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## **EXHIBIT B – AMENDED AND RESTATED PUD GUIDE**

**STRONG PLANNED UNIT DEVELOPMENT  
AMENDED AND RESTATED  
ZONING AND DEVELOPMENT CONTROL GUIDE**

**A. Purpose**

To regulate land uses and impacts and to assure orderly use and maintenance of the development.

**B. Zone districts within the PUD**

1. Resource Support (RS) Zone District
2. Utility and Easement (UE) Zone District

**C. Definitions**

Communication Facility. A non residential structure supporting antennae and microwave dishes that disseminate radio frequency signals, including television and data impulses through space by means of radio and electromagnetic waves. Communication facilities include structures, towers and accessory buildings.

Contractor Yard. The use of land within the PUD for the purpose of storing machinery, equipment and supplies for businesses that provide services to clients through the use of machinery, equipment and supplies. Such use may include office and repair facilities. Repair facilities and operations may be conducted within or outside of structures.

Fabrication. The act of creating materials or products. Examples include, but are not limited to, cabinet-making, woodworking, metal working, glazing, machining and welding, mixing of drilling fluids and similar materials.

General Storage. The keeping of goods, materials, equipment, supplies, tools, machinery, automobiles and similar items. General storage is allowed within storage buildings or warehouses constructed within the PUD and also as open storage, in an orderly manner, within the boundaries of individual PUD lots. Long term storage of inoperable machines or vehicles shall not be allowed.

Heavy Equipment. Generally inclusive of large vehicles such as graders, earthmovers, cranes, oil and gas field equipment and similar vehicles and equipment, or any vehicle having a gross weight of 6000 pounds or greater.

Material Handling. The loading or unloading of goods, materials, and products, in bulk.

Processing. Change in the physical state or chemical composition of matter. Examples include, but are not limited to, sawmill, creation of glass, ceramic or plastic materials, concrete and asphalt batch plants.

Solar Power Generating System aka Sollar Array. A device or system that converts the sun's radiant energy into thermal, chemical or electric energy. Such facilities are intended to create electricity to be delivered to a variety of consumers beyond the facility.

Storage of Oil and Gas Drilling Equipment and Supplies. The short-term or long-term storage of materials and supplies that are typically used in prospecting, drilling and servicing of oil and gas wells.

Warehouse and Distribution Center. A structure or structures used principally for the inside storage and distribution of goods and materials, which includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

**D. Uses by Right – Resource Support District**

1. Business offices associated with any categorized use.
  - A. Business offices may be freestanding or incorporated into another structure.
2. Contractor yard.
3. Fabrication.
4. General storage.
5. Storage of heavy equipment.
6. Storage of oil and gas drilling equipment and supplies.
7. Communication facility.
8. Solar power generating system.
9. Materials lab and testing.
10. Material handling.

**E. Uses Allowed by Special Review – Resource Support District**

1. Processing.
2. Warehouse and distribution center.
3. Concrete and asphalt batch plant(s).

**All uses allowed within the PUD by Special Use Review must receive approval by Garfield County prior to inception of the use.**

**F. Uses Allowed by Right – Utility and Easement District**

1. Installation and maintenance of utilities.
2. Irrigation and drainage facilities and related structures.
3. Access roads and driveways.

**G. Lot Coverage and Setbacks**



Lot Coverage. Each individual parcel within the PUD is allowed to have structures, either singular or multiple, that may cover a maximum of 15% of the total area.

Setbacks.

1. Building setback from County Road edge of right of way – 25 feet.
2. Storage setback from County Road edge of right of way – 15 feet.
3. Setback from internal road system – 5 feet.
4. Setback from reserved easements – 5 feet.
5. Internal lot line setbacks – zero (0) feet where lot lines are delineated by a fence or similar structure.

**H. Maximum Height of Structures Within the PUD**

1. Structure height: 35 feet.
2. Storage silos may be up to 40 feet in height.

**I. Parking**

1. Office parking requirements: One (1) space per 200 square feet of office floor area.
2. Parking for storage purposes: Shall be allowed on the entire impervious area of a lot.
3. Parking shall not be allowed on or within the PUD road rights-of-way or easements.
4. One parking space per each full-time employee shall be provided on each parcel. This requirement is to be demonstrated at time of building permit submittal.

**J. Fencing**

1. Perimeter fencing is required on all parcels in the PUD.
2. No fencing shall be placed in any easement that will obstruct the function of the easement.
3. Maximum height of the fencing on any lot is restricted to ten (10) feet. If barbed wire will be utilized, it must be at least 6 feet off the ground.
4. Individual parcel owners or the lessee of the individual parcel shall be responsible for maintenance and upkeep of the fencing surrounding the parcel.
5. Any fencing that is shared by adjacent lots shall be maintained jointly by the adjacent parcel owners or lessees.

**K. Lighting**

1. All lighting shall be downcast and shaded to limit glare or reflection on adjacent property.
2. Height of exterior lighting shall be limited to 20 feet.

**L. Signage**

1. Each parcel shall be allowed no more than two (2) signs. One sign is allowed to be placed on a wall of a structure or building, the second sign may be placed anywhere within the boundary of a parcel.
  - A. Wall signs. May be up to 64 square feet in size.
  - B. Lot signs. May be up to 32 square feet in size.

**M. Performance Standards**

This section shall regulate the operation of the allowed uses within the PUD. The standards are intended to ensure compliance with the Industrial Performance Standards generally accepted by Garfield County.

All operations shall be conducted in such a manner as to minimize heat, dust, smoke, vibration, glare and odor and all other undesirable environmental effects beyond the boundaries of the property.

