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## **DIVISION I. ZONING**

### ***Chapter 17.04 GENERAL PROVISIONS AND DEFINITIONS***

#### **GENERAL PROVISIONS**

The following zoning requirements are adopted and shall be and are binding upon those unincorporated lands in the Pueblo Region and situate within the boundaries of Pueblo County, Colorado:

AUGUST 8, 1963 - Beginning at the Northwest (NW) corner of Section Thirty-One (31), Township Nineteen (19) South, Range Sixty-five (65) West; thence Easterly to the Northeast (NE) corner of Section Thirty-six (36), Township Nineteen (19) South, Range Sixty-three (63) West, 95,040 feet, more or less; thence Southerly to the Southeast (SE) corner of Section Twenty-four (24), Township Twenty (20) South, Range Sixty-three (63) West, 26,400 feet, more or less; thence Easterly to the northeast (NE) corner of the Northwest Quarter (NW 1/4) of Section Thirty (30), Township Twenty (20) South, Range Sixty-two (62) West, 2,640 feet, more or less; thence Southerly to the Southeast (SE) corner of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Thirty-one (31), Township Twenty (20) South, Range Sixty-two (62) West, 6,600 feet, more or less; thence Southeasterly along the property line of the Pueblo Depot Activity to the Southeast (SE) corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section Thirty-two (32), Township Twenty (20) South, Range Sixty-two (62) West, 4,200 feet, more or less; thence Easterly along the property line of the Pueblo Depot Activity to the Northeast (NE) corner of the South Half (S 1/2) of Section Thirty-five (35), Township Twenty (20) South, Range Sixty-two (62) West, 19,800 feet, more or less; thence Southerly to the Southeast (SE) corner of Section Eleven (11), Township Twenty-one (21) South, Range Sixty-two (62) West, 13,200 feet, more or less; thence Westerly to the Southwest (SW) corner of Section Eleven (11), Township Twenty-one (21) South, Range Sixty-three (63) West, 36,960 feet more or less, thence Southerly to the Southeast (SE) corner of Section Thirty-four (34), Township Twenty-one (21) South, Range Sixty-three (63) West, 21,120 feet, more or less; thence Westerly to the Southwest (SW) corner of Section Thirty-one (31), Township Twenty-one (21) South, Range Sixty-five (65) West, 84,480 feet, more or less; thence Northerly, 68,640 feet, more or less, to the point of beginning, containing an area of 239.37 square miles, more or less.

ADDED JANUARY 6, 1967 - Beginning at the northeast corner of Pueblo County, said point being the intersection of the township line common to Townships 17 and 18 South, and the range line common to Ranges 59 and 60 West of the 6th Principal Meridian; thence west, along the township line common to the said Townships 17 and 18 South, to the range line common to Ranges 67 and 68 West; thence south along the said range line common to the said Ranges 67 and 68 West, to the Fourth Correction Line South; thence west along the said Fourth Correction Line South to the range line common to Ranges 68 and 69 West; thence south, along the said range line common to Ranges 68 and 69 West to the summit of the Greenhorn Range of mountains; thence southward along said range of mountains to the summit of Cuerno Verde Peak; thence northeast in a straight line to Corral de Toros on the Huerfano River, the terminus of said straight line being a point in the NE 1/4 of the SE 1/4 of Section 3, Township 25 South, Range 65 West of the 6th Principal Meridian, thence the east one-quarter corner of the said Section 3 bears N.27 degrees-56 feet E. a distance of 10.862 chains (716.89 feet); thence

eastward to the Iron Springs, this point being on the range line common to Ranges 59 and 60 West, and being 11.44 chains (755.04 feet) north of the Southeast corner of Section 36, Township 26 South, Range 60 West of the 6th Principal Meridian; thence north along the range line common to Ranges 59 and 60 to the Fourth Correction Line South; thence east, along said Fourth Correction Line South, to the range line common to Ranges 59 and 60 West; thence north, along the range line common to Ranges 59 and 60 West to the point of beginning; said described County of Pueblo contains 2,414 square miles, more or less.

Except as otherwise provided, no zoning permit shall be issued for a use not specifically mentioned or described unless in the judgment of the County Zoning Administrator or the Pueblo County Planning Commission the proposed use is similar to a use listed. In the case of a proposal for a use not specifically mentioned or described, an amendment may be initiated as provided in Chapter 17.144.

A. Violations. It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of the provisions of Title 17 or any amendment thereof. Any person, firm, or corporation, either as owner, lessee, occupant, or otherwise, who violates any of the provisions of Title 17 or any amendment thereof shall be guilty of a misdemeanor.

B. Penalties. The violation of any provision of Title 17 shall be punishable as provided by law. Each day or portion thereof, any violation of any provisions of Title 17 shall continue shall constitute a separate offense.

## **DEFINITIONS**

A. General. When not inconsistent with the content, words used in the present tense including the future; words in the singular number include the plural number; and the masculine includes the feminine.

1. The word "shall" is mandatory.

2. The word "may" is permissive.

3. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

4. Whenever the words "dwelling" or "dwelling unit," "rooming house," "rooming unit," or "premises" are used, they shall be construed as though they were followed by the words "or any part thereof."

5. The word "building" includes the word "structure;" the term "used" includes the words "arranged," "designed" or "intended to be used," the term "occupied" includes the words "arranged," "designed" or "intended to be occupied."

6. If a term or word causes difficulties in interpretation and is not herein defined or properly described, the County Planning Commission shall define the terms and recommend to the Board of County Commissioners that it amend this resolution to include an appropriate definition.

B. Specific. For the purpose of this resolution certain words and terms are defined as follows:

**"Accessory use and building"** means a subordinate use of a building, other structure, or tract of land, or a subordinate building or other structure: (a) which is clearly incidental to the use of the principal building, other structure or use of land; (b) which is customary in connection with the principal building, other structure or use of land; and (c) which is ordinarily located on the same lot with the principal building, other structure or use of land.

**"Adult amusement or entertainment"** means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material regardless of the medium of communication used, depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as defined herein, including, but not limited to the presentation of topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar such entertainment.

**"Adult bookstore or gift shop or adult video store"** means a business or other enterprise or establishment having as a substantial and significant portion, but not less than twenty (20) percent, or its stock in trade, revenues, space or advertising expenditures, resulting from the sale, renting or viewing of one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, disks, laser disks, slides or other visual representations or communications which depict or describe specified sexual activities or specified anatomical areas; or

2. Instruments, devices or paraphernalia which are designed for specified sexual activities.

**"Adult cabaret"** means a nightclub, bar, restaurant or similar type business or establishment which regularly features:

1. Persons who appear in a state of nudity; or

2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

3. Films, motion pictures, video cassettes, slides, disks or laser disks or other photographic or visual reproductions which are characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

**"Adult hotel or motel"** means a hotel, motel or similar business establishment which offers private rooms for the temporary occupancy of one or more individuals and provides to the public patrons live performances or closed circuit or in-room television transmissions, films, motion pictures, video cassettes, disks, laser disks, slides or other visual or photographic reproductions which are characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

**"Adult motion picture theater"** means a business establishment where films, motion pictures, video cassettes, disks, laser disks, slides or similar visual or photographic reproductions are regularly shown which are characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

**"Adult photo studio"** means a business establishment which, upon payment of a fee, provides photographic or other visual reproduction equipment and/or human models for the purposes of photographing specified sexual activities or specified anatomical areas as defined herein.

**"Adult theater"** means a theater, concert hall, auditorium or similar business establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.



**"Adult use"** means any one of the following: adult amusement or entertainment, adult bookstore or gift store or video store, adult cabaret, adult hotel or motel, adult motion picture theater, adult photo studio, adult theater, a sexual encounter establishment as are otherwise defined herein.

**"Advertising,"** including "advertise" or "to advertise" or "advertisement," means to describe or "appraise publicly, to call public attention to or to inform or give information by words, symbols or pictures.

**"Advertising device"** means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended or used to advertise or to give information in the nature of advertising and having the capacity of being visible from the travel way of any public road or highway, except any advertising device on a vehicle using the highway. The term "vehicle using the highway" does not include any vehicle parked near the highway for advertising purposes.

**"Advertising Device, Directional--Public Place"** means an advertising device containing directional information about public places owned or operated by Federal, State or local governments or their agencies. Advertising devices for privately owned or operated places are either on-premises or off-premises advertising devices.

**"Advertising Device, Off-Premises"** means an advertising device, including "billboard," which purpose is to advertise activities, goods or services not principally or primarily available on the premises upon which the device is located.

**"Advertising Device, Official"** means any advertising device erected for a public purpose authorized by law, but the term shall not include devices advertising any private business. Authorized by law means a duly enacted statute, rule, regulation, ordinance, declaration or resolution by a governmental entity specifically authorizing the erection of such device by a governmental entity.

**"Advertising Device, On-Premises"** means an advertising device or business sign whose purpose is to advertise the principal or primary activities, goods or services available upon the premises; or to identify the property upon which the sign is located; or to advertise the property as under construction or for sale or lease.

**"Agricultural custom contractor"** means the provision of services necessary and customary to farming or ranching operations, requiring special knowledge, expertise or equipment, including the parking, servicing, repairing or maintenance of vehicles designed for on-road hauling of livestock or agricultural products, and including vehicles and machinery designed for the harvesting, planting, cultivating or processing of crops. The use "agricultural custom contractor" shall be considered a use-by-right in the A-1 and A-2 zone districts upon property containing a minimum of five contiguous acres. Notwithstanding the definition set forth herein in the A-3 and A-4 zone districts, the parking, servicing, repairing or maintenance of on-road hauling tractor trailer rigs, commonly termed "eighteen wheelers," either as a unit, or individually, as trailer or tractor, is prohibited.

**"Agriculture"**. See "Farming" or "Ranching."

**"Airfield"** means a place on land and/or water, where aircraft may land and/or take off. Does not include heliport.

**"Airport"** means a place on land or water where aircraft may land to discharge or receive cargo and passengers, make repairs or take on fuel.

**"Alley"** means a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

**"Alter"** means any structural change in the supporting or load bearing members of a building, such as bearing walls, columns, beams, girders or floor joists.

**"Amusement facility"** means a facility for the amusement and enjoyment of the general public; this term shall include roller coasters, carousels and arcades.

"**Antique**" means a fine art object, artifact, implement or household furnishing, over fifty (50) years old, which is characteristic of a specified area or country, or which has other historical and artistic significance.

"**Apartment House**". See "Dwelling, multiple."

"**Apartment Hotel**". See "Hotel, apartment."

"**Appropriate**" means belonging peculiarly, or specially suitable.

"**Approved**" means sanctioned by the appropriate official as required by law so long as all provisions of these zoning regulations are met.

"**Assembly**" means the joining together of completely fabricated parts to create a product.

"**Atmospheric Light Pollution**" means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see and enjoy the natural night sky.

"**Attached Building**". See "Building, attached."

"**Auction**" means a public sale in which real or personal property is sold to the highest bidder.

"**Automobile and trailer sales area**" means an open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done, except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

"**Auto repair shop**" means a shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment, which carry a valid title and show a work order; all others shall be classified as salvage and/or junk.

"**Automobile storage yards**" means a yard used for the storage of assembled automobiles, either operable or non-operable, but not for the storage of automobile parts, provided that "automobile storage yard" shall not include any yard wherein there occurs any dismantling, demolition, or sale of automobiles or parts thereof.

"**Aviary**" means a place for keeping birds confined for the purposes of breeding, raising, or selling.

"**Barber shop**" means the place of business of one whose business it is to cut hair, and to shave or trim beards.

"**Beauty shop**" means an establishment providing persons with services that includes hair treatment, manicures or facials.

"**Bed and Breakfast**" means a private residence that offers sleeping accommodations to lodgers in 14 or fewer rooms for rent, in the owner's principal residence. The maximum stay is thirty days.

"**Block**" means a distinct portion or plot of land in a platted subdivision described and numbered as a block on the recorded plat of said subdivision, or a distinct portion or plot of land bounded on all sides by public streets, alleys or easements.

"**Board**" means the Zoning Board of Appeals.

"**Boarding house**". See "House, rooming or boarding."

"**Buffer**" means an area of land to separate visibly one use from another or which acts as a separation between two land uses of different intensity.

"**Buildable area**" means that portion of a lot or parcel that can be occupied by a building or structure.

"**Building**" means a roofed structure for the support, shelter or enclosure of persons, animals or chattels. See "Structure."

"**Building area**" means the total area on a horizontal plane at the average grade level of the principal building and including all accessory buildings measured along outside walls and exclusive of uncovered porches, terraces and steps.

"**Building, Attached**" means a building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension of eight feet or more. See "Building, semi-attached."

"**Building, Height of**" means the vertical distance at the center of a building's principal front measured from the established street grade to the highest point of the coping of a flat roof, or to

the center height between the eaves and ridge for pitched roofs. For buildings set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building, provided the distance from the street line is not less than the height of such finished grade above the established street grade.

**"Building line"** means a line on a plat or the theoretical line on the ground between which line and a street, alley or private place no principal building or structure may be erected.

**"Building, Nonconforming"**. See "Structure, nonconforming."

**"Building, Principal and/or Main"** means a building in which is conducted the main or principal use of the lot or parcel on which the building is situated, and including garages, carports, storage sheds, etc., which are attached to the principal building. (On farms the house shall be considered the principal structure.)

**"Building, Semi-Attached"** means a building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension less than eight (8) feet. See "Building, attached."

**"Bulk plant"** means that portion of a property where flammable liquids are received by tank vessel, pipe line, tank car, or tank vehicles, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle, or container.

**"Carport"** means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides.

**"Car wash"** means a facility for the cleansing of automobiles and other vehicles.

**"Cemetery"** means a place for interment of the dead, which shall be categorized as either public or private. Shall include mausoleum.

1. Public cemetery is one, which is operated as a business for commercial gain and shall require a special use permit.

2. Private cemetery is one in which its use is intended solely for the owner of the property and immediate family. After approval by (PCPC) and appropriate proof shown.

**"Center Line"**. See "Street, center line of."

**"Child care centers"** means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of sixteen (16) years and not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for developmentally disabled children, and those facilities which give twenty-four (24) hour care for dependent and neglected children; and includes those facilities for children under the age of six (6) years, with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades or to any preschool established pursuant to the provisions of Article 28 of Title 22, C.R.S., which is maintained in connection with a public school system of at least six (6) grades so long as the school system is not also providing extended day services.

**"Child care home"** means a type of family care home, licensed by the State of Colorado, which provides less than twenty-four (24) hour care for two (2) or more children on a regular basis in a place of residence. Children in care are from different family households and are not related to the caregiver. The definition of "child care home" includes a "family child care home," an "infant/toddler home" and a "large child care home" as defined by the State of Colorado, Department of Human Services, Division of Child Care. A "family child care home" and an "infant/toddler home" are considered to be an accessory use in all zone districts which permit a single-family residence or mobile home by right. A "large child care home" is considered to be a use-by-review (requiring the issuance of a special use permit) in those same zone districts.

**"Church"** means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory

buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**"City"** means Pueblo, Colorado, a municipal corporation.

**"Clinic, Dental or Medical"** means a building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their professions. A clinic may include a dental or medical laboratory, but not facilities for inpatient care or operating rooms for major surgery. (See "Hospital.")

**"Club"** means a building or rooms and accessory buildings and grounds occupied by a nonprofit association of persons for the promotion of some common objective such as, but not limited to, literature, science, politics, recreation and good fellowship, meeting periodically, limited to members, with not more than one-third of the gross floor area occupied by the use used for residential occupancy.

**"Cluster Subdivision"** means a form of single-family residential subdivision that creates parcels containing less than thirty-five acres each, permits housing units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional sizes of the current zone district, allows one residential unit for each seventeen and one-half acre increment, and where at least two-thirds of the total land area is reserved for the preservation of open space.

**"Color rendering index (CRI)"** means the measured effect of light on objects. To determine the CRI of a lamp, the color appearances of a set of standard color chips are measured with special equipment under a reference light source with the same correlated color temperature as the lamp being evaluated. If the lamp renders the color of the chips identical to the reference light source, the CRI is less than one hundred (100). A low CRI indicates that some color may appear unnatural when illuminated by the lamp.

**"Commercial"** means of, or pertaining to, or engaged in the buying, selling, renting or leasing of goods, services or property.

**"Commission, Planning"** means City Planning and Zoning Commission, and/or Pueblo County Planning Commission, and/or District Planning Commission as appropriate to the context.

**"Common Open Space"** means land within or related to a cluster residential development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development, or the public, which may contain such accessory structures and improvements as are necessary and appropriate for recreation purposes. A condition of the cluster residential development approval shall be that the common open area may not be further subdivided.

**"Comprehensive plan"** means the sum of the policies, proposals, programs, maps and reports adopted and identified by the planning commission as components of the comprehensive plan.

**"Concealed light source"** means an artificial light intended to illuminate the face of a sign, building, structure or area, which light is shielded from the public view and from the adjoining properties.

**"Construction, Beginning of"** means the utilization of labor and/or materials on the footings, foundations, walls, roofs and other portions of the building or structure.

**"Contractor's yard"** means property used partially or exclusively to park or store construction vehicles or equipment used by a building or construction trades contractor licensed by or registered with the appropriate Pueblo County governmental agency. The contractor's business office is considered an accessory use to a contractor's yard. Vehicles and equipment may be repaired or maintained in a contractor's yard provided such work is done in an enclosed building or structure. A contractor's yard in an I-1, I-2 or I-3 zone district may have on-site storage of materials, and may have fabricating or assembling of a product made by the contractor as part of the construction work. Construction materials shall not be stored in an A-1 or A-2 zone district, nor shall any product sold by the contractor in the contractor's construction work be fabricated or assembled unless the Planning Commission approves such uses by issuing a special use permit. Fabricating or assembling products in a contractor's yard in an A-1 or A-2

zone district shall be performed only within an enclosed building or structure. A contractor's yard in an A-1 or A-2 zone district shall meet the I-2 zone district performance standards.

**"County"** means Pueblo County, Colorado.

**"Court"** means an uncovered space, other than a yard, on the same parcel as the building and bounded on three or more sides by such buildings, walls or fences.

**"Covered"** means roofed, trellised or otherwise shielded from the sky except for ground cover material.

**"District, Zone"** means a land area or land areas as defined by the zoning map within which the zoning regulations are uniform.

**"Domesticated Pot-Bellied Pig"** shall mean a domesticated porcine animal of the species *Sus Scrofa bittatus* which meets both of the following criteria:

(i) the animal shall not exceed one hundred (100) pounds in weight; and

(ii) if over four (4) months of age, the animal shall be spayed or neutered.

**"Domestic servant"** means a person who performs gardening, chauffeuring, and/or similar domestic full-time duties for one family and has no other employment.

**"Dwelling"**. As used in this chapter, this term has the same meaning as the term "residence" defined herein.

**"Dwelling, Condo"** means a system of separate ownership of individual units in a multi-unit project where the land within the project is owned in common.

**"Dwelling, Multiple"** means a single detached structure divided into three or more separate dwelling units. See "House, row."

**"Dwelling, Single-Family"** means a single-detached structure containing, but one dwelling unit.

**"Dwelling, Townhouse"** means an attached or semi-attached dwelling, containing a single dwelling unit located on a separate lot.

**"Dwelling, Two-Family"** means a building or semi-attached building containing two dwelling units.

**"Educational institution (commercial)"** means schools, colleges, universities, or nurseries operated for five or more students for profit.

**"Educational institution (nonprofit)"** means schools and/or seminaries administered by churches or religious organizations; schools, colleges or universities administered by public agencies; nonprofit schools, colleges or universities operated under charter or license from the State; and any nonprofit institution, residence or home operated for the education of five or more students.

**"Emergency facility"** means a permanent facility from which care or relief from a situation or occurrence of a serious nature, and demanding immediate action, is directed. This term shall include fire departments and ambulance headquarters, but shall not include hospitals.

**"Employee"** means a person employed permanently; this shall not mean temporary or seasonal employees.

**"Employee, Off-Site"** means an employee of a home occupation whose services are provided off-site, and any on-premises activity is incidental. This definition includes permanent, temporary and seasonal employees.

**"Enclosed"** means surrounded by walls and/or fences and a roof. See "Unenclosed."

**"Equestrian Arena, Commercial/Club"** means an area where activities involving horseback riding are conducted for practice, competition or entertainment. Activities include, but are not limited to a rodeo, a charreada, calf roping, riding, bulldogging and barrel racing. A commercial/club equestrian arena is any equestrian arena, which is not a personal equestrian arena. A commercial/club equestrian arena may offer such goods and services as are normal and incidental to the activities conducted. A commercial/club equestrian arena shall be developed and used in accordance with development and operating plan approved with the special use permit. The development plan shall include, but is not limited to, an accurately drawn map, which shows activity areas and improvements, access, driveways and parking areas. The operating plan shall include, but is not limited to, the methods proposed for control of

dust, erosion, odor, noise, glare, waste (manure) disposal, and congestion; and the methods to provide potable water and wastewater treatment.

**"Equestrian Arena, Personal"** means an area where activities involving horseback riding are conducted for practice, competition or entertainment. Activities include, but are not limited to a rodeo, a charreada, calf roping, riding, bulldogging and barrel racing. A personal equestrian arena shall meet the following:

1. Accessory and incidental to the ranch, farm, or home site on which it is located;
2. The use of the arena is limited to the family and invited guests of the farmer/rancher/home occupant;
3. No commercial competition or commercial entertainment occurs, and no user fees, dues or other compensation are paid; and
4. The arena is operated in such a manner so that there is no adverse impact on surrounding properties relating to dust, erosion, odor, noise, glare, off-site illumination (more than one foot candle of illumination measured at the property line), waste disposal, and traffic and parking congestion. Neither a nuisance nor noxious activity shall be conducted on the property, which is caused by the use of the property as a personal equestrian arena.

**"Explosive"** means a substance that causes a sudden rapid release of mechanical, chemical or nuclear energy from a confined region.

**"Extractor"** means any individual, partnership, association or corporation, which extracts commercial mineral deposits for use in the business of selling such deposits or for use in another business owned by the extractor or any department or division of Federal, State, County or municipal government which extracts such deposits.

**"Fabrication"** means the stamping, cutting, assembling or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials.

**"Family"** means a group of persons related by blood, marriage or adoption living together on the premises in a single dwelling unit, or a group of not more than five individuals living in a single dwelling unit not related by blood, marriage or adoption.

**"Farm or ranch"** means an area of at least five acres in size if in an A-2 zone district or thirty-five (35) acres in size if in an A-1 zone district, and used for farming or ranching.

**"Farming or ranching"** means the business of cultivating land, producing crops and/or keeping livestock, fowl and other non-domestic animals. This definition does not include feedlot or dog kennels.

**"Fence"** means a physical barrier of any type of construction used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy or confinement.

**"Fence, Open"** means a fence which permits direct vision through at least seventy-five (75) percent of the fence surface area as calculated within any and all one (1) square foot area.

**"Fence, Solid"** means a fence which is not an "open fence."

**"Fixture"** means the assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**"Flood"** means a temporary rise in a watercourse, flow or stage, that results in water overlapping its banks and inundating areas adjacent to the channel.

**"Flood, Intermediate Regional"** means a type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one percent (1%) flood or hundred (100) year flood.

**"Floodplain"** means the relatively flat area or lowlands adjoining the channel of a stream or watercourse and subject to flood water overflow.

**"Flood profile"** means engineering conclusions, based upon historical facts and/or generally accepted engineering principles, represented on a graph or other medium, showing the relationship of the water surface elevation of a flood to the lands surrounding the channel.

**"Flood proofing"** means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of building in a flood hazard area. Where applicable, the Corps of Engineers' Flood Proofing Regulations Manual, June, 1972, will be used as a guide.

**"Floor Area, Gross"** means the sum of the gross horizontal areas measured between the exterior faces of exterior walls of the several floors of a building and accessory buildings, including interior walls, balconies, mezzanines, hallways, wells, basements and cellars, and including the area of roofed porches, patios and carports having more than one wall.

**"Floor Area, Net"** means the square footage totaling seventy-five (75) percent of the gross floor area; or, when an "as-built," detailed floor plan or current use plan can identify a lesser or greater amount of usable floor area which can be demonstrated by the sum of the horizontal area measured between the interior face of the exterior walls or all usable floors of a building, accessory buildings (including interior balconies and mezzanines) and surrounding open spaces wherein goods and services are offered or displayed, but excluding interior walls, enclosed hallways, stairwells, shafts, lavatories, furnace room, janitor supply rooms and closets, interior parking and loading areas, and inventory stock rooms.

**"Floor area ratio"** means the quotient of the gross floor area of all buildings on a lot or parcel divided by the area of said lot or parcel.

**"Food processing"** means preparing, treating, converting or packaging food.

**"Foot-candle"** means a unit of measure for illuminance. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candlepower and equal to one lumen per square foot.

**"Fraternity or Sorority House"**. See "House, fraternity or sorority."

**"Frontage"** means that portion of a lot, parcel, tract or block abutting upon a street. See "Yard, front."

**"Full Cut Off Fixtures"** means a luminaire or light fixture that, by design of the fixture housing, does not allow any light dispersion or direct glare to shine above a ninety-degree, horizontal plane from the base of the fixture.

**"Game Preserve, Developed"** means a restricted property on which wild animals are hunted for sport or food, and where the potential for hunting success has been enhanced through significant changes in the land, habitat or game population, in addition to those associated with restricting access to the property. Significant change includes, but is not limited to, any of the following:

1. Wetlands development that is extensive enough to require a 404 Permit from the U.S. Army Corps of Engineers;
2. Introduction of native or exotic game animals (excluding fish), resulting in expenditures of more than one thousand dollars (\$1,000.00) per year to raise and/or purchase said animals; or
3. Construction of a lodge or clubhouse for the use of hunters.

Developed game preserve does not include undeveloped game preserve and game refuge.

**"Game Preserve, Undeveloped"** means a restricted property on which wild animals are hunted for sport or food, and the potential for hunting success has not been enhanced through significant changes in the land, habitat or game population, other than those associated with restricted access to the property. Undeveloped game preserve is an accessory use to ranching and farming.

**"Game refuge"** means a restricted property on which wild animals are provided shelter or protection from danger or distress. Game refuge is an accessory use to ranching and farming.

**"Garage, Private"** means an accessory building or an accessory portion of a main building, designed or used for the shelter or storage of motor vehicles owned or operated by the occupants of the main building.

**"Garage, Public"** means a building other than a private garage used for the housing or care of motor vehicles, or where such vehicles are equipped for operations, repaired, or kept for remuneration, hire or sale.

**"Garbage"** means the animal and vegetable waste resulting from the handling, preparation, cooking and/or consumption of food.

**"Gardening"** means the cultivation of fruits, vegetables, flowers or other plant materials.

**"Gasoline service station"** means a property where flammable liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles, and which may include, as an incidental accessory use only, facilities for polishing, greasing, washing or minor servicing such motor vehicles, but not including auto body work or other major repairs.

**"Glare"** means the direct light emitting from a luminaire that causes reduced vision or momentary blindness.

**"Golf Course, miniature"** means a theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole", where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

**"Golf Course, regulation"** means a facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge.

**"Golf Driving Range"** means a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

**"Grade, Building"** means that elevation which is the average of the highest and lowest elevation of the ground along the facade of the building or structure which is nearest the street.

**"Grade, Street"** means that elevation at the crown of the street on a line perpendicular to midpoint of the front property line of the lot, parcel or tract.

**"Grazing"** means feeding or growing grasses or herbage.

**"Greenhouse"** means an enclosed structure used for cultivating plants in a controlled climate.

**"Grocery store"** means a store selling foodstuffs and household supplies.

**"Grouped Houses"**. See "Houses, grouped."

**"Guest House"**. See "House, guest."

**"Guest room"** means a room in a hotel, apartment hotel, motel or tourist home offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

**"Halfway house"** means a residential facility for individuals who:

1. Have been institutionalized and are proceeding toward release; or
2. Have physical, mental or social disabilities; or
3. Are receiving treatment for substance abuse; or
4. Are in a diversion program in lieu of institutionalization for any of the above conditions.

The facility provides either protection to those residents whose disabilities make living in society difficult, or facilitates the residents in becoming functional members of society. In addition to providing shelter, the facility may also provide meals, supervision, counseling, recreation and other necessary rehabilitative services.

**"Hazardous material"** means any substance that, because of its quantity, concentration, physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

**"Hazardous waste"** means that term as presently and hereafter defined by Section 25-15-101 (9) (a), C.R.S.

**"Hazardous waste research and development facility"** means a facility primarily devoted to research and development of technology relating to the disposal, recovery, treatment, storage or transportation of hazardous waste. Such facility shall not be used for commercial disposal, recovery, treatment, storage or transportation of hazardous waste.



**"Hazardous waste resource recovery facility"** means a facility which prepares or treats hazardous waste to recycle, reuse or recover material or energy.

**"Hazardous waste storage facility"** means a facility in which hazardous waste is temporarily contained for ninety (90) days or more. Such facility shall not be used to treat, dispose of, or recover hazardous waste. This type of facility is not required for a generator which produces hazardous waste in quantities or for time periods exempted by rules and regulations promulgated by the Colorado Board of Health.

**"Hazardous waste testing laboratory"** means a facility primarily devoted to hazardous waste analysis or qualitative or quantitative identification for compatibility with chemical and physical properties. This definition does not encompass a testing laboratory operated as an accessory use to another classification of hazardous waste facility. Neither treatment nor recovery of hazardous waste shall be considered as accessory uses to a testing laboratory.

**"Hazardous waste transfer facility"** means a facility in which hazardous waste is temporarily held or contained, for less than ninety (90) days during the transportation of hazardous waste. This may include container change or modification, but shall not include treatment, disposal or resource recovery with hazardous wastes. It also does not include hazardous waste, which is produced in quantities or for time periods exempted by rules and regulations promulgated by the Colorado Board of Health.

**"Hazardous waste treatment facility without onsite disposal"** means a facility where treatment, as defined by Section 25-15-101(23), C.R.S., occurs, but not onsite disposal. Treatment may include neutralization and incineration.

**"Hazardous waste treatment facility with onsite disposal"** means a hazardous waste facility with onsite disposal, as defined by Section 25-15-200.3(4), C.R.S., and for which a certificate of designation from the Board of County Commissioners is required.

**"Health department"** means the Pueblo City-County Health Board.

**"Hedge"** means closely planted rows of landscape materials such as shrubs planted and maintained so as to create a visual barrier.

**"Heliport"** means a place, on land and/or water, and/or structures where rotorcraft may land and/ or take off.

**"Home, Blind"** means a place of residence which provides lodging, board and personal services other than medical or nursing care, except that it may include rehabilitation programs, for the health, safety and comfort of more than four (4) persons having a corrected acuity of not better than 20/70 by Snellen chart measurement, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. A place of residence for four (4) or less blind persons, and meeting all other tests of this definition, is determined to be a one-family residence for the purpose of zoning and is permitted to be established subject to those zoning regulations applicable to a one-family residence. (Note: This zoning determination does not change other codes and regulations, such as the building code or Health Department regulations, which are applicable to this use.) This definition does not apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family.

**"Home, Disabled"** means a place of residence which provides lodging, board and personal services other than medical or nursing care, but may include programs of rehabilitation, for the health, safety and comfort of more than four (4) persons having physical disabilities or mental disabilities, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. A place of residence for four (4) or less disabled persons, and meeting all other tests of this definition, is determined to be a one-family residence for the purpose of zoning and is permitted to be established subject to those zoning regulations applicable to a one-family residence. (Note: This zoning determination does not change other codes and regulations, such as the building code or Health Department regulations, which are applicable to this use.) This definition does not apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family.

**"Home, Elderly"** means a place of residence which provides lodging, board and personal services other than medical or nursing care, for the health, safety and comfort of more than four (4) persons being either fifty-five (55) years of age or older or the cohabitation spouses of persons fifty-five (55) or older, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. The term "personal services" for purposes of this definition means those services provided for each resident, including: housekeeping and laundry services; services to maintain an environment which is sanitary and safe from physical harm; individualized social supervision; assistance with transportation; and assistance with activities of daily living, including but not limited to bathing, dressing and eating. (See "Home, elderly foster" for one to four elderly.) This definition does not apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family.

**"Home, Elderly Foster"** means a place of residence which provides lodging, board and personal services other than medical or nursing care, for the health, safety and comfort for one (1) to four (4) persons, being either fifty-five (55) years of age or older or the cohabitation spouses of persons fifty-five (55) or older, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. The term "personal services," for purposes of this definition means those services provided for each resident, including: housekeeping and laundry services; services to maintain an environment which is sanitary and safe from physical harm; individualized social supervision; assistance with transportation; and assistance with activities of daily living, including but not limited to bathing, dressing and eating. This definition does not apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family.

**"Home, Family Foster"** means a facility providing care and training for up to four (4) children not related to the caretaker for regular twenty-four (24) hour care, or a certified relative foster care home (the number may exceed four (4) children if a group of siblings are to be cared for in the home and no other foster children are in care in that home). A family foster care home is considered an accessory use in all zone districts permitting a single-family residence and/or a mobile home as a use-by right. This definition is only for the purpose of zoning, family foster homes remain subject to all other Colorado Department of Human Services' regulations. Also see "Home, receiving" and "Specialized group facility."

**"Home, Maternity"** means a place of residence which provides lodging, board and personal services other than medical or nursing care for the health, safety and comfort of more than four (4) women who are pregnant or who are recovering from a pregnancy having terminated with the previous sixty (60) days, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. A place of residence for four (4) or less pregnant or recovering women, and meeting all other tests of this definition, is determined to be a one-family residence for the purpose of zoning and is permitted to be established subject to those zoning regulations applicable to a one-family residence. (Note: This zoning determination does not change other codes and regulations, such as the building code or Health Department regulations, which are applicable to this use.) This definition does not apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family.

**"Home, Nursing"** means a place of permanent residency which provides lodging, board and personal services to more than four (4) persons who are sick, infirm or convalescent persons who are attended by nurses caring for their physical and mental requirements. It may also include only such other persons who are employed in an official capacity for the operation and maintenance of the home. A hospital is not a nursing home. A place of residence for four (4) or less sick, infirm, or convalescent persons, and meeting all other tests of this definition, is determined to be a one-family residence for the purpose of zoning and is permitted to be established subject to those zoning regulations applicable to a one-family residence. (Note: This zoning determination does not change other codes and regulations, such as the building code or Health Department regulations, which are applicable to this use.) This definition does not

apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family.

**"Home occupation"** means an accessory use clearly incidental and subordinate to an established principal dwelling unit (a.k.a., residence) that is conducted within a dwelling unit, accessory building, or private recreation area (e.g., swimming pool, tennis court, riding arena, etc.). See Section 17.120.030.

**"Homeowner's Association"** means a private nonprofit association which is organized by the developer of a cluster residential development in which individual owners share common interests in open space and/or facilities and are in charge of preserving, managing, and maintaining the common property, and enforces certain covenants and restrictions.

**"Home, Receiving"** means a certified family foster home providing temporary emergency care (no more than ninety (90) consecutive days for any single child) for up to eight (8) foster children. This definition is only for the purpose of zoning; receiving homes remain subject to all other Colorado Department of Human Services' regulations. Also see: "Home, family foster" and/or "Specialized group facility."

**"Home, Religious"** means a place of residence which provides lodging, board and personal services other than medical or nursing care for the health, safety and comfort of more than four (4) persons of the same religious body, such body being organized to sustain public worship, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. The home shall be controlled and maintained by the religious body. A place of residence for four (4) or less persons of the same religions, and meeting all of the tests of this definition, is determined to be a one-family residence for the purpose of zoning and is permitted to be established subject to those zoning regulations applicable to a one-family residence. (Note: This zoning determination does not change other codes and regulations, such as the building code, Health Department regulations, which are applicable to this use.) This definition does not apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family.

**"Horizontal Illuminance"** means the measurement of brightness from a light source, usually measured in foot-candles or lumens, which is taken through a light meter's sensor at a horizontal position.

**"Hospital"** means any building or portion thereof used for the accommodation, nursing and medical, surgical or psychiatric care of the sick, injured or infirm persons. See "Clinic, dental or medical."

**"Hospital, Veterinary"** means a building in which animals requiring special medical care are treated, or temporarily housed; the term shall not be interpreted to include any type of boarding or commercial kennel or stable.

**"Hotel"** means a structure containing five or more guest rooms with access usually from a common hallway.

**"Hotel, Apartment"** means a structure divided into several independent dwelling units and intended more or less as a temporary abiding place of individuals.

**"House, Fraternity or Sorority"** means the building occupied by an organization incorporated as a fraternity or sorority formed chiefly to promote friendship and welfare among the members, usually college students, and usually providing space for eating, sleeping and social activity.

**"House, Guest"** means living quarters within a semi-attached or detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises, and not rented or otherwise used as separate dwelling unit. (Note: A significant typographical omission occurred in the previous definition of "House, guest." From at least 1978, and perhaps as early as 1963, until the zoning resolution update published August 1, 1990, this definition omitted the word "building." Following "accessory" and more importantly the word "not" was omitted prior to "rented.")

**"Housekeeping Units"**. See "Dwelling, Multiple."

**"House, Lodging"** means a rooming house.

**"House, Rooming or Boarding"** means a building or structure containing guest rooms in which lodging for five (5) or more persons is provided with or without meals for permanent guests.

**"House, Row"** means three (3) or more dwelling units usually arranged in a row and joined by party walls.

**"Houses, Grouped"** means a group of two (2) or more detached or semi-attached dwelling units or apartment structures usually separated by a court or courts used in common by the inhabitants thereof.

**"Housing, Tenant"** means structures on farms and ranches intended primarily for the housing of persons and/or their families, employed on the farm or ranch.

**"IESNA"** means Illuminating Engineering Society of North America is an organization that recommends standards for the lighting industry.

**"Improvements Agreement"** means an agreement guaranteeing to construct any required public improvements shown in the rural land use documents, together with collateral which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications.

**"Industry"** means the commercial production and wholesale of goods and services.

**"Industry, Light"** means any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process which is not noxious or offensive by reasons of the emission of odor, dust, smoke, gas, fumes, noise or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly to adjoining property owners or to the public generally, and which operates independent of: railroad sidings, extensive loading docks, and steam generation as prime power.

**"Jobber"** means a wholesaler who operates on a small scale or who sells only to the retailers and institutions.

**"Junk"** means goods, material or objects that are so worn, deteriorated or obsolete as to make them unusable in their existing condition and/or which are subject to being dismantled or processed for reuse.

**"Junked vehicle"** means any motor vehicle, which because of a legal or mechanical condition or defect, cannot be operated on a public street or highway. It shall be prima facie evidence that a vehicle is mechanically inoperable if its motor, axle, wheel or similar necessary parts have been removed from the vehicle. It shall be prima facie evidence that a vehicle is legally inoperable if after thirty (30) days' written notice given pursuant to this resolution a vehicle fails to possess and display current license plates. A motor vehicle means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highway. The term "junked vehicle" as defined herein shall not include vehicles within a properly screened portion of the premises of a junk or salvage dealer whose use of the property is proper under the zone district wherein the property is located, vehicles on the premises of any properly zoned business dealing in the selling, repairing or servicing of vehicles, or vehicles within a fully enclosed building.

**"Junkyard"** means any lot, parcel or tract used for the storage, keeping, sale or abandonment of junk and/or for the dismantling, demolition or abandonment of automobiles, or other junk or parts thereof.

**"Kennel"** means any lot, parcel, tract or structure in which five or more dogs, six months old or older, are kept, raised, housed, boarded or bred.

**"Kitchen"** means any area intended and equipped for the preparation of food. **"Laboratory"** means a building or part of a building devoted to testing and analysis of any material or substance.

**"Lamp"** means the light-producing source installed in the bulb portion of a luminaire.

**"Landscaping Materials, Wholesale and Retail Sales"** for items such as, but not limited to decorative rock, mulch, sand, topsoil, flagstone, weed barrier, edging, fill dirt, pavestone type

products, sod, nursery products, and decorative concrete products. Landscaping materials shall not include stockpile storage of organic fertilizer (animal manure or sludge).

"**Land Use Plan**". See "Comprehensive plan."

"**Laundromat**" means an establishment providing washing, drying, ironing or dry cleaning machines for hire to be used by customers on the premises.

"**Light Trespass**" means any form of artificial illuminance emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

"**Line, Center**". See "Street, center line of."

"**Line, Front Lot**" means the line separating such lot, parcel or tract from any public street right-of-way.

"**Line, Lot**" means the perimeter or outer boundary of a lot, parcel or tract.

"**Line, Property**" means the boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the lot, parcel or tract may abut.

"**Line, Rear Lot**" means the line, which is opposite and most distant from a front line or, on an irregular or triangular lot, a line at least ten (10) feet long entirely within the lot, parallel to and furthest distance from the front lot line.

"**Line, Side Lot**" means a line connecting a front lot line with a rear lot line.

"**Loading space**" means a space within the main building or on the same lot, parcel or tract providing for the standing, loading or unloading of trucks and/or semi-trailers. "**Lodge**" means a club.

"**Lodger**" means a person who rents a room in a bed and breakfast for fewer than 30 consecutive days.

"**Lodging House**". See "House, lodging."

"**Lot**" means a distinct portion or plot of land in a recorded, platted subdivision described and numbered or lettered as a lot on the recorded plat of the subdivision. See also "Parcel" and "Tract."

"**Lot Area**" means the total horizontal area, expressed as square footage or acreage, calculated within the interior boundary of a lot, tract or parcel. Lot area shall not include land, which has been dedicated, deeded or otherwise legally acquired as public right-of-way. Aliquot breakouts of sections may be used to establish lot area for purposes of zoning compliance; however, such descriptions may not include land, which has been dedicated, deeded or acquired as public right-of-way.

"**Lot, Corner**" means a lot situated at the junction of two or more streets.

"**Lot coverage**" means that portion of the lot, parcel or tract shielded from the sky by building and/or structures.

"**Lots, Feed**" means any lot, tract or parcel of ground upon which five or more head of feeder livestock are gathered, kept or closely confined and especially fed for gain prior to sale or slaughter.

"**Lot, Flag**" means a lot, the main use or building area of which does not abut a public street, but is connected thereto by a narrow strip of land which is a part of the lot.

"**Lot, Interior.**" means a lot other than a corner lot.

"**Lot Line.**" See "Line, lot."

"**Lot Line, Front.**" See "Line, front lot."

"**Lot Line, Rear.**" See "Line, rear lot."

"**Lot Line, Side.**" See "Line, side lot."

"**Lot, Nonconforming.**" See "Parcel, nonconforming."

"**Lot, Through**" means an interior lot having frontage upon two (2) parallel or nearly parallel streets.

"**Lot width**" means the distance between the side lot lines measured at the required front building setback line or in the case of an irregularly shaped lot the front building line.

**"Luminare"** means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

**"Machine shop"** means a structure containing machinery for the manufacture, modification or repair of metal goods and equipment.

**"Mainline, Railroad"**. See "Railroad, mainline."

**"Manufacture"** means the creation of a finished or semi-finished product.

**"Masonry or equal"** means eight (8) inches or more of exterior masonry material or exterior material equivalent in fire retardant characteristics.

**"Master plan"** means a land use map or plan which indicates desired future physical development of Pueblo County or any portion or portions thereof. It is a plan which encompasses all geographic parts of a community or proposed division of land and all functional elements which relate to its physical development such as: agricultural, residential, commercial and industrial developments; thoroughfare systems; drainage; open spaces; etc. It is a general plan that summarizes concepts and proposals and does not indicate specific location or detail regulations. Master Plans should reflect general concepts and land use proposals as recommended in the Pueblo Regional Comprehensive Development Plan.

**"Mineral"** means any naturally occurring, homogeneous inorganic substance having a definite chemical composition and characteristic crystalline structure, color and hardness.

**"Mineral Deposit, Commercial"** means a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogical or other scientific data that such deposit has significant economic or strategic value to the area, State or nation.

**"Mineral and natural resource extraction"** means the physical withdrawal of minerals and natural resources.

**"Mineral processing plant"** means facilities for the manufacture or reduction of minerals.

**"Mini-warehouse"** means a building or portion thereof dividable into separate compartments, which are individually rented or leased for the purpose of storing the renter's or lease holder's property. Goods stored within the warehouse shall not be offered or displayed for sale at the warehouse. Accessory uses may include the exterior storage of camping trailers, motorized homes, boats, etc., in areas designated for such storage.

**"Mobile home"** means a detached, single-family housing unit that may not meet the definition of "residence" set forth herein, and which has all of the following characteristics:

1. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, and which has plumbing and electrical connections provided for attachment to outside systems;
2. Designed to be transported after fabrication, on its own wheels, or on flatbed or other trailers or on detachable wheels;
3. Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;
4. Exceeding either eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers;
5. Is without motive power; and
6. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law.

**"Mobile home lot"** means a unit of ground for the placing of a mobile home.

**"Mobile home park"** means an area under single ownership of at least five acres of land which has been so designated and improved, and contains twenty (20) or more mobile home spaces available to the general public for placement thereon of mobile homes for occupancy.

**"Mobile home park support facilities"** means supportive facilities (e.g., swimming pool, club house, sauna, laundry room, restroom, recreational vehicle storage areas, and common open space) which supplement the recreational or service needs of the mobile home park residents, but are not available for use by the general public.

**"Mobile home space"** means a unit of ground located in an approved mobile home park, which is owned by the park owner, but rented to the mobile home owner for placing of a mobile home.

