

middle home - 3' from sidewalk  
to front street

# ECKLEY

## Comprehensive Plan

Item	Quantity
Street lights	6
fire hall	6
fire department	6
power line station	2
community center	2
power plant	2
water lift station	2
water pump station	2
electric	2
<b>Total</b>	

Approved by the Board of Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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## I. GOALS, OBJECTIVES and PROGRAMS

Goals, objectives and programs are established as a hierarchy of statements. Each succeeding level becomes more specific in intent and less abstract in interpretation.

A goal is a statement of values of what is wanted in the future.

An objective is a realistic and achievable statement of intention. It sets out what is proposed to be accomplished and relates to a particular issue or subcategory within the goal statement.

A program forms the basis upon which detailed decisions must be made. It is a precise statement of an action or guideline to be followed in carrying out the goal or objective.

### Annexations

#### Goal:

1. New urban development which is eligible for annexation should be annexed into Eckley.

#### Objectives:

1. Annex only lands which can be served by Eckley's sewer and district water systems.
2. Cost of water and sewer extensions should be paid by the developer.
3. All annexations should conform to Eckley's Comprehensive Plan.
4. Prime agricultural land which is contiguous to Eckley should not be developed with urban uses.

#### Programs:

1. Develop an annexation policy.
2. Define and map prime agricultural land which is contiguous to Eckley.

### Vacant Land

#### Goal:

1. Utilize vacant land in Eckley for urban development.

Objectives:

1. Fill in vacant land according to the Comprehensive Plan.
2. Dedicated streets which are not used and could serve future development, should not be vacated.
3. Development of residential uses on lands which have sewer easements should be considered for development before annexing land for residential development.

Programs:

1. Map vacant lands and indicate whether future land use should be residential, commercial or industrial.

Commercial and Industrial Uses

Goals:

1. Encourage economic growth of commercial and industrial uses.
2. Utilize land which is best suited for commercial and industrial uses.

Objectives:

1. Utilize land adjoining the railroad for industrial uses.
2. Land adjoining Highway 34 should be utilized for commercial uses.
3. Water and sewer should be available to all commercial uses and industrial uses requiring such utilities.
4. Utilization of State and Federal programs should be encouraged.

Programs:

1. Develop a zoning map and land use regulation incorporating land along Highway 34 as commercial and land along the railroad for industrial uses.
2. Apply for State and Federal programs which will benefit the Town.

Residential Uses

Goal:

1. Encourage residential development in Eckley.

Objectives:

1. Water and sewer should be provided for all residential development.
2. Single family uses should be the predominate residential use.
3. Mobile homes should be allowed provided they meet the State of Colorado's Mobile Home Housing Code.
4. Mobile Home Parks should be considered only if they have acceptable streets, utility and landscaping.

Programs:

1. Set forth residential zones on the zoning map.
2. Develop a mobile home park ordinance.

Housing

Goals:

1. Upgrade existing housing stock.
2. Provide locations for future development.

Objectives:

1. Strengthen real estate values in Eckley.
2. Encourage future development to locate on suitable land which is served by water and sewer.

Programs:

1. Adopt the Eckley Comprehensive Plan.
2. Utilize State and Federal assisted programs to upgrade sub-standard housing.

Utilities and Transportation

Goals:

1. Provide utilities adequate to serve the needs of the population.
2. Traffic should flow efficiently and safely.

Objectives:

1. Development should be approved in a pattern consistent with logical utility extension.
2. Where necessary growth should be phased to minimized impact upon existing facilities.
3. Require adequate set back distances for buildings along State Highway 34.

Programs:

1. Set forth required set backs in the Comprehensive Plan.
2. Criteria for serving new development with utility service and streets will be set forth in the Comprehensive Plan.

Definitions

Urban Development includes commercial, industrial and residential uses with the following characteristics:

1. Residential lot sizes of less than one acre;
2. All commercial uses;
3. Clustering of two or more commercial and industrial uses on the same lot or parcel or on contiguous lot or parcel.

Development is any commercial, industrial and non agricultural residential construction.

Prime Agricultural Land is that land which has the highest productivity. Irrigated agriculture is the most productive and dry land is next. Range land is not included because it does not produce a marketable crop, and therefore a lower cost has been put into the land itself compared to dryland or irrigated farming.

## LAND USE INVENTORY

Eckley is a small incorporated community located approximately half way between Wray and Yuma on State Highway 34.

Topography is relatively flat with a general slope to the northeast. A swale characterized by small pockets of brush traverses the north end of the Town along the railroad. Flooding, however, is not a problem. Land surrounding Eckley is comprised of rolling sandhills which are used for grazing cattle. Two circular sprinklers are located contiguous to Town; one east of Town and south of the railroad, the other northwest of Town.

An inventory of the utilities and streets is as follows.

Energy - Y.W. Electric provides electricity. Kansas-Nebraska provides natural gas south of the railroad.

Water - The Town owns and maintains the water system. One well with adequate supply and good quality feeds an overhead storage tank. Present storage capacity is sufficient to handle a population twice Eckley's population. An additional well should be considered as an auxiliary source in case of emergency.

Sanitation - Individual septic systems serve the Town. Newer ones conform to existing regulations and are in good condition. Most of the older ones however, are not functioning properly. This is due to improper construction and or improper installation. Public sewer to be owned and operated by the Town is scheduled for installation in 1979.

Streets - The road system is gravel with the exception of Main Street which is asphalt. Maintenance of the streets is by the Town. Table I presents statistical data pertaining to rights of way in Town.

TABLE I. Streets and Alleys

Lineal Distance of Streets -	
25,120 feet of 60 ft. right of way	2,400 ft. unused
6,400 " " 80 "	900 ft. unused
2,400 " "100 "	
<u>33,920</u> " of Total "	<u>3,300</u> ft. unused
(Equals 6.4 miles)	(Equals .6 miles)
less .6 miles	
5.8 miles of open and used street	

Lineal Distance of Alleys

111,000 ft. of 20 ft. right of way or 2.1 miles

8,200 ft. unused, or 1.6 miles

(2.1 miles less 1.6 miles equals .5 miles of open and used alleys)

Sub Total 6.4 miles, street

2.1 " , alley

Total 8.5 " , right of way

.6 unused streets

1.6 unused alleys

2.2 miles, of right of way

Sub Total .6 unused streets

1.6 " alleys

Total 2.2 miles of unused right of way

Miles of right of way 8.5

Less unused right of way 2.2

Miles of open & used streets and alleys 6.3

Square Footages and Acreages

Total Sq. Ft. of Street right of way

2,259,200

52 acres

Plus Sq. Ft. of Alley right of way

222,000

5 acres

Total Sq. Footage

2,481,200

57 acres

The developed area of the Town is on most of the platted land. Tracts to the west and east, and within the town limits have little if any development. Portions of platted land on the east, south and scattered throughout the rest of town have subdivided lots and blocks of undeveloped land.

Land use is predominately low density residential, vacant land, a few businesses, some industrial along the railroad and tax exempt uses scattered throughout town. The following table sets forth categories, approximate square footages and acreages.

TABLE II. (see following page)



TABLE II.

<u>Category</u>	<u>Square Footage</u>	<u>Acreage</u>	
Residential	700,000	16	
Industrial & Commercial (within railroad right of way)	191,200	4	
	(127,500)		
Tax Exempt (School)	505,000	12	
(Recreation Association)	(161,000)		(4)
(Other)	(225,000)		(5)
	(119,000)		(3)
*Vacant	8,525,664	196	
Public rights of way	<u>2,481,200</u>	<u>51</u>	
Total (within Town Boundary)	12,403,064	285 AC	

\*A breakdown of these totals is presented in the following table.

TABLE III.

Vacant land (including land with vacant buildings).

<u>Location</u>	<u>Square Footage</u>	<u>Acreage</u>
Millers' Additions 1 & 2 . . . . .	350,000	8
New Eckley . . . . .	385,000	9
1st Addition . . . . .	70,000	2
South Eckley and 2nd Plat of 1st, East Addition . . . . .	637,000	15
Catch Pole's 1st East Addition, J.B. Rogers Addition, all tracts south of Colfax Street, west of East Street and north of Washington Street . . . . .	864,000	20
Cloverville and tracts east of Kansas Street and west of Main Street . . . . .	458,664	11
Shea's Addition to New Eckley . . . . .	704,000	16
Tracts south of Morton Street and west of Shea's Addition . . . . .	365,000	8

Additions 1 and 2 . . . . .	649,500	15
Tracts north of Morton Street, east of New Eckley and Millers' Additions 1 and 1 . . . . .	3,687,500	85
Railroad right of way south of Millers' Addition . . . . .	355,000	8
Total	<u>8,525,664</u>	<u>196</u>

Land Use Plan

RESIDENTIAL

Density of land use in Eckley is very low compared to available land. Average lot size for developed lots is 14,000 square feet. A portion of the town which could be considered the \*core area has enough vacant lots for an additional 40 housing units at 14,000 square feet per lot. If the minimum lot size in the land use regulation is considered, housing units would be doubled to 80 which is one for each 7,000 square foot lot.

The following lists guidelines for residential land use.

1. Residential uses will be encouraged on vacant platted lots which will be served by water and sewer. This is a first priority.
2. Annexations will be considered if water and sewer is available and the developer pays for water and sewer extensions. The Town's Annexation policy will be followed.
3. Prime agricultural land will not be annexed. Prime agricultural land is defined that land which has sprinkler irrigation.
4. Mobile home parks and multi family uses are allowed in residential areas. Compliance with the Mobile Home Park Ordinance is required for all mobile home park development.

