

Summary of Changes Proposed in Ordinance 2019-02 (subject to change)

CHAPTER 14 - Health and Animals, ARTICLE IV - Animals

Sec. 14-4-20. - Failure to control.

This section needs to be amended because Chapter 23 will include a provision for obtaining a zoning permit for more than the allowed number of domestic animals under certain circumstances.

CHAPTER 23 - Zoning

Defined terms are in all capital letters in Chapter 23.

Many sections contain what staff considers to be minor changes, such as changing defined words in lower-case to all capitals. Sections with only minor changes are not listed below.

ARTICLE I - General Provisions

Sec. 23-1-10 through Sec. 23-1-80.

Removing outdated provisions and making other minor changes.

Sec. 23-1-90. - Definitions.

1. All definitions in Chapter 23 will be consolidated into this section rather than appearing in separate parts of the chapter.
2. There are several new defined terms being added as well: Agricultural Production, Agritainment, Agritourism, Buildable Lot, Car Wash, Commercial Storage Buildings, Community Buildings, Family Child Care Home, Distribution Center, Event Facility, Gardening, Heliport, Hunting Lodge, Landscaping Companies, Lot Coverage, Lumberyard/Woodworking, Meat Processing, Organic Fertilizer Production/Composting Facility, Outlot, Pet Crematory, Retail/Service Establishment, Right-Of-Way, Subdivision, and Truck Washout Facilities.
3. Several of the existing defined terms aren't used in Chapter 23, so they are being deleted from this section.
4. Several existing definitions are being revised. Please refer to the resolution for the changes.

ARTICLE II - Procedures and Permits

Division 1 - Amendments to Zoning Map

Sec. 23-2-10. - Amendment procedures.

5. In order to apply for a rezoning, the property will have to meet the definition of "legal lot" or be at least 35 acres in size.
6. The Planning Commission does not initiate rezonings, so that is being removed.

Sec. 23-2-20. - Duties of Department of Planning Services.

7. For this and several other sections, the list of referral agencies will be moved to an appendix.
8. The notice requirements for the Planning Commission (PC) and Board of County Commissioners (BOCC) hearings will be combined.

Sec. 23-2-40. - Duties of Board of County Commissioners.

1. Removing the notice requirements that are being moved to 23-2-20.
2. Repealing obsolete provision about adopting the zoning map annually. The zoning map is digital now.
3. Repealing a provision about intergovernmental agreements with municipalities. IGAs are in Chapter 19.

Sec. 23-2-50. - Application requirements for Change of Zone.

1. Repealing a provision that allows the surveyed Change of Zone (COZ) plat to be submitted after the PC hearing.
2. Combining current requirements for two separate maps into one.
3. Updating language to require the draft plat to be submitted electronically (.pdf).
4. Adding a provision to state a Site Plan Review (SPR) or Use by Special Review (USR) can be submitted concurrently with or prior to approval of a Change of Zone application.

Sec. 23-2-60. - Effective date of approved amendments.

Adding a provision stating the COZ plat must be recorded prior to issuance of building permits or commencement of operations to codify current practice.

Division 2 - Amendments to Chapter Text

Combining notification of PC and BOCC hearings and other minor changes.

Division 3 - Site Plan Review**Sec. 23-2-150. - Intent and applicability.**

1. Removing SPRs for duplexes. Lists of uses requiring SPR for each district are in Article III.
2. Adding standard language about delegation of authority and referrals.

Sec. 23-2-160. - Application requirements for site plan review.

1. Removing language regarding duplexes.
2. Updating language for traffic information and access.
3. Removing language that implies parking and fences cannot be in setbacks.
4. Having parking requirements and stormwater requirements refer to those sections of code.
5. Removing section referring to the A-1 zone district since it is being repealed.
6. Moving language regarding landscaping to have it shown on the site plan map, rather than a separate map.

Sec. 23-2-170. - Changes and termination of use.

Adding language about site plans expiring if the use is discontinued for 3 years.