**"Mobile home subdivision"** means a tract of land subdivided into not less than twenty (20) mobile home lots, which has been designed and improved in its entirety in accordance with the County of Pueblo Subdivision Regulations and Zoning Resolution where mobile homes can be located on individually platted and owned lots for long-term occupancy purposes.

**"Motel"** means a building or group of buildings containing guest rooms, usually with access directly from a parking lot.

**"Motor Vehicle"** includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails.

**"Museum"** means a building or structure for the display of natural, scientific, literary or artistic objects of general historic or other special interest.

**"Nonconforming Building"**. See "Structure, nonconforming".

**"Nonconforming Lot"**. See "Parcel, nonconforming".

**"Nonconforming Parcel"**. See "Parcel, nonconforming".

**"Nonconforming Structure"**. See "Structure, nonconforming".

**"Nonconforming Use"**. See "Use, nonconforming".

**"Nursery"** means an area where trees, shrubs or plants are grown for transplanting or for use as stocks for budding and grafting. This activity shall be considered an activity of farming and ranching.

**"Nursery School"**. See "Educational institution."

**"Nursing home"** means an establishment which maintains and operates continuous day and night facilities providing room and board, personal services, and nursing care (not hospital care) for two (2) or more persons not related to the proprietor who by reason of illness or infirmity are unable to care properly for themselves.

**"Occupancy"** means the use of land and/or building or portions thereof.

**"Office"** means a place, such as a building, room or suite, in which services, clerical work or professional duties are carried out.

**"Open"** means not roofed.

**"Outdoor theater"** means an outdoor structure for the presentation of plays, motion pictures, or other dramatic or comedy performances.

**"Owner"** means any person who, alone or jointly or severally with others, shall have legal title to any land or structure, or contract of purchase, with or without accompanying actual possession thereof; or shall have charge, care or control of any land or structure as owner or agent of the owner; or as executor, administrator, conservator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this division and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

**"Parapet wall"** means a low wall extending above a roof.

**"Parcel"** means a lot or tract, or contiguous groups or portions of such lots and/or tracts shown on the assessor's roll of Pueblo County, or a contiguous area of land under legal control of any one person, partnership, firm, corporation, syndicate, agency or institution. See also "Lot" and "Tract."

**"Parcel, Nonconforming"** means a parcel which lawfully existed at the time the resolution codified in this division or any amendment hereto became effective, but which does not now conform to the regulations applicable in the zone district in which it is located.

**"Parking"** means the assembling or standing of motor vehicles for relatively temporary periods of time.

**"Parking, Commercial"** means parking lots or structures open to the public and operated for a profit.

**"Parking, Community"** means parking lots or structures not open to the public, but shared by several persons not residents on the premises.

**"Parking lot"** means a lot, parcel or tract for the parking of motor vehicles.

**"Parking, Off-Street"** means parking of motor vehicles off the public rights-of-way. **"Parking, Private"** means the parking of motor vehicles belonging to residents on the premises. (See "Accessory Use").

**"Parking space"** means the area required by the provisions of this division for the parking of one motor vehicle.

**"Parking structure"** means a garage, carport or other structure for the parking of motor vehicles.

**"Patio"** means an outdoor living area usually hard surfaced and frequently fenced or covered.

**"Permanent"** means continuing or enduring in the same state, place, or the like without marked change.

**"Permanent occupancy"** means the use of land and/or structures or portions thereof for a period of thirty (30) consecutive days or longer.

**"Person"** means firms, corporations, associations, partnerships, societies and/or individuals.

**"Pet"** means a domestic animal kept for pleasure rather than utility. The keeping of pets shall be considered as an accessory use in residential and agricultural zone districts. If such animal is raised for the purpose of sale and/or food, it shall be conclusively presumed not to be a pet. For the purposes of this resolution, hogs, pigs, swine, sheep, horses, cattle, emus, rheas, ostriches, llamas, pea fowl, guinea hens or goats may be kept upon land zoned for agricultural use, as an activity of farming or ranching. Not more than one (1) domesticated pot-bellied pig, as herein defined, may be kept or maintained as a pet. It is prohibited to keep or maintain in the County any wild animals, poisonous snakes, or constricting snakes over four feet in length.

**"Pharmacy"** means a building or a part of a building used exclusively for the compounding and/or dispensing of medicines.

**"Photometry"** means the quantitative measurement of light level and distribution.

**"Porch"** means a roofed or unroofed unenclosed portion of a building projecting from the front, side or rear wall of the building.

**"Premises"** means the central, actual physical location where an activity is routinely conducted. The premises include the primary structures, parking facilities, and private roadway if they are necessary to the principal activity.

**"Professional office"** means an office for professions, such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, realtors, accountants, and others who through training are qualified to perform services of a professional nature, and where limited storage or sale of merchandise exists.

**"Property Line"**. See "Line, property."

**"Public hearing"** means a meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions.

**"Publishing companies"** means facilities for the preparation and issuance of printed material for public distribution or sale. This term shall include facilities for newspaper printing, job printing, and lithographing.



**"Pueblo region"** means an area in Pueblo County, Colorado, defined by resolutions of the Board of County Commissioners of Pueblo County and the City Council of the City of Pueblo, Colorado.

**"Race track"** means a course on which races are run.

**"Ranch, Guest (Dude Ranch)"** means a destination resort offering overnight accommodations and activities typical of Western ranches.

**"Railroad mainline"** means a railroad track handling long-distance, through traffic.

**"Recreation camps"** mean a place used for vacationing or other recreational purposes consisting of permanent structures, which may contain cooking facilities, and used for temporary occupancy. This term shall not be interpreted to include hotels, motels, restaurants, theaters, or trailer camps (recreational vehicle park).

**"Recreation vehicle"** means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

**"Recreational vehicle park"** means a parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**"Recreational vehicle site"** means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.

**"Residence"** means any room or group of rooms forming a single habitable unit with facilities which are used or intended to be used by one family and/or their resident domestic servants for its living, sleeping, cooking and eating needs. The width of any projected view of any exterior wall elevation of a residence shall not be less than twenty (20) feet. The term "Residence" shall include a manufactured home which:

1. Is partially or entirely manufactured in a factory;
2. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
3. Is installed on an engineered permanent foundation;
4. Has brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of wall section) downward to the top of the exposed perimeter wall, foundation, or to grade, whichever is applicable; and has a pitched roof;
5. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and all regulations enacted thereto, including any local modifications as are expressly allowed by Federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building Code as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.

The term "residence" shall also include conventional stick-built housing, but shall not include mobile homes as defined herein.

**"Residence-commercial"** means the combination of both commercial and residential uses on the same lot or in the same structure. The commercial uses are restricted to those permitted in the district. The number of residential units is restricted to not more than the number permitted in the district.

**"Retail"** means sale to the ultimate consumer for direct consumption and/or use and not for resale.

**"Riding academy stables"** means a facility providing for the rental of horses and accessories to such does not include rodeo grounds or the keeping of horses for personal use.

**"Right-of-Way, Public"** means all streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

**"Road maintained"** means a public road that has been accepted by a governmental agency for maintenance.

**"Road, Private"** means a right-of-way or easement for purposes of access which is in private ownership and which has not been dedicated to or accepted for maintenance by a public entity.

**"Roadside sale stand (retail agricultural products)"** means a structure and/or area for the display and retail sale of agricultural products. Agricultural products are those sold with the intent of human consumption as food. This definition also includes the retail sale of ornamental bulbs and bedding plants. Normal and incidental accessory uses for those agricultural products for sale at a roadside sale stand are: packaging, sorting, cleaning, drying, roasting and popcorn popping.

**"Rooming House"**. See "House, rooming or boarding."

**"Rotorcraft"** means any aircraft deriving its principal lift or support in the air from one or more rotors or from the vertical component of the force produced by rotating airfoils.

**"Row House"**. See "House, row."

**"Runway"** means the hard surface of the airport landing area used primarily for the landing and take off of aircraft.

1. "Instrument runway" means a runway equipped or to be equipped with a precision electronic navigation aid or other landing aids or other air navigational facilities suitable to permit the landing of aircraft by any instrument approach under restricted visibility conditions.

2. "Non-instrument runway" means a runway other than an instrument runway.

**"Saddle Shop"** means a shop for the repair and sale of saddles and tack items (bridle and halter) for use on a horse, and the sale of incidental horse apparel and horse care products.

**"Sanitarium"**. See "Hospital."

**"Salvage Yard"**. See "Junk yard."

**"Sawmill"** means a mill or machine for sawing logs.

**"Secretary"** means the secretary to the Planning Commission or the Zoning Board of Appeals, or may be a designated employee.

**"Self-service laundry"**. See "Laundromat."

**"Semi-Attached Building"**. See "Building, semi-attached."

**"Setback"** means the distance from the lot line to any building or structure on the lot.

**"Sexual encounter establishment"** means a business establishment which, as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

**"Shielding"** means a technique or method of construction which causes all the light emitted from an outdoor light fixture to be projected below a horizontal plane passing through the fixture.

**"Shooting Range, indoor"** means a facility designed or used for shooting at targets with rifles, pistols, or shotguns and which is completely enclosed within a building or structure.

**"Shooting Range, outdoor"** means the use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, and temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and non-recurring discharging of firearms on private property.

**"Sight-distance triangle"** means a pentahedron shaped area at the intersection of two or more streets in which the unregulated placement of structures and improvements could reduce the visibility of motor vehicle operators and create a hazardous condition. The base of the pentahedron is a triangle, having angle points "a," "b," and "c" determined as follows: point "a" is the intersection of the existing curb or asphalt lines (extended), points "b" and "c" are points along the existing curb or asphalt lines measured back from point "a" a distance(s) determined by the Road and Bridge Department. The three sides of the pentahedron are perpendicular to the base and begin a distance of two (2) feet above the centerline grades of the intersecting streets, and extend to a height of eight (8) feet above the centerline grade.

**"Sign"** means an advertising device.

**"Sign, Animated"** means a sign having regular variation in its physical position by mechanical movement or mechanical rotation.

**"Sign area"** means the total area enclosed by the shortest single line that can be drawn around the entire sign, excluding structural supports. Each display face of a sign shall be measured separately in computing total sign area.

**"Sign, Chasing"** means a sign having a change in its visible advertisement by rotation or by the sequential presentation of words and/or phrases.

**"Sign, Development"** means a temporary sign which is established to inform the public of: (1) construction or rehabilitation occurring on the premises; or (2) identify model homes which represent residential structures which are being offered for construction in the subdivision or development.

**"Sign, Face"** means that portion of the sign visible to the public right-of-way for the purpose of advertising.

**"Sign, Flashing"** means any illuminated sign on which the artificial light or lights are not maintained in a satisfactory condition or not constant in intensity and color at all times when such sign is illuminated. A sign whereon the time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature.

**"Sign, Fluttering"** means a sign, including "wind sign," having irregular variation in its physical position by non-mechanical movement (e.g., wind). Fluttering signs, unless otherwise exempted by this division (e.g., national and state flags), are devices such as spinners, wind cups, streamers, pennants and flags.

**"Sign, Free Standing"** means a sign, which is supported by one or more uprights, poles or braces in or upon the ground; or a portable sign; or a sign, which by its configuration stands freely without support from a primary or accessory structure.

**"Sign, Gateway"** means a sign, which is established to denote entrance into a predominately residential neighborhood.

**"Sign, Illuminated"** means a sign which is directly lighted by any electrical light source, internal or external, except public light sources (e.g., street lights) and private light sources operated for the purpose of illuminating an area (e.g., parking lot) in which the sign is located.

**"Sign, Projecting"** means a sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

**"Sign, Roof"** means a sign erected upon or above a roof or parapet wall or a building or structure.

**"Sign, Wall"** means a sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than fifteen (15) inches from the face of the wall.

**"Solid wastes"** mean garbage, refuse, sludge of sewage disposal plants, and other discarded solid materials, including solid waste materials resulting from industrial, commercial and community activities, but does not include agricultural wastes.

**"Solid waste disposal"** means the collection, storage, treatment, utilization, processing or final disposal of solid wastes.

**"Solid waste disposal site and facility"** means the location and facility at which the deposit and final treatment of solid wastes occur but does not include those sites where selected biologically and chemically stable materials such as concrete, mortar, bricks and asphalt are being used as a substitute for natural rock in land leveling and filling operations.

**"Solid waste transfer station"** means a facility at which refuse awaiting transportation to a disposal site is transferred from one type of collecting vehicle and placed into another.

**"Specialized group facilities"** mean a residential structure, established and supervised by the Pueblo County Department of Social Services or a licensed child placement agency, which provides 24-hour care for five (5) to twelve (12) children from the ages of three (3) years old to

eighteen (18) years old and those persons twenty-one (21) years old who are placed by court order prior to their eighteenth birthday whose special needs may be met through the medium of the small group. Children in care are from different family households and are not related to the caregiver. Caregivers are required to be licensed by the State of Colorado and/or the Pueblo County Department of Social Services. The definition of "Specialized Group Facilities" includes a "Specialized Group Home" and a "Specialized Group Center" as defined by the State of Colorado, Department of Human Services, Division of Child Care.

**"Specified Anatomical Areas"** are defined as:

1. Less than completely and opaquely covered: human genitals or pubic region or buttocks or female breast below a point above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**"Specified sexual activities"** mean acts, simulated acts, exhibitions, representations, depictions or descriptions through any medium of:

1. Human genitals in a state of sexual stimulation or arousal.
2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.

**"Sports complex"** means a complex that allows for multiple indoor and outdoor recreational uses. These uses include sand volleyball courts, softball/baseball fields, batting cages, driving range, video arcade, snack bar, and restaurant/lounge.

**"Spotlight or Floodlight"** means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**"Stable"** means a building for the purpose of housing and feeding of horses and for the storage of equipment relating to the care, maintenance and operation of the horses.

1. Commercial: any stable where horses are boarded for remuneration and/or where horses are kept for sale or hire.
2. Private: any stable where horses are boarded and owned by the occupants of the premises and are not kept for remuneration, sale or hire.

**"Storage"** means the act of stocking or supplying a product reserved for future use.

**"Street"** means a way for vehicular and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, mall or otherwise.

**"Street, Center Line of"** means the true center line of a dedicated public right-of-way as determined by the Commissioner of Roads. Where such public right-of-way is curved, offset, angular or any other question arises, the Commissioner of Roads shall determine the alignment of the center line.

**"Street, Private"** means a right-of-way or easement in private ownership, not dedicated or maintained as a public street which affords the principal means of access to one or more lots and not maintained by Pueblo County.

**"Street, Right-of-Way"**. See "Right-of-way, public."

**"Street width"** means the horizontal distance between right-of-way lines.

**"Structural alteration"** means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**"Structure"** means anything constructed or erected and having a permanent location on the ground. (Does not include fences.)

**"Structure, Nonconforming"** means a building or structure, or portion thereof, lawfully existing at the time this resolution or any amendment hereto became effective, that does not conform to all regulations applicable in the zone district in which it is located. If a structure is made to be nonconforming by the actions of a local, State or Federal agency, then such structure shall not be considered to be a nonconforming structure.

**"Structure, Permitted"** means a structure meeting all the requirements established by these zoning regulations for the district in which the structure is located.

**"Structure, Principal"**. See "Building, principal and/or main."

**"Studio"** means a place, where an art is taught or studied; an artist's or photographer's establishment.

**"Subdivision"** means a division, subdivision or resubdivision of a lot, tract or parcel of land into two or more lots, tracts or parcels of land.

**"Temporary"** means use of land and/or structure or portion thereof which continues for a period of less than thirty (30) consecutive days.

**"Terrace"** means a raised level or platform of earth surfaced or unsurfaced supported on one or more faces by a wall, a bank, turf or the like.

**"Tourist Court"**. See "Motel."

**"Tourist Home"**. See "Motel" or "Hotel."

**"Tract"** means an area, parcel, site, piece of land, or property that is the subject of a development proposal and applications.

**"Trailer sales or manufacturing"** means the sale or manufacturing of mobile homes or travel trailers.

**"Travel trailer"** means a temporary portable housing unit on wheels that is eight (8) feet or less in width and thirty-two (32) feet or less in length, excluding towing gear and bumpers which is designed for short-term occupancy while being used for travel, recreation and vacation.

**"Trailer Park"**. See "Mobile home park."

**"Unenclosed"** means may be roofed, but may not be enclosed on more than two sides by walls or fences. See "Enclosed."

**"Uplighting"** means any light source that distributes illumination above a 90-degree horizontal plane.

**"Use"** means any activity taking place upon land and/or in structures.

**"Use by Review"**. See "Use, special."

**"Use by right"** means a use which may be permitted in a zone district upon issuance of a permit by the County Zoning Administrator.

**"Use, Nonconforming"** means a use, which lawfully occupied a building or land at the time this resolution or an amendment hereto, became effective and which does not now conform with the use regulations applicable in the zone district in which it is located. Notwithstanding the foregoing, those existing uses which formerly were uses by right in a particular zone district, but which under current use regulations would now require favorable action by the Planning Commission in the form of a special use permit, shall not be considered nonconforming uses. However, any expansion of such use onto contiguous or adjacent parcels shall, for the expanded portion thereof, be required to obtain a special use permit and shall conform in other respects to the development standards, if any, for that particular zone district.

**"Use, Principal"**. "Principal use" means any use listed as a use by right.

**"Use, Special"** means a use which may be permitted in a zone district upon favorable action by the Planning Commission.

**"Variance"** means a relaxation of the terms of the zoning resolution where such relaxation will not be contrary to the public interest or the INTENT AND PURPOSE of said resolution and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the zoning resolution would result in unnecessary and undue hardship, and the condition or situation is not of so general or recurrent a nature as to make reasonable and practicable the formulation of an amendment containing a general regulation for such condition or situation.

**"Vehicle"** means a device that is required to be licensed or registered, or is used to carry persons or goods from one place to another, and which is self-propelled or designed to be transported from one place to another upon wheels or endless tracks.

**"Vehicle, Residential Accessory"** means an automobile or other vehicle parked upon private property or public right-of-way, where a residence or mobile home has been legally constructed as a principal structure in a residential or agricultural zone district, subject to such standards

and limitations set forth herein. The occupant of a residence or mobile home shall be the owner or operator of the vehicle. Junked vehicles and vehicles required to be licensed by the Colorado Public Utilities Commission shall not be considered residential accessory vehicles. This definition does not permit the use of the property as a depot, fleet maintenance, or storage yard for vehicles. For the purpose of this definition, residential accessory vehicles are as follows:

1. "Authorized emergency vehicle" means such vehicles of a fire department, police department, ambulance company, and other emergency service providers which are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state law regulating emergency vehicles. This term also means privately owned vehicles which are designated by the State Motor Vehicle Department to be necessary to preserve life or property, and are equipped to be operated as emergency vehicles in the manner prescribed by law.

2. "Automobile" means a conventional automobile. This definition does not include automobiles offered for hire as a common carrier, such as taxicabs and limousine service automobiles.

3. "Farm vehicle" means a vehicle customarily used in farming and ranching, such as truck, tractor and implements of husbandry, when the property is principally used for farming or ranching and the vehicle is principally used in conjunction with the property.

4. "Motorcycle". Motorcycles and motorized bicycles are permitted.

5. "Recreation vehicle" means a vehicular type unit designed as temporary living quarters for recreation or camping which may be mounted on or drawn by another vehicle, such as travel trailer, camping trailer, truck camper, and motor home. Recreational vehicles, which are residential accessory vehicles, shall also include boats, boat trailers, and snowmobiles. Recreational vehicle shall not be parked on any public right-of-way. Recreational vehicles shall be so parked on private property to not impede the visibility of pedestrian or vehicular traffic. No recreational vehicle shall be used as a dwelling or residence on a permanent basis when parked at a residence or mobile home.

6. "School bus" means a vehicle parked in the A-1 through A-4 zone districts which is solely used to transport students and which is owned and operated by a public or private school district, provided neither maintenance nor repairs are performed on the bus at such property. School buses shall not be parked on any public right-of-way. School buses shall be so parked on private property to not impede the visibility of pedestrian or vehicular traffic. This definition does not include preschool, church and Sunday school, and camp buses. A school bus is not a residential accessory vehicle in the R-A and R-1 through R-8 zone districts.

7. "Truck and van" means a vehicle whose manufacturer's rated chassis or carrying capacity is one ton or less. This definition does not preclude temporary parking during the loading or unloading of any truck or van, or while being used for onsite construction work.

"**Visible**" means capable of being seen, whether or not legible, without visual aid by a person of normal acuity.

"**Wall**" means an obscuring structure constructed of masonry, brick, concrete, metal, wood or similar materials that prevents the passage of light, air and vision.

"**Warehouse**" means a building or portion thereof used and appropriated by the occupant: (1) for the deposit and safekeeping or selling of his or her own goods at wholesale or by mail order; or (2) not for the deposit and safekeeping or selling of his or her own goods but for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

"**Wholesale**" means sale for resale, not for direct consumption.

"**Wild Animal**" shall mean any species of animal which exists in a natural unconfined state and is not commonly domesticated or suitable for domestication. The term specifically includes, without limitation, all species of poisonous reptiles, lizards belonging to the family *Varanidae* and *crocodilians*.

"**Wrecking Yard**". See "Junk yard."

**"Yard"** means an existing or required space not occupied or not to be occupied by a principal use or building on the same lot, parcel or tract with a principal use or building.

**"Yard, Front"** means a yard extending the full width of the lot and situated between the street line and the required front setback line.

**"Yard, Rear"** means a yard extending the full width of the lot and situated between the rear line of the lot and the required rear setback line.

**"Yard, Side"** means a yard extending between the required side setback line and the adjacent side line of the lot and extending from the required front setback line to the required rear setback line.

**"Zone District"**. See "District, zone".

## ***Chapter 17.08 ZONE DISTRICT MAPS***

The written provisions of the Title 17 shall apply to the applicable zone districts as shown on the Zone District Map, such being a part of Title 17.

Unless otherwise provided, zone district boundaries shall be on municipal corporate lines, section lines, lot lines, natural boundary lines, or on the center lines of right-of-way lines of highways, streets, alleys, railroad rights-of-way, or such lines extended. In cases where such lines are not used, the zone district lines shall be as determined by using the scale of the Zone District Map.

When a parcel of land under one ownership at the time of the adoption of the resolution is divided by a zone district boundary line and the dividing of such a parcel is consistent with the purpose and intent of this resolution and each portion may support a reasonable and legal use, then the zone district boundary line shall be as determined by the scale of the zone district map. Any dispute regarding a zone district line shall be heard by the County Planning Commission. In the event the Commission finds the zone district line is not consistent with the purpose and intent of said resolution, the Commission shall prepare an appropriate recommendation to the Board of County Commissioners.



## **Chapter 17.12 AGRICULTURAL ONE (A-1) AND TWO (A-2) DISTRICTS**

### **17.12.010 Purpose.**

The standards of these districts (A-1 and A-2) are designed to retain and promote the appropriate use of dry range and irrigated lands and encourage open use of the land in keeping with its natural characteristics and agricultural functions.

### **17.12.020 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Agricultural custom contractor;  
Christmas tree sales (temp.);  
Church and religious buildings;  
Drilling company equipment yard;  
Equestrian arena, personal;  
Farming or ranching;  
Fruit and vegetable processing, wholesale and retail;  
Greenhouse and nursery;  
Guest house;  
Hay, grain, feed, seed and fertilizer - retail, storage and/or wholesale;  
Home, receiving (must possess a minimum of 5.0 acres of land, or a Special Use Permit is required)  
Housing, tenant;  
Mobile home;  
Ranch, guest;  
Recreation camps;  
Residence, 1-family;  
Residence, 2-family;  
Riding academy, stables;  
Roadside sale stand (retail agricultural products);  
Sawmill;  
Water distillation and bottling.

### **17.12.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Pueblo County Planning Commission.

Advertising device, off-premise (See Chapter 17.116);  
Agricultural implements, retail, wholesale, rental and service;  
Airplane beacon, marker or tower;  
Airport, private heliport, glider port;  
Asphalt (recycled), sale and storage;  
Associations, clubs and lodges;

Athletic field, golf range, golf course;  
Atomic reactor and/or other scientific installation;  
Aviary;  
Bed and breakfast;  
Boat and RV storage;  
Broadcasting station, transmitter or tower;  
Carnival (temp.);  
Cemetery, crematory and/or mausoleum;  
Child care centers;  
Child care home (large);  
Cold storage lockers;  
Concrete (batch) plant;  
Contractor's yard;  
Emergency facility;  
Equestrian arena, commercial/club;  
Explosives, manufacture and wholesale;  
Farm products, processing, manufacture, storage and wholesale;  
Feed and fertilizer manufacture and processing;  
Game preserve, developed;  
Hide and tallow processing;  
Home for blind, disabled, elderly, elderly foster, maternity, nursing, religious;  
Hot mix (road) plant;  
Kennel, dog breeding and boarding;  
Livestock sales and auction;  
Lots, feed;  
Natural deposits, extraction and processing;  
Outdoor theater;  
Paintball field;  
Private school;  
Propane and butane, wholesale and retail service;  
Race track;  
Recreational vehicle park;  
Rental and service of construction equipment, retail and wholesale;  
Runway;  
Saddle and tack shop;  
Shooting range, outdoor;  
Solid waste disposal site and facility;  
Specialized group facilities;  
Utilities as outlined in Section 17.120.130;  
Veterinary hospital (use by right until TA 60, 4/17/84);  
Wholesale vending machine products;  
Wind turbine for residential purposes.

#### **17.12.040 Lot area.**

No parcel of land shall be less than thirty-five (35) acres in size if in the A-1 zone, or less than five (5) acres if in the A-2 zone, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units of less than thirty-five (35) acres if in the A-1 zone, nor less than five (5) acres if in the A-2 zone.

**17.12.050 Lot dimensions.**

No parcel of land shall be less than six hundred (600) feet in width or six hundred (600) feet in depth if in the A-1 zone or less than three hundred (300) feet in width or three-hundred (300) feet in depth if in the A-2 zone.

**17.12.060 Lot coverage.**

The total ground area covered by all buildings on parcel shall not exceed twenty-five (25) percent of the total ground area of the parcel.

**17.12.070 Floor area ratio.**

No requirement.

**17.12.080 Building height.**

No requirement. (Except as imposed by other limitations.)

**17.12.090 Front yard setback.**

A principal structure shall be set back not less than twenty-five (25) feet from property line. An accessory building shall be set back not less than fifteen (15) feet from the front property line.

**17.12.100 Side yard setback.**

A dwelling shall be set back at least fifteen (15) feet from a side lot line. Sheds and other accessory buildings shall be set back five (5) feet from side property lines.

**17.12.110 Rear yard setback.**

A dwelling shall be set back at least fifteen (15) feet from a rear lot line. A shed and other accessory buildings shall set back five (5) feet from rear property lines.

**17.12.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.12.130 Loading space.**

None required.

**17.12.140 Fences, walls and hedges.**

No limitation.

**17.12.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.16 AGRICULTURAL THREE (A-3) AND FOUR (A-4) DISTRICTS**

### **17.16.010 Purpose.**

The standards of these districts (A-3) and (A-4) are designed to provide and retain certain lands for farming and gardening, and to provide for orderly low density residential development.

### **17.16.020 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Equestrian arena, personal;  
Farming or ranching;  
House, guest;  
Nursery (plant materials);  
Residence, 1-family;  
Roadside sale stand (retail agricultural products).

### **17.16.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Pueblo County Planning Commission.

Agricultural custom contractor;  
Airplane beacon marker or tower;  
Associations, club and lodges;  
Athletic fields, golf range, golf course;  
Aviary;  
Bed and breakfast;  
Broadcasting station, transmitter and tower;  
Cemetery, crematory, mausoleum;  
Child care centers;  
Child care home (large);  
Christmas tree sales (temp.);  
Church and religious buildings;  
Emergency facility;  
Equestrian arena, commercial/club;  
Farm products, processing, mfg., storage and wholesale;  
Fireworks, retail (temp.);  
Greenhouse;  
Home, blind, disabled, elderly, elderly foster, maternity, nursing, receiving, religious;  
Home, receiving;  
Housing, tenant;  
Kennel, dog breeding and boarding;  
Lots, feed;

Natural deposits, extraction and processing;  
Outdoor theater;  
Paintball field;  
Race track;  
Ranch, guest;  
Recreation camp;  
Riding academy, stables (commercial);  
Roasting green coffee beans and offering (on a limited basis) guided informational/educational tours of the facility;  
Sawmill;  
Specialized group facilities;  
Studio;  
Utilities as outlined in Section 17.120.130;  
Veterinarian, animal hospital and kennels;  
Water distillation and bottling;  
Wind turbine for residential purposes;  
Wood pallet repair and sales;  
Wood products, storage and wholesale.

**17.16.040 Lot area.**

No parcel of land shall be less than one (1) acre (43,560 square feet) in the A-3 zone, or one-half (1/2) acre (21,780 square feet) in the A-4 zone, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units of less than one (1) acre (43,560 square feet) in the A-3 zone, or one-half (1/2) acre (21,780) square feet) in the A-4 zone.

**17.16.050 Lot dimensions.**

No parcel of land shall be less than one hundred and forty (140) feet in width or one hundred and forty (140) feet in depth.

**17.16.060 Lot coverage.**

The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.

**17.16.070 Floor area ratio.**

No requirement.

**17.16.080 Building height.**

The height of any structure shall not exceed thirty-five (35) feet.

**17.16.090 Front yard setback.**

Except as provided in Chapter 17.120, all buildings shall be set back not less than twenty-five (25) feet from the front property line.

**17.16.100 Side yard setback.**

A dwelling shall be set back at least fifteen (15) feet from a side lot line. Five (5) feet side yard setback required for sheds and other accessory buildings.

**17.16.110 Rear yard setback.**

A dwelling shall be set back at least fifteen (15) feet from a rear lot line. A five foot rear yard setback required for sheds and other accessory buildings.

**17.16.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.16.130 Loading space.**

None required.

**17.16.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.16.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.20 RESIDENTIAL-AGRICULTURAL (R-A) DISTRICT**

### **17.20.010 Purpose.**

The standards of this district (R-A) are designed to provide and retain certain lands for orderly low density residential development in agricultural areas.

### **17.20.020 Uses by right.**

A use by right is the following use, which is permitted upon issuance of a zoning permit by the County Zoning Administrator.

Residence, one-family.

### **17.20.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Pueblo County Planning Commission.

Child care centers;  
Child care home (large);  
Emergency facility;  
Home, blind, disabled, elderly, elderly foster, maternity, nursing, religious;  
Home, receiving  
Natural deposits, extraction and processing;  
Utilities as outlined in Section 17.120.130.

### **17.20.040 Lot area.**

No parcel of land shall be less than one-half (1/2) acre (21,780 square feet) in the R-A zone, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units of less than one-half (1/2) acre (21,780 square feet) in the R-A zone.

### **17.20.050 Lot dimensions.**

No parcel of land shall be less than seventy (70) feet in width nor exceed four and one-half (4 1/2) times the width in depth.

### **17.20.060 Lot coverage.**

The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.



**17.20.070 Floor area ratio.**

No requirement.

**17.20.080 Building height.**

The height of any structure shall not exceed thirty-five (35) feet.

**17.20.090 Front yard setback.**

Except as provided in Chapter 17.120, buildings shall be set back not less than twenty-five (25) feet from the front property line.

**17.20.100 Side yard setback.**

A dwelling shall be set back at least fifteen (15) feet from a side lot line. Five (5) feet side yard setback is required for sheds and other accessory buildings.

**17.20.110 Rear yard setback.**

A dwelling shall be set back at least fifteen (15) feet from a rear lot line. A five (5) foot rear yard setback is required for sheds and other accessory buildings.

**17.20.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.20.130 Loading space.**

None required.

**17.20.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.20.150 Signs.**

Signs shall be provided in Chapter 17.116.

## **Chapter 17.24 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)**

### **17.24.010 Purpose.**

The standards of this district (R-1) are designed to retain and provide areas of low-medium density development characteristically and exclusively for single-family dwelling units.

### **17.24.020 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Residence, one-family.

### **17.24.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a special use permit by the Planning Commission.

Airplane beacon, marker or tower;  
Associations, clubs and lodges;  
Auto parking, commercial;  
Carnival (temp.);  
Cemetery, crematory, mausoleum;  
Charitable institution;  
Child care centers;  
Child care home (large);  
Christmas tree sales (temp.);  
Church and religious bldgs.;  
Dwelling--townhouse;  
Emergency facility;  
Farming or ranching;  
Fireworks, retail;  
Golf course;  
Golf course, miniature;  
Golf driving range;  
Home, elderly foster;  
Home, receiving;  
Natural deposits extraction;  
Specialized group facilities;  
Studio;  
Utilities as outlined in Section 17.120.130.

**17.24.040 Lot area.**

No parcel of land shall be less than seven thousand three hundred (7,300) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units of less than seven thousand three hundred (7,300) square feet.

**17.24.050 Lot dimensions.**

No parcel of land shall be less than seventy (70) feet in width or ninety (90) feet in depth.

**17.24.060 Lot coverage.**

The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.

**17.24.070 Floor area ratio.**

No requirement.

**17.24.080 Building height.**

The height of any structure shall not exceed thirty-five (35) feet.

**17.24.090 Front yard setback.**

Except as provided in Chapter 17.120 all buildings shall be set back not less than twenty-five (25) feet from the front property line.

**17.24.100 Side yard setback.**

A principal structure shall provide total side yards of not less than fifteen (15) feet with not less than five (5) feet on one side, and, except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet.

**17.24.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line, and except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.24.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.24.130 Loading space.**

No requirement.

**17.24.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.24.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.28 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2)**

### **17.28.010 Purpose.**

The standards of this district (R-2) are designed to retain and provide areas primarily for single-family development of medium density.

### **17.28.020 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Residence, one-family.

### **17.28.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Airplane beacon, marker or tower;  
Associations, clubs and lodges;  
Auto parking, commercial;  
Carnival (temp.);  
Cemetery, crematory, mausoleum;  
Charitable institution;  
Child care centers;  
Child care home (large);  
Christmas tree sales (temp.);  
Church and religious buildings;  
Dwelling--townhouse;  
Emergency facility;  
Farming or ranching;  
Fireworks, retail;  
Golf course;  
Home, elderly foster;  
Home, receiving;  
Natural deposits extraction;  
Specialized group facilities;  
Studio;  
Utilities as outlined in Section 17.120.130.

### **17.28.040 Lot area.**

No parcel of land shall be less than five thousand six hundred (5,600) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units of less than five thousand six hundred (5,600) square feet.

**17.28.050 Lot dimensions.**

No parcel of land shall be less than sixty (60) feet in width or ninety (90) feet in depth.

**17.28.060 Lot coverage.**

The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.

**17.28.070 Floor area ratio.**

No requirement.

**17.28.080 Building height.**

The height of any structure shall not exceed thirty-five (35) feet.

**17.28.090 Front yard setback.**

Except as provided in Chapter 17.120, all buildings shall be set back not less than twenty-five (25) feet from the front property line.

**17.28.100 Side yard setback.**

A principal structure shall provide total side yards of not less than fifteen (15) feet with not less than five feet on one side, and, except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet.

**17.28.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line and, except as provided in Section 17.120.020, an accessory building shall be back from a rear lot line at least five feet.

**17.28.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.28.130 Loading space.**

No requirement.

**17.28.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.28.150 Signs.**

Signs shall be provided in Chapter 17.116.

## **Chapter 17.32 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-3)**

### **17.32.010 Purpose.**

The standards of this district (R-3) are designed to retain and provide areas of high density development characterized by single- and two-family dwelling unit structures.

### **17.32.020 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Auto parking community;  
Grouped houses;  
Residence, one-family;  
Residence, two-family.

### **17.32.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Airplane beacon, marker or tower;  
Associations, clubs and lodges;  
Auto parking, commercial;  
Carnival (temp.);  
Cemetery, crematory, mausoleum;  
Charitable institution;  
Child care centers;  
Child care home (large);  
Christmas tree sales (temp.);  
Church and religious buildings;  
Dwelling--condominium;  
Dwelling--townhouse;  
Emergency facility;  
Farming or ranching;  
Fireworks, retail;  
Golf course;  
Home, elderly foster;  
Home, receiving;  
Natural deposits, extraction;  
Specialized group facilities;  
Studio;  
Utilities as outlined in Section 17.120.130.



**17.32.040 Lot area.**

A. No parcel of land for a single-family dwelling unit shall be less than four thousand (4,000) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units of less than four thousand (4,000) square feet.

B. No parcel of land for a two-family dwelling unit structure shall be less than five thousand (5,000) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale as two-family dwelling unit structure site of less than five thousand (5,000) square feet.

**17.32.050 Lot dimensions.**

A. No parcel of land for a single-family dwelling unit shall be less than fifty (50) feet in width or fifty (50) feet in depth.

B. No parcel of land for a two-family dwelling unit structure shall be less than seventy (70) feet in width or seventy (70) feet in depth.

**17.32.060 Lot coverage.**

The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.

**17.32.070 Floor area ratio.**

No requirement.

**17.32.080 Building height.**

The height of any structure shall not exceed thirty-five (35) feet.

**17.32.090 Front yard setback.**

Except as provided in Chapter 17.120, all buildings shall be set back not less than twenty-five (25) feet from the front property line.

**17.32.100 Side yard setback.**

A principal structure shall provide side yards of not less than five (5) feet on each side, and except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet.

**17.32.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line, and except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.32.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.32.130 Loading space.**

No requirement.

**17.32.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.32.150 Signs.**

Signs shall be provided in Chapter 17.116.

## **Chapter 17.36 MIXED RESIDENTIAL DISTRICT (R-4)**

### **17.36.010 Purpose.**

The standards of this district (R-4) are designed to retain and provide areas with co-mingling of single-family dwelling units and limited multiple-family dwelling unit structures.

### **17.36.020 Uses by right.**

A use by right is any of the following uses which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Apartment bldg. (up to four (4) dwelling units);  
Apartment hotel;  
Auto parking, community;  
Boarding house;  
Dwelling--condominium (up to four (4) dwelling units);  
Dwelling--townhouse;  
Grouped houses;  
Home, blind, disabled, elderly, elderly foster, maternity, nursing, religious;  
Residence, one-family;  
Residence, three- and four-family;  
Residence, two-family;  
Rooming house.

### **17.36.030 Uses by review.**

A use by review is any of the following use, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Airplane beacon, marker or tower;  
Associations, clubs and lodges;  
Auto parking, commercial;  
Carnival (temp.);  
Cemetery, crematory, mausoleum;  
Charitable institution;  
Child care centers;  
Child care home (large);  
Christmas tree sales (temp.);  
Church and religious buildings;  
Emergency facility;  
Farming or ranching;  
Fireworks, retail;  
Golf course;  
Halfway house;  
Home, receiving;  
Natural deposits, extraction;  
Specialized group facilities;

Studio;  
Utilities as outlined in Section 17.120.130.

**17.36.040 Lot area.**

No parcel of land shall be smaller than the sizes shown in the following table, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units smaller than shown in the following table.

<b>Use</b>	<b>Minimum Lot Size</b>
Single-family dwelling unit	3,000 square feet
Two-family dwelling unit structure	4,000 square feet
Three-family dwelling unit structure	4,500 square feet
Four-family dwelling unit structure	6,000 square feet
Other permitted uses	3,000 square feet

**17.36.050 Lot dimensions.**

No parcel of land shall be less in width or depth than shown in the following table.

<b>Use</b>	<b>Minimum Width</b>	<b>Minimum Depth</b>
Single-family dwelling unit	25 feet	70 feet
Two-family dwelling unit structure	50 feet	70 feet
Three-family dwelling unit structure	65 feet	70 feet
Four-family dwelling unit structure	80 feet	70 feet
Other permitted uses	25 feet	70 feet

**17.36.060 Lot coverage.**

The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.

**17.36.070 Floor area ratio.**

No requirement.

**17.36.080 Building height.**

The height of any structure shall not exceed thirty-five (35) feet.

**17.36.090 Front yard setback.**

Except as provided in Chapter 17.120, all buildings shall be set back not less than twenty-five (25) feet from the front property line.

**17.36.100 Side yard setback.**

A principal structure shall provide total side yards as indicated in the following table, and except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet.

<b>Use</b>	<b>Total Side Yard</b>	<b>Minimum Side Yard 1 Side</b>
Single-family dwelling unit	5 feet	2 1/2 feet
Two-family dwelling unit structure	10 feet	5 feet
Three-family dwelling unit structure	12 feet	5 feet
Four-family dwelling unit structure	15 feet	5 feet
Other permitted uses	5 feet	2 1/2 feet

**17.36.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line and, except as provided in Section 17.120.020, an accessory building shall be set back from the rear lot line at least five feet.

**17.36.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.36.130 Loading space.**

Off-street loading requirements shall be as provided in Chapter 17.112.

**17.36.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.36.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.40 MULTIPLE-RESIDENTIAL AND OFFICE DISTRICT (R-5)**

### **17.40.010 Purpose.**

The standards of this district (R-5) are designed to retain and provide areas of high density multiple-family dwelling unit structures with limited co-mingling of professional offices and studios.

### **17.40.020 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Apartment bldg.;

Apartment hotel;

Auto parking, community;

Boarding house;

Dwelling--condominium;

Dwelling--townhouse;

Fraternity house;

Grouped houses;

Home, blind, disabled, elderly, elderly foster, maternity, nursing, religious;

Hospital;

Hotel;

Lodging house;

Residence, one-family;

Residence, over four-family;

Residence, three-family;

Residence, two-family;

Resort hotel;

Rooming house;

Sorority house.

### **17.40.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Airplane beacon, marker or tower;

Associations, clubs and lodges;

Auto parking, commercial;

Carnival (temp.);

Car wash;

Cemetery, crematory, mausoleum;

Charitable institution;

Child care centers;

Child care home (large);

Church and religious bldgs.;

Emergency facility;  
 Farming or ranching;  
 Fireworks, retail;  
 Golf course;  
 Halfway house;  
 Health center;  
 Infirmary;  
 Museum;  
 Musical institute and foundation (non-commercial);  
 Natural deposits, extraction;  
 Office building;  
 Restaurant;  
 Specialized group facilities;  
 Studio;  
 Utilities as outlined in Section 17.120.130;  
 Water, distilled, processing.

**17.40.040 Lot area.**

No parcel of land shall be smaller than the sizes shown in the following table, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units smaller than shown in the following table.

Use	Minimum Lot Size
Single-family dwelling unit	3,000 square feet
Two-family dwelling unit structure	4,000 square feet
Three-five-family dwelling unit structure	1,500 square feet per dwelling unit

Six (6) or more family dwelling unit structures and other permitted uses shall contain a minimum of eight thousand (8,000) square feet, and if one (1) to three (3) habitable stories, shall provide at least twenty (20) percent of the parcel in landscaped open space; if four (4) to six (6) habitable stories, shall provide at least thirty (30) percent of the parcel in landscaped open space; if more than six habitable stories, shall provide at least fifty (50) percent of the parcel in landscaped open space. Such open space may be in the form of balconies at least four (4) feet wide on usable roofs, but may not include space provided for off-street parking, loading or road accessways.

**17.40.050 Lot dimensions.**

No parcel of land shall be less in width or depth than shown in the following table.

Use	Minimum Width	Minimum Depth
Single-family dwelling unit	25 feet	70 feet

Two-family dwelling unit structure	50 feet	70 feet
Three or more family dwelling unit structure	75 feet	70 feet
Other permitted uses	75 feet	70 feet

**17.40.060 Lot coverage.**

The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.

**17.40.070 Floor area ratio.**

The gross floor area ratio shall not exceed two (2).

**17.40.080 Building height.**

No limit except as provided by other requirements of this Code.

**17.40.090 Front yard setback.**

Except as provided in Chapter 17.120, all buildings shall be set back not less than twenty-five (25) feet from the front property line.

**17.40.100 Side yard setback.**

A principal structure shall provide total side yards as indicated in the following table and except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet.

Use	Total Side Yard	Minimum Side Yard – 1 side
Single-family dwelling unit	5 feet	2 1/2 feet
Two-family dwelling unit structure	10 feet	5 feet

Three (3) or more family dwelling unit structures and other permitted uses fifteen (15) feet total side yards with five (5) feet minimum on one side for buildings of one (1) to three (3) stories. Buildings over three (3) stories shall provide an additional two and one-half feet (2 1/2) side yard on each side for each additional story over three (3).



**17.40.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line and, except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.40.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.40.130 Loading space.**

No requirement.

**17.40.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.40.150 Signs.**

Signs shall be provided in Chapter 17.116.

## **Chapter 17.44 MULTIPLE-RESIDENTIAL AND COMMERCIAL DISTRICT (R-6)**

### **17.44.010 Purpose.**

The standards of this district (R-6) are designed to retain and provide areas of mixed residence, commercial establishments, and accommodations for transients.

### **17.44.020 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Advertising device, off-premises (see Chapter 17.116);  
Apartment building;  
Apartment hotel;  
Auto court;  
Auto parking, community;  
Boarding house;  
Dwelling--condominium;  
Dwelling--townhouse;  
Grouped houses;  
Home, blind, disabled, elderly, elderly foster, maternity, nursing, religious;  
Hospital;  
Hotel;  
Laundry, self-service;  
Lodging house;  
Mineral springs;  
Motel;  
Residence, one-family;  
Residence, over four-family;  
Residence, three- and four-family;  
Residence, two-family;  
Resort hotel;  
Rooming house;  
Tourist court, home;  
Trailer, sales.