The Parcel Owner's Association shall be responsible for any enforcement action required under these regulations.

Sound. Volume of sound generated shall comply with the standards set for in the Colorado Revised Statutes.

Vibration generated. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without the use of instruments, at any point of any boundary line of the property on which the use is located.

Emission of smoke and particulate matter. Every use shall be operated so as to comply with all federal, state and county air quality laws, regulations and standards.

Emission of heat, glare, radiation and fumes. Every use shall be operated so that it does not emit, heat, glare, radiation or fumes that substantially interfere with the existing use of adjoining property or that constitute a public nuisance or hazard. Flaring of gases, aircraft warning signals, reflective painting of storage tanks, or other such operations which may be required by law as safety or pollution control measures shall be exempted from these provisions.

All storage areas shall be operated within the following performance standards:

1. Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with federal, state and local fire codes and written recommendations from the appropriate local fire protection district.



2. No materials or wastes shall be deposited on any lot within the PUD in such manner or form that they may be transferred of the property by any reasonable foreseen natural causes or forces.
3. Storage of heavy equipment will be allowed subject to the following standards:
  - A. All equipment storage will be enclosed in an area with screening at least eight (8) feet in height and obscured from view at the same elevation or lower.
  - B. Repair and maintenance activities requiring the use of equipment that will generate noise, odors or glare beyond the property boundaries may be conducted within a building or outdoors, so long as negative effects caused by these operations are not transmitted off the PUD site. Outdoor heavy equipment operation hours shall be between the hours of 6 a.m. and 8 p.m.
  - C. All loading and unloading of vehicles shall be conducted on private property within the PUD and shall not be conducted on any development right-of-way.
4. Potential for water pollution: If any use is conducted in a manner whereby potential water pollution could occur, the use shall be required to install safeguards designed to comply with the regulations of all federal, state and county regulatory agencies.
5. All purchasers, leaseholders, occupants or users of the development are required to follow all regulations imposed herein.
6. All drainage ways, drainage structures, culverts, erosion control devices, detention ponds, etc., as approved and installed, must be kept in good useable condition. The parcel owner or the lessee shall be the entity responsible for maintenance and upkeep within the boundaries of the owned or leased parcel.
7. Control of fugitive dust on access roads and easements within the development is the responsibility of the Parcel Owners Association. Individual lot owners or lessees shall be responsible for the control of the fugitive dust on individual parcels.
8. On lot fuel storage shall be limited to a single storage tank of up to one thousand (1000) gallons per developable lot. Adequate spill containment structures shall be designed and constructed for any parcel on which fuel is stored. The containment structure shall be capable of holding 110% of the maximum volume of the fuel storage tank and shall comply with all Federal, State and local regulations.
9. Parcels within the development may be used in tandem without being considered to have merged in title. However, no resubdivision of the original five (5) parcels shall be allowed.

10. Fire extinguishers shall be required to be kept and maintained on each parcel. The fire extinguisher shall be placed in a conspicuous location and with ease of access being mandatory.
11. All fabrication and repair operations shall be conducted within a building.
12. All storage of heavy equipment shall be within a building or enclosed within a fenced area and screened from view along the County Road.
13. All on-site refuse containers must have functioning lids and proper care shall be taken to ensure no trash is removed from the container by the forces of nature.
14. Prior to building permit submittal to Garfield County for any parcel within the PUD, a Phase One Environmental Site Assessment, within the scope of American Society for Testing and Materials Practice E 1527-05, as the same may be amended, shall be performed by the lot owner or lot lessee at the expense of the lot owner or lot lessee. Prior to abandonment of the site by the lot owner or lot lessee, a Phase One Environmental Study shall be completed and any remediation necessary, as identified by the Study, shall be completed by the lot owner or lessee at his expense.
15. Until such time as a Non-Transient Water Supply is permitted by CDPHE, the PUD will be limited to 25 or less full-time employees.

**N. General Allowances, Maintenance and Upkeep of the Land Within the Development**

1. All uses of land and structures within the Development shall be in an orderly fashion. No use of the land shall be for the long-term storage (defined as storage in excess of 120 days) of inoperable machinery, equipment, automobiles or waste materials such as trash, tires, pallets, empty drums or any similar items. All vehicles stored within the PUD shall maintain current Colorado registrations and licenses.
2. No outside watering of landscaping shall be allowed within the PUD unless an individual lot owner or lessee obtains a sufficient amount of irrigation water and applies for the necessary permits.
3. Individual parcel owners or lessees shall be responsible for weed control on their respective parcel(s). Weeds shall not be allowed to thrive anywhere within the boundaries of the development.
4. All storage of materials shall be conducted in strict compliance with State and Federal regulations. All required documentation shall be kept on-site and open for inspection.
5. All buildings and structures shall be finished with earth-tone colors, except where required by safety considerations.



6. Leasehold interests in individual parcels shall be allowed. Parcel 1 may have two (2) leasehold interests. Parcels 2 through 5, inclusive, are each allowed one (1) leasehold interest.
7. Individual parcels shall be allowed one (1) categorized use, as contained in Sections D and E herein, per leasehold or ownership interest. The uses may change, however, only one categorized use shall be allowed to be in operation at any given time.
8. Engineered individual sewage disposal systems are required for each lot.
9. One mobile office trailer is allowed on each parcel and may only be utilized in conformance with Section D(1) of these regulations. The mobile office trailer is temporary and must be removed upon issuance of the certificate of occupancy for the permanent office.
10. All hazardous and flammable materials are required to be handled in strict conformance with State and Federal regulations.