

# **SECTION 7**

## **Planning and Zoning**

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## Chapter I

### GENERAL PROVISIONS

Sections:

1. Authority and purpose.
2. General applications--Regulations not retroactive.
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4. Violation--Penalty.
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**1. Authority and purpose.** Pursuant to authority found in the laws of the State of Colorado, the Town declares the following regulations for the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the Town of Rockvale, which, in accordance with present and future needs and resources, will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants, as well as efficiency and economy in the process of development of business, including such distribution of population and of the uses of land for urbanization, trade, habitation, recreation, agriculture, forestry, and other purposes as will tend to create conditions favorable to health, safety, energy conservation, transportation, prosperity, civic activities, and recreational, educational, and cultural opportunities; will tend to reduce the wastes of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation, and production of the supply of food and water and of drainage, sanitary, and other facilities and resources.

**2. General applications--Regulations not retroactive.**

A. Existing buildings. Except as specifically provided herein, the regulations contained in this title are not retroactive in their application on existing structures and land uses.

B. General application. Except as otherwise provided, no buildings, or other structure, or land shall be used, and no building or other structure shall be erected, reconstructed, moved into or within the Town limits, or structurally altered except in conformance with the regulations specified in this title for the district in which such building is located. When the current occupant of a designated property that is not currently in compliance with this zoning regulation, moves or dies that property must then conform to these zoning requirements.

**3. Interpretation.** In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations, code or ordinances, the more restrictive, or that imposing the higher standard shall govern.

**4. Violation--Penalty, Remedies.**

A. Any person or corporation, whether as principal, agent, employee, or otherwise, who violates any of the provisions of this title will be fined \$150.00 for the first offense and \$300.00 for a second offense. When second violation is not corrected within 90 days then there will be a fine of \$25.00 a day until corrected. Each day of the existence of any violation shall be deemed a separate offense. Additionally, the Town Attorney may institute an injunction, abatement, and any other legal action to prevent, enjoin, abate, or remove such violations.

B. The erection, construction, enlargement, conversion, moving or maintenance of any building which is continued, operated or maintained, contrary to any provisions of this title, is declared to be a violation of this title and unlawful. The Town attorney shall upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violations of this title.

C. In the event that legal action is necessary to enforce the provisions of these zoning regulations, the Town of Rockvale shall be entitled to recover all costs and attorney fees incurred in pursuing such enforcement.

D. In addition to the remedies set forth in these regulations, the Town of Rockvale shall have the right to all remedies provided by Colorado State Statutes.

**5. Invalidation Clause.** If any section, clause, provision or portion of this title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this title shall not be affected thereby and shall continue in full force and effect.

## Chapter II

### DEFINITIONS

#### Sections:

1. Generally--Construction.
2. Accessory building.
3. Accessory use.
4. Alley.
5. Boarding and rooming house.
6. Building.
7. Building height.
8. Camper coach.
9. Camper trailer.
10. Dwelling.
11. Dwelling, multifamily.
12. Dwelling, single-family.
13. Dwelling, two-family.
14. Dwelling unit.
15. Family.
16. Floor area.
17. Group homes.
18. Home occupation.
19. Junk.
20. Livestock.
21. Lot.
22. Lot area.
23. Lot line, front.
24. Lot line, rear.
25. Lot line, side.
26. Manufactured home.
27. Mobile home.
28. Modular home.
29. Motel or hotel.
30. Nonconforming building.
31. Nonconforming use.
32. Occupied.
33. Open space.
34. Person.
35. Planned unit development.
36. Poultry.
37. Recreational Vehicle.
38. Roof line.
39. Room.
40. State licensed group homes for the developmentally disabled.
41. Street.
42. Structure.
43. Use.
44. Width of lot.
45. Yard.
46. Yard, front.
47. Yard, rear.
48. Yard, side.

#### **1. Generally--Construction.**

A. For the purpose of this title certain words or phrases are defined as set out in this chapter.

B. When not inconsistent with the content, words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number; and the masculine includes the feminine. The word "shall" is mandatory, while the word "may" is permissive.

**2. Accessory building.** "Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.

**3. Accessory use.** "Accessory use" means of vehicle access and for use of emergency vehicles and maintenance vehicles to maintain the health and safety of the citizens of Rockvale and a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

**4. Alley.** "Alley" means a public way permanently reserved as a secondary means of access to abutting property.

**5. Boarding and rooming house.** "Boarding and rooming house" means a building or portion thereof which is principally used to accommodate for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The "compensation" shall include compensation in money, services or other things of value.

**6. Building.** "Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and not including advertising sign boards or fences.

**7. Building height.** "Building height" means the vertical distance measured from the established curb level, or ground level to the highest point of the underside of the ceiling beams for a flat roof; to the deck line for a mansard roof; and to the main level of the underside of the rafters between the eaves and the ridge for a gable, hip, or gambrel roof, chimneys, spires, towers, elevator penthouses, tanks, and similar projections other than signs shall not be included in calculating height.

**8. Camper coach.** "Camper coach" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

**9. Camper trailer.** "Camper trailer" means a wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations and is less than thirty-two feet in length.

**10. Dwelling.** "Dwelling" means a building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, resort cabins, clubs, or hospitals. In addition, all dwellings shall be constructed as permanent buildings, not temporary structures such as tents, railroad cars, trailers, street cars, metal prefabricated sections, or similar units.

**11. Dwelling, multi-family.** "Dwelling, multi-family" means a building designed to be occupied in whole or in part by three or more families living independently of each other, but not including mobile homes, manufactured housing or modular homes as defined herein, except as otherwise provided herein.

**12. Dwelling, single-family.** "Dwelling, single-family" means a detached building designed exclusively for occupancy by one family, but not including mobile homes, manufactured housing or modular homes, as defined herein, except as otherwise provided herein.

