

## **DIVISION 2. ZONE DISTRICT REGULATIONS FOR THE O - OPEN DISTRICT.**

### **Section 14-30. Uses permitted by right.**

- (1) Ranching, farming and general agriculture, except feed lots and animal sale barns.
- (2) Parks and outdoor recreation facilities.
- (3) Public and semi-public uses except as enumerated in Section 14-31, Conditional Uses.
- (4) Accessory buildings and uses customarily incident to the uses permitted by right.

### **Section 14-31. Conditional uses.**

- (1) The following conditional uses may be permitted within the Open District:
  - (a) Electric substations and gas regulator stations.
  - (b) Fire stations, police stations and telephone exchanges.
  - (c) Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations.
  - (d) Commercial outdoor recreation facilities.
  - (e) Commercial and public parking lots.
  - (f) Hospitals and sanitariums for contagious or infectious diseases, penal or mental institutions and nursing homes.
  - (g) Cemeteries and mausoleums.
- (2) For each instance the Planning, Zoning and Variance Commission shall be provided with site development plans showing the proposed development or use and its relationship to adjacent properties. The site development shall show existing contours of the site at two foot (2') intervals, the location of improvements on the site, the height and bulk of structures proposed, description and placement of screening or screen planting, availability of utilities if applicable, a statement of the time sequence of development and environmental impact on properties in the immediate vicinity.
- (3) The Planning, Zoning and Variance Commission may in addition, prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Commission.

**Section 14-32. Uses Allowed by special permit.**

(1) Airports, provided:

- (a) They do not endanger the immediate area; and
- (b) They meet all local, state and federal regulations.

(2) Sand and gravel pits or other such excavation or surface mining subject to the following:

- (a) When the application for a special permit is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show the contour intervals, any improvements thereon and to a distance of three hundred feet (300') in all directions from the subject.
- (b) Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land, what restoration or curing of the land is planned, and the contours on at least two foot (2') intervals.
- (c) No excavation or processing of excavated materials shall be permitted closer than thirty feet (30') from the boundary of adjacent property nor closer than one hundred twenty-five feet (125') from any existing residence, unless by written agreement the owner or owners of such adjacent property consent to a lesser distance and the Commission approves such lesser distance. The Commission may set a greater distance than that set forth above when in its opinion it is justified.
- (d) The Commission shall specify the degree of slopes of banks for all excavations, the depth of and the distance from any public structures when excavations are made in or near stream beds. When excavations are near or adjacent to irrigation canals or ditches, the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks from public rights-of-way when excavation is contemplated near such rights-of-way.
- (e) Sand and gravel shall be excavated in such a manner so as to assure the convenient restoration of the land and to hold to a minimum any adverse effects on adjacent land as a result of piling or storing the overburden material.
- (f) The sand and gravel shall be excavated in such a manner so as to leave an average of two feet (2') of undisturbed sand or gravel as evenly as possible, over the entire excavation tract, to provide a water bearing strata for any existing ground water, and more if the Commission deems necessary.
- (g) After an excavation has been completed, the operator shall spread the excess waste materials evenly over the bottom of the excavation. The topsoil shall then be spread evenly to a minimum depth of eighteen inches (18"). The topsoil shall be spread last so as to

produce a new surface for the purpose of growing crops, trees, shrubs, etc. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.

(h) An excavation operation shall maintain haulage roads within the premises covered by the permit and such roads shall be kept in a reasonably dust-free condition when such dust would be injurious to bordering premises. The Commission shall specify the conditions in each instance to insure this requirement. The hours of operation, unless otherwise specified by the Commission, shall be from seven a.m. to six p.m., or unless a national emergency arises or special permission is granted by the Commission.

(i) The applicant shall furnish evidence of a commitment of credit in favor of the City of Trinidad or bond or certified check, in an amount calculated by the Commission to secure the site restorations as required in this section. Guidelines for calculating the amount of said bank commitment of credit, bond or certified check could be a sum equal to the number of acres covered by the permit, multiplied by Five Hundred Dollars (\$500.00). The minimum amount of such should be One Thousand Dollars (\$1,000.00) and the maximum amount, Twenty-Five Thousand Dollars (\$25,000.00). The Commission shall have the power and authority to provide for an alternative method of indemnifying the City in lieu of the above mentioned methods.

(j) Upon the granting of a permit by the Commission, the fee schedule shall apply as set forth in Section 14-121.

(k) All permits shall be in full force for a period of five (5) years from the date of issuance thereof unless a shorter time is set by the Commission. Temporary permits may be renewable by the Commission for the same period of time or less, without further notice, hearing or posting of the property involved; provided, however, that the operator has complied with all the terms and conditions of the original permit. A renewal of a new permit shall be considered a new permit with respect to fees.

(l) The Commission shall have the power to cancel permits upon proof of violation of any of these regulations.

(3) Rock crushers, concrete and asphalt mixing plants subject to the following:

(a) The use is accessory to a sand and gravel operation and in the finished product, the operator uses the product of the sand and gravel pit on which the operation is proposed.

(b) Rock crushers, concrete and asphalt mixing plants, which are temporary operations (six (6) months or less) shall not be subject to any of the regulations of this section, except they shall be required to obtain a permit from the Commission.

**Section 14-33. Building height limit.**

Except as provided in Section 14-101, the height regulations are as follows:

- (1) No structure, except one used for agricultural purposes, shall exceed two and one-half (2 ½) stories or twenty-five feet (25') in height.
- (2) There shall be no height limitations for agricultural buildings.
- (3) Minimum height regulations less than those provided herein may be set forth by special airport zoning regulations for buildings in an airport approach zone.

**Section 14-34. Area regulations.**

Except as provided in Section 14-101, the area regulations are as follows:

- (1) Minimum floor area: Eight hundred (800) square feet per structure.
- (2) Minimum lot area:
  - (a) One-half (½) acre for all uses permitted by right.
  - (b) For all conditional uses, one acre unless otherwise specified by the Planning, Zoning and Variance Commission.
- (3) Minimum lot frontage: One hundred feet (100') for each principal structure.
- (4) Minimum front yard: Measured from the front property line, there shall be a front yard of not less than fifty feet (50') for all principal structures, unless otherwise specified by the Planning, Zoning and Variance Commission.
- (5) Minimum rear yard: Measured from the rear property line, every principal or accessory building shall have a rear yard of not less than ten feet (10').
- (6) Minimum side yard: Measured from the side property lines, there shall be side yards of not less than ten feet (10') on each side of the lot.