

1939

Authorizing Planning and Zoning of Unincorporated Territory Within Counties; Providing for the Appointment of Regional, County and District Planning Commissions in Connection Therewith; Prescribing the Procedure Therefor; Providing Penalties for Violation Thereof; and Repealing Title IV, Chapter 67, Session Laws of Colorado, 1929, and Any Other Acts or Parts of Acts in Conflict Herewith.

Colorado General Assembly

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Recommended Citation

Colorado General Assembly, "Authorizing Planning and Zoning of Unincorporated Territory Within Counties; Providing for the Appointment of Regional, County and District Planning Commissions in Connection Therewith; Prescribing the Procedure Therefor; Providing Penalties for Violation Thereof; and Repealing Title IV, Chapter 67, Session Laws of Colorado, 1929, and Any Other Acts or Parts of Acts in Conflict Herewith." (1939). *Session Laws 1901-1950*. 4762.

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CHAPTER 92

COUNTY PLANNING

(Senate Bill No. 278. By Senators Johnston [8th], Davies, Elliot, Johnson [5th]; Representatives Pearson, Griffith, Kline, Evans, Helm, Chrysler, Bartholomew, Harpel, Cheever and Smith)

AN ACT

AUTHORIZING PLANNING AND ZONING OF UNINCORPORATED TERRITORY WITHIN COUNTIES; PROVIDING FOR THE APPOINTMENT OF REGIONAL, COUNTY AND DISTRICT PLANNING COMMISSIONS IN CONNECTION THEREWITH; PRESCRIBING THE PROCEDURE THEREFOR; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND REPEALING TITLE IV, CHAPTER 67, SESSION LAWS OF COLORADO, 1929, AND ANY OTHER ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

County
Commissioners
Authorized to
Develop
Unincorporated
Territory

Section 1. That the boards of county commissioners of the respective counties within the state are authorized and empowered to provide for the physical development of the unincorporated territory within the county and for the zoning of all or any part of such unincorporated territory in the manner hereinafter provided.

County
Planning
Commission—
Appointment

Section 2. The board of county commissioners of any county within the state is hereby authorized and empowered to appoint a commission of five members, to be known as the county planning commission; except that in counties of the state having a population of fifteen thousand or less, desiring to establish a commission as herein provided, the board of county commissioners shall constitute the commission. The chairman of the board of county commissioners shall ex-officio be a member of such commission. Each of the other four members of the commission shall be a resident of the county and the owner of real property situated therein, and at least three of them shall hold no other public office or position. The term of appointed members of the commission shall be two years and until their respective successors have been appointed. The members of the commission shall serve as such without compensation, except that the board of county commissioners shall provide for reimbursement of the members of the commission for actual expenses incurred. The board of

Membership

Terms

Compensation

county commissioners shall provide for the filling of vacancies in the membership of the commission and for the removal of a member for non-performance of duty or misconduct.

Vacancies

Section 3. The county planning commission shall elect from its members a chairman, whose term shall be for one year, and the commission may create and fill such other offices as it may determine. The commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times. The commission shall have the power and authority to employ experts and a staff, and to pay such expenses as may be deemed necessary for carrying out the powers herein conferred and the duties herein prescribed, but not in excess of such sums as may be appropriated by the board of county commissioners of the county or be placed at the disposal of the commission through gift or otherwise. The county planning commission is directed to make use of the expert advice and information which may be furnished by appropriate federal, state, county and municipal officials, departments and agencies, and in particular by the state planning commission of the state of Colorado. All state officials, departments and agencies having information, maps and data pertinent to county planning or zoning are hereby authorized and directed to make the same available for the use of the county planning commission as well as to furnish such other technical assistance and advice as they may have available for such purpose.