**13. Dwelling, two-family.** A detached building designed exclusively for occupancy by two families living independently of each other, but not including mobile homes, manufactured housing or modular homes, as defined herein, except as otherwise provided herein.

**14. Dwelling unit.** "Dwelling unit" means one or more rooms in a dwelling, designed for occupancy by one family for living or sleeping purposes and having not more than one kitchen.

**15. Family.** "Family" means an individual or two or more persons related by blood or marriage; or a group of not to exceed five persons (excluding servants) living together as

a single housekeeping unit in a dwelling unit.

**16. Floor area.** "Floor area" means, for the purposes of determining conversions or existing structures and maximum size of business establishments, the sum of the gross horizontal areas of several floors measured in square feet, including the basement floor, but not including the cellar floor of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall also include elevator shafts and stairwells at each floor; floor space used for mechanical equipment, except equipment, open or closed, located on the roof; penthouse; attic space having head room of seven feet, ten inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses, provided that any space devoted to off-street parking or loading shall not be included in floor area.

**17. Group homes.** "Group homes" means a single-family owner-occupied or nonprofit group home for the exclusive use of not more than eight persons sixty years of age or older not requiring skilled or intermediate care facilities.

**18. Home occupation.** "Home occupation" means an occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling, provided the residential character of the building is maintained according to zoning uses and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy peaceful occupancy of their homes.

**19. Junk.** "Junk" means any manufactured goods, appliances, fixture, furniture, machinery, motor vehicle or trailer which is abandoned, demolished, dismantled, or that is so worn or deteriorated, or in such condition to be unusable in its existing state, salvage materials, scrap metal, scrap material, waste, bottles, tin cans, paper, boxes, crates, rags, used lumber and building material, motor vehicle and machinery parts, and used tires.

**20. Livestock.** "Livestock" means horses, mules, cattle, burros, swine, sheep, goats, rabbits and other domesticated animals.

**21. Lot.** "Lot" means a parcel or real property as shown with a separate and distinct number or letter on a plat recorded with the Fremont County Clerk and Recorder, or when not so platted, in a recorded subdivision, a parcel of real property abutting upon at least one public street and held under separate ownership.

**22. Lot area.** "Lot area" means the total horizontal area within the lot lines of a lot.

**23. Lot line, front.** "Front lot line" means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line.

**24. Lot line, rear.** "Rear lot line" means the line opposite the front lot line.

**25. Lot line, side.** "Side lot line" means any lot line other than front lot lines or rear lot lines.

**26. Manufactured home.** "Manufactured home" means a manufactured home as that term is defined by CRS 31-23-301 et seq., as amended.

**27. Mobile home.** "Mobile home" means a structure, not meeting the definition of manufactured home, transportable in one section, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, and bears the insignia of approval of the Division of Housing of Colorado, and has not been altered since receiving such approval.

**28. Motel or hotel.** "Hotel or motel" means a building designed for occupancy as the temporary abiding place (thirty days or less) of individuals who are lodged with or

without meals and with such building having six or more guest rooms.

**29. Nonconforming building.** "Nonconforming building" means a building or structure or portion thereof that was lawful when placed on the lot, but now is conflicting with the provisions of this title applicable to the zone in which it is situated.

**30. Nonconforming use.** "Nonconforming use" means the use of a structure or premises that was lawful when begun but now is conflicting with the provisions of this regulation.

**31. Occupied.** To be a resident or tenant of.

**32. Open space.** "Open space" means open space on a building site, exclusive of space devoted to vehicular streets, drives and parking areas, and including pedestrian ways, space for active and passive recreation and landscaping.

**33. Person.** The word "person" shall also include association, firm, co-partnership, corporation, limited liability companies, and other lawfully created and recognized entities.

**34. Planned unit development.** "Planned unit development" means a unified development in single ownership or control, which is subdivided and developed according to a comprehensive plan and where specific requirements of a given district may be modified.

**35. Poultry.** "Poultry" means chickens, ducks, geese, pigeons, guineas, emus, and turkey.

**36. Recreational vehicle.** "Recreational vehicle" means vehicles used for recreational occupancy to include motor homes and travel trailers designed and constructed to permit sleeping or housekeeping, or both, for one or more persons which does not require for its use a hookup to permanent utility services (water, sewer, gas) and is mobile or can be transported on public rights of way.

**37. Roof line.** "Roof line" means the highest point on any building where an exterior wall encloses usable floor area including floor area provided for housing mechanical equipment.

**38. Room.** "Room" means an un-subdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways, and service porches.

**39. State licensed group homes for the developmentally disabled.** "State licensed group homes for the developmentally disabled" means a single-family home for the exclusive use of not more than eight developmentally disabled persons. "Developmentally disabled" means those persons having cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy.

**40. Street.** "Street" means a public thoroughfare which affords the principal means of access to abutting property.

**41. Structure.** "Structure" means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height, poles, lines, cables, or other transmission or distribution facilities of public utilities.

**42. Use.** "Use" means the purpose for which land or the building is designed, arranged, or intended, or for which either is or may be occupied or maintained.

**43. Width of lot.** "Width of lot" means the distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest.

**44. Yard.** "Yard" means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

**45. Yard, front.** "Front yard" means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.



**46. Yard, rear.** "Rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest point of the building.

**47. Yard, side.** "Side yard" means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto.

## Chapter III

### ZONING DISTRICT ESTABLISHMENT

#### Sections:

1. Establishment of Zoning Districts.
2. Zoning Map.

**1. Establishment of Zoning Districts.** In order to implement the purposes of this title, the Town is divided into the following zoning districts:

- A. R-1 low Density Residential
- B. B-1 Business District: This district is to provide for small retail business.
- C. C-1 Limited Commercial
- D. R-E Large Lot Single Family Residential. Residential Estate.
- E. A-1 Agriculture, Five Acres or more.
- F. F-C Flood Channel
- G. F-P Flood Plain
- H. N-P Natural Preserve
- I. H-I Heavy Industrial. Non-offensive types of industry, processing, assemblage and light manufacturing.
- J. L-I Light Industrial. Non offensive industries that do not require large processing machinery.