\*Core area is south of the railroad, east of Kansas Street, west of Catchpole Street, and north of Washington Street. This includes the plats of New Eckley, South Eckley, Catchpole's First Addition and First Addition.

5. Residential development will conform to the Eckley Land Use Plan and Land Use Regulation.

#### COMMERCIAL AND INDUSTRIAL

Three commercial uses are located along Highway 34 and three along Main Street. Two major industrial uses are on the south side of the railroad track, west of Main Street. Other industrial uses in the form of junked automobiles are scattered throughout town.

The following sets forth direction for administering commercial and industrial uses.

1. Commercial and industrial uses should be encouraged to locate in specific zones. Commercial zones are located along the south side of Highway 34 between Main and Kansas Streets and extending north to land owned by the Recreation Association. The other area is along either side of Main Street between Colfax Street and the railroad. Industrial land is on either side of the railroad to the west of the Millers' Additions and New Eckley Subdivision and the east of Millers' Additions and New Eckley Subdivision.

There is sufficient vacant land in the commercial and industrial areas to allow for expansion of existing uses or inclusion of new commercial or industrial uses without the need for additional land to be considered. One exception is land along Highway 34.

2. Land along Highway 34 to the east of Main Street and west of Kansas Street is currently outside the Town boundary. Annexation of these parcels should be only with the following considerations:

(a) Water and sewer be provided and at the petitioner's expense.

(b) The land along Highway 34 be considered for commercial. Land in town currently zoned for commercial should be given first priority for development.

3. Junkyards in residential areas will not be expanded.

4. The Land Use Plan, Land Use Ordinance, and where appropriate, The Town's annexation policy will be followed.

## Transportation and Utility Plan

State Highway 34 is an arterial which moves traffic from town to town and between interstate road systems. Main Street is a collector street which moves traffic from the rural areas to town and collects local traffic to and from arterial highways. The rest of the streets in Eckley are local streets which means that they move only local traffic.

Future street development should focus upon upgrading existing streets as needed and opening dedicated rights of way as needed. Development of new streets will conform to the following criteria.

1. The Town Board will review all proposed streets.
2. Access to all new development will be from a public street.
3. Minimum rights of way will be:
  - collector street .....80 feet,
  - local street .....60 feet.
4. Road specifications for a local street will be a 28 foot road plus 4 foot shoulders on each side and 4 inches crushed rock or gravel for road surface.

Utility requirements for future development will conform to the following criteria.

1. Easements will measure 8 feet on each side of abutting rear lot lines where necessary. Perimeter of development rear lot lines to easements will measure 10 feet in width where necessary. Side lot easements where necessary will measure 5 feet in width. Front lot easements, where necessary will measure 10 feet in width.
2. If the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies, the developer will provide like width easements in another location. Utility easements will subject to the approval of the Town Board.
3. Easements will be designed as to provide efficient installation of utilities. Installation of multiple utility lines will be encouraged where appropriate.
4. The developer will establish final utility grades prior to utility installations. Review of grades will be by the Town Board or their designated agent.



Zoning Plan

A zoning plan is a reflection of the philosophy set forth in the Comprehensive Plan. A map delineating locations for specific kinds of land and a land use regulation should be adopted by the Town Board. The boundaries on the map can be changed but only after a public hearing is conducted and the Town Board votes on a request for zone change. Provisions in the Land Use Regulation may also be changed but only after public hearing and a favorable vote by the Town Board.

The Eckley Zoning Plan has three zones: residential, commercial, and industrial. The zoning map illustrates the locations of these zones.

The following table indicates approximate acreages in the commercial and industrial zones. Public rights of way and land in railroad ownership have been included.

TABLE IV.

<u>Category</u>	<u>Square Footage</u>	<u>Acreage</u>
Commercial	593,000	13.6
(Along Main Street)	(344,500)	(7.9)
(Along Highway 34)	(248,500)	(5.7)
Industrial	1,983,850	45.5

## Population

There are approximately 110 dwelling units within the Town boundary. This includes apartment units in commercial buildings. It is assumed that there are 2.5 people per dwelling unit; 2.5 times 110 equals estimated population of 275. The number 2.5 is used as an estimate. The State Division of Planning uses estimates ranging from 2.5 up to 3.3 people per dwelling unit. I used the lower figure because of the higher number of elderly residing in Eckley.

## Housing Inventory

A survey of the Eckley area was conducted in November of 1978. The survey was in two parts: one was a visual inventory of housing conditions; the other was a house to house inventory of occupancy and income.

### Housing Conditions.

All residential housing excluding mobile homes was classified into four categories based upon exterior condition. The categories are standard, marginally standard, substandard suitable for rehabilitation, and substandard unsuitable for rehabilitation. A windshield survey of specific characteristics was conducted for each house. The survey was divided into two areas. The first was major structural elements and covered foundation, exterior walls and roof. The second was minor structural elements and included such items as paint, roof drainage, doors and windows, and overall appearance. Points were added to the survey sheet depending upon condition of each element. The following indicates the method of deriving points.  
example: Exterior walls

- |          |                               |
|----------|-------------------------------|
| <u>0</u> | no problem                    |
| <u>1</u> | Minor out of plumb/corroded   |
| <u>2</u> | Dented/loose/missing/material |
| <u>3</u> | Cracks/holes                  |
| <u>4</u> | Major bulge/buckle            |
| <u>5</u> | Siding rotted/bulging/missing |
| <u>6</u> | Rotted open cracks            |

Each category begins with "no problem" and progresses to the most severe. Each category has the same set of numbers so that any house having a "major bulge/buckle" would receive a 4.

Eighty-five houses were in the survey for quality of exterior condition. The following lists the survey result.

TABLE V.

Standard	16	
Marginally standard	<u>29</u>	
Total substandard houses		45
Substandard suitable for re- habilitation	35	
Substandard unsuitable for rehabilitation	<u>5</u>	
Sub total		<u>40</u>
Total houses		<u>85</u>

Forty-seven percent of housing is substandard.

#### Housing Occupancy and Income

The survey pertaining to occupancy and income was divided into owner occupied housing and renter occupied housing. The following is a critique of the survey results.

##### Owner Occupied Housing.

1. Ninety-one percent of those surveyed own their own residences.
2. Forty percent have lived in their residences for ten years or longer.

3. Total household heads as a percent of the sample
  - 54 percent male, non elderly
  - 36 percent elderly
  - 8 percent female, non elderly
  - 2 percent handicapped, non elderly
  - 100 percent total



4. Number of persons per household

Male, non elderly as household head

7.4 percent had one  
22.2 percent had two  
14.8 percent had three  
22.2 percent had four  
33.3 percent had five or more

Female, non elderly as household head

25 percent had two  
25 percent had three  
50 percent had four

Elderly as household head

59 percent had one  
6 percent had two  
18 percent had three  
11 percent had four  
6 percent had five or more

5. Income by household

Male, non elderly

13.6 percent earned \$ 3,001 to \$ 8,100  
4.5 percent earned \$ 8,101 to \$ 9,200  
22.7 percent earned \$ 9,201 to \$10,500  
4.5 percent earned \$10,501 to \$11,650  
18.1 percent earned \$11,651 to \$12,400  
13.6 percent earned \$12,401 to  
4.5 percent earned \$13,851 to \$14,550  
18.1 percent earned \$14,551 to \$18,000

Elderly

72 percent earned less than \$3,000  
28 percent earned \$3,001 to \$8,100

Female, non elderly

50 percent earned \$3,001 to \$8,100  
50 percent earned \$9,201 to \$10,500

Renter Occupied Housing

1. Nine percent of those residents surveyed rent housing.
2. Forty-three percent have rented the same residence for five years or more
3. Total household heads as a percent of the sample  
71 percent male, non elderly  
29 percent elderly  
100 percent total

4. Number of Persons per Household

Male, non elderly as household head	Elderly
20 percent had two	50 percent had one
40 percent had three	50 percent had two
20 percent had four	
20 percent had five or more	

5. Income by Household

Male, non elderly

20 percent earned less than \$3,000

40 percent earned \$3,001 to \$8,100

20 percent earned \$9,201 to \$10,500

20 percent earned \$14,551 to \$18,000

Elderly

50 percent earned less than \$3,000

50 percent earned \$3,001 to \$8,100

6. Rent amount per month

20 percent pay \$ 49.00 or less

60 percent pay \$ 50.00 to \$199.00

20 percent pay \$100.00 - \$149.00

TABLE VI. YUMA COUNTY

Estimated Annual Household\* Income by Percentile Group  
January 1, 1976 to January 1, 1977

Household Percentile Group	Estimated Annual Household Income
10 have less than	\$ 1,760
20 "	3,540
30 "	5,320
40 "	6,760
50 "	8,540
60 "	10,260
70 "	12,730
80 "	15,700
90 "	21,570

\*A household consists of all persons who occupy a housing unit. A household may be a single family, one person living alone, two or more families living together or any other group of related or unrelated persons who occupy a housing unit.

Source: Colorado Division of Housing. Housing in Colorado: Estimates of Housing Inventory and Household Characteristics for January 1, 1977 and Projections of Household Growth to January 1, 1982. Published March, 1978.