Elect
Chairman

Adopt
Rules and
Regulations

Employ
Experts and
Staff

Public
Officials
Furnish
Information

Section 4. The governing body, or bodies, or in charter cities the officials having charge of public improvements, of any municipality or group of municipalities, together with the board or boards of county commissioners of any county or counties in which such municipality or group of municipalities is located or of any adjoining county or counties, or the boards of county commissioners of any two or more counties, may cooperate in the creation of a regional planning commission for any region defined as may be agreed upon by said cooperating governing bodies or officials and board or boards or by said cooperating boards. The number and qualifications of the members of any such regional planning commission, and their terms, and method of appointment or removal shall be such as may be determined and agreed upon by the said cooperating governing bodies or officials and boards; provided, however, that a majority of the members of the regional planning commission shall hold no other public office or position excepting appointive membership on a municipal or other planning, zoning or housing commission. The proportion of

Cities and
Counties May
Cooperate in
Creating
Regional
Planning

Regional
Planning
Commission
Terms—
Appointment—
Removal

the expenses of the regional planning commission to be borne respectively by the municipalities and counties or by the counties cooperating in the establishment and maintenance of the commission, shall be such as may be determined and agreed upon by the cooperating governing bodies or officials and boards, and they are hereby authorized to appropriate or cause to be appropriated their respective shares of such expenses. Within the amounts thus agreed upon and duly appropriated, any such regional planning commission shall have the power to appoint such employees and staff as it may deem necessary for its work, and contract with planners and other consultants for such services as it may require.

Expenses
Appropriated

Employees

Elect
Chairman

The regional planning commission shall elect its chairman, who shall hold no other public office or position except that he may be a member of a municipal or other planning commission. The term of chairman shall be one year, with eligibility for re-election. The commission may create and fill such other offices as it may determine. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Any board of county commissioners or other county officials or the chief executive officer of any municipality may, from time to time, upon the request of the commission and for the purpose of special surveys, assign or detail to the commission any members of staffs of county or municipal administrative departments, or may direct any such department to make for the commission special surveys or studies requested by the commission.

Records
Public

Adopt Master
or Regional
Plan

Section 5. It shall be the function and duty of a county planning commission to make and adopt a master plan for the physical development of the unincorporated territory of the county. It shall be the function and duty of a regional planning commission to make and adopt a regional plan for the physical development of the unincorporated territory of the region. Any such plan may include the planning of incorporated areas to the extent to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the county or region as a whole; provided, however, that the plan shall not be deemed an official plan or part of the official plan of any municipality unless adopted by the municipal planning commission thereof. The master plan of a county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county or regional planning commission's recommendations for the development of the territory covered by the plan, and may include, amongst other things, the general location, character and extent of streets or roads, viaducts, bridges, park-

Contents of
Master Plan

ways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; the general character, location, and extent of community centers, town sites, or housing developments; the general location and extent of forest, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development; and a land-classification and utilization program.

Section 6. In the preparation of a county or regional master plan, a county or regional planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the territory within its jurisdiction. The county or regional master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county or region which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, 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, agriculture, 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, and of drainage, sanitary, and other facilities and resources.

Commission
Make Surveys
and Studies of
Conditions

Section 7. A county or regional planning commission may adopt the county or regional master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter which may be included in the plan. The commission may from time to time amend, extend, or add to the plan, or carry any part of it into greater detail. The adoption of the plan or any part, amendment, extension, or

Adoption of
Plan Shall Be
by Resolution

addition shall be by resolution carried by the affirmative votes of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map or maps and descriptive matter by the identifying signature of the secretary of the commission.

Section 8. The county planning commission shall certify a copy of its master plan or any adopted part or amendment thereof or addition thereto, to the board of county commissioners of the county. The regional planning commission shall certify such copies to the board or boards of county commissioners of the county or counties lying wholly or partly within the region. The county or regional planning commission shall certify such copies to the planning commission of all municipalities within the county or region. Any municipal planning commission which receives any such certification may adopt so much of the plan, part, amendment, or addition as falls within the territory of the municipality as a part or amendment of or addition to the master plan of the municipality, and when so adopted, it shall have the same force and effect as though made and prepared, as well as adopted, by such municipal planning commission.

Section 9. Whenever any county or regional planning commission shall have adopted a master plan of the county or region or any part thereof, then and thenceforth 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 or region until and unless the proposed location and extent thereof shall have been submitted to and approved by such county or regional planning commission; provided, however, that in case of disapproval, the commission shall communicate its reasons to the board of county commissioners of the county in which the public way, ground, space, building, structure, or utility is proposed to be located; and such board shall have the power to overrule such disapproval by a vote of not less than a majority of its entire 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

Certification
of Plan to
Be Made

No Public
Works to Be
Constructed
Without
Approval of
Commission

Commissioners
May Overrule
Disapproval

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 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.

