



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

December 14, 2020

TO: Morgan County Planning Commission
DATE: MONDAY December 14, 2020
TIME: 7:00 P.M.
PLACE: Assembly Room – Remote attendance via ZOOM

The County is abiding by the Social Distancing Requirements in Public Health Order 20-28 for this meeting. Due to limited space in the assembly room, remote attendance is encouraged. If you have any questions regarding attending the meeting, please contact Pam Cherry at 970-542-3526.

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AGENDA

Roll Call

Minutes: November 9, 2020

Approval of Agenda

OLD BUSINESS:

NEW BUSINESS:

1. **Proposed Amendments to the Morgan County Zoning Regulations** related to non-conforming and permitted single-family dwellings.
2. **Proposed Amendments to the Morgan County Zoning Regulations** related to Drawing and Procedural Regulations.
3. **Proposed Amendments to the Morgan County Zoning Regulations** related to the reclassification of Uses within the Commercial, Light Industrial and Heavy Industrial zones.

OTHER MATTERS:

ADJOURN:



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

**PROPOSED AMENDMENTS TO VARIOUS SECTIONS MORGAN
COUNTY ZONING REGULATIONS**

**November 24, 2020
December 14, 2020 (meeting date)**

1. Changes to Single-Family Dwellings Regulations

Currently, a non-conforming single-family dwelling in any zone is subject to the County's non-conforming regulations. In particular, if a non-conforming single-family dwelling is destroyed by any means to an extent which is more than 50% of the fair market value of the structure at the time of destruction, it may not be rebuilt without coming into conformity with the Zoning Regulations, which may, depending on the circumstances, include a requirement to obtain a conditional or special use permit. These revisions would permit the reconstruction of a destroyed or partial destroyed non-conforming single-family dwelling without having to come into compliance with the Zoning Regulations. Under these revisions, only a building permit would be required and that must be obtained and work commenced within 24 months of the date of destruction. This exception would not apply to mobile home or dwellings which are not on a permanent and engineered foundation.

In addition, currently, it is not clear whether single-family dwellings which have been granted a conditional or special use permit in applicable zones and are destroyed or damaged, are required to obtain a new conditional or special use permit. The only current exception to this possible requirement is for single-family dwellings in the Commercial Zone, under Sec. 3-320(A). The proposed revisions include the addition of new section 3-157 that addresses single-family dwellings that are destroyed or damaged and are subject to a previously approved conditional or special use permit. These revisions provide that these structures do not have to obtain a new conditional or special use permit to be reconstructed. These structures would be subject to the building permit requirement which must be obtained within 24 months and work commenced within that time frame. Again, this would not apply to mobile homes or dwelling which are not on a permanent and engineered foundation.

Single-Family Dwellings – Partial/Full Destruction

2-195 Partial Destruction

- (A) Except for single-family dwellings addressed in subsection B below, Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than fifty percent (50%) of its fair market value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these Regulations.
- (B) Non-conforming single-family dwellings in any zone may be restored or replaced without the requirement to obtain any permit, except for a building permit, regardless of the limitations in subsection A above. No repairs, replacement or restoration may commence unless a building permit is obtained. The building permit must be issued and repairs, replacement or restoration commenced within twenty-four (24) months of date of damage or destruction. If a permit is not issued and work is not commenced within twenty-four (24) months from the date of destruction, no work may be performed on the structure unless the structure and/or use complies with these Regulations. This subsection shall not apply to mobile homes or dwellings which are not on a permanent and engineered foundation.

2-210 No Enlargement of Non-Conforming Structure

- (A) No existing structure devoted to a use not permitted by these Regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located or in conformance with section 2-195.

~~(A)~~(B) This Section shall not apply to non-conforming single-family dwellings which are governed by Sections 2-195(B) and 2-230(A).

2-230 Repairs and Maintenance of Non-Conforming Structures

- (A) On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done for ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, in any twelve (12) consecutive months, to an extent not exceeding fifty percent (50%) of the current fair market value of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic ~~content~~size of the structure which existed at the time the structure became ing ~~when it became~~ non-conforming shall not be increased. Non-conforming single-family dwellings in any zone district shall not be subject to the limitation on the increased size of a non-conforming structure under this subsection. For purposes of this subsection, single-family dwelling shall not include mobile homes or dwellings which are not on a permanent and engineered foundation.
- (B) If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is

declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

- (C) Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

2-225 Elimination by Destruction

Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land as long as the land in its undeveloped state conforms to the bulk requirements of the zone district in which it is located. Destruction for the purpose of this section is defined as damage to an extent of more than fifty percent (50%) of the fair market value at time of destruction. This Section shall not apply to non-conforming single-family dwellings which are governed by Sections 2-195(B) and 2-230(A) and the property on which they are located.

3-157 Special Provisions Regarding Single-Family Dwellings

- (A) If a single-family dwelling, which is subject to a previously approved conditional or special use permit, is damaged or destroyed, by unavoidable means or cause, it may be restored or replaced without the issuance of a new conditional or special use permit.
- (B) No repairs, replacement or restoration may commence unless a building permit is obtained. The building permit must be issued and repairs, replacement or restoration commenced within twenty-four (24) months of date of damage or destruction. If a permit is not issued and work is not commenced within twenty-four (24) months from the date of damage or destruction, no work may be performed on the structure unless a new conditional or special use permit is issued, as applicable. All work and structures restored or replaced under this Section, shall comply with these Zoning Regulations and any terms or conditions of the previously approved permit.
- (B) For purposes of this subsection, single-family dwelling shall not include mobile homes or dwellings which are not a permanent and engineered foundation.

3-320(A) Commercial Zone Conditional Use

(A) Single-family dwellings (site built or manufactured home on a permanent and engineered foundation, but not a mobile home), one per parcel. ~~If a residence is damaged or destroyed, by unavoidable means or cause, the structure may be restored or replaced without the issuance of a Conditional Use Permit. No repairs, replacement or restoration may commence unless a building permit is obtained. The building permit must be issued and repairs, replacement or restoration commenced within twenty-four (24) months of damage or destruction.~~



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

2. Drawing and Procedural Regulations

These proposed amendments consist of a significant reorganization of the submittal requirements, permitting process, and drawing requirements for all land use permits issued by the County. The goal with these amendments is to make the provisions related to permitting more user friendly and easier to follow. To outline the reorganization, a partial revised table of contents is included in your packet. No redlines of the amendments have been provided due to the extensive reorganization.

