

# Article 1



## Title, Authority, & Interpretation

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#### 1-100 Short Title

These regulations, together with all future amendments, shall be known as the Boulder County Land Use Code, may be cited as such, and will be also referred to herein as the 'Code.'

#### 1-200 Authority

- A. The Boulder County Land Use Code is hereby adopted pursuant to the authority conferred within the following sections of the Colorado Revised Statutes, as amended:
1. Article 32 of Title 22 (Zoning, Planning, and Building Code Duties of School District Boards);
  2. Article 65.1 of Title 24 (Areas and Activities of State Interest);
  3. Article 67 of Title 24 (Planned Unit Development Act of 1972);
  4. Article 68 of Title 24 (Vested Property Rights);
  5. Article 6 of Title 28 (Division of Aviation);
  6. Article 20 of Title 29 (Local Government Land Use Control Enabling Act);
  7. Article 11 of Title 30 (County Powers and Functions);
  8. Article 15 of Title 30 (County Regulations under Police Power);
  9. Article 28 of Title 30 (County Planning and Building Codes);
  10. Article 1 of Title 32 (Special District Act/Provisions);
  11. Article 1 of Title 34 (Preservation of Commercial Mineral Deposits);
  12. Article 30.5 of Title 38 (Conservation Easements);
  13. Article 2 of Title 43 (State, County, and Municipal Highways); and
  14. Article 4 of Title 41 (Airports).

## 1-300 Purpose and Relationship to the Boulder County Comprehensive Plan

- A. This Code is enacted to protect and promote the health, safety, and general welfare of the present and future inhabitants of Boulder County and to guide future growth, development, and distribution of land uses within Boulder County. Enactment, amendment, and administration of this Code shall be governed by the statutory authority granted to Colorado counties to govern the use and development of land, consistent with applicable constitutional principles. Enactment, amendment, and administration of this Code shall be in accordance with and shall serve to implement the goals and policies of the Boulder County Comprehensive Plan, and the authority set forth in the applicable provisions of the Colorado Revised Statutes as well as the provisions of any jointly adopted intergovernmental agreement or master plan governing the use and development of land of mutual concern to Boulder County and another governmental entity.
- B. The purposes of the County Planning Act shall be considered to be, without limitation, and in accordance with Section 1-300.A of this Code: promotion of the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the County through such means as lessening traffic congestion; reducing the waste caused by excessive road construction; promoting energy conservation; securing safety from fire, floodwaters, and other dangers; providing adequate light and air; classifying land uses; distributing and regulating land development and its impacts; regulating structures and parcels or lots; protecting the tax base; securing economy in governmental expenditures; fostering agricultural and other industries (which, in accordance with the Comprehensive Plan, are primarily rural in nature); protecting urban and nonurban development (and, in accordance with the Comprehensive Plan, ensuring that unincorporated lands outside of community service areas remain rural in nature); ensuring for the orderly subdivision of land; and providing for coordinated master planning addressing population density, housing, transportation, public places and facilities, adequate and suitable water supplies, adequate facilities and services for development, alternative energy sources, open and rural land preservation, protection of historical/cultural and archaeological resources, hazard prevention, wildlife habitat and threatened and endangered species protection, commercial mineral deposit extraction, recreation and tourism, and environmental protection. See, primarily, C.R.S. Sections 30-28-106; 30-28-111; 30-28-115; 30-28-133; 30-28-136; and 29-20-104.

## 1-400 Jurisdiction and Authority

This Code shall apply to all land within the unincorporated areas of Boulder County.

## 1-500 Effective Date

This Code, including any future amendments, shall take effect immediately upon adoption by the Board of County Commissioners, unless otherwise set forth in the Board's motion of approval.

## 1-600 Saving Provision

The enactment or amendment of this Code shall not be construed in any of the following ways, except as expressly stated:

- A. abating any action either approved or pending under prior provisions;
- B. as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue;
- C. as affecting the liability of any person;
- D. as waiving any right of the County under any provision existing prior to the adoption of this Code; or
- E. as vacating or annulling any rights obtained by any person by lawful action of the County.

## 1-700 Amendments

The provisions of this Code may be amended as defined in Article 3 of this Code.

## 1-800 Separability

If any provision of this Code is ruled to be invalid by any court of competent jurisdiction, the effect of such judgment shall be confined to that specific provision held to be invalid as expressly stated in such judgment, and shall not affect, impair, or nullify the validity or application of the remainder of this Code.

