3) Public park, playground, golf course, well.
- (4) Farming, nursery, truck gardening, non-commercial conservatory for plants and flowers, but not including stock raising, fur farming or dairying except as specifically provided for in paragraph 5 below.
- (5) Private garage, private stable for not more than five horses. Private poultry houses containing not more than 400 square feet of ground floor area and not more than one story in height. Private rabbit houses, containing not more than 100 square feet of ground floor area and not more than one story in height, private dog kennel for not more than three dogs, private cow barn for not more than two animals.
- (6) Private club excepting a club the chief activity of which is a service customarily carried on as a business.

B. Building Regulations.

- (1) Domestic water supply and sewage disposal shall comply with State Board of Health requirements represented by a certificate of approval from said State Board of Health, (without cost).

C. Lot and Yard Regulations.

For buildings hereafter erected or altered the following regulations will apply:

- (1) The minimum width of the front of the lot at the building set back line shall be 100 feet.
- (2) The minimum width of side yards for any building shall be 15 feet except for schools, for which the minimum width of the side yard shall be 100 feet; the minimum depth of the rear yard shall be 10 feet measured from the center of the alley, if any; the minimum depth of the front yard shall be 50 feet.
- (3) No outbuilding except private garage shall be constructed closer than 150 feet from the front and or street lot line except that on corner lots, outbuildings may be constructed to within 60 feet of the side street lot line.

SECTION 2. DISTRICT RESIDENTIAL-LM (R-LM)

A. Use Regulations.

In a R-LM district no building or premise shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in a Residential One District.
- (2) Multiple family dwellings.
- (3) Church, college, community buildings, athletic field, polo field, private school, home for the aged, convalescent homes, not including hospitals for contagious or infectious diseases.

B. Building Regulations.

- (1) Domestic water supply and sewage disposal shall comply with State Board of Health requirements represented by a certificate of approval from said State Board of Health, (without cost).

C. Lot and Yard Regulations.

For buildings hereafter erected or altered to accommodate or make provisions for additional families the following regulations will apply:

- (1) For each single family dwelling the minimum width of lot shall be 50 feet.
- (2) For each multiple family dwelling the minimum width of lot shall be 100 feet.
- (3) The minimum width of side yards for any building shall be 8 feet, except for schools either private or public for which the minimum width of the side yard shall be 100 feet, and except the minimum side yard for a multiple dwelling which shall be 25 feet; the minimum depth of the rear yard shall be 10 feet measured from the center of the alley, if any; the minimum depth of the front yard shall be 30 feet.
- (4) No outbuilding except private garage shall be constructed closer than 100 feet from the front and/or street lot line except that on corner lots, outbuildings may be constructed to within 40 feet of the side street lot line.

SECTION 3. DISTRICT RESIDENTIAL TWO (R.II).

A. Use Regulations.

In an R.II district no building or premise shall be used and no building shall be erected or altered which is arranged, intended, or designated to be used for other than one or more of the following uses:

- (1) Any use permitted in a Residential One District.
- (2) Private or non-commercial poultry houses or pens, rabbit hutches or pens, dog kennel, cow barn.

B. Building Regulations.

- (1) Domestic water supply and sewage disposal shall comply with State Board of Health regulations represented by a certificate of approval from said State Board of Health, (without cost).

C. Lot and Yard Regulations.

For buildings hereafter erected or altered the following regulations will apply:

- (1) The minimum width of lot shall be 75 feet.
- (2) The minimum width of side yards for any building shall be 15 feet except for schools either private or public for which the minimum width of the side yard shall be 100 feet; the minimum depth of the rear yard shall be 10 feet measured from the center of the alley, if any; the minimum depth of the front yard shall be 40 feet.
- (3) No outbuildings except private garage shall be constructed closer than 100 feet from the front and/or street property line, except that on corner lots outbuildings may be constructed to within 50 feet of the side street lot line.

SECTION 4. DISTRICT AGRICULTURAL ONE (A.I).

A. Use Regulations.

In an A.I district no building or premise shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used for other than one or more of the following uses:

- (1) A use permitted in any residential district.
- (2) Farming, stock raising, and dairying.
- (3) Fur farming and dog kennels.
- (4) Commercial greenhouses.
- (5) Hospitals or sanitariums for contagious or infectious diseases.

B. Building Regulations.

- (1) Domestic water supply and sewage disposal shall comply with the State Board of Health regulations represented by a certificate of approval from said State Board of Health, (without cost).

C. Lot and Yard Regulations.

For buildings hereafter erected or altered the following regulations will apply:

- (1) The minimum depth of the front yard shall be 50 feet.
- (2) The minimum depth of the side yard shall be 25 feet except that adjacent to a proposed road the minimum yard shall be 50 feet measured from the center of said proposed road.
- (3) The minimum side yard for schools, hospitals and sanitariums shall be 100 feet.

SECTION 5. DISTRICT COMMERCIAL ONE (C.I).