While the amendments mostly consist of reorganization, there are a few substantive amendments as follows:

Notice by publication will only be required for rezoning and amendments to the zoning regulations. Notice by publication for these types of land use actions are required by state statute. Instead of providing notice by publication for land use permit applications (conditional and special uses), publication will be on the County's website as detailed in the proposed amendments.

The drawing requirements have been completely revised. The proposed amendments create three different types of drawings: rezoning map, site plan for zoning and conditions use permits and a site plan map for special use permits. In addition, the proposed amendments grant authority to the Planning Administrator to waive any of these drawing requirements or allow for a preliminary drawing during the processing of the application.

CHAPTER 2 - APPLICATION AND IMPLEMENTATION OF REGULATIONS

GENERAL PROVISIONS

- 2-100 Land Use and Development
- 2-120 Jurisdiction and Applicability
- 2-125 Compliance with Regulations
- 2-135 Permits Required

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- 2-140 Subdivision Regulations
- 2-145 Morgan County Comprehensive Plan
- 2-150 Guidelines and Regulations for Areas and Activities of State Interest
- 2-155 Conflicts
- 2-160 Processing Fees

CONFORMANCE AND NON-CONFORMANCE

- 2-165 Intent
- 2-170 Non-Conforming Lots
- 2-175 Non-Conforming Uses of Land (or Land with Minor Structures Only)
- 2-180 Livestock Confinement as a Non-Conforming Use
- 2-185 Non-Conforming Structures
- 2-190 No Increase in Non-Conformity
- 2-195 Partial Destruction
- 2-200 Moving of Non-Conforming Structure
- 2-205 Non-Conforming Uses of Structures and/or Premises
- 2-210 No Enlargement of Non-Conforming Structure
- 2-215 Interior Extensions
- 2-220 Change in Non-Conforming Uses
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- 2-240 Determination of Status

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- 2-250 Review Procedures
- 2-255 Notice Requirements
- 2-260 Review Criteria
- 2-265 Effective Date of Zoning Amendments

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- 2-270 Submission Requirements
- 2-275 Review Procedure
- 2-280 Notice Requirements
- 2-285 Review Criteria

BUILDING PERMITS

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- 2-295 Submittal Requirements
- 2-300 Review Procedure
- 2-310 Review Criteria

ZONING PERMITS

- 2-320 Purpose
- 2-325 Submittal Requirements
- 2-330 Review Procedure
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- 2-345 Purpose
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- 2-370 Purpose
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- 2-380 Submittal Requirements
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- 2-400 Rezoning Map

- 2-410 Site Plan
- 2-420 Special Use Plan Map

SUPPLEMENTAL PERMIT REGULATIONS

- 2-430 Authority of Planning Administrator
- 2-440 Referral Agencies

POST-DECISION PROCESSES

- 2-450 Applications for the Same Lot or Parcel
- 2-460 Amending Permits

VESTED PROPERTY RIGHTS

- 2-465 Creation of Vested Property Rights
- 2-470 Site Specific Development Plan
- 2-475 Duration and Termination of Vested Property Rights
- 2-480 Subsequent Regulation Prohibited: Exceptions
- 2-485 Miscellaneous Provisions

Permit Process and Submittal Amendments - Morgan County Zoning Regulations.

1. Add definition:

1-218 Board: Board of County Commissioners

2. Delete 2-105 and 2-125

3. Delete and readopt 2-120 to read as follows:

2-120 Jurisdiction and Applicability

The provisions of these Regulations and accompanying Maps apply to the unincorporated lands of Morgan County, Colorado. To the extent allowed by law, these Regulations are applicable regardless whether use is conducted by or such development is done by a public, quasi-public, or private entity.

4. Move Sec. 2-128 to 2-125

5. Delete Sec. 2-130 (covered by Sec. 2-120) and 2-137

6. Repeal and reenact 2-135 to read:

2-135 Permits Required

Permits are required for all uses of property in the County. The type of use and zone district will determine the type of permit.

7. Delete Sections 2-245 through 2-430, 2-460 through 2-525 and reenactment as stated below. Sections 2-435 through 2-455 will be moved to Sections 2-460 through 2-480 within further amendment.

AMENDMENTS TO ZONING REGULATIONS

2-245 Initiation of Amendments

The Board may, on its own motion or on referral by the Planning Commission, amend the Morgan County Zoning Regulations. Such amendments shall be made in compliance with these Regulations and Colorado statutes. Amendments to the County's Zoning Map that have broad based application shall be processed under this amendment process. Rezoning applications shall be processed in accordance with the rezoning procedures below.

2-250 Review Procedure

- (A) Initiation. Planning staff, in consultation with the County Attorney, shall draft all amendments to the Regulations.

- (B) Availability of Information. The proposed amendments shall be available for inspection at Planning Department beginning fourteen (14) days prior to the Planning Commission until the final decision by the Board.
- (C) Planning Commission Hearing. Planning staff shall schedule a public hearing on the proposed amendments before Planning Commission and draft an advisory report on the proposed amendments. Notice of the public hearing shall be given in accordance with Sec. 2-255. Planning Commission shall hold a public hearing, review the proposed amendments and make a recommendation to the Board.
- (D) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the proposed amendments. Notice of the public hearing shall be given in accordance with Sec. 2-255.
- (E) Decision. The Board shall review the proposed amendment, any public testimony, Planning Commission and staff recommendation and shall approve, approve with modifications, table for further study, remand to the Planning Commission or deny the proposed amendments.

2-255 Notice Requirements

Notice of a public hearing on amendments to these Regulations shall be given at fourteen (14) days prior to the public hearing by publication in a newspaper of general circulation in the County. Notices for the public hearings required under Sec. 2-250 may run concurrently. Notice shall be in the form provided in Appendix A.

2-260 Review Criteria

Amendments to these Regulations must satisfy the following criteria:

- (A) That an existing regulation is in need of revision as proposed;
- (B) That the proposed amendment will be consistent with the future goals and needs of the County as set out in the Morgan County Comprehensive Plan; and
- (C) That the proposed amendment will be consistent with the overall intent of these Regulations.