### **17.44.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Airplane beacon, marker or tower;  
Associations, clubs and lodges;  
Auto parking, commercial;  
Cafe;

Carnival (temp.);  
 Car wash;  
 Cemetery, crematory, mausoleum;  
 Charitable institution;  
 Child care centers;  
 Child care home (large);  
 Christmas tree sales (temp.);  
 Church and religious buildings;  
 Club, supper and amusement;  
 Cocktail lounge;  
 Emergency facility;  
 Farming or ranching;  
 Fireworks, retail;  
 Garage--public;  
 Golf course;  
 Halfway house;  
 Home, receiving;  
 Mini-warehouse;  
 Natural deposits, extraction;  
 Recreational vehicle park;  
 Refreshment stand;  
 Restaurant;  
 Specialized group facilities;  
 Studio;  
 Tavern;  
 Utilities as outlined in Section 17.120.130;  
 Water, distilled, processing.

**17.44.040 Lot area.**

No parcel of land shall be smaller than the sizes shown in the following table, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units smaller than shown in the following table.

Use	Minimum Lot Size
Single-family dwelling unit	3,000 square feet
Two-family dwelling unit structure	4,000 square feet
Three-five-family dwelling unit structure	1,500 square feet per dwelling unit

Six (6) or more family dwelling unit structures and other permitted uses shall contain a minimum of eight thousand (8,000) square feet: and

1. If one (1) to three (3) habitable stories, shall provide at least twenty (20) percent of the parcel in landscaped open space;

2. If four (4) to six (6) habitable stories, shall provide at least fifty (50) percent of the parcel in open landscaped space. Such open space may be in the form of balconies at least four (4) feet wide or usable roofs, but may not include space provided for off-street parking, loading or road accessways; and further provided a net area of eight hundred (800) square feet of ground area shall be provided for each dwelling unit, or room, or rental unit for transients in a hotel and/or motel; and provided further the other permitted uses shall provide a parcel of land at least five thousand (5,000) square feet.

**17.44.050 Lot dimensions.**

No parcel of land shall be less than sixty (60) feet in width or fifty (50) feet in depth.

**17.44.060 Lot coverage.**

The total ground area covered by all buildings except for mobile home trailer sales lots shall not exceed fifty (50) percent.

**17.44.070 Floor area ratio.**

The gross floor area ratio shall not exceed two (2).

**17.44.080 Building height.**

No limit except as provided by other requirements of this Code.

**17.44.090 Front yard setback.**

Except as provided in Chapter 17.120, all buildings shall be set back not less than twenty-five (25) feet from the front property line. Mobile homes or mobile home sales lots shall observe the front yard setback standards with regard to the front property line of the sales lot parcel.

**17.44.100 Side yard setback.**

A principal structure shall provide total side yards as indicated in the following table, and except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet.

<b>Use</b>	<b>Total Side Yard</b>	<b>Minimum Side Yard – 1 side</b>
Single-family dwelling units	5 feet	2 1/2 feet
Two-family dwelling unit structures	10 feet	5 feet

Three (3) or more family dwelling unit structures and other permitted uses, fifteen (15) feet total side yards with five (5) feet minimum on one (1) side for structures of one(1) to three (3) stories.

Buildings over three (3) stories shall provide an additional two and one-half (2 1/2) feet of side yard on each side for each story over three (3).

**17.44.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line, and, except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.44.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.44.130 Loading space.**

Off-street loading requirements shall be as provided in Chapter 17.112.

**17.44.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.44.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.48 MOBILE HOME PARK DISTRICT (R-7)**

### **17.48.010 Purpose.**

The standards of this district (R-7) are designed to provide areas for mobile home parks.

### **17.48.020 Uses by right.**

A use by right is any of the following uses which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Mobile home, one-family;  
Support facilities.

### **17.48.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted upon issuance of a Special Use Permit by the Planning Commission.

Child care centers;  
Child care home (large);  
Church and religious building;  
Emergency facility;  
Home, receiving;  
Laundry, self-service;  
Mini-warehouse;  
Recreation facility, private;  
Specialized group facilities;  
Utilities, as outlined in Section 17.120.130.

### **17.48.040 Space area.**

No space shall be less than three thousand (3,000) square feet for a mobile home fourteen (14) feet or less in width and not less than four thousand (4,000) square feet for a mobile home exceeding fourteen (14) feet in width.

### **17.48.050 Space dimensions.**

No space shall be less than thirty-five (35) feet in width or in depth.

### **17.48.060 Space coverage.**

The total ground area covered by all structures on the space shall not exceed thirty-five (35) percent of the total ground area of the space.

**17.48.070 Floor area requirement.**

No requirement.

**17.48.080 Building height.**

The height of the principal structure shall not exceed twenty (20) feet. Accessory buildings and structures shall not exceed a height of twelve (12) feet.

**17.48.090 Front yard setback.**

No structure shall be set back less than ten (10) feet on the front line of the mobile home space, or twenty-five (25) feet if the front line abuts a roadway which is the exterior boundary of the mobile home park.

**17.48.100 Side yard setback.**

No structure shall be set back less than five (5) feet from the side line of the mobile home space, or fifteen (15) feet if the side line is an exterior boundary of the mobile home park.

**17.48.110 Rear yard setback.**

No structure shall be setback less than five feet from the rear line of the mobile home space, or fifteen (15) feet if the rear line is an exterior boundary of the mobile home park.

**17.48.120 Parking.**

Off-street parking shall be as provided in Chapter 17.112.

**17.48.130 Recreation and other vehicles.**

No detached camper, motor home, travel trailer, motorbike, unlicensed classic car, boat, airplane, or similar recreational vehicle shall be parked upon any street or parking space within the mobile home park. They may be stored on the mobile home space only when fully contained within an enclosing structure (e.g., garage). Within the mobile home park, one or more areas shall be designated as storage areas for such vehicles. At least one hundred (100) square feet of all-weather surfaced area shall be provided within a designated storage for each mobile home space in the park.

**17.48.140 Roadways.**

All spaces shall front onto a roadway. All roadways, unless herein provided, shall be paved with a minimum of two inches of asphalt, two (2) inches of base, and six (6) inches of subbase. Roadways which are utilized by less than thirty-five (35) spaces may be paved with an all-weather surface material consisting of a minimum ten (10) inches of gravel. Additional paving material may be required when engineering reasons so warrant. All paving material shall be approved by the Public Works Director.

The mobile home park shall have an access roadway onto a dedicated public roadway. That segment of roadway between the public roadway and the first intersecting park roadway, cul-de-sacs notwithstanding, shall be considered the access roadway. A mobile-home park containing more than two hundred (200) units shall provide a second access roadway, said being separated by not less than two hundred fifty (250) feet from the first access roadway, as measured between the points of intersection with the public roadway.

Pavement width on all roadways, unless herein provided, shall be a minimum of thirty-five (35) feet. For a mobile home park containing more than fifty (50) spaces, at least one access roadway shall be paved to a minimum of forty-four (44) feet. Cul-de-sacs shall have a paved radius of forty-five (45) feet.

Roadways terminating in cul-de-sacs shall not exceed five hundred (500) feet in length, nor serve more than twenty (20) spaces.

Roadway names within the park shall be selected to avoid duplication of, or confusion with, existing roadways in the city or county. If a mobile home park roadway is a logical extension of an existing roadway, the name of the existing roadway may be selected. Each roadway within the park shall be identified by a sign, the location and type being approved by the Public Works Director.

**17.48.150 Sidewalks.**

An all-weather surface sidewalk shall be provided along roadways and from roadways to individual homes and support facilities where the lack of such walks constitutes a safety hazard.

**17.48.160 Lighting.**

Illumination of the park shall be provided to assure the security and safety of the residents. Minimum average horizontal illumination at ground level shall be:

	<b>Foot Candle</b>	<b>Lux</b>
Access Road	0.6	6
Other Roadway	0.4	4
Sidewalk	0.2	2

All support facilities shall be provided with interior illumination commensurate with the activities or tasks to occur therein, and exterior lighting to assure the security of the participants. Minimum levels of required illumination shall be those established by the Illuminating Engineering Society.



### **17.48.170 Landscaping.**

For each mobile home space, there shall be required two (2) trees and four (4) shrubs, at least one-half of which shall be located on the mobile home space. The remaining one-half may be dispersed or clustered throughout the park. In addition thereto, there shall be required two hundred (200) square feet of grassed area for each mobile home space, all of which may be dispersed or clustered throughout the mobile home park. All landscape material shall be maintained in a living, disease- and pest-free manner.

### **17.48.180 Park and school site conveyances.**

Each mobile home space shall be subject to the provisions of the County Subdivision Regulations, public sites and open space.

A. No space in a mobile home park shall be occupied by a mobile home until park and school sites are conveyed or fees paid. Such conveyance or payment shall be made:

1. At the time of subdivision approval in accordance with the procedures established in the County Subdivision Regulations of Pueblo;
2. If subdivision is not required to establish the mobile home park, then within one hundred eighty (180) days of the date of mobile home park development plan approval, provided a performance bond is posted at the time of approval; or
3. If development plan approval is not required, then prior to the issuance of a zoning permit.

B. This section shall not apply to mobile home parks which have previously met the subdivision conveyance requirements for park and school sites; or apply to mobile home spaces which met all of the following requirements on September 16, 1976:

1. The space is zoned for a mobile park;
2. The space is in conformity with an approval mobile home park plan;
3. A dependable potable water supply system is available for immediate use on the space, sufficient to provide for the continuous needs of the space; and
4. A sanitary waste disposal system is available for immediate use on the space.

### **17.48.190 Plan required.**

With application for a zoning map amendment, a preliminary plan shall be submitted to the Commission and Board for their consideration. After approval of the zoning map amendment and prior to the issuance of a zoning and building permit for the mobile home park, a Mobile Home Park Development Plan shall be submitted to the Commission for their review and approval. The plans shall include at least the following information:

A. Preliminary plan: a generalized plan setting forth the intent of the proposed mobile home park:

1. Location map showing the proposed mobile home park, surrounding land uses, zone districts, transportation systems, and public sites;
2. Topography (five (5) feet contour or less) and soil type;
3. Internal street configuration;
4. Proposed land use(s), including the maximum of mobile homes spaces and general location and type of support facilities;
5. Proposed methods of potable water supply and sewage disposal; and
6. Legal description of the mobile home park.

B. Mobile home park development plan: A detailed plan showing the nature of the proposed development of the mobile home park:

1. Topography of site and grading plan (two (2) feet contour or less);
2. Internal street alignment, including pavement widths, lighting plan, street names, sidewalks;
3. Typical street sign design and sign placement plan;
4. Landscape, screening and fencing plan;
5. Potable water plan, including fire hydrants;
6. Sewage disposal plan;
7. Storm drainage plan;
8. Parking plan;
9. Detailed land use plan, including the dimension and location of each proposed mobile home space, support facility, and common area; and
10. Plan of garbage and trash removal.

#### **17.48.200 Fences, walls and hedges.**

See Section 17.120.160.

## ***Chapter 17.52 MOBILE HOME SUBDIVISION DISTRICT (R-8)***

### **17.52.010 Purpose.**

The standards of this district (R-8) are designed to retain and provide areas for single-family mobile homes located on individually owned lots.

### **17.52.020 Uses by right.**

A use by right is any of the following uses which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Accessory buildings and structures as permitted in the district;  
Mobile home, one-family.

### **17.52.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Child care centers;  
Child care home (large);  
Church and religious building;  
Emergency facility;  
Home, elderly foster;  
Home, receiving;  
Mini-warehouse;  
Recreation facilities, private;  
Specialized group facilities;  
Utilities as outlined in Section 17.120.130.

### **17.52.040 Lot area.**

No parcel of land shall be less than five thousand six hundred (5,600) square feet.

### **17.52.050 Lot dimensions.**

No parcel of land shall be less than sixty (60) feet in width or ninety (90) feet in depth.

### **17.52.060 Lot coverage.**

The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.

**17.52.070 Floor area requirement.**

No requirement.

**17.52.080 Building height.**

The height of the principal structures shall not exceed twenty (20) feet. Accessory buildings shall not exceed a height of twelve (12) feet.

**17.52.090 Front yard setback.**

All buildings shall be set back not less than twenty (20) feet from the front property line.

**17.52.100 Side yard setback.**

A principal structure shall provide total side yards of not less than fifteen (15) feet, with not less than five (5) feet on each side, and except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet.

**17.52.110 Rear yard setback.**

A principal structure shall be set back at least ten (10) feet from a rear lot line, except where the rear lot line abuts a dedicated public alley or public easement which has a minimum right-of-way width of eighteen (18) feet, then a principal structure shall be set back at least five (5) feet from a rear lot line. Except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.52.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.52.130 Loading space.**

No requirement.

**17.52.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.52.150 Signs.**

Signs shall be as provided in Chapter 17.116.

**17.52.160 Performance Standards.**

A. No more than one mobile home shall be permitted on each platted lot.

B. Each mobile home in a mobile home subdivision shall comply with the Colo. State Housing Board's State Factory-Built Housing Construction Code, more commonly known as the ANSI

Standard A119.1 and C.B.H.B., revision and amendments thereto, or the Federal Mobile Home Construction and Safety Standards.

C. Accessory buildings and structures to a mobile home in a mobile home subdivision are limited to garages, awnings, cabanas, ramadas, storage structures, patios, carports, fences, windbreaks and porches. All accessory buildings and structures shall conform to the building code of the County of Pueblo and appropriate sections of this Code. Accessory buildings or structures not adequately covered by either the building code or this Code shall be subject to the provisions of the National Fire Protection Association's Standard for Mobile Home Parks, "Mobile Home Accessory Buildings and Structures," NFPA No. 501A (ANSI A119.3).

D. Storage is not permitted beneath the mobile home, except when located upon a basement. All basements shall be approved by the Building Inspector.

E. All mobile homes in a mobile home subdivision shall have their wheels, axles and removable towing apparatus removed and be secured to a permanent foundation. Methods of securing and foundation designs shall be approved by the County Building Inspector.

F. All mobile homes, including non-removable towing apparatus in a mobile home subdivision, shall be skirted with an impervious material which is compatible with the mobile home exterior and impedes the passage of wind beneath the mobile home. A removable partition or section at least eighteen (18) inches by thirty-six (36) inches shall be located in the skirting of all mobile homes, except those with basements, as to provide convenient access beneath for the inspection and repair of utilities.

## ***Chapter 17.56 NEIGHBORHOOD OFFICE DISTRICT (O-1)***

### **17.56.010 Purpose.**

The standards of this district (O-1) are designed to provide areas for limited office and adjunct uses which may be introduced into residential areas without reduction of the characters of the area.

### **17.56.020 Uses by right.**

A use by right is any of the following uses which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Accounting services;  
Advertising agency;  
Architect;  
Architect, landscape;  
Chemist;  
Chiropodist;  
Chiropractor;  
Christian Science practitioner;  
Counseling service;  
Consulting service;  
Dentist;  
Detective and protective service;  
Dietician;  
Drafting and cartographic services;  
Engineer, professional;  
Financial office;  
Insurance agency;  
Interior decorator;  
Lawyer;  
Management and public relations;  
Midwife;  
Naturopath;  
Nurse, registered or practical;  
Nutritionist;  
Occupational therapist;  
Optometrist;  
Osteopath;  
Patent solicitor;  
Personal supply service;  
Physical scientist;  
Physician;  
Physiotherapist;  
Psychologist;  
Psychotherapist;  
Podiatrist;  
Real estate office;

Referee in bankruptcy;  
Security and commodity service;  
Surveyor;  
Typing service.

#### **17.56.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Agency office;  
Answering and paging service;  
Artificial limbs, fitting and custom manufacturing;  
Bacteriological laboratory, non-manufacturing;  
Beauty and barber shop;  
Biological chemist, non-manufacturing;  
Biological laboratory, non-manufacturing;  
Blood bank or donor station;  
Charitable institution (office only);  
Child care centers;  
Commercial artist;  
Commercial testing laboratory;  
Computer and data processing service;  
Dental laboratory;  
Government office;  
Medical laboratory, non-manufacturing;  
Optometric laboratory, repair and custom manufacturing;  
Pathological laboratory;  
Pharmacy;  
Residence-commercial;  
Residence, single-family;  
School, private;  
Utilities as outlined in Section 17.120.130;  
X-ray laboratory, non-manufacturing.

#### **17.56.040 Lot area.**

No parcel of land shall be smaller than five thousand six hundred (5,600) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units smaller than five thousand six hundred (5,600) square feet.

#### **17.56.050 Lot dimensions.**

No parcel of land shall be less than sixty (60) feet in width or ninety (90) feet in depth.

#### **17.56.060 Lot coverage.**

The total ground area covered by all buildings shall not exceed fifty (50) percent.

**17.56.070 Floor area ratio.**

No requirement.

**17.56.080 Building height.**

The height of any structure shall not exceed twenty (20) feet.

**17.56.090 Front yard setback.**

No building shall be set back less than twenty-five (25) feet from the front property line.

**17.56.100 Side yard setback.**

A principal structure shall provide total side yards of not less than fifteen (15) feet and provide not less than five (5) feet on one (1) side, and, except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet. No side yard shall be required on interior lots not abutting an agricultural or residential zone district if the side walls are of eight (8) inches solid masonry or equal, and contain no openings.

**17.56.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line and except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.56.120 Parking space.**

Off-street parking shall be provided in Chapter 17.112.

**17.56.130 Loading space.**

Off-street loading requirements shall be as provided in Chapter 17.112.

**17.56.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.56.150 Signs.**

Signs shall be as provided in Chapter 17.116.



## **Chapter 17.60 NEIGHBORHOOD BUSINESS DISTRICT (B-1)**

### **17.60.010 Purpose.**

The standards of this district (B-1) are designed to retain and provide areas for the sale at retail of those convenience type goods and services required by the residents of the immediate neighborhood and for those outlets which by their nature create no nuisances and serve a trade territory of only one neighborhood (3,000-7,000 persons or one- to two-square miles of area).

### **17.60.020 Uses by right.**

A use by right is any of the following uses which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Beauty and barber shop;  
Bakery (retail only);  
Drug store (not over 5,000 square feet);  
Gasoline service station;  
Grocery store;  
Meat and fish market (retail only);  
Professional office;  
Self service laundry and cleaning;  
Pick up station;  
Shoe repair.

### **17.60.030 Uses by review.**

A use by review is any of the uses by right in the Business-4 (B-4) district plus a caretaker's residence (one parking space per dwelling unit) which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

### **17.60.040 Lot area.**

No parcel of land shall be smaller than five thousand (5,000) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units smaller than five thousand (5,000) square feet.

### **17.60.050 Lot dimensions.**

No parcel of land shall be less than fifty (50) feet in width or fifty (50) feet in depth.

### **17.60.060 Lot coverage.**

The total ground area covered by all buildings shall not exceed thirty-five (35) percent.

**17.60.070 Floor area ratio.**

No requirement.

**17.60.080 Building height.**

The height of any structure shall not exceed thirty-five (35) feet.

**17.60.090 Front yard setback.**

No building shall be set back less than twenty-five (25) feet from the front property line.

**17.60.100 Side yard setback.**

A principal structure shall provide total side yards of not less than fifteen (15) feet and provide not less than five (5) feet on one (1) side, and, except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet. No side yard shall be required on interior lots not abutting an agricultural or residential zone district if the side walls are of eight (8) inches solid masonry or equal, and contain no openings.

**17.60.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line and except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.60.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.60.130 Loading space.**

Off-street loading requirements shall be provided in Chapter 17.112.

**17.60.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.60.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.64 COMMUNITY BUSINESS DISTRICT (B-4)**

### **17.64.010 Purpose.**

The standards of this district (B-4) are designed to retain and provide areas for the sale at retail of convenience type and shopper goods and services.

### **17.64.020 Uses by right.**

All retail and personal service uses; Adult Uses; advertising device, off-premises; and public utilities upon issuance of a zoning permit by the County Zoning Administrator. Advertising device, off-premises (see Chapter 17.116).

### **17.64.030 Uses by review.**

A use by review is any of the following uses which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Amusement facility;  
Any retail or service use which incorporates the production, fabrication, warehousing bulk storage,  
repair or maintenance of merchandise;  
Automobile storage yard;  
Bed and breakfast;  
Equestrian arena, commercial/club;  
Equestrian arena, personal;  
Food processing;  
Golf course, miniature;  
Hotel;  
Mini-warehouse;  
Mobile home park;  
Motel;  
Recreation camp;  
Residences;  
Sports complex;  
Tourist court.

### **17.64.040 Lot area.**

No parcel of land shall be smaller than five thousand (5,000) square feet nor shall any parcel of land existing in single ownership at the time of passage of the Code henceforth be divided for sale in units smaller than five thousand (5,000) square feet.

### **17.64.050 Lot dimensions.**

No parcel of land shall be less than fifty (50) feet in width or fifty (50) feet in depth.

**17.64.060 Lot coverage.**

The total ground area covered by all buildings shall not exceed thirty-five (35) percent.

**17.64.070 Floor area ratio.**

No requirement.

**17.64.080 Building height.**

The height of any structure shall not exceed thirty-five (35) feet.

**17.64.090 Front yard setback.**

No building shall be set back less than twenty-five (25) feet from the front property line.

**17.64.100 Side yard setback.**

Zero feet, provided construction meets building code requirements (re: fire ratings) and provided that the requirements of Sections 17.64.120 and 17.64.130 are met.

**17.64.110 Rear yard setback.**

Zero feet, provided construction meets building code requirements (re: fire ratings) and provided that the requirements of Sections 17.64.120 and 17.64.130 of this Chapter are met.

**17.64.120 Parking space.**

Off-street parking shall be provided in Chapter 17.112.

**17.64.130 Loading space.**

Off-street loading requirements shall be as provided in Chapter 17.112.

**17.64.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.64.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.68 SPECIAL INDUSTRIAL DISTRICT (I-1)**

### **17.68.010 Purpose.**

The standards of this district (I-1) are designed to retain and provide areas for the development of manufacturing or wholesaling activities in a park-like atmosphere and to the exclusion of non-compatible uses or operations.

### **17.68.020 Uses by right.**

A use by right is any of the following uses, which are permitted only upon issuance of a zoning permit by the County Zoning Administrator.

Abrasives, mfg. and/or wholesale;  
Acid wholesale;  
Advertising device, off-premises (see Chapter 17.116);  
Advertising display mfg.;  
Artificial flower mfg. and/or wholesale;  
Athletic equipment, mfg.;  
Auto and trailer assembly;  
Auto parking;  
Auto service station;  
Blue printing;  
Bottles, wholesale;  
Boxes, wholesale;  
Braces, orthopedic mfg. and/or wholesale;  
Broom and brush, mfg. and/or wholesale;  
Building materials, mfg. and/or wholesale;  
Business machines, mfg. and/or wholesale;  
Casket mfg. and/or wholesale;  
Ceramic products, mfg.;  
Chemicals, wholesale;  
Chemist, analytical and consulting;  
Clothing, mfg. and/or wholesale;  
Conveyor mfg.;  
Cosmetics, mfg.;  
Dental and medical laboratory;  
Dental and medical supply, mfg. and/or wholesale;  
Electric equipment and machine tool mfg. and/or wholesale engraver;  
Fire protection equip. and supplies, mfg. and/or wholesale;  
Food and beverage mfg. processing, wholesale;  
Food products mfg.;  
Hardware mfg.;  
Heating, conditioning, venting and refrigeration equip. mfg. and/or wholesale;  
Hospital equip. and supplies mfg. and/or wholesale;  
Hotel equip. and supplies mfg. and/or wholesale;  
Jewelry, notions, and novelties mfg. and/or wholesale;  
Laboratories, analytical and research;  
Leather, artificial or synthetic mfg.;

Mini-warehouse;  
Motion picture studio;  
Musical instrument mfg.;  
Nursery and greenhouse, wholesale;  
Office bldg. on site of industry;  
Optical goods mfg.;  
Paint and varnish, wholesale;  
Paint equip. and supplies mfg., wholesale;  
Paper products mfg.;  
Pencil mfg.;  
Perfume mfg.;  
Pharmaceuticals, mfg. and/or wholesale;  
Photo-engraving;  
Photographic equip. and supplies mfg. wholesale and service;  
Picture framing;  
Plastic and plastic products mfg.;  
Plumbing fixture mfg.;  
Printing and publishing co.;  
Public utilities;  
Restaurant equipment and supplies mfg.;  
Rope mfg.;  
Rubber products mfg.;  
Safe mfg.;  
Scaffold mfg.;  
Scales, comm. mfg.;  
School equip. and supplies mfg.;  
Service station equip. mfg.;  
Sheet metal products, mfg. and/or wholesale;  
Sign mfg., repair service;  
Soda fountain supplies mfg.;  
Sporting goods mfg.;  
Springs, mfg.;  
Surgical supplies mfg. and/or wholesale;  
Textile mfg. and/or wholesale;  
Tobacco products, mfg. and/or wholesale;  
Vending machine service;  
Window equipment and supplies mfg., wholesale.

### **17.68.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Airplane beacon, marker or tower;  
Airport, private;  
Amusement facility;  
Associations, clubs and lodges;  
Athletic field;  
Auction;  
Automobile storage yard;  
Cabinet, wood working and/or furniture shop;

Car wash;  
Crematory;  
Charitable institution;  
Childcare facility;  
Electric power plant;  
Gas, medical and industrial, retail, wholesale;  
Heliport, commercial;  
Natural deposits, extraction and/or processing;  
Restaurant;  
Telecommunications tower;  
Trade association, business or industrial.

**17.68.040 Lot area.**

No parcel of land shall be smaller than twenty thousand (20,000) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units smaller than twenty thousand (20,000) square feet.

**17.68.050 Lot dimensions.**

No parcel of land shall be less than one hundred (100) feet in width or one hundred (100) feet in depth.

**17.68.060 Lot coverage.**

The total ground area covered by all buildings shall not exceed twenty-five (25) percent.

**17.68.070 Floor area ratio.**

The gross floor area ratio shall not exceed one-half (1/2).

**17.68.080 Building height.**

No structure shall exceed forty-five (45) feet in height.

**17.68.090 Front yard setback.**

No building shall be set back less than fifty (50) feet from the front property line, provided further the front yard shall be landscaped with lawn, plant materials, and/or trees.

**17.68.100 Side yard setback.**

No building shall be set back less than twenty-five (25) feet from the side lot line, provided further the side yard shall be landscaped with lawn, plant materials, and/or trees.

**17.68.110 Rear yard setback.**

No building shall be set back less than twenty-five (25) feet from the rear property line, provided further at least twenty-five (25) percent of the rear yard shall be landscaped with lawn, plant materials, and/or trees.

**17.68.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.68.130 Loading space.**

Off-street loading requirements shall be as provided in Chapter 17.112.

**17.68.140 Fences, walls and hedges.**

No limitation except as provided in Section 17.68.170.

**17.68.150 Signs.**

Signs shall be provided in Chapter 17.116.

**17.68.160 Performance standards.**

A. No sound resulting from the industrial or business activity shall be measurable at the outer boundaries of the parcel.

B. No vibrations resulting from the industrial or business activity shall be measurable at the outer boundaries of the parcel.

C. No odors resulting from the industrial or business activity shall be discernible at the outer boundaries of the parcel.

D. No observable smoke shall be emitted. Only electricity, fuel oil or gas shall be as fuels.

E. No dust or dirt resulting from the industrial or business activity shall be discernible beyond the outer boundaries of the parcel.

F. No noxious gases resulting from the industrial or business activity shall be discernible beyond the outer boundaries of the parcel.

G. No glare or heat shall be discernible beyond the outer boundaries of parcel.

**17.68.170 Screening and buffering.**

A. Screening and buffering shall be used to mitigate adverse visual impacts, obscure outdoor storage areas, and to provide for compatibility between dissimilar adjoining uses. Special consideration will be given to the buffering and screening between residential uses and



commercial or industrial uses, and in visually sensitive areas. It is not the intent of this Chapter to require screening or buffering of principal structures, or of products displayed for retail sale.

B. Screening and buffering may be accomplished by the use of sight-obscuring plant materials, earth berms, walls, fences, building parapets, building placement or other design techniques. Corrugated metal, doors, or similar "scrap" materials shall not be used for screening and buffering.

C. Screening is required to substantially block any view of material, equipment, or stored vehicles from any point located on a street or adjoining property adjacent to the site. A sight-obscuring fence at least six (6) feet in height is required around the material or equipment.

D. A screening and buffering plan shall be submitted for review by the Pueblo County Department of Planning and Development. This plan shall include a site plan, which specifies all screening and buffering materials, type of landscaping, and elevations to depict compliance with these requirements. Screening and buffering not specifically mentioned in these regulations, but found appropriate and necessary due to unusual conditions on the site, may be required.

## **Chapter 17.72 LIGHT INDUSTRIAL DISTRICT (I-2)**

### **17.72.010 Purpose.**

The standards of this district (I-2) are designed to retain and provide areas for the manufacture, assembly, packaging, warehousing, wholesaling, jobbing and limited retailing of products from previously prepared materials, which by their inherent characteristics and the operations involved are not obnoxious to one another or surrounding uses.

### **17.72.020 Uses by right.**

A use by right is any of the uses permitted in the Industrial-One (I-1) Zone District by right plus any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Advertising device, off-premises (see Chapter 17.116);  
Agricultural machinery and supplies, retail, wholesale, repair  
Airplane, retail, service, wholesale;  
Ammunition, wholesale;  
Auto garages, U-drive;  
Auto, service and body work;  
Auto parts and supplies, wholesale;  
Auto towing service;  
Bag, jobber, retail, wholesale;  
Barber supplies mfg., wholesale;  
Barrel, retail, wholesale;  
Beauty shop equipment mfg., retail, wholesale;  
Belting, retail, service, wholesale;  
Beverage mfg. bottling, wholesale;  
Bicycle mfg., service, wholesale;  
Bleaching, cloth;  
Bleaching compound, wholesale;  
Bluing wholesale;  
Boat, pleasure, mfg.;  
Boiler and tank, retail, wholesale, service;  
Book binding and publishing;  
Bottlecaps and seals mfg. wholesale;  
Bottle mfg., retail, wholesale;  
Bus line shops (garage, repair);  
Butcher supplies, mfg., wholesale;  
Can, wholesale;  
Carbide, retail, wholesale;  
Castings, wholesale;  
Caustic soda, retail, wholesale;  
Celluloid and cellulose, wholesale;  
Cement, wholesale;  
Cement products, mfg., retail, wholesale;  
Chalk, retail, wholesale;  
Chlorine, retail, wholesale;

Clay products, mfg. wholesale;  
Cleaning compounds, retail, wholesale;  
Clothing, cleaning, dyeing and pressing;  
Coal, coke and/or fuel yard;  
Coal tar distillates or products, retail, wholesale;  
Coin machine, mfg., service, wholesale;  
Computer equipment, hardware or software, mfg., wholesale  
Concrete products, mfg., retail, wholesale;  
Contractor's equipment and supplies, retail, wholesale;  
Contractor's yard;  
Conveyor, mfg., retail, service, wholesale;  
Copper, retail, wholesale;  
Corrugated metal, wholesale;  
Cotton baling and wholesale;  
Cotton seed oil, wholesale;  
Cotton wadding, wholesale;  
Crane, storage yard;  
Creosote, wholesale;  
Crop dusting equipment yard;  
Disinfectant, wholesale;  
Distiller, wholesale;  
Display designer and shop;  
Drawing materials, mfg., wholesale;  
Dyestuffs, mfg., wholesale;  
Electric plating;  
Electronic instruments or devices, mfg., wholesale;  
Express storage and delivery station;  
Exterminating and fumigating;  
Fences, mfg., retail, wholesale;  
Fertilizer, wholesale;  
Filters, mfg., wholesale;  
Firearms, service, wholesale;  
Fireproofing materials, mfg., wholesale;  
Floor materials, mfg. service, wholesale;  
Food and beverage processing, wholesale;  
Freight depot;  
Frozen food lockers;  
Furnaces, service, wholesale;  
Furniture, mfg., service, wholesale;  
Glass, mfg., wholesale;  
Glue, wholesale;  
Graphite, wholesale;  
Horseshoeing;  
Imported goods, wholesale;  
Indian goods, wholesale;  
Industrial equip., assembly retail, rental, storage, wholesale;  
Industrial truck body, retail, wholesale;  
Insecticide, retail, wholesale;  
Insulation materials, wholesale;  
Kerosene, retail, wholesale;  
Lawn mower, mfg. service, wholesale;  
Lead, wholesale;

Leather goods, custom repairing, mfg., wholesale;  
Linen and uniform supply service;  
Lubricating compounds, wholesale;  
Mail order house;  
Manufactured homes, mfg., wholesale;  
Matches, wholesale;  
Metal polish, mfg., wholesale;  
Metal products, wholesale;  
Monument, mfg., retail, wholesale;  
Motorcycle service, wholesale;  
Motor freight company garage;  
Oil, wholesale;  
Packing and crating service;  
Photographic film processing;  
Plastic and plastic products, mfg., wholesale;  
Printer equip. and supplies, mfg., wholesale;  
Racetrack;  
Rubber, wholesale;  
Rubbish removal equip., yard;  
Telemarketing;  
Trailer, mfg.; service, wholesale, retail;  
Tree service;  
Truck parking, service garage;  
Veterinarian hospital supplies, wholesale;  
Wood pallet, mfg. and wholesale.

### **17.72.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Airplane beacon, marker or tower;  
Airport, private;  
Ammonia, retail, wholesale;  
Amusement facility;  
Asphalt plant;  
Athletic field;  
Atomic reactor;  
Auction (use-by-right until TA 60, 4/17/84);  
Auto parts and supplies, retail;  
Automobile storage yard (use-by-right until TA 60, 4/17/84);  
Boat and RV storage;  
Bulk storage of oil, ethanol, and methanol;  
Car wash;  
Childcare facility;  
Chlorine, retail, wholesale;  
Concrete and asphalt recycling operations;  
Concrete batching or "ready mix" plant;  
Concrete mfg. (bulk);  
Crematory;  
Electric power plant;

Fireworks storage;  
Flea market;  
Gas, medical and industrial, retail , wholesale;  
Gunpowder, wholesale;  
Gymnastics academy;  
Hair and fur processing, mfg. and/or wholesale;  
Heating, air conditioning, and fireplaces, wholesale and retail;  
Heliport, commercial;  
Landscaping materials, wholesale/retail sales;  
Manufactured home, retail sales;  
Marine sales and service;  
Motor vehicle, retail;  
Natural deposits, extraction, processing  
Office, as principal use;  
Restaurant;  
Shooting range, indoor;  
Taxidermist;  
Telecommunication tower;  
Tire, retail, service, wholesale;  
Trade association, business or industrial;  
Welding shop.

**17.72.040 Lot area.**

No parcel of land shall be smaller than one-half (1/2) acre (21,780 square feet), nor shall any parcel of land existing in single ownership at the time of passage of the Code henceforth be divided for sale in units smaller than one-half (1/2) acre (21,780 square feet).

**17.72.050 Lot dimensions.**

No parcel of land shall be less than one hundred (100) feet in width or one hundred (100) feet in depth.

**17.72.060 Lot coverage.**

No requirement.

**17.72.070 Floor area ratio.**

The gross floor area ratio shall not exceed one (1).

**17.72.080 Building height.**

The height of any structure shall not exceed sixty (60) feet.

**17.72.090 Front yard setback.**

Except as provided in 17.120, all buildings shall be setback not less than twenty (20) feet from the front property line.

**17.72.100 Side yard setback.**

A principal structure shall provide side yards of fifteen (15) feet, and, except as provided in Section 17.120.020, an accessory building shall be set back from the side lot line at least five (5) feet.

**17.72.110 Rear yard setback.**

A principal structure shall be set back at least (15) feet from a rear lot line, and, except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.72.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.72.130 Loading space.**

Off-street loading requirements shall be as provided in Chapter 17.112.

**17.72.140 Fences, walls and hedges.**

Fences, walls and hedges shall be as provided in 17.72.170.

**17.72.150 Signs.**

Signs shall be as provided in Chapter 17.116.

**17.72.160 Performance standards.**

A. Sounds resulting from the industrial or business activity, as measured at the outer boundaries of the parcel, shall not exceed the decibel levels established in C.R.S. 25-12-103, as now enacted or amended;

B. No vibration resulting from the industrial or business activities shall be measurable at the outer boundaries of the parcel;

C. No obnoxious or noxious odors resulting from the industrial or business activities shall be discernible at the outer boundaries of the parcel;

D. The emission of any air pollutant resulting from the industrial or business activities shall not exceed levels established for stationary sources in the Colorado Department of Public Health and Environment's Regulation No. 1;

E. No noxious gases resulting from the industrial or business activity shall be discernible at the outer boundaries of the parcel;

F. No glare of heat shall be discernible beyond the outer boundaries of the parcel;

G. Industrial wastes shall be so deposited, stored, and transmitted from the parcel as to not be objectionable to adjacent properties or create a public nuisance;

H. All outdoor storage areas shall be suitably fenced.

**17.72.170 Screening and buffering.**

A. Screening and buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration will be given to the buffering and screening between residential uses and commercial or industrial uses, and in visually sensitive areas. It is not the intent of this Chapter to require screening or buffering of principal structures, or of products displayed for retail sale.

B. Screening and buffering may be accomplished by the use of sight-obscuring plant materials, earth berms, walls, fences, building parapets, building placement or other design techniques. Corrugated metal, doors, or similar "scrap" materials shall not be used for screening and buffering.

C. Screening is required to substantially block any view of material, equipment, or stored vehicles from any point located on a street or adjoining property adjacent to the site. A sight-obscuring fence at least six (6) feet in height is required around the material or equipment.

D. A screening and buffering plan shall be submitted for review by the Pueblo County Department of Planning and Development. This plan shall include a site plan, which specifies all screening and buffering materials, type of landscaping, and elevations to depict compliance with these requirements. Screening and buffering not specifically mentioned in these regulations, but found appropriate and necessary due to unusual conditions on the site, may be required.

## **Chapter 17.76 HEAVY INDUSTRIAL DISTRICT (I-3)**

### **17.76.010 Purpose.**

The standards of this district (I-3) are designed to retain and provide areas for industrial and primary manufacturing uses which because of the products used or produced and the nature and extent of the products used or produced and the nature and extent of the operations should not be located in close proximity to residential activities.

### **17.76.020 Uses by right.**

A use by right is the manufacturing, fabrication, and/or processing of any commodity. Exceptions are any use in Section 17.76.030, Use by review.

### **17.76.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

#### **USE**

Any use involving the manufacturing, fabrication, and/or processing of any commodity which creates hazardous or potentially hazardous conditions which cannot be contained within the premises in the event of an accident involving hazardous materials or processes;

Asphalt plant;

Atomic reactor;

Electric power plant;

Hazardous waste research and development facility;

Hazardous waste testing laboratory;

Salvage yard;

Solid waste transfer station;

Storage tanks for flammable and combustible liquids;

Telecommunication tower.

### **17.76.040 Lot area.**

No parcel of land shall be smaller than one (1) acre (43,560 square feet), nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units smaller than one (1) acre (43,560 square feet).



**17.76.050 Lot dimensions.**

No parcel of land shall be less than one hundred (100) feet in width or one hundred (100) feet in depth.

**17.76.060 Lot coverage.**

No requirement.

**17.76.070 Floor area ratio.**

No requirement.

**17.76.080 Building height.**

The height of any structure shall not exceed sixty (60) feet.

**17.76.090 Front yard setback.**

Except as provided in Chapter 17.120, all buildings shall be set back not less than twenty (20) feet from the front property line.

**17.76.100 Side yard setback.**

A principal structure shall provide side yards of fifteen (15) feet, and, except as provided in Section 17.120.020, an accessory building shall be set back from a side lot line at least five (5) feet.

**17.76.110 Rear yard setback.**

A principal structure shall be set back at least fifteen (15) feet from a rear lot line, and, except as provided in Section 17.120.020, an accessory building shall be set back from a rear lot line at least five (5) feet.

**17.76.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.76.130 Loading space.**

Off-street loading requirements shall be as provided in Chapter 17.112.

**17.76.140 Fences, walls and hedges.**

Fences, walls, and hedges shall be as provided in Chapter 17.76.160.

### **17.76.150 Signs.**

Signs shall be as provided in Chapter 17.116.

### **17.76.160 Screening and buffering.**

A. Screening and buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration will be given to the buffering and screening between residential uses and commercial or industrial uses, and in visually sensitive areas. It is not the intent of this Chapter to require screening or buffering of principal structures, or of products displayed for retail sale.

B. Screening and buffering may be accomplished by the use of sight-obscuring plant materials, earth berms, walls, fences, building parapets, building placement, or other design techniques. Corrugated metal, doors, or similar "scrap" materials shall not be used for screening or buffering.

C. Screening is required to substantially block any view of material, equipment, or stored vehicles from any point located on a street or adjoining property adjacent to the site. A sight-obscuring fence at least six (6) feet in height is required around the material or equipment.

D. A screening and buffering plan shall be submitted for review by the Pueblo County Department of Planning and Development. This plan shall include a site plan, which specifies all screening and buffering materials, type of landscaping, and elevations to depict compliance with these requirements. Screening and buffering not specifically mentioned in the regulations, but found appropriate and necessary due to unusual conditions on the site, may be required.

## **Chapter 17.80 HAZARDOUS WASTE INDUSTRIAL OVERLAY DISTRICT (I-4)**

### **17.80.010 Overlay zones.**

The I-4 zone district consists of seven distinct subzones or overlays. Approval of each overlay shall require a map amendment. Two or more overlays may be approved on the same parcel of land at the same or separate times. The overlays of the I-4 zone district shall not be applied to any other zone district. The seven overlays shall be as follows:

- A. Hazardous waste treatment facility with on-site disposal.
- B. Hazardous waste treatment facility without on-site disposal.
- C. Hazardous waste storage facility.
- D. Hazardous waste resource recovery facility.
- E. Hazardous waste research and development facility.
- F. Hazardous waste transfer facility.
- G. Hazardous waste testing laboratory.

### **17.80.020 Purpose.**

The standards of this District (I-4) are designed to provide for the treatment, storage, research, resource recovery, and transfer of hazardous waste, which because of the nature and effects of products used or processed, should not be located in proximity to residential and business uses.

### **17.80.030 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator and upon compliance with any conditions imposed by the Board upon approval of the Zone District.

- A. Farming and ranching prior to commencement of hazardous waste treatment, storage, research, transfer or disposal;
- B. Development as set forth in an application for one or more overlay zones which are specifically and individually approved.

### **17.80.040 Uses by review.**

A use by review is a use which meets all of the following criteria and is permitted only upon issuance of a Special Use Permit by the Planning Commission:

- A. The use is primarily manufacturing, transportation or service oriented;

B. There is a direct relationship between the use and the hazardous waste facilities in the overlay zone(s); and

C. The public health, safety and general welfare are promoted by the use at the hazardous waste facility.

**17.80.050 Minimum lot area.**

No parcel of land shall be smaller, nor subdivided into parcels smaller than set forth in the following table:

<b>Overlay:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Min. lot area (acre)</b>	160	40	40	40	5	5	5

**17.80.060 Lot dimensions.**

The following table shall be the minimum dimensions for parcel widths and depths:

<b>Overlay:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Width (feet)</b>	1,320	660	660	660	330	330	330
<b>Depth (feet)</b>	1,320	660	660	660	330	330	330

**17.80.070 Lot coverage.**

No requirement.

**17.80.080 Floor area ratio.**

The gross floor area ratio shall not exceed that shown in the following table:

<b>Overlay:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Floor area ratio</b>	None	0.5	0.5	0.5	1.0	1.0	1.0

**17.80.090 Building height.**

No building shall exceed forty-five (45) feet in height.

**17.80.100 Application requirements.**

It is the desire of the county, to the extent practical, to be consistent with applicable State and Federal permit application requirements for hazardous waste facilities. RCRA means the Resource Conservation Recovery Act. The Commission and Board may require such additional information as deemed necessary to make an informed recommendation or decision. The Commission or Board shall not be bound by regulation variances granted by the U.S.

Environmental Protection Agency or by the Colorado Department of Public Health and Environment pursuant to Subpart 100.43(e) Permit Regulation of the Colorado Hazardous Waste Regulations.

Each applicant for an I-4 Zone District overlay shall submit a standard map amendment application. In addition, the applicant shall submit with the map amendment application twenty-five (25) copies of the following information.

**Overlay**

- (1) Application for Certificate of Designation.
- (2) Application for RCRA Subpart B Permit.
- (3) Application for RCRA Subpart B Permit.
- (4) Application for RCRA Subpart B Permit.
- (5) Application for RCRA Subpart B Permit.
- (6) Application for RCRA Subpart A Permit.
- (7) Information as set forth in Exhibit "A" of Resolution 84-Z 59.

## ***Chapter 17.84 PUBLIC USE DISTRICT (S-1)***

### **17.84.010 Purpose.**

The standards of this district (S-1) are designed to retain and provide land areas for public use and to place the public and all elected officials and public agencies on notice of proposed changes in the use of such public lands.

### **17.84.020 Uses by right.**

An emergency facility as defined within Section 17.04.040 shall be a use by right in the S-1, Public Use District. Although a use by right, the Planning Commission shall review and approve emergency facilities relative to lot coverage, floor area ratio, building height, building setbacks, parking and loading spaces, and other similar requirements governing the use of private property.

### **17.84.030 Uses by review.**

A use by review is any proposed use of land or buildings by a public agency or others on public land except as provided for in Section 17.84.020. The Planning Commission review and approval shall concern itself with the proposed uses relative to the comprehensive plan, lot area, lot dimensions, lot coverage, floor area ratio, building height, building setbacks, parking and loading spaces, and other similar requirements governing the use of private property.

### **17.84.040 Fences, walls and hedges.**

See Chapter 17.120.160.