#### Housing Plan

1. Eckley should work with the Northeastern Council of Governments, State Division of Housing and relevant Federal agencies to upgrade substandard housing. This is priority number one.
2. New housing should be encouraged to locate where existing water and sewer are available.
3. Mobile homes on permanent foundations will be allowed throughout the residential zone.
4. The Town Board should not allow existing junk yards located in the residential zone to expand.
5. As new residential development occurs, the town should give serious consideration to doing a surface drainage study in conjunction with developing curb, gutter and hard surface streets.

Note: This would be too much of a burden for the tax payer at this point; also a greater density of residential development would reduce costs to individual property owners. State and Federal aid should be explored for this undertaking.

#### Conclusion

Availability of public water and sewer should stimulate some growth in town. Growth rates in both Wray and Yuma have averaged about 25% between 1970 and 1975.

Land costs are substantially lower in Eckley. Average lot costs for a 7,500 square foot lot in Yuma are \$8,000.00 and up. This includes water, sewer, curb and gutter. The same lot costs between \$1,100 and \$1,300 in Eckley. The installation of sewer should not cause lot costs to be anywhere near competitive costs with Yuma or Wray. It is important for lot costs to remain substantially lower so that people can be attracted to live in Eckley even though it is thirteen to fifteen miles distance from major centers for existing employment.

PASSED and adopted at a regular meeting of the Town  
Board of Eckley, Colorado this 6<sup>th</sup> day of June, 1979.

Marta Braun  
Mayor

ATTEST:

Jayne Brown  
Town Clerk

## PREFACE

The following regulation is designed for use in Eckley where current development pressures are low but could increase in the near future. A simplified approach incorporating zoning, subdivision, and construction matters is used.

Before any new building can be constructed or a new land use instituted, a development permit or an exemption must be obtained from the Board of Trustees. For relatively minor developments or those with minimal impact, the exemption process can be used. After supplying the Town Board with basic information about the proposed development and assurances that adequate water, sewer, and access will be provided, and after having this considered at a regular meeting of the Board, the developer can be exempted from having to obtain a regular development permit. If the request for an exemption is turned down, the developer can either apply for a development permit, appeal the decision to the Board of Adjustment, modify his proposal and apply for an exemption again, or decide not to build at all.

For developments which could have more substantial impact, a development permit is required. Obtaining the permit involves a more detailed application than for the exemption and an advertised public hearing before the Board of Trustees. The intent of the detailed application and public hearing is to give anyone who may be affected complete information about the development proposal, its impacts, and a chance to air comments and opinions. After this hearing, all the facts and comments are considered by the Board in conjunction with a written set of guidelines before coming to a decision. If the application is approved, a development permit is granted and construction can begin. If the application is denied, no development permit is granted. In this case the developer can either appeal the decision to the Board of Adjustment, modify his proposal and apply for a development permit again, or decide not to build at all.

The appeal process is handled through a newly created, and hopefully little used, Board of Adjustment. The two functions of this Board are to review cases where it is claimed there has been an error in coming to a decision by the Board of Trustees and to grant variances from the development regulations according to a strict set of guidelines. Appeals can be made not only by a developer who has been denied an exemption or development permit but also by a person who claims to have been affected by the granting of an exemption or development permit.

DEVELOPMENT REGULATIONS  
for  
TOWN OF ECKLEY

ARTICLE 1  
GENERAL PROVISIONS

1.1 - Title

This ordinance shall be known and cited as the "Town of Eckley Development Regulations."

1.2 - Purposes and Findings

1.2.1 This ordinance is enacted for the purpose of promoting health, safety, morals, or the general welfare of the present and future inhabitants of the Town of Eckley through the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. Additional purposes of this ordinance are to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights through regulating the location of activities and developments which may result in significant changes in population density; providing for phased development of services and facilities; and regulating the use of land on the basis of the impact thereof on the Town of Eckley or surrounding areas.

1.2.2 This ordinance is designed to lessen congestion in the streets; to secure safety from fire, panic, floodwaters, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. This ordinance, including the districts incorporated, has been made in accordance with a comprehensive study with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of properties and encouraging the most appropriate use of land throughout the Town of Eckley.

1.3 - Authority

These regulations are authorized by, among others, the following Sections of the Colorado Revised Statutes of 1973: Title 31, Article 23, Section 101, et seq.; Title 29, Article 20, Section 101, et seq.; Title 31, Article 15, Section 601; and Title 24, Article 65.1, Section 101, et seq.

1.4 - Application

No building, structure or land may hereafter be used or occupied, and no building or structure or part thereof may hereafter be erected, constructed, moved or altered except in conformity with all the regulations applicable to the district in which it is located. Any person desiring to engage in development as defined in these regulations shall apply for a development permit or exemption, as appropriate, pursuant to Article 3.

1.5 - Appeals

Any person aggrieved or having an interest which is or may be adversely affected may appeal a decision of the Board of Trustees by filing a written appeal, pursuant to Article 3, Section 3.5 with the Board of Adjustment within thirty (30) days after the decision regarding the development permit or exemption was rendered. The Board of Adjustment may reverse, affirm, or modify the decision of the Board of Trustees pursuant to Section 3.5 of this ordinance.

1.6 - Definitions

1.6.1 Accessory building or use means a building or use which is subordinate to and serves the principal building or principal use; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same lot as the principal building or principal use served.

1.6.2 Alteration means a physical modification in a building which results in a change from one type of use to another, i.e., single- to two-family dwelling.

1.6.3 Development means any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs, including, but not limited to, any man-made change to improved or unimproved real estate, or substantial improvement to buildings or other structures.

1.6.4 Home occupation means an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit. The use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. There shall be no outside storage of any kind; and any indoor storage, construction, alterations, or electrical or mechanical equipment used shall not change the fire rating of the structure or the fire district in which the structure is located. The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. It shall not cause an increase in the use of one or more utilities (water, sewer, electricity, telephone, garbage) so that the combined total use for dwelling and home occupation purposes of the one or more utilities exceeds the average for residences in the neighborhood.

- 1.6.5 Mobile home means a structure which is transportable in one or more sections, built on a permanent chassis, and which is designed for use with or without a permanent foundation when connected to appropriate utilities. The term does not include recreational vehicles or travel trailers.
- 1.6.6 Person means any individual, firm, partnership, joint venture, association, company, corporation, or corporate body.
- 1.6.7 Public street means a road, street, alley or highway which has been, by regular proceedings dedicated to and accepted by the proper authority for the use of the public.
- 1.6.8 Residential means characterized by a use primarily providing living accommodations for families on a non-transient basis.
- 1.6.9 Single-unit dwelling means a detached principal building other than a mobile home, designed for or used as a dwelling exclusively by one family as an independent living unit.
- 1.6.10 Structure means anything that is erected or constructed and requires a fixed location on the ground including a building or edifice of any kind or any piece of work artificially built up or composed of parts, including signs.
- 1.6.11 Yard means an open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line. Widths of yards shall be measured from the nearest lot line to the closest point of the building.
- 1.6.12 Mobile home park means more than two mobile homes on a single lot or tract. Mobile homes must be hooked up to utilities and used for temporary human occupancy.

**ARTICLE 2  
USE REGULATION**

**2.1 - Establishment of Districts**

In order to carry out the purposes of this ordinance, the Town of Eckley is hereby divided into the following districts determined by actual development conditions existing at the time of adoption of this ordinance:

- 2.1.1 R(Residential) District - Areas which are primarily used for single-unit residential development.
- 2.1.2 B(Business) District - Areas which are primarily used for retail stores and shops.
- 2.1.3 I(Industrial) District - Areas which are primarily developed for processing, manufacturing, and storage uses.

**2.2 - District Map**

The boundaries of the aforesaid districts are hereby established as shown on maps entitled "District Map of the Town of Eckley," which maps and all official amendments thereto are hereby made a part of this ordinance. Unless otherwise defined on the district maps, district boundary lines are lot lines; the centerlines of streets, alleys, railroad rights-of-way or such extended; section lines; city limit lines; or other lines drawn to scale on the district map.



2.3 Schedule of Uses

The following uses will generally be allowed in the district listed, however, application for a development permit or exemption from such permit pursuant to Article 3 is required.