#### **2. Zoning map.**

A. A map indicating the boundaries, zoning classifications and districts of the Town of Rockvale shall be kept at the Town Hall and maintained and amended from time-to-time by direction of the Board of Trustees.

B. In the event any uncertainty exists on the zoning district map, district boundaries shall be on section lines; lot lines; the center line of highways; streets; alleys; rail road right-of-ways, or such lines extended; municipal corporation lines; natural boundary lines such as streams or other natural barriers.

## Chapter IV

### RESIDENTIAL DISTRICTS

#### Sections:

1. R-1 District
2. R-E District

**1. R-1 RESIDENTIAL.** The R-1 District is comprised of areas primarily for single family residential development and other necessary and compatible uses.

A. Permitted uses:

1. Single family dwellings,
2. Public schools, elementary or high school,
3. Public parks, playgrounds, and other public recreation facilities,
4. Domestic animals include dogs, cats, birds, gerbils, or any other animal normally kept as a household pet and no kennels are maintained for the animals.
5. Home occupations,
6. Public utility mains, lines and substations, where no public office or repair or storage facilities are maintained,
7. Accessory buildings, private garages, tool and storage sheds private greenhouses and uses in harmony with residential uses,
8. Fences, hedges, and walks, according to applicable Town of Rockvale ordinances,
9. Manufactured housing.

B. Uses by Special Permit:

1. State licensed group homes for the developmentally disabled,
2. Two family dwellings,
3. Multiple family dwellings, provided that the lot upon which any such dwelling is located is of sufficient size so that thirty (30) percent thereof shall be devoted to functional open space,
4. Service shops as accessory uses in hospitals, clinics and multiple family dwellings,
5. Churches and church schools,
6. Private schools.

C. R-1 Density Schedule:

1. Minimum lot area per dwelling, seventy five hundred (7500) square feet,
2. Minimum lot width per dwelling seventy five (75) feet,
3. Maximum height of buildings:
  - a. Principal building, 40 feet high but not to exceed 60 feet in height,

- b. Accessory building, maximum height 30 feet.
- 4. Minimum front yard setback, twenty (20) feet,
- 5. Minimum side yard setback, fifteen (15) feet,
- 6. Minimum rear yard setback, twenty (20) feet,
- 7. Minimum floor area per dwelling, one thousand four hundred (1400) square feet,
- 8. On corner lots the yard on all street frontages must meet minimum standards for a front yard,
- 9. Accessory buildings may be within five (5) feet of the rear lot line.

## **ZONE DISTRICT R-E**

**2. R-E RESIDENTIAL ESTATES DISTRICT** The R-E district is comprised of areas which are primarily for large lot single family residential development and other necessary and compatible uses. This is intended to provide a purely residential environment for estate type development maintaining large lots.

A. Permitted uses in R-E district:

1. Accessory buildings and uses compatible with design of home,
2. Livestock, to include horses, lamas, alpacas, cows, chickens, mules, burros, swine, sheep, goats, and rabbits. Hooved animals are permitted, one animal per half acre of available land excluding buildings.
3. Greenhouse, private,
4. Home occupation,
5. Mobile home temporary use, ninety (90) days,
6. Nursing Homes.
7. Medical, Dental clinics.
8. Rest Homes (not more than six persons)
9. Uses permitted in R-1 District.

B. Yard and bulk requirements in R-E district:

1. Minimum lot size, one (1) plus acres,
2. Minimum lot width, one hundred fifty (150) feet,
3. Maximum lot coverage, twenty five percent (25%),
4. Minimum front yard setback, fifty (50) feet,
5. Minimum rear yard setback, twenty five (25) feet,
6. Minimum side yard setback, twenty five (25) feet,
7. Maximum height, thirty five (35) feet.

C. Development of Subdivisions in R-E Districts.

1. Will include lots of two or more acres.
2. Developer must provide;
  - a. Paved streets.
  - b. Curbs.
  - c. Sidewalks.
  - d. Water Taps or Water Shares of equal value of a water tap (with board approval).
  - e. Sewer lines.
  - f. Culverts (minimum of 15”).
  - g. Plus requirements under B above yard and bulk requirements in R-E
  - h. Water flow analysis prior to building.
3. All other requirements of R-E Zoning will apply.

## Chapter V

### **BUSINESS - COMMERCIAL DISTRICTS**

#### **Sections.**

##### 1. B-1 Business District:

This district is to provide for small retail businesses, designed to provide increased quality of life in the town of Rockvale, serving the daily needs of residents of Rockvale.

##### A. Permitted Uses:

1. Law Offices.
2. Convenience Stores
3. Saloon
4. Hair Stylist
5. Membership Club
6. Restaurants
7. Gift Store
8. Barber shop
9. Laundromat
10. Bakeries
11. Small appliance repair
12. Upholstering Shop
13. Theater
14. Accountant
15. Training School (i.e. Computer Training)
16. Motel
17. Hotel
18. Real Estate Office.

B: Density Schedule: Minimum lot area per building 7,500 (seven thousand five hundred square feet). Minimum lot width per building 75 feet.

1. Maximum height per building is 35 feet.
2. Minimum front yard setback is 25 feet.
3. Minimum side yard setback is 15 feet.