Sec. 23-2-180. - Rescission procedures

Adding an administrative procedure for rescinding approval of a Site Plan for failure to develop or maintain the site in accordance with the approved Site Plan. (Site Plans are approved administratively.) Notice would be sent to the property owner, and if the property is not brought into compliance with the Site Plan, an administrative hearing would be scheduled where the property owner could present his/her case and the Planning Services Director would decide whether to rescind the Site Plan approval.

Sec. 23-2-185. - Approval and recording of the site plan review map.

Adding standard language about recording of map.

Division 4 - Uses by Special Review**Sec. 23-2-200. - Intent and applicability.**

Making more explicit the requirement that the application be for a legal lot and other minor changes.

Sec. 23-2-210. - Duties of Department of Planning Services.

Similar changes as previously mentioned (list of referral agencies in appendix, notice requirements combined).

Sec. 23-2-240. - Design standards.

Similar changes as to SPRs (access, traffic, etc.).

Sec. 23-2-260. - Application requirements.

Similar changes as to SPRs and other minor changes.

Sec. 23-2-280. - Changes to a Special Review Permit.

Adding standard language about recording of map.

Sec. 23-2-285. - Minor amendments.

1. Similar changes as earlier (standard language about referrals, notice, recording of map, etc.) and other minor changes.
2. The map requirements will be the same as other USRs, rather than being listed separately.

Sec. 23-2-290. - Termination of use.

Removing language about administratively vacating USRs with the permission of the property owner. Staff will take them to the BOCC for official action.

Division 5 - Special Review Permits for Major Facilities of Public Utility or Public Agency**Sec. 23-2-300. - Applicability.**

Moving language about recording plats and maps to later sections.

Sec. 23-2-330. - Duties of Department of Planning Services.

1. Similar changes as previously mentioned (list of referral agencies in appendix, notice requirements combined).
2. Removing language about a separate notice with map being published in the newspaper. The maps can be found on our website.

Sec. 23-2-380. - Drawing requirements for facilities plan maps plats.

Moving language about recording facilities plan plats here. (These require surveys.)

Sec. 23-2-390. - Drawing requirements for utility line plan maps.

Moving language about recording utility line maps here. (These do not require surveys.)

Sec. 23-2-400. - Standards.

Moving language about applicants needing to demonstrate the need for the facility to here from Section 23-4-420.

Division 6 - Use by Special Review Permits for PIPELINE - DOMESTIC WATER**Sec. 23-2-470. - Duties of department of planning services.**

1. The list of referral agencies will be moved to an appendix rather than listed for each land use case type.
2. The notice requirements for the PC and BOCC hearings will be combined.

Division 7 - ~~Geologic Hazard Development Permit~~

Repealing entire division. See also Article V.

Division 8 - ~~Procedures and Requirements of PUD District~~

Repealing entire division. See also Article III, Division 6.

ARTICLE III - Zone Districts

1. Please also refer to the land use table.

2. Uses requiring a permit or Site Plan approval will be listed separately from uses by right and all uses will be listed alphabetically.
3. Intent statements will be updated.
4. The design standards will be removed from the Commercial and Industrial sections since they are also in the Site Plan section in Article II.
5. The language for oil and gas setbacks will be standardized for all districts and clarify it relates to occupied structures, so as to exclude fences and the like. The distances will not change.

Division 1 - A (Agricultural) Zone District

Uses allowed in the Ag zone outside of subdivisions and historic townsites will be separated from those allowed in subdivisions and townsites.

Sec. 23-3-40. - Uses by special review outside of subdivisions and historic townsites.

The Ag zone will no longer contain the provision that any use allowed in the Commercial and Industrial zones can be approved by USR in the Ag zone.

Sec. 23-3-60. - Uses by special review in subdivisions. ~~A-1 (Concentrated Animal) Zone District.~~

The A-1 zone is being repealed.

Sec. 23-3-70. - Bulk requirements.