## 1-900 Interpretation

- A. The following principles shall be used in interpreting this Code.
  1. The provisions of this Code shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare. This Code shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.
  2. This Code is not intended to interfere or conflict with, abrogate, or annul any other regulation, statute, or provision of law.
  3. Whenever a provision of this Code and a provision of any other law, ordinance, resolution, rule, or regulation of any kind, including another provision of this Code, contain any restrictions covering the same subject matter, the more restrictive shall govern.
  4. It is presumed that the requirements of this Code apply to future actions unless otherwise stated.
  5. The titles and subtitles of all articles and sections are operative provisions of this Code. The text shall control in any case of difference in meaning or implication.

## 1-1000 Rules of Construction of Language

- A. The following rules of construction of language shall be used in interpreting this Code:
  1. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
  2. The particular controls the general.
  3. The word 'shall' is always mandatory and not directory. The words 'may' and 'should' are permissive.
  4. Words used in the present tense include the future, unless the context clearly indicates the contrary.
  5. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
  6. Every word importing the masculine gender is extended and applied to females and things as well as males; every word importing the feminine gender is extended and applied to males and things as well as females; and every word importing the neuter gender is extended and applied to natural persons as well as things.
  7. If there is a conflict between figures and words in expressing a number, the words govern.
  8. A 'building' or 'structure' includes any part thereof. A 'building or other structure' includes all other structures of every kind, regardless of similarity to buildings.
  9. The phrase 'used for' includes 'arranged for,' 'designed for,' 'intended for,' 'maintained for,' and 'occupied for.'
  10. The words 'existing,' 'existed,' 'exists,' and 'occupied' shall imply the modifier 'lawfully.'
  11. Unless otherwise stated, the term 'mailed' shall always mean transmitted via first class postage.

## 1-1100 Computation of Time

- A. The term days shall always refer to calendar days.
- B. In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday, or legal holiday, in which case the last day shall be the next working day.
- C. The number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun. If there are not that many days in the concluding month the period ends on the last day of that month.

## 1-1200 Printing

If the language of the official copy of this Code conflicts with the language of any subsequent printing or reprinting of this Code, the language of the official copy prevails.

## 1-1300 Incorporation and Interpretation of Maps

- A. The location and boundaries of the zoning districts established by this Code are shown on the Zoning District Maps of Boulder County, which are incorporated into this Code. It is the expressed intent of the Board of County Commissioners that all unincorporated areas within Boulder County be located within a zoning district.
- B. In zoning matters relating to access to existing highways, the Boulder County Road Map, as amended, is adopted as the County's official map of the public highway system.
- C. If for any reason the location of any zoning district boundary line is not readily determinable from the Zoning District Maps, the location of the zoning district boundary line shall be determined by the Director in accordance with the following provisions.
  - 1. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:
    - a. Where a zoning district boundary line is located with reference to a fixture, monument, or natural feature, the location of the boundary with respect to the attribute shall control.
    - b. Where a zoning district boundary line is given a position within or abutting a highway, road, street, or alley right-of-way which does not appear to be located within any zoning district (other than an overlay zoning district), the zoning district boundary line shall be deemed to be in the center of such right-of-way.
    - c. Where a zoning district boundary line is shown as closely (and approximately) following subdivided lot lines, municipal boundary, or county boundary lines, the zoning district boundary line shall be deemed to coincide with such known boundaries.
    - d. Where a zoning district boundary line is shown by a specific dimension, that dimension shall control.
    - e. In all other circumstances, the location of the zoning district boundary line shall be determined by scaling from the Zoning District Maps.

## 1-1400 Other Plans, Rules, and Regulations Cited in this Code

- A. In addition to the requirements specifically established within this Code, the following plans, rules, and regulations may contain additional requirements:
  - 1. all applicable statutory provisions;
  - 2. the Boulder County Building Code (the 'Building Code');
  - 3. the Boulder County Multimodal Transportation Standards (the 'Transportation Standards');
  - 4. the Boulder County Comprehensive Plan (the 'Comprehensive Plan') adopted pursuant to Article 28 of Title 30, C.R.S., and comprehensive development plan intergovernmental agreements affecting land use in the unincorporated County as they may be entered into pursuant to Article 20 of Title 29, C.R.S.;
  - 5. the Boulder County Storm Drainage Criteria Manual (the 'Drainage Manual');
  - 6. any applicable rules of Boulder County Public Health, Board of Health and/or appropriate state agencies;
  - 7. the rules of the State Highway Department for parcels, lots or outlots abutting a state highway or connecting street or road;
  - 8. the Transportation Standards adopted by the County Engineer, other administrative officers of the County, and any agency providing community services and facilities to the land to be developed;
  - 9. all other regulations of Boulder County;
  - 10. specific fire code regulations in areas where such regulations have been jointly adopted by a Fire Protection District and the Board of County Commissioners; and
  - 11. the National Fire Protection Association, National Fire Code, 1980 Edition, Standard 1231 'Standard On Water Supplies For Suburban And Rural Fire Fighting,' unless otherwise provided for in this Code.