##### C. Off Street Parking:

1. Minimum parking spaces have to be provided for anticipated number of employees.
2. Parking off street must be provided for customers using the business to be able to park off of main through fairs.
3. Parking spaces must be a minimum of 8 feet wide and 20 feet long and can be in the front yard setback,

D. All businesses must comply with federal handicap requirements for access and for parking.

**1. C-1 COMMERCIAL**The C-1 district is to provide for light commercial retail and service establishments for the Town of Rockvale.

A. Permitted Uses;

1. Large Membership Clubs
2. Community Buildings
3. Colleges and University Buildings.
4. Professional Offices (Corporate offices),
5. Large Medical and Dental Clinics.
6. Large Rest and Nursing homes.
7. Grocery Stores
8. Drug Stores.
9. Hardware Stores.
10. Florist Shops.
11. Banks.
12. Shoe repair.
13. Printing Offices.
14. Black Smith.
15. Cabinet Making.
16. Furniture Store.
17. Plumbing/electrical shops.
18. Nurseries
19. Green houses.
20. Vehicle Washing Facility.
21. Automobile repair facility and body shop when conducted inside a building.
22. Mini Golf.
23. Gas Stations
24. Recreational Vehicle Park

B. Uses by Special Use Permit:

1. Gasoline service stations and commerce stores that sell gasoline,
2. Recreation uses and theaters,
3. Restaurants,
4. Nurseries,
5. Greenhouses

C. Density Schedule:

1. Minimum lot area per dwelling, seventy five hundred (7500) square feet,
2. Minimum lot width per dwelling, seventy five feet (75)
3. Maximum height of buildings:
  - a. Principal building, thirty five feet (35)
  - b. Accessory building, fifteen feet (15)
4. Minimum front yard setback, twenty feet (20)
5. Minimum side yard setback, fifteen feet (15)
6. Minimum rear yard setback, twenty feet (20)

7. Minimum floor area per dwelling, nine hundred eighty square feet (980)
8. on corner lots the yard set backs on all street frontages, twenty feet (20)

D. Recreational Vehicle Park:

1. A recreational vehicle means a device or structure so designed and constructed to permit occupancy thereof for sleeping and eating for one or more persons such as: Motor home, pickup with camper, popup camper and/or tent.
2. Recreational vehicle park will be designed for limited use. Parking in the park will be limited to a fifteen (15) day period.
3. A daily fee will be charged to use the park and a use permit will be issued.
4. There will be no permanent residents in a recreational vehicle park.

E. Water Tap: The Recreational Vehicle Park will require a potable water station.

F. Dump Station: The Recreational Vehicle Park will require a dump station with an adequate septic tank.



## Chapter VI

### RURAL LIVING DISTRICT ZONE DISTRICT A-1

#### Sections:

##### 1. A-1 Agriculture

**1. A-1 AGRICULTURE** This district is established for limited agricultural purposes with appropriate single family residence and accessory uses.

##### A. Permitted uses:

1. Agriculture, defined as the business of cultivating land or employing it for the purpose of raising livestock, as well as the caring for and harvesting of crops provided no offensive odor or excessive dust is created.

2. Barns, sheds, shelters necessary to the operation of the principal use.

3. Building structure or used required in addition to and in conjunction with any permitted use.

4. All uses permitted in R-E

##### B. Developmental Requirements:

- |                               |          |
|-------------------------------|----------|
| 1. Minimum lot size           | 5 acres  |
| 2. Minimum lot width          | 300 feet |
| 3. Maximum lot coverage       | 30 %     |
| 4. Maximum height             | 40 feet  |
| 5. Minimum front yard setback | 50 feet  |
| 6. Minimum rear yard setback  | 50 feet  |
| 7. Minimum side yard setback  | 50 feet  |

## Chapter VII

### FLOOD AND HAZARD DISTRICTS

#### Sections:

1. F-C districts
2. F-P districts

#### 1. F-C districts

Permitted uses

- A. All uses in the F-C district shall be subject to the use limitations of any underlying zoning district as stated therefore;
- B. Flood channels and flood channel casements;
- C. Flood control dams;
- D. Irrigation structures;

#### 2. F-P district

Permitted uses:

- A. Flood storage areas;

B. All uses permitted in any underlying zoning district as stated therefore, providing the following limitations are placed on all such uses:

1. Any building or structure shall be adequately flood-proof to withstand the one-hundred-year flood.
2. Any building or structure shall be located so as to offer minimum obstruction to the flow of floodwater and shall not cause lands outside of the natural floodplain to be flooded;
3. The flood elevation of the lowest habitable story and the lowest basement opening, of any building shall be one foot above the elevation of the one-hundred-year flood channel and floodplain conditions existing at the time of construction;
4. No more than normal filling shall be done or accomplished without the approval of the Building Inspector,
5. No material which could be moved by floodwater or which in time of flooding could be harmful, detrimental or injurious to human, animal or plant life shall be stored or processed unless facilities for storing or processing the materials shall be flood-proofed adequately to prevent movement by floodwater and the harmful, detrimental, or injurious effects of the event of a one-hundred-year storm.

## Chapter VIII

### ZONE DISTRICT NATURAL PRESERVE

#### Sections:

1. NP - Natural Preserve

#### **1. NP - Natural Preserve:**

**Description:** This district is established to preserve the natural environment for the enjoyment of the citizens of the Town of Rockvale.

##### A. Permitted Uses:

1. Trails for hiking, bicycling, and equestrian uses (no motorized vehicles).
2. Use during day light hours only.
3. No fires.
4. No collection of wood, rocks or other natural materials

## Chapter IX

### Industrial Districts

#### Sections:

1. H-I Heavy Industrial
2. L-I Light Industrial

1. H-I Heavy Industrial: Non-offensive types of industry processing, assemblage, and light manufacturing and attendant services. Use must comply with CRS 31-23-225.