A. Use Regulations.

In a C.I district no building or premise shall be used and no building shall be erected or altered which is arranged, intended or designed to be used for other than one or more of the following uses:

- (1) A use permitted in any residential district.
- (2) Stores for retail trade.
- (3) Commercial billboards, electric display or advertising sign, subject to front yard regulations below.
- (4) Motor vehicle display and sales building, lot for display and sale of used or second hand motor vehicles not including auto wrecking yards or storage of metals, machinery, coal or wood.
- (5) Garage or motor fuel filling station.
- (6) Fire station.
- (7) Assembly hall and mortuary.
- (8) Auto-trailer camp.
- (9) Telephone exchange.
- (10) Restaurants.
- (11) Such other uses which are no more detrimental to the highest and best uses of the land in said district than are the uses hereinbefore enumerated.

B. Building Regulations.

- (1) Domestic water supply and sewage disposal shall comply with State Board of Health requirements represented by a certificate of approval from said State Board of Health, (without cost).

C. Lot and Yard Regulations.

For buildings hereafter erected or altered the following regulations will apply:

- (1) In a C.I district the minimum set back or front yard for every building erected shall be 30 feet except that motor fuel pumps may be erected not closer than 18 feet from the front lot line.
- (2) The minimum set back for advertising signboards or electric display signs not exceeding 24 square feet of area shall be 5 feet from the front or street lot line.
- (3) If a building is constructed of masonry or fireproof materials no side yard shall be required unless located on a corner lot.
- (4) If a building is constructed of non-masonry or non-fireproof materials there shall be a side yard of not less than 15 feet.
- (5) The rear yard shall be not less than 15 feet measured from the center of the alley, if any.
- (6) Offstreet parking of sufficient capacity to accommodate all customers and employees shall be provided by each building.

SECTION 6. DISTRICT COMMERCIAL TWO (C.II).

A. Use Regulations.

In a C.II district no building or premise shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used other than one or more of the following uses:

- (1) A use permitted in a Commercial One district.
- (2) Shop for custom work or for making of articles to be sold at retail on the premises.
- (3) Electric substations.
- (4) Wholesale business.
- (5) Commercial greenhouses.

- (6) Storage in bulk of, or warehouse for, such items as building materials, construction equipment, oil and petroleum in quantities less than tank car lots, coal and wood.
- (7) Cold storage plant.
- (8) Veterinary hospital and boarding kennels.
- (9) Manufacture or industrial operations of any kind not heretofore listed and exclusive of industrial operations listed hereafter, where not in excess of 5 horsepower is employed in the operation of any machine.
- (10) Such other uses which are no more detrimental to the highest and best uses of the land in said district than are the uses hereinbefore enumerated.

B. Building Regulations.

- (1) Domestic water supply and sewage disposal shall comply with State Board of Health requirements represented by a certificate of approval from said State Board of Health, (without cost).

C. Lot and Yard Regulations.

For buildings hereafter erected or altered the following regulations will apply:

- (1) In a C.II district every building erected shall have a front yard of not less than 30 feet except that motor fuel pumps may be erected not closer than 18 feet from the front lot line.
- (2) Advertising signboards or electric display signs not exceeding 24 square feet of area may be constructed not closer than 5 feet from the front lot or street line.
- (3) If a building is constructed of masonry or fire-proof materials no side yard shall be required unless located on a corner lot.
- (4) If a building is constructed of non-masonry or non-fireproof materials there shall be a side yard of not less than 15 feet.
- (5) The rear yard shall be not less than 15 feet measured from the center of the alley, if any.

SECTION 7. DISTRICT INDUSTRIAL ONE (I.I).

A. Use Regulations.

In an I.I district no building or premise shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used for other than one or more of the following uses:

- (1) Use permitted in a Commercial Two district.
- (2) Foundry.
- (3) Rock crusher, gravel pit.
- (4) Dog pound, fur farm or boarding kennel.
- (5) Brick, tile, or terra cotta manufacture.
- (6) Light or power plant, central station.
- (7) Grain drying or poultry feed manufacture, feed mill.
- (8) Auto wrecking or junk yards.
- (9) Storage in bulk of or warehouse for metals or machinery.
- (10) Cemetery or crematory.
- (11) Manufacture or industrial operations of any kind, exclusive of industrial operations listed hereafter as Industrial Two district uses, provided that no industrial process shall be included which emits dust, odor, gas, fumes, noise or vibration comparable in character or in aggregate amount to that of any use listed as an Industrial Two district use.
- (12) Such other uses which are no more detrimental to the highest and best uses of the land in said district than are the uses hereinbefore enumerated.

B. Building Regulations.

- (1) Domestic water supply and sewage disposal shall comply with State Board of Health requirements represented by a certificate of approval from said State Board of Health, (without cost).

C. Lot and Yard Regulations.

For buildings hereafter erected or altered the following regulations will apply:

- (1) In an I.I district every building erected shall have a front yard of not less than 30 feet except that motor fuel pumps may be erected not closer than 18 feet from the front lot line.
- (2) Advertising signboards or electric display signs not exceeding 24 square feet of area may be constructed not closer than 5 feet from the front lot or street line.