Section 10. The county planning commission of any county may, and upon order by the board of county commissioners in any county having a county planning commission, shall make a zoning plan or plans for zoning all or any part of the unincorporated territory within such county, including both the full text of the zoning resolution or resolutions and the maps, and representing the recommendations of the commission for the regulation by districts or zones of the location, height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, recreation or other purposes.

Commission
Make Zoning
Plan

Section 11. The county planning commission shall certify a copy of the plan or plans for zoning all or any part of the unincorporated territory within the county, or any adopted part or amendment thereof, or addition thereto, to the board of county commissioners of the county. After receiving the certification of said zoning plan or plans from the commission and before the adoption of any zoning resolution or resolutions, the board of county commissioners shall hold a public hearing thereon, of the time and place of which at least thirty days' notice shall be given by one publication in a newspaper of general circulation in the county. Such notice shall state the place at which the text and maps so certified by the county planning commission may be examined. No substantial change in or departure from the text or map so certified by the county planning commission shall be made unless such change or departure be first submitted to the certifying county planning commission for its approval, disapproval or suggestions, and if disapproved, shall receive the favorable vote of not less than a majority of the entire membership of the board of county commissioners. The county planning commission shall have thirty days from and after such submission within which to send its report to the county commissioners.

Certify Copy
of Plan to
Commissioners

Public Hearing
—Notice

Section 12. From and after the time when the county planning commission of any county, in accordance with the procedure hereinabove specified, makes, adopts and certifies to the board of county commissioners a plan or plans for zoning the unincorporated territory within any county, or any part thereof, including both the full text of a zoning resolution and the maps, and after public hearing thereon, then the board of commissioners, may by resolution regulate in any portion or portions of such county which lie outside of cities and towns, the location, height, bulk and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation or other purposes. In order to accomplish such regulation, the board of county commissioners may divide the territory of the county which lies outside of cities and towns into districts or zones of such number, shape or area as it may determine, and within such districts, or any of them, may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land, and may require and provide for the issuance of building permits as a condition precedent to the right to erect, construct, reconstruct or alter any building or structure within any district covered by such zoning resolution. The county planning commission may make and certify a single plan for the entire unincorporated portion of the county, or separate and successive plans for those parts which it deems to be urbanized or suitable for urban development and those parts which, by reason of distance from existing urban communities or for other causes, it deems suitable for non-urban development; and any resolution adopted by the board of county commissioners may cover and include the unincorporated territory covered and included in any such single plan or in any of such separate and successive plans. No resolution covering more or less than the territory covered by any such certified plan shall, however, be adopted or put into effect until and unless it be first submitted to the county planning commission which had certified the plan to the board of county commissioners and be approved by said commission or, if disapproved, receive the favorable vote of not less than a majority of the entire membership of such board. All such regulations shall be uniform for each class or kind of building or structure throughout any district, but the regulations in any one district may differ from those in other districts.

Commissioners
May by
Resolution
Regulate Size
of Buildings.
Uses of Land,
Etc.

Territory
May Be Divided
Into Districts

Single or
Successive
Plans May
Be Certified

Enforcement
of Zoning
Regulations

Section 13. The board of county commissioners may provide for the enforcement of the zoning regulations by

means of the withholding of building permits, and, for such purpose, may establish and fill a position of county building inspector and may fix the compensation attached to said position, or may authorize an administrative official of the county to assume the functions of such position in addition to his customary functions. Such board may also fix a reasonable schedule of fees for the issuance of such permits. From and after the establishment of such position and the filling of the same, it shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the unincorporated territory covered by such zoning regulations without obtaining a building permit from such county building inspector, and such building inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all zoning regulations then in effect.

Position of
Building
Inspector
Created—
Compensation

Building
Permit
Required

Section 14. Such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the state of Colorado, including, amongst 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 governmental expenditures, fostering the state's agricultural and other industries, and the protection of both urban and non-urban development.

Regulations
Designed to
Promote Public
Welfare

Section 15. The board of county commissioners may from time to time amend the number, shape, boundaries or area of any district or districts, or any regulation of or within such district or districts, or any other provisions of the zoning resolution, but any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval or suggestions of the county planning commission; and if disapproved by such commission within thirty days after such submission, such amendment, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the board of county commissioners. Before finally adopting any such amendment the board of county commissioners shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county.