- 2.3.1 R (Residential) District - Single-unit dwellings; duplex dwelling units; multi-unit dwellings; boarding and rooming houses; rest homes, convalescent homes, nursing homes, retirement homes; public schools; churches; parks, playfields, playgrounds; essential municipal and public utility uses, facilities, services and buildings (provided business offices, repair, storage and production facilities are not included); crop production, orchards; flower production; mobile homes on a permanent foundation and mobile home parks, recreational buildings and uses operated by a private non-profit agency; home occupations; and accessory buildings and uses to the above.
- 2.3.2 B (Business) District - Personal service outlets, such as barber and beauty shops, shoe repair shops, self-service laundries; places for the retailing of goods, including pharmacies, fuel and feed stores, new or used motor vehicle or trailer sales, repair and/or lots, garage and/or motor fuel filling stations; professional offices; banks; theaters; assembly halls; dance halls; bowling alleys; automobile parking lots and garages; hotels and motels; restaurants, drive-in restaurants, and cafes; and residential uses.
- 2.3.3 I (Industrial) District - Wholesale businesses; cold storage plants; warehouses, except those used for storage of petroleum products in quantities greater than tank car lots, junk, or explosives; grain elevators and storage of agricultural products; processing of agricultural products; sale at retail of any commodity, manufactured, processed, fabricated or warehoused on the premises; sale at retail of hardware of equipment, supplies and materials (except commercial explosives) for agriculture, mining, industry, business, transportation, building and other construction; rental agencies for heavy equipment; repair, rental and servicing of any commodity, the manufacture, processing, fabrication, warehousing or sale of which is permitted; railroad facilities, but not including shops; parking or storage of motor vehicles; motor vehicle service or gasoline filling stations, veterinary hospital; manufacturing and/or industrial operations not heretofore listed.
- 2.3.4 Non-conforming Uses - Any structure, development, or land use in existence on the effective date of these regulations and not permitted under the terms and provisions of these regulations shall be considered non-conforming. The provisions of this regulation shall not apply to any non-conforming use, provided that, when such a non-conforming use shall be discontinued for twelve (12) months or more or a non-conforming structure is damaged or destroyed by flood, fire, wind, or any other means to the extent of at least fifty (50) percent of the value as

appraised by the county assessor, any reuse, reconstruction, or replacement of such structure not initiated within twelve (12) months of such damage or destruction shall be deemed a new use and shall be subject to the provisions of this regulation. Non-conforming uses and structures may be expanded to cover an area of land twenty-five (25) percent greater than that covered on the effective date of these regulations.

ARTICLE 3  
ADMINISTRATION

3.1 - Board of Trustees Powers and Duties

The Board of Trustees shall have the following powers and duties:

- 3.1.1 To hear and decide requests for exemption from the requirement to obtain a development permit.
- 3.1.2 To hear and decide requests for development permits.

3.2 - Board of Trustees Procedures

In processing requests for exemption from the requirement to obtain a development permit and requests for development permits, the Board of Trustees shall use the following procedure:

- 3.2.1 The applicant shall submit a complete application pursuant to Section 3.3.1 or 3.3.2, as appropriate, to the Town Clerk.
- 3.2.2 The Board of Trustees shall:
  - 3.2.2.1 For requests for exemption, consider such requests only at regular public meetings of the Board. Specific exemption requests shall be listed on the agenda for such meetings.
  - 3.2.2.2 For requests for development permits, take action only after holding a public hearing on the application in conformance with the following notice requirements; notice of the time, date, and place of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing one notice thereof in a newspaper of general circulation in Eckley, not more than thirty (30) days nor less than seven (7) days prior to the date of the public hearing, by mailing such notice to adjacent and affected property owners by first class mail at least fifteen (15) days prior to the date of the hearing, and by posting such notice on the property affected at least fifteen (15) days prior to the hearing. Failure to mail a notice due to clerical omissions shall not affect the validity of any hearing or determination by the Board.
- 3.2.3 The Board of Trustees shall keep a record of their proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- 3.2.4 The Board of Trustees shall either grant or deny the requested exemption or development permit within thirty (30) days following

- the conclusion of the public meeting or hearing. A hearing regarding a development permit or that portion of the public meeting regarding an exemption request may be continued for a period of not more than sixty (60) days, unless an extension beyond that period is agreed to in writing by the applicant.
- 3.2.5 The Board of Trustees shall, with respect to requests for exemptions and development permits, consider the following: information submitted by the applicant on the application, any other information the applicant believes will support his request, information submitted by any other person, and any additional qualified opinions.
- 3.2.6 The Board of Trustees shall render written decisions, accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this ordinance, or on any rule or regulation, must contain a reference to such provision, rule or regulation, and the reason why the conclusion is deemed appropriate in light of the facts found.
- 3.2.7 The Board of Trustees shall not grant an exemption or development permit unless it finds that the proposed development complies with all the requirements imposed by this ordinance and with all applicable written rules of the Board; is consistent with the purposes of this ordinance as declared in Article 1; and is designed to be compatible with surrounding land uses and the area of its location. In addition:
- 3.2.7.1 Exemptions shall not require the imposition of modifications or conditions in order to meet the foregoing criteria.
- 3.2.7.2 Development permits shall be subject to the imposition of modifications or conditions concerning, among others, the following development features, to the extent such modifications or conditions are necessary to insure compliance with the foregoing criteria: size and location of site; street and road capacities in the area; ingress and egress to adjoining public streets; location and amount of off-street parking; fencing, screening and landscaped separations; building bulk, height, and location; usable open space; signs and lighting; and noise, vibration, air pollution and other environmental influences.
- 3.2.8 Requests for an exemption or development permit, if denied, shall not be resubmitted to the Board of Trustees within one hundred eighty (180) days of the Board's decision unless substantive differences or additions, either in the application information or the nature of the proposed development, are made. Such changed requests shall be considered new requests and may be submitted for the Board's consideration at any time.
- 3.2.9 Appeals to decisions of the Board of Trustees shall be made to the Board of Adjustment. Such appeals shall be in writing and shall be filed within thirty (30) days of the decision of the Board of Trustees with the Town Clerk. Appeals shall be considered by the Board of Adjustment pursuant to Section 3.5.

3.2.10 The Board of Trustees may adopt other such rules as it deems necessary for its implementation of this Article.

3.3 - Application submittal requirements

3.3.1 A complete application for an exemption shall include the name, address, and telephone number of the applicant; a legal description of the property for which the exemption is requested; a site plan of the development site showing location of existing and proposed buildings, structures, and additions; a description of the nature of the proposed development activity; a description of the method of water supply and sewage disposal and means of access; a list of the names and addresses of the owners of record of abutting properties; and statements of all owners of abutting properties regarding the proposed development.

3.3.2 A complete application for a development permit shall include the name, address, and telephone number of the applicant; a legal description of the property for which the development is requested; a complete site plan for the proposed development showing the following: location of buildings, structures, and additions; off-street parking areas; off-street loading areas; service and refuse areas; means of ingress and egress; major landscaping or screening proposals; signs; and pedestrian areas. Additional material to be submitted shall include: the nature of the proposed development activity; a description of the method of water supply and sewage disposal and means of access; a list of the names and addresses of the owners of record of abutting properties and properties located within three hundred (300) feet of the development site property line; statements of all the above owners regarding the proposed development; a description of the present use of the site; documentation of conformance of the development with the Eckley Comprehensive Plan; a description of possible nuisance factors (i.e., noise pollution and obnoxious odors) associated with the proposed development; economic impact of the proposed development on the Town (such as impact on the existing commercial community, provision of new employment and shopping opportunities in Eckley and reduction of work and shopping trip distances); description of the development's impact upon public services and facilities, including schools, water supply, sewage disposal, solid waste disposal, police protection, fire protection, public health services, recreation services; description of current availability of gas, electric, and telephone service; a description of the physical suitability of the site for the proposed development, including, but not limited to, discussion of the site's topography, geologic conditions, soils, and drainage; such additional information as the Board of Trustees shall by written rule require; and any other information the applicant believes will support his request.

3.3.3 The Board of Trustees may waive portions, but not all of the application requirements for a development permit upon petition

of the applicant that full compliance with the submission requirements would be unreasonably burdensome for the applicant and that the proposed development will have an insubstantial impact on the surrounding area. The petition shall be considered and a written decision rendered by the Board of Trustees at a public hearing, notice of which shall be published in a newspaper of general circulation in Eckley at least fifteen (15) days prior to such hearing. The petition may be considered concurrently with the applicant's request for a development permit.

### 3.4 - Guidelines for Approvals

3.4.1 The Board of Trustees shall use the following criteria and standards, when applicable, in considering requests for exemptions in the following Districts:

#### 3.4.1.1 R(Residential) District

3.4.1.1.1 The proposed new use, alteration, and/or structure is, or accessory to, a single-unit dwelling or open space use. Mobile homes are specifically excluded.

3.4.1.1.2 Each lot is at least 7000 square feet in area and shaped so as to allow a 25 foot front yard, 5 foot side yard, and a 15 foot rear yard.

3.4.1.1.3 The proposed development encompasses four (4) or less lots.

#### 3.4.1.2 B(Business) District

3.4.1.2.1 The proposed new use, alteration, and/or structure is, or accessory to, a professional office, bank, single-unit dwelling, or open space use.

3.4.1.2.2 Each lot is at least 3500 square feet in area and shaped so as to allow a 15 foot rear yard. Lots abutting the right-of-way for State Highway 34 shall be shaped so as to allow a 75 foot setback from such right-of-way.

#### 3.4.1.3 I(Industrial) District

3.4.1.3.1 The use and/or structure was in existence on the effective date of these regulations.

3.4.1.3.2 The proposed development does not involve more than a fifty (50) percent increase in the area of land to be covered by a new structure or use than was covered by the structure or use on the effective date of these regulations.

3.4.1.3.3 Each lot is shaped so as to allow a 25 foot front yard.

#### 3.4.1.4 All Districts (R,B, and I)

3.4.1.4.1 A request for an exemption which is not accompanied by a complete application, including statements of all owners of abutting properties regarding the proposed development, shall not be granted.

3.4.1.4.2 Any request for an exemption accompanied by a statement, which cites legitimate and reasonable objections of an owner of abutting property to the proposed development, shall not be granted.