2-265 Effective Date of Zoning Amendments

Amendments approved by the Board shall become effective immediately, unless otherwise stated in the resolution of approval.

REZONING

2-267 Policy

For the purpose of establishing and maintaining sound, stable and desirable development within the County, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Regulations. This policy is based on the opinion of the Board that the County's Zoning Map is the result of a detailed and comprehensive appraisal of the County's present and future needs regarding land use allocation and other zoning considerations and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area or the County in general. The rezoning process shall not apply to Zoning Map amendments that have broad application and are in the nature of policy making by the County.

2-270 Submission Requirements

The submittal requirements in this Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion.

- (A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.
- (B) Applicable fee.
- (C) A general description of the rezoning request and the reasons for it, and a description of any future development plans, including a narrative description of how the request meets the criteria of Sec. 2-285.
- (D) Names, addresses and phone numbers of the property owner(s), applicant(s) and/or representatives.
- (E) Proof of ownership of all parties in the area to be rezoned consisting of a title commitment issued within the previous six (6) months.
- (F) A list of names and addresses of property owners within thirteen hundred and twenty feet (1,320') of the perimeter of the property or properties to be rezoned.
- (G) A discussion of how the rezoning request may impact adjacent uses and integrate with existing zone districts.
- (H) Rezoning map pursuant to Sec. 2-400.

2-275 Review Procedure

- (A) Initiation. Rezoning may be initiated by the Board or the owner(s) of the property to be rezoned. Rezoning initiated by the Board shall not be subject to Secs. 2-270, 2-275(B) through (C).

- (B) Pre-application conference. Prior to actual submission of a rezoning application, each applicant shall attend a pre-application conference with the Planning Department. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed rezoning to inform and assist the applicant prior to the preparation of the application.
- (C) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to review by the Planning Commission. An incomplete submittal will not be processed.
- (D) Availability of Information. The proposed rezoning application, if applicable, and map shall be available for inspection at Planning Department beginning fourteen (14) days prior to the Planning Commission until the final decision by the Board.
- (E) Planning Commission Hearing. After a complete application for rezoning is submitted or a Board-initiated rezoning has been prepared for review. Planning staff shall schedule a public hearing on the proposed rezoning before Planning Commission and draft an advisory report on the proposed rezoning. Notice of the public hearing shall be given in accordance with Sec. 2-280 of these Regulations. Planning Commission shall hold a public hearing, review the proposed rezoning and make a recommendation to the Board.
- (F) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the proposed rezoning. Notice of the public hearing shall be given in accordance with Sec. 2-280.
 - (1) Refer back. If a rezoning application considered by the Board contains additional or modified information from the application considered by the Planning Commission, the Board may, at its sole discretion and at any time prior to rendering a decision, refer the application back to the Planning Commission for its comments and recommendation on the additional or modified information. The public hearing before the Board shall then be continued to such time subsequent to the receipt of the Planning Commission recommendation on the revised application. In the event of resubmission to the Planning Commission, Planning staff shall schedule a public hearing as soon as possible and shall provide notice pursuant to Sec. 2-280(A) and (C).
- (G) Decision. Within fifteen (15) days of the closing of the public hearing, the Board shall render a decision on the application. The Board shall consider all evidence presented and make specific findings. A vote for approval is to be followed by insertion of boundary changes on the Official Map within fifteen (15) days of the decision.

2-280 Notice Requirements

Notice of the public hearings required under Sec. 2-275 shall be given at least fourteen (14) days prior to the hearing by all of the following methods:

- (A) Publication in newspaper of general circulation. Notice shall be in the form provided in Appendix A.
- (B) The applicant shall be required to post notice on the property for which the rezoning is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than three feet by four feet (3'x4'). The size of the letters should be a minimum of three inches (3") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the rezoning of property in must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:
 - (1) Photographs of the signs posting the property shall be submitted to the Planning Department at least ten (10) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least fourteen (14) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.
 - (2) Posted sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board.
- (C) Mailed notice to property owners within thirteen hundred and twenty feet (1320') of the perimeter of the property or properties to be rezoned.

2-285 Review Criteria

The following criteria applies to all rezoning applications, but does not apply to acts of legislative rezoning by the Board. Rezoning of property should only be approved if the following criteria are satisfied:

- (A) The rezoning is consistent with the provisions of the Morgan County Comprehensive Plan;
- (B) The rezoning compatible with surrounding zone districts;
- (C) It is in the best interests of or furthers the health, safety, or general welfare of the citizens of Morgan County; and either:
 - (1) Conditions in the area of the proposed rezoning or in adjacent areas have changed or are changing to such a degree as to warrant the rezoning; or
 - (2) The property was zoned in error under the current zoning.

BUILDING PERMITS

2-290 Applicability

A building permit shall be required for the placement and/or use of any structure that are roofed and one hundred and twenty (120) square feet or larger, except as follows:

- (A) Non-occupied structures (e.g., detached garages, pole buildings, agriculture buildings, storage buildings)
- (B) Any structures expressly exempt from the building permit requirements pursuant to the building code duly adopted by the County.
- (C) Mobile homes subject to the Mobile Home Placement Permit in Sec. 4-600 and other applicable sections.

2-295 Submittal Requirements

In addition to any submittal requirements imposed by the building code adopted by the County, applications for building permits shall require the following:

- (A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.
- (B) Application fee.
- (C) For residential buildings, proof of the following:
 - (1) Adequate water supply suitable for human consumption (meets criteria established by Colorado Department of Health).
 - (2) Adequate access to a public road.
 - (3) Utility services.
- (D) For commercial and industrial buildings, proof of the following:
 - (1) Adequate water supply suitable for human consumption (meets criteria established by Colorado Department of Health) for that portion of the water supply of the commercial or industrial use intended for human consumption.
 - (2) Adequate access to a public road.

- (3) Utility services.
- (E) Construction plans for residential, commercial and industrial construction as may be required by the Building Department.
- (F) An adequate drainage plan. For any building or project which will result in five thousand (5,000) square feet or more of impermeable surface the drainage plan must be signed and sealed by a licensed civil engineer.
- (G) A brief description of the building or project.
- (H) Proof of notification to any ditch or irrigation company having rights to any ditch over or adjacent to the property which is the subject of the application.
- (I) A signed copy of the Morgan County Right to Farm Policy.
- (J) Any other reasonable site specific information required by the Planning Administrator and/or Building Official.