## **Chapter 17.88 AIRPORT DISTRICT (S-2)**

### **17.88.010 Purpose.**

The standards of this district (S-2) are designed to give added protection to the population, buildings, structures and aircraft in close proximity to airfields and are supplemental to the standards of the use district over which they may be applied.

### **17.88.020 Zone requirements.**

The zone requirements within each zone district shall apply where the Airfield District is superimposed except for the building height requirements.

### **17.88.030 Building height.**

Within the Airfield Zone District, the height of structures, buildings, trees or fences shall not exceed the limits as herein defined and shown on the zone maps for:

- A. Approach surface: defined by an inclined plane with a slope of 50:1, 40:1, or 20:1 as shown on the zone maps.
- B. Horizontal surface: defined by a horizontal surface located one hundred and fifty (150) feet above the established airport elevation and radiating out from the airport as shown on the zone maps.
- C. Conical surface: extends upward from the periphery of the Horizontal Surface (defined in subsection B above) at a slope of 20:1 and outward a distance shown on the zone maps.
- D. Transitional surface: extends upward from lines parallel to the center line of the runway at an angle of 7:1 a distance shown on the zone maps.

## **Chapter 17.92 FLOODPLAIN DISTRICT (S-3)**

### **17.92.010 Purpose.**

The standards of this district (S-3) are designed to retain and provide areas for the unobstructed passage of flood waters and give protection from floods to the population, buildings and structures located therein and in the surrounding areas.

### **17.92.020 Uses by right.**

A use by right is any of the following uses, which are permitted without issuance of a zoning permit by the County Zoning Administrator.

Farming or ranching;  
Riding trails and fields.

### **17.92.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Equestrian arena, commercial/club;  
Equestrian arena, personal;  
Extraction of natural deposits;  
Golf course;  
Parking (open lots only);  
Sanitary landfills (no dumps);  
Towers, radio and television;  
Utilities as outlined in Section 17.120.130.

### **17.92.040 Lot area.**

No requirement.

### **17.92.050 Lot dimensions.**

No requirement.

### **17.92.060 Lot coverage.**

No requirement.

### **17.92.070 Floor area ratio.**

No requirement.



**17.92.080 Building height.**

No requirement.

**17.92.090 Front yard setback.**

None required.

**17.92.100 Side yard setback.**

None required.

**17.92.110 Rear yard setback.**

None required.

**17.92.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.92.130 Loading space.**

Off-street loading requirements shall be as provided in Chapter 17.112.

**17.92.140 Fences, walls and hedges.**

Wire fencing only.

**17.92.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.96 PARKING DISTRICT (S-4)**

### **17.96.010 Purpose.**

The standards of this district (S-4) are designed to retain and provide land area for Off-Street parking, primarily for uses in an adjacent zone district in those instances where rezoning to permit all the uses permitted in that adjacent zone district would have an adverse effect on the neighborhood.

### **17.96.020 Uses by right.**

A use by right is any of the following uses, which are permitted upon issuance of a zoning permit by the County Zoning Administrator.

Auto parking lots;  
Auto parking structures;  
Residential uses as permitted in the most restrictive adjacent zone;  
Structures for attendants.

### **17.96.030 Uses by review.**

A use by review is any of the following uses, other than those uses which come within the purview of Section 17.140.010(F), which are permitted only upon issuance of a Special Use Permit by the Planning Commission.

Advertising device, off-premises (see Chapter 17.116);  
Carnivals;  
Circuses;  
Concessions;  
Service stations;  
Utilities as outlined in Section 17.120.130.

### **17.96.040 Lot area.**

No parcel of land shall be smaller than three thousand (3,000) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this Code henceforth be divided for sale in units smaller than three thousand (3,000) square feet.

### **17.96.050 Lot dimensions.**

No parcel of land shall be less than seventy (70) feet in width or forty (40) feet in depth.

**17.96.060 Lot coverage.**

No requirement.

**17.96.070 Floor area ratio.**

No requirement.

**17.96.080 Building height.**

No structure shall exceed the most restrictive height limits established by this Title for the adjacent parcels of land.

**17.96.090 Front yard setback.**

No building or open parking lot shall be set back less than fifteen (15) feet from the front property line.

**17.96.100 Side yard setback.**

A principal structure or open lot shall provide side yards as required for the adjacent parcels of land.

**17.96.110 Rear yard setback.**

A principal structure or open lot shall be set back from the rear lot line as required for the adjacent parcels of land abutting or across an alley to the rear of the parcel.

**17.96.120 Parking space.**

Off-street parking shall be as provided in Chapter 17.112.

**17.96.130 Loading space.**

None required.

**17.96.140 Fences, walls and hedges.**

See Section 17.120.160.

**17.96.150 Signs.**

Signs shall be as provided in Chapter 17.116.

## **Chapter 17.100 CONDITIONAL ZONE (C-1) (INTENT TO REZONE)**

### **17.100.010 Purpose.**

The intent of this Chapter is to provide an interim zone wherein the County Planning Commission and the Board of County Commissioners may more closely provide for the public safety, health and welfare by providing the zone requested on a conditional basis (intent to rezone) and wherein the site plan, architectural features, public necessity, and convenience factors are complied with prior to zone change finalization.

### **17.100.020 Conditional change of district boundaries and reclassification of districts--Procedure prescribed.**

The procedure to be followed in any change of district boundaries or reclassification of districts shall be as follows:

- A. The applicant or developer shall file with his or her application for change of district boundaries or reclassification of districts a preliminary plan of the use to be made of the land.
- B. The Planning Commission of the County of Pueblo shall consider this preliminary plan of the use to be made of the land and may grant tentative approval.
- C. The Planning Commission shall report and recommend to the County Commissioners the action to be taken and the Commissioners may then act to free the area from the existing zone restrictions on a temporary basis.
- D. The applicant or developer, upon receipt of temporary approval of the Commissioners, may proceed with his or her detailed final plans for the development of the area, which plans shall be submitted to the Planning Commission of the County of Pueblo for final approval.
- E. One year after the final plans have been approved by the Planning Commission of Pueblo County the Commission shall review the progress made by the applicant or developer, and if the progress is within the final plans as submitted by the applicant or developer, the Commission may recommend to the County Commissioners a permanent zoning change or, if no progress has been made or progress has been made other than as presented in the final plans, then the Commission may recommend a cancellation of the temporary grant of change of zoning to the Commissioners.
- F. The County Commissioners shall act upon recommendation of the Planning Commission as provided for in Chapter 17.136.
- G. The Secretary of the Planning Commission shall notify the Building Inspector of the County of Pueblo final approval has been given the applicant and of the final approval of the type of or use of the buildings in sufficient detail so that the Inspector may issue a building permit in conformity with the approved final plans granted to the applicant to developer. If the request for building permit is not in conformity with the plans as approved by the Planning Commission, the Building Inspector shall refuse to grant the building permit or permits and immediately notify the Planning Commission.

H. The failure of the applicant to meet all conditions, stipulations and limitations contained in Title 17 within the time limit stated therein, or within any extensions granted by the Commission, shall render Title 17 a nullity for all purposes. No express findings of the Commission as to failure to meet such conditions shall be necessary in order to annul Title 17. Failure of the applicant to appear before the Commission to prove or offer to prove strict compliance with such conditions, stipulations and limitations within the time limit or any extension thereof shall be conclusive evidence of noncompliance. In all cases where proof of compliance is submitted to the Commission, the findings of compliance or noncompliance by the Commission shall be conclusive upon the applicant.

In the event the Commission shall find that the conditions, stipulations and limitations set forth in Title 17 have not been met, it may take the following action:

1. Extend the time for compliance (not to exceed one year from the date such extension is granted);
2. Completely annul Title 17 and declare all structures and improvements placed thereon by applicant to be nonconforming and order the removal of such structures and improvements within such reasonable time as shall be determined by the Commission; or
3. Modify and amend Title 17 provided such modification shall not permit any use expressly or impliedly prohibited in the original Title 17, and provided further that the spirit and intent of the original Title 17 shall be carried out. Before the Commission shall take first or final action on any proposed modification of a resolution of intent to rezone: such proposed modifications shall be referred to the Planning Commission for recommendations.

I. The Planning Commission shall submit to the County Commissioners its recommendations on proposed amendments within thirty (30) days after the hearing is concluded. Such recommendations may be "To Approve," "Approve with Conditions," or "Disapprove" the application.

J. After strict compliance with all conditions, stipulations and limitations in the resolution of intent to rezone as originally approved or as modified, the County Commissioners may finally approve a resolution effecting such amendment of the zoning map; provided always that nothing contained herein and no action taken by virtue of this Chapter shall be construed to be a delegation, surrender, or curtailment of the legislative powers, police powers, or administrative authority of the County or County Commissioners.

## **Chapter 17.104 RURAL LAND USE PROCESS**

### **17.104.010 Authority and Purpose.**

#### Authority

A cluster development is any division of land that creates parcels containing less than thirty-five acres each, for single-family residential purposes only, where one or more tracts are being divided pursuant to a rural land use process and where at least two-thirds of the total area of the tract or tracts is reserved for the preservation of open space in perpetuity. No rural land use process shall approve a cluster development that would exceed one residential unit for each seventeen and one-half acre increment of the total area of the property. The Cluster Development allows the property to be subdivided by a subdivision exemption per State Statutes and the Pueblo County Code. The Rural Land Use Process is the development review for zoning for sign principles.

#### Purpose

The purpose of the rural land use process is to provide an alternative method of land division that encourages the clustering of single-family residential dwellings and the preservation of open spaces in the rural portions of the County. It is the intent of this section to allow the County to consider flexible and creative subdivision design concepts under cluster development.

### **17.104.020 Goals.**

The goals of the Rural Land Use Process are as follows:

- A. To implement a simple and streamlined land use process as an alternative to platting, rezoning, or thirty-five (35) acre land division;
- B. To encourage alternatives to thirty-five (35) acre parcels that would allow maximum retention of characteristics considered important to Pueblo County and most valued by its citizens;
- C. To maintain and enhance rural character by protecting, preserving, and conserving existing rural landscapes;
- D. To encourage development that promotes continued or future agricultural and ranching land uses and protects the County's rural character, open space, and the character of existing communities while recognizing current zoning;
- E. To preserve the agricultural integrity of Pueblo County and promote its continued productivity;
- F. To reduce infrastructure costs and impacts by providing greater flexibility and efficiency in the siting and design of services and infrastructure;
- G. To encourage and promote good use of the land while responding to lifestyle choices;
- H. To improve rural planning practices and designs by encouraging appropriate and site-sensitive rural residential development;

I. To create compact neighborhoods within areas that are accessible to open space amenities and with a strong community identity;

J. To assure the preservation of open space and significant wetlands areas, and to protect wildlife or critical areas;

K. To preserve and conserve water resources.

#### **17.104.030 General provisions.**

A. Qualifying: In order to apply for a Rural Land Use Process, the applicant must comply with all of the criteria listed below. Compliance with the qualification criteria does not guarantee that an optimal land division solution can be found or that the application will be approved.

1. The site shall be a legal parcel(s);

2. The site shall be a minimum of seventy (70) contiguous acres in area (either in one parcel or in combination with several parcels; can be severed by public road right-of-way, railroad right-of-way, irrigation canal, or other similar feature) at the time of application submittal;

3. The landowner shall reserve at least two-thirds (67%) of the total area of the site as open space in perpetuity;

4. The landowner shall protect wildlife, agricultural (farming/ranching) or critical areas by not permitting development of such in perpetuity;

5. The site for the Rural Land Use Process shall only be considered in the areas outside the three-mile annexation boundary as delineated in the City of Pueblo Annexation Master Plan, 1995 Update and subsequent updates thereto;

6. All ad valorem property taxes for years prior to that year in which approval is granted shall be paid for the site.

#### **17.104.040 Evaluation Criteria.**

A. Purpose. In evaluating the layout of lots and open space, the following criteria will be considered by the County as indicating design appropriate to the site's natural, agricultural (farming/ranching), historic, and cultural features, and meeting the purposes of this section. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the County shall evaluate proposals to determine whether the proposed Rural Land Use Plan:

1. Protects and preserves floodplains and wetlands;

2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses;

3. Development should be located on the least productive lands;

4. Maintains or creates a buffer of natural native species vegetation of at least fifty (50) feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds;
5. Preserves around existing hedgerows and tree lines between fields or meadows. Protects large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable;
6. Preserves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. For example, in open agrarian landscapes, a deep "no build, no plant" buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, or no-cut" buffer should be respected, to preserve existing vegetation;
7. Protects significant wildlife habitat areas and migration routes;
8. Protects and preserves sites of historic, archaeological or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.;
9. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting and/or accessing onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, windbreaks, etc.;
10. If physically feasible, incorporate a means for pedestrian circulation connecting open space areas to the neighborhoods;
11. Provides open space that is reasonably contiguous to the greatest extent practicable. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails;
12. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger contiguous and integrated greenway systems;
13. Community plans: The applicant shall consider the relevant community plans recommendations and designations in designing the residential cluster and the open space.

#### **17.104.050 Relationship to zoning.**

These standards shall supersede those set forth in the underlying zone district.

##### **A. Permitted Uses:**

1. Cluster Dwelling Area(s): The following uses only are permitted in the cluster dwelling area(s).
  - a. Detached single-family residential units;



b. Accessory buildings and uses incidental to the residential use of the property. Mobile homes, railroad rolling stock cars are expressly prohibited as accessory buildings.

2. Conservation Area(s):

a. The area primarily remains in its undisturbed natural conditions.

3. All Areas:

a. Improvements servicing the residences limited to roads, water systems, waste facilities, and public utilities

4. Animals: Persons within the cluster dwelling area(s) shall be permitted to keep up to four (4) dogs (puppies under six (6) months shall not count towards the allowable limit) on any size lot. Persons within the cluster dwelling area(s) on lots with a minimum area of five (5) acres shall be permitted to keep livestock animals. The type and number of livestock animals shall be identified on the Rural Land Use Plan and shall be reviewed by staff. If no livestock animals are allowed, a statement reflecting that restriction shall be placed on the Rural Land Use Plan as a notation.

B. Permitted Density:

1. All Zone Districts: The maximum permitted residential density for a proposed Rural Land Use Process for cluster development shall permit up to one (1) single-family residential unit per each 17.5 acre increment of the total projects acreage.

2. In all cases, the subdivider is entitled to use the Rural Land Use Process one time at the maximum lot number capacity allowed by the State Statutes for Cluster Development. Further development of existing lots within the Rural Land Use Process has to go through the subdivision process and comply with underlying zoning.

C. Development Standards:

1. Prior to Building Permit Authorization, the Rural Land Use Process per the Pueblo County Code shall be approved by the Board of County Commissioners.

2. The development standards of the underlying Zone District shall not apply to the Rural Land Use Process.

D. Waivers or variances to any standard contained in the Rural Land Use Process shall be requested by the landowner/subdivider. The waiver or variance is heard by the Board of County Commissioners at a public hearing for approval or denial. The waiver or variance is published as a legal notice in the local Pueblo newspaper; the legal notice is sent to property owners within a 300-foot perimeter of the rural land use plan property boundary, and a poster of the waiver or variance request is posted on the property.

E. Other Permits or Requirements: Approval of a land division under the Rural Land Use Process shall not relieve the subdivider of the responsibility for securing other permits or approvals required by the Pueblo County Department of Planning and Development, Pueblo Regional Building Department, or any other department or agency of Pueblo County or other public agency.

F. Public Improvements: As a condition for the approval of the land division, the Board of County Commissioners may require a performance guarantee and warranty for all public improvements proposed.

1. The type and amount of the security and the duration of the guarantee and warranty shall be as outlined in the Pueblo County Code, Title 16, SUBDIVISIONS and shall be specified in an Improvements Agreement to be submitted by the applicant prior to approval by the Board of County Commissioners.

### **17.104.060 Application requirements.**

A. Initial Inquiry and Application Review: For a preliminary review of the Rural Land Use Process for eligibility, the subdivider is encouraged to meet with staff with the following for an initial review:

1. A letter of intent, signed by the landowner(s) and subdivider(s), if different person, describing the proposed uses, the proposed number of lots, the proposed density for the site, and the total acreage of the site.
2. A USGS topographical map indicating the proposed project with the boundary of the parcel, lots, road layout, open space area, and the surrounding neighborhood context.

B. Sketch Plan Application (Optional).

The subdivider can submit a sketch plan application of the Rural Land Use Process for review at a Board of County Commissioners' meeting. Upon receipt, staff shall refer the sketch plan application to County departments and other government and quasi-government agencies. The sketch plan will enable the Board to render an informal review of the Rural Land Use Process to the subdivider for general scope and conditions that might affect the development. This will allow the subdivider the discretion to continue with the formal application of the Rural Land Use Process.

C. Formal Application Requirements:

1. Rural Land Use Plan: Prior to consideration by the Board of County Commissioners, the subdivider shall submit a Rural Land Use Plan prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado and the Plan shall meet the requirements of a "Land Survey Plat" pursuant to the Colorado Revised Statutes, as amended.

2. Form of the Rural Land Use Plan:

a. The Rural Land Use Plan shall be in a form acceptable for recordation by the Pueblo County Clerk and Recorder's Office and shall be on matte finish (both sides), three (3) mil mylar no larger than 24" x 36" drawn in black line ink (no ball point, transfer type or sticky-backs). Acceptable are "fix-line" photographic reproduction or computer generated reproduction of the original drawing. Inaccurate, incomplete or poorly drawn plans, as well as, Diazo (sepia) or electrostatic generated (Xerox) plans shall be rejected.

b. The Rural Land Use Plan shall be drafted at a scale that best conveys the detailed survey, engineering, and design. When a proposal requires multiple sheets, a composite, on 24" x 36"

mylar, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.

c. The subdivider shall submit four (4) full size copies of the Rural Land Use Plan, one (1) copy of the Rural Land Use Plan reduced to 11" x 17", and one (1) copy of the Rural Land Use Plan reduced to 8 1/2" x 11".

3. Content of the Rural Land Use Plan: The Rural Land Use Plan shall include the following information:

a. A Title Block with the name of the Rural Land Use Plan, which shall not duplicate any subdivision or planned development, placed at the top of the sheet along the long dimension of the sheet, followed by a legal description, stating the aliquot portion of the section, section, township, range, 6<sup>th</sup> P.M., and Pueblo, County, Colorado.

ARMSTRONG'S RURAL LAND USE PLAN A part of the SE/4, Section 1, Township 21 South, Range 64 West of the 6 <sup>th</sup> P.M., Pueblo County, Colorado
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b. Legal description of the property, whether metes and bounds or aliquot portion, according to the deed of record with the recordation information (reception number, book, page, date) cited. The total acreage shall be indicated after said legal description.

c. Perimeter boundary of the property with bearings, distances, and curve data (radius of curve, central angle, tangent, arc length, notation of non-tangent curves) shall be indicated outside the boundary line. Lengths shall be shown to nearest 0.01', and degrees shall be shown to nearest seconds. The boundary and internal parcels shall have a closure accuracy of 0.01'.

d. All lots shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All lots shall be shown in their entirety on one sheet. Lots shall be consecutively numbered. Include the acreage within each lot to the nearest 0.01 of an acre. All parcels or areas of land inadvertently created and not identified shall be presumed to be open area and shall not be considered to be residential building sites.

e. Building envelope shall be shown for lot one (1) acre of less or as otherwise required. Building envelopes may not be required on lots greater than one (1) acre. Physical constraints, Individual Sewage Disposal System (ISDS) requirements, well location, as examples, may dictate the necessity for building envelope locations. Dimensions from the building envelope to the lot lines shall be shown.

f. All protected areas shall be shown and specific delineation may be required.

g. A vicinity map that depicts the area to be developed and the area, which surrounds the proposed development with related existing and planned streets and highway systems.

h. Astronomic north arrow; a written and graphic scale; basis of bearings statement; preparation date; names and addresses of owner(s) of record, developer, surveyor who prepared the plan; and the number of the sheet and the total number of sheets.

i. Depict all easements, including existing and proposed, public and private on and adjacent to the proposed development, their use, principal dimensions, the owners of the easement along with the recordation information, and the name of the entity responsible for construction or maintenance.

If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the plan. Distances and bearings on the side lines of parcels which are cut by an easement must be shown with an arrow or so shown to clearly indicate the actual length of the parcel lines. The widths of all easements and sufficient data to definitely locate the same with respect to each parcel must be shown. All easements must be clearly labeled and identified. If an easement shown on the plan is already of record, its recorded reference must be given.

j. Depict the locations, alignment, names, and principal dimensions for all proposed and adjacent public and private roads, including private driveways. Indicate the maintenance responsibility, road grades, centerline radii and other pertinent roadway information such as distance between intersections. Proposed road names shall not be duplicate names to other road names in Pueblo County including its incorporated areas.

k. Depict legal and physical public access to the proposed development even if not part of the development.

l. Identify by general and/or USGS map groupings the location of all bodies of water and watercourses, wetlands, 100-year floodplains and other hazard areas, significant rock outcroppings and other significant geologic features, wooded areas, significant individual trees over six (6) inches in diameter measured at six (6) feet above the ground, historical buildings, sites or landscapes, threatened or endangered species habitat, and natural or archaeological features.

A floodplain is an area of special flood hazard subject to a one percent or greater chance of flooding in any given year (commonly known as the 100-year flood) as designated by the Federal Emergency Management Agency (FEMA).

The Rural Land Use Plan shall show the contour and elevation of the floodplain which shall be identified as the "Special Flood Hazard Area--100 Year Floodplain" or similar informational notation. A note shall appear on the Plan which advises that "A Hazard Area Development Permit and/or compliance with additional floodplain regulations may be required prior to development in the Flood Hazard Area" or similar informational notation. The elevation of the floodplain shall be shown at the boundary line of the property as it intersects with the contour of the 100-year floodplain.

m. Identify all existing improvement and structures, utility lines, sewer and water lines.

n. Identify the location of and setbacks for all existing wells and septic systems in relation to lot lines. Through the review process, the location of proposed wells may be required. The location of each well may be Northing and Easting coordinates and/or UTM coordinates.

o. Display ties to aliquot section corners, and to the County GPS according to the Pueblo County Code, Title 16, Chapter 16.68, Global Positioning System.

p. A NOTES section, which shall specifically include the following notes:

The availability of water and permits for wells on these lots or parcels has not been established as of the approval date. Pueblo County makes no guarantee nor should any inference be drawn from an approval of this that there would be either adequate or sufficient quantities of water to serve this subdivision.

The source of research for recorded rights-of-way and easements is (name of title company, commitment for case no., file no., and effective date; i.e., ABC Title Insurance Corporation, Commitment for Title Insurance Case No. 00-00-001, File No. 12345, and having an effective date of month, date, year at time A.M. or P.M.).

and notes pertinent to the development standards pertaining to:

- the rural land use plan improvements agreement,
- conservation easements,
- maintenance responsibility for private roads/easements,
- fencing and building standards,
- landscaping requirements, and
- limitations on wells or septic systems.

q. A Signature Block and Notary Block for the landowner(s) as follow:

**(Individual)**  
I, \_\_\_\_\_, as owner of the land affected by this land division, accept and approve all conditions set forth herein.  
Owner: \_\_\_\_\_ Date \_\_\_\_\_

**(Multiple Owners)**  
We, \_\_\_\_\_ and \_\_\_\_\_ as owners of the land affected by this land division, accept and approve all conditions set forth herein.  
Owner: \_\_\_\_\_ Date \_\_\_\_\_  
Owner: \_\_\_\_\_ Date \_\_\_\_\_

**(Corporation)**  
 \_\_\_\_\_, as owner of the land affected by this land division, accept and approve all conditions set forth herein.  
 \_\_\_\_\_ as president of \_\_\_\_\_ Date \_\_\_\_\_  
 \_\_\_\_\_ as secretary of \_\_\_\_\_ Date \_\_\_\_\_

NOTARY PUBLIC  
 State of Colorado)  
 S.S.  
 County of Pueblo)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_. Witness my hand and official seal.  
 My Commission expires \_\_\_\_\_.  
 Notary Public: \_\_\_\_\_.

r. Approval Certificate

**APPROVAL CERTIFICATE**

THIS RURAL LAND USE PLAN IS COMPLETE AND IN ACCORDANCE WITH THE PUEBLO COUNTY CODE TITLE 17, LAND USE.

\_\_\_\_\_ Date \_\_\_\_\_  
 Dept. of Planning and Development

Building permits may be issued pursuant to this plan, as noted hereon. Approval of this plan does not constitute automatic approval of other required permits.

s. Surveyor's Certificate

I, \_\_\_\_\_, a Professional Land Surveyor registered in the State of Colorado, hereby certify that a survey of the described property was performed by me or under my direct supervision on \_\_\_\_\_, 20\_\_; that this plan of (title of rural land use plan) complies with the minimum standards for Land Surveys and Plats as set forth in Section 38-51-101 et seq., C.R.S. 1973 (as amended).

\_\_\_\_\_ License # \_\_\_\_\_  
 Surveyor's Name

(Surveyor's seal)

t. Commissioners' Certificate

<b>BOARD OF COUNTY COMMISSIONERS' CERTIFICATE</b>
This rural land use plan, titled _____, was approved and accepted this _____ day of _____, 20____, by the Board of County Commissioners, Pueblo County, Colorado.
_____ Chair
ATTEST: _____ Clerk of Board
(County Seal)

u. Density Statement.

The density of _____ units has been allocated to _____ lots. Further subdivision is not permitted by zoning.
--

v. Note the following on the plan when the internal roads are private:

All internal roads are private. Maintenance is the responsibility of _____ . Pueblo County will not plow snow from the roads, or repair the surface of such roads.
--

w. Plat Statement

If there are any parties who have an interest in, or an encumbrance on, the property described in the Rural Land Use Plan, those parties shall sign and have notarized the following statement or facsimile thereof.

FOR VALUE RECEIVED, the undersigned consents to the (name of Rural Land Use Plan), joins in the dedication of all roads, easements, rights-of-way and access restrictions shown hereon, and subordinates its interest in the property described in this (name of Rural Land Use Plan) to a Rural Land Use Improvements Agreement between the Subdivider and the County of Pueblo executed in conjunction therewith.

Signed the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Name of Institution with Interest

NOTARY PUBLIC  
State of Colorado)  
S.S.  
County of Pueblo)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by (name and title, institution name). Witness my hand and official seal.

My Commission expires \_\_\_\_\_.

Notary Public: \_\_\_\_\_.

4. Additional Documentation: In addition to the Rural Land Use Plan, the following supplementary documents shall be required prior to consideration by the Board of County Commissioners.

- a. A letter of intent, signed by the landowner(s) and subdivider(s), if different person, describing the proposed uses, the proposed number of lots, the proposed density of the site, and the total acreage of the site. (1 copy)
- b. Proof of Ownership in the form of a recorded deed. (1 copy). If the property is unplatted or includes a partial lot, a copy of the recorded warranty deed, recorded or signed prior to August 31, 1972, for the same property is required.
- c. A current title commitment or title policy (no older than thirty (30) days from the date of submittal to the Department of Planning and Development). (1 copy)
- d. A letter of authorization from the landowner permitting a representative to process the application, if applicable. (1 copy)
- e. Proof that a water supply sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the proposed uses on the property. Proof of Water in the form of a letter indicating that the necessary water taps will be available if supply is through a special district or servicing authority. If the water supply is by wells, the proof shall be provided by a qualified groundwater hydrologist. (Original)



f. Individual Sewage Disposal System (ISDS) Report if proposing on-site sewage treatment or a letter from the public or private sewage treatment facilities it can and will provide adequate sewage treatment if such service to be provided by an existing district. (Original)

g. Proof of approved access location from the Pueblo County Department of Public Works or from the Colorado Department of Transportation for the proposed road(s) serving the development from a dedicated or maintained County road or from a State Highway to the overall site. (1 copy)

h. When in a Fire Protection District, proof of Fire Protection in the form of a letter from the local fire protection district indicating their ability to serve the site and if any fire hydrants are needed. (Original) The Fire Protection District has the authority to review private roads for appropriate widths, cul-de-sac radius, etc.

i. Outside a Fire Protection District, the subdivider shall submit:

--a description of how purchasers of the lots shall be notified the subject property is not within a Fire Protection District.

--a fire protection plan for fire mitigation identifying examples such as no wood shingles;

said plan is to be reviewed by the Pueblo County Department of Emergency Management and/or Pueblo Regional Building Department.

j. A Conservation Easement, or similar instrument, specifying all development and land division restrictions, and the duration, maintenance requirements and permitted uses for the open space. (2 copies)

k. A Rural Land Use Improvements Agreement specifying any conditions related to guarantees and warranties for any and all public improvements. (2 copies)

l. Right-of-way and roads to be dedicated to the public and petitioned to the Board of County Commissioners for maintenance by the County shall be designed and constructed according to and shall adhere to the Pueblo County Code, Title 12, Roads, Bridges and Public Places, Chapter 12, Roadway Design and Construction Standards. Required plans are to be submitted. (2 copies)

m. Homeowners' covenants, conditions and restrictions. (2 copies)

n. Maintenance plan (2 copies) which identifies:

--Party responsible for maintenance of common areas, facilities, and open space tracts.

--Items to be included in the maintenance program including but not limited to provisions for snow removal, trash removal, maintenance of recreation facilities, common areas and other amenities.

o. Original Certification of Taxes Due from the County Treasurer that all ad valorem taxes have been paid.

p. A Geotechnical Report that provides evidence that all building envelopes, access roads and utilities, and other areas proposed to be disturbed within the project site which may involve soil, topographical, or geologic conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.

Such evidence may include, but shall not be limited to snow avalanches, landslides, rock falls, mudflows, unstable slopes or soils, seismic effects, radioactivity, ground subsidence, shallow water table, expansive soils, and areas inundated by the 100-year floodplain. (2 copies)

#### **17.104.070 Development review.**

A. Initial Inquiry: The initial inquiry involves preliminary discussions between staff and the subdivider to review the request site, discuss eligibility criteria and goals for the site, discuss what is expected of the subdivider and landowner, and discuss the process and submittal requirements. Qualification for this process in no way guarantees that a suitable land division is attainable or that the Board of County Commissioners will approve the application.

B. Initial Application: If qualified to apply, the subdivider shall submit an application pursuant to Section 17.104.060(A).

C. Public Meeting: Prior to consideration by the Board of County Commissioners, the subdivider is encouraged to host a public meeting to introduce the proposal to the general community and to solicit input and comments from the general public. This is not a requirement.

D. Formal Submission: Prior to consideration by the Board of County Commissioners, the subdivider shall submit a formal application in compliance to Section 17.104.060(B), Sketch Plan Application (optional) and/or 17.140.060 (C), Formal Application Requirements.

E. Formal Referral: Upon receipt, staff shall refer the formal submission to County departments and other government or private agencies pursuant to the Title 16, SUBDIVISIONS procedures for submission and review of plats. The referral agencies shall make recommendations within twenty-one (21) days after the mailing by Pueblo County unless a necessary extension of not more than thirty (30) days has been consented to by the subdivider and the Board of County Commissioners. The failure of any agency to respond within twenty-one (21) days or within the period of an extension shall be deemed an approval of the Rural Land Use Plan; except that, where such Plan involves twenty (20) or more dwelling units, a school district shall be required to submit within said time limit specific recommendations with respect to the adequacy of school sites and the adequacy of school structures.

F. Public Notice: The Rural Land Use Process is the process by which the cluster development occurs. The Rural Land Use Process shall be heard by the Board of County Commissioners at a public hearing for approval or denial. The Rural Land Use Plan is published as a legal notice in the local Pueblo newspaper, the legal notice is sent to property owners within a 300-foot perimeter of the Rural Land Use Plan property boundary, and a poster of the Rural Land Use Plan is posted on the property.

G. Staff Review: Staff shall prepare a review taking all comments received from the referred agencies into consideration and make a recommendation to the Board of County Commissioners.

H. Board of County Commissioners' Review: The Board of County Commissioners shall consider staff's review and recommendation, agency comments, the formal submittal, any public hearing comments and any other information submitted and may decide to approve, conditionally approve or deny the application. The Board of County Commissioners may impose such conditions to recordation of the Rural Land Use Plan and other documents in order to implement the intent of this process. Such requirements, when they exist, shall be noted on the Rural Land Use Plan.

I. Recordation.

1. Upon approval by the Board, the subdivider shall have thirty (30) days to submit the approved Rural Land Use Plan ready for recordation and any other documents with appropriate recording fees to the Department of Planning and Development.

2. Within thirty (30) days of receipt of the Rural Land Use Plan, the staff planner shall review the documents for compliance with the Board's approval, obtain the County Official's signatures, and submit to the Clerk and Recorder's Office for recordation.

J. State Engineer Notification: Staff shall notify the State Engineer of the Division of Water Resources of the approved rural cluster land division and shall provide the State Engineer a copy of the approved Rural Land Use Plan within ten (10) days of the Board of County Commissioners' approval.

**17.104.080 Design principles.**

A. Purpose: Throughout the Rural Land Use Process, both staff and the applicant are governed by the design principles outlined below. These principles exist to facilitate the development of an optimal design solution that meets the goals for which the Rural Land Use Process was established.

Each principle is followed by detailed regulations consisting of a combination of standards and guidelines. While the standards outlined are mandatory and required of the subdivider, the guidelines are general suggestions that promote and encourage excellent design. Staff may recommend rejection of the proposed land division based on inadequate conformance to the design standards if the land division contravenes or conflicts with the goals of this process.

B. Domestic Water.

1. Standards:

a. A maximum of one (1) well permit as issued by the State Engineer, Division of Water Resources as allowed by C.R.S. 30-28-404 Water - Sewage - Roadways - Notification to State Engineer shall be permitted for every residential unit.

b. Water consumption shall be metered and monitored as required by the State Engineer.

2. Guidelines:

a. Water supply may be through individual wells or through any public or private entity. Common, joint or shared water systems, where technically feasible and viable, may be used as an alternative to individual, independent wells. Where shared or public systems are proposed, augmentation plans, if required, must be submitted to and approved by the State Engineer.

b. Xeriscaping and/or indigenous vegetation is encouraged as much as possible.

C. Neighborhood and Lot Configuration.

1. Standards:

a. Residential clusters shall be located on areas that are free of known geologic hazards including floodplains, wetlands, or landslide/slip areas, and shall be located so as to not adversely impact these areas.

b. The minimum size of a proposed lot shall be determined, at the least, by the nature and characteristics of the area, soil types, constraints on the lot, and by the letter of approval from the Pueblo City-County Health Department.

c. No more than one (1) single-family dwelling shall be located on a lot.

d. All parking shall be off-street parking.

## 2. Guidelines:

a. A proposal may contain one or more residential clusters grouped into compact neighborhoods. The lots should be clustered so as to make efficient use of land resources and infrastructure.

b. Views from the public road abutting the development road toward the residential cluster should be minimized by the use of natural changes in topography or existing vegetation.

c. In all cases, the residential cluster should be located such that impacts with environmental, cultural or open space resources are minimized.

## D. Roads.

### 1. Standards:

a. Roads shall be designed and located in such a way as to maintain and preserve natural topography, cover, and trees; to minimize cuts and fill; and to preserve and enhance views on or off the site.

b. Rights-of-way to be dedicated to Pueblo County as public streets/roads within the boundaries of the subject property shall comply with the Pueblo County Roadways Functional Classification Plan, April 23, 1998 and the Pueblo County Roadway Design and Construction Standards, April 23, 1998, and subsequent revisions adopted by Pueblo County. Rights-of-way for public streets/roads shall be dedicated to Pueblo County on the Rural Land Use Plan.

c. Streets/roads on old plats may need to be vacated.

d. Private roads shall be shown as access easements and the lot/parcel property lines shall be the centerline of the easements. An access agreement will be required to be prepared, a note placed on the Plan of the access agreement, and the agreement shall be recorded concurrently with the Plan. The maintenance of the access easements is through the homeowner's association created through the Rural Land Use Process, or by other means the developer proposes. The documents shall be reviewed by the Department of Planning and Development. Private roads shall have road name signs installed by the subdivider. The road name signs shall comply with the 1997 Uniform Fire Code, Part III General Provisions for Safety, Article 9 - Fire Department Access and Water Supply, Section 901- General and Section 902-Fire Department Access, and future amendments thereto, and the 1997 Urban-Wildland Interface Code, Chapter 4 Urban-Wildland Interface Area Requirements, Section 401-General, Section 402-Applicability,

Section 403-Access, and future amendments thereto, and the most current edition of the Manual of Uniform Traffic Control Devices (MUTCD).

e. Road names shall not be duplicate names to other road names in Pueblo County including its incorporated areas.

2. Guidelines:

a. Locate, group and design roads and driveways such that privacy is provided among and between residential units.

b. Shared driveways are encouraged as much as possible.

c. Orient roads to provide opportunities to maximize residential solar exposure and heat conservation in the winter and maximize shading in the summer.

d. If possible, have lots on one side of the road (i.e., single-loaded lots), in order that the maximum number of homes may enjoy views of open space.

e. Minimize disturbance caused by the introduction of roads by siting roads in accordance to the topography and avoiding sensitive natural environments.

f. Re-vegetate or enhance all road cuts, grading, and other earth disturbances with indigenous vegetation.

E. Drainage.

1. Standards:

a. All storm drainage facilities shall be located such that they shall not adversely impact floodplains, watercourses, water bodies, or wetlands.

b. A drainage report shall be submitted to the Department of Public Works for approval. All construction activities disturbing more than one (1) acre will require a NPDES permit issued by the Colorado Department of Health, Water Quality Control division, Permits and Enforcement Section, which will require a storm water management plan. The storm water management plan will be reviewed by the Pueblo County Department of Public Works.

2. Guidelines:

a. Retain natural drainage channels, wetlands and depression areas in their natural state in an effort to minimize erosion.

b. Preserve ecosystems adjacent to or within streams, wetlands, bodies of water, and other riparian habitats.

c. Sound alternatives to detention/retention ponds are encouraged as a means of controlling and managing storm water drainage.

d. Innovative methods of storm water management are encouraged.

e. All man-made drainage channels and water management facilities should blend and harmonize with the natural environment. Extensive grading, contouring and earthwork should be avoided.

f. Storm water detention/retention basins should be sited, formed and re-vegetated so that they harmonize with the natural surroundings and complement natural water flows. Excessive grading, clearing, and alteration of the site should be avoided and soil erosion should be minimized.

F. Buildings and Structures.

1. Standards:

a. All buildings or structures existing or built on the land reserved for development shall be contained within predetermined building envelopes for lots one (1) acre or less or as otherwise required. Building envelopes may not be required on lots greater than one (1) acre. Physical constraints, Individual Sewage Disposal System (ISDS) requirements, well location, as examples, may dictate the necessity for building envelope locations. If building envelopes are not required, the buildings or structures shall have the following setbacks from property boundaries:

Front setback	Minimum 25 feet
Side and rear setbacks	Minimum 15 feet

b. Only one (1) single-family dwelling unit shall be permitted for each residential parcel proposed.

c. Building envelopes and/or no-build areas may be required to protect a site's natural, historic, and/or cultural features. See the Rural Land Use Evaluation Criteria (Section 17.104.040(A)) to better understand what types of physical features may require protection. All such building envelopes and/or no-build areas must be depicted on the Rural Land Use Plan.

d. Unless otherwise agreed to by the County, the cost and responsibility of maintaining common facilities (open areas, private roads, shared water systems, and shared sewage disposal systems) shall be borne by the property owner or the homeowner's association.

e. Fencing shall be designed to conform to the topography and be of a color that blends with the natural environment.

f. No signage, either temporary or permanent, is permitted except the following:

--Gateway sign(s) for the development at each approved entryway as permitted and approved by Pueblo County pursuant to Section 17.116.100 Gateway Signs. The gateway sign shall not be animated or illuminated and shall be constructed of natural materials with a maximum area of thirty-two (32) square feet, a maximum height of six (6) feet, and setback from all property lines a minimum of fifteen (15) feet and shall not impede driver and pedestrian visibility.

--Advertising and signs not requiring permits pursuant to the Chapter 17.116, Advertising Devices and Signs.

--Road signs shall be required and be the responsibility of the subdivider.

--Development sign(s) pursuant to Section 17.116.090, Development signs. Signs shall not be animated and if illuminated shall comply with Section 17.120.180, Outdoor Lighting.

## 2. Guidelines.

- a. The placement of structures within building envelopes along the street frontage should be varied to minimize uniformity.
- b. Group, mass, and design building such that privacy is provided among and between units.
- c. Orient residences for maximum solar exposure and heat conservation in the winter and maximum shading in the summer.
- d. Minimize disturbances caused by the introduction of buildings and structures or by their construction by being sensitive to the topography and existing natural environment.
- e. Any pedestrian, equestrian, and recreation trail should be soft-surface. Asphalt or hard surface materials should be avoided.
- f. Re-vegetate or enhance all earth disturbances (building cuts, graded areas) with indigenous vegetation. Technical assistance or advice for re-vegetation is available from the Colorado State Forest Service, the Natural Resources Conservation Service, and Colorado State University Extension.
- g. Signage should be of a scale and character that is compatible with the development, surrounding environment, and maintenance views of the natural landscape, public parks and open space, emphasizing natural materials.
- h. Install utilities in a manner that will minimize visible structures, power poles, overhead power lines, tree removal, and other site disturbances. Mitigate disturbances with indigenous vegetation. Where possible, utilities should be located underground.
- i. Lighting should be designed to avoid glare onto neighboring properties or onto roadways.
- j. Utilize exterior materials, finishes and colors for buildings and structures that integrate with the surrounding natural environment. Buildings and structures should not dominate or overwhelm the site.
- k. Avoid fences except as needed for wildlife corridors, domestic animal control or livestock containment. When fencing is proposed, it should be open in design so as not to restrict wildlife movement, it should conform to the topography, and should be of a color that integrates with the natural surrounding environment.
- l. Privacy fencing may be used when the backs of lots are adjacent to a County road or state highway, or on individual lots to provide privacy or enclosure for the lot or a portion of the lot.

## G. Sanitation.

### 1. Standards:

- a. Individual Sewage Disposal Systems shall comply with the Pueblo City-County Health Department regulations.

b. Clustering of individual sewage disposal systems, where proposed, shall be pursuant to the Pueblo City-County Health Department regulations.

c. No portion of an Individual Sewage Disposal System for the proposed lots shall be located within the open space.

d. Primary and alternative individual sewage disposal system locations shall be shown and identified within the building envelope on the Rural Land Use Plan. These systems shall be pursuant to the Pueblo City-County Health Department Regulations.

## 2. Guidelines:

a. Common, joint or shared sewage disposal facilities, where technically feasible and viable, may be used as an alternative to individual or independent septic fields.

## H. Open Space.

### 1. Standards:

a. At least two-thirds of the total area of the site shall be reserved as open space.

b. The calculation of the open space shall not include already existing public open space.

c. Preservation of the open space shall be through one or some combination of the following instruments:

--A fee simple dedication to Pueblo County, provided the County accepts the dedication.

--A conservation easement.

--Any other legal instrument approved by the Planning Director and the County Attorney.

d. The beneficiary of the preservation instrument shall be either a) Pueblo County, or b) an organization that is (a) a qualified organization at the time of transfer under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated there under, (b) authorized to acquire and hold conservation easements under Colorado law.

e. Ownership and maintenance of the open space shall be by one or some combination of the following entities:

--A homeowner's association established according to state statute and with the authority to collect a fee to maintain the open space.

--An established land trust.

--Public jurisdictions or agencies, subject to their acceptance.

--Quasi-public organizations, subject to their acceptance.

--The original landowner.

--Shared, undivided interest by all property owners of the residential parcels.

--Pueblo County, subject to acceptance by the Board of County Commissioners.

f. Infrastructure systems shall not be sited within sensitive or fragile natural areas. All site disturbances for installations shall be re-vegetated and graded to harmonize with the natural surroundings.



g. Agricultural/ranch buildings and structures shall be permitted to be located in the open space provided they are contained within specified building envelopes predetermined and delineated in the open space on the Rural Land Use Plan.

2. Guidelines:

a. Where the following characteristics exist, they should be located within the open space:

- Significant wildlife habitat or migration routes.
- Sensitive, rare, endangered or unusual vegetation or ecosystems.
- Remarkable geologic features such as rock outcrops or formations.
- Streams, watercourses, wetlands, and other bodies of water.
- Trail Corridors, such as existing trails, trail easements, or trail connections shown on an official plan.
- Designated historical or archaeological features.
- Unstable slopes and slopes greater than 30%.
- Geologic and other hazard areas.
- Candidate lands identified by the Pueblo Comprehensive Plan.

b. Landscaping within the open space should be minimized. Where proposed, new landscaping should utilize indigenous vegetation.

c. Allow wildlife movement corridors in a size, location, and character that will encourage their continued use and in contiguity with adjacent wildlife corridors.

d. Encourage the preservation of ecosystems adjacent to or within streams, wetlands, bodies of water, and other riparian habitats.

e. Natural features should be maintained in their original condition as much as possible but may be modified to improve their function or overall condition provided a management plan and any subsequent changes has been approved or reviewed by Pueblo County. Permitted modifications may include reforestation, woodland management, meadow management, buffer area landscaping, stream bank protection, and wetlands management.

f. The open space should be configured as a single lot unless an existing ditch or road, an existing physical feature or historic site, or sensitive wildlife habitat make this infeasible.

g. Where agricultural or ranching uses are proposed within the open space, a management plan should be submitted to Pueblo County for review. Technical advice for management plans is available from the Natural Resources Conservation Service and from Colorado State University Extension Service.