- 3.4.1.4.3 Suitable, safe and permitted water must be provided by the developer before occupancy by himself or any buyer, lessee or renter, and must be certified as safe for domestic use.
- 3.4.1.4.4 Suitable, safe and permitted sewer facilities must be provided by the developer prior to site occupancy by himself or any buyer, lessee, or renter.
- 3.4.1.4.5 Each lot shall have direct and legal access to a public street.
- 3.4.1.4.6 The proposed development shall create no adverse impacts upon community services.
- 3.4.1.4.7 The proposed development shall involve no objectionable or obnoxious factors such as unusual amounts of noise, odor, dust, smoke, or vibration.
- 3.4.1.4.8 The lots intended for development shall have been platted and filed with the County Clerk and Recorder prior to the effective date of these regulations.
- 3.4.2 The Board of Trustees shall use the following criteria and standards, when applicable, in considering requests for development permits in the following Districts:
- 3.4.2.1 R(Residential) District
- 3.4.2.1.1 The proposed new use, alteration, and/or structure is, or accessory to, a residential use listed in Section 2.3.1 of this ordinance, or an open space use. Any use not so listed shall be allowed.
- 3.4.2.1.2 The requirements of Sections 3.4.1.1.2, 3.4.1.4.3, 3.4.1.4.4, 3.4.1.4.5, 3.4.1.4.7, and 3.4.2.4 are satisfied.
- 3.4.2.2 B(Business) District
- 3.4.2.2.1 The proposed new use, alteration, and/or structure is, or accessory to, a commercial, non-industrial use listed in Section 2.3.2 of this ordinance, or an open space use. Any use not so listed shall be allowed.
- 3.4.2.2.2 The requirements of Sections 3.4.1.2.2, 3.4.1.4.3, 3.4.1.4.4, 3.4.1.4.5, 3.4.1.4.7, and 3.4.2.4 are satisfied.
- 3.4.2.3 I(Industrial) District
- 3.4.2.3.1 The proposed new use, alteration, and/or structure is, or accessory to, a processing, manufacturing, or storage, use listed in Section 2.3.3 of this ordinance, or an open space use. Any use not so listed shall be allowed.
- 3.4.2.3.2 The requirements of Sections 3.4.1.3.3, 3.4.1.4.3, 3.4.1.4.4, 3.4.1.4.5, and 3.4.2.4 are satisfied.
- 3.4.2.3.3 The proposed development is not objectionable, obnoxious, or dangerous due to an unusual amount of noise, odor, dust, smoke, vibration or other similar causes being noticeable at or beyond the boundary line of the proposed development site.

3.4.2.4 All Districts (R,B, and I)

- 3.4.2.4.1 A request for a development permit which is not accompanied by a complete application, including statements regarding the proposed development by all owners of abutting properties and properties located within three hundred (300) feet of the development site, shall not be granted.
- 3.4.2.4.2 The health, welfare and safety of the citizens of Eckley and surrounding jurisdictions affected will be protected and served.
- 3.4.2.4.3 The site is physically suitable for the proposed land uses considering topography, geologic conditions, soils, drainage, and other potential physical development constraints.
- 3.4.2.4.4 The developer has agreed to construct all on-site and necessary off-site improvements at his expense and in conformance with the design criteria of the Eckley Comprehensive Plan.
- 3.4.2.4.5 Potential adverse impacts have been minimized.
- 3.4.2.4.6 The development will not create increases in the demand for services beyond the reasonable capacity of Eckley and surrounding jurisdictions affected to provide such services, as determined by the Board of Trustees.
- 3.4.2.4.7 The development can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.
- 3.4.2.4.8 The goals, objectives, standards, criteria, nature, and location of the development are consistent with, and conform to, the Eckley Comprehensive Plan. This includes, but is not limited to, the design criteria for streets, sewage facilities, and water systems. If the Comprehensive Plan does not apply to the development proposal, no development shall be permitted which is inconsistent with existing land uses surrounding the area proposed for development.

3.5 - Appeals

Appeals to decisions of the Board of Trustees regarding any request for exemption or development permit shall be made to the Board of Adjustment.

3.5.1 Organization of the Board of Adjustment

The Board of Trustees shall appoint a Board of Adjustment consisting of five members, each to be appointed for three years. Members of the Board of Trustees are not restricted from serving or being appointed to the Board of Adjustment.

3.5.2 Board of Adjustment Powers and Duties

The Board of Adjustment shall have the following powers and duties:

- 3.5.2.1 To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or determination made by the Board of Trustees

in the enforcement of these regulations.

3.5.2.2 To authorize variances from the strict application of this ordinance. However, the Board of Adjustment may not grant variances from the provisions of the ordinance governing the use or density of land or buildings. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this ordinance. The Board may grant a variance only if it makes findings that all the following requirements, insofar as applicable, have been satisfied:

- 3.5.2.2.1 That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;
- 3.5.2.2.2 That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;
- 3.5.2.2.3 That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this ordinance;
- 3.5.2.2.4 That such unnecessary hardship has not been created by the applicant;
- 3.5.2.2.5 That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property;
- 3.5.2.2.6 That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the ordinance provisions which are in question.

A variance granted by the Board of Adjustment shall automatically expire within one hundred eighty (180) days of the date it was granted or within such time as the Board of Adjustment shall prescribe, unless substantial development is commenced, within such period. The Board of Adjustment may grant variance extensions for good cause, but only if an application for such extension is made prior to the expiration of the variance.

### 3.5.3 Board of Adjustment Procedures

In hearing and deciding appeals and requests by any person relating to exemptions and development permits, the Board of Adjustment shall conduct hearings and make decisions in accordance with the following requirements.

- 3.5.3.1 Public notice shall be given of all hearings and all hearings shall be open to the public. Notice requirements shall be the same as for development permit hearings as set forth in Section 3.2.2.2
- 3.5.3.2 The Board of Adjustment shall keep a record of their proceedings, either stenographically or by sound recording,



and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

3.5.3.3 The Board of Adjustment shall render written decisions, accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this ordinance, or on any rule or regulation, must contain a reference to such provision, rule, or regulation and the reason why the conclusion is deemed appropriate in light of the facts found.

3.5.3.4 The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination made by the Board of Trustees in the enforcement of this ordinance, or to effect any variation in such ordinance.

3.5.3.5 The Board of Adjustment may adopt other such rules as it deems necessary for its procedure.

### 3.6 - Enforcement and Penalties

#### 3.6.1 Inspection

3.6.1.1 The Board of Trustees or its authorized representative is hereby empowered and directed to inspect and examine the use, occupation or development activity in each and every area subject to this ordinance for the purpose of determining from time to time whether or not any use, occupation, or development activity is in violation of any of the provisions of this ordinance or of any permit issued or required pursuant to this ordinance.

3.6.1.2 If a violation shall be found to exist, said Board of Trustees or its authorized representative shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable regulations; provided however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in the ordinance; and provided further, that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of this or other applicable regulations in any court action instituted seeking full compliance therewith.

#### 3.6.2 Violations and Remedial actions

3.6.2.1 It is unlawful to use, occupy, or develop any building or structure or any land in violation of this ordinance. Any person, firm or corporation, whether as principal, agent, employee or otherwise, engaging in a development who does not obtain an exemption or development permit pursuant to this ordinance, who does not comply with permit requirements, who acts outside the authority of the permit requirements, or who otherwise violates this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than three hundred (300) dollars, or by

imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day during which such illegal use, occupation, or development continues shall be deemed a separate offense.

3.6.2.2 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this ordinance, the Board of Trustees, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

3.7 - Severability

If any section, clause, provision, or portion of this ordinance should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

3.8 - Amendments

This ordinance, including the District Map of the Town of Eckley, may from time to time be amended, supplemented, changed, modified, or repealed. Such action shall be made pursuant to Title 31, Article 23, Sections 304 and 305 of the 1973 Colorado Revised Statutes.

PASSED and adopted at a regular meeting of the Town Board of Eckley, Colorado this 6<sup>th</sup> day of June, 1979.

Max A. Brown  
Mayor

ATTEST:

Joyce Brown  
Town Clerk

CHECKLIST FOR  
EXEMPTIONS AND DEVELOPMENT PERMITS

DATE

- |   |                       |  |  |
|---|-----------------------|--|--|
| <p>1. Individual files request for exemption with Clerk</p> <p style="padding-left: 40px;">Individual files request for development with Clerk</p>  | <p>}<br/>one only</p> | <p>-----</p> <p>-----</p>              | <p>_____</p> <p>_____</p>              |
| <p>2. Clerk places exemption request on Board of Trustees meeting agenda</p> <p style="padding-left: 40px;">Board of Trustees sets date for public hearing on development permit</p>  | <p>}<br/>one only</p> | <p>-----</p> <p>-----</p>              | <p>_____</p> <p>_____</p>              |
| <p>3. Public hearing notice (development permits only)</p> <p style="padding-left: 20px;">Published (7-30 days before hearing)</p> <p style="padding-left: 20px;">Mailed (15 or more days before hearing)</p> <p style="padding-left: 20px;">Posted on Property (15 or more days before hearing)</p>      |                       | <p>-----</p> <p>-----</p> <p>-----</p> | <p>_____</p> <p>_____</p> <p>_____</p> |
| <p>4. Exemption request considered at regular Board of Trustees meeting</p> <p style="padding-left: 40px;">Board of Trustees public hearing to consider development permit application</p>  | <p>}<br/>one only</p> | <p>-----</p> <p>-----</p>              | <p>_____</p> <p>_____</p>              |
| <p>5. Written decision of Board of Trustees (within 30 days of conclusion of public meeting or hearing)</p>   |                       | <p>-----</p>                           | <p>_____</p>                           |
| <p>6. Decision forwarded to applicant with permit, if granted</p>   |                       | <p>-----</p>                           | <p>_____</p>                           |
| <p>7. Appeal filed with clerk (within 30 days of written decision in #5, above)</p>   |                       | <p>-----</p>                           | <p>_____</p>                           |
| <p>8. Public hearing notice for Board of Adjustment hearing</p> <p style="padding-left: 20px;">Published (7-30 days before hearing)</p> <p style="padding-left: 20px;">Mailed (15 or more days before hearing)</p> <p style="padding-left: 20px;">Posted on property (15 or more days before hearing)</p> |                       | <p>-----</p> <p>-----</p> <p>-----</p> | <p>_____</p> <p>_____</p> <p>_____</p> |