2-300 Review Procedure

- (A) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. An incomplete submittal will not be processed.
- (B) Decision. The Building official may approve, approve with conditions or deny the application. The decision of the Building official shall be provided to the applicant no later than two (2) business days from the date of the decision.

2-310 Review Criteria

- (A) All uses-by-right must be adequately served by public or private utilities, if required for the use, and have clear access to a developed public right-of-way.
- (B) The plans for the proposed erection, construction, reconstruction, movement, alteration or use fully conform to all applicable provision of these Regulations.

ZONING PERMITS

2-320 Purpose

All uses-by-right, not subject to the County's building or mobile home placement permit requirements, require a zoning permit prior to the commencement of the use or operation.

2-325 Submittal Requirements

The submittal requirements in Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion.

- (A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.
- (B) Application fee.
- (C) For residential buildings proof of:
 - (1) Adequate water supply suitable for human consumption (meets criteria established by Colorado Department of Health).
 - (2) Adequate access to a public road.
 - (3) Utility services.
- (D) For commercial and industrial buildings proof of:
 - (1) Adequate water supply suitable for human consumption (meets criteria established by Colorado Department of Health) for that portion of the water supply of the commercial or industrial use intended for human consumption.
 - (2) Adequate access to a public road.
 - (3) Utility services.
- (E) An adequate drainage plan. For any building or project which will result in five thousand (5,000) square feet or more of impermeable surface the drainage plan must be signed and sealed by a licensed civil engineer.
- (F) A site plan pursuant to Sec. 2-410.
- (G) A brief description of the building or use.
- (H) Proof of notification to any ditch or irrigation company having rights to any ditch over or adjacent to the property which is the subject of the application.
- (I) A signed copy of the Morgan County Right to Farm Policy.
- (J) Any other reasonable site specific information required by the Planning Administrator.

2-330 Review Procedure

- (A) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to review by the Planning Commission. An incomplete submittal will not be processed.
- (B) Decision. The Planning Administrator may approve, approve with conditions or deny the application. The decision of the Planning Administrator shall be provided to the applicant no later than two (2) business days from the date of the decision.

2-335 Review Criteria

- (A) All uses-by-right must be adequately served by public or private utilities, if required for the use, and have clear access to a developed public right-of-way.
- (B) The plans for the proposed erection, construction, reconstruction, movement, alteration or use fully conform to all applicable provision of these Regulations.

2-340 Expiration of Zoning Permit

The uses and structures subject to a zoning permits must be commenced or substantially constructed within twenty-four (24) months of the issuance of a zoning permit. If the use is commenced or structure substantially constructed within twenty-four (24) months of the issuance of a zoning permit, the zoning permit shall expire and a new permit will be required.

CONDITIONAL USE PERMITS

2-345 Purpose

Conditional uses are uses that are generally associated with or similar to uses-by-right in a zone district but, because of potential impacts, the County requires a more in-depth review to assess and mitigate these potential impacts.

2-350 Submittal Requirements

The submittal requirements in Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion.

- (A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.

- (B) Application fee.
- (C) A general description of the conditional use request and the reasons for it, including a narrative description of how the request meets the each of the criteria in Section 2-365.
- (D) Title commitment for the property issued within the six (6) months previous to the submission of the application. If the application is incomplete, the County may require that the title commitment be updated.
- (E) A list of names and addresses of property owners within thirteen hundred and twenty feet (1,320') of the perimeter of the area where the conditional use will be located.
- (F) A listing of type and availability of utilities and services; including sewer, water, electrical, and fire protection to the property, including letters of commitment from providers of utilities and services serving the site.
- (G) If applicable, descriptions of types of easements required for the project, widths and other pertinent information.
- (H) A site plan map in accordance with the provisions of Section 2-410.
- (I) If a conditional use permit is sought for a livestock confinement operation allowed under Secs. 3-175 or 3-180, the Facility Design Standards and permit requirements of Sec. 4-200 and following must be met and included in the permit application.

2-355 Review Procedure

- (A) Pre-Application Conference. Prior to submission of a conditional use application, each applicant shall attend a pre-application conference with the Planning Department. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed use to inform and assist the applicant prior to the preparation of the application.
- (B) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information. An incomplete submittal will not be processed.
- (C) Referral. Referral agencies, as provided for Sec. 2-430 will be sent copies of the conditional use permit application and all materials for comment. The comment period is a total of fourteen (14) days and failure to comment is to be viewed as a favorable review. At the discretion of the planning staff and given unusual

circumstances, some referral agencies may be contacted for additional comments or clarifications.

- (D) Report to Board. The Planning Administrator shall make available to the Board a record of all pending conditional use permit applications.
- (E) Availability of Information. The conditional use application shall be available for inspection at Planning Department beginning fourteen (14) days prior to the Planning Commission until the final decision by the Board.
- (F) Planning Administrator Review and Decision. The Planning Administrator may, in their sole discretion, approve, approve with conditions, or deny a conditional use permit application after all of the following:
 - (1) Pre-application conference.
 - (2) Submission of a complete application.
 - (3) End of Referral period.
 - (4) Notice has been provided in accordance with Sec. 2-360.
 - (5) Board has not called up the application pursuant to Sec. 2-355(G)(2).
- (G) Planning Commission/Board Review. The Planning Commission and Board may consider a conditional use permit application through the one of the following procedures:
 - (1) Referral by Planning Administrator. The Planning Administrator at their discretion may refer a conditional use permit application to the Planning Commission and Board for final decision, subject to the procedures of this Section.
 - (2) Call Up by Board. If a majority of the Board determines that the Board shall make the final decision on a conditional use permit application, the Planning Administrator shall schedule a public hearing before the Planning Commission and the application will be subject to the procedures in Sec. 2-355 (H) through (J).
- (H) Planning Commission Hearing. After a complete application for conditional use permit has been submitted and the Planning Administrator determines not to use their authority under Sec. 2-355(G)(1) or the Board has called up an application pursuant to 2-355(G)(2), Planning staff shall schedule a public hearing on the proposed conditional use permit before Planning Commission and draft an advisory report on the application. Notice of the public hearing shall be given in accordance with Sec. 2-360. Planning Commission shall hold a public hearing, review the proposed conditional use permit application and make a recommendation to the Board.