Number, Shape,
Area, Etc., of
District May
Be Amended

Procedure

Section 16. The board of county commissioners of any county which enacts zoning regulations under the authority

Board of
Adjustment—
Terms—
Compensation
—Vacancies

of this act, shall provide for a board of adjustment of three to five members and for the manner of the appointment of such members. Not more than half of the members of such board may at any time be members of the planning commission. The board of county commissioners shall fix per diem compensation and terms for the members of such board of adjustment, which terms shall be of such length and so arranged that the term of at least one member will expire each year. Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The board of county commissioners may appoint associate members of such board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board or any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose.

Organization—
Procedure—
Jurisdiction

The board of county commissioners shall provide and specify in its zoning or other resolutions general rules to govern the organization, procedure, and jurisdiction of said board of adjustment, which rules shall not be inconsistent with the provisions of this act, and the board of adjustment may adopt supplemental rules of procedure not inconsistent with this act or such general rules.

Powers

Any zoning resolution of the board of county commissioners may provide that the board of adjustment may in appropriate cases and subject to appropriate principles, standards, rules, conditions, and safeguards set forth in the zoning resolution, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. The commissioners may also authorize the board of adjustment to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions, as they may arise in the administration of the zoning regulations.

Meetings

Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Keep
Minutes

Section 17. Appeals to the board of adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolution. Appeals to the board of adjustment may be taken by any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision or an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning resolution. The time within which such appeal must be made, and the form or other procedure relating thereto, shall be as specified in the general rules provided by the board of county commissioners to govern the procedure of such board of adjustment or in the supplemental rules of procedure adopted by such board.

Appeals May
Be Taken to
Board of
Adjustment

Procedure

Upon appeals the board of adjustment shall have the following powers:

Powers

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning resolution.

(2) To hear and decide, in accordance with the provisions of any such resolution, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such resolution to pass.

(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolutions.

The concurring vote of four members of the board in the case of a five-member board, and of three members in the case of a three-member board, shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.

Property
Owners May
Petition for
Appointment
of Commission

Section 18. Whether or not a county planning commission has been created as hereinabove provided, the board of county commissioners of any county on petition may from time to time appoint district planning commissions for the purpose of preparing plans for zoning certain portions of the unincorporated territory within such county. Such petition shall be signed by fifty (50) owners of real property situated within the boundaries of the district described in the petition and shall request the appointment of a planning commission for such district. At the next regular meeting following the receipt of such petition, the board of county commissioners shall determine the sufficiency of such petition and if found to be sufficient shall order a public hearing to be held on the question of the establishment of such district at the county seat within the county not more than sixty days after the date of filing such petition. A notice of the time, place and purpose of such hearing, and containing a description of the boundaries of the proposed district, shall be given by publication in a newspaper of general circulation within the county by one publication at least thirty days prior to the date of such hearing. Any owner of property included within the boundaries of the proposed district shall be entitled to protest the establishment thereof by filing with the board of county commissioners at least five days prior to the time set for the hearing a written statement setting forth in brief the grounds of the protest. At the time and place specified in said notice the board of county commissioners shall sit for the purpose of determining whether or not such proposed district should be established and at such time and place it shall consider and pass upon any protests filed as aforesaid. Within five (5) days after termination of such hearing, the board of county commissioners, if satisfied that the public interest requires such action, shall overrule such protests as may be filed and shall enter an order establishing the planning district, describing the boundaries thereof, giving the district an appropriate and distinctive name and appointing the district planning commission. Such commission shall consist of three members each of whom shall be a resident of the district and the owner of real property situated therein. The members of such commission shall serve for a term of three years and until their successors are duly appointed and qualify. They shall serve without compensation. The board of county commissioners shall provide for the filling of vacancies in the memberships of the commission and for the removal of a member for non-performance of duty or misconduct. The district planning commission so appointed and organized shall have all the powers and be subject to all the duties hereinbefore by this act conferred and imposed upon county planning commissions in so far as such powers and duties