- (3) If a building is constructed of masonry or fire-proof materials no side yard shall be required.
- (4) If a building is constructed of non-masonry or non-fireproof materials there shall be a side yard of not less than 15 feet.
- (5) A rear yard of not less than 15 feet measured from the center of the alley, if any.

SECTION 8. DISTRICT INDUSTRIAL TWO (I.II).

A. Use Regulations.

In an I.II district no building or premise shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in an I.I district.
- (2) Abattoir, meat packing, fertilizer manufacturing, dead animal reclaiming.
- (3) Any industrial process emitting dust, odor, gas, fumes, noise, vibration to a greater degree than those listed as I.I uses.

B. Building Regulations.

- (1) Domestic water supply and sewage disposal shall comply with State Board of Health requirements represented by a certificate of approval from said State Board of Health, (without cost).

C. Lot and Yard Regulations.

For buildings hereafter erected or altered the following regulations will apply:

- (1) In an I.II district every building erected shall have a front yard of not less than 30 feet except that motor fuel pumps may be erected not closer than 18 feet from the front lot line.
- (2) Advertising signboards or electric display signs not exceeding 24 square feet of area may be constructed not closer than 5 feet from the front lot or street line.
- (3) If a building is constructed of masonry or fireproof materials no side yard shall be required unless located on a corner lot.
- (4) If a building is constructed of non-masonry or non-fireproof materials there shall be a side yard of not less than 15 feet.
- (5) A rear yard of not less than 15 feet measured from the center of the alley, if any.

SECTION 9. UNRESTRICTED DISTRICT.

No regulations shall apply and no building permit shall be necessary in the Unrestricted District unless and until any tract of 5 acres or more shall be platted or subdivided for residential use, in which event the same rules shall apply as set forth in the Subdivision Development Plan hereinafter set forth.

SECTION 10. NATURAL WATERWAYS

In any district of the county no buildings shall be constructed within the boundaries of any natural waterway or course. Building set back regulations or front yard regulations for the district in which located shall apply to waterways or courses the same as though said waterway or course was a public street.

SECTION 11. ACCESSORY USES IN RESIDENCE DISTRICTS.

A use accessory to a permitted use in a residence district shall be permitted in such district. A commercial billboard or advertising sign shall in no case be permitted as an accessory use except that the placing of signs in connection with the sale, renting, construction or improvement of the property and not exceeding an area of 12 square feet, shall be permitted as an accessory use. A store trade or business shall not be permitted as an accessory use, except that the office of a physician, dentist, surgeon or other professional person may be located in the dwelling or apartment used by such physician, dentist, surgeon or other professional person as his private residence, and except that any person carrying on a customary home occupation may do so in a dwelling used by him if it is incidental to such residential use. In a dwelling or apartment occupied as a private residence, one or more rooms may be rented or table board furnished. A restaurant, public dining room or other service customary to a hotel or an apartment house and incidental to its residential use may be located therein as an accessory use. Products derived of a permitted use may be sold on the premises.

SECTION 12. ACCESSORY USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

In a commercial or industrial district a use accessory to an authorized use shall be permitted. A use specified as Industrial Two district use shall not be permitted as an accessory use in Industrial One district.

SECTION 13. GARAGES, MOTOR VEHICLE REPAIR SHOPS AND FILLING STATIONS.

No garage for more than ten motor vehicles, motor vehicle repair shop and no gasoline or other motor fuel filling station shall have an entrance or exit for motor vehicles within three hundred (300) feet measured within street or alley lines of any entrance or exit of a public or private school, playground, public library, hospital, church or orphanage or children's home. In the application of this section with reference to a playground where said playground is not enclosed with a wall or fence the entrance and exit to same shall be construed to be the nearest point on the playground.

SECTION 14 NON-CONFORMING USES

The lawful use of land existing at the time of the passage of this ordinance that does not conform to the regulations prescribed in the preceding sections of this ordinance shall be deemed a non-conforming use and such use may be continued subject to such regulations as to the maintenance of premises and conditions of operations as may in the judgment of the Board of Adjustment be reasonably required for the protection of adjacent or neighboring property, but if such non-conforming use is discontinued for a period of six (6) months or more any future use of said land must be in conformity with the provisions of this ordinance.

The lawful use of a building existing at the time of the passage of this ordinance that does not conform to the regulations prescribed in the preceding sections of this ordinance shall be deemed a non-conforming use and such use may be continued subject to such regulations as to maintenance of premises and conditions of operation as may in the judgment of the Board of Adjustment be reasonably required for the protection of adjacent or neighboring property, but if such non-conforming use is discontinued for a period of one year or more the future use of such building must be in conformity with the provisions of this ordinance. A non-conforming use shall not be extended, but the extension of a continuing use to any portion of a building which portion was arranged or designed for such non-conforming use at the time of the passage of this ordinance shall not be deemed the extension of a non-conforming use. A building arranged, designed and devoted to a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding sixty per cent of the then assessed value of the building unless the use of said building is changed to a conforming use. A non-conforming use shall not be changed unless changed to a more restrictive use. A non-conforming use if changed to a conforming use may not thereafter be changed back to any non-conforming use. In any district a single family dwelling can be erected on any lot in separate ownership at the time of passage of this ordinance, which lot may not permit the required side yards as provided in that area and which lot does not conform with the minimum width requirements as set forth in that area.