#### A. Permitted Uses:

1. Welding and Machine Shop
2. Mining Reclamation company.
3. Excavation companies.
4. Tire recapping and repair.
5. Vehicle truck repair and body work.
6. Equipment rentals.
7. Animal kennels, Clinic or hospital.
8. Trucking company
9. Vehicle Rentals

#### B. Uses permitted only through special reviews:

1. Manufactured structure for mobile office.
2. Recreational Vehicle Park
3. Gun Range.
4. Rail Yard and facilities.

#### C. Yard Requirements:

1. Minimum of 10,000 square foot lot.
2. Minimum frontage of 100 feet.
3. Minimum front set back of 75 feet.

#### D. Fencing:

1. Property must be fenced on all sides.
2. Fence must be a minimum of 6 feet high.

#### E. Special Use Permit:

1. Hazardous material must be handled in compliance with EPA Regulations after obtaining a permit from the city of Rockvale to use hazardous material in the town of Rockvale.

#### 2. L-I Light Industrial:

Description: Non-offensive industries and light manufacturing and attendant services, that do not require heavy mobile equipment and are quieter as they are operating and do not generate heavy traffic.

A. Permitted Uses:

1. Ambulance Service.
2. Taxi Service.
3. Research facilities.
4. Industrial, Executive and administrative offices.
5. Warehouse facilities
6. Wholesale outlets.
7. Recreational Vehicle Park.
8. Vocational Business Schools.

B. Recreational Vehicle Park:

1. A recreational vehicle means a device or structure so designed and constructed to permit occupancy thereof for sleeping and eating for one or more persons such as: motor home, pickup with camper, popup camper and/or tent.
2. Recreational vehicle park will be designed for limited use. Parking in the park will be limited to a 15 day period.
3. A daily fee will be charged to use the park and a use permit will be issued.
4. There will be no permanent residents in the recreational vehicle park.
5. The recreational vehicle park will require a potable water station.
6. The recreational vehicle park will require a dump station with an adequate septic tank.

## Chapter X

### GENERAL USE REGULATIONS

#### Sections:

1. Generally.
2. Minimum lot areas and widths.
3. Minimum front yard--Developer areas.
4. Minimum floor area.
5. Minimum off-street parking.
6. Exclusions.
7. Special use permit modular homes and manufactured homes.

**1. Generally.** Regulations specified in other sections of this title shall be subject to the following interpretations and exceptions in this chapter.

**2. Minimum lot areas and widths.**

A. Small lots. Where an individual lot was held in separate ownership from adjoining properties or was platted and recorded prior to the time of passage of this title, and has less area and/or less width than required in other sections of this regulation, such a lot may be occupied according to the permitted uses provided for the district in which such a lot is located, and such a lot must meet minimum setbacks.

**3. Minimum front yard--Developed areas.** Where lots comprising fifty percent or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this title, the average yard of such lots shall be the minimum front yard required for all new construction in such block.

**4. Minimum floor area.** In measuring the minimum floor area as required, all measurements shall be along outside walls of the living area, not including garage or carport area.

**5. Minimum off-street parking.** Each space shall be a minimum of ten (10) feet wide, twenty (20) feet long and seven (7) feet high, shall have vehicular access to a street or alley, and shall be located on the same lot as the principal use which it serves in the R-1 district and within two hundred (200) feet of the principal use in the other districts.

**6. Commercial off-street parking.** Commercial business must provide for adequate onsite parking for the amount of traffic incurred during business hours, and provide for safe entrance and exits to the site.

**7. Exclusions.**

A. No junk or waste shall be stored outdoors.

B. No junk material, wastes or trash shall be removed from one parcel of property and disposed of by depositing upon another parcel of property or in the streets or public rights-of-way except by being delivered to a solid waste site,

C. On corner lots no fence, wall, shrubbery, structure, or sign other than traffic control signs erected by the Town, county or state, shall be erected, placed, planted or allowed to grow or maintained within the triangular space formed by the intersection of the center lines of the intersecting streets and a line joining points on the street lines sixty (60) feet from the point of intersection of the street center lines.

D. It is unlawful to sell any products at retail or wholesale from any temporary stand, temporary structure, motor vehicle or trailer except

agricultural products grown on the premises upon which the stand is located without specific approval from the Town Board of Rockvale.

## Chapter XI

### SPECIAL USE PERMITS

#### Sections:

1. Intent.
2. Procedure--Hearing--Findings of fact.
3. Criteria.

**1. Intent.** This chapter shall be known as "special use permits" and is intended to provide a procedure and criteria to be used in determining whether a proposed use is compatible and beneficial to surrounding properties and inhabitants. In order for the special use permit to be issued there must be a specific finding by the Board of Trustees that the proposed use is compatible and beneficial to surrounding properties and inhabitants.

**2. Procedure--Hearing--Findings of fact.** Whenever an applicant applies for a special use permit, the following procedure shall be followed:

A. The applicant shall file an application with the Town Clerk for a special use permit. The application shall contain the following information:

1. Description of the lot on which the use is to be located;
2. Identification of the owners of the surface and mineral rights owner;
3. Description of the use for which the special uses permit is sought;
4. A statement describing the benefits of the proposed use, how that use will be compatible with the surrounding neighborhood and the impact on the neighborhood.
5. A statement describing by name and address the landowners within a five hundred (500) feet radius.

B. Upon receipt of the application, the Clerk will set a hearing date for the application before the planning and zoning commission and the Board of Trustees and shall advise the adjoining landowners by mail of such hearing dates at least fifteen (15) days in advance of such date. The Clerk shall also advertise such hearings in a newspaper of general circulation in the Town at least fifteen (15) days before such hearing.

C. After hearing the application, the planning and zoning commission shall make written findings of fact and a written recommendation to the Board of Trustees. The Board of Trustees shall consider the application, the findings of fact and recommendation of the Planning and Zoning commission, and shall grant or deny the permit in writing within fifteen (15) days of its hearing.