Public
Hearing

Notice

Protest

Commissioners
Rule on Protest
Within 5 Days

Enter
Order

Commissioners
—Term—
—Compensation—
—Vacancies

Powers and
Duties

relate to zoning and in respect to the territory included within the boundaries of such district. It shall be the duty of such commission to make for certification to the board of county commissioners of the county a plan or plans for zoning the territory included within the boundaries of the district. The commission shall certify a copy of the zoning plan or plans, including the full text of the zoning resolution and the maps, to the board of county commissioners of the county. If a county planning commission has been created in the county wherein the said district is situated, such plan or plans must first be approved by such commission. After receiving the certification of said zoning plan or plans from the commission and before the adoption of any zoning resolution or resolutions, the county commissioners shall hold a public hearing in the manner prescribed in section 11 of this act. Thereafter the board of county commissioners may by resolution or resolutions exercise as to the territory included within the boundaries of such district, all the powers conferred upon it by sections 12, 13 and 14 of this act, and may from time to time amend said resolutions, but any such amendment shall not be made or become effective unless the same shall have been proposed by or first submitted for the approval, disapproval or suggestions of the district planning commission and shall likewise have approval by the county planning commission, if one has been created. If any such amendment be disapproved by either the county or the district planning commission within thirty days after such submission, to become effective it shall receive the favorable vote of not less than a majority of the entire membership of the board of county commissioners. Before finally adopting any such amendment the board of county commissioners shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county. Unless or until a board of adjustment has been appointed for the county as a whole pursuant to a county zoning plan submitted by the county planning commission such resolutions shall provide that the district planning commission shall perform the functions of the board of adjustment as specified in sections 16 and 17 of this act with respect to the zoning regulations for such district. When a county board of adjustment has been appointed it shall function with respect to the zoning regulations for such district. Whenever the regulations for a district made pursuant to this section require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater setback from a road or street, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other regulations made

Adoption of
Zoning
Resolution—
Public Hearing

Resolution
May Be
Amended

Regulations
Govern

under the authority of this act and effective within the same territory, the provisions of the regulations for such district made pursuant to this section shall govern. Wherever the provisions of other regulations made under the authority of this act and effective within the territory of a district established pursuant to this section impose higher standards than are imposed by the regulations for such district made pursuant to this section, the provisions of such other regulations shall govern.

Boundaries
May Be
Enlarged

The boundaries of a planning district may be enlarged from time to time through the addition of contiguous territory by order of the board of county commissioners pursuant to petition signed by the owners of at least fifty-one per cent of the area of the real property to be added to the district after published notice, opportunity for protest and hearing as provided above in the case of original establishment of a district.

Existing
Structures
May Continue
to Be Used

Section 19. The lawful use of a building or structure, or the lawful use of any land, as existing and lawful at the time of the adoption of a zoning resolution, or in the case of an amendment of a resolution, then at the time of such amendment, may, except as hereinafter provided, be continued although such use does not conform with the provisions of such resolution or amendment, and such use may be extended throughout the same building, provided no structural alteration of such building is proposed or made for the purpose of such extension. The board of county commissioners may provide in any zoning resolution for the restoration, reconstruction, extension or substitution of non-conforming uses upon such terms and conditions as may be set forth in the zoning resolution. The board of county commissioners may in any zoning resolution provide for the termination of non-conforming uses, either by specifying the period or periods in which non-conforming uses shall be required to cease, or by providing a formula or formulae whereby the compulsory termination of a non-conforming use may be so fixed as to allow for the recovery or amortization of the investment in the non-conformance.

Termination of
Nonconforming
Uses

County
Property

If any county acquire title to any property by reason of tax delinquency and such properties be not redeemed as provided by law, the future use of such property shall be in conformity with the then provisions of the zoning resolution of the county, or with any amendment of such resolution, equally applicable to other like properties within the district in which the property acquired by the county is located.

Section 20. The board of county commissioners of any county, after appointment of a county or district planning

commission and pending the completion by such commission of a zoning plan, may, where in the opinion of the board conditions require such action, promulgate by resolution without a public hearing regulations of a temporary nature, to be effective for a limited period only and in any event not to exceed six months, prohibiting or regulating in any part or all of the unincorporated territory of the county or district the erection, construction, reconstruction or alteration of any building or structure used or to be used for any business, industrial or commercial purpose.