SECTION 15. OBSTRUCTION TO VIEW.

On any corner lot on which a set back line is established by this ordinance no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained in such location between such set back line and the street line as to cause danger to traffic.

SECTION 16. SUBDIVISION DEVELOPMENT PLAN

The owner or owners of any unsubdivided or unbuilt land not less than 5 acres in area, shall submit to the County Planning Commission a complete development plan for such area, showing proposed streets, building lines, park and other public or private permanent open spaces, together with a proposed building plan indicating lots for single family or multiple family dwellings and areas where multiple dwellings or local stores or shops are proposed to be built. Such building plan shall indicate for each lot or proposed building unit the maximum number of houses that

may be built thereon and the minimum yard requirements. Such subdivision development plan if approved by the County Planning Commission and by the Board of County Commissioners shall be construed to modify and supplement these regulations as related to the land included in such subdivision. Such subdivision development plan shall not be approved by the County Planning Commission unless in its judgment the entire area included, having regard to the parks and other open spaces, provides the general standard of housing and living conditions not inferior to those that would be secured if the general regulations of this ordinance remained in full force, nor shall such subdivision development plan be approved by the County Planning Commission unless in its judgment the appropriate use of adjoining land is fully safeguarded and such development plan is consistent with the public welfare. Such development plan may change from time to time in accordance with the method and procedure provided by law for the amendment of this ordinance.

SECTION 17. ENFORCEMENT.

This ordinance shall be enforced by the County building inspector, subject to rules adopted by the Board of County Commissioners. No oversight or dereliction on the part of the County building inspector or his authorized assistants or on the part of any official or employee of the County of Jefferson shall legalize, authorize or excuse the violation of any of the provisions of this ordinance.

The County building inspector shall enforce such regulations as are necessary as to maintenance of premises and conditions of operations to insure against unnecessary odors, smoke, or noise of any permitted use.

SECTION 18. PERMIT REQUIRED

From and after the time of zoning of any district except the unrestricted district the construction, alteration, repair, removal or occupancy of any structure or of any part thereof, in said district as provided or as restricted in this ordinance, shall not be commenced or proceeded with except after the issuance of a written permit for same by the County Building Inspector, the cost of which shall be set by the Board of County Commissioners.

Hereafter no road, park, or other public way, ground or space, no public building or structure or no public utility, whether publicly or privately owned, shall be constructed or authorized in the unincorporated territory of the county until and unless the proposed location and extent thereof shall have been submitted to and approved by the county planning commission; provided, however, that in case of disapproval, the commission shall communicate its reasons to the Board of County Commissioners, and such Board shall have the power to overrule such disapproval by a vote of not less than a majority of its membership, and upon such overruling said Board or other official in charge of proposed construction or authorization may proceed therewith; provided, further, however, that if the public way, ground, space, building, structure, or utility be one the authorization or financing of which does not, under the law governing the same, fall within the province of the Board of County Commissioners or other county official or board, then the submission to the commission shall be by the body or official having such jurisdiction, and the commission's disapproval may be overruled by said body by a vote of not less than a majority of its entire membership or by said official. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any road, park, or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting board, body, or official.

None of the provisions of this ordinance shall apply to any existing building, structure, plant or other equipment owned or used by any public utility. After the adoption of this ordinance all extensions, betterments or additions to buildings, structures, plant or other equipment of a public utility shall only be made in conformity with this ordinance, unless after public hearing first had, the Public Utilities Commission of the State of Colorado orders that such extensions, betterments or additions to buildings, structures, plant, or other equipment are reasonable and that such extensions, betterments or additions may be made, even though they conflict with this ordinance.

SECTION 19. STANDARD REQUIREMENTS FOR NEW SUBDIVISIONS.

The standard requirements for new subdivisions shall be as follows:

- (1) All land plats must be prepared on good quality tracing cloth 24"x36" in over all dimension, with a two inch margin on the right and not less than 1½ inches on the other three sides. All maps must be made of this size irrespective of the size of the piece of land being platted. Symbol "North" must be at the top of the map. An extra copy of each plat shall be supplied for filing with the Planning Commission.
- (2) Each plat shall be drawn to a scale not smaller than 400 feet to the inch.
- (3) All roads must not be less than 50 feet in width. The width must be no less than that shown on the master plan, and there shall be no blind or deadend roads shown except where a turn-around of 90 feet in diameter is provided, roads to follow established road lines wherever possible. All property lines and other features appurtenant to proper subdivision shall be shown.
- (4) All irrigation ditches must be kept within property lines except when crossing a road.
- (5) All plats or maps must designate the legal corners and must show the engineer's seal and certificate. Maps must be drawn with waterproof ink and must be rolled but not folded.
- (6) Name of subdivision and name of owner or trustee as owner is to be shown.
- (7) Names of all adjoining subdivisions shall be included and all adjoining roads shall be shown.
- (8) All lots, plots and blocks shall be properly numbered and lettered.
- (9) All proper certificates, seals, and signatures as required by law shall be shown.
- (10) All plats shall provide a form for the approval of the County Planning Commission and the Board of County Commissioners.
- (11) All new roads shall whenever possible be a continuation of existing roads, if any, without any offset.
- (12) Corner lots shall be large enough to permit the required set back and yard regulations.
- (13) Curbs and sidewalks shall be constructed on the public right of way only in accordance with plans and specifications as established by the Jefferson County Board of County Commissioners.
- (14) All lots or plots shall comprise the minimum frontage requirements for the district in which located.