## I. Buffer.

### 1. Standards:

- a. Perimeter buffering shall be required to minimize visual and noise impacts where adjacent land uses are of a different type (e.g., residential adjacent to commercial or industrial) or are of a substantially different residential density; or where the cluster is adjacent to a County road, State or federal highway or a railroad.
- b. Where the proposed cluster abuts a County road, state or federal highway or a railroad, the buffer is measured from the edge of the existing right-of-way and must be of a width and design to reduce visual and noise impacts from the road, highway, or railroad.
- c. A buffer area having a minimum depth of fifty (50) feet shall be provided between any proposed structure within the cluster development and the perimeter of the cluster development area. Existing structures are not subject to this standard.
- d. Whenever possible the natural vegetation shall be retained, or if required, vegetation shall be planted of sufficient size to shield the development from abutting properties. Buffer strips may include fences or berms, as well as shrubs and trees.
- e. Development of any nature is discouraged within the buffer area.

### 2. Guidelines:

- a. Buffering may be accomplished through the use of increased separation between land uses and/or by using native or drought resistant vegetation, fencing, walls, or a combination of these measures.
- b. The traditional concept of using windbreak plantings around a farm may be desirable for the design of buffering between a cluster and agricultural uses.
- c. Perimeter buffering of a cluster in mountainous areas should be designed to take into consideration the buffering effect provided by existing trees and topography.

## **17.104.090 Definitions.**

**"Cluster Subdivision"** means a form of single-family residential subdivision that creates parcels containing less than thirty-five acres each, permits housing units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional sizes of the current zone district, allows one residential unit for each seventeen and one-half acre increment, and where at least two-thirds of the total land area is reserved for the preservation of open space.

**"Buffer"** means an area of land used to separate visibly one use from another or which acts as a separation between two land uses of different intensity.

**"Common Open Space"** means land within or related to a cluster residential development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development, or the public, which may contain such accessory structures and improvements as are necessary and appropriate for recreation purposes. A condition of the cluster residential development approval shall be that the common open area may not be further subdivided.

**"Homeowner's Association"** means a private nonprofit association which is organized by the developer of a cluster residential development in which individual owners share common interests in open space and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforces certain covenants and restrictions.

**"Tract"** means an area, parcel, site, piece of land, or property that is the subject of a development proposal and applications.

**"Improvements Agreement"** means an agreement guaranteeing to construct any required public improvements shown in the rural land use documents, together with collateral which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications.

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References: Currituck County, North Carolina  
New Hampshire Resource Net: Cluster Residential Development  
Larimer County, Colorado  
Jefferson County, Colorado  
Douglas County, Colorado  
Summit County, Colorado  
Colorado Revised Statutes  
Pueblo County Code

## **Chapter 17.108 FLOOD HAZARD AREA REGULATIONS**

### **17.108.010 Statutory authorization.**

The Legislature of the State of Colorado has in Section 30-28-101 et seq.; 29-20-101 et seq.; and 24-65.1-101 et seq. C.R.S. 1973 (as amended), delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of County Commissioners of the County of Pueblo and State of Colorado does resolve as follows:

### **17.108.020 Finding of fact.**

The Board of County Commissioners of the County of Pueblo hereby finds that there are within the unincorporated areas of Pueblo County, flood hazard areas which constitute natural hazards of State and local interest, that such flooding may cause serious damage to properties and subject residents of such areas to hazards, that the occupation of such areas is likely to cause the loss of human life and the destruction of property, and the imprudent use and occupation of these areas will pose a continuing and greater future danger to life and property unless appropriate regulations are adopted concerning the use and occupation of such hazard areas.

### **17.108.030 Statement of purpose.**

It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the appropriate use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard;  
and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **17.108.040 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### **17.108.050 Definitions.**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

**"Appeal"** means a request for a review of the County's interpretation of any provisions of this Chapter or a request for a variance.

**"Area of special flood hazard"** means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base flood"** means the flood having a one-percent chance of being equaled or exceeded in any given year.

**"Base flood elevation"** means the water surface elevation, in relation to mean sea level, of a base flood.

**"Critical feature"** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**"Flood"** or **"flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Insurance Rate Map (FIRM)"** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Flood Insurance Study"** means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**"Levee system"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term includes mobile homes; it also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Zoning Administrator.

**"Mean sea level"** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"New construction"** means structures for which the "start of construction" commenced on or after the effective date of this Chapter.

**"Start of construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**"Structure"** means a walled and roofed building or manufactured home that is principally above ground.

**"Substantial improvement"** means any repair, reconstruction, addition, alteration or improvement of a structure which either increases the gross floor area of the structure or the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**"Water surface elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **17.108.060 Applicability.**

This Chapter shall apply to all areas of special flood hazards within the unincorporated area of Pueblo County under the jurisdiction of the Pueblo County Board of Commissioners.

#### **17.108.070 Basis for establishing areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the County of Pueblo," dated September 29, 1989, with an accompanying Flood Insurance Rate Map (FIRM) is adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and FIRM are on file at the County Zoning Administrator's office at the Pueblo County Department of Planning and Development, 229 West 12th Street, Pueblo, Colorado.

#### **17.108.080 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

#### **17.108.090 Abrogation and greater restrictions.**

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another resolution, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **17.108.100 Interpretation.**

In the interpretation and application of this Chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

#### **17.108.110 Warning and disclaimer of liability.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This Chapter shall not create liability on the part of Pueblo County Board of Commissioners, and officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

**17.108.120 Development permit--Established.**

A Development Permit shall be obtained before construction, development or substantial improvement begins within any area of special flood hazard established in Section 17.108.070. Application for a Development Permit shall be made on forms furnished by the Pueblo County Zoning Administrator and may include, but not be limited to: plans in duplicate drawn to scale by a licensed architect, registered professional engineer, or registered professional land surveyor, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure will be floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.108.160(B)(2) and,
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

An application fee as established by the Board by resolution shall be paid at the time application is made.



### **17.108.130 Pueblo County Zoning Administrator--Designated.**

The Pueblo County Zoning Administrator is appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

### **17.108.140 Pueblo County Zoning Administrator--Duties and responsibilities.**

Duties of the Pueblo County Zoning Administrator shall include, but not be limited to the following:

#### **A. Permit Review.**

1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, State or local governmental agencies from which prior approval is required;
3. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this Chapter, "adversely affects" means damage to properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
  - a. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
  - b. If it is determined that there is an adverse effect, then technical justification from a registered professional engineer for the proposed development shall be required.
  - c. If the proposed development is a building, then the provisions of this Chapter shall apply.

**B. Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 17.108.070, the Pueblo County Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Section 17.108.160(B).

#### **C. Information to be Obtained and Maintained.**

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
2. For all new or substantially improved floodproofed structures:
  - a. Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed;
  - b. Maintain the floodproofing certifications required in Section 17.108.120(C).

3. Maintain for public inspection all records pertaining to the provisions of this Chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

2. Require that the flood-carrying capacity of the watercourse is not diminished by alteration or relocation, and maintenance is provided for.

E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the location of the boundaries of the areas of special flood hazards. Where the available information is insufficient to make such interpretation, the Administrator may require the applicant to provide the base flood elevation, which shall be calculated by a registered professional engineer, licensed architect, or registered professional land surveyor.

**17.108.150 Appeal and variance procedure.**

A. Appeal Board.

1. The Pueblo County Planning Commission shall hear and decide appeals and requests for variances from the requirements of this Chapter.

2. The Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Administrator in the enforcement or administration of this Chapter.

3. Those aggrieved by the decision of the Commission, or any taxpayer, may appeal such decision to the District Court, as provided by law.

4. In passing upon such applications, the Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

- i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Upon consideration of the factors of Section 17.108.150(A)(4) and the purposes of this Chapter, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

6. The Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

#### B. Conditions for Variances.

1. Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items set out in items (4)(a) through (k) of Section 17.108.150(A)(4) have been fully considered. As the lot size increases beyond the one acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 17.108.150 (A)(4), or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notification that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **17.108.160 Provisions for flood hazard reduction.**

A. General Standards. In all areas of special flood hazards the following standards are required.

### 1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure in accordance with sound engineering practices.

All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

b. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Guidance for anchoring techniques is published in FEMA's manual *Manufactured Home Installation in Flood Hazard Areas*, September, 1985. Anchoring may also be by providing over-the-top and frame ties to ground anchors. Specific requirements may be that:

i. Over-the-top ties be provided at each of the four corners of the manufactured home, with manufactured homes less than fifty (50) feet long requiring one additional tie per side at an intermediate location, and manufactured homes fifty (50) feet or longer requiring two additional ties per side at intermediate locations;

ii. Frame ties be provided at each corner of the home with manufactured homes less than fifty (50) feet long requiring four additional ties per side at intermediate locations, and manufactured homes fifty (50) feet or longer requiring five additional ties per side at intermediate locations;

iii. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

iv. Any additions to the manufactured home be similarly anchored.

### 2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements shall be in accordance with the County's Building and Zoning Codes, and all other applicable regulations.

d. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom on all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### 3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, as determined by the Pueblo City-County Health Department and/or other agencies having jurisdiction; and
- d. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### 4. Subdivision Proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development.

5. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 17.108.070 or in Section 17.108.140(B), the following standards are required.

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:
  - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Provide that where a nonresidential structure is intended to be made watertight below the base flood level:

i. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section, and

ii. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained with the official designated by the community under Section 17.108.130.

## **Chapter 17.112 OFF-STREET PARKING AND LOADING STANDARDS**

### **17.112.010 Purpose.**

These standards are designed to lessen congestion in the streets, by requiring the owners and operators of land, structures and uses to provide off-street parking for their residents, employees, customers, clients, patients and other visitors. However, nothing in these regulations shall be deemed to deprive such owners or operators of the right to maintain control over all such land and structures. The off-street parking requirements herein contained shall apply to the following activities which occur after the enactment of these regulations:

- A. Newly constructed buildings and newly established land uses;
- B. Existing buildings which are expanded by an addition thereto;
- C. Change in land use which generates a need for an increase in the required minimum of off-street parking spaces set forth in Section 17.112.020; and
- D. Expansion of a land use which generates a need for an increase in the required minimum of off-street parking spaces as set forth in Section 17.112.020.

The regulations in this Chapter shall apply to all parking spaces, lots, garages, buildings or portions thereof to be provided in meeting the requirements of this Title.

### **17.112.020 Spaces required.**

A. The following are the minimum required off-street parking spaces. The owners and operators are encouraged to research the parking needs of the same or similar uses they intend for the land and building to insure sufficient off-street parking.

<u>USE</u>	<u>MINIMUM SPACES</u>
<b>AGRICULTURE AND RELATED USES</b>	
Agricultural Custom Contractor	1 per 2 employees
Commercial Stables	1 per 6 stalls
Dairy	1 per 2 employees
Extraction and Processing	1 per 2 employees
Farming and Ranching with no residence	0
Farming and Ranching with residence(s)	See Residential
Feed lot	1 per 2 employees
Kennel	1 per 2 employees
Natural Deposits	1 per 2 employees
Riding Academy	1 per 6 stalls
<b>RESIDENTIAL, PERMANENT</b>	
Apartment	1.5 per d.u.
Condominium	1.5 per d.u.

Grouped House	1.5 per d.u.
Mobile Home	1.0 per mobile home
Residence, one-family	1.0 per d.u.
Residence, two-family or more	1.5 per d.u.
Tenant House	1.0 per d.u.
Townhouse	1.5 per d.u.

#### RESIDENTIAL, LODGING

Boarding House	1 per g.u.*
Hotel	1 per g.u.*
Guest Ranch	1 per g.u.*
Motel	1 per g.u.*
Rooming House	1 per g.u.*

#### RESIDENTIAL SPECIAL

Convalescent Home	1 per 8 beds*
Fraternity House	1 per 2 beds*
Halfway House	1 per 4 beds*
Nursing Home	1 per 8 beds*
Sorority House	1 per 2 beds*

#### COMMERCIAL

Retail	3 plus 1 per 200 sq. ft. NFA exceeding 600 sq. ft. NFA
Office, Medical	3 plus 1 per 200 sq. ft. NFA exceeding 600 sq. ft. NFA
Office, Other	3 plus 1 per 400 sq. ft. NFA exceeding 1,200 sq. ft. NFA
Restaurant/Bar	1 per 3 persons U.B.C. rated occupancy
Hospital	1 per 3 beds*
Child Care Center	1 per 4 children
Places of Private Assembly such as Theaters, Churches, Funeral Homes, Auditorium (Section 17.112.020C)	1 per 3 persons U.B.C. rated occupancy within the main assembly room, sanctuary, or auditorium

#### INDUSTRIAL, INCLUDING WHOLESALE, WAREHOUSING, AND MANUFACTURING

3\*

#### RECREATION



Golf Course	2 per hole
Bowling Alley	2 per lane

\* = plus 1 space per 2 main shift employees

d.u. = dwelling unit

g.u. = guest unit

NFA = net floor area

B. Uses not specifically set forth herein shall have their minimum off-street parking requirements established by administrative decision of the Zoning Administrator. In making such decisions, the Administrator may use as guidance listed land uses with similar impact and intensity. The Administrator may also use technical publications and land use regulations of other communities and solicit guidance from design professionals (e.g., architects), developers, and the owners and operators of similar uses. The Administrator shall maintain a permanent record of such decisions with their supporting basis, the purpose of which is to facilitate a uniform decision making process.

C. Mixed uses on the same land or within the same structure, such as a motel with a restaurant, shall be required to provide off-street parking calculated as the sum of the requirement for each use. Mixed uses that include Place of Private Assembly may, by administrative decision of the Zoning Administrator, receive authorization for a reduction of this sum if the mixed use that is on the same land or within the same structure does not characteristically operate at the same time as the Place or Private Assembly.

D. Motorcycle and bicycle off-street parking areas are encouraged to be provided by the owner and operator. The provision of additional off-street parking spaces for motorcycles and bicycles is not required, nor is a reduction in the otherwise required off-street parking spaces permitted if motorcycle and bicycle spaces are provided. If motorcycle and bicycle parking areas are provided they shall be identified by a sign(s) to insure they are not used for automobile parking.

### **17.112.030 Design standards.**

These standards are designed to accommodate automobiles and light trucks. They are not intended to satisfy land uses with special needs, such as parking for heavy trucks, vans and motor homes. The handicapped parking standards herein are for local zoning compliance and are not intended to supersede more restrictive Federal or State requirements, such as the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

A. All standard-size vehicle off-street parking spaces shall be a minimum nine (9) feet in width and a minimum of eighteen (18) feet in depth.

B. Compact car off-street parking space may account for up to thirty (30) percent of the required parking spaces, provided the spaces are permanently designated by sign(s) as being for use by compact cars only. As examples, a required off-street parking area of ninety (90) spaces may have up to twenty-seven (27) compact car spaces, and a required area of one hundred sixty-two (162) spaces may have up to forty-eight (48) compact car spaces.

All compact car parking spaces shall be a minimum eight feet by six inches (8'6") in width and a minimum of sixteen (16) feet in depth.

For the purpose of this Chapter, a compact car shall be a vehicle which has a maximum wheel base of one hundred six (106) inches.

C. All parking facilities shall comply with the Americans with Disabilities Act Accessibility Guidelines for Facilities and Buildings (ADAAG) (28 CFR Part 36, Public Law 101-336).

1. Required Number of Parking Spaces. Except as noted, the required number of accessible spaces is:

<b>Total Parking Spaces in Lot</b>	<b>Minimum Number of Accessible Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

Exceptions:

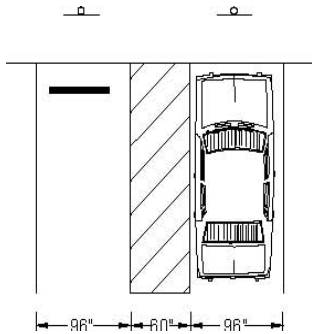
For outpatient medical offices and treatment facilities, ten (10) percent of the total spaces shall be handicap accessible.

At units or facilities that specialize in treatment or services for persons with mobility impairments, twenty (20) percent of the total number of spaces shall be accessible.

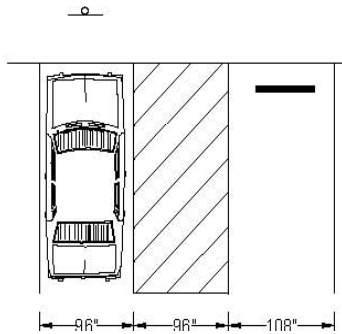
As examples, a required off-street parking area of ninety (90) spaces shall have a minimum of four (4) handicapped spaces (one of which shall be "van-accessible" per Chapter 17.112.030(C)(4) with the remaining eighty-six (86) spaces being standard and compact car-size spaces; and a required area of four hundred four (404) spaces shall have a minimum of nine (9) handicap spaces (two of which shall be "van-accessible" per subsection (C)(4) below) with the remaining three hundred ninety-five (395) spaces being standard and compact car-size spaces.

2. Minimum handicapped parking space dimensions shall be as follows (dimension units are in inches):

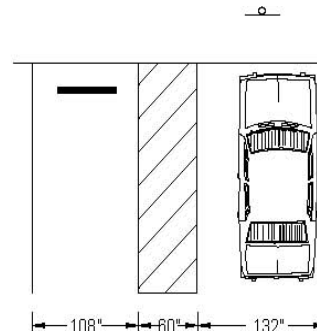
Accessible Parking



Van Accessible Parking (Option 1)



Van Accessible Parking (Option 2)

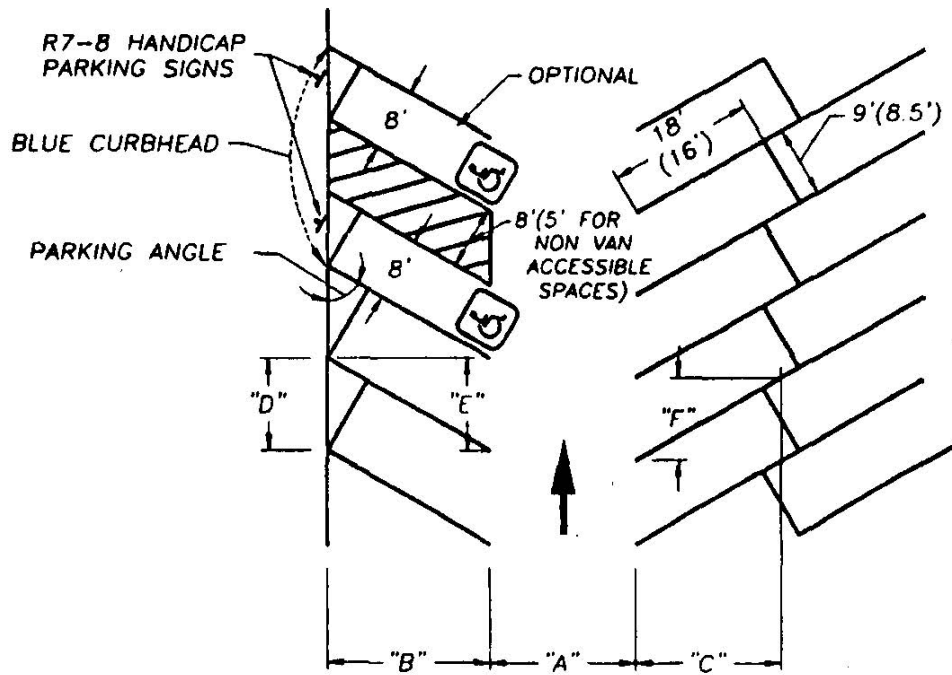


3. Parking Spaces. Accessible parking spaces shall be at least ninety-six (96) inches (2,440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with ADAAG accessible route requirements. Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (two percent) in all directions.

4. Van Spaces. One in every eight accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches (2,440 mm) wide minimum and shall be designated "van-accessible" by an additional sign mounted below the symbol of accessibility (see Section 17.112.050 (D)). The vertical clearance for such spaces shall comply with Section 17.112.050(E). All such spaces may be grouped on one level of a parking structure.

D. Dimensions shown in the following diagrams and tables (Pueblo County Off-Street Parking Standards) are visual representations of the minimum parking standards and are provided for reference.

## COUNTY OF PUEBLO - OFF-STREET PARKING STANDARDS



Parking Angle (Degrees)	"A"	"B"	"C"	"D"	"E"	"F"
30	10'	16'-10"(15'-4")	12'-11"(11'-8")	18"(17'-0")	29'-1"(26'-7")	22'-4"(20'-3")
35	11'	17'-8"(16'-2")	14'-0"(12'-8")	15'-8"(14'-10")	25'-3"(23'-0")	20'-0"(18'-1")
40	11'	18'-6"(16'-10")	15'-0"(13'-6")	14'-0"(13'-3")	22'-0"(20'-0")	17'-11"(16'-2")
45	12'	19'-1"(17'-4")	15'-11"(14'-4")	12'-9"(12'-0")	19'-1"(17'-4")	15'-11"(14'-4")
50	14'	19'-7"(17'-9")	16'-8"(15'-0")	11'-9"(11'-1")	16'-5"(14'-10")	14'(12'-7")
55	16'	19'-11"(18'-0")	17'-4"(15'-7")	11'(10'-5")	13'-11"(12'-7")	12'-2"(10'-11")
60	18'	20'-1"(18'-1")	17'-10"(16'-0")	10'-5"(9'-10")	11'-7"(10'-6")	10'-4"(9'-3")
65	18'	20'-1"(18'-1")	18'-3"(16'-4")	9'-11"(9'-5")	9'-5"(8'-5")	8'-6"(7'-7")
70	19'	20'-0"(17'-11")	18'-6"(16'-6")	9'-7"(9'-1")	7'-3"(6'-6")	6'-9"(6'-0")
75	20'	19'-9"(17'-8")	18'-6"(16'-7")	9'-4"(8'-10")	5'-3"(4'-9")	4'-6"(4'-5")
80	21'	19'-3"(17'-3")	18'-6"(16'-6")	9'-2"(8'-8")	3'-5"(3'-0")	3'-3"(2'-11")

85	22'	18'-9"(16'-8")	18'-4"(16'-4")	9'-0"(8'-6")	1'-8"(1'-6")	1'-7"(1'-5")
90	24'	18'-0"(16'-0")	18'-0"(16'-0")	9'-0"(8'-6")	0'-0"(0'-0")	0'-0"(0'-0")

For 2-way traffic-aisle width "A" to be 20' minimum.

Physical barriers shall be provided so no part of vehicle will overhang public right-of-way. Basic design vehicle AASHTO  $R_t = 24'$  (21')

Numbers in parenthesis are for "compact car" stalls. Up to 30% of required spaces may be compact.

Source: Modified from City of Pueblo Code of Ordinances.

**17.112.040 Driveways/access.**

A. Unobstructed and direct access shall be provided to the parking area from a public road or alley. No access way (driveway) shall cross an intervening property, even if held in the same ownership, without an access easement running with the land. The easement shall be recorded with the Pueblo County Clerk and Recorder and shall set forth as a minimum: purpose, location, duration, assignability, maintenance and repair responsibilities, liability, and provision for termination (if any).

B. Driveways shall intersect approximately perpendicular to the public road or alley.

C. A driveway or access permit is required from the Colorado Department of Highways for driveway access to a State or Federal highway, and from the Pueblo County Department of Public Works for driveway access to a County road or alley.

D. Driveways shall be designed to channel entry and exit traffic to a predetermined intersect location along the public road or alley. Driveway access width and spacing, and driveway distance from road or alley intersections shall be determined pursuant to the Pueblo County Roadway Design Standards. (Contact Pueblo County Department of Public Works for details).

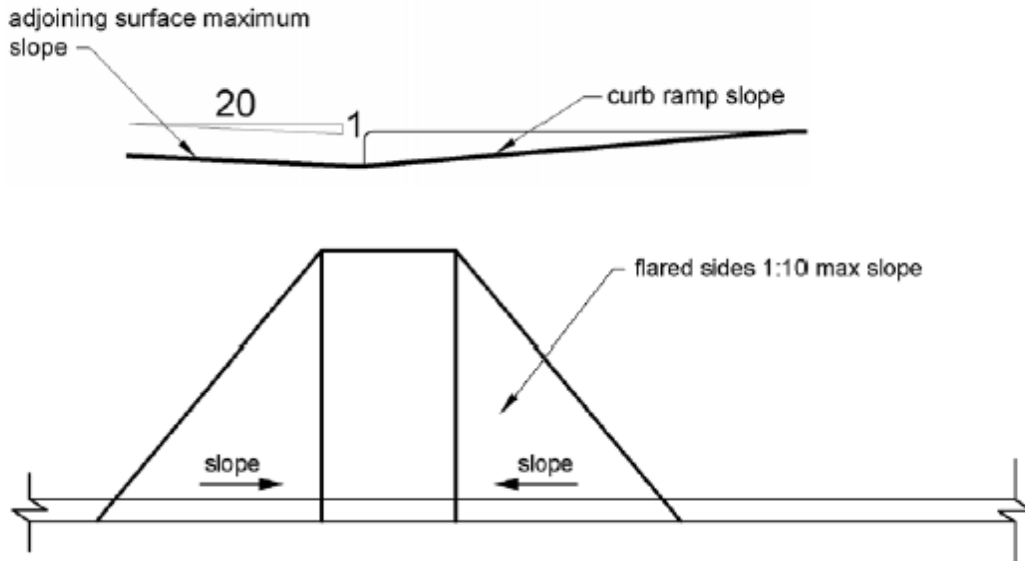
**17.112.050 Handicapped access.**

A. Location. Accessible parking spaces required for a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. Accessible parking spaces shall be provided on level parking surfaces with a slope not exceeding 1:50 (2%) in all directions.

B. Accessible Routes. All accessible routes shall not be less than three feet (3') in width and provided from the handicap parking space(s) to the entry of the land use or structure. Handicap parking aisles may be used as an access route.

C. Curb Ramp. A curb ramp shall be provided wherever an access route crosses a curb. The curb ramp shall be not less than thirty-six (36) inches in width, exclusive of flared sides with a slope not exceeding 1:12. The ramp flared sides shall not exceed a slope of 1:10.

All curb ramps shall have a detectable warning surface on them covering the full width and depth of the curb ramp. A detectable warning surface consists of raised truncated domes with a diameter of .9" (23 mm), a height of .2" (5 mm), and a center-to-center spacing of 2.35" (60 mm) and shall contrast visually with adjoining surfaces (per ADAAG).



D. Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 17.112.030(C)(4) shall have an additional sign "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. The sign shall be an R7-8 sign as described in the Manual on Uniform Traffic Control Devices (as shown below). The bumper stop or curb head shall be painted with the standard accessibility blue color. The painted accessibility symbol shall not be required; however, if the symbol is painted, it shall conform to the International Symbol of Accessibility Proportions, Section 17.112.050(G) below.



E. Vertical Clearance. Minimum vertical clearance of one hundred fourteen (114) inches (2,895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s) shall be provided. Van accessible spaces shall be provided a minimum vertical clearance of ninety-eight (98) inches (2,490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

F. Passenger Loading Zones. If provided, passenger loading zones shall provide an access aisle at least sixty (60) inches (1,525 mm) wide and twenty (20) feet (240 inches) (6,100 mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with Section 17.112.050(C) shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

G. The following international symbol of accessibility proportions shall be used:



(4)  
Proportions  
International Symbol of Accessibility

### **17.112.060 Location.**

A. All required off-street parking and aisles, including vehicle overhang, shall be provided on the same lot or parcel of land containing the use for which it serves except as noted in the following subsections. Physical barriers (e.g., wheel stops) shall be used to insure no part of a vehicle will overhang into the public right-of-way or adjacent properties.

No parking space shall be approved where the vehicle must back across any public right-of-way line except for one-family residence, mobile home, tenant house, and farming and ranching uses, or for any parking space that is blocked off by another vehicle.

B. The public road right-of-way may, in a case of extreme hardship, be used to provide off-street parking. A Revocable Permit for the Use of Public Right-of-Way, issued by the Board of County Commissioners, shall be obtained prior to counting such located parking towards meeting the off-street parking requirements. It shall be the permittee's responsibility to develop and use the right-of-way in accordance to such requirements, terms and conditions as may be imposed by the Board.

In the event the permit is revoked, the owner or operator is not relieved from compliance with these off-street parking standards, and shall bring the use into compliance within thirty (30) calendar days after permit revocation.

C. Off-lot off-street parking may, in a case of extreme hardship, be provided to meet the parking requirements, subject to compliance with the following:

1. The off-lot parking area for residential use is within one hundred (100) feet and for nonresidential use is within three hundred (300) feet, excluding public rights-of-way, of the lot or parcel of land containing the use for which it serves.
2. The off-lot parking area is not separated from the lot or parcel of land containing the use it serves by a physical or man-made feature which constitutes a safety hazard. Safety hazard includes, but is not limited to, a road with a functional classification of "major collector" or higher, or a road with a current or projected (20 year) average daily traffic (ADT) of 2,500 vehicles.
3. The off-lot parking area is held in the same ownership as the lot or parcel of land containing the use it serves, or there is a long-term (minimum 10 year) interest (e.g., lease) running with the land recorded with the Pueblo County Clerk and Recorder. The instrument of interest shall set forth as a minimum: purpose, location duration, assignability, maintenance and repair responsibility, liability, and provision of termination (if any).
4. In the event the off-lot parking interest is terminated, the owner or operator is not relieved from compliance with these off-street parking standards, and shall be responsible for insuring the use's off-street parking requirements are continuously and fully met.

### **17.112.070 Paving and striping.**

A. For the following uses paving with **asphalt, concrete**, or similar permanent surfacing is required:



1. Residential, Permanent (as noted):
  - Apartment,
  - Condominium,
  - Grouped house,
  - Townhouse,
  - Residence, two-family or more;
2. Residential, lodging (all);
3. Residential, special (all);
4. Commercial (all);
5. Industrial (all);
6. Recreation (as noted):
  - Bowling alley.

Striping (painting) of parking areas paved with asphalt, concrete or similar permanent surface is required. Components to be striped include parking space divider lines, handicapped routes and aisles, and traffic directional (flow) arrows.

All parking spaces, driveway, aisles, and other land areas utilized for off-street parking and the movement of vehicles in conjunction with the use (e.g., drive-up service windows, loading docks, storage areas) shall be paved with asphalt, concrete, or similar permanent surfacing. Gravel, rock and compacted earth are not considered a permanent surface.

B. For the following uses surfacing with gravel or rock is allowed:

1. Agriculture and related uses;
2. Residential, permanent (as noted):
  - Mobile home,
  - Residence, one-family,
  - Tenant house;
3. Recreation (as noted):
  - Golf course;
4. Retail (as noted):
  - Carnival (temporary),
  - Christmas tree sales (temporary),
  - Fireworks sales (temporary),
  - Roadside sales stand (agricultural products).

All parking spaces, driveways, aisles, and other land areas utilized for off-street parking and the movement of vehicles in conjunction with the use shall either be surfaced with gravel or rock of sufficient thickness to insure a dust-free surface, or paved with asphalt, concrete, or similar permanent surfacing. For the above listed uses which may be gravel or rock, should the developer choose to pave with asphalt or concrete, then the striping (painting) requirements set forth above shall apply.

### **17.112.080 Drainage.**

Off-street parking areas shall be constructed in a manner to insure the drainage of stormwater, therefrom, without flooding or damage to surrounding properties or public roads. Temporary water ponding is allowable if part of a drainage detention system approved by the Public Works Director or part of a subdivision's approved drainage plan.

### **17.112.090 Joint use or credit.**

Different portions of the same off-street parking area may be used by, credited to, or reserved for different uses by lease, contract or purchase for the purpose of meeting these required off-street parking requirements.

Such lease, contract or purchase instrument shall run with the land, be recorded with the Pueblo County Clerk and Recorder, and set forth as a minimum: purpose, location, duration, assignability, maintenance and repair responsibilities, liability and provision for termination (if any). An off-street parking space may be counted for compliance with these parking requirements for only one use, unless "multiple use" of the space will occur.

### **17.112.100 Multiple use.**

The same off-street parking space may be counted by other uses as meeting their individual off-street parking requirements if those use characteristically do not each need the same spaces during the same hours of the day.

### **17.112.110 Plan required.**

A. An off-street parking area plan is required to be approved by the Zoning Administrator prior to commencement of the activities identified in Section 17.112.010.

It shall be the owner's or operator's responsibility to insure that the building or use is in compliance with the off-street parking requirements at all times.

B. An off-street parking plan shall be drawn to scale and contain at least the following information:

1. Common address and legal description of the off-street parking area property, and (if different) the address and legal description of the property it will serve;
2. Name of person or firm preparing the plan;
3. North arrow and scale;
4. Legal and physical features affecting the design (e.g., easements, landscaping, utility poles, sidewalks, buildings, signs);
5. Location of each parking space and access way, including identification of handicapped and compact car spaces, if any. (Note: Driveways must be approved by the County Engineer if onto a County road or alley, or the Colorado Department of Highways if onto a State or Federal highway);
6. Identification of paving surface for all spaces and access ways; and

7. Statement of use factors upon which off-street parking standard compliance can be determined (e.g., hotel with thirty (30) guest rooms, medical office with 3,200 square feet net floor area, warehouse with twenty (20) main shift employees).

C.1. Building permit plans with declared use or declared rated occupancy shall be accompanied by an off-street parking plan for approval at the time the building permit is submitted for zoning compliance.

2. Building permit plans with an undeclared use or undeclared rated occupancy may be given zoning compliance approval, but the off-street parking compliance may be withheld by the Zoning Administrator. It shall be the owner's or operator's responsibility to secure the off-street parking plan's approval before commencing the proposed use.

3. Building permit plans where the off-street parking plans are based on employees may be given zoning compliance approval using the owner's or operator's anticipated number of employees. It shall be the owner's or operator's responsibility to obtain the Zoning Administrator's approval of amended off-street parking plans if the actual number of employees exceeds the anticipated number.

4. Phased implementation of off-street parking may be approved by the Zoning Administrator for an owner or operator anticipating future expansion, which will necessitate additional off-street parking spaces. Phase implementation may be done by improving only the appropriate portion (phase) of an approved off-street parking plan designed for the future expansion, or by amending the off-street parking plan as expansion occurs.

5. Uses not requiring issuance of a building permit shall secure the Zoning Administrator's approval of the off-street parking plan prior to commencing the use.

#### **17.112.120 Variance.**

Relief from compliance with these off-street parking standards may be obtained from the Zoning Administrator or the Zoning Board of Appeals.

A. The Zoning Administrator may by written administrative decision reduce the sum of the required off-street parking space by up to twenty-five (25) percent for mixed uses on the same land or within the same structure. The burden to demonstrate that the reduction will protect the public health, safety and welfare, and not increase congestion shall be with the owner or operator.

B. The Zoning Board of Appeals may issue a Zoning Variance from these off-street parking standards.

#### **17.112.130 Off-street loading.**

A. Application. If off-street loading is provided, then the loading stall shall meet the following standards:

B. Size of Space. Each off-street loading space shall be at least ten (10) feet wide, twenty-five (25) feet long, and provide fourteen (14) feet height clearance.

C. Alley Location. Where the parcel on which the off-street loading space is located abuts upon an alley such loading space shall adjoin or have access to the alley and not the street. The length of the loading space may be measured perpendicular to or parallel with the alley, except that on lots less than thirty (30) feet in width, the length of such loading space shall be measured perpendicular to the alley.

D. Egress and Ingress. All off-street loading areas shall be designed and located so that egress and ingress therefrom shall not impede or conflict with the flow of traffic on public roads.

E. Paving. Surfacing of off-street loading areas driveways for loading areas shall be provided for in accordance with Section 17.112.070.

## **Chapter 17.116 ADVERTISING DEVICES AND SIGNS**

### **17.116.010 Consistency with state and federal requirements.**

Advertising devices and signs shall be permitted only when consistent with the Colorado "Outdoor Advertising Act" as set forth at CRS 43-1-401 et. seq.; the Colorado Division of Highways' Rules and Regulations Pertaining to Outdoor Advertising; the Federal "Highway Beautification Act of 1965", and the National policy for advertising devices as set forth at 23 U.S.C. Sec. 131 and National standards and regulations promulgated pursuant to such provisions.

### **17.116.020 Consistency with traffic control devices.**

No private advertising device nor sign shall be permitted which is so designed, erected, illuminated, operated, or maintained in such location that it conflicts with or detracts from the effectiveness of an official traffic control device or railroad sign or signal or constitutes to menace to public safety. No private advertising device or sign shall resemble an official traffic control device or railroad sign or signal.

### **17.116.030 Public property.**

No private advertising device or sign shall be located or otherwise encroach on public property, including road right-of-way, without prior written approval of the Board of County Commissioners and issuance of a revocable permit.

### **17.116.040 Application.**

The Director of Planning and Development shall issue a zoning permit for only advertising devices and signs as set forth herein.

### **17.116.050 Exemption.**

The following advertising devices and signs shall be in compliance with Sections 17.116.010 through 17.116.030 but shall be exempt from the other requirements of this Title:

A. Advertising devices, directional--public places;

B. Advertising devices, official;

C. Temporary real estate signs as "For Sale" and "For Lease" subject to the following limitations:

1. On each of the premises' front yards the sign faces do not exceed two sign faces,

2. No sign face shall exceed six (6) square feet in an agricultural or residential, except A-1, A-2, and R-6, zone districts, nor exceed ninety-six (96) square feet in an A-1, A-2, R-6 or other zone districts,

3. The sign is not animated and not illuminated,
4. The sign is on-premises, and
5. The sign is removed within twenty (20) days after sale/lease/rental of the premises;

D. Temporary political signs for matters which a special, primary or general election has been scheduled, such as "Vote For Smith" and "Vote 'Yes' On #2" subject to the following limitations:

1. In an A-1, Agricultural, A-2, Agricultural, Business, or Industrial Zone District, no sign face shall exceed thirty-two (32) square feet. In an A-3, Agricultural, an A-4, Agricultural, or any Residential Zone District, no sign face shall exceed six (6) square feet.

2. The sign is not animated and not illuminated.

3. The sign is not established sooner than ninety (90) days prior to the first scheduled primary, special, or general election date and is removed within twenty (20) days after the final special or general election date.

4. Signs may be placed in the immediate vicinity of precinct caucuses and county assemblies, only on the day of the event. Signs shall be removed within 24 hours of those events.

5. Signs in all zone districts shall meet setback requirements for accessory structures.

E. Temporary special sales of personal goods, such as "Yard Sales," subject to the following limitations:

1. On each of the premises' front yards the sign faces do not exceed two (2) sign faces,

2. No sign face shall exceed six (6) square feet in an agricultural or residential, except R-6, zone district, nor exceed thirty-two (32) square feet in an R-6 or other zone district,

3. The sign is not animated and not illuminated,

4. The sign is on-premises,

5. The event does not exceed three (3) days in duration, and

6. The sign is not established sooner than one (1) day prior to event and is removed immediately after the event;

F. Special event signs for events conducted by schools, churches, and nonprofit organizations, such as "Fall Carnival," provided the sign is on-premises;

G. Signs not exceeding a total sign area of two (2) square feet and no sign face exceeding one (1) square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

H. Flags and insignia of any government except when displayed in connection with commercial promotion;

I. Legal notices; identification, informational or directional signs erected or required by governmental bodies;

J. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

K. Signs directing and guiding traffic, and parking on private property, but bearing no advertising matter, and approved by the Director of Planning and Development or Public Works Director;

L. Temporary decorations or displays incidental to the use of the premises which are customary and commonly associated with national, local or religious holidays or family event celebrations.

#### **17.116.060 Home occupation.**

One (1) sign shall be permitted on a single parcel of land if the following tests are met:

A. The property owner/tenant has completed a Home Occupation Disclosure Form;

B. The sign does not exceed a total sign area of one (1) square foot and is mounted flat against the exterior wall of a principal or accessory structure or is located on/in a window pane or door pane in such a manner that the sign is not illuminated or animated.

#### **17.116.070 Advertising devices--On-premises.**

A. An on-premises advertising device is an accessory use when established in conjunction with the commercial or industrial use permitted in the zone district in which the device is located. On-premises advertising devices, unless excepted herein, are subject to the requirements set forth in Table 1; however, the Pueblo County Planning Commission may impose more restrictive requirements in conjunction with a special use permit as shall be required to promote the public health, safety and general welfare.

B. Exceptions to Table 1.

1. Informational and incidental signs with a sign face area of six (6) square feet or less, such as "telephone," "restroom," logos and prices affixed to gasoline pumps, and deposit boxes for nonprofit organizations may be exempted from inclusion in Table 1 by the Director of Planning and Development when in his or her professional opinion their display is primarily for public information and incidental to the conduct of business.

2. Window displays incorporating placards, pennants, merchandise, pictures or models of products or services offered on premises, shall be exempt from inclusion in Table 1.

3. Development and gateway signs shall not be regulated by Table 1 but shall be regulated pursuant to Sections 17.116.090 and 17.116.100.

<b>TABLE 1. ON-PREMISES ADVERTISING DEVICES <sup>(1)</sup></b>							
Zone District	Sign Faces (Max.)	Single Sign Face Area (Max. Sq. Ft.)	Total Sign Area (Max. Sq. Ft.)	Height (Max.)	Single Dimension (Max.)	Illuminated	Animated
A-1 THRU A-3	3	100	300	50'	12'	YES	NO
A-4 AND R-A R-1 THRU R-5	2	100	200	50'	12'	YES	NO
R-6	3	300	900	50'	25'	YES	YES
R-7 AND R-8	2	100	200	50'	12'	NO	YES
O-1	1	20	20	50'	6'	YES <sup>(3)</sup>	NO
B-1	3	300	700	50'	25'	YES	NO
B-4	5	600	1,800	50'	50'	YES	YES
I-1 THRU I-4	3	720	1,540	50'	50'	YES	YES
S-1	(2)	(2)	(2)	(2)	(2)	(2)	(2)
S-3 <sup>(4)</sup>	3	300	700	50'	25'	YES	NO
S-4	2	300	600	50'	25'	YES	NO
<sup>(1)</sup> Standards shown are for single-business premises. Multiple-business premises, other than O-1, shall be allowed 1 additional sign face and 200 sq. ft. of additional total sign area for the second and each subsequent business provided said sign face and area are used to advertise said business(es). In the O-1 District, no additional sign faces are allowed for multiple-business premises, but an additional 5 sq. ft. of total sign area is allowed for the second and subsequent businesses provided said area is used to advertise said business.							
<sup>(2)</sup> Advertising devices only as provided in the special use permit.							
<sup>(3)</sup> Signs shall be illuminated solely by stationary, shielded light sources directed to the sign; or by internal light sources producing not more than one-foot candle of illumination at a distance of four feet from the sign.							
<sup>(4)</sup> All advertising devices are subject to the Flood Hazard Area Development Regulations.							

<sup>(1)</sup> Standards shown are for single-business premises. Multiple-business premises, other than O-1, shall be allowed 1 additional sign face and 200 sq. ft. of additional total sign area for the second and each subsequent business provided said sign face and area are used to advertise said business(es). In the O-1 District, no additional sign faces are allowed for multiple-business premises, but an additional 5 sq. ft. of total sign area is allowed for the second and subsequent businesses provided said area is used to advertise said business.

<sup>(2)</sup> Advertising devices only as provided in the special use permit.



<sup>(3)</sup> Signs shall be illuminated solely by stationary, shielded light sources directed to the sign; or by internal light sources producing not more than one-foot candle of illumination at a distance of four feet from the sign.

<sup>(4)</sup> All advertising devices are subject to the Flood Hazard Area Development Regulations.

### **17.116.080 Advertising devices--Off-premises.**

A. Off-premises advertising devices, unless exempted herein, are subject to the requirements set forth in Table 2.

B. Exceptions to Table 2.

1. Development signs shall not be regulated by Table 2, but shall be regulated pursuant to Section 17.116.090.

2. Gateway signs shall not be regulated by Table 2, but shall be regulated pursuant to Section 17.116.100.

C. Special Use Permits. The Pueblo County Planning Commission may approve a special use permit for an off-premises advertising device in any zone district in which the device is permitted as a use-by-review. The Commission shall consider matters of public health, safety, and general welfare in its deliberations, specifically including an affirmative finding of the following:

1. Ownership and liability, including the provision of liability insurance, are established;

2. Maintenance of the sign and sign site are provided; and

3. The proposed off-premises advertising device does not significantly reduce the exposure of existing on-premises advertising devices located on surrounding properties.

D. Spacing. No two off-premise advertising devices on the same side of the roadway shall be spaced less than five hundred (500) feet apart. For the purpose of this subsection, a sign structure having back-to-back sign faces shall be interpreted as one device. Nonconforming off-premises advertising devices and proposed off-premises advertising devices having a valid building permit shall be included in measuring the spacing distance.

<b>TABLE 2. OFF-PREMISES ADVERTISING DEVICES</b>									
Zone District	Uses by Right	Uses by Review	Sign Faces (Max.)	Single Sign Face Area (Max. Sq. Ft.)	Total Sign Area (Max. Sq. Ft.)	Height (Max.)	Single Dimension (Max.)	Illuminated	Animated
A-1		X	2	300	600	50'	25'	YES	YES
A-2		X	2	300	600	50'	25'	YES	YES
R-6	X		2	300	600	50'	25'	YES	YES
B-4	X		2	720	1,440	50'	50'	YES	YES
I-1	X		2	720	1,440	50'	50'	YES	YES
I-2	X		2	720	1,440	50'	50'	YES	YES
I-3	X		2	720	1,440	50'	50'	YES	YES
S-4		X	2	300	600	50'	25'	YES	NO

**17.116.090 Development signs.**

The Director of Planning and Development is authorized to permit development signs in any zone district as follows:

A. Construction identification signs during the period of construction or substantial rehabilitation on the premises, which shall be deemed to commence upon issuance of a building permit and terminate thirty (30) days after issuance of a certificate of occupancy, shall be regulated as follows:

1. On each of the premises' front yards one sign face not exceeding one hundred (100) square feet nor exceeding twelve (12) feet in dimension shall be allowed;
2. The matters represented on the sign shall be limited to the name, logo and use of the premises, and the names and logo of owners, developers, architects, contractors and suppliers;
3. The sign shall not be animated and not illuminated; and
4. The maximum height shall not exceed fifteen (15) feet.