**3. Criteria.** The following criteria shall be considered in determining whether or not to grant a special use permit:

- A. Will the proposed use be in harmony and compatible with the character of the surrounding neighborhood?
- B. Will the proposed use have material adverse affect on Rockvale capital improvement programs;
- C. Will the proposed use result in an over-intensive use of the land?



- D. Will the proposed use result in undue traffic congestion or hazards?
- E. Will the proposed use cause significant air, water or noise pollution?
- F. Will the proposed use require a level of community facilities and services greater than that available?
- G. Will the proposed use be detrimental to the health, safety or welfare of current or future inhabitants of the.

## Chapter XII

### NONCONFORMING USES

#### Sections:

1. **Nonconforming uses.** Except as provided in this chapter, the lawful use of any building or land existing at the time of enactment of this title, or of any amendments to this title, may be continued even though such use does not conform to the requirements of this title.
  - A. **Repairs and Maintenance.** Ordinary repairs and maintenance of a nonconforming building shall be permitted.
  - B. **Restoration.** A nonconforming building which has been damaged by fire or other causes may be restored to its original condition, provided such work is commenced within one year of such damage.
  - C. **Abandonment.** Whenever a nonconforming use is discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this title.
  - D. **Change in use.** All changes in use of nonconforming structures and/or land shall be in conformance with established zoning uses and regulations.
  - E. **Moving.** No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to another location unless every portion of such building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved.
  - F. **Inherited.** When original (grandfathered) owner of nonconforming business, junk yard, or heavy equipment storage, no longer maintains or operates such nonconforming use, it shall not be transferred to another individual.

## Chapter XIII

### BOARD OF ZONING ADJUSTMENTS

**1. Creation and establishment:** There is hereby created and established a Board of Zoning Adjustment (B.O.Z.A.), the members of which shall be appointed by the Rockvale Board of Trustees. The Board shall fix per diem compensation, if any, for members of B.O.Z.A.

**2. Membership:**

A. Members of the B.O.Z.A. shall be residents of the Town of Rockvale

B. The B.O.Z.A. shall consist of three (3) regular members and one (1) associate member.

C. No more than one (1) Planning Commission member can serve on the B.O.Z.A. at the same time.

D. The associate member, in the event that any regular member is temporarily unable to act because of absence from the B.O.Z.A., such as illness, interest in any item before the B.O.Z.A., or any other cause, shall take the place, temporarily, of the regular member.

E. The term of a B.O.Z.A. member shall be three (3) years. Members shall be appointed in such a way that at least one (1) member's term of office expires each year.

F. A member or associate member, once qualified, shall thereafter be removed from office by the Board during his term of office only for cause, to include but not be limited to, nonperformance of duty or misconduct or when any member shall fail to be present at three (3) regular meetings during an annual term of the B.O.Z.A., unless such absence is excused by the Chairman and so noted. Removal of a member from office shall occur after written notice to the member, and following a public hearing by the Board, at which the member may be present to address the Board concerning removal from the B.O.Z.A.

G. In the event of the death, resignation, or removal of any member or associate member before the expiration of this term successor shall be appointed by the Board for the unexpired portion of his term.

H. Any member of the B.O.Z.A. who has a direct or indirect interest in any property or in the decision relating to such property, which is the subject matter of, or is affected by, a decision of the B.O.Z.A., shall be disqualified from participating in discussion, decision, or proceedings of the B.O.Z.A. in connection therewith.

I. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses upon application to the district court.

**3. Powers:**

A. Interpretation: The B.O.Z.A. shall have the power to interpret these regulations, including any uncertainty as to boundary location, or meaning of wording, so long as this interpretation is not contrary to the purposes and intent of these regulations.

B. Upon application for variance, the B.O.Z.A. shall have the power to determine and vary the application of these zoning regulations in harmony with their general purpose and intent and in accordance with general or specific rules, if any, contained in these regulations. The B.O.Z.A. may also grant a variance from strict application of the zoning regulations to relieve difficulties or hardship if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning maps and

zoning regulations.

#### **4. Appeals to the Board of Zoning Adjustment:**

Appeals to the B.O.Z.A. may be submitted to the Department by any person aggrieved by the decision of any administrative official or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning regulations. Appeals to the B.O.Z.A. shall be made in writing, and must be made within thirty (30) days from the date on which the appellant was aggrieved by such action. The appeal shall be filed with the Town Clerk, who shall schedule a hearing for the next regularly scheduled meeting of the B.O.Z.A. The administrative official whose decision is being appealed shall provide the B.O.Z.A. with all documents constituting the record upon which the appeal is based. The official shall also provide the B.O.Z.A. with a written statement of findings of fact and justification for the decision. The B.O.Z.A. shall have the right to require further information from the appellant or administrative official as it deems necessary. A copy of all documents submitted to the B.O.Z.A. by either the appellant or the administrative official shall be provided to the opposing party at least one week prior to the B.O.Z.A. meeting at which the appeal is heard. The fee for appeals shall be the same as variance requests that are established from time to time by the Board of Trustees.

#### **5. Procedure:**

A. The B.O.Z.A. shall act in strict accordance with all of the laws of the State of Colorado, and regulations or ordinances of the Town of Rockvale. All applications and appeals to the B.O.Z.A. shall be in writing and on such form as shall be prescribed by the B.O.Z.A. Every application and appeal shall indicate what provisions of this resolution are involved, what relief is being sought and the ground upon which such appeal is being sought.

B. Variance. At least four (4) copies of the request for variance with supporting documentation shall be provided to the Town Clerk, accompanied by a non-refundable application fee, as established by the Board. The submittal shall be a least twenty (20) days prior to the regularly scheduled B.O.Z.A. meeting.