- (I) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the condition use permit application. Notice of the public hearing shall be given in accordance with Sec. 2-360.
 - (1) Refer back. If a conditional use permit application considered by the Board of contains additional or modified information from the application considered by the Planning Commission, the Board may, at its sole discretion and at any time prior to rendering a decision, resubmit the application to the Planning Commission for its comments and recommendation on the additional or modified information. The public hearing shall then be continued to such time subsequent to the receipt of the Planning Commission comments and recommendation on the revised application. In the event of resubmission to the Planning Commission, the surrounding property owners shall be notified as required in Sec. 2-360(C)(2).
- (J) Decision. Within fifteen (15) days of the closing of the public hearing, the Board shall render a decision on the application. The Board shall consider all evidence presented and make specific findings.

2-360 Notice Requirements

Notice of the public hearings required under Sec. 2-355 shall be given at least fourteen (14) days prior to the hearing by all of the following methods:

- (A) Publication on the Morgan County website. Notice shall be in the form provided in Appendix A.
- (B) The applicant shall be required to post notice on the property for which the conditional use permit is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than three feet by four feet (3'x4'). The size of the letters should be a minimum of three inches (3") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the conditional use permit application in must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:
 - (1) Photographs of the signs posting the property shall be submitted to the Planning Department at least ten (10) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least fourteen (14) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.
 - (2) Posted sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board.

- (C) Mailed notice to property owners within thirteen hundred and twenty feet (1320') of the perimeter of the area where the conditional use will be located.

2-365 Review Criteria

The following criteria will be used by the Planning Administrator and, if applicable, the Planning Commission and the Board, when reviewing an application for a conditional use permit. A conditional use permit may be granted only if:

- (A) The application documents are complete and present a clear picture of how uses are to be arranged on the site;
- (B) The site plan conforms to the design standards of these Regulations;
- (C) There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure (utilities, drainage, and roads) or upgrades by the County or special districts; and
- (D) The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

SPECIAL USE PERMITS

2-370 Purpose

Special review use is a discretionary review process for uses which have unique or widely varying operating characteristics or unusual site development features. The procedure encourages public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed special review uses will not have a significant adverse impact on surrounding uses and properties or on the community-at-large.

2-375 Applicability

In addition to uses designated as special uses in each zone district, any use, not designated as a Use by Right, Accessory Use, Conditional Use, Use by Special Review or not otherwise prohibited in a particular zone, may be approved as Use by Special Review pursuant to the criteria and procedure as established by these Regulations.

2-380 Submittal Requirements

The submittal requirements in Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion.

- (A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s)

will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.

- (B) Applicable fee.
- (C) A general description of the special use request and the reasons for it, including a narrative description of how the request meets the criteria of Sec. 2-395.
- (D) Title commitment for the property issued within the six (6) months previous to the submission of the application. If the application is incomplete, the County may require that the title commitment be updated.
- (E) Discussion of any environmental impacts the special use will have on existing vegetation, land forms, water resources, air quality and wildlife. If impacts exist, a discussion of how the applicant plans to mitigate these impacts will be necessary.
- (F) If a supply of water is needed for the special use, proof of an adequate supply of water in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.
- (G) A list of names and addresses of property owners within thirteen hundred and twenty feet (1,320') of the perimeter of the area where the special use will be located.
- (H) A discussion of how the special use will relate to or impact existing adjacent uses or properties.
- (I) A listing of type and availability of utilities and services; including sewer, water, electrical, and fire protection to the rezoned area including letters of commitment from providers of utilities and services serving the site or proof of ownership.
- (J) Discussion of any public improvements required to complete the project.
- (K) Descriptions of types of easements required for the project, widths and other pertinent information.
- (L) A special use plan map in accordance with the provisions of Sec. 2-420.
- (M) If a special use permit is sought for a livestock confinement operation allowed under Secs. 3-175 or 3-180, the Facility Design Standards and permit requirements of Sec. 4-200 and following must be met and included in the permit application.

2-385 Review Procedures

- (A) Pre-Application Conference. Prior to submission of a special use permit application, each applicant shall attend a pre-application conference with the

Planning Department and if need be with other County departments and referral agencies in connection with the preparation of the application submittal documents. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed use to inform and assist the applicant prior to the preparation of the application.

- (B) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to review by the Planning Commission. An incomplete submittal will not be processed.
- (C) Referral. Referral agencies, as provided for Sec. 2-430, will be sent copies of the special use permit application and all materials for comment. The comment period is a total of fourteen (14) days and failure to comment is to be viewed as a favorable review. At the discretion of the planning staff and given unusual circumstances, some referral agencies may be contacted for additional comments or clarifications.
- (D) Availability of Information. The special use application shall be available for inspection at Planning Department beginning fourteen (14) days prior to the Planning Commission until the final decision by the Board.
- (E) Planning Commission Hearing. After a complete application for special use permit has been submitted, Planning staff shall schedule a public hearing on the proposed special use permit before Planning Commission and draft an advisory report on the application. Notice of the public hearing shall be given in accordance with Sec. 2-390. Planning Commission shall hold a public hearing, review the proposed special use permit application and make a recommendation to the Board.
- (F) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the condition use permit application. Notice of the public hearing shall be given in accordance with Sec. 2-390.
- (I) Refer back. If a special use permit application considered by the Board contains additional or modified information from the application considered by the Planning Commission, the Board may, at its sole discretion and at any time prior to rendering a decision, resubmit the application to the Planning Commission for its comments and recommendation on the additional or modified information. The public hearing shall then be continued to such time subsequent to the receipt of the Planning Commission comments and recommendation on the revised application. In the event of resubmission to the Planning Commission, the surrounding property owners shall be notified as required in Sec. 2-390(C).
- (G) Decision. Within fifteen (15) days of the closing of the public hearing, the Board shall render a decision on the application. The Board shall consider all evidence presented and make specific findings.