SECTION 20. AMENDMENTS.

The ordinance and the accompanying maps may be amended by a majority vote of the County Planning Commission and the subsequent approval by the Jefferson County Board of County Commissioners as provided by law.

SECTION 21. BOARD OF ADJUSTMENT.

There shall be a Board of Adjustment consisting of five members appointed by the Board of County Commissioners of Jefferson County, Colorado. Such board shall have the powers given and be controlled by the provisions of Section 16 of the Enabling Act authorizing the Board of County Commissioners to pass a zoning ordinance. The members of the board shall receive such compensation as may be fixed by the Board of County Commissioners. The board shall appoint a secretary-engineer who shall have had experience in planning or zoning, and such other subordinates as may be authorized from time to time by the Board of County Commissioners, the respective compensation of the secretary-engineer and subordinates to be fixed by the Board of County Commissioners in its annual budget.

SECTION 22. EXCEPTIONS UNDER SPECIFIC RULES.

A. When in its judgment the public convenience and welfare will be substantially served or the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations herein established in harmony with their general purposes and intent as follows:

- (1) Permit the location in any use district of a Federal, State, or County building, school for mentally or physically deficient adults or children, kindergarten or

pre-school for children, vocation or trade school or school or institution of similar character, day nursery for infants and children, penal or correctional institution, hospital or sanitarium for infectious or contagious diseases and for the insane and feeble minded, boat house, office building, public utility, ice storage building, aviation field, amusement park, fair grounds, circus grounds, riding academy, motor vehicle parking lot for revenue, pool and billiard hall, dance hall, crematory, cemetery, sewage disposal or treatment plant, refuse dump, stone quarry, gravel pit, garbage disposal plant, storage of petroleum or petroleum products not in excess of one tank car lot (10,000 gallons), petroleum refining or distillation or the derivation of by-products, oil-reclaiming plant, scrap paper or rag storage, sorting or bailing, scrap iron or junk storage, motor vehicle wrecking yard or yard for storage and sale of second hand parts of motor vehicles. All of the above uses subject to such regulations as to maintenance of premises and conditions of operation as may in the judgement of the Board of Adjustment be appropriate.

- (2) Permit the extension of a non-conforming use of building upon the lot occupied by such use or building at the time of the passage of this ordinance.
- (3) Permit the extension of a building or use into a more restricted district immediately adjacent thereto, but not more than 200 feet beyond the boundary line of the district in which such building or use is authorized.
- (4) Grant in undeveloped sections of the county temporary and conditional permits for not more than five-year periods for any structure or use.
- (5) Permit in any district such modification of the requirements of these regulations as said Board may deem necessary to secure an appropriate development of a lot where adjacent to such lot there are buildings that do not conform to these regulations.
- (6) Permit such modification of the yard or lot area or width regulations as may be necessary to secure an appropriate improvement of a parcel of land where parcel was separately owned at the time of the passage of this ordinance and is of such restricted area that it cannot be appropriately improved without such modification.
- (7) Permit the reconstruction within 12 months of a building located in a district restricted against its use, which has been destroyed by fire or other calamity to the extent of not more than its then assessed value by the county assessor.
- (8) Permit the location in an industrial I District of any use or structure authorized in an Industrial II district; or in any residence district of any use or structure authorized in any other residence district or in a commercial or agricultural district, provided there shall be on file with the said Board of Adjustment the consents, duly signed and acknowledged, of the owners of 80 per cent of all the land within such area as the said Board shall have determined to be specifically affected by such proposed use of structure.
- (9) Such other uses which, in the opinion of the Board of Adjustment, are no more detrimental to the highest and best uses of the land in said district than are the uses hereinbefore enumerated.
- (10) Permit a lesser front yard in any district where adjoining buildings have established a front yard or set back line in which event the set back may be the same as either adjoining building.

SECTION 23. INTERPRETATION: PURPOSE.

In interpreting and applying these regulations they shall be held to be the minimum requirements adopted for the promotion of health, safety, morals, comfort, convenience or the general welfare with the general purpose of guiding and accomplishing a coordinated adjusted and harmonious development of the county which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, propriety, or the general welfare of the inhabitants, as well as efficiency and economy in the process of development, including, amongst other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agricultural, forestry, and other purposes as will tend to create conditions favorable to health, safety, transportation, prosperity, civic activities and recreational, educational and cultural opportunities, will tend to reduce the wastes of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation and production of the supply of food and water, drainage, sanitation, and other facilities and resources.