C. Appeal of a decision by the B.O.Z.A... Any further appeal from the decision of the B.O.Z.A. made to the Court, as provided by court rule or state statute.

#### **6. Duties:**

A. To vote, at the first meeting of each calendar year to elect a chairman and vice chairman from the regular members appointed to the B.O.Z.A. The chairman and vice-chairman in the chairman's absence shall be responsible for the normal administrative duties of the position.

B. To meet monthly (if necessary) or at the call of the chairman.

C. To adopt any rules necessary to transact the B.O.Z.A. business or to expedite its functions consistent with Colorado State Statutes and the provision of these regulations.

D. To permit the public to attend and to be heard at its meetings.

E. To keep minutes of its proceedings indicating the vote of each member upon each question; absences and abstentions; to keep records of its examinations and other official action; to file minutes and records in the offices of the Town Clerk of Rockvale as public records.

F. To publish notice of hearings to be held by the B.O.Z.A., such publication shall be in an officially designated newspaper at least ten (10) days prior to the hearing and shall be paid for by the applicant. Said notice shall contain:

1. Legal description of the property and its street address;
2. Present zoning classification of the property and the nature of the variance requested;

3. Date, time, and place of hearing;

G. To vote upon the granting of a variance from the requirements of the zoning regulations.

H. To hear and vote on appeals taken by any person aggrieved by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolution.

## Chapter IVX

### ZONING AND REZONING APPLICATIONS

#### Sections:

1. Generally.
2. Applications--Applicants.
3. Applications--Information required.
4. Quasi-judicial matters--Generally.
5. Quasi-judicial matters--Hearings--Notice--Procedure--Records.
6. Criteria for zoning approval.
7. Findings of fact and conclusions.
8. Rezoning ordinance--Scheduling.
9. Rezoning ordinance--Documentation.
10. Public record.
11. Rezoning ordinance--Notice.

**1. Generally.** The procedure for changing the boundaries, area, or classification of any zoning district of the Town, as shown on the zoning map shall be as hereinafter provided.

**2. Applications--Applicants.** Application for any amendment, supplement or change to any zoning district, as shown on the Zoning map, may be made by any person, firm, partnership or corporation; or by the Planning commission; or by the Board of Trustees.

**3. Applications--Information required.** Applications for any such amendments, supplements or changes shall contain the following information:

- A. Name and address of applicant;
- B. An accurate legal description of the property to be rezoned;
- C. The name and address of all persons having any legal or equitable interest in the property to be zoned or rezoned;
- D. The location of the property with reference to streets and addresses, if any;
- E. Present zoning, if any;
- F. The requested zoning or rezoning;
- G. A statement of the reasons for requesting the zoning or rezoning;
- H. The application shall be signed by the applicant or the duly authorized representative of the applicant;
- I. The application shall be accompanied by a fee of one hundred fifty dollars, (\$150.00) payable to the Town off Rockvale.
- J. When an application for a building permit has been approved by the Planning and Zoning Board and the Board of Trustees changes cannot be made without reapplying for approval of all changes before construction is begun.
- K. Violation of J above will result in a cease and desist order and a fine of \$125.00 to be paid before work can recommence.

**5. Quasi-judicial Matters--Hearing--Notice--Procedure--Records.** All quasi-judicial hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

- A. Notice of hearing shall be published once in a newspaper of general circulation in the Town at least fifteen (15) days prior to the hearing date. The notice shall be published within the time limitations set forth herein prior to

hearing by the Planning and Zoning commission and prior to hearing by the Board of Trustees.

B. The secretary of the Planning commission shall place the application on the agenda of a meeting of the commission, and shall give notice thereof in writing, in person, or by mail to the applicant, which notice shall contain a statement of the date, time, and place of the meeting of the planning commission at which such application shall be considered. The applicant shall, fifteen (15) days or more before the date of such a hearing, mail by certified or registered mail, return receipt requested, notices of such meeting to all owners of legal or equitable interests in the land, as shown by the application, and shall file proof of such mailing, and return receipts received, with the Planning Commission at the time of such hearing. Notice of the holding of such meeting shall be posted on the property at least fifteen (15) days in advance of such meeting in substantial conformity with the following:

NOTICE  
OF PROPOSED REZONING  
The Planning Commission Will Conduct a Hearing  
On \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_.M.  
At Rockvale Hall  
Rockvale, Colorado  
To Consider Rezoning The Following Described Area:  
(Insert Description)  
Existing Zone District \_\_\_\_\_  
Proposed Zone District \_\_\_\_\_  
In Accordance With the Town of Rockvale Current Zoning Ordinances and Maps

For Further Information Consult  
Town of Rockvale, Clerk, Rockvale Town Hall  
Telephone: 784-4125  
REFER TO: CASE NO. \_\_\_\_\_

C. The opportunity to be represented by counsel, at applicant's expense.

D. A record of the hearings, whether by electronic or stenographic reproduction. Any party who submits evidence or testimony shall be entitled to listen to the electronic reproduction of the proceedings at reasonable times, places and circumstances, and shall be entitled to a copy of the transcript of the proceedings, or any portion thereof, within thirty (30) days upon payment of a reasonable fee.

E. The right, insofar as possible, to have the members of the planning commission and the Board of Trustees free from personal interest of a pre-hearing contact on quasi-judicial matters heard by them. At the commencement of the hearing, any member of the Planning commission or the Board of Trustees who has a substantial interest in the subject matter of the zoning or rezoning matter to be heard, or that has been unable to avoid a pre-hearing contact with the applicant, any interested party, or staff member with respect to the subject matter of the zoning or rezoning matter to be heard, shall reveal such substantial interest or such pre-hearing contact. If, in the opinion of that member, such interest or contact impairs the member's ability to vote on the matter, the member shall so state and shall abstain there from to the end that the proceeding shall be fair and shall have the appearance of fairness.