B. Model home signs identifying residential structures which are being offered for construction in the subdivision or development in which the model is situated shall be regulated as follows:

1. One sign per model is permitted with a sign face not exceeding thirty-two (32) square feet nor exceeding eight (8) feet in dimension;
2. The matters represented on the sign shall be limited to "model home," name and logo of the subdivision and developer/contractor, and the name and other information related to the price and features of the model;

3. The sign shall not be animated and not illuminated; and
4. The maximum height shall not exceed ten (10) feet.

#### **17.116.100 Gateway signs.**

The Pueblo County Planning Commission may approve gateway signs in any zone district as a use-by-review requiring the issuance of a special use permit; however, the Commission must make an affirmative finding of the following:

- A. Ownership and liability, including the provision of liability insurance, are established;
- B. Maintenance of the sign and sign site are provided;
- C. The content of the sign is limited to the area's name and logo;
- D. The location and design of the sign are consistent with the area;
- E. The sign is not animated and illumination (if any) is not obtrusive to surrounding properties and public roads;
- F. The sign face does not exceed thirty-two (32) square feet; and
- G. The maximum height does not exceed six (6) feet.

#### **17.116.110 Animation.**

Animated signs, where permitted, shall be fenced or otherwise constructed to protect the general public from any moving component located in the area from the ground surface to a height of fourteen (14) feet.

#### **17.116.120 Illumination.**

Illuminated signs, where permitted, shall be illuminated in a manner that the light is not directed at adjacent properties or public ways, and the intensity not be obtrusive to adjacent properties or public ways.

#### **17.116.130 Setbacks.**

The minimum required setback for private and advertising devices are as follows, and shall be measured from the closest component of the sign (wheels, poles, frames, lights) to the property line.

- A. No sign shall encroach upon the sight-distance triangle area.
- B. No sign, including wall signs, may encroach into the public right-of-way without the prior written approval of the Board of County Commissioners and issuance of a revocable permit, and no sign shall encroach on an adjacent parcel or lot of record without prior written and recorded easement by the affected property owner(s).

C. Wall, roof and window signs shall have the setback established by the structure upon which they are applied.

D. Informational and incidental on-premise signs, authorized pursuant to Section 17.116.070(B)(1), may have a setback up to zero feet or as otherwise required by the Director of Planning and Development. The setback requirements for "Gateway" sign shall be established by the Pueblo County Planning Commission.

E. Free standing and projecting signs shall have the setbacks required of accessory structures; except where the accessory structure setbacks are less than the following, then the following shall be the minimum setbacks:

Front yard	15'
Side yard	5'
Rear yard	15'

F. The Director of the Department of Planning and Development may authorize signs with a lesser setback, but in no circumstances a setback less than five feet, on the basis of a site development plan if all the following findings can be made:

1. The proposed sign will not impede driver and pedestrian visibility along the public right-of-way or while entering or leaving the premises; and
2. The surrounding area is substantially improved in a manner so as to significantly reduce the proposed sign's exposure; or
3. The proposed sign is in an approved parking lot or plot plan design.

#### **17.116.140 Prohibited Signs or Advertising Devices.**

1. The following advertising devices and signs shall be prohibited.

A. Portable, wheeled, or mobile signs or advertising devices except for operable and licensed motorized vehicles and licensed trailers used in the pursuit of regular day-to-day business having the name of the permitted use and service(s) offered or the name of the permitted use for hauling of materials, equipment, and/or merchandise.

## **Chapter 17.120 SUPPLEMENTARY REGULATIONS**

### **17.120.010 Accessory uses.**

Accessory uses incidental to a principal use are permitted provided:

- A. The use is incidental and customary to and commonly associated with the principal use or is a permitted home occupation;
- B. The use is not injurious, noxious or offensive to the neighborhood;
- C. In Residential Zone Districts the use is operated by the same persons who operate or inhabit the principal use or structure;
- D. In Residential Zone Districts the use does not permit residential occupancy except for members of the family or by domestic employees employed and residing on the premises and their immediate families.

### **17.120.020 Accessory structures.**

Accessory structures incidental to a principal use or principal structure are permitted provided:

- A. Accessory structures may be built anywhere that a principal building may be built, and may be built to occupy up to thirty (30) percent of a required rear yard and/or the back fifty (50) percent of a required side yard, and provided further that no accessory building in a required side or rear yard shall be within fifteen (15) feet of a public street right-of-way line.
- B. Except in the Agricultural One, Two, Three and Four Zone Districts, no accessory building shall be built within five (5) feet of any other building on the parcel unless the adjacent walls of both are of eight (8) inch solid masonry or equal construction.
- C. Except on farms in the Agricultural One, Two, Three and Four Zone Districts, accessory buildings to be built in required rear or side yards may not be built within five (5) feet of a rear or side lot line, unless the wall facing said rear or side lot lines shall be of eight (8) inch solid masonry or equal construction, contain no openings, have no roof overhang, and roofs shall not discharge water on adjacent parcels.
- D. Temporary real estate signs indicating property is for sale or rent may be placed anywhere on the premises provided they meet all other requirements of Section 17.116.050(C).
- E. No mobile home or trailer home structures, truck trailers, or railroad cars shall be utilized as accessory buildings regardless of purpose except the same may be allowed on parcels of no less than eight (80) acres in size which are, in addition, located in an agricultural zone district. These accessory buildings, where allowed, shall be set back not less than two hundred (200) feet from any property line. Nothing in this paragraph E shall prohibit nor limit contractor's and business' use of licensed, operable truck trailers.

### **17.120.030 Home occupations.**

A. Intent. The intent of this Section is to allow certain business uses in association with residences where it is known such business uses will not alter the character or appearance of the residential or agricultural environment.

B. Performance Standards. All home occupations shall comply with all of the following performance standards:

1. Accessory Use. Home occupations shall be clearly incidental and subordinate to the residential land use established on the lot or parcel being utilized. Home occupations are prohibited where there is no principal dwelling unit.

2. Structures. Home occupation activities shall take place within a principal dwelling unit, accessory building, or private recreation area (e.g., swimming pool, tennis court, and riding arena). Private recreation areas may only be used when conducting a home occupation clearly related to the recreation area being used.

3. Number of Home Occupations. There is no limit to the number of permitted home occupations. However, the limitations of this section shall apply to the combined uses established as home occupations.

4. Employees. The number of employees involved with a home occupation shall be limited to the residents of the principal dwelling unit plus one (1) additional nonresident employee. Any visit by additional off-site employees shall be considered the same as a "client" visit and must comply with these performance standards (See Section 17.120.030(B)(6)-Clients).

5. Hours of Operation. No client shall be received between the hours of 8:00 p.m. and 8:00 a.m.

6. Clients. The number of clients that can visit the residence is limited to one (1) client per hour. For the purposes of this section, a client shall be defined as an individual, or group of not more than four (4) adults, visiting a home occupation in the same vehicle at the same time.

7. Sale and Display of Merchandise. On-site display and sale of goods/products is prohibited, unless the display and sale is typical of and incidental to a home occupation. Any on-site sales shall not generate more traffic than otherwise permitted by this section. An on-site purchaser/buyer shall count the same as a "client". Goods or products on display shall not be visible from any property boundary or road right-of-way.

Example: A beauty salon may display and sell hair care products in association with the salon. The sale of hair care product to an individual shall cause the individual to be counted as a "client" whether or not typical salon services are rendered in association with that sale.

8. Number of Vehicles. Vehicles related to the operation of a home occupation shall be restricted to residential accessory vehicle types (see Section 17.04).

9. Deliveries. Deliveries other than standard parcel services are prohibited when associated with a home occupation.

10. Signs. One (1) one-square foot sign is permitted (see Section 17.116.060).

11. Other Advertising. The address of a home occupation shall not be listed in phone books, newspapers, or other circulated publications or in television ads, radio ads, on the Internet, etc.

12. Storage. No materials or goods associated with a home occupation shall be stored in a manner that is visible from any property line or public right-of-way.

13. Nuisances. No equipment or activity shall be used in a home occupation that creates noise, vibration, glare, fumes, odor or electrical interference detectable from beyond the subject property boundaries. Noise levels shall not exceed those levels specified as permissible for residential zones in CRS 25-12-103.

14. Health Hazards. No home occupation shall be detrimental to the public health, safety or welfare. Home occupations shall not involve the use of materials that require a permit/license from the Colorado Department of Public Health and Environment (CDPHE), the U.S. Environmental Protection Agency (EPA), the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF), or any other similar regulatory body.

This prohibits home occupations that involve hazardous materials. Home occupations requiring a permit/license from a regulatory body which do not involve the use of hazardous materials may be permissible, provided the occupation is in compliance with all applicable Federal, State, and local regulations.

15. Access for Inspection. Upon the receipt of a complaint, an employee of Pueblo County may request to enter a structure housing a home occupation to determine whether or not the home occupation complies with the conditions of this section.

16. Other Applicable Regulations. Home occupations shall comply with health codes, building codes, and all other applicable local, State and Federal regulations.

#### C. Limited Use Home Occupations.

1. Boarding, harboring, training or raising of animals in association with a home occupation must comply with all other standards of the Title 17 and shall not be permitted on parcel of land with a lot area that is less than five (5) acres.

2. "Merchandise parties" (i.e., Tupperware, Avon, Mary Kay, etc.) held for the purpose of soliciting sales shall be limited to no more than four (4) parties per year from the site of the home occupation.

#### D. Prohibited Home Occupations. The following home occupations are prohibited:

1. Any occupation requiring the use of hazardous materials of a type or quantity not normally associated with residential uses;

2. Motor vehicle repair and auto body work;

3. Machine shops;

4. Equipment and machinery rental;

5. Boat repair.

E. Administration. Home occupation operators shall complete a Home Occupation Disclosure Form that can be obtained from the Pueblo County Department of Planning and Development. This form notifies applicants of the conditions home occupations must comply with in Pueblo County and requests applicants provide their name, phone number, property and mailing address, the type(s) of home occupation being established, and legal description of the property on which the home occupation(s) is being established.

#### **17.120.040 Height restrictions--Exceptions.**

The height limitations of this resolution shall not apply to restrict the height of chimneys, water towers, scenery lofts, cupolas, domes, spires, belfries, antennae and necessary mechanical appurtenances when attached to and made a part of a permitted structure, provided the height of such appurtenances does not extend more than ten (10) feet above the height limitation of the zone districts. A parapet wall not exceeding four (4) feet in height may be erected above the height limit.

#### **17.120.050 Front setback--Developed area.**

Except as provided in Section 17.120.100, where three (3) or more parcels comprising more than fifty (50) percent of a single street frontage of a block are improved with buildings at the time of passage of this resolution, every building hereafter erected shall provide a front yard of not less than the average depth of the front yards of existing buildings, or the required front yards of existing buildings, or the required front setback, whichever is less.

#### **17.120.060 Through parcel.**

On a through parcel the front yard requirements of the district in which such parcel is located shall apply to both street frontages.

#### **17.120.070 Corner parcel.**

On corner parcels a required side yard with street frontage shall be at least fifteen (15) feet wide, and the other yard requirements shall be the same as for other parcels in the same zone district.

#### **17.120.080 Parcels of record.**

In any district, notwithstanding limitations imposed by other provisions of this Title, a principal structure and accessory structure may be erected on any single parcel of record at the effective date of adoption of this Title. This provision shall apply even though such parcel fails to meet the requirements for area, width or depth that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, width or depth of the parcel shall conform to the regulations for the district in which such parcel is located, except as provided in Section 17.120.090, variance of yard requirements shall be obtained only through actions of the Zoning Board of Appeals. Such parcels must have been in separate ownership and not of continuous frontage with other lots or parcels in the same ownership at the time of adoption of this Title. If two or more lots or tracts or combinations of lots or tracts or portions of lots or tracts with continuous frontage in single ownership are of record at the time of passage or amendment of this Title, and if all or part of such lots or tracts do not meet the requirements for parcel width,



depth and area as established by This Title, the lands involved shall be considered to be an undivided parcel. No portion of the parcel shall be used or sold which does not meet the area requirements established by This Title nor shall any division of the parcel be made which creates or leaves remaining any parcel with less than seventy-five (75) percent of the required width or depth. Except if such a parcel shall be created by the actions of a local, State or Federal agency, then the parcel shall be registered as a nonconforming parcel and considered to be a parcel of record prior to the time of adoption of this Title.

#### **17.120.090 Required yards.**

Exceptions. Every part of a required yard shall be unobstructed by any portion of the building, except for the ordinary projections of window sills, belt courses, and other ornamental features to the extent of not more than four (4) inches. Cornices and eaves may extend two and one-half (2 1/2) feet into a required yard provided they do not extend closer than two (2) feet to a side lot line. In any district when a parcel of record at the effective date of adoption of this Title is less in width than required by the terms of this Title, then the side yard requirements may be reduced by not more than fifty (50) percent.

#### **17.120.100 Porches, patios, carports and other open structures.**

In residential zones, open patios and terraces, unenclosed porches and carports and other open structures may extend not more than ten (10) feet into a required front yard, provided they shall not be closer to an adjoining side property line than the required width of the side yard and provided they shall not be closer than twenty-five (25) feet to a public street right-of-way line.

#### **17.120.110 Stairways, fire escapes, chimneys and flues.**

Open fire escapes and open outside stairways projecting into a yard not more than three (3) feet and the ordinary projections of chimneys and flues shall be permitted if placed so as not to obstruct light and ventilation for the subject or neighboring buildings.

#### **17.120.120 Grouped houses--Yards.**

For the purposes of determining the yard requirements, grouped houses shall be considered as one (1) building occupying one (1) parcel subject to the following regulations:

- A. The front and rear yard shall be the same as required in the zone district where permitted, and the width of the required individual side yard shall be increased an additional width of two (2) feet for each building abutting on the same side yard.
- B. If end to end there shall be not less than ten (10) feet between the buildings.
- C. If not end to end the width of the yard between the buildings shall be not less than twenty (20) feet or less than twice the height of the tallest building, whichever is greater; provided where a roadway is constructed between the buildings the width of such yard shall be measured exclusive of the roadway width.

### **17.120.130 Public utilities.**

For the purpose of this section, a "public utility" is defined to be a water, irrigation, sewer, gas, electric, telephone, bus, taxi, ambulance or railroad system or installation which serves five (5) or more customers whether or not to be franchised or organized as a corporation or district. Public utility installations shall be subject to the following requirements:

A. Distribution, transmission and service lines for service to properties exclusively within Pueblo County requiring simple easements or installation in public rights-of-way or installed under franchise agreement with City and/or County and usual customer facilities for service to properties exclusively within Pueblo County shall not be subject to zoning requirements.

B. Utility service facilities, the major use of which involves either office, mfg., warehousing, vehicle storage or maintenance functions, shall be constructed only in those zone districts in which a private firm not in the utility business would be permitted to establish a similar function or use.

C. Special utility facilities, such as water reservoirs, sewage lagoons, switching yards, pumping stations, and other component equipment installations on land owned or leased and where the equipment is fenced or placed in a building shall not be constructed until Special Use Permit has been issued by the Planning Commission.

D. These regulations shall in no way prohibit the installation of temporary facilities of the types described in subsections B and C of this section in cases of emergency conditions, provided within a reasonable period of time application is made for the installation of permanent facilities.

### **17.120.140 Natural hazard area and mineral resource areas.**

If the Pueblo County Zoning Administrator and Pueblo County Land Use Administrator conclude that based upon current available information a natural hazard area or a mineral resource area occurs within or directly affects a parcel, Chapter 70 of the Uniform Building Code, 1973 Edition, as amended, must be complied with and a permit under Chapter 17.148, Areas and Activities of State and Local Interest, Administrative Regulations, must be obtained before any structure can be constructed or emplaced upon the parcel. However, this section does not apply if the applicant has complied with the Pueblo County Subdivision Regulations.

### 17.120.150 Recreational vehicle park performance standards.

The purpose of these performance standards is to establish design, operation and development standards necessary to protect the public health, safety and general welfare.

A. For the purpose of applying these standards, two classifications of recreational vehicle park are established:

1. Overnight: is usually located along or near main highways, where recreational campers stop for only one night on the way to some further destination.
2. Destination: is usually located at or near a scenic, historical or outdoor recreational area where recreational campers are attracted for extended stays of several days or weeks.

B. The following standards shall apply to recreational vehicle parks, based on classification:

	<b>Overnight</b>	<b>Destination</b>
Maximum camper stay	1 day	21 days
Minimum park size	5 acres	5 acres
Minimum recreational vehicle site area	1,000 sq. ft.	1,400 sq. ft.
Minimum recreational vehicle site width	20 ft.	20 ft.
Maximum density	25 sites/acre	22 sites/acre

C. The following standards shall apply to all recreational vehicle parks unless otherwise noted:

1. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property, health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
2. Exposed ground surfaces, including recreational vehicle sites, in all parts of the recreational park shall be paved, covered with gravel, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
3. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Awnings, fold out and expandable sides, or other extensions to the vehicle are considered to be a part of the vehicle for the purpose of measurement.
4. Entrances and exits to recreational vehicle parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. Radii of curves and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. A sight-distance triangle shall be provided at all entrances and exits to insure no material impediment to visibility shall be created or maintained which obscures the view of an approaching driver. The Director of Public Works

shall review and approve all intersection angles and radii of curves and shall establish the sight-distance-triangle requirements for each proposed recreational vehicle park, based on anticipated vehicle speeds and the site's slope and relief. The following minimum curve alignment and access standards shall apply:

**Recreational Vehicle Park Curve Alignment and Access Standards**

Minimum curve radius for design speeds on local collector and access roads for recreational vehicle parks (without superelevation).

**Design Speed (mph) Radius (ft.)**

15	80
20	150
25	250
30	375
35	530

Minimum tangent length between curves shall be as follows:

**Design Speed (mph) Tangent (ft.)**

15	50
20	75
25	100
30	150
35	200
40 and above	250

For major access roads serving recreational vehicle parks the following minimum radius and tangents, and maximum rate of superelevation apply.

<b>Design Speed (mph)</b>	<b>Radius (ft.)</b>	<b>Tangent (ft.)</b>	<b>Superelevation Rate (ft./ft.)</b>
40	561	400	.04
50	926	400	.04

The minimum curve length shall be two hundred (200) feet for design speeds of thirty (30) mph or less, three hundred (300) feet for design speeds between thirty (30) mph and forty (40) mph, and four hundred (400) feet for design speeds of forty (40) mph and above. Angle points less than one degree (delta angle) require no curve radius. Coordination is required between horizontal and vertical alignment. Particular care must be used in order to maintain proper sight-distance at all times. Sharp horizontal curves introduced at or near the top of defined crests or bottoms of sag vertical curves should be avoided.

Maximum (preferred) widths of access control at curb cuts in curb and gutter shall be thirty-five (35) feet.

The following minimum roadway widths shall be provided:

### Minimum Roadway Widths

Type	Width
<b><i>Entrance/exit road (no parking)</i></b>	
One-way	20'
Two-way	34'
<b><i>Interior roads</i></b>	
One-way, no parking	12'
One-way, parking 1 side	20'
One-way, parking both sides	28'
Two-way, no parking	24'
Two-way, parking 1 side	32'
Two-way, parking both sides	40'

5. Accessory uses permitted in a recreational vehicle park may include management headquarters, picnic areas, recreational facilities, toilets, dumping stations, showers, and coin operated laundry facilities. In addition, destination recreational vehicle parks may include a convenience store as an accessory use, provided such store shall present no visible evidence from any road outside the park of its commercial character, which would attract customers other than occupants of the park.

6. Solid waste (garbage) collection receptacles shall be required to be provided within the recreational vehicle park. Destination recreational vehicle parks shall also provide a sanitary waste dump station to accept discharge from the recreational vehicle holding tanks.

7. The recreational vehicle park shall comply with the Colorado Department of Health's "Standards and Regulations for Campground and Recreation Areas"; however, overnight shall be considered as semi-developed for the purpose of these standards.

8. A development plan shall be submitted with every application for a special use permit. The plan shall be drawn to a scale of 1" = 100', unless a different scale is authorized by the Director of the Department of Planning and Development, and shall provide for not less than the following:

- a. The area and dimensions of the entire tract of land proposed for use as the recreational vehicle park;
- b. Land use and activity areas proposed within the park;
- c. The number, size, location and surfacing material(s) of the proposed vehicle sites and other parking areas;
- d. The location, roadway and right-of-way widths, and surfacing material(s) of public roadways providing access to the park;

- e. The proposed interior vehicular circulation pattern, including widths, surfacing materials, and proposed design speeds; and pedestrian circulation pattern;
- f. The location of existing or proposed structures, and identification of their proposed use;
- g. The location of solid waste collection receptacles;
- h. The location and capacity of sanitary waste dump station(s), if proposed;
- i. Location of potable water distribution system, including proof of the water's source, quality and quantity, if proposed;
- j. Location of sanitary sewer collection and treatment system, including capacity, if proposed;
- k. Location of lighting, gas and electric systems, if proposed;
- l. Location of fences, buffering, and landscape areas;
- m. Roadway data, including widths, radii, tangents and superelevation;
- n. Location of other feature or facility existing or proposed within the park whose identification will assist in the review of the special use permit.

The recreational vehicle park shall be developed and maintained in accordance with its development plan. Minor changes to the development plan may be approved by the Director of the Department of Planning and Development, provided such changes are in writing. Major changes to the development plan shall be approved by the Pueblo County Planning Commission at a public meeting.

### **17.120.160 Fences, walls and hedges.**

A. Corner properties and through parcels may have additional sight distance regulations imposed on the type, location, and height of fences, walls, and hedges beyond those regulations set forth in subsections B, C and D of this Section.

B. 1. Solid fences, walls, and hedges shall be permitted to a maximum height of two and one-half (2 1/2) feet within a required front yard setback area for the zone district. This height restriction shall also apply to a required side yard with street frontage on corner parcels, and to both street frontages of a through parcel.

2. Open fences shall be permitted to a maximum height of four (4) feet within a required front yard setback area for the zone district. This height restriction shall also apply to a required side yard with street frontage on corner parcels, and to both street frontages of a through parcel.

3. All fences, walls and hedges, whether open or solid, shall be permitted to a maximum height of six (6) feet within any yard area that does not overlap into a required front yard setback area, or into a required side yard with street frontage on corner parcels.

C. On property with the S-1 Public Use District, the setbacks for fences shall be the same as the required setbacks in the adjacent zone district(s), unless otherwise approved through the Public Use Review process associated with a specific land use within the S-1 District.

D. Height of fences, walls and hedges shall be measured from the natural grade of the property at the location of the fence, wall or hedge to the top of the fence, wall or hedge. Natural grade is the historic grade or the finished grade necessary for drainage control, but does not include optional or ornamental (e.g., berms) alterations to grade. The top of a wall or fence is the highest component (e. g., top of post or top of picket, whichever is highest).

### **17.120.170 Adult uses.**

A. Intent. The intent of this subsection is to provide a set of performance standards governing, in more particularity, the location and placement of adult uses within those zone districts where the same are expressly permitted in accordance with this Title 17.

B. Performance Standards.

1. No adult use shall be located or established within one thousand (1,000) feet of any other adult use.

2. No adult use shall be located or established within five hundred (500) feet of any of the following zone districts: A-1, A-2, A-3, A-4, R-A, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8. Further, and in addition, no adult use shall be located or established within five hundred (500) feet of any church, or other place of worship, school, public park or residence, including all structures used for residential purposes.

3. All minimum distances specified herein shall be lineal measurements from the zoning district boundary of the zoning district specified in subsection (2) above; from the property line of a church or other place of worship, school, public park or residence, to the nearest wall of the

building in which adult uses are to occur. In the case of the required separation between adult uses, the measurement shall be lineal measurements from the nearest building wall to said wall of any other adult use.

4. The location and establishment of adult uses is prohibited in any zone district in Pueblo County except those zone districts in which the adult use is expressly permitted as a use by right. The provisions of this Title shall not be construed or interpreted to allow an adult use as a use by review in any zone district.

### **17.120.180 Outdoor Lighting**

#### **A. Purpose and Intent.**

The purpose of this Section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting and to discourage excessive lighting. The intent of this Section is to encourage lighting that, while providing safety, utility, and security also prevents glare on the public roadways and other public ways and reduces atmospheric light pollution.

#### **B. Applicability**

This Section shall apply to new Industrial and Commercial Use Lighting;

All externally illuminated signs;

Residential lighting of one hundred-fifty (150) watts or more for each light fixture, and/or fluorescent lights of twenty (20) watts or more per fixture.

#### **C. Lighting Plan Submission Requirements**

The exterior lighting plan shall include the proposed location, mounting height, and type of luminaries, and aiming point of all exterior lighting fixtures, both building and ground mounted lighting, as well as the illuminance levels shown on a 10' maximum grid;

Certification that the angle of total light cutoff is no more than 90 degrees; this certification can be in the form of Photometric data supplied by the manufacturer or a letter from a certified lighting professional stating that the proposed lighting meets the regulations of this Section;

Descriptions of luminaries, including lamps, poles or other supports and shielding devices which may be provided as catalogue cut sheets from the manufacturer;

Additional information as may be required by the Planning Director in order to determine compliance with this Section.



#### D. Approved Materials and Methods of Construction, Installation, or Operation

The provisions of this Section are not intended to prevent the use of any design, materials, or methods of installation or operation which are not specifically described by this Section. The Planning Director may permit the use of designs, materials, methods of installation or operation as alternative to those otherwise required by this Section upon proof that the alternative meets the standards set by the Illuminating Engineering Society of North America (IES) for outdoor lighting OR a written certification by a qualified lighting professional stating that the alternative meets or exceeds the standards set forth in this Section and further its purpose and intent.

#### E. Exemptions.

The following uses shall be exempt from the provisions of this Section:

Temporary lighting for special events, circuses, fairs, carnivals, or civic uses which uses are temporary in nature and in no event which will exceed a period of 30 days.

Seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted during the months of November, December and January.

Any lighting required by the FAA for air traffic control, navigation, and warning purposes.

Sports/athletic field lighting and sports complex lighting.

Construction or emergency lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

Lighting associated with farming and ranching uses where such uses constitute the principal use of the property. This exemption also applies to the associated farm or ranch residence. Land simply zoned "agricultural" shall not be a sole basis for this exemption.

Lighting for official government meteorological data gathering purposes.

Residential lighting of one hundred-fifty (150) watts or less for each light fixture, and/or fluorescent lights of twenty (20) watts or less per fixture.

#### F. Outdoor Lighting Design Standards

All lighting shall be designed, located, installed and directed in such a manner to prevent objectionable light at and across property lines and to prevent glare at any location on or off the property.

##### Fixtures and Shielding

All lamps shall be shielded in a way as to prevent glare and/or light trespass from all buildings, site and aesthetic lighting;

Shall be full cut off style fixtures for all parking area lighting;

Shall be full cut off or a shielded type fixture for all building lighting, wall pack fixtures must be cutoff (shielded) fixtures.

#### Lamp Types

Lamps shall be of a white light source such as metal halide, incandescent, or a lamp with a color-rendering index (CRI) greater than or equal to 70.

#### Maximum Light Levels

Shall not exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting measured twenty (20) feet beyond the property line;

Shall not exceed the maintained horizontal illuminance recommendations set by the Illuminating Engineering Society of North America (IES) or an average illumination level of one and five tenths (1.5) foot-candles for the illuminated area.

#### Maximum Mounting Height

Shall be mounted twenty four feet when the fixture is located within seventy five feet of the sites boundary; or

Forty feet when the fixture is located beyond seventy five feet from the sites boundary.

#### G. Hours of Lighting

Except as otherwise stated in this Section, all exterior lighting shall be required to be turned off after business hours between midnight and 6:00 a.m., leaving only the necessary lighting for site and building security. All nonessential lighting shall be turned off during this period. For purposes of this section, NONESSENTIAL LIGHTING shall include display lighting, aesthetic and sign lighting, lighting of landscape and architectural features, and may include parking lot lighting.

#### H. Security Lighting

Shall use the lowest possible illumination to effectively allow surveillance and not to exceed 0.5 foot-candles;

Fixtures shall be full cut-off fixtures;

Light shall be shielded and aimed so that illumination is directed to the designated areas.

#### I. Canopy Lighting

Lighting fixtures mounted on canopies shall be installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy and parallel to the ground. A full cut off light fixture may project below the underside of a canopy. All light emitted by an under canopy fixture shall be substantially confined to the ground surface beneath the perimeter of the canopy. No lighting except that permitted by Pueblo County Code, Title 17, Chapter 116 (Advertising Devices and Signs) shall be permitted on the top or sides of a canopy.

#### J. Sign Lighting

Upward-directed sign lighting is prohibited except for monument signs of less than six (6) feet overall height;

External illumination for signs shall also conform to all provisions of this Section.

#### K. Flag Pole Lighting

A flagpole may be illuminated by one upward aimed fully shielded and self contained spotlight light fixture which shall not exceed 3,000 lumens (150 watts). The light fixture shall be placed as close to the base of the flagpole as reasonably possible.

#### L. Prohibited Lighting

Promotional beacons, searchlights, laser source lights, strobe light, or any similar high intensity light, when projected above the horizontal;

Floodlighting that:

- shines above the ninety (90) degree horizontal plane
- produces a glare for pedestrians and drivers
- produces light that trespasses beyond the property l

## **Chapter 17.124 NONCONFORMING USES, PARCELS AND STRUCTURES**

### **17.124.010 Application.**

Any use, parcel or structure that legally existed prior to the adoption of the resolution or any amendment thereto which does not conform to the provisions of the zoning resolution at the time of adoption shall be known as a nonconforming use, nonconforming parcel or a nonconforming structure.

### **17.124.020 Registration and recording.**

The County Zoning Administrator, at the request of the landowner of record or an authorized representative, may issue a Certificate of Nonconformance, a Parcel of Record Certificate and/or a Merger by Contiguity Certificate to the owner of each known Nonconforming Use, Nonconforming Parcel and/or Nonconforming Structure. The Zoning Administrator shall then record a copy of the Certificate(s) in the office of the County Clerk and Recorder within thirty (30) days of its issuance at the applicant's expense. No use of land or structures so registered shall be other than specified on the Certificate(s), unless said use shall be in conformity with the provisions of the zone district in which the parcel is located.

### **17.124.030 Discontinuance and abandonment.**

If a nonconforming use has been discontinued for a period of twelve (12) consecutive months, the landowner of record shall be notified by certified mail and a memorandum to the public record, identifying the discontinued use, shall be recorded in the office of the County Clerk and Recorder, and such use or any other nonconforming use shall not thereafter be re-established and any future use shall be in conformance with the provisions of these zoning regulations. A nonconforming use followed by a permitted conforming use will result in the loss of the nonconforming use.

### **17.124.040 Merger of contiguous nonconforming parcels.**

If a nonconforming parcel ever comes under the same ownership as a contiguous parcel, it shall no longer be the same nonconforming parcel, and such cessation shall be recorded in the office of the County Clerk and Recorder, and then no portion of the enlarged parcel shall be sold unless both the portion to be sold and the remainder shall be conforming parcels. The following is a listing of mergable parcels:

A. Two (2) or more vacant nonconforming parcels of land;

B. An improved nonconforming parcel of land and a vacant adjacent parcel(s) of land (whether or not nonconforming). However, if a landowner purchases a vacant parcel of land adjacent to an improved parcel owned by same individual, for the purposes of developing, then each parcel will have to be under separate ownership. (Note: Two (2) improved nonconforming parcels of land under the same ownership will not be required to merge.)

#### **17.124.050 Nonconforming signs.**

Any sign that existed prior to the enactment of the resolution or prior to any subsequent amendments to this resolution, which were legally established but do not now meet the provisions of this resolution, shall be considered nonconforming and may remain in its same location, be repaired, and maintained provided:

- A. The sign is not destroyed beyond its total replacement cost;
- B. The sign is not destroyed and/or abandoned for a period of twelve (12) consecutive months;
- C. The sign becomes a hazard to the motoring public due to changes in land use development, traffic patterns, or a causal factor in automobile or automobile related accidents.

#### **17.124.060 Nonconforming structures.**

If a nonconforming structure is vacant for twelve (12) consecutive months, moved or condemned, torn down or destroyed, it shall be removed or made conforming to all the requirements of this resolution.

#### **17.124.070 Enlargement or expansion of a nonconforming use or structure.**

A nonconforming use within a structure may be extended throughout the same structure devoted to such use at the time of adoption of this resolution or prior to any subsequent amendments thereto, which caused such use to become nonconforming. Any enlargement or expansion of a nonconforming use is strictly prohibited.

#### **17.124.080 Repairs, maintenance and restoration.**

Ordinary repairs and maintenance of a structure and care of lands containing a nonconforming use shall be permitted.

A nonconforming structure damaged or PARTIALLY destroyed by fire, explosion or natural occurrence may be restored to the condition in which it was immediately prior to the occurrence of such damage or destruction, provided:

- A. The restoration or reconstruction shall not extend beyond the original limits of the structure in setbacks, lot area coverage, height and floor area;
- B. All restoration or reconstruction shall be commenced within six months from the date of damage and shall be completed within one (1) year.

A nonconforming structure that is TOTALLY destroyed or damaged may not be restored or reconstructed, unless the restored structure is in compliance with the current zoning regulations.

## ***Chapter 17.126 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)***

### **17.126.010 Purpose.**

This district is established in accordance with Colorado Revised Statutes, Sections 24-67-101, et seq., for the following purposes:

- A. To further the public health, safety, integrity, and general welfare within Pueblo County in an era of increasing urbanization;
- B. To provide for necessary commercial, recreational, and educational facilities conveniently located to residential housing;
- C. To provide for well-located, clean, safe, and pleasant industrial sites involving a minimum of strain on transportation and other public facilities and services;
- D. To ensure that the provisions of the zoning laws and regulations promulgated thereunder which direct the uniform treatment of dwelling type, bulk density, and open space within each zoning district will not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the zoning laws and regulations;
- E. To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
- F. To provide more flexibility and latitude of design;
- G. To provide more flexibility in the development review process;
- H. To provide for a greater variety of principal and accessory uses in the development of land;
- I. To address the advantages resultant from technological change;
- J. To encourage a more efficient use of land and of public services, or private services in lieu thereof;
- K. To ensure adequate and timely public facilities and services;
- L. To lessen the burden of traffic on streets and highways;
- M. To conserve the value of the land;
- N. To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics;
- O. To encourage innovative and creative development of parks, recreation areas, and open space; and

P. To encourage integrated planning in order to achieve the above purposes.

#### **17.126.020 Permitted Uses.**

The uses permitted in the PUD (Planned Unit Development) District are limited to all residential, commercial, and industrial uses as depicted on the development plan as approved by the Board of County Commissioners except the following uses or such uses as are, in the sole discretion of the Board of County Commissioners, substantially similar thereto, are not permitted:

Acid Manufacture;  
Batch Plants;  
Cement & Asphalt Manufacture;  
Explosives Manufacture;  
Fertilizer Manufacture;  
Fuel Sales & Storage (wholesale);  
Glue Manufacture;  
Hazardous Waste Industrial Overlay Uses (See Chapter 17.80);  
Junkyard;  
Livestock Feed Lots;  
Livestock Sales Lots;  
Metal Processing Plant;  
Mineral Processing Plant;  
Petroleum Refining;  
Rendering Plant;  
Slaughterhouse;  
Smelter;  
Solid Waste Disposal Site & Facility;  
Solid Waste Transfer Station;  
Tannery.

In a proposed PUD where all uses are to be industrial uses, the Board of County Commissioners may, but shall not be required to, allow one or more of the uses set forth above.

In the case where a development plan or plot plan has not been approved, a development plan shall be submitted and approved by the Board of County Commissioners prior to issuance of building permits. The procedure for reviewing a development plan shall be the same as the procedure for reviewing a rezoning to the PUD District.

#### **17.126.030 Development Requirements.**

A. Residential densities shall be as established by the development plan as approved by the Board of County Commissioners in accordance with the Design Standards as outlined in Section 17.126.130 of this Chapter.

B. Minimum lot sizes for residential and non-residential uses shall be as established by the development plan as approved by the Board of County Commissioners in accordance with the Design Standards as outlined in Section 17.126.130 of this Chapter.

C. The interior and exterior boundaries of the PUD District shall have building setbacks as established by the Development Plan as approved by the Board of County Commissioners in

accordance with the Design Standards as outlined in Section 17.126.130 of this Chapter and Building and Fire Code Regulations.

D. Maximum height of any buildings or structures shall be as established by the development plan as approved by the Board of County Commissioners but in no event shall any building or structure exceed sixty (60) feet in height. In the case of telecommunications towers as the need for the same arises, a maximum height of two hundred (200) feet may, in the discretion of the Board of County Commissioners, be permitted.

E. Minimum area to be considered for rezoning to the PUD District shall be one (1) acre or where five (5) or more dwelling units are proposed.

#### **17.126.040 Submittal Requirements.**

A. Pre-submittal meeting. An interested applicant for zoning or rezoning to a PUD District shall, prior to making the application in accordance with the requirements of this Chapter 17.126, request a meeting with the Department of Planning and Development for the purpose of presenting a sketch or outline of the proposed PUD concept. The purpose of such meeting is to familiarize the Department of Planning and Development with the applicant's planned proposal for a PUD and to allow the applicant to receive input on the proposal and to gather information, which will be helpful to the applicant in preparing the application and required submittals. The pre-submittal meeting is a prerequisite to the County's obligation to accept and act upon an application for zoning or rezoning to a PUD District.

B. An applicant for zoning or rezoning to a Planned Unit Development District shall submit the following information:

1. Development Plan conforming to the following requirements. A Development Plan shall accompany a zoning or rezoning application to a PUD District. Said Plan shall be no larger than 24" x 36" and shall contain the following information:

a. Title or name of the development above the term "Development Plan";

b. Vicinity Map, scale, north arrow and date of preparation;

c. Complete legal description of the property to be included in the PUD;

d. Certification statements to include:

i. Certificate of Ownership;

ii. Certification of Approval by the Board of County Commissioners;

iii. Certification of the Planning Director;

iv. Certification by the County Clerk and Recorder;

e. Land Use(s) for each area included in the plan and corresponding land area;

f. Existing and Proposed public and private easements and drainage ways;

g. Heights of buildings and structures and proposed locations of buildings and structures, traffic circulation and parking;



- h. Density of residential development. If densities vary within the development, each density shall be depicted;
- i. Commercial/Industrial square footage;
- j. Proposed Roadways from collector status and graded by functional classification with right-of-way widths depicted;
- k. Buffering and screening including type from surrounding properties;
- l. Size, type of general location of proposed public sites, open space and recreational areas;
- m. If facilities are proposed that are not normally maintained by public entities a statement indicating the type of maintenance mechanism proposed.

Specific required information on the Development Plan may be omitted when considered not applicable by the Director of the Planning Department and, conversely, additional information may be required as part of a Development Plan when considered applicable by the Director of the Planning Department.

The approved Development Plan to be recorded shall be submitted at a size of 24" x 36" and shall be drawn with permanent India ink or produced by a photographic process on a polyester (mylar) film suitable for reproducing and recordation according to the then existing standards of the Pueblo County Clerk and Recorder.

C. A separate map, drawn to scale containing the following information:

1. Adjoining land use and ownership of said adjoining property and zoning within five hundred (500) feet of the exterior boundary of the subject property;
2. All roads (public and private) including functional classification, type of surface, and width within five hundred (500) feet of the subject property;
3. Existing topography based on the following criteria:
  - a. 

<u>Size of Lots</u>	<u>Contour Interval</u>
One (1) acre or less	two (2) feet
Larger than one (1) acre	five (5) feet
  - b. Accuracy shall be no less than ½ contour interval.
  - c. Contour interval to twenty (20) feet may be acceptable based on the following criteria:
    - i. Presence of mountainous topography;
    - ii. Presence of high relief topography;
  - d. Contours shall be extended no less than one hundred (100) feet onto adjacent property and shall show significant adjacent topography;
4. Phasing Program: If development is to occur in stages then a detailed phasing program shall be provided in accordance with Paragraph m of these regulations. The program may be in narrative form or incorporated into the Development Plan. The program shall include a

breakdown of all land use types and both on-site and off-site transportation and drainage improvements by Phase.

D. Optional Submittal Information:

1. The applicant may submit a Preliminary Plan in accordance with Chapters 16.12 and 16.28 of the Code to be processed concurrently with a PUD rezoning request.

**17.126.050 Petition Procedure.**

The procedure for processing a PUD application shall be the same as outlined in Chapters 17.136, 17.140, and 17.144 of this Code excepting that written notice of the public hearing before the Board of County Commissioners shall be delivered or mailed to adjoining land owners, first class, postage prepaid, at least fifteen (15) days prior to the public hearing before the Board of County Commissioners. Written consent of the property owner(s) whose properties are included in a request for a PUD (Planned Unit Development) District zoning must be provided with the application. The application shall also conform with the requirements of Section 17.126.040 of this Title.

**17.126.060 Platting.**

No building permits shall be applied for or granted on any portion of property which is currently zoned PUD District until and unless the property is subdivided and/or platted, as applicable, in accordance with Title 16 of the Code as amended unless otherwise excepted by statute.

**17.126.070 Plot Plan.**

No building permit shall be applied for or granted on any portion of property which is currently zoned PUD District until and unless a Plot Plan in conformance with the following requirements of this Subsection is approved by the Planning Director. Prior to the approval of the Plot Plan, the Planning Director shall find that the land use(s), densities, setbacks, height limits, access locations, the commercial/industrial floor area square footage and phasing plans as depicted on the Plot Plan are in conformance with the Development Plan as approved by the Board of County Commissioners.

A. Plot Plan Requirements. Plot Plans, when required in a PUD zone district for approval by the Planning Department Director prior to authorization of the issuance of a building permit, shall be no larger than 24" x 36", drawn to scale at a scale adequate to provide the required information clearly, and containing at a minimum the following:

1. The location, height and dimensions of each existing and proposed structure in the development area and the uses to be contained therein;
2. The planned unit development boundary and the proper building setbacks and building area with reference to said boundary lines and to property lines, highways, or street rights-of-way;
3. The location and surfaces of all parking areas, drive isles and internal roads, and the exact number of parking spaces and an approved parking plan for commercial and industrial uses;
4. The location of watercourses and other natural and historic features;

5. The location of all pedestrian walks, malls, recreation, and other open spaces;
6. The location of proposed landscaping;
7. The location, number, height and square footage of freestanding identification signs and an approved signage plan for commercial and industrial uses;
8. The location, height, size and orientation of any required light standards;
9. The location of all permanent accesses from publicly dedicated or private streets, roads or highways;
10. The location, overlain on contours for the area, of all roadways, walkways, bridges, culverts, drainage easements, existing or contemplated, and greenbelts;
11. The location of all footpaths, traffic islands, traffic devices, driveways, indicating the pedestrian and vehicular movement and control;
12. The stages, if appropriate, in which the project will be developed;
13. A vicinity map to locate the development in relation to the community;
14. Any existing plats and improvements of adjacent properties lying within three hundred (300) feet of the proposed project;
15. All proposed uses, structures and other natural or manmade features including the relationship with uses, structures and features to internal and adjoining uses, structures, features, landscaping and transportation facilities;
16. A summary data chart indicating: size of the development, proposed population and dwelling unit density, various land uses within the approximate acres and percent of development;
17. Preliminary architectural drawings, elevation, renderings or other graphic illustration of structures may be presented at the option of the applicant;
18. The location of any loading area if a commercial building.

B. Consistency with Plan. The plot plan shall be reviewed by the Planning Director for conformance with approved County plans, plats, policies, regulations, and resolutions. If the plan is found by the Planning Director to be in conformance with said plans, plats, policies, regulations, and resolutions, it shall be approved. If the plan is found by the Planning Director not to be in conformance with said plans, plats, policies, regulations, and resolutions, it shall be denied and the petitioner notified of the areas of inconsistency and changes required.

C. If the plot plan is not approved by the Planning Director, the decision may be appealed to the Pueblo County Zoning Board of Appeals. Procedure for such appeal shall be the procedure set forth in Chapters 17.136 and 17.140 of this Title. The appeal must be fully detailed in writing and shall be submitted to the Planning Department within thirty (30) days of the Director's final action. Said appeal shall be limited to the record before the Planning Director in making his decision to disapprove. The burden of proof for said appeal rests with the applicant.

D. Modifications. Required information on the plot plan noted above may be omitted or otherwise modified when considered not applicable by the Director of the Planning Department. If the recorded Development Plan is drawn in conformance with the Plot Plan requirements of this Subsection, a subsequent submittal and approval of a Plot Plan is not required for the issuance of building permits.

### **17.126.080 Maintenance Plan.**

In cases in which maintenance of roads, common areas, open space, or facilities normally maintained by public entities are proposed to be maintained by homeowners associations, or other nongovernmental bodies, the applicant shall submit a maintenance plan conforming to the requirements of this Subsection. A maintenance statement addressing ownership and maintenance shall be submitted with the rezoning request. The maintenance plan shall be submitted concurrently with the Final Development Plan and recorded prior to or in conjunction with the Final Development Plan. Failure to maintain areas that are not maintained by public entities in a reasonable order and condition in accordance with the approved Planned Unit Development may result in Pueblo County, at its own discretion, correcting the deficiencies as provided in C.R.S. 24-67-105(6) c. and d.