PERMIT APPLICATION

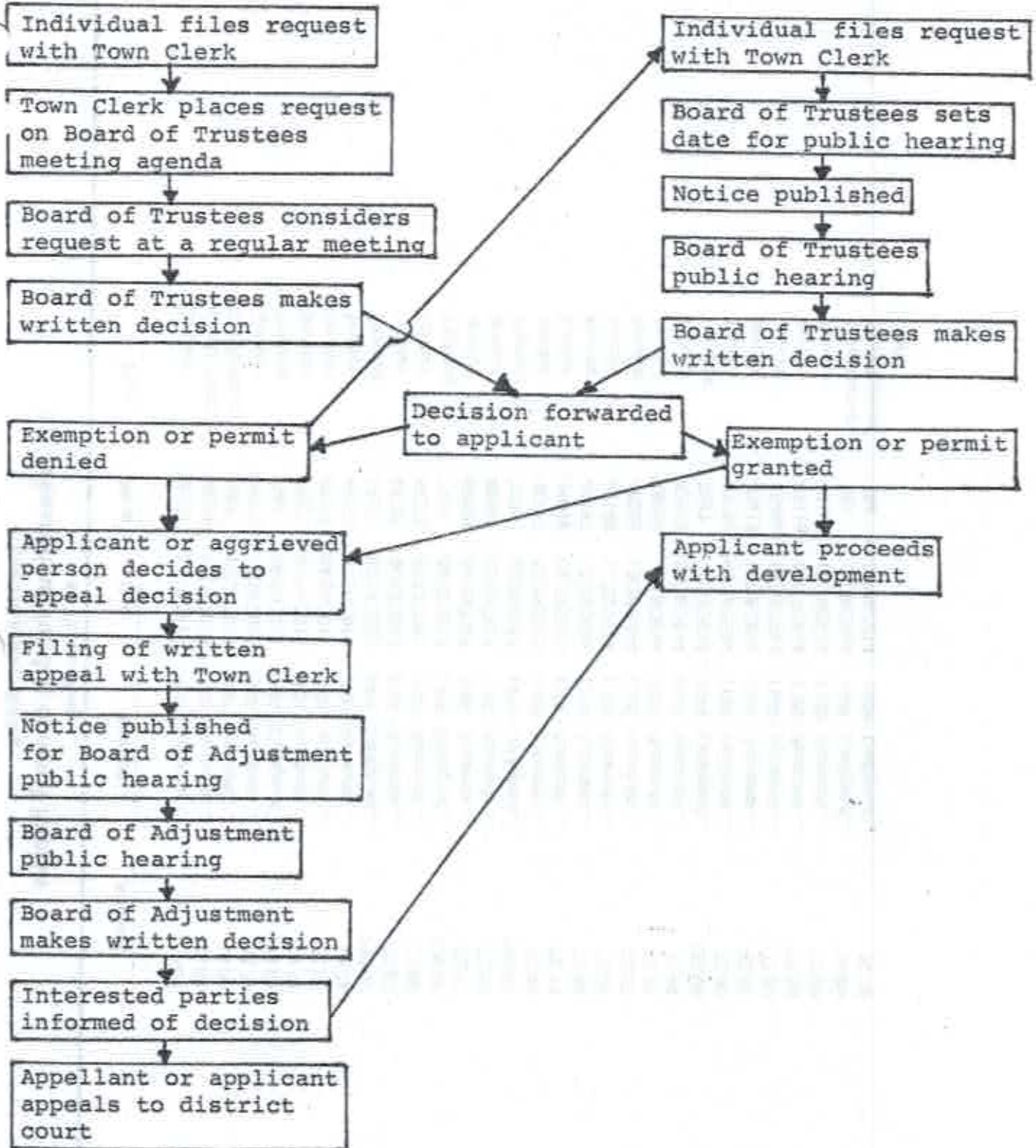
DATE

- 9. Board of Adjustment public hearing - - - - - \_\_\_\_\_
- 10. Written decision of Board of Adjustment - - - - - \_\_\_\_\_
- 11. Decision forwarded to applicant - - - - - \_\_\_\_\_  
with permit, if granted

APPROVED: \_\_\_\_\_  
DATE: \_\_\_\_\_

EXEMPTIONS

DEVELOPMENT PERMITS



(SAMPLE FOR PUBLICATION)

NOTICE  
of  
PUBLIC HEARING  
for a  
DEVELOPMENT PERMIT

The Board of Trustees of the Town of Eckley will conduct a public hearing on \_\_\_\_\_, 19\_\_ at \_\_\_\_\_:\_\_\_\_.M. at the Town Hall, Eckley, Colorado to consider a request and application for a development permit to allow (insert a description of the nature of the development proposal, i.e., construction of an apartment building; changing from the existing professional office use to a beauty shop use; constructing an additional 5000 square feet of warehouse at the following described location:

(insert legal description)

in accordance with the Town of Eckley Development Regulations. For further information consult the Town Clerk at the Town Hall, Eckley, Colorado or telephone \_\_\_\_\_.

(SAMPLE DEVELOPMENT PERMIT)

TOWN OF ECKLEY

DEVELOPMENT PERMIT

Pursuant to the Town of Eckley Development Regulations the Board of Trustees has received an application from \_\_\_\_\_ (hereinafter called "Applicant") for a development permit and has approved that application.

This permit authorizes the Applicant:

1. To (for example: construct a two story, six unit apartment building; change from the existing professional office use to a beauty shop use; construct an additional 5000 square feet of warehouse
2. On the following-described tract of land: (for example, Lots 6 and 7, Block 2, Smith Addition, Town of Eckley)
3. For the following period: (for example, one year, ten years, one hundred years, perpetually
4. In accordance with the plans and/or specifications approved by the Board of Trustees on \_\_\_\_\_ (date) as well as the Town of Eckley Development Regulations and Town of Eckley Comprehensive Plan.
5. On the condition that the applicant proceeds in conformity with all applicable Federal and State statutes and regulations as well as all applicable local development regulations.

This permit is valid for use only by the Applicant and may not be transferred. In the event that the Applicant fails to take substantial steps to initiate the above development within twelve (12) months from the date of this permit or, if such steps are taken, in the event the Applicant fails to complete the development with reasonable diligence, this permit may be revoked by the Board of Trustees.

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor  
Board of Trustees

Legal Descriptions of Zoning Districts  
(To be attached to Zoning Map)

B - Business Zone

The east one half of Blocks 3 and 6 and west one half of Blocks 2 and 7 New Eckley; the east 140 feet of Block 21 and west 140 feet of Block 22 Second Plat of Catchpole's First East Addition. (Blocks 22 and 21 border Main and Colfax Streets).

Land in Cloverville Addition bordered by State Highway 34 on the south, Main Street on the east, the south boundary line of a tract of land owned by the Eckley Recreation Association on the north, and Kansas Street on the west.

I - Industrial Zone

Beginning at a point plus or minus 100 feet west of the N.W. corner of Lot 1 Block 4 Miller's Addition; thence south along the same tangent as the town boundary as recorded in the original incorporation to the southerly boundary of the Burlington Northern Railroad; thence westerly along the railroad boundary to the westerly right of way line for Kansas Street; thence southerly along said right of way line to a point 350 feet south of the center of the railroad right of way; thence north-westerly parallel to the center of the railroad to the town boundary as recorded in the original incorporation; thence following the original town boundary northerly, then easterly to the point of beginning.

Beginning at the S.E. corner of Lot 6, Block 1, Miller's Addition, thence northerly along the easterly boundary of Block 1 to a point 350 feet north of the centerline of the Burlington Northern Railroad; thence easterly parallel to the center of the railroad to the town boundary as recorded in the original incorporation, thence southerly along the original town boundary to a point 350 feet south of the center of the railroad right of way; thence westerly parallel to the centerline to a point which is on the same tangent as the east line of Catchpole's First East Addition; thence northerly to the southeast corner of Catchpole's First East Addition; thence westerly along the south boundary of Catchpole's First East Addition; thence northerly along the west boundary of Catchpole's First East Addition to the boundary of the railroad; thence westerly following the southerly boundary of the railroad to the N.E. corner of Lot 1, Block 1 New Eckley; thence northerly to the point of beginning.

R - Residential Zone

All land within the town boundary excluding land within the B-Business and I-Industrial zones.



PASSED and adopted at a regular meeting of the Town Board of  
Eckley, Colorado this 6th day of June, 1979.