SECTION 24. COMPLETION OF EXISTING BUILDINGS.

Nothing herein contained, except yard regulations, shall require any change in the plans, construction, or designated use of a building, the construction of which shall have been actually begun within 90 days of the date of this ordinance, and which entire building shall be completed according to plans as filed within nine months from the date of the adoption of this ordinance.

SECTION 25. TEMPORARY BUILDINGS.

Where temporary buildings have been constructed in a commercial district prior to the enactment of the zoning ordinance and where said temporary buildings have been constructed within the thirty-foot set back or front yard as provided herein and where said temporary buildings are causing a congestion of traffic or hazard to the movement of traffic along the highway, then and in that event and upon written order duly signed by the Jefferson County Planning Commission and approved by the Jefferson County Board of County Commissioners, the owner or owners of said temporary buildings shall move same back to conform with the yard regulations as set forth herein within 12 months from the date of receiving said notice.

SECTION 26. BOUNDARIES OF DISTRICTS.

The boundaries between districts on the zone maps are, unless otherwise indicated, the center lines of streets or drives. Where the district boundaries are not shown to be the center lines of streets or drives, and where the property has been divided into blocks and lots, the district boundaries shall be construed to be lot lines, and if the exact location of such lot lines are not clear, they shall be determined by the Board of Adjustment, due consideration being given to the location as indicated by the scale of the map. In undivided property, the district boundary lines on the zone maps shall be determined by the use of the scale of the map.

SECTION 27. PENALTIES.

Any person, firm, or corporation, or any officer or employee thereof, who violates, disobeys, omits, neglects, or refuses to comply with provisions of this ordinance shall upon conviction be fined not more than \$100.00 or imprisoned not more than 10 days, or both. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. (As per Section 24 of the Enabling Act.)

SECTION 28. VALIDITY.

If any one or more sections, clauses, sentences or parts of this Ordinance shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause or provision of this Ordinance in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

SECTION 29. DEFINITIONS.

Certain words in this Ordinance are defined for the purpose hereof as follows:

- (1) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot," "tract," etc.; the word "building" includes any structure other than a fence or boundary wall. The word "building" as used in this Ordinance means a structure for the support, shelter or enclosure of persons, animals or chattels.
- (2) The "street line" is the property line between the street and the lot.
- (3) The "front street line" is the property line between the street and the front line of the house.
- (4) The "side street line" is the property line between the street and the side of the house. Corner lots facing on 2 or more streets shall be considered to have a front line on each of the streets.
- (5) A "rear yard" is an open, unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot, or center line of the alley, if any.

- (6) A "front yard" is an open, unoccupied space on the same lot with a building between the street line of the lot and the nearest line of the building.
- (7) A "side yard" is an open, unoccupied space on the same lot with a building situated between the building and the side line of the lot except where a side street exists, in which case the side yard shall be considered to be the same as the front yard.
- (8) The "width" or the "depth" of a yard is the least of the horizontal dimensions of such yard at the building set back line.
- (9) "Set back line" is the required distance from the street line to the required building line.
- (10) "Assessed value" is the amount on which the taxes are paid.
- (11) A "lot," "plot," or "tract" is a parcel of land occupied, or designed to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by these regulations and such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown as a lot on a duly recorded plat.
- (12) A "family" is any number of individuals living together as a single house-keeping unit.
- (13) A "single family dwelling" or "residence" is a detached building arranged, intended or designed to be occupied by not more than one family.
- (14) A "multiple dwelling" is a building arranged, intended or designed to be occupied by two or more families or by two or more individuals or groups of individuals living in separate apartments, including tenement houses, terraces, row houses, apartment houses, and apartment hotels, bungalow courts, and cottage camps.
- (15) An "accessory use" or building is a subordinate use or building customarily incident to and located on the lot occupied by the main use or building.
- (16) A "story" is that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.
- (17) "Pen" is an enclosure for animals other than a boundary or partition fence.
- (18) "Corral" is a pen or enclosure for confining animals other than a boundary or partition fence.
- (19) "Outbuilding" is any building separate from and subordinate to the main house or dwelling.
- (20) "Proposed roads" are any roads proposed by the Jefferson County Planning Commission and shown on its map of the master plan, which road or roads have been approved by the Jefferson County Board of County Commissioners.
- (21) "Non-commercial use" is a use not generally recognized as a business.
- (22) "Natural waterways" or "courses" are those areas varying in width along streams, creeks, springs, gulleys, or washes which are natural drainage channels as designated by the Jefferson County Planning Commission on the master plan and accepted by the Jefferson County Board of County Commissioners, in which areas no buildings shall be constructed.
- (23) "Streets," "roads," and "lanes" and "drives" are public thoroughfares running generally north and south.
- (24) "Avenues" are public thoroughfares running east or west.
- (25) "District"—areas which are designated on the master plan (District Zoning Map) and in the zoning ordinance as Residential One, Residential-LM, Residential Two, Commercial One, Commercial Two, Industrial One, Industrial Two, Agricultural, and Unrestricted.
- (26) "Offstreet parking" is an area adjoining a building, providing for the parking of automobiles, which does not include a public thoroughfare, but has convenient access to it.