A. Where non-County maintenance is proposed for roads, common areas, recreational areas, facilities, open space, bikeways, trails, paths, malls, parking areas, or other public sanitation facilities, the applicant shall submit for review and approval a maintenance plan for such facilities prior to the issuance of a building permit. In cases in which a submittal conforming to the standards for final plats contained in Title 17 of the Pueblo County Code is required, the maintenance plan shall be submitted at final plat stage. In cases in which only a plot plan is required the maintenance plan shall be submitted at the plot plan stage.

1. For proposals, which contemplate use of common sewerage or water system by two or more dwelling units or uses, a maintenance plan may be required if, in the opinion of the Planning Director, such a plan is necessary to protect the public health, safety and welfare.

B. The maintenance plan shall include:

1. Identification of present and proposed ownership for the facilities or areas included within the maintenance plan. In the case of condominiums, townhouses, or other multiple dwelling units, the method of conveying title and the estate to be granted shall be noted;

2. A Title opinion dated no less than thirty (30) days prior to the submittal date;

3. A service plan to include:

a. Proposed method of guaranteeing maintenance;

b. Proposed form of unified control, which shall include identification and description of corporations, partnerships, trusts, owners associations, or other legal entities having the right to assess individual landowners within the development and identification of the method proposed to enforce required assessments;

c. Date of implementation of the provisions of the proposed method of guaranteeing maintenance. Appropriate recording of such documents and agreements as may be required shall be a condition of any plan approval;

d. Cost of capital construction for proposed facilities, cost of maintenance for such facilities per year, amount proposed to be assessed to meet such expenses;

e. Proposed administration mechanism to assure that maintenance is carried out as planned. Suitable collateral to ensure that in case of discontinuance of control and maintenance, Pueblo County may, but shall not be required to, assume such duties as may be appropriate without additional cost to the taxpayer. Collateral shall be limited to a letter of credit, or such other method of ensuring and guaranteeing such maintenance as may be approved by the Board of County Commissioners;

f. Evidence that all required approvals have been granted in accordance with Pueblo County land use regulations.

**17.126.090 Off-Street Parking.**

Unless otherwise established by the development plan as approved by the Board of County Commissioners, off-street parking shall be provided in accordance with Chapter 17.112 of this Title.

**17.126.100 Advertising Devices.**

Unless otherwise established by the development plan as approved by the Board of County Commissioners, advertising devices shall be provided in accordance with Chapter 17.116 of this Title.

### **17.126.110 Landscaping.**

Landscaping shall be as is established by the development plan as approved by the Board of County Commissioners.

### **17.126.120 Provisions for Public Facilities and Services.**

PUD Districts shall be subject to the terms and requirements of all applicable development standards and regulations relating to the provision and financing of necessary public services and facilities. Determinations concerning the adequacy and efficiency of the provision of the described public services and facilities, and the financing of the same, shall be based upon standards and criteria adopted by the Board of County Commissioners, and may include a requirement that the applicant agree, by appropriate written agreement, to contribute a fair and equitable share of the costs of necessary public services and facilities through the payment of development fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public services and facilities.

### **17.126.130 Design Standards.**

In preparation of a rezoning request to the PUD District, the applicant should consider the following standards:

1. Uses:

a. Residential – Residential uses shall be designed and located to achieve an efficient and desirable use of land, preservation of natural features, and efficient and desirable use and placement of the necessary public and/or private infrastructure;

b. Non-Residential – Non-Residential uses shall be designed and located to achieve greater convenience to residential areas, efficient and desirable use of land, desirable use and placement of necessary public and/or private infrastructure, and to minimize the impact on transportation and drainage facilities;

c. Density: The density of land uses within the PUD District shall be compatible with other uses within the PUD District and the surrounding area. Compatibility shall be determined by, but not limited to, type of land uses, transportation system, buffering, landscaping, and availability of services;

d. Open Space: Common open space may be provided within the PUD District. The amount and type should be proportional to the proposed land uses, buildings and densities. Common open space areas should be designed for the occupants/residents of the PUD District.

Open Space is defined as a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development designed and intended to reasonably serve the needs of the residents, occupants, and owners of the planned unit development.

e. Circulation: Development within the PUD District shall be designed and constructed to include adequate, safe, and convenient arrangement for pedestrian and vehicular circulation, off-street

parking, and loading spaces. Pedestrian and vehicular circulation shall correlate with the external circulation system. All public roads shall be constructed in accordance with the provisions of the Pueblo County Roadway Design Standards;

f. Drainage: Development within the PUD District shall be designed and constructed to include adequate stormwater management including planning, financing, design, construction, operation, and maintenance. All drainage facilities whether public or private shall be constructed in accordance with the provisions of Chapter 16.42 of Title 16 of the Pueblo County Code;

g. Buffering and Screening: Uses, buildings or structures within the PUD District that would not be considered compatible with other uses, buildings, or structures within and adjacent to the PUD District shall be adequately buffered and screened to ensure their appearance and operation will be compatible to the surrounding uses;

h. Phasing: If development is to occur in stages, a detailed phasing program shall be prepared in conjunction with the development plan. The phasing program shall coordinate development of all land use types of both on-site and off-site transportation and drainage improvements in a timely fashion. If open space and/or recreational facilities are proposed, development of these land use types shall occur proportionately to the other proposed land uses within the development;

i. Transportation and drainage improvements shall be constructed within each phase in accordance with Title 16 of the Pueblo County Code;

#### B. Modification to Design Standards

1. Design, construction, and other requirements applicable to a Planned Unit Development may be different from or modifications of the requirements otherwise applicable by reasons of any zoning, subdivision, or other land use regulation or resolution of Pueblo County, so long as such requirements substantially comply with the subdivision provisions of C.R.S. 28-30-101, et. seq., and appropriate regulations promulgated thereunder. No modification from the submittal and review requirements for rezoning and/or subdivision requests as contained within this Title and Title 16 shall be allowed.

Any request for modification of design, construction, or other applicable requirement shall be specifically requested in writing as part of the application for PUD District zoning, and shall be accompanied by appropriate supporting documentation and justification for the modification request. The Board of County Commissioners may approve a specific modification of the design, construction, or other applicable requirement upon a written finding that, in the particular case, the public purposes are satisfied to an equivalent or greater degree.

If no modification is submitted as part of the application for PUD District zoning, the proposed development shall comply with all applicable zoning, subdivision, and other land use regulations for Pueblo County.

#### **17.126.140 Consideration for Rezoning.**

The Planning Commission in making its recommendations, and the Board of County Commissioners in making its decision, on a PUD District rezoning request shall consider the following:

- A. That proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission and the Board of County Commissioners of Pueblo County;
- B. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested parties were heard at those hearings;
- C. That the proposed land use will be compatible with existing and permitted land uses in the surrounding area and will be in harmony and responsive with the character of the surrounding area;
- D. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
- E. That a need for the development is demonstrated;
- F. That existing and proposed public services and facilities are adequate for the proposed development, and that proposed public services and facilities will be timely provided;
- G. That the existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and that the proposed transportation network improvements will be timely provided;
- H. That the proposed development will not have a negative effect upon the existing and future development of the surrounding area;
- I. That the proposed PUD District zoning will achieve and advance the stated purposes set forth in this Section, and is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of Pueblo County;
- J. As set forth in C.R.S. 24-67-104(1)(f), a finding by the County that such PUD District rezoning request is in general conformity with the Pueblo County Comprehensive Plan or any amendment thereto is required.



### **17.126.150 Effect of Approval.**

Upon approval of a rezoning to the PUD District by the Board of County Commissioners the development plan shall be the controlling document, establishing land use(s), densities, setbacks, height limits, lot coverage, and access points. Said development plan shall be recorded in the Clerk & Recorder's Office of Pueblo County, Colorado, in conjunction with the Board of County Commissioners' approval Resolution establishing said zone. Said zoning and development plan shall be binding on the owner-applicant, his heirs, successors, and assigns.

### **17.126.160 Recording of the Development Plan.**

Upon approval by the Board of County Commissioners of a PUD District rezoning request, the applicant shall provide to the Planning Department a development plan as approved by the Board of County Commissioners drawn with permanent India ink or produced by a photographic process on a polyester (mylar) film, 24" x 36" in size, suitable for reproducing.

The following information shall be depicted on the Development Plan to be recorded:

A. All information required on the initial Development Plan;

B. The following General Provision Statements:

1. "Authority

The authority of this Development Plan is Chapter 17.126 (Planned Unit Development District) of this Title. The authority for Chapter 17.126 of this Title is the Colorado Planned Unit Development Act of 1972."

2. "Adoption

The adoption of this Development Plan shall evidence the findings and decision of the Board of County Commissioners that this Development Plan for (name of development) is in general conformity with the Pueblo County Comprehensive Plan, is authorized by the provisions of Chapter 17.126 of this Title, and that such Chapter 17.126 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended."

3. "Relationship to County Regulations

The provisions of this Development Plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of this Title, as amended, or any other applicable resolutions or regulations of Pueblo County, shall be applicable."

Upon presentation of the development plan, as approved by the Board of County Commissioners, to the Planning Department, the signatures of the Chairperson of the Board of County Commissioners and the Planning Director shall be affixed to the document.

No changes, erasures, modifications, or revisions shall be made on the development plan upon the affixing of all signatures to said plan. The development plan shall not be recorded until all

conditions, which require satisfaction before recording can take place are satisfied. The applicant shall pay recording fees as required prior to recording the Development Plan.

### **17.126.170 Amendment to the Development Plan.**

A. Any request to make a major change to an approved Development Plan shall be processed as a new application for rezoning to the PUD District as outlined in Sections 17.126.040 and 17.126.050 of this Chapter. The following would be considered major changes to the Development Plan:

1. Increased density;
2. Decreased perimeter setbacks;
3. Major changes in building location, arrangement of parking, or open space;
4. Change in unit type (townhouse to apartments, etc.):
5. Projects over 20 acres:
  - a. Over 10% reduction in area of open space;
  - b. Over 10% increase in lot coverage;
6. Projects under 20 acres:
  - a. Over 5% reduction in area of open space;
  - b. Over 5% increase in lot coverage.

No major change shall occur unless the Board of County Commissioners, after review by the Planning Commission, finds that the proposed major change is consistent with the efficient development and preservation of the entire Planned Unit Development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.

B. The Planning Director may approve minor modifications from the recorded Development Plan in the approval of a Plot Plan. Such minor changes shall be limited to siting of buildings, interior access or arrangement of parking, open space, and/or errors of a clerical, typographical, or format nature. The applicant shall substantiate to the Planning Director that the minor modification is required by engineering or other circumstances not foreseen during the approval of the Development Plan. The Planning Director shall not approve a minor modification if the modification does not substantially conform to the approved Development Plan.

## **Chapter 17.128 VESTED PROPERTY RIGHTS**

### **17.128.010 Purpose and authority.**

The authority for and the sole purpose of this chapter is to make and declare the permitted definitions and to provide the procedures necessary for the implementation of the provisions of Title 24, Article 68, Sections 101 through 106 of the Colorado Revised Statutes.

### **17.128.020 Definitions.**

A. **"Site Specific Development Plan"** means a map, plat, plan or other document but only as are more particularly described below, including all terms and conditions thereof or which are incorporated by reference which also describes with reasonable certainty the type and intensity of use permitted for a specific parcel or parcels of land:

1. Final Subdivision Plat, as that term is used, referenced and defined in the Pueblo County Subdivision Regulations as approved by the Board of County Commissioners; or
2. Planned Unit Development Plan as that term is used, referenced and defined in Section 17 of the Pueblo County zoning resolution as approved by the Board of County Commissioners; or
3. Such other map, plat or other document wherein a specific written agreement designating the same as a "site specific development plan" has been executed between the Board of County Commissioners and the property owner for a specific project or development; or
4. No other map, plat, other document or approval of any nature submitted and/or obtained pursuant to the Pueblo County Zoning Resolution and/or the Pueblo County Subdivision Regulations shall constitute a site specific development plan.

B. **"Vested real property right"** means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

### **17.128.030 Notice and hearing.**

No site specific development plan shall be approved until after a public hearing preceded by written notice of such hearing. Such notice may, at the County's option, be combined with the notices otherwise required under this Title and/or Title 16, as amended, or with any other required notice. At such hearing, interested persons including owners of the described property, their representatives, and other interested persons shall have an opportunity to be heard.

### **17.128.040 Approval-Effective Date-Amendments.**

A site specific development plan shall be deemed approved upon the effective date of the final Board of County Commissioner's action approving such plan. In the event amendments to a site specific development plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the Board of County Commissioners specifically finds to the contrary and incorporates such findings in its approval of the amendment. Pueblo County is authorized, but shall not be required to extend vested property rights for a period exceeding three years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles and market conditions and the like.

### **17.128.050 Notice of Approval.**

Each document constituting a site specific development plan as that term is defined herein shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, Sections 101-106, C.R.S. as amended." Failure to contain this statement shall invalidate the creation of the vested property right for all purposes.

Any approval shall be subject to judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation within Pueblo County, of a notice advising the general public of the site specific development plan approval and creation of a vested property right pursuant to Title 17. Such publication shall be the responsibility of the applicant and shall occur no later than fourteen (14) days following approval. The applicant shall present to the Planning Department an affidavit of such notice within ten (10) days of publishing the same. The notice to be published shall read as follows:

#### **NOTICE**

Notice is hereby given that on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the Pueblo County Board of County Commissioners approved a site specific development plan for the property and purpose described below, which approval may have created a vested property right pursuant to Colorado law. Such approval is subject to all rights of judicial review.

Legal description:  
Type and intensity of use  
Published in:  
And date of publication:

In the event that the applicant does not publish the notice and provide an affidavit of the same in accordance with this subsection, the County may, but shall not be required to, publish the notice. In addition, a failure to publish such notice by the applicant shall mean that the period of time permitted by law for the exercise of judicial review shall commence on the date of the final approval of the site specific development plan by the Board of County Commissioners and not thereafter.

**17.128.060. Payment of Costs.**

Payment of Costs. In addition to any and all other fees and charges imposed by Pueblo County Land Use Regulations, the applicant for approval of a site specific development plan shall pay all costs occasioned to the County as a result of the site specific development plan review, including publication of notice, public hearing and review costs.

**17.128.070. Other Provisions Unaffected.**

Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this Title and/or Title 17 pertaining to the development and use of property.

**17.128.080. Intent.**

Nothing in this Chapter is intended to create any vested real property right, but only to implement the provisions of Article 68 of Title 24, Sections 101-106, C.R.S, as amended. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Chapter shall be deemed to be repealed, and the provisions hereof no longer effective.

## **Chapter 17.132 FEE SCHEDULES**

### **17.132.010 Solid waste site and facility review fee.**

A. A solid waste site and facility review fee ("fee") is established. The fee shall be applicable to the following applications and related activities pursuant to Certificate of Designations and the Pueblo County zoning resolution:

1. Application (new);
2. Application (amendment);
3. Revocation; and
4. Review.

B. The fee is based on the estimated costs which are expected to the county in the conduct of its duties and responsibilities. The following items are eligible costs which can be paid by the fee:

1. Publication, mailing and posting of public notice;
2. Staff time of county and other public (e.g., Pueblo City-County Health Department) employees at their weighted hourly rates;
3. Technical consultants or professional services retained by the county;
4. Acquisition of supplemental or additional information;
5. Consumable supplies and out-of-pocket expenses, such as long distance telephone calls, travel, postage, recording fee, and photocopying; and
6. Administrative charge of twenty-five (25) percent on all eligible costs.

A technical consultant or professional service expected to exceed one thousand dollars (\$1,000.00) shall be approved in advance by the applicant. The applicant's approval shall not be unreasonably withheld. Failure by the applicant to approve or deny the service as an eligible cost within ten (10) days shall be deemed approval.

C. The solid waste site and facility review fee is as follows:

The applicant shall pay the minimum fee at the time of application. The minimum fee is not refundable even if the actual review costs are less than the minimum fee.

<b>Solid Waste Site and Facility Review Fee</b>	
<b>Action</b>	<b>Fee</b>
Certificate of designation (new)	Minimum fee of \$10,000, with total fee not to exceed \$50,000
Certificate of designation (amendment)	Minimum fee of \$1,000, with total fee not to exceed \$10,000
Certificate of designation (review)	Minimum fee of \$1,000, with a total fee not to exceed \$10,000
Map amendment	Minimum fee of \$1,000, with a total fee not to exceed \$10,000
Special use permit (new)	Minimum fee of \$5,000, with a total fee not to exceed \$25,000
Special use permit (amendment)	Minimum fee of \$1,000, with a total fee not to exceed \$10,000
Special use permit (review)	Minimum fee of \$1,000, with a total fee not to exceed \$10,000

If the actual review costs exceed the minimum fee, the applicant is responsible for the costs up to the amount of the total fee as established herein.

D. Eligible review costs shall be reasonably documented and shall be made available to the applicant upon request.

E. The applicant may appeal the amount or eligibility of any charge to the board. (Res. 92-28 § 2).

**17.132.020 Hazardous waste special use permits and zone districts--Fee schedule.**

A. The fee schedule for the county's I-4 zone district shall be as follows:

- Hazardous waste treatment facility with on-site disposal: \$10,000.00
- Hazardous waste treatment facility without on-site disposal: \$10,000.00
- Hazardous waste storage facility: \$7,500.00
- Hazardous waste resource recovery facility: \$7,500.00
- Hazardous waste research and development facility: \$1,000.00
- Hazardous waste transfer facility: \$5,000.00
- Hazardous waste testing laboratory: \$1,000.00
- Hazardous use permit for any I-4 zone district overlay: \$1,000.00

B. The fee schedule for the county's I-2 and I-3 zone districts for special use permits for hazardous waste use shall be as follows:

- Hazardous waste research and development facility: \$1,000.00
- Hazardous waste testing laboratory: \$1,000.00

**17.132.030 Zoning, subdivision and other land use development applications--Fee schedule.**

**PUEBLO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
LAND USE APPLICATION FEE SCHEDULE**

**1041 PERMIT APPLICATION**

Application Fees

Activity Permit - Application Fee	\$551.00
Activity Permit - New Notice Required	\$63.00
Area Permit - Application Fee	\$176.00
Area Permit - New Notice Required	\$63.00
Determination	No Charge
Municipal & Industrial Water Project (17.172)	Fee set by BCC
Municipal & Industrial Water - New Notice Required	\$63.00

ADMINISTRATIVE AUTHORIZATIONS No Charge

ANNEXATION No Charge

BUILDING PERMITS No Charge

**CERTIFICATE OF DESIGNATION**

Application Fees

Hazardous Waste	See Resolution No. 84-Z61
Solid Waste	See Resolution No. PD 92-28
Special District Service Plan	See Resolution No. 92-149

**CERTIFICATE OF NONCONFORMANCE**

Application Fees \$13.00

**CONFORMING USE CERTIFICATE**

Application Fees \$13.00

**EASEMENT VACATION**

Application Fees

Application Fee	\$176.00
New Notice Required	\$63.00

EXTRATERRITORIAL WATER AGREEMENT No Charge

**FINAL PLAT**

Application Fees

Application Fee	\$88.00 Plus \$50.00 per Lot
New Notice Required	\$63.00

Fire Fees

Agricultural	\$375.00 per Undeveloped Lot
Building Permit	\$375.00 per Undeveloped Lot
Duplex Residential	\$375.00 per Undeveloped Lot
One-Family Residential	\$375.00 per Undeveloped Lot



Park Fees	
Mobile Home	\$56.00 per Undeveloped Lot
Multi-Family	\$63.00 per Undeveloped Lot; per D.U.
Single-Family	\$76.00 per Undeveloped Lot
School Fees	
Mobile Home	\$35.00 per Undeveloped Lot
Multi-Family	\$50.00 per Undeveloped Lot; per D.U.
Single-Family	\$95.00 per Undeveloped Lot
FLOOD PLAIN AMENDMENT	No Charge
FLOOD PLAIN DEVELOPMENT PERMIT	
Application Fees	
Appeal	\$113.00
Permit	\$25.00
HOME OCCUPATION CERTIFICATE	No Charge
LOT LINE REARRANGEMENT	
Application Fees	\$125.00
LOT LINE VACATION	
Application Fees	\$75.00
MAP AMENDMENT	
Application Fees	
A-1 - Application Fee	\$88.00 Plus \$0.63 Per Acre (First 100 Acres) \$0.38 (Each Additional Acre)
A-1 - New Notice Required	\$63.00
A-2 - Application Fee	\$88.00 Plus \$4.00 per Acre
A-2 - New Notice Required	\$63.00
A-3 - Application Fee	\$88.00 Plus \$18.00 per Acre
A-3 - New Notice Required	\$63.00
A-4 - Application Fee	\$88.00 Plus \$35.00 per Acre
A-4 - New Notice Required	\$63.00
B-1 - Application Fee	\$88.00 Plus \$125.00 (First Acre) \$30.00 (Each Additional Acre)
B-1 - New Notice Required	\$63.00
B-4 - Application Fee	\$88.00 Plus \$125.00 (First Acre) \$30.00 (Each Additional Acre)
B-4 - New Notice Required	\$63.00
I-1 - Application Fee	\$88.00 Plus \$125.00 (First Acre) \$30.00 (Each Additional Acre)
I-1 - New Notice Required	\$63.00
I-2 - Application Fee	\$88.00 Plus \$125.00 (First Acre) \$30.00 (Each Additional Acre)
I-2 - New Notice Required	\$63.00
I-3 - Application Fee	\$88.00 Plus \$125.00 (First Acre) \$30.00 (Each Additional Acre)
I-3 - New Notice Required	\$63.00
I-4 - Application Fee	See Resolution No. 84-Z60

I-4 - New Notice Required	\$63.00
O-1 - Application Fee	\$88.00 Plus \$125.00 (First Acre) \$30.00 (Each Additional Acre)
O-1 - New Notice Required	\$63.00
R-1 - Application Fee	\$88.00 Plus \$75.00 (First Acre) \$18.00 (Each Additional Acre)
R-1 - New Notice Required	\$63.00
R-2 - Application Fee	\$88.00 Plus \$75.00 (First Acre) \$18.00 (Each Additional Acre)
R-2 - New Notice Required	\$63.00
R-3 - Application Fee	\$88.00 Plus \$75.00 (First Acre) \$18.00 (Each Additional Acre)
R-3 - New Notice Required	\$63.00
R-4 - Application Fee	\$88.00 Plus \$75.00 (First Acre) \$18.00 (Each Additional Acre)
R-4 - New Notice Required	\$63.00
R-5 - Application Fee	\$88.00 Plus \$75.00 (First Acre) \$18.00 (Each Additional Acre)
R-5 - New Notice Required	\$63.00
R-6 - Application Fee	\$88.00 Plus \$75.00 (First Acre) \$18.00 (Each Additional Acre)
R-6 - New Notice Required	\$63.00
R-7 - Application Fee	\$88.00 Plus \$150.00 (First Acre) \$38.00 (Each Additional Acre)
R-7 - New Notice Required	\$63.00
R-8 - Application Fee	\$88.00 Plus \$75.00 (First Acre) \$18.00 (Each Additional Acre)
R-8 - New Notice Required	\$63.00
R-A - Application Fee	\$88.00 Plus \$35.00 per Acre
R-A - New Notice Required	\$63.00
S-1 - Application Fee	\$88.00 Plus \$25.00 (First Acre) \$10.00 (Each Additional Acre)
S-1 - New Notice Required	\$63.00
S-2 - Application Fee	\$88.00 Plus \$25.00 (First Acre) \$10.00 (Each Additional Acre)
S-2 - New Notice Required	\$63.00
S-3 - Application Fee	\$88.00 Plus \$25.00 (First Acre) \$10.00 (Each Additional Acre)
S-3 - New Notice Required	\$63.00
S-4 - Application Fee	\$88.00 Plus \$25.00 (First Acre) \$10.00 (Each Additional Acre)
S-4 - New Notice Required	\$63.00
<b>MERGER BY CONTIGUITY CERTIFICATE</b>	
Application Fees	\$13.00
<b>MULTI-FAMILY DEVELOPMENT SITE PLAN</b>	
Application Fees	
Application Fee	\$190.00
Application Fee - New Notice Required	\$63.00
Amendment - BCC Action - Application Fee	\$100.00
Amendment - New Notice Required	\$63.00

Fire Fees	
Building Permit	\$375.00 per Undeveloped Lot
Duplex Residential	\$375.00 per Undeveloped Lot
Park Fees	
Multi-Family	\$63.00 per Undev. Lot; per D.U.
School Fees	
Multi-Family	\$50.00 per Undev. Lot; per D.U.
<b>OUTDOOR LIGHTING PLAN</b>	
Application Fees	\$50.00
<b>PARCEL OF RECORD CERTIFICATE</b>	
Application Fees	\$13.00
<b>PARKING PLAN</b>	
Application Fees	No Charge
<b>PLANNED UNIT DEVELOPMENTS</b>	
Application Fees	
Mixed Use - First Acre	\$300.00
Single Use - First Acre	\$200.00
Amendment - Application Fee	\$188.00
Amendment - New Notice Required	\$63.00
Industrial - Application Fee	\$30.00 per Additional Acre
Industrial - New Notice Required	\$63.00
Office/Commercial - Application Fee	\$30.00 per Additional Acre
Office/Commercial - New Notice Required	\$63.00
Residential - Application Fee	\$20.00 per Additional Acre
Residential - New Notice Required	\$63.00
<b>PLAT AMENDMENT</b>	
Application Fees	
Application Fee	\$188.00
New Notice Required	\$63.00
<b>PLAT VACATION</b>	
Application Fees	
Application Fee	\$413.00
New Notice Required	\$63.00
<b>PRELIMINARY PLAN</b>	
Application Fees	
Application Fee	\$88.00 Plus \$160.00 (First 10 Lots)
	\$105.00 (Each additional Lot)
New Notice Required	\$63.00
<b>PUBLIC USE REVIEW</b>	
Application Fees	
Application Fee	\$163.00
New Notice Required	\$63.00
<b>RE-BUILD LETTER</b>	No Charge

RESEARCH	No Charge
ROAD NAME CHANGE	
Application Fees	
Application Fee	\$126.00
New Notice Required	\$63.00
ROAD, ALLEY, EASEMENT OR PUBLIC WAY	
Application Fees	
Alley - Application Fee	\$251.00 (N/C with Road Vacation)
Alley - New Notice Required	\$63.00
Road - Application Fee	\$326.00
Road - New Notice Required	\$63.00
RURAL LAND USE PLAN	
Application Fees	
1 through 50 lots	\$1,500.00
51 through 100 lots	\$2,000.00
101 + lots	\$2,500.00
New Notice Required	\$63.00
SCHOOL SITE REVIEW	
Application Fees	No Charge
SIGN PLAN	
Application Fees	No Charge
SIMILAR USE DETERMINATION	
Application Fees	
Application Fee	\$163.00
New Notice Required	\$63.00
SKETCH PLAN	
Application Fees	
Application Fee	\$110.00
New Notice Required	\$63.00
SPECIAL USE PERMIT	
Application Fees	
Correction Hearing - Application Fee	\$88.00
Correction Hearing - New Notice Required	\$63.00
Hazardous Waste Facilities, Testing Labs	See Resolution No. 84-Z60
New Application - Application Fee	\$163.00
New Application - New Notice Required	\$63.00
Review - Not Scheduled - Application Fee	\$163.00
Review - Not Scheduled - New Notice Required	\$63.00
Review - Scheduled - Application Fee	\$113.00
Review - Scheduled - New Notice Required	\$63.00
Show Cause / Revocation - Application Fee	\$151.00
Show Cause / Revocation - New Notice Req.	\$63.00
Solid Waste Landfill	See Resolution No. P&D 92-28

Solid Waste Transfer Station	See Resolution No. P&D 92-28
SUBDIVISION EXEMPTION	
Application Fees	
Application Fee	\$125.00
New Notice Required	\$63.00
SUBDIVISION VARIANCE	
Application Fees (Plat-Like Drawing)	No Charge
TEXT AMENDMENT	
Application Fees	
Application Fee	\$251.00
New Notice Required	\$63.00
WASTE WATER TREATMENT FACILITY	No Charge
ZONING APPEALS	
Application Fees	
Application Fee	\$113.00
New Notice Required	\$63.00
ZONING DETERMINATIONS	No Charge
ZONING VARIANCE	
Application Fees	
Application Fee	\$138.00
New Notice Required	\$63.00
ZONING VIOLATIONS	No Charge

          
D.U. - Dwelling Unit

*(Fee Schedule as of May 2007)*

## **Chapter 17.136 ADMINISTRATION AND ENFORCEMENT**

### **17.136.010 Application.**

All permits, certificates and stop orders required by this resolution shall be issued by the County Zoning Administrator, who shall be the administrative and enforcing officer of the provisions of this resolution, and he or she shall have the authority to make all decisions and investigations necessary to properly carry out the provisions of this resolution. The County Zoning Administrator shall determine whether a use is similar to those uses listed, unless his or her decision be reversed by the Planning Commission. No required permit, certificate or order shall be issued by him or her if in his or her judgment the requirements of this resolution have not been met. No oversight or dereliction on part of the County Zoning Administrator or his or her authorized assistants or on the part of any official or employee of the County shall legalize or authorize the violation of any of the provisions of this resolution.

### **17.136.020 Right of entry.**

The County Zoning Administrator, or any duly authorized deputy inspector shall, if possible first secure permission of the occupant before entering upon any premises for the purpose of making inspections and necessary to the conduct of his or her duties in the administration and enforcement of this resolution.

### **17.136.030 Zoning permits.**

Except as provided in the Agricultural Zone Districts, permits shall be secured from the County Zoning Administrator prior to the construction, moving, conversion, extension, enlargement or structural alteration of buildings or other structures.

A. Application Forms. Application for a zoning permit shall be made to the County Zoning Administrator on forms provided for that purpose.

B. Issuance. If, in the opinion of the County Zoning Administrator, the proposal as set forth in the application is in conformity with the provisions of this resolution, the County Zoning Administrator shall issue a zoning permit.

C. Disapproval. If, in the opinion of the County Zoning Administrator, the proposal as set forth in the application is not in conformance with the provisions of this resolution, the County Zoning Administrator shall refuse to issue a zoning permit. If an application for a zoning permit is not approved, the County Zoning Administrator shall state in writing on the application the reason for such disapproval.

D. Null or Void Permits. Any permit issued in violation of any of the provisions of this resolution shall be null and void and may not be construed as waiving any provision of this resolution. Any zoning permit issued under the provisions of this resolution shall be valid for one (1) year. If no construction has started within the one (1) year limit, then the Zoning Permit shall be null and void.

E. Existing Permits. Permits issued prior to the adoption of the resolution shall be valid for one (1) year from date of issuance as to use, provided the structure conforms to the yard requirements of the zone district in which it is located.

**17.136.040 Stop orders.**

Whenever any building work is being done contrary to the provisions of this Title, or land or structures are being used contrary to this resolution, the County Zoning Administrator shall order the work or use stopped by notice in writing served on any person engaged in doing or causing such work to be done or such use to be continued, and any such person and all others engaged in doing or causing such work to be done or such use to be continued shall forthwith stop such work or use until authorized by the County Zoning Administrator to proceed with the work or continue the use.

**17.136.050 Appeals.**

Any person denied a permit, certificate or issued a stop order, when noncompliance with this resolution is the grounds for such action, or any other person or public official may appeal such action of the County Zoning Administrator to the Zoning Board of Appeals within thirty (30) days from the date of such action by the County Zoning Administrator.

**17.136.060 Certificate of occupancy.**

Upon request of an applicant, the County Zoning Administrator shall issue a certificate of occupancy.

## **Chapter 17.140 APPEALS**

### **Article 1. Pueblo County Planning Commission**

#### **17.140.010 Special use permits.**

The County Planning Commission is authorized:

- A. To hear and decide appeals for Special Use Permits required by the terms of this Title;
- B. To receive testimony under oath and to make such studies and surveys as are required to carry out the duties set forth herein;
- C. To request information or opinions from any other agencies and commissions relative to such application;
- D. To request information or opinions from any administrative officer of the County or any other person or persons, including State agencies, considered expert on the matter before the Commission;
- E. To attach such requirements, conditions and/or reviews to actions on applications for Special Use Permits presented to it as it, in its discretion, feels necessary to carry out the intent and purposes of this Title.
- F. Any proposed activity or use, not otherwise exempt from, and which requires a permit pursuant to Division II, Areas and Activities of State and Local Interest (1041 Regulations), as now enacted or hereafter amended, shall not require application for and issuance of a Special Use Permit by the Pueblo County Planning Commission.

#### **17.140.020 Applications.**

Any person and/or any public or private agency making an application for a Special Use Permit to the Planning Commission shall submit the same in writing on forms provided by the Pueblo County Department of Planning and Development for that purpose.

#### **17.140.030 Fees.**

Applications for a Special Use Permit shall be accompanied by a fee as set forth in a separate Resolution of the Board of County Commissioners, which fee must be paid and a receipt therefore be presented to the Secretary of the Planning Commission prior to the hearing on the application. All fees shall be made payable to the County of Pueblo. Fees paid and collected pursuant to this Chapter shall not be refundable.

#### **17.140.040 Public hearings.**

Actions of the Planning Commission on applications for Special Use Permits shall be taken at public hearings, notice of which has been given by the Secretary of the Planning Commission no less than ten (10) days before the date set for such action in the following manner:



A. Such notice shall give the time, date, and place of the hearing, a brief description of the application and the legal description and/or street address of the property for which such Special Use Permit is sought.

B. A copy of such notice shall be sent by mail to the last known address of owners of real property lying within three hundred (300) feet of the exterior boundaries of the property for which the Special Use Permit is sought. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the Planning Commission. The Planning Commission, however, may determine that such omission should be corrected and, therefore, may continue any such hearing until such time as notice in compliance herewith is made.

C. A copy of such notice shall be published in a newspaper of general circulation in the County.

D. Proof of compliance with this Chapter shall be by the written statement of the Secretary of the Planning Commission, giving the names and addresses of the persons to whom the notice was mailed, and the date of mailing, and that the Publisher's Affidavit of Publication will be obtained. Such proofs shall become a part of the record of the hearing of the Planning Commission on the Special Use Permit application.

#### **17.140.050 Special Use Permit standards.**

Before approving an application for a Special Use Permit, the Planning Commission shall find, based upon evidence and testimony presented at the hearing, that the following conditions have been met:

A. The requested use is a use listed as a special use in the zone district in which the parcel is located. Alternatively, the Planning Commission may find, based upon the determination of the Pueblo County Zoning Administrator or upon its own finding, that a requested use is similar to those uses listed as uses-by-right or -by-review in the zone district in which the parcel is located. A similar use determination by the Zoning Administrator or by the Pueblo County Planning Commission shall not be site specific and shall thereafter be binding upon Pueblo County in the interpretation and administration of this Title unless and until the same is amended in accordance with law and regulation.

B. The granting of the Special Use Permit will not substantially modify the Land Use plan or the intent, purpose and spirit of this Title.

C. The Special Use Permit proposal incorporates reasonable means to create an environment harmonious with that of the surrounding properties.

D. The Special Use Permit will not adversely affect the public health, safety, or welfare.

#### **17.140.060 Action on Special Use Permit applications.**

Actions of the Planning Commission on applications for Special Use Permits need not be in writing or set forth in any special form, but the record of such hearing shall, when considered as a whole, include a factual basis for the finding of the Planning Commission that the standards for the granting of a Special Use Permit have been met. The Planning Commission should state clearly for the record those factors, which they have considered in reaching their decision to

grant or deny a Special Use Permit. Special Use Permits approved by the Planning Commission shall not be personal to the applicant, but shall be transferable and shall run with the land for which the permit has been approved.

#### **17.140.070 Establishment of special uses-Administrative reviews.**

A. The staff of the Pueblo County Department of Planning and Development shall conduct an administrative review of all Special Use Permits within one (1) year from the date of approval of such Special Use Permit. The administrative review shall be set forth in writing and shall advise the Planning Commission of staff's determinations as to whether or not the use has been established and, if so, if it has been established in conformance with any conditions placed upon the approval. Staff may modify or change the conditions of approval where such conditions have been satisfied or, due to the passage of time and the happening of circumstances, are no longer applicable. Any such change or modification may be reviewed and changed or eliminated by the Planning Commission conducting an administrative review. If the use has not been established, staff shall so advise the Planning Commission, but shall also advise whether the applicant is proceeding with due diligence in establishing the use in accordance with the conditions placed upon the Special Use Permit approval.

B. Upon receipt of the administrative review conducted by staff, the Planning Commission may receive the report on the record at a Public Meeting and give staff such direction as it, in its sole discretion, deems necessary. Alternatively, if the Planning Commission, in its discretion, determines that the applicant is not proceeding with due diligence to establish the Special Use Permit in accordance with the conditions placed on the approval, then it may direct staff to so advise the applicant of its concerns and, further, to schedule a hearing pursuant to notice in accordance with this Chapter ordering the applicant to show cause why the Special Use Permit should not be revoked for a failure to establish the use or to proceed with due diligence in establishing the use in accordance with the conditions placed on the approval.

C. A Special Use Permit may, after a public hearing conducted pursuant to notice, be revoked if:

1. In the judgment of the Planning Commission the applicant has failed to establish the use or has failed to proceed with due diligence in establishing the use, in accordance with the conditions placed on the approval; or
2. If the use was established but has been discontinued. In no event shall a previously granted Special Use Permit be revoked prior to the expiration of one year from the date of its original grant.

D. Notwithstanding the provisions of the preceding paragraphs of this Chapter, a special use which has not been established or which has been established but thereafter discontinued for a period of five (5) or more years shall be deemed abandoned and, thereafter, upon the request of staff, the Planning Commission, acting in its administrative capacity, may issue a Declaration of Abandonment of the Special Use Permit or the Planning Commission may, in its discretion, continue the Special Use Permit for an additional period certain.

#### **17.140.080 Time limit for consideration.**

Decisions by the Planning Commission on Special Use Permit applications shall be rendered within sixty (60) days from the date of the hearing. Failure of the Planning Commission to render a decision within the allotted time shall constitute acceptance of the Special Use Permit

application. Upon mutual agreement of the Planning Commission and the applicant, the time period within which the Planning Commission shall act on a Special Use Permit may be extended.

#### **17.140.090 Reapplication.**

In the event an appeal for a Special Use Permit is denied, no new appeal shall be made for the same or a substantially similar special use on the same property covered by the original application within six (6) months of the denial.

#### **17.140.100 Appeals to the Board of County Commissioners.**

Any person aggrieved by the decision of the Planning Commission may, upon the terms and conditions hereinafter set forth, appeal the decision of the Planning Commission to the Board of County Commissioners. The term "any person or entity" as used herein shall include, but not be limited to, any department, under the direction of its director, of Pueblo County.

#### **17.140.101 Procedure.**

Any person or entity desiring to appeal a decision of the Planning Commission upon a Special Use Permit may initiate an appeal by filing a request for the same with the Director of the Pueblo County Planning and Development Department. Such request for an appeal shall include the number of the Special Use Permit being appealed, the date of the decision rendered by the Pueblo County Planning Commission, the decision of the Pueblo County Planning Commission and the grounds for the objection to the decision. Such appeal shall be initiated by such person or entity by filing the request in writing with the Director of the Pueblo County Planning and Development Department within ten (10) days of the date of the final decision of the Planning Commission. Such time limitation shall be jurisdictional and no request for an appeal will be considered if filed later than the period specified herein.

#### **17.140.102 Consideration of Appeal.**

A review before the Board of County Commissioners upon a request for appeal from the Pueblo County Planning Commission's final decision granting or denying a Special Use Permit is a matter addressed to, and to be determined by and within, the sound and sole discretion of the Board of County Commissioners. Requests for appeal will be granted only where there are special and important reasons therefore. The following considerations, while not limiting, measuring or completely controlling the Board of County Commissioners' discretion, are an indication of the type and character of reasons which will be considered by the Board in deciding whether or not to hear an appeal.

- A.** Where there have been conflicting, or apparently conflicting, decisions by the Planning Commission on the same or substantially similar Special Use Permit applications.
- B.** Where the decision being appealed has or may have a significant impact on the administration of the land use regulatory authority of Pueblo County.
- C.** Where the decision on the Special Use Permit is, or appears to be, contrary to the dictates of the Pueblo County Comprehensive Plan.

D. Where the Special Use Permit application involves consideration of matters important to the overall land use regulatory policy of the Board of County Commissioners.

E. Where the Special Use Permit application has drawn significant interest amongst the community at large and beyond the more immediate interests of the applicant landowner and adjacent landowners.

### **17.140.103 Board Action.**

The Board of County Commissioners shall consider such requests for appeal in accordance with the standards set forth in the previous section and shall, first, make a decision whether or not to grant and hear the appeal within forty-five (45) days following the date of the final action on the Special Use Permit application by the Pueblo County Planning Commission. The Board may issue a decision refusing to grant and hear the appeal and, upon the date which the Board issues such final action, the decision of the Board shall affirm the decision of the Pueblo County Planning Commission and, shall, for all purposes, including further appeal to the Courts, be final.

Alternatively, the Board may decide to grant and hear the appeal and, in such event, the Pueblo County Department of Planning and Development shall notify the person or entity initiating the appeal and, additionally, shall prepare, send and publish notice of the hearing on the appeal in accordance with the following provisions:

A. A notice shall be prepared which gives the time, date, and place of the hearing, a brief description of the appeal and the legal description and/or street address of the property to which the Special Use Permit being reviewed applies.

B. A copy of such notice shall be sent by mail to the person or entity initiating the appeal and, further, to those same persons or entities at their last known addresses to whom notice of the hearing before the Pueblo County Planning Commission on the Special Use Permit was given. Failure to mail such notice to every property owner due to clerical omission shall not affect the validity of any hearing or determination of the Board of County Commissioners. The Board of County Commissioners, however, may determine that such act or omission should be corrected and, therefore, may continue any such hearing until such time as notice in compliance herewith is made.

C. A copy of such notice shall be published in a newspaper of general circulation in the County.

D. Proof of compliance with this Chapter shall be by the written statement of the Director of the Department of Planning and Development, or his designee, giving the names and addresses of the persons to whom the notice was mailed, and the date of mailing, and that the publisher's affidavit of publication will be obtained. Such proof shall become a part of the record of the hearing before the Board of County Commissioners on the appeal.

The hearing on all appeals granted by the Board of County Commissioners in accordance with this Section shall be de novo and the hearings shall be conducted in the same manner as are other land use hearings pursuant to the Pueblo County Zoning Resolution. The decision of the Board, after hearing, shall be made through the application of the Board's findings on the

evidence presented at the hearing and applying the standards for Special Use Permits set forth in [Section 17.140.050](#) of this Code.

The Board shall take action on an appeal so heard at a public meeting and its action need not be in writing or set forth in any special form, but the record of such hearing shall, when considered as a whole, include a factual basis for the finding of the Board that the standards for the granting of a Special Use Permit have, or have not, been met. The Board of County Commissioners should state clearly for the record those factors, which it has considered in reaching its decision to grant or deny a Special Use Permit. Special Use Permits approved by the Board of County Commissioners pursuant to this Section shall not be personal to the applicant, but shall be transferable and shall run with the land for which the permit has been approved.

The Board may, in accordance with the provisions of this Section, reverse or modify the decision of the Pueblo County Planning Commission or the Board may affirm the decision of the Pueblo County Planning Commission. The Board shall enact its final decision on such appeals by a summary written resolution and the decision of the Board shall, for all purposes, including appeals to the Courts, be final on the date of enactment of said resolution.

In the event the Board decides to hear an appeal in accordance with the provisions of this Section, it shall render a final decision and the resolution referenced herein no later than ninety (90) days following the date upon which the Pueblo County Planning Commission action on the Special Use Permit application was entered and became final.

#### **17.140.104 Legal Remedy.**

The findings and decision of the Board of County Commissioners on such appeals for Special Use Permits shall be final. Appeals to the District Court shall be made within thirty (30) days from the date of the final action by the Board of County Commissioners on appeals of Special Use Permit decisions as specified herein.

#### **17.140.105 Fee.**

All applications for the appeal of a Special Use Permit decision previously entered by the Pueblo County Planning Commission shall be accompanied by a fee as set forth in a separate Resolution of the Board of County Commissioners, which fee must be paid and a receipt therefore be presented to the Director of the Pueblo County Department of Planning and Development prior to any action by the Board on the appeal. All fees shall be made payable to the County of Pueblo. Fees paid and collected pursuant to this Chapter shall not be refundable. No application for an appeal will be considered unless the same is accompanied, when submitted, by a payment of the required fee.

## **Article 2. Pueblo County Zoning Board of Appeals**

#### **17.140.110 Authorization.**

The Zoning Board of Appeals is hereby authorized:

- A. To hear and decide appeals from the refusal of the County Zoning Administrator to issue zoning permits and, appeals from his or her issuance of a stop order, when noncompliance when the provisions of this Title are the grounds for the action of the County Zoning Administrator.
- B. To hear and decide appeals for a variance from the strict application of the zoning regulations set forth in this Title.
- C. To receive testimony under oath and make such studies and surveys as are required to carry out the duties set forth herein.
- D. To request information or opinions from other agencies and commissions relative to such application.
- E. To request information or opinions from any administrative officer of the County or any other person or persons considered expert on the matter before the Board.
- F. To attach such requirements, conditions and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this Title.
- G. To present to the County Planning Commission such suggestions for amendment of the Title as it deems necessary to clarify the intent and purpose or improve any section, article, or paragraph on which the Zoning Board of Appeals has occasion to rule.