Maya A. Bowen  
Mayor

ATTEST:

Joyce Brown  
Town Clerk

## ECKLEY MOBILE HOME ORDINANCE

- I. Mobile home parks may be allowed provided that the following restrictions and conditions are met:
  - A. The proposed mobile home park lies within the R-Residential zone.
  - B. The applicant has supplied the Eckley Town Board with the following data and documentation:
    1. Three copies of the mobile home park site plan drawn to a scale of not less than 1:1200 (one inch = one hundred feet) showing: the area and dimensions of the mobile home park; location, size, and number of all mobile home spaces; location, width, and grade of all public streets adjacent to the mobile home park and of all roadways, driveways and sidewalks proposed within the park; location and number of utility rooms to be used by occupants of the mobile home park; location of service buildings and any other existing or proposed structures; location and size of automobile parking areas and recreation areas; a general landscape plan and any proposed fencing; location of water and sewer lines and riser pipes; location and details of lighting and electrical systems; location of fire hydrants; and location of mail boxes.
    2. Typical plot plans for individual mobile home spaces, at a scale of 1:120 (one inch = ten feet).
    3. Typical street and walkway sections.
    4. Methods to be used for garbage and trash disposal.
    5. A drainage plan which shall include, but not be limited to, a description of the following: the approximate boundaries of areas subject to flooding both existing and as modified by the proposed development; the location of all water courses and all known or proposed surface water areas; the direction of surface and channelized drainage flow; and existing and proposed permanent and temporary drainageways, structures and facilities and erosion and sediment control devices.
    6. Such further information as may be reasonably requested by the Town Board to enable its members to determine that the proposal will comply with this ordinance.

Lic #	Name	Address	Phone	Vehicle	Date issued
1	Jay Owens	805 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
2	Jay Owens	805 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
3	Kate George	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
4	Larry Jelneck	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
5	Marlene Mitchell	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
6	Norran Knapp	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
7	Deanna Pletcher	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
8	John Hackel	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
9	Mary Berghuis	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
10	Mary Berghuis	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
11	Mary Berghuis	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
12	Valerie Clovd	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
13	H. Williams	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
14	Stuart Curvey	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
15	Loren & Pelly	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
16	Brenda Williams	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
17	Steve Newton	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
18	Steve Newton	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
19	Norran Knapp	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
20	Louis Speltz	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
21	Mike Seerdt	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
22	Joe Ferguson	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
23	Chris Curvey	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
24	Chris Curvey	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
25	Rick Thompson	102 S. Main St. / Eckley	332-4806	2012 Polaris 550 Sportsman	4/22/2015
26	YC Sheriff Office	310 Ash St. / Wray	332-4806	2012 Polaris 550 Sportsman	4/22/2015
27	Th...	310 Ash St. / Wray	332-4806	2012 Polaris 550 Sportsman	4/22/2015
28					
29					
30					
31	Harry Smith	501 Main St. / Eckley	970-616-2777	2015 White YRDA	3/27/2017

6. Soil and ground cover requirements - Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
7. **Mobile home spaces** -
  - (a) The area of each mobile home space shall be adequate to provide for: a minimum of fifteen (15) feet between mobile homes; a minimum of two (2) feet from the tongue of the mobile home to any sidewalk; and an outdoor living and service area on the mobile home space of not less than three hundred (300) square feet. The area required for a mobile home space shall not include additional area required by this ordinance for access roads, off-street parking and storage areas, service buildings, recreation areas, office and similar mobile home park needs. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet and is attached to a mobile home shall, for the purposes of all separation requirements, be considered to be part of the mobile home.
  - (b) Driveways, the minimum width of which shall be ten (10) feet, shall be provided where necessary for convenient access to the mobile home. The Town Board shall establish required surface material for driveways.
  - (c) At least two (2) off-street parking spaces shall be provided for each mobile home space. Surfacing for such required parking spaces shall be established by the Town Board. They shall be located on, or within 200 feet of, the space for which they are required; and shall not be located on streets, alleys and other rights-of-way, or on driveways serving more than one mobile home space.
  - (d) The area of the mobile home stand shall be improved to provide an adequate foundation for the placement, blocking, tie-down and anchoring of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure. The method and materials for tie-down pads and for securing the mobile homes to

the tie-down pads must be designed by a professional engineer registered in Colorado and must be approved by the Town Board both for typical tie-downs and for each individual space as it is shown on the proposed final site plan. This approval must occur prior to the approval of any mobile home park permit by the Town Board.

8. Setbacks and screening - All mobile homes shall be located at least fifteen (15) feet from any park boundary line abutting upon a public street or highway and at least fifteen (15) feet from other park property boundary lines. All mobile home parks adjacent to other residential uses, or to commercial or industrial uses, shall be provided with screening such as landscaping along the property boundary separating the mobile home park from such adjacent land uses.
9. Streets - Access roads shall be provided to each mobile home space. All streets and accessways providing ingress to and egress from the mobile home park and circulation within the mobile home park shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight (8) percent. The Town Board may stipulate additional specifications in accordance with requirements for like streets and accessways on public ways. Streets shall be improved to the required standards prior to occupation of the mobile home spaces by mobile homes. The minimum distance for streets shall be twenty-eight (28) feet for one-way streets and thirty-six (36) feet for two-way streets. Street parking shall be allowed.
10. Dedication of streets, easements and other public lands - Where any streets, easements, or other lands are required to be dedicated to the Town for public use, the developer shall submit the necessary deeds or other legal documents or file a plat of the mobile home park covering the dedication of all such streets, easements and/or public lands prior to or at the time of final approval of the permit.
11. Walkways and lighting - Paved walkways at least four (4) feet wide shall be provided from all mobile home spaces to service buildings and other community areas, and along all access roads. Pedestrian circulation areas shall be lighted at night by 7000 lumen lighting standards (equal to 175-watt mercury vapor bulbs) spaced not more than

three hundred (300) feet apart, with a maximum height of twenty-five (25) feet; or by other lighting methods producing an equivalent level of light at the ground.

12. Storage areas - Storage areas for boats, boat trailers, travel trailers, tent trailers, horse trailers, and detachable pickup campers shall be provided within the mobile home park in an amount equal to one hundred (100) square feet per mobile home space. Such areas shall be screened from adjacent residential properties and public streets by means of opaque fencing or landscaping.
13. Sewage disposal - The mobile home park, and all individual mobile homes therein, shall be connected to the Town sewer system. All sewage disposal apparatus and appurtenances thereto shall be provided, maintained, and operated so as not to create a nuisance or health hazard.
14. Electrical regulations - All electrical lines within the mobile home park shall be placed underground. All lines and service to individual mobile home lots shall meet National Electrical Code specifications as adopted by the State of Colorado. Enforcement of such provisions shall be by the State.
15. Refuse handling - The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located no more than 150 feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. All refuse shall be collected at regular intervals.
16. Fuel supply and storage - Natural gas - Where the mobile home park is connected to a natural gas supply, a readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near to the point of connection

to the service piping. In addition, each mobile home space shall have an approved gas shutoff valve installed upstream of the mobile home gas outlet and located on the outlet riser at a height of not less than four (4) inches above grade. Such valve shall not be located under any mobile home. Whenever the mobile home space outlet is not in use, the outlet shall be equipped with an approved cap or plug to prevent accidental discharge of gas. Approved flexible connections shall be installed between the gas meter and the gas piping serving the mobile home.

Liquefied petroleum gas - Mobile homes using liquefied petroleum gas for cooking and heating units shall comply with applicable laws and regulations of the State of Colorado pertaining to liquefied petroleum gases. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

Fuel storage and piping - All piping from outside fuel storage tanks and cylinders to heating units in mobile homes shall be of standard weight wrought iron or steel pipe, or brass or copper pipe of iron pipe size, and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or less than five feet from any mobile home exit. Oil storage shall be permitted in tanks or containers, not exceeding 100 gallons in capacity, mounted on an incombustible frame at the rear of the mobile home. Such oil storage containers shall be vented and provided with a stopcock on the fuel line just before it enters the mobile home.

17. Fire protection - Every mobile home park shall be equipped at all times with such fire extinguishing equipment, and so located within the park, as prescribed by the Fire Department to satisfy fire regulations.
18. Required sanitary facilities - Every mobile home park shall be provided with emergency sanitary facilities in a service building or office building. Such emergency facilities shall be located in a building which is accessible to all mobile homes within the park. Minimum facilities shall be one flush toilet and one lavatory for each sex.


19. Permanent buildings - The building or buildings containing the management office and other common facilities shall be conveniently located for the uses intended. Consolidation of laundry, recreation, management and other common facilities in a single building shall be acceptable if the single location will adequately serve all mobile homes spaces. All buildings containing common facilities shall conform to all applicable requirements of the Town.



## II. Enforcement and Penalties

- A. The Board of Trustees or its authorized representative is hereby empowered and directed to inspect and examine those areas subject to this ordinance for the purpose of determining from time to time whether or not any violation of any of the provisions of this ordinance or of any permit issued or required pursuant to this ordinance has occurred. If a violation shall be found to exist, said Board of Trustees or its authorized representative shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable regulations.
- B. It is unlawful to use, occupy, or develop any building or structure or any land in violation of this ordinance. Any person, firm or corporation, whether as principal, agent, employee or otherwise, engaging in a development who does not obtain a development permit pursuant to this ordinance, who does not comply with permit requirements, who acts outside the authority of the permit requirements, who otherwise violates this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than three hundred (300) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day during which such illegal use, occupation, or development continues shall be deemed a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this ordinance, the Board of Trustees, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

## III. Severability

- A. If any section, clause, provision, or portion of this ordinance should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

IV. Amendments

- A. This ordinance, may from time to time be amended, supplemented, changed, modified, or repealed. Authority for such action includes the following sections of the Colorado Revised Statutes of 1973 Title 31, Article 23, Sections 101 & 601; Title 29, Article 20, Section 101; Title 24, Article 65.1, Section 101.