**6. Criteria for Zoning Approval.** The burden of proof is placed upon the applicant seeking to justify his application. Such burden shall be to prove the following:

A. Granting the request is in the public interest;

B. The proposed action fully accords with the zoning goals and policies of the Planning Commission or Board of Trustees;

C. The factors listed in Section 31-23-303, CRS 1973, were consciously

considered. These factors include: To lessen congestion in the streets; to secure safety from fire, panic, floodwater, 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; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. Other factors include reasonable consideration, among other things, as to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

D. In addition, the applicant shall present any available evidence of change in the neighborhood or community or a mistake in the planning or zoning of the neighborhood or community, which shall be and constitute additional relevant evidence to be taken into consideration by the Planning Commission and the Board of Trustees.

## **7. Findings of fact and conclusions.**

A. After the presentation of the case by the applicant, the presentation of all evidence and testimony by all interested parties, the Planning Commission and Board of Trustees shall, after commission or board discussion, vote on the matter. Any motion must briefly state the findings of fact and conclusions of the Planning Commission and Board of Trustees with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions.

B. Notwithstanding subsection A of this section, and as alternatives to subsection A of this section, the Planning Commission and the Board of Trustees may act in accordance with the following upon vote of the majority of the members present:

1. Make a decision and vote on the date of hearing, but request the attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or
2. Defer a decision and direct the attorney to prepare findings of fact and conclusions to be submitted to Planning Commission or the Board of Trustees at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
3. Defer a decision until a date certain by which time the record and all evidence can be reviewed. At that time the Planning Commission or Board of Trustees can either adopt the findings of fact and conclusions or direct the attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter is deferred.

**8. Rezoning ordinance--Scheduling.** If the recommendation of the Planning Commission is to approve or grant the proposed rezoning, the Town Clerk shall place an ordinance embodying the proposed rezoning on the agenda of a meeting of the Board of Trustees for first reading.

**9. Rezoning ordinance--Documentation.** On or before the date set for the first reading of an ordinance providing for zoning or rezoning, the applicant shall file with the Town Clerk, in final form, all written or graphic documents, instruments, maps or plats intended to be submitted in evidence by the applicant at the second reading and public hearing of the zoning or rezoning ordinance. No instrument, document, plat, map or other graphic or written evidence not so filed may be submitted into evidence before the Board of Trustees, if by majority vote of the members present, shall find that such instrument, document, map or plat is necessary to the applicant's case and could not have been filed with the Town Clerk on the date set for first reading of the proposed ordinance.

In the event that an applicant fails to furnish written evidence at the proper time and the Board does not approve the submittal of the evidence, the public hearing may be continued to a date certain by request of the applicant or upon motion of any member of the Board, providing that the costs and expense of all notification requirements shall be borne by the applicant.



**10. Public record.** The findings of fact and conclusions and recommendations of the Planning Commission, responses to referrals, and recommendations of planning staff shall be submitted to the Town Clerk immediately after the final decision of the Planning Commission and shall become a part of the record of the case before the Board of Trustees. The same shall be considered to be a public record and available in the office of the Town Clerk for examination by any person from the time of filing during reasonable business hours, including the members of the Board.

**11. Rezoning ordinance--Notice.** Before consideration of any such ordinance upon final reading and public hearing thereon:

A. Notice of the holding of such meeting shall be posted on the property at the direction of the Planning division at least fifteen (15) consecutive days in advance of such meeting in substantial conformity with the following:

NOTICE OF PROPOSED REZONING  
THE BOARD OF TRUSTEES WILL CONDUCT A HEARING ON: , 20\_\_ , AT \_\_.M.  
AT ROCKVALE TOWN HALL ROCKVALE, COLORADO  
TO CONSIDER THE FOLLOWING DESCRIBED AREA:  
(INSERT DESCRIPTION)

IN ACCORDANCE WITH THE OF ROCKVALE CURRENT ZONING ORDINANCE AND MAPS

FOR FURTHER INFORMATION, CONSULT:  
CLERK OF ROCKVALE  
ROCKVALE, COLORADO  
TELEPHONE: 784-4125  
REFER TO CASE NO.: \_\_\_\_\_

B. The notice shall be deemed to have been posted on the property for the fifteen (15) consecutive days prior to the public hearing if the applicant states an oath, or by affidavit, that the notice was properly posted on the property on the day after the original posting.

C. The Town Clerk shall cause the proposed ordinance to be published in full in an official paper or a paper of general circulation in the , together with notice of such public hearing which shall be published at least fifteen (15) days in advance of the date of such hearing, in substantially the following form:

NOTICE OF PUBLIC HEARING ON PROPOSED REZONING BY ORDINANCE  
NO. \_\_\_\_\_

Notice is hereby given that a public hearing on the application of \_\_\_\_\_ to change the Rockvale Zoning Maps according to the terms of the proposed Ordinance hereinafter set forth will be conducted by the Rockvale Board of Trustees at its meeting on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at the Rockvale Hall, commencing at \_\_\_\_\_ o'clock p.m. All matters relating to said proposal may be examined at the offices of the Clerk in the Rockvale Hall, Rockvale, Colorado. The proposed Ordinance, published in full herewith, is as follows:  
(Publication of Ordinance in full)

D. The Clerk shall cause to be erected on the property to which the application applies, one or more signs reading substantially as follows:

NOTICE OF PROPOSED REZONING  
The Rockvale Board of Trustees will conduct a hearing on \_\_\_\_\_, 19\_\_, at p.m., at the Rockvale Town Hall, Rockvale, Colorado, to consider rezoning the following described area:  
(Insert description)

\_\_\_\_\_  
In accordance with the Town of Rockvale's current Zoning Ordinances and maps.