1. The minimum lot size is being clarified. Currently it is 80 acres, but recorded exemption and subdivision exemption lots are often smaller than that. The new language will state lots can be less than 80 acres if they are approved through Chapter 24 of the Code.
2. The language for oil and gas setbacks will be standardized for all districts and clarify it relates to occupied structures, so as to exclude fences and the like. The distances will not change.

Division 2 - Residential Zone Districts

Sec. 23-3-105. - Water and sewer requirements.

Adding a new section with the language requiring public water and sewer in the residential districts moved from after the uses.

Sec. 23-3-140. - R-4 (High-Density Residential) Zone District.

This zone is being phased out by not allowing any new rezonings to R-4 after the effective date of this ordinance. This zone allows an unlimited number of dwelling units in multifamily buildings. Only one area of the County is zoned R-4.

Sec. 23-3-150. - R-5 (Mobile Manufactured Home Residential) Zone District.

1. Duplexes are being added to this zone.
2. Since the term "mobile home" is being removed throughout the chapter, this zone will essentially be the same as the R-2 zone.

Sec. 23-3-160. - Bulk requirements.

1. The tables will be combined since "mobile homes" are being removed.
2. Minimum lot area per structure is being deleted because it has no effect. The minimum lot size and minimum lot area per dwelling unit control the lot size.
3. A provision regarding zero offsets for attached units that are on separate lots is being added.

Sec. 23-3-170. - Farming of undeveloped land.

This section is being added to address farming undeveloped land where farming is not listed as an allowed use.

Division 3 - Commercial Zone Districts

Sec. 23-3-240. - C-4 (Highway Commercial) Zone District.

This zone is being phased out by not allowing any new rezonings to C-4 after the effective date of this ordinance.

Division 5 - E (Estate) Zone District

Sec. 23-3-405. - Water and sewer requirements.

This is a new section where the requirement for public water and adequate sewer will be moved, instead of having it after uses.

Division 6 - PUD (Planned Unit Development) District

Sec. 23-3-500 through 23-3-550

These old PUD sections will be repealed and replaced with the following one.

ARTICLE IV - Supplementary District Regulations and Zoning Permits

Division 1 - Off-Street Parking and Loading Requirements

Sec. 23-4-20. - Location of off-street parking areas.

Adding language that parking areas cannot be located in right-of-way, but clarifying parking can be in setbacks and offsets.

Sec. 23-4-30. - Design and construction of off-street parking spaces.

1. Cleaning up conflicting language about parking lot surfaces. Uses requiring approval of a Site Plan require paved parking. (Moved from C & I standards.)
2. Uses requiring approval of a Site Plan require parking lot screening from public rights-of-way and adjacent properties zoned R. (Moved from C & I standards.)

Sec. 23-4-50. - Off-street loading required.

1. Uses requiring approval of a Site Plan will require paved loading areas. (Moved from C & I standards.)
2. Loading areas in C & I zones shall be screened from public rights-of-way and adjacent properties zoned R.

Division 3 - ~~Mobile Homes~~ and Manufactured homes, manufactured structures, and occupied recreational vehicles.

Sec. 23-4-130. - Permit requirements.

Chapter 23 will no longer refer to "mobile homes." This section will be updated to reflect that and include other minor changes.

Sec. 23-4-150. - Temporary use during construction of residence.

Adding a provision stating that these structures cannot be on permanent foundations and other minor changes.

Sec. 23-4-160. - Temporary storage of ~~mobile~~ unoccupied manufactured homes.

Adding a provision stating that these structures cannot be on permanent foundations and other minor changes.

Sec. 23-4-170. - ~~Temporary~~ Annual accessory farming use.

1. Cleaning up language referring to temporary use, which is defined as being up to six months, whereas the permit can be "revalidated on an annual basis."
2. Adding a provision including "caretakers or security personnel" in this use.
3. Adding a provision stating that these structures cannot be on permanent foundations.

Sec. 23-4-190. - Temporary accessory use as office.

1. Removing the redundant "construction trailer" language.
2. Adding a provision stating that these structures cannot be on permanent foundations.