Adopted at regular meeting of the Town Board of Eckley Colorado  
16th this day of June, 1979.

Marjorie Brown  
Mayor

ATTEST:

Joyce Brown  
Town Clerk

AN ORDINANCE REGULATING THE ANNEXATION  
OF TERRITORY TO THE TOWN OF ECKLEY, COLORADO

WHEREAS, the Town Board of the Town of Eckley, Colorado, has determined that the annexation of lands to the Town of Eckley shall not be such as to create any additional cost or burden on the then-existing residents of the Town to provide public utilities and facilities in any newly-annexed area and that no annexation shall be accepted until such time as the Town Board shall determine that the hereafter stated requirements for public utilities and facilities in the area proposed to be annexed have been fulfilled.

I.

TITLE

This Ordinance shall be known, cited and referred to as the Eckley Annexation Ordinance.

II.

PURPOSE AND INTENT

This ordinance is adopted for the purpose and intent of:

1. Promoting the orderly and harmonious growth of the Town of Eckley.
2. Providing an orderly method for extending governmental facilities, services and utilities.
3. Distributing fairly and equitably the costs of providing municipal facilities, services and utilities to those persons who seek annexation to the Town of Eckley.

III.

PROCEDURES OF ANNEXATION

1. All annexations of unincorporated territory to Eckley shall be in compliance with Chapter 31, Article 12, Sections 101 - 102 Colorado Revised Statutes 1973 and fulfillment of the terms and conditions set forth herein.
2. The Petition for Annexation shall be filed with the Town Clerk at least thirty (30) days prior to the regular meeting of the Town Board which the petition shall be considered. The petition shall be accompanied by such filing fee as may be in effect at the time of filing.
3. The Petition for Annexation shall contain the following information:
  - a. A written legal description of the boundaries of the lands proposed to be annexed.
  - b. A recent title opinion of the land to be annexed showing ownership, encumbrances, water rights and easements.

AN ORDINANCE CONCERNING MANUFACTURED HOUSING:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ECKLEY, COLORADO:

ALL SECTIONS OF THIS ORDINANCE SHALL BE COMPLETED AND INITIALED BY THE OWNER APPLYING FOR THE INSTALLATION OF SAID MANUFACTURED HOME AS WELL AS THE TOWN OF ECKLEY MAINTAINANCE PERSONNEL OR CERTIFIED BUILDING INSPECTOR BEFORE THE INSTALLATION OR TRANSPORTATION OF SAID MANUFACTURED HOME INTO THE TOWN OF ECKLEY.

SECTION 1: As used in this ordinance, "manufactured home" means a single family dwelling which:

- (A) Is no older than 15 years from the date of application of installation;
- (B) Is partially or entirely manufactured prior to installation and is not less than <sup>16</sup>24 feet in width and 36 feet in length;
- (C) Is installed on a permanent concrete foundation as set piers consisting of dry stack concrete block, adjustable metal piers on plastic pads, engineered system, or other appropriate material/system specifically designed for the intended use. All exterior walls, marriage walls, marriage wall posts, columns, and piers must be supported on an acceptable foundation system that must be of sufficient design to support safely, the loads imposed, as determined by the character of the soil. Additionally, temporary set piers may be founded above frost line when the skirting is appropriately insulated, and engineered alternative is designed, or a justified modification has been approved. The minimum concrete or masonry foundation wall width shall be 6 inches. The minimum reinforced concrete footing thickness shall be 3-1/2 inches or 1-1/2 times the length of the footing projection from the foundation wall, whichever is greater;
- (D) Has brick, wood or cosmetically equivalent siding, as well as a pitched roof;
- (E) Skirting shall be of durable materials suitable for exterior exposures. Skirting must not be attached in a manner that can cause water to be trapped between the siding or trim to which it is attached. Wood is prohibited unless pressure treated to prevent decay and termite infestations. Other materials and products may be used in accordance with the manufacturer's listing and written instructions;
- (F) Is certified pursuant to the most current National Manufactured Housing Construction and Safety Standard Act as amended;
- (G) Is in compliance with the State of Colorado Resolution 38 Manufactured Housing Installations, Yuma County Regulations and said applicant shall submit a copy of the Yuma County Transportation Permit before installation.

SECTION 2: A manufactured home as described heretofore will be allowed on private lots of minimum size of no less than 5000 square feet as an outright use provided that the manufactured home shall be:

- (A) Occupied only as a residential use;
- (B) Subject to all provisions of the Eckley Comprehensive Plan as adopted by the Board of Trustees of the Town of Eckley;
- (C) Attached to permanent foundation as described herein;
- (D) Covered with an exterior material customarily used on other dwellings;

(E) That no electrical and gas connections shall be located beneath the manufactured home.

SECTION 3: Penalty for violation – EACH Act, omission or day continued deemed separate violation. It is unlawful for any person to violate any provision of this ordinance, and any person found guilty of violating any provision of this ordinance shall be punished for each violation by a fine of not more than three hundred dollars (\$300.00). Further, each act or omission in violation of one, or more than one, of the provisions hereof shall be deemed a separate violation of such provision; and for each calendar day during which any violation continues, a separate violation shall be deemed to have been committed.

Read, Passed, and Adopted this 5 day of MARCH, 2013.

TOWN OF ECKLEY

By: John Owens  
Mayor

ATTEST:

By: Carolyn Copley  
Town Clerk

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c. A sworn statement of the petitioner that he/she will comply with all the terms and conditions of annexation as set forth in this ordinance.

4. The Petition shall be accompanied by a map or plat, drawn by registered surveyor, and copies thereof, of the territory to be annexed showing the following:

- a. A delineation of the outer boundaries of the land to be annexed;
- b. The physical relationship of the area to be annexed to the established corporate limits of the Town;
- c. Boundaries of special districts, if any, having jurisdiction over area within the boundaries of the land to be annexed;
- d. The location of each ownership tract if unplatted land, and if part or all of the area has been platted, the boundaries and dimensions of lots and blocks within the outer boundaries of the territory to be annexed;
- e. The location and width of existing or proposed major street and utility easements within or adjacent to the area to be annexed;
- f. The location and the site of nearest existing utility lines;
- g. Existing development within the area to be annexed and to be served by utilities;
- h. Proposed zoning of the area to be annexed and exact boundaries of zoning districts if more than one district is proposed;
- i. If all or any portion of the territory proposed to be annexed has not been platted and surveyed, a certificate and seal of a registered engineer and land surveyor, State of Colorado, showing the dimensions of the boundaries and tracts, plats, lots and blocks within the area, if any, and the bearings of the boundaries of the area;
- j. Date, scale, north sign.

#### IV.

#### CONDITIONS OF ANNEXATION

1. Unincorporated territory may be annexed to the Town of Eckley subject to the following terms and conditions:

a. UTILITIES: Cost of utility main extensions for electrical sewer and water extensions to the annexed lands shall be borne by the Petitioner and/or the landowners. All such utilities and electrical connections shall be installed only after all aspects of the installation have been disclosed to the Town Board and received approval. No such utilities shall be covered until inspected and approved by the Town Board or their agent.

b. TAP FEES for water and sewer hook up to any structure shall be paid before occupancy is allowed.

c. STREET DEVELOPMENT: It shall be the responsibility of the Petitioner and/or landowner to dedicate and develop all streets within the proposed territory to be annexed. Development of streets shall receive the prior approval of the Town Board. All grades of such streets shall receive the approval of the Town Board.

d. STORM DRAINAGE: The Petitioner and/or landowners shall deed to the Town such drainage easements deemed necessary by the Town Board in order to adequately protect against flooding. It shall be the responsibility to pay for the installation of all storm drainage as required by the Town Board.

e. The Town Board may in its descretion approve an annexation prior to the Petitioners actual installation of the above required improvements; provided that prior to such annexation the petitioner provides such performance bond or enter into such escrow agreement as may be required by the Town Board to assure performance.

f. EXEMPTIONS: The Town Board may, after public hearing, exempt any petitioner from any or all these conditions and terms of annexation if good cause has been shown. Said public hearing shall be held not less than ten (10) days and not more than thirty (30) days after "Notice of Exemption Hearing" is published once in a newspaper of general circulation.

#### V.

#### AMENDMENTS

The regulations herein may from time to time be amended, supplemented, changed, modified, or repealed by the Town Board, in accordance with the provisions of law.

#### VI.

#### VALIDITY

Should any section, clause, sentence or part of this ordinance be adjudged by any court of competent jurisdiction to be unconstitutional and or invalid, the same shall not affect the validity of the ordinance as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

#### VII.

Any part of any ordinance which is in conflict herewith is hereby repealed.

PASSED and adopted at a regular meeting of the  
Town Board of Eckley, Colorado this 6th day of June, 1979.

Max A. Brown  
Mayor

ATTEST:

Josce Brown  
Town Clerk