2-390 Notice Requirements

Notice of the public hearings required under Sec. 2-385 shall be given at least fourteen (14) days prior to the hearing by all of the following methods:

- (A) Publication on the Morgan County website. Notice shall be in the form provided in Appendix A.
- (B) The applicant shall be required to post notice on the property for which the conditional use permit is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than three feet by four feet (3'x4'). The size of the letters should be a minimum of three inches (3") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the conditional use permit application in must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:
 - (1) Photographs of the signs posting the property shall be submitted to the Planning Department at least ten (10) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least fourteen (14) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.
 - (2) Posted sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board.
- (C) Mailed notice to property owners within thirteen hundred and twenty feet (1320') of the perimeter of the area where the special use will be located.

2-395 Review Criteria

The following criteria will be used by the Planning Commission and the Board when reviewing an application for a special use permit:

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan;
- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County;
- (C) The site plan conforms to the district design standards of these Regulations;
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures;

- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County;
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest;
- (G) The special use proposed is not planned to be developed on a non-conforming parcel;
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review; and
- (I) For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.

DRAWING SUBMITTAL REQUIREMENTS

2-400 Rezoning Map

The rezoning map should be drawn to a legible and at least 24" x 36" at a scale of 1" = 100" or another scale approved by the Planning Administrator that allows for maximum clarity of the proposed rezoning. Plan reductions (11" x 17") will be required for public hearing packets. The map shall also include the following:

- (A) The area proposed for rezoning in a dark outline or otherwise clearly delineated.
- (B) Legal description and address of the site.
- (C) An information block in a corner of the map which includes the following: the preparation date; a north arrow; a scale; names and addresses of the owner and applicant, if different than the owner, names and addresses of engineer or surveyor who prepared the map; and the number of the sheet and total number of sheets.
- (D) A vicinity map that depicts the area to be rezoned and the area which surrounds this site within a 1 mile radius of the perimeter of the property and which is superimposed over the Morgan County Zoning Map to show the zoning of the properties on the vicinity map.
- (E) Boundaries of other properties and zone districts within 200 feet of the area being rezoned.

- (F) Clear delineation and labeling of the following features in relation to the property and adjacent lands:
 - (1) existing zoning (site and adjacent properties);
 - (2) existing uses and structures.
 - (3) existing public accesses to the site and all existing roads in the vicinity.

2-410 Site Plan

The Site Plan is prepared to show development plans for a site. The site plan must clear and legible at an appropriate scale to clearly show all of the information required below:

- (A) Sheet size shall be 24" x 36" scaled at one (1) inch to two (200) hundred feet.
- (B) An information block in a corner of the map which includes the following: the preparation date; a north arrow; a scale; names and addresses of the owner and applicant, if different than the owner, names and addresses of engineer or surveyor who prepared the plan; addresses of the site; the number of the sheet and total number of sheets; and sheet title (e.g, site plan, landscape plan, drainage plan).
- (C) The area proposed for permitting in a dark outline or otherwise clearly delineated.
- (D) For subdivided land, label all boundary lines with bearing, distances, and curve data as shown on the final plat.
- (E) For unsubdivided land, label all boundary lines with bearing, distances, and curve data as shown on the certified boundary survey prepared by, or under the supervision of, a registered Professional Land Surveyor licensed with the State of Colorado.
- (F) Written legal description of lot.
- (G) A vicinity map at a suitable scale. The map shall locate the site with respect to adjacent streets and roads and other major land features (1" = 2000').
- (H) The location and name of any water features or irrigation ditches within the perimeter of the lot.
- (I) The location and names of all public rights of way abutting the lot.
- (J) Clearly show, label and dimension the planned uses, their locations and approximate building envelope dimensions.
- (K) Show all setback distances as prescribed by the zone district.

- (L) If applicable to the type of use, show the existing and planned circulation pattern external and internal to the site and designate the road classifications as to arterial, collector and local and designate right-of-way widths.
- (M) If applicable, show existing uses that will remain and that will be removed upon development within the lot including all existing structures remaining the lot, the use within that structure.
- (N) A drawing of any proposed landscape plan for the project;
- (O) If required by the Planning Administrator, an engineered drainage plan for the site. Show how the drainage plan conforms to the floodplain requirements of these Regulations if the project is located in a floodplain. All drainage runoff is to be contained on the site that is in excess of historical flows prior to development. In the use of re-developed property where drainage was previously not contained, the plan should assume no development as the base for historical flow measurements; and

2-420 Special Use Plan Map

The special use map is prepared to show development plans for special use. The special use map must clear and legible at an appropriate scale to clearly show all of the information required below:

- (A) Sheet size shall be 24" x 36".
- (B) An information block in a corner of the map which includes the following: the preparation date; a north arrow; a scale; names and addresses of the owner and applicant, if different than the owner, names and addresses of engineer or surveyor who prepared the plan; addresses of the site; the number of the sheet and total number of sheets; and sheet title (e.g, site plan, landscape plan, drainage plan).
- (C) The special use plan map shall include certificates for the property owner's signature, the Planning Commission, the Board and the Clerk to the Board.
- (D) Legal description of the lot(s).
- (E) Vicinity Map. A vicinity map shall be drawn special use plan map. The scale of the vicinity map shall be one (1) inch equals two thousand (2,000) feet. The vicinity map shall delineate all of the required information within a one-half (½) mile radius of the property proposed for the special use. The following information shall be shown on the vicinity map:
 - (1) Section, township and range.
 - (2) Scale and north arrow.

- (3) Outline of the perimeter of the parcel proposed for the special use.
 - (4) Locations and names of all public rights of way, irrigation ditches and water features.
 - (5) Location of all residences within a one-half-mile radius, existing and proposed accesses to the property proposed for the special use, any abutting subdivision outlines and names, and the boundaries of any adjacent municipality.
 - (6) Any other relevant information within a one-half-mile distance of the perimeter of the property proposed for the special use as may be reasonably required by the Planning Administrator to meet the intent and purpose of this Chapter.
- (F) For the lot or lots to be used for the special use, the following information shall be provided on the special use plan map:
- (1) The scale of the special use area shall be one (1) inch equals one hundred (100) feet.
 - (2) The drawing shall outline the boundaries of the lots being considered for the Use by Special Review.
 - (3) The drawing shall include the location and identification of all of the following items within a two-hundred-foot radius of the boundaries of the lots(s) as well as within the lot(s) itself; it shall also include the proposed features and structures of the proposed special use:
 - (a) All public rights of way of record (including names).
 - (b) All existing and proposed structures.
 - (c) All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.
 - (d) Irrigation ditches.
 - (e) Adjacent property lines and respective owners' names (may be shown on vicinity map instead).
 - (f) All hydrographic features including streams, rivers, ponds and reservoirs (including names).
 - (g) Location of areas of moderate or severe soil limitations as defined by the Natural Resources Conservation Service or by a soil survey and study prepared by a soils engineer or scientist for the uses and associated structures proposed for the parcel.