Division 5 - Supplementary Regulations for Certain Uses ~~by Special Review~~**Sec. 23-4-350. - Livestock confinement operations.**

Moving requirements from a section on Site Plans for LCOs here and other minor changes.

Sec. 23-4-360. - ~~Fertilizer storage and sale~~ Organic fertilizer production and composting facilities.

Changing the name of this section to reflect the new defined use.

Sec. 23-4-410. - ~~Drive-in theaters.~~

This section and use will be deleted.

Division 6 - Wind Generators and Permitting Requirements

Adding a section with standard language about the process for notification and appeal and other minor changes.

Division 8 - Second Single-Family Dwelling in the A (Agricultural) Zone District**Sec. 23-4-600 through Sec. 23-4-620**

These sections will be repealed and replaced with the following one. There will no longer be requirements regarding the second home being only for family members or caretakers.

Sec. 23-4-630. - Requirements for a second single-family dwelling.

This new section will state the lot must be at least two and one-half acres, the second home must have a permanent foundation, and refers to the appropriate sections for processing approvals.

Division 12 - ~~Parking and Operation of Commercial Vehicles~~**Sec. 23-4-950. - Intent and applicability.**

Reordering section similar to other sections and adding a provision that requires the lot to be at least one acre.

Sec. 23-4-960. - Commercial vehicle permit requirements.

Adding a provision requiring current registration and plates and other minor changes.

Division 13 - Home Occupation - ~~Class II Permits~~

1. Adding standard language about the BOCC delegating authority for approval to the Department of Planning Services.
2. Moving regulations from definitions to here.
3. Including Class I permits.

Division 16 - Cargo containers

1. This is a new division to move regulations out of the definitions to here.
2. Adding a provision that the cargo containers cannot be stacked.

Division 17 – Zoning Permits for Certain Uses in the Agricultural Zone District**Sec. 23-4-1200. - Uses requiring zoning permits in the agricultural zone district.**

This is a new division containing the zoning permit process for all the uses moving from USR to zoning permit and will contain the criteria for approval.

Sec. 23-4-1210. - Operation standards.

This section will have the standards copied from the USR section (noise, air quality, etc.).

Sec. 23-4-1220. - Zoning permit application requirements.

Application requirements including a zoning permit plan that will be recorded.

Sec. 23-4-1230. - Notification and appeal of denial.

1. Staff will send the referral to referral agencies and notify property owners within 500 feet that they can object to issuing the zoning permit. If they object they must give a reason. The applicant will be given the opportunity to address concerns.
2. If staff feels the concerns are not addressed or the applicant objects to staff conditions, a public hearing before the BOCC will be scheduled.

Sec. 23-4-1240. - Conditions, enforcement, and revocation of zoning permit.

1. Staff may place conditions on approval.
2. Use must commence within three years or the applicant will have to reapply.
3. The BOCC may revoke a zoning permit after a show cause hearing in accordance with the process in Chapter 2.
4. Uses that are discontinued for three years will have to be reapplied for.
5. Minor amendments (less than 10% increase in impervious area or amount of traffic) may be approved without notification.
6. USRs that are now zoning permit uses and were previously approved may continue without obtaining a zoning permit and may have minor amendments approved as mentioned above.

ARTICLE V - Overlay Districts**Division 2 - Geologic Hazard Overlay District**

Rather than requiring a Geologic Hazard Permit, the applicant will need to provide a report from an engineer testifying that the design is appropriate for the conditions. Other minor changes.

ARTICLE VII - Nonconforming Lots, Uses and Structures

The section on nonconforming lots will be repealed. The changes to the definition of LEGAL LOT and the minimum lot size in the Ag zone make it obsolete.

Appendix 23-G - List of Referral Agencies

This new appendix will list the referral agencies. It is not intended to be all-inclusive. (Staff may send referrals to agencies not on the list).

CHAPTER 29 - Building Regulations

Updating definitions of "manufactured home" and "factory-built (modular) home" similar to updates to Chapter 23. Removing occurrences of "mobile home" similar to updates to Chapter 23.