SECTION 30. COUNTY BUILDING INSPECTOR.

A. Establishment of Office.

That there be and there is hereby established the position and office of County Building Inspector of Jefferson County, Colorado. That said County Building Inspector shall hold office at the pleasure of the Board of County Commissioners.

B. Compensation.

The said County Building Inspector shall receive as full compensation for all services to be performed by him a sum equal to the fees paid for building permits granted under the Zoning Ordinance for Jefferson County, Colorado, said compensation

to be paid monthly out of the building permit fund upon voucher duly submitted to the Board of County Commissioners.

C. Bond.

Said County Building Inspector shall furnish good and sufficient bond to the people of the State of Colorado in the penal sum of One Thousand Dollars (\$1000.00), to be approved by the Board of County Commissioners, conditioned that he shall faithfully perform and execute the duties of the office of County Building Inspector, and shall pay over all moneys that may come into his hands as County Building Inspector, and shall deliver to his successor all papers and other things pertaining to his office.

D. Application for Permit.

That application for permit required under this Zoning Ordinance shall be made upon form to be furnished by the County Building Inspector. Such form shall provide for, and applicant shall furnish, brief plans and specifications and the estimated cost of any proposed construction, alteration or repair. Such application shall be signed and acknowledged by the owner or by someone acting in his behalf.

E. Fees for Permit.

That each applicant for a building permit shall pay to the County Building Inspector upon the presentation of such application, a fee based upon the cost of the proposed construction, alteration or repairs as follows, to-wit: For the first \$1,000.00 or fraction thereof, \$2.00; each additional \$1000.00 or fraction thereof, \$1.00. Provided, however, that any alteration, construction or repairs, not made upon an existing structure used for residence, business, commercial or industrial purposes, in which the estimated cost shall be less than \$100.00 may be made without a permit. Provided, further, however, that such construction, alteration or repairs shall in all respects conform to this Zoning Ordinance. Receipt for such fee shall be issued by the County Building Inspector, and a record thereof kept by him in a book for this purpose, which shall be open to public inspection. When a permit is not granted upon any application, the fee paid by the applicant hereunder shall be refunded to said applicant. At the end of each month the County Building Inspector shall pay to the County Treasurer for deposit in the ordinary county revenue fund, in an account entitled "Building Permit Fund," all fees received by him for which permits have been granted, and shall receive the Treasurer's receipt therefor.

SECTION 31. BOARD OF ADJUSTMENT.

A. Establishment of Board and Powers.

There is hereby created a Board of Adjustment for Jefferson County, Colorado, said Board of Adjustment to have and exercise all of the powers conferred upon such Board by Chapter 92, 1939 Session Laws of Colorado, or any amendments thereof.

B. Members of Board—Term of Office—Vacancies.

The Board of Adjustment shall consist of five members, who shall hold office for a period of three years. Provided, however, that the terms of office of the first Board of Adjustment shall expire as follows. One January 1, 1942, two January 1, 1943, two January 1, 1944. Each member shall hold office until his successor is appointed and qualified. Vacancies of said Board shall be filled by the Board of County Commissioners.

C. Compensation of Members.

Members of said Board shall receive as sole compensation for all duties performed by them the sum of Five Dollars (\$5.00) per month for each month in which such member shall attend at least one regular meeting of said Board.

SECTION 32. RULES OF PROCEDURE GOVERNING BOARD OF ADJUSTMENT.

A. Meetings.

- (1) Regular meetings of the Board of Adjustments shall be held on the first Tuesday of each month at 8 o'clock p. m.
- (2) Special meetings shall be held at the call of the Chairman and at such other times as the Board may determine.
- (3) All meetings shall be open to the public.
- (4) A quorum of the Board of Adjustment shall consist of three members.
- (5) The members of the Board shall attend meetings of the Board in person.

- (6) The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failed to vote, indicating such fact; and it shall also keep records of its examinations and other official actions.
- (7) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the County Building Inspector, or to decide in favor of applicant any matter upon which it is required to pass under the Zoning Ordinance, or to effect any variation therein. An appeal may be taken from any final action of the County Building Inspector to the Board of Adjustment by any person aggrieved, or by an officer, department or Board of the County. Such appeal shall be taken within fifteen (15) days after the date of the final decision of the County Building Inspector, by filing with the County Building Inspector and the Board of Adjustment a notice of appeal specifying the grounds thereof.

B. Cases Before the Board.

- (1) Every application, appeal or petition to the Board shall be made to the Board on forms especially provided, and shall include the data required in such forms so as to supply all of the information necessary for a clear understanding and intelligent action by the Board.
- (2) Any communication purporting to be an application, appeal or petition shall be regarded as mere notice of intention to seek relief until it is made in the form required.
- (3) Upon receipt of any such communication the writer shall be supplied with the proper forms for presenting his application, appeal or petition, and if he fails to supply the required data within the time provided for appeal, his case may be dismissed for lack of prosecution.