- (h) Complete traffic circulation and parking plan showing locations and sizes.
- (i) Location, amount, size and type of any proposed landscape material, including fencing, walls, berms or other screening.
- (j) Location of any special flood hazard area, geologic hazard area, or mineral resource areas.
- (k) Such additional information as may be reasonably required by the Planning Administrator, the Planning Commission or the Board in order to determine that the application meets the requirements of these Regulations.

SUPPLEMENTAL PERMIT REGULATIONS

2-430 Authority of Planning Administrator

The Planning Administrator has the discretionary authority to waive the drawing submittal requirements or allow preliminary sketches in lieu of a formal site plan or map to accompany an application either during the preliminary review process or for a Planning Commission or Board review, or may in their sole discretion, require additional requirements upon an applicant, if necessary, to meet the intent of these Regulations. Any sketch drawing shall be at an appropriate scale that clearly shows the project's intent. The Board of County Commissioners may require a submittal of a plan or map in compliance with the drawing submittal requirements prior to approval of any permit or as a condition of approval.

2-440 Referral Agencies

The referral agencies and individuals include but are not limited to the following:

- (A) County Attorney.
- (B) Public Works Director or his/her Designee.
- (C) Local Department of Health.
- (D) Colorado Division of Wildlife.
- (E) Fire Protection District.
- (F) Public School District.
- (G) Municipalities and counties located within three (3) miles of the re-zone or use permit area, or, in the case of a municipality, where the proposed rezoning or permit lies within its current (3) three mile planning area.
- (H) Colorado Department of Transportation where a state or federal highway is within or adjacent to the re-zone area.
- (I) Others as deemed necessary by Planning Staff.

POST-DECISION PROCESSES

2-450 Applications for Same Lot or Parcel

Development applications for the same lot where an earlier petition for the same action was denied may be reintroduced for reconsideration by the County no sooner than one (1) year after the original decision is rendered. All rezoning or permit reintroductions must follow the same procedure as original petitions, as amended.

2-460 Amending Permits

Any conditional use or special use permit issued under these Regulations may be amended upon application of the owner.

- (A) Minor amendments may be granted administratively by the Planning Administrator.
- (B) Major amendments must go through the same application, notice and hearing process as the original application.
- (C) Fees for an amendment shall be the same as for what is currently charged for the original type of permit.
- (D) The Board may, on a case by case basis, waive the requirement of paragraphs (B) and (C) of this section.
- (E) The Planning Administrator shall be the sole authority in determining whether an amendment is major or minor.

Revise 3-125 Uses by Right to read:

Uses-by-right include the use of land, structures or both which are authorized by the district zoning classification.

The design standards of any given zone district comprise the essential site plan requirements for the placement of a use on a parcel or in a structure. To construct or commence a use-by-right on a parcel, a building or zoning permit is required.

Appendix A, Forms 1 and 3 shall amended as follows:

FORM NO. 1
WEBSITE NOTICE

NOTICE FOR PUBLIC HEARINGS

A public hearing will be held to consider an application following application:

Applicant: _____

Landowner: _____

Legal Description: _____

Reason: _____

Location of Hearing: _____

Date of Hearing: _____

The application and all materials are available for inspection at the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado, during regular office hours. At time of the public hearing an opportunity will be given for presentation of evidence related to the application.

FORM NO. 3
POSTING NOTICE

NOTICE FOR PUBLIC HEARINGS

A public hearing will be held to consider an application following application for a _____ for property on which this sign is posted.

Applicant: _____

Landowner: _____

Reason: _____

Location of Hearing: _____

Date of Hearing: _____

Information may be obtained from the Morgan County Planning Department at 970-542-3526.

Appendix B, Table 1 shall be amended as follows:

Add a new footnote, applicable to each zone, which restricts the erection or construction of a building or structure over an abandoned oil or gas well.



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

3. Reclassification of Uses - Commercial, Light Industrial and Heavy Industrial

This item is a follow up to a discussion already held by the Planning Commission concerning the reclassification of uses within the Commercial, Light Industrial and Heavy Industrial zones. As you will recall, Planning Commission previously discussed whether certain uses within these zones should be reclassified between uses by right, conditional uses and special uses. In your packet is a draft resolution that will show the proposed changes based upon the Planning Commission's previous recommendations. Also, it should be noted that all conditional uses in the Light Industrial zone are also conditional uses in the Heavy Industrial zone. As a result, reclassification of conditional uses in the Light Industrial may affect the classification of uses in the Heavy Industrial zone. Included in your packet is a short cheat sheet that demonstrates the effect of the reclassification of conditional uses in the Light Industrial, as outlined in Section 2 of the Resolution, in the Heavy Industrial zone.

Use Description	Current Classification - Light Industrial	Proposed Classification	Change in Heavy Industrial
General merchandise wholesale business, retail sales allowed	Conditional	Use by Right	Conditional to USR
Commercial disposal injection wells	Conditional	USR	No Change; Already designated separately as conditional use
Utility generation facility having less than 50 megawatts of power production	Conditional	USR	Conditional to USR
Garden shops, greenhouses, and wholesale plant nurseries	Conditional	Use by Right	Conditional to USR
Kennels	USR	Conditional	USR to Conditional
Home repair centers, wholesale and retail	Conditional	Use by Right	Conditional to USR
Upholstery supply and repair stores	Conditional	Use by Right	Conditional to USR
Bakeries, wholesale and retail	Conditional	Use by Right	Conditional to USR
Banks, financial institutions and services including drive through facilities	Conditional	Use by Right	Conditional to USR
Building materials, wholesale and retail	Conditional	Use by Right	Conditional to USR
Carpentry and woodworking shops	Conditional	Use by Right	Conditional to USR
Storage buildings for equipment	Conditional	Use by Right	Conditional to USR
Mini-warehouses, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit	Conditional	Use by Right	Conditional to USR
Bottling plants	Conditional	USR	Conditional to USR
Dairy Processing Plants	Conditional	USR	Conditional to USR
Concrete and mortar processing plants	Conditional	USR	No Change; Already designated separately as a conditional use; includes "asphalt batch plants"

**MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2020 BCC_____

**A RESOLUTION AMENDING CERTAIN SECTIONS OF THE MORGAN COUNTY
ZONING REGULATIONS CONCERNING THE RECLASSIFICATION OF USES IN
THE COMMERCIAL, LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONE
DISTRICTS**

WHEREAS, the Board of County Commissioners desires to reclassify certain uses within the Commercial, Light Industrial and Heavy Industrial Zones;

WHEREAS, on December 14, 2020, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended [_____];

WHEREAS, on December 22, 2020, the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

WHEREAS, the Board of County Commissioners has complied with all relevant provisions for amending the Morgan County Subdivision Regulations; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds these amendments to be in the best interest of the citizens of Morgan County.

NOW THEREFORE BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

Section 1. The following uses in the Commercial Zone are hereby reclassified as follows:

- a. Optometrist shop – conditional to use by right.
- b. Injection wells – conditional to use by special review.
- c. Restaurants and other drinking establishments without a drive-in – conditional to use by right.
- d. Public utility collection officers – conditional to use by right.
- e. Utility service facilities – conditional to use by special review.
- f. Flea markets/Farmer’s market – conditional to use by right.
- g. Tack, feed and grain stores – conditional to use by right.
- h. Auto and truck repair – conditional to use by right.
- i. Heavy equipment, truck and farm implement repair shop – conditional to use by special review.
- j. Upholstery supply and repair stores - conditional to use by right.
- k. Bakery – conditional to use by right.
- l. Bank – conditional to use by right.
- m. Barber and beauty shops – conditional to use by right.
- n. Bowling alley – conditional to use by right.

- o. Building materials, farm and ranch materials center – conditional to use by right.
- p. Carpentry, including woodworking or furniture making – conditional to use by right.
- q. Commercial dairy – conditional to use by special review.
- r. Dry cleaning and dyeing establishments – conditional to use by special review.
- s. Electrical, heating, painting, plumbing, roofing or ventilating shop – conditional to use by special review.
- t. Laundries and laundromats - conditional to use by right.
- u. Mortuaries and funeral homes – conditional to use by special review.
- v. Music, radio, television and video stores – conditional to use by right.
- w. Photography studio – conditional to use by right.
- x. Printing or publishing establishments – conditional to use by right.
- y. Tire supply and repair – conditional to use by special review.
- z. Travel agencies – conditional to use by right.
- aa. Full service truck stores – conditional to use by special review.
- bb. Fresh or frozen food lockers – conditional to use by right.

Section 2. The following uses in the Light Industrial Zone are hereby reclassified as follows:

- a. General merchandise wholesale business, retail sales allowed – conditional to use by right.
- b. Commercial disposal injection wells - conditional to use by special review.
- c. Utility generation facility having less than 50 megawatts of power production – conditional to use by special review.
- d. Garden shops, greenhouses, and wholesale plant nurseries – conditional to use by right.
- e. Kennels – use by special review to conditional.
- f. Home repair centers, wholesale and retail – conditional to use by right.
- g. Upholstery supply and repair stores - conditional to use by right.
- h. Bakeries, wholesale and retail – conditional to use by right.
- i. Banks, financial institutions and services including drive through facilities – conditional to use by right.
- j. Building materials, wholesale and retail – conditional to use by right.
- k. Carpentry and woodworking shops – conditional to use by right.
- l. Storage buildings for equipment – conditional to use by right.
- m. Mini-warehouses, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit – conditional to use by right.
- n. Bottling plants – conditional to use by special review.
- o. Dairy processing plants – conditional to use by special review.
- p. Concrete and mortar processing plants – conditional to use by special review.

Section 3. Section 3-335.5, Light Industrial Zone Uses by Right, of the Morgan County Zoning Regulations is hereby amended by the addition of the following new use:

- a. Veterinary clinics and hospitals

Section 4. Section 3-340, Light Industrial Zone Conditional Uses, of the Morgan County Zoning Regulations is hereby amended by the addition of the following new use:

- a. Processing of raw agricultural products
- b. Distilleries, brew pubs, and wineries

Section 5. The following uses in the Heavy Industrial Zone are hereby reclassified as follows:

- a. Injection wells, except for commercial disposal wells – use by right to use by special review.
- b. Commercial disposal injection wells – conditional to use by special review.
- c. Mini-warehouses, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit – conditional to use by right.

Section 6. Section 3-360, Heavy Industrial Zone Conditional Uses, of the Morgan County Zoning Regulations is hereby amended by the addition of the following new uses:

- a. Outdoor storage
- b. Outdoor shooting range

APPROVED this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Mark A. Arndt, Chairman

James P. Zwetzig, Commissioner

Jon J. Becker, Commissioner

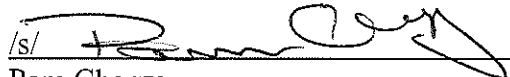
ATTEST:
(SEAL)

Susan Bailey, Clerk to the Board

**NOTICE OF PUBLIC HEARING
MORGAN COUNTY PLANNING COMMISSION
DECEMBER 14, 2020 AT 7:00 P.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO**

Notice is hereby given that on the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Planning Commission will conduct public hearings on proposed **Amendments to the Morgan County Zoning Regulations** related to permitting processes and submittal requirements, non-conforming and permitted single-family dwellings, and the reclassification of uses within the Commercial, Light Industrial and Heavy Industrial zones. Beginning on November 24, 2020, the proposed amendments will be available for public inspection at the County Planning Department, 231 Ensign Street, Fort Morgan, Colorado 80701; (970) 542-3526.

Information on attending this meeting virtually will be available on the agenda for the meeting, when posted or contact the Planning Department at (970) 542-3526.



Pam Cherry
Morgan County Planning and Floodplain Administrator

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