Temporary
Regulations
May Be
Promulgated

Section 21. Before finally adopting and certifying any plan, either master or zoning, the planning commission, regional, county or district, making such plan, shall submit such plan to the state planning commission for advice and recommendations. The state planning commission shall, within thirty days after such submission, present its advices and criticisms in respect to such plan. Such advices and criticisms shall be advisory only and the commission submitting such plan shall not be bound thereby. If such advices and criticisms have not been presented within such period of thirty days, the approval of such plan by the state planning commission shall be presumed.

Plan to Be
Submitted
to State
Planning
Commission
for Advices
and Criticisms

Section 22. All plans of streets or highways for public use, and all plans, plats, plots, and replots of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, located within the county limits, except those located within any city or town within the said counties, shall be submitted to the district planning commission, if located within a planning district, and if not so located, then to the county planning commission, if one has been created, and approved by such commission before they shall be recorded. And it shall not be lawful to receive or record any such plan or plat in any public office, unless the same shall bear thereon by endorsement or otherwise the approval of such commission. The approval of such plan or plat by such commission shall not be deemed an acceptance of the proposed dedication by the public. Such acceptance, if any, shall be given by action of the board of county commissioners. The owners and purchasers of such lots shall be conclusively presumed to have notice of public plans, maps, and reports of such commission affecting such property within its jurisdiction.

Plans to Be
Submitted
Before
Recording

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plan or plat of a subdivision, before such plan or plat has been approved by the

Selling Land
Prior to
Approval of
Plan Unlawful
—Penalty

such planning commission and recorded or filed in the office of the county recorder, shall forfeit and pay a penalty of \$100 for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The county may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.

Regulations
or Statute
Imposing
Higher
Standards
Govern

Section 23. Wherever the regulations made under authority of this act require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this act shall govern. Wherever the provisions of any other statute require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this act, the provisions of such statute shall govern.

Violation of
Act—Penalty

Section 24. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation in, or of any provision of, any zoning resolution, or any amendment thereof, enacted or adopted by any board of county commissioners under the authority of this act. Any person, firm or corporation violating any such regulation, provision or amendment, or any provision of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00), or imprisoned not more than ten 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. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this act or of any regulation or provision of any resolution, or amendment thereof, enacted or adopted by any board of county commissioners under the authority granted by this act, such board, the district attorney of the county or any owner of real estate within the district in which such building, structure or land is situated, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any

other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Section 25. Upon the adoption of any zoning ordinance or regulation, map or maps, the board of county commissioners shall file a certified copy of each in the office of the county clerk and recorder, which copies shall be accessible to the public. The county clerk and recorder shall index such ordinances and regulations as nearly as possible in the same manner as he indexes instruments pertaining to the title of land.

Ordinance or
Regulation
Filed with
County Clerk

Section 26. The board of county commissioners is empowered to appropriate out of the general county fund such moneys, otherwise unappropriated, as it may deem fit to finance the work of the county and district planning commissions and of the boards of adjustment, and to enforce the zoning regulations and restrictions which are adopted, and to accept grants of money and service for these purposes, and other purposes, in accordance with this act, from either private or public sources, state or federal.

Appropriation
Authorized

Section 27. None of the provisions of this act shall apply to any existing building, structure, plant or other equipment owned or used by any public utility. After the adoption of a plan as hereinbefore provided, all extensions, betterments or additions to buildings, structures, plant or other equipment of any public utility shall only be made in conformity with such plan, 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 the adopted plan.

Act Not to
Apply to Exist-
ing Structures

Public Utilities
Commission
May Issue
Order in Con-
flict with Plan

Section 28. For the purposes of this act, "unincorporated" means situated outside of cities and towns, so that when used in connection with "territory," "areas," or the like it covers, includes, and relates to territory or areas which are not within the boundary of any city or town.

Unincorporated
Defined

Section 29. If any one or more sections, clauses, sentences or parts of this act 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 act in any one or

Severability
Clause

more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Repeating
Clause

Section 30. Title IV, chapter 67, Session Laws of Colorado, 1929, being sections 184, 185, 186, 187, 188 and 189, chapter 163, 1935 C. S. A. and any other acts and parts of acts in conflict herewith, be and same are hereby repealed.

Safety
Clause

Section 31. The general assembly hereby finds, determines and declares this act necessary for the immediate preservation of the public peace, health and safety.

Emergency

Section 32. In the opinion of the general assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved: March 30, 1939.