C. Calendar of Cases.

- (1) Each case filed in the proper form with the required data shall be numbered serially regardless of whether it be an application, petition or appeal, and shall be placed on the Secretary's calendar. The calendar numbers shall begin anew on January 1st of each year, and shall be hyphenated with the number of the year and the initials indicating the character of the case. Applications for exceptions under the Zoning Ordinance will be identified by a "Z," and an appeal from any order, requirement, decision or determination by the County Building Inspector shall be identified with an "A."
- (2) As soon as a case receives a calendar number it shall be put on the Secretary's calendar and the applicant or appellant shall be notified of the date when his case will be heard, such notice to be by registered mail sent to the address given on the application, petition or appeal.

D. Final Disposition of Cases.

- (1) Every decision of the Board on any case shall be by resolution.
- (2) The final disposition of any appeal from the County Building Inspector before the Board of Adjustment shall be in the form of a resolution either affirming, reversing or modifying the order, requirement, decision or determination appealed from. If a resolution fails to receive four votes in favor of the appellant upon appeal or of the applicant for a variation from the Zoning Regulations, the action will be deemed equivalent to a denial, and a resolution denying such application or appeal shall be formally entered upon the record unless there be a member absent at the roll call and unless the vote of such absent member added to those voting for an applicant or appellant would equal four, in which case the matter will be laid over for hearing before the full Board.
- (3) No application or appeal dismissed or denied can be considered again except (a) on a motion to reconsider the vote, or (b) on a request for rehearing. No request to grant a rehearing will be entertained unless new evidence is submitted which could not have been with due diligence presented at the previous hearing.
- (4) The Board may on the motion of any member review any decision that it has made and may reverse or modify such decision, but no such review shall prejudice the rights of any person who has in good faith acted thereon before ruling is reversed or modified.

E. Zoning Applications.

- (1) No application for a variation from the course prescribed by the Zoning Ordinance shall be heard by the Board of Adjustment except in a specific case and from an order, requirement, decision or determination made by the County Building

Inspector upon the ground that the proposed plan or use is contrary to the provisions of the Zoning Ordinance.

- (2) No such application shall be entertained unless the application is filed within fifteen (15) days after the date of the action of the County Building Inspector.
- (3) As soon as any application is completed by the filing of the necessary data, the Board of Adjustment shall fix a reasonable time for the hearing and give due notice thereof to the parties.
- (4) At the time of the hearing the applicant shall state his case, then the opposition shall be heard, and the applicant shall have opportunity to reply.
- (5) No application that has been dismissed or denied can be entertained in a case in which the applicant by the filing of new plans has obtained a new decision from the County Building Inspector, unless the new plans materially change the aspects of the case.
- (6) In cases coming under the provisions of Subsection A (8) of Section 22 of the Zoning Ordinance, in which written consents of owners of 80 percent of the property defined to be affected are required, said consents must be on the forms provided, duly signed and acknowledged, and must be filed with the Secretary of the Board not later than 12 o'clock noon on the day preceding the date set for the hearing of the case. Any person who desires to rescind his consent in any such case must file with the Secretary of the Board a request for cancellation of his signature and withdrawal of his consent, which request shall be duly signed and acknowledged and must be filed as aforesaid not later than 12 o'clock noon on the day preceding the date set for hearing of the case.
- (7) Upon the filing of an application for an exception under Subsection A (8) of Section 22, the Board shall at its first meeting thereafter define the area which in its judgment will be especially affected by such proposed change, and shall notify the applicant promptly of its action. Upon the filing of application for variation or exception under said Subsection A (8) of Section 22, the applicant shall immediately post upon the premises described in his application a notice in size and form to be prescribed by the County Building Inspector sufficient to generally inform persons viewing said premises of the action sought before the Board of Adjustment.

F. Officers.

- (1) The Board shall at its first regular meeting of each year select a Chairman, a Vice-Chairman and a Secretary. The Secretary may or may not be a member of such Board.
- (2) The Chairman shall preside at meetings and shall perform all duties usual and ordinary for the presiding officer of any Board or group.
- (3) The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman.
- (4) The Secretary shall keep full and complete minutes and records of all meetings, and shall have the custody of all of the records, and shall generally supervise all of the clerical work of the Board and perform the duties usually performed by the Secretary of a Board or group.

Upon motion by Commissioner Devinny, seconded by Commissioner Biggins, the above and foregoing resolution was unanimously adopted by the Board, the vote thereupon being as follows:

Commissioner Biggins, aye.
Commissioner Devinny, aye.
Commissioner Green, aye.

I, W. T. Marsh, the duly elected, qualified and acting County Clerk of Jefferson County, Colorado, do hereby certify that the above and foregoing resolution was unanimously adopted by the Board of County Commissioners of the County of Jefferson, State of Colorado, at a regular meeting of said Board held at Golden, Colorado, in said Jefferson County on the 3rd day of February, A. D. 1941, and that said resolution fully appears in the minutes of the proceedings of said Board.

(SEAL)

W. T. MARSH,
County Clerk and Recorder.

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