**17.140.120 Applications.**

Any person and/or any public or private agency making an appeal to the Zoning Board of Appeals shall submit the same in writing on forms provided by the Pueblo County Department of Planning and Development for that purpose. Applications for relief from any action by the County Zoning Administrator must be made within thirty (30) days from the date on which the person, firm or corporation was aggrieved by action of the County Zoning Administrator. Applications for such appeals shall be filed with the County Zoning Administrator, and he or she shall transmit the application to the Secretary of the Board within fifteen (15) days along with all paper constituting the record upon which the action being appealed from was taken, and a written statement indicating his or her findings of fact and his or her reasons for the action for which appeal is made.

**17.140.130 Fees.**

Applications for a variance or for an appeal from the action of the County Zoning Administrator shall be accompanied by a fee as set forth in a separate Resolution of the Board of County Commissioners, which fee must be paid and a receipt therefore be presented to the Secretary of the Board prior to the hearing on the application. All fees shall be made payable to the County of Pueblo. Fees paid and collected pursuant to this Chapter shall not be refundable.

**17.140.140 Public hearings.**

All actions of the Zoning Board of Appeals shall be taken at public hearings, notice of which has been given by the Secretary of the Board no less than ten (10) days before the date set for such action in the following manner:

A. Such notice shall give the time, date, and place of the hearing, a brief description of the application and the legal description and/or street address of the property for which such variance or other relief is sought.

B. A copy of such notice shall be sent by mail to the last known address of owners of real property lying within three hundred (300) feet of the exterior boundaries of the property for which the variance or other relief is sought. Failure to mail such notice to every property owner due to clerical omission shall not affect the validity of any hearing or determination of the Zoning Board of Appeals. The Zoning Board of Appeals, however, may determine that such omission should be corrected and/therefore, may continue any such hearing until such time as notice and compliance herewith is made.

C. A copy of such notice shall be published in a newspaper of general circulation in the County.

D. Proof of compliance with this Chapter shall be by the written statement of the Secretary of the Zoning Board of Appeals, giving the names and addresses of the person to whom the notice was mailed, the date of mailing together with post office receipts and that the Publisher's Affidavit of Publication will be obtained. Such proof shall become a part of the record of the hearing of the Zoning Board of Appeals on the application for the variance or for other relief from the actions of the County Zoning Administrator.

#### **17.140.150 Standards for appeals from County Zoning Administrator.**

Before granting an appeal from actions of the County Zoning Administrator, the Zoning Board of Appeals shall find, based upon evidence and testimony, that the following conditions exist:

A. The granting of the appeal will permit only those uses listed in the zone district in which the parcel is located.

B. The action of the County Zoning Administrator was arbitrary, capricious or not in harmony with the provisions, purposes, intent and spirit of this Title.

#### **17.140.160 Standards on appeals for variances.**

Before granting an appeal for a variance, the Zoning Board of Appeals shall find, based upon the evidence and testimony, that the following conditions exist:

A. The variance, if granted, will permit only those uses listed as a use permitted in the zone district in which the parcel is located;

B. The parcel for which the variance appeal is made suffers unique or singular disadvantages such as, but not limited to, size, shape, topography, location or surroundings not shared by other parcels in the neighborhood;

C. The variance will not grant privileges inconsistent with limitations shared by other parcels in the zone district;

D. The variance will not have an injurious affect on the existing or future use of adjacent parcels;

E. The variance will not injure or adversely alter the general character of the neighborhood in which the variance is sought;

F. The variance appeal is in harmony with the intent, purpose and spirit of this Chapter.

**17.140.170 Actions.**

Actions of the Zoning Board of Appeals on applications for variances or for relief from the actions of the County Zoning Administrator need not be in writing or set forth in any special form, but the record of such hearing shall, when considered as a whole, include a factual basis for the finding of the Zoning Board of Appeals that the standards for the granting of a variance or that the standards for the granting of relief from actions of the County Zoning Administrator have been met. The Zoning Board of Appeals should state clearly for the record those factors they have considered in reaching their decision to grant or deny a variance and/or grant or deny relief requested from actions of the County Zoning Administrator. Variance requests approved by the Zoning Board of Appeals shall not be personal to the applicant, but shall be transferable and shall run with the land for which the variance has been approved.

**17.140.180 Time limit for consideration.**

Decisions by the Zoning Board of Appeals on variance applications and/or upon applications for relief from the actions of the County Zoning Administrator shall be rendered within sixty (60) days from the date of the hearing. Failure of the Zoning Board of Appeals to render a decision within the allotted time shall constitute acceptance and the granting of such appeal. Upon mutual agreement of the Zoning Board of Appeals and the applicant, the time period within which the Zoning Board of Appeals has to act may be extended.



### **17.140.190 Reapplication.**

In the event an appeal for a variance and/or an appeal from the actions of the County Zoning Administrator is denied, no new appeal shall be made for the same or a substantially similar condition on the same property covered by the original application within six (6) months of the denial.

### **17.140.200 Legal remedy.**

The findings and decisions of the Zoning Board of Appeals on applications for variances and/or upon applications for relief from the actions of the County Zoning Administrator shall be final. Appeals to the District Court shall be made within thirty (30) days from the date of the action by the Zoning Board of Appeals on the variance application and/or upon the application for relief from the actions of the County Zoning Administrator.

## **Chapter 17.144 AMENDMENTS**

### **17.144.010 Application.**

Any portion of this Title and/or the zoning map may be changed whenever the public necessity, health, safety, general welfare, and/or good zoning practices justify such action. Any such change shall be made only by the Board of County Commissioners in the form of amending resolution.

### **17.144.020 Initiation of an amendment.**

A resolution for the amendment of any portion of this Title or of any zone district boundaries may be initiated by any member of the Board of County Commissioners, the County Planning Commission, any administrative officer of the County, or by one or more of the owners of property within the area for which the amendment is requested. The request for such change shall be submitted in writing to the County Zoning Administrator on a form provided for the purpose.

### **17.144.030 Fees.**

All requests for amendments to this Title or the zoning map, except those initiated by the Board of County Commissioners or the County Planning Commission, or any administrative officer of the County, shall be accompanied by a fee as set forth by the Board by resolution, which costs must be paid and a receipt therefore be presented to the Commission Secretary before the hearing for the application is scheduled. Fees to be made payable to the County of Pueblo. The County Zoning Administrator shall receive the application for amendment and deposit the required fee in the general fund of the County and cause the application for an amendment and all supporting documents to be transmitted to the Secretary of the County Planning Commission within two (2) working days of its receipt by the County Zoning Administrator.

### **17.144.040 Secretary of the County Planning Commission--Duties.**

Upon receipt of the application for an amendment and all supporting documentation as transmitted by the County Zoning Administrator, the Secretary of the County Planning Commission shall cause the application to be placed on the agenda of the regular meeting in the next month of the County Planning Commission, provided that at his or her discretion, or at the request of any member of the County Planning Commission, he or she shall cause it to be placed on the agenda of an earlier regular or special meeting. The Secretary shall submit a written or verbal report of the application, its documentation, and such other information as he or she deems pertinent at the meeting at which the application is to be first considered.

### **17.144.050 County Planning Commission--Duties.**

A. At the meeting at which the application is on the agenda for first consideration, the County Planning Commission shall receive and file the application, documentation and the written report of the Secretary, hear or receive and file a presentation by the applicant and set a date and time for a public hearing, which date shall not be later than sixty (60) days from receipt of such application.

B. The County Planning Commission shall cause notice to be published as required by law at least once in a newspaper of general circulation in the County not less than ten (10) days prior to the public hearing, and if for a change in the Zoning Map shall cause notice of the public hearing on the proposed changes to be sent to the last known address of owners of real property lying within three hundred (300) feet of the property on which the change on the Zoning Map is proposed, and to such other persons as in the judgment of the Secretary should be notified, such notice to be given not less than ten (10) days before the date set for the hearing. Such notice may be served by depositing same, properly addressed and postage paid in the post office.

#### **17.144.060 Hearing and findings.**

The County Planning Commission shall then hold a public hearing and may recommend approval or disapproval of the proposed amendment in whole or in part. The action of the County Planning Commission shall be in writing and shall contain the following findings of fact and shall include a statement setting forth those factors which the Planning Commission considered controlling factors in reaching its decision.

A. The proposed amendment is in conformance with the Land Use Plan;

B. The change requested promotes the public necessity, health, safety and general welfare and is consistent with good land use and zoning practice;

C. If the proposed change involves property bounded on one (1) or more sides by the boundary of a City or Planning or Zoning District, the matter has been referred to the Planning Commission of that City or Planning or Zoning District for its review and recommendation.

#### **17.144.070 Referral of recommendation.**

The recommendation by the Planning Commission shall be rendered within ninety (90) days of receipt of the application by the Planning Commission and referred to the Board of County Commissioners within the time period and a resolution embodying the recommendation, in whole or in part, may be adopted by the Board of County Commissioners after a public hearing thereon as required by law.

#### **17.144.080 Mandatory review.**

To attach such requirements, conditions and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this Title. If such development is not underway in keeping with said intent, the County Planning Commission may initiate action to rezone the subject area back to the classification it had prior to the change in zoning, or to any other more appropriate classification.

#### **17.144.090 Reapplication.**

In the event the proposed amendment is denied by the Board of County Commissioners, no new request for the same or a substantially similar amendment shall be heard by the Board of County Commissioners within one (1) year of such denial.

#### **17.144.100 Legal remedy.**

The findings and decisions of the Board of County Commissioners shall be final. Appeals to District Court shall be made within thirty (30) days from the date of Board of County Commissioners' action.

#### **17.144.110 State, federal or local government lands.**

If, through clerical error or for any other omission error, the foregoing named lands are not designated on the Zoning Maps they shall automatically be zoned S-1 and shall therefore be governed by the provisions of S-1 zoning.

## **DIVISION II. AREAS AND ACTIVITIES OF STATE AND LOCAL INTEREST**

### ***Chapter 17.148 ADMINISTRATIVE REGULATIONS***

#### **Article 1. Introductory and General Provisions**

##### **17.148.010 Title and citation.**

A. These various chapters and articles that are organized into a comprehensive set of regulations are entitled "Pueblo County Regulations for Area and Activities of State and Local Interest."

B. This Chapter is entitled and may be cited as the "Administrative Regulations."

##### **17.148.020 Purpose and findings.**

A. These regulations are designed to facilitate identification, designation and administration of matters of State and local interest consistent with the statutory requirements and criteria set forth in C.R.S. §24-65.1--101, et seq. (1974), as amended, and C.R.S. §29-20-101, et seq. (1974), as amended, and generally consistent with the guidelines for designation approved by the Colorado Land Use Commission.

B. The Board of County Commissioners finds that:

1. All requirements for notice and public hearing prior to the adoption of these regulations have been satisfied.
2. These regulations are necessary because of the continuing intensity of current and foreseeable development pressures in the areas and activities identified on and within the County of Pueblo.
3. These regulations are adopted after having taken into consideration applicable guidelines adopted and issued by the Colorado Land Use Commission.
4. These regulations apply to all unincorporated areas within the County of Pueblo.
5. These regulations interpret and amplify any and all regulations heretofore adopted with regard to specific activities or areas of State and local interest.

##### **17.148.030 Authority.**

These regulations are authorized by, inter alia, C.R.S. §24-65.1--101, et seq., as amended, and by C.R.S. §29-20-101, et seq., as amended.

#### **17.148.040 Applicability.**

These guidelines and regulations shall apply to all proceedings concerning identification, designation and administration of any area or activity of State and local interest which has been or may hereafter be designated by the Board of County Commissioners, and applies also to any developments within any area of State and local interest which has been or may hereafter be designated by the Board of County Commissioners.

#### **17.148.050 Exemptions.**

The portions of these regulations, to the extent authorized exclusively under C.R.S. §24-65.1--101, et seq., as amended, shall not apply to any development in an area of State interest or any activity of State interest if, on May 17, 1974:

- A. The specific development or activity was authorized by a building permit issued by the County;
- B. The specific development or activity was directly approved by the electorate of the State or of the County; provided that approval by the electorate of any bond issue shall not, in and of itself, be construed to be an approval of the specific development or activity;
- C. The specific development or activity is to be on land which has been finally approved, with or without conditions, for planned unit development or for a use other than a subdivision substantially the same as a planned unit development;
- D. The specific development or activity is to be on land which has been zoned by the appropriate local government expressly and specifically for the use contemplated by the development or activity and, additionally, does not require a zone change or a use permit, under zoning, to allow the use contemplated by such development or activity; or
- E. The specific development or activity is to be on land with respect to which a final plat for a subdivision has been approved, with or without conditions, pursuant to the provisions of Sections 2-11 of Chapter 81, Session Laws of Colorado 1972, codified at Sections §30-28-101, 110, 133, 136, and 137, C.R.S. 1973.

#### **17.148.060 Interpretation with other enactments and plans.**

- A. Whenever the provisions of these guidelines and regulations are found to be inconsistent with any other resolution, ordinance, code, regulation, other enactment or master plan of this jurisdiction, the enactment imposing the more restrictive standards or requirements shall control.
- B. In the event that these guidelines and regulations are found to be less stringent than the statutory criteria for administration of matters of State interest set forth in C.R.S. §24-65.1--101, et seq., as amended, the statutory criteria shall control.
- C. In the event that the provisions of C.R.S. §24-65.1--101, et seq. are repealed or amended in part to eliminate the Colorado Land Use Commission itself and/or its role in the designation and/or permitting process set forth in State law and these Regulations for Areas and Activities of State and Local interest, then these Regulations shall be read, interpreted and construed

accordingly to eliminate herein any reference to said Commission and/or requiring that matters or materials be submitted to said Commission.

#### **17.148.070 Maps.**

A. Each map referred to in designations and regulations for any particular matter of State interest adopted by this governing body is deemed adopted therein as is set out in full.

B. Maps referred to in any such designation and regulation shall be filed with and be available for inspection at the office of the Pueblo County Clerk and Recorder and shall also be available for inspection in the office of the Pueblo County Land Use Administrator.

#### **17.148.080 Duties of administrator.**

Unless otherwise specifically provided, it shall be the duty of the Pueblo County Land Use Administrator to perform all functions set forth in all regulations of matters of State and local interest.

#### **17.148.090 Severability.**

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

#### **17.148.100 Definitions.**

The words and terms used in these guidelines and regulations for administration of areas and activities of State and local interest shall have the meanings set forth below unless the context requires otherwise:

**"Administrator"** or **"Pueblo County Land Use Administrator"** means the Director of the Pueblo County Department of Planning and Development.

**"Administration"** or **"Pueblo County Land Use Administration"** means the Director of the Pueblo County Department of Planning and Development and his or her staff.

**"Designation"** is that legal procedure specified by C.R.S. §24-65.1--101, et seq., as amended, and is carried out by the Board of County Commissioners of the County of Pueblo.

**"Development"** means any construction and also means any activity which in any way changes or modifies the basic character or use of the land on which the activity occurs.

**"Legal description"** is any description from which it is possible to locate accurately on the ground the boundaries of the land being described.

**"Matter of State and local interest"** means an area of State and local interest or an activity of State and local interest or both.

**"Permit authority"** means the body designated in Section 17.148.360 of this chapter.

**"Person"** means any individual, partnership, corporation, association, company or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality or corporation of the State.

**"Receipt of application"** means the acceptance by the permit authority of an application as complete.

**"Regulation"** means both regulation and guideline as the terms are used in C.R.S. §24-65.1--101, et seq., as amended. "Regulation" shall also mean and include the term "Approval Criteria."

## **Article 2. [Reserved]**

## **Article 3. Designation of Matters of State and Local Interest**

### **17.148.140 Board of County Commissioners to make designations.**

Designations and amendments or revocations of designations may be initiated by either of the following methods:

- A. If the Board of County Commissioners may by official action designate such matter.
- B. If the Colorado Land Use Commission submits a formal request to the Board of County Commissioners with regard to a specific matter which the Commission considers to be of State interest within the County of Pueblo, the Board of County Commissioners shall publish notice and conduct a hearing upon the question of designation, and thereafter such designation may be adopted or rejected in accordance with the provisions of C.R.S. §24-65.1 - 407.

### **17.148.150 Moratorium.**

After the Board of County Commissioners has received a formal request from the Colorado Land Use Commission to take action with regard to a specific matter which the Colorado Land Use Commission considers to be of State interest within the County of Pueblo, no person shall engage in development in the area or conduct the activity specifically described in the request until the Board of County Commissioners has held its hearing and issued its order relating thereto.

### **17.148.160 Public hearing required.**

- A. The Board of County Commissioners shall hold a public hearing before designating any matter of State interest or State and local interest and adopting regulations for the administration thereof.
- B. In the event that the Colorado Land Use Commission submits a formal request to take action, such public hearing for designation shall be held within sixty (60) days after receipt of the formal request.

### **17.148.170 Notice of public hearing, mailing list and publication.**

- A. The Administrator shall prepare a notice of the designation hearing which shall include:
  - 1. The time and place of the hearing;
  - 2. The place at which materials relating to the matter to be designated and any guidelines and regulations for the administration thereof may be examined;
  - 3. A telephone number where inquiries may be answered;



4. A description of the area of activity proposed to be designated in sufficient detail to provide reasonable notice as to property which would be included. The notice shall include the legal description of the property, and if the property is known by any general or popular name, that name also shall be included in the notice.

B. At least thirty (30) days but not more than sixty (60) days before the public hearing, the Administrator shall publish notice thereof in a newspaper of general circulation in the County of Pueblo.

C. The Administrator shall also mail notice of such meeting to each of the following:

1. The Colorado Land Use Commission and other State and federal agencies selected in the discretion of the Administrator;

2. Representatives of the news media selected in the discretion of the Administrator;

3. Any other person considered in the discretion of the Administrator to be likely to be affected by the proposed designation;

4. Any other local governmental jurisdiction which might, in the opinion of the Administrator, be directly or indirectly affected by the designation.

Failure, however, of the Administrator to make any or all of the above mailing shall not constitute such a defect as to prevent the holding of the public hearing as provided for in the notice published in accordance with Section 17.148.170(B).

#### **17.148.180 Matters to be considered at designation hearing.**

A. At the public hearing described above, the Board of County Commissioners shall consider such evidence as may appear appropriate, including as a minimum:

1. The intensity of current and foreseeable development pressures;

2. The matters and considerations set forth in any applicable guideline issued by the Colorado Land Use Commission and other State agencies;

3. The boundaries of the proposed area if the matter to be designated is an area;

4. Reasons why the particular area or activity is of public interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;

B. The Board of County Commissioners may also consider:

1. Any master or comprehensive plan pertaining to or affected by the area or activity under consideration; and

2. Any federal or State plan or program pertaining to or affected by the area or activities under consideration.

C. The Board of County Commissioners shall also hear relevant testimony and receive relevant evidence, including documents presented at the hearing and including the recommendations of the Land Use Administrator and his or her staff.

#### **17.148.190 Record of designation proceedings.**

A. The administrator will collect and preserve the following record of the public hearing, as a minimum:

1. Notice of the hearing;
2. Publisher's proof of publication of the notice;
3. The names and addresses of person who presented written or oral statements at the hearing;
4. Written findings concerning each of the matters referred to in Section 17.148.180 above.

B. Any person may, at his or her own expense, provide for the recording of the hearing and transcription thereof; provided, however, that a copy of the recording or transcription thereof, if transcribed, shall be furnished free of charge to the Administrator and shall become part of the record.

#### **17.148.200 Adoption of designation and regulations.**

A. At the conclusion of the designation hearing, the Board of County Commissioners may adopt, adopt with modification, or reject the proposed designation. If designation and regulation is rejected, the Board of County Commissioners may, nonetheless, regulate the matter under any other available land use control authority, or it may reject regulation of the matter entirely.

B. Such action shall be taken by resolution.

C. Each designation order adopted by the Board of County Commissioners shall, as a minimum:

1. Specify the boundaries of the designated area of public interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
2. Specify the regulations applicable to the designated matter of public interest.

#### **17.148.210 Submission of material to Land Use Commission.**

Upon adoption of a designation order, all relevant materials including the record of any public hearing relating to the designation and regulations, as described in Section 17.148.190, shall be forwarded by the Administrator to the Colorado Land Use Commission for review. If within thirty (30) days after receipt of a designation order and regulation the Land Use Commission notifies the Board of County Commissioners that modification of the designation or regulations is required, the Board of County Commissioners shall, within thirty (30) days after receipt of the recommended modifications:

A. Modify the original order in a manner consistent with the recommendations of the Colorado Land Use Commission and resubmit the order to the Commission; or

B. Notify the Colorado Land Use Commission that the Commission's recommendations are rejected.

#### **17.148.220 Recording of notice of designation.**

A notice of the designation shall be certified by the Board of County Commissioners to the County Clerk and Recorder for filing in the same manner as any other document affecting real property.

#### **17.148.230 Effective designation--Moratorium until final determination.**

After a matter of State and local interest is designated pursuant to Section 17.148.200, no person shall engage in development in such area, and no such activity shall be conducted until the designation and regulations for such area or activity are finally determined as required by C.R.S. §24-65.1--101, et seq., as amended.

### **Article 4. Permits**

#### **17.148.240 Permits required after designation--Receipt of application form.**

A. Any person desiring to engage in a development in a designated area of State and local interest or to conduct a designated activity of State and local interest must obtain a permit from the permit authority. The application shall be processed in accordance with the procedures and requirements of this Article 4 of these administrative regulations and with the additional provisions set forth below.

The procedure set forth in Section 17.172.080, Pre-Application Procedures, and Section 17.172.090, FONSI Determination of these Regulations are incorporated herein by this reference and shall apply to the permitting of such areas or activities and to permits issued under these Regulations. In each case, FONSI determinations shall be made in consideration of the substantive approval criteria and/or guidelines applicable to the particular area or activity for which the application has been submitted.

The Board of County Commissioners of Pueblo County may approve an application for a permit to conduct an area or activity of State and local interest if the proposed area or activity complies with the County's approval criteria for the conduct of such area and/or activity of State and local interest. If the proposed area or activity does not comply with these approval criteria, the permit shall be denied or, it may be approved with conditions.

A permit is required before any person engages in the designated area of activity of State or local interest. No grading permit, excavation permit, building permit or permit for a permanent use in a County right-of-way or on County-owned property shall be issued by the County for the purposes of development in an area and/or of a designated activity without the approval first being obtained of a permit pursuant to these Regulations.

B. An application shall not be accepted unless it is complete. If the application is rejected as being incomplete, the permit authority shall specify what additional information is required.

When the application is resubmitted with the additional information requested, the permit authority shall accept the application and shall note thereon the date and hour of its receipt.

C. If the development contemplated by the applicant falls within more than one area and/or activity of State and local interest, the applicant may present one consolidated application regarding all areas and activities of State and local interest involved.

#### **17.148.250 Application fee.**

The application shall be accompanied by an application fee in the amount(s) set forth in the regulation(s) for the matter(s) of State and local interest involved in the application or in such lesser amount as may be determined by the permit authority.

#### **17.148.260 Notice of permit hearing.**

No later than thirty (30) days after receipt of a completed application for a permit, the permit authority shall set a date, time and place for a hearing upon the application, and shall publish notice thereof. Such notice shall be published once in a newspaper of general circulation in the County, not less than thirty (30) nor more than sixty (60) days before the date set for the hearing. The Administrator shall also give notice to the other persons and entities set forth in Section 17.148.170, but his or her failure to do so shall not constitute defective notice for the purpose of this hearing.

#### **17.148.270 Conduct of permit hearing.**

A. The permit authority shall conduct the public hearing in such a manner to afford procedural due process to the applicant as well as to any person who supports or opposes issuance of the permit.

B. The permit authority shall hear testimony and receive evidence, including:

1. The recommendations and comments of the Administrator, and, if any, the Colorado Land Use Commission;
2. Relevant testimony and documents presented at the hearing.

C. Although the Colorado Rules of Civil procedure do not govern the conduct of the hearing, all persons appearing at the hearing in person or by counsel shall be afforded the right of cross-examination as well as a reasonable opportunity to offer evidence in rebuttal. Any person exercising this right becomes a party who is also subject to examination and cross-examination. The Permit Authority may impose reasonable time limits on presenters and witnesses.

D. Any person may, at his or her own expense, provide for the recording of the hearing and transcription thereof; provided, however, that a copy of the recording or transcript thereof, if transcribed, shall be furnished free of charge to the Administrator and shall become part of the record.

E. The Administrator shall collect and preserve the following record of the public hearings:

1. The permit application;

2. Any written statements or documents presented in support of or in opposition to the permit application;
3. The names and addresses of all persons making oral or written statements, appearing as witnesses, or offering documentary evidence;
4. The written recommendations and comments, if any, of the Colorado Land Use Commission;
5. Any recording or transcript, if any, of the hearing as provided in subsection D of this section;
6. Written minutes of the permit authority relating to the public hearing;
7. The resolution of the permit authority granting or denying the permit application;
8. A copy of the permit, if issued.

F. If the Administrator or any person shall, after the conclusion of the hearing, discover new evidence which he or she wishes to present to the permit authority, he or she may, if the permit authority has not yet reached its decision, petition to have the hearing reopened. If the permit authority determines that sufficient cause exists to believe that new evidence should be considered, it shall reopen the hearing to be convened at a time not less than thirty (30) days nor more than sixty (60) days after such determination, upon notice as provided for in Section 17.148.260 of regulations.

#### **17.148.280 Approval or denial of permit application.**

A. If the permit authority finds that there is not sufficient information concerning any material feature of a proposed development or activity, the permit authority may deny the application or it may continue the hearing until the additional information has been received. However, no such continuance may exceed one hundred twenty (120) days unless agreed to by the applicant.

B. The permit authority shall approve an application for a permit to engage in development in an area of State and local interest or for the conduct of an activity of State and local interest if the proposed development or activity complies with and meets the standards of all the provisions of the regulations governing such area or activity. If the proposed development does not comply with and meets the standards of such regulations, the permit shall be denied. As an alternative to denial, the permit authority, at its sole discretion, may approve the permit application with conditions to ensure compliance with the Regulations.

C. The permit authority conducting a hearing pursuant to this section shall state, in writing, reasons for its decision, and its findings and conclusions.

D. The permit authority shall reach a decision upon a permit application within ninety (90) days after the conclusion of the hearing, unless an extension is agreed to by the permit authority and the applicant.

#### **17.148.290 Combined designation and permit hearing.**

If a person proposes to engage in a development in an area of State and local interest or to conduct an activity of State and local interest not previously designated, or for which regulations have not been adopted, the Board of County Commissioners may hold one hearing for

determination of designation and regulation, as well as for granting or denying the permit. No permit that is granted at the conclusion of any such hearing shall be authority to engage in development or to conduct an activity until the designation and regulations are finally determined.

#### **17.148.300 Issuance of permits.**

A. The permit shall be issued on the form prescribed by the Administrator.

B. The permit may be issued for an indefinite term or for a specific period of time.

C. The permit is valid only for the development or activity described in the application package and applicant's commitments of record, together with the conditions of approval, if any, imposed by the permit authority. Any change in the construction, use, or operation of the project shall require a permit amendment.

D. Copies, or notices of the issuance of, the permit shall be sent to the Colorado Land Use Commission, and to any other person requesting a copy thereof upon payment of the cost of reproduction.

E. A copy of the permit shall be certified by the permit authority to the Pueblo County Clerk and Recorder for recording in the same manner as any other document relating to real property.

#### **17.148.310 Security provisions.**

A. Before any permit is issued by the permit authority, it may, in its discretion, require the applicant to file a security as described below.

B. In lieu of a bond, the applicant or permittee may deposit cash or appropriate securities as determined by the permit authority.

C. The purpose of any bond or other security required to be filed with the permit authority by the applicant or permittee is to assure that the applicant or permittee shall faithfully perform all requirements of the permit or of the appropriate regulations adopted by the Board of County Commissioners.

D. The security shall be signed by the applicant or permittee as principal and by a good and sufficient corporate surety licensed to do business in the State of Colorado, and it shall be made payable to the Board of County Commissioners. At the discretion of the permit authority, those persons holding any interest in the land on which the development or activity is to be conducted may also be required to join as principals.

E. The amount of any bond or other security to be filed with the permit authority prior to the issuance of any permit shall be in an amount determined by the permit authority. The criteria for setting the amount of the bond or other security shall be the estimated cost of returning the site of the permitted development or activity to its natural condition if the site was undeveloped prior to the application for a permit hereunder, or to its original condition if the site was developed prior to the application for a permit hereunder. In the alternative, the amount of the bond or other security required by the permit authority shall be based upon the estimated cost of completing the permitted development or activity. Such estimated cost shall be based upon the applicant's or permittee's cost estimate submitted with the application, plus the permit authority's estimate

of the additional cost to the County of Pueblo for bringing in personnel and equipment to return the site to its natural or original condition or to complete the development should the permit be revoked or the site be abandoned. The permit authority may require the bond to be partly or entirely in cash. Any cash received, as a bond or security deposit, by the permit authority pursuant to this regulation shall be forthwith deposited in an interest-bearing account, in the name of the permit authority, and selected at the discretion of the permit authority. Any interest earned thereon shall be additional security, but shall be returned to the applicant or permittee upon the completion of the development or activity and satisfaction of all security conditions, and compliance with all applicable regulations.

F. The security may be released only when:

1. The permit has been surrendered to the permit authority before commencement of any physical activity on the site of the permitted development or activity; or
2. The development or activity has been abandoned and the site thereof has been returned to its natural or original condition; or
3. The project has been completed and security conditions have been satisfied.

G. The security may be canceled by the surety only after ninety (90) days' notice to the permit authority, and upon receipt of the permit authority's written consent, which may be granted only when the requirements of the bond have been fulfilled.

H. If a license to do business in Colorado of any surety upon a security filed pursuant to this regulation is suspended or revoked by any State authority, then the applicant or permittee, within thirty (30) days after receiving notice thereof, shall substitute a good and sufficient corporate surety licensed to do business in this State. Upon failure of the permittee to make substitution of surety within a reasonable period of time, not to exceed sixty (60) days, the permit authority shall suspend the permit until proper substitution has been made.

- I. 1. If the permit authority determines that a financial guarantee should be forfeited because of any violation of the permit or any applicable regulations adopted by this governing body, it shall provide written notice to the surety and to the permittee that the financial guarantee will be forfeited unless the permittee makes written demand to the permit authority within thirty (30) days after permittee's receipt of notice, requesting a hearing before the permit authority. If no demand is made by the permittee within this period, then the permit authority shall order the financial guarantee forfeited.
2. The permit authority shall hold a hearing within thirty (30) days after the receipt of the demand by the permittee. At the hearing, the permittee may present for the consideration of the permit authority statements, documents and other information with respect to the alleged violation. At the conclusion of the hearing, the permit authority shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.
3. The security described in Section 17.148.310 of this Chapter may be used by the permit authority of this jurisdiction in the event of the default or alleged default of the permit holder only for the purposes of recovering on the surety or fulfilling the permit obligations of the permit holder. In the event that the ultimate reviewing court determines that there has been no default by the permit holder, that portion of any monies expended by this jurisdiction from the escrow fund relating to such default shall be replaced in the escrow account by the governing body immediately following such determination. This jurisdiction may arrange with a lending

institution, which provides money for the permit holder, that said institution may hold in escrow any funds required for said security. Funds shall be disbursed out of escrow by the institution to this jurisdiction upon this jurisdiction's demand for the purposes specified in this section.

J. If the forfeited bond is inadequate to cover the cost of returning the site to its original condition or to complete the development or activity, the County Attorney shall take such steps as he or she deems proper to recover such costs where recovery is deemed reasonably possible.

#### **17.148.320 Revocation or suspension of permits.**

A. If the Permit Authority makes a preliminary determination that the provisions of any permit or the terms of any regulation have been violated by the holder of the permit, the permit authority may temporarily suspend the permit for a period of ninety (90) days. Before making such a temporary suspension, the permit authority shall give the permit holder written notice of the specific violation and shall allow the permit holder a period of at least fifteen (15) days to correct the violations. If the permit holder does not concur that he or she is in violation, he or she shall, within fifteen (15) days of his or her receipt of the notice, show cause to the permit authority why temporary suspension should not be ordered.

B. Either prior to or subsequent to a temporary suspension, the permit authority may permanently revoke or suspend the permit after conducting a public hearing in substantially the same manner and after substantially the same notice as for permit hearing, if it finds:

1. A violation of the provisions of the permit or any applicable regulation; or
2. That the applicant has failed to take substantial steps to initiate the permitted development or activity within twelve (12) months from the date of the permit, or, if such steps have been taken, the applicant has failed to complete the development or activity with reasonable diligence.

### **Article 5. Administration, Enforcement and Penalties**

#### **17.148.330 Enforcement and penalties.**

Any person engaging in a development in a designated area of State and local interest or conducting a designated activity of State and local interest who does not obtain a permit pursuant to these regulations for administration, or who does not comply with permit requirements, or who exceeds the permission granted in the permit, may be enjoined from engaging in such development or conducting such activity, and may be subject to such other criminal or civil liability as may be prescribed by law.



#### **17.148.340 Mapping disputes.**

Where interpretation is needed as to the exact location or the boundary of any designated area, and where there appears to be a conflict between a mapped boundary and actual field observations, the permit authority shall make the necessary determination of boundary. Any person contesting the location of the boundary shall be given an opportunity to present his or her case to the permit authority.

#### **17.148.350 Inspection.**

A. The permit authority, or its authorized representative, or the Administrator, is hereby empowered and directed to inspect and examine the use, occupation or development of, or activity in, each and every area or activity subject to these regulations for the purpose of determining from time to time whether or not any use, occupation, or development of, or activity in, each and every area or activity subject to these regulations for the purpose of determining from time to time whether or not any use, occupation, development or activity is in violation of any of the provisions of this regulation or of any permit issued or required pursuant to this or other applicable regulations.

B. If a violation shall be found to exist, the permit authority 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 regulations; 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.

#### **17.148.360 Designation of permit authority.**

The Board of County Commissioners of Pueblo County is hereby designated as the permit authority for the County of Pueblo. The Board shall also be empowered generally to hear appeals from any person aggrieved by any decision of the Administrator made in the course of administering these regulations.

## **Chapter 17.152 NATURAL HAZARD AREAS AND MINERAL RESOURCE AREAS**

### **Article 1. General and Introductory Provisions**

#### **17.152.010 Purpose and intent.**

It is the purpose of these regulations to regulate development in natural hazard areas, including geologic hazard areas, wildfire hazard areas, and floodplain hazard areas, so as to minimize significant hazards to public health and safety, and to:

##### A. Geologic Hazard Areas.

1. Minimize significant hazards to public health and safety or to property in a designated geologic hazard area;
2. Promote safe use of geologic hazard areas;
3. Reduce the impact of geologic hazards on life and property by:
  - a. Prohibiting certain land uses which are dangerous to life or property in geologic hazard areas,
  - b. Restricting the land uses which would be hazardous to the public health and safety or to property in geologic hazard areas,
  - c. Restricting the land uses which are particularly vulnerable to geologic hazards so as to alleviate hardship and reduce the demands for public expenditures for relief and protection,
  - d. Requiring land uses permitted in geologic hazard areas, including public facilities which serve such uses, to be protected from geologic hazards by providing for geologic hazard investigation and the avoidance of or mitigation of such hazard impacts at the time of initial construction;
4. Protect geologic hazard area occupants or users from the impacts of geologic hazards which may be caused by their own, or other, land use and which is or may be undertaken without full realization of the danger by:
  - a. Regulating the area in which, or the manner in which, structures designed for human occupancy may be constructed so as to prevent danger to human life or property within each structure,
  - b. Designating, delineating and describing areas that could be adversely affected by geologic hazards so as to protect individuals from purchasing or improperly utilizing lands for purposes which are not suitable;
5. Protect the public from the burden of excessive financial expenditures from the impacts of geologic hazards and relief by:

- a. Regulating land uses within geologic hazard areas so as to produce the pattern of development or a soundly-engineered manner of construction which will minimize the intensity and/or probability of damage to property and loss of life or injury to the inhabitants or users of geologic hazard areas,
- b. Regulating the cutting, filling or drainage changes and other man-made changes which could initiate or intensify adverse conditions within geologic hazard areas,
- c. Encouraging such uses as agriculture, grazing, greenbelt, open space, and recreation within geologic hazard areas.

#### B. Wildfire Hazard Areas.

1. To facilitate the administration of wildfire hazard areas by establishing requirements which must be met before development in such areas as permitted;
2. Establish requirements which are designed to minimize significant hazards to public health and safety or to property in wildfire hazard areas in which human activity is to take place;
3. Require that authorized developments have adequate roads for service by fire trucks, fire-fighting personnel, and other safety equipment and that fuel breaks and other means of reducing conditions conducive to fire be provided;
4. Promote proper land use within wildfire hazard areas;
5. Protect the public against the costs which may be incurred when unsuitable development occurs in wildfire hazard areas;
6. Preserve and maintain forestry and other natural resources;
7. Conserve natural conditions of air, water, land, vegetation, wildlife and open spaces for the education, recreation, and general welfare of the public.

C. Floodplain Hazard Areas. It is the purpose of these regulations to regulate development in flood hazard areas so as to minimize significant hazards to public health and safety; and to operate in coordination with the National Flood Insurance Program; and to prevent substantial solid debris from being carried down stream by flood waters.

D. Mineral Resource Areas. It is the purpose of these regulations to regulate development in mineral resource areas so as to minimize significant hazards to public health and safety, and to insure the availability to the public of necessary and useful minerals.

## 17.152.020 Definitions.

### A. Geologic Hazard Areas.

1. "**Avalanche**" means a mass of snow or ice and other material which may become incorporated therein as such mass moves rapidly down a mountain slope.
2. "**Expansive soils and rocks**" means any mineral, clay, rock or other type of geologic deposit having the property of absorbing water with an accompanying swelling to several times the original volume thereof such as, for example, that type of bentonite having such properties.
3. "**Geologic hazard**" means a geologic phenomena, which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to: avalanches, landslides, rock falls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity and ground subsidence.
4. "**Geologic hazard area**" means an area which contains or is directly affected by a geologic hazard.
5. "**Initial control area**" means an area suspected, but not finally determined, to be a natural hazard area or a mineral resource area.
6. "**Ground subsidence**" means a process characterized by the downward displacement of surface material caused by natural phenomena such as removal or underground fluids, natural consolidation or dissolution of underground minerals, or man-made phenomena such as underground mining.
7. "**Landslide**" means a mass movement where there is a distinct surface of rupture, or zone of weakness, which separates the slide material from more stable underlying material.
8. "**Mudflow**" means a flowing mass of predominately fine-grained earth material possessing a high degree of fluid during movement.
9. "**Nonconforming use**" means any structure, development or land use in existence as of the date of the adoption of these regulations, and not permitted under the terms and provisions of these regulations.
10. "**Radioactivity**" means a condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits or rocks, soils and water.
11. "**Rock fall**" means the rapid free-falling, bounding, sliding or rolling of large masses of rock or individual rocks.
12. "**Seismic effects**" means direct and indirect effects caused by a natural earthquake or a man-made phenomenon.
13. "**Unstable or potentially unstable slope**" means an area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials.

B. Wildfire Hazard Area.

1. "**Wildfire**" means an uncontrolled fire burning in vegetation, structures or other improvements.
2. "**Wildfire behavior**" means the predictable action of a wildfire under given conditions of fuels, weather and topography.
3. "**Wildfire hazard**" means a wildfire phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

C. Floodplain Hazard Areas. Repealed on March 27, 1986.

D. Mineral Resource Areas.

1. "**Commercial mineral deposit**" means a natural mineral deposit for which extraction by an extractor is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state or nation.
2. "**Mineral**" means an inanimate constituent of the earth in either solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural, or industrial purposes, nor does it include geothermal resources.
3. "**Mineral resource area**" means an area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes, but is not limited to, any significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claims with the intention of mining. The term also includes an area of oil and gas or geothermal resource development if such area has been identified by the State Oil and Gas Conservation Commission for designation.
4. "**Mining**" means the process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes the preliminary treatment building stone.
5. "**Open mining**" means the mining of natural mineral deposits by removing any amount of overburden lying above such deposits, and mining directly from the deposits thereby exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.
6. "**Reclamation**" means the rehabilitation of affected land by means of replanting, soil stabilization, water resource protection, and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

### **17.152.030 Authority.**

These regulations are adopted pursuant to, inter alia, House Bill 1041 (1974) and House Bill 1034 (1974).

### **17.152.040 Applicability.**

A. These regulations apply to applications for permits to engage in development in all designated or geologic hazard areas, wildfire hazard areas, or regulated flood hazard areas, or mineral resource areas within the unincorporated areas of the County of Pueblo.

B. Any person seeking to engage in development in any designated geologic hazard areas, wildfire hazard area, flood hazard area, or mineral resource area in the unincorporated areas of the County of Pueblo shall obtain a permit pursuant to these regulations before seeking any other permit, rezoning or other action by the Board of County Commissioners of the County of Pueblo.

### **17.152.050 Nonconforming uses.**

A. The provisions of this Chapter shall not apply to or affect any development described in Section 17.148.050 of the Administrative Regulations adopted by this County.

B. The provisions of this Chapter shall not apply to any nonconforming use existing on the date the area is designated or subjected to regulation, provided that, when such a nonconforming use shall be discontinued for six months or more, or a nonconforming structure is damaged or destroyed to the extent of at least fifty (50) percent of the appraised value thereof, any reuse, reconstruction or replacement of such structure shall be deemed a new use and shall be subject to the provisions of these regulations.

### **17.152.060 Relationship to other requirements.**

A. Nothing in these regulations shall be construed as exempting an applicant for a permit from any other requirements of this jurisdiction or other State or federal laws and regulations.

B. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

## **Article 2. Regulation of Natural Hazard Areas and Mineral Resource Areas**

### **17.152.070 Permit required.**

No person shall engage in any development or activity, including any permitted or conditional use, in any designated natural hazard area or mineral resource area without a permit.

### **17.152.080 Hazard and resource initial control area.**

A. The provisions of this Section apply to each natural hazard or mineral resource initial control area shown on the map or maps listed in Article 3 of this Chapter.

B. The Board of County Commissioners finds and declares that:

1. Within each such area natural hazard areas and mineral resource areas exist, but their extent has not been determined by thorough, detailed, technical studies;
2. The natural hazard areas and mineral resource areas are of such significance that before any proposed development or activity may be permitted in any portion of such area, public health, safety and welfare require that the extent of the areas at site of the proposed development or activity must be determined.

C. No person shall engage in any development in any such natural hazard or mineral resource initial control area without a permit. Any application for a permit to conduct a development in a natural hazard or mineral resource initial control area shall not be considered complete or be accepted unless and until it is accompanied by the results of any studies needed to determine whether the proposed development is located in a particular natural hazard or mineral resource area.

D. The necessary studies referred to in Section 17.152.080(C) may be financed by this jurisdiction, the applicant for a permit, or otherwise.

E. Upon completion of the study of the area, the Administrator shall inform the applicant in writing whether the site of his or her proposed development or activity lies within any of the following:

1. An avalanche area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
2. A landslide area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
3. A rock fall area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
4. A mudflow area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);

5. An unstable or potentially unstable slope area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
6. A seismic effect area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
7. An area of radioactivity, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
8. A ground subsidence area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
9. An expansive soil or rock area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
10. A wildfire hazard area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
11. Floodplain Hazard Areas repealed on March 27, 1986;
12. A mineral resource area, in which case further processing of the application shall be governed by Sections 17.152.120(A) and (B);
13. None of the above, in which case none of the provisions of Section 17.152.120 shall have any further force or effect with respect to the permit application which prompted such study and determination.

### **Article 3. Specific Natural Hazard Areas and Mineral Resource Areas Jurisdiction Subject to Regulation**

#### **17.152.090 Designation and regulation of natural hazard areas and mineral resource areas.**

The Board of County Commissioners having considered the intensity of current and foreseeable development pressures, applicable guidelines for identification and designation adopted and issued by the Colorado Land Use Commission, the guidelines and criteria for identification and land use control of natural hazard areas and mineral resource areas published by the Colorado Geological Survey, and the minimum criteria for the regulation of these areas published by the Colorado Department of Local Affairs on April 2, 1976, it is the order of this Board that all natural hazard areas, mineral resource areas, and initial control areas within the unincorporated areas of the County of Pueblo delineated on the Pueblo County Natural Hazard Area Map(s) and Mineral Resource Area Map(s), which maps are presently available for public inspection in the offices of the Pueblo County Planning and Development Department, and the Pueblo County Clerk and Recorder, are designated as areas of State and local interest and that these areas are subject to these regulations. The areas designated concurrently with the adoption of these regulations shall have indicated on said map(s) the date of said designation. Hereafter, when and if additional natural hazard, mineral resource, and initial control areas are added to said map, such new areas as shown on the amended map shall have indicated in each new area the date of each such designation.



## **Article 4. Applications and Permits**

### **17.152.100 Procedural requirements.**

The procedures concerning permit applications and all other procedures in connection with permits are set forth in Chapter 17.148 of Title 17, as well as in Title 16, Title 17--Division 1--Zoning, and the Pueblo County Building Code.

### **17.152.110 Application fee.**

Application for a permit to engage in development in a designated natural hazard area or mineral resource area shall be accompanied by nonrefundable, certified funds in the amount of not more than ten (10) percent of the total cost of the development, or such lesser amount which may be required by the permit authority sufficient to cover the costs incurred in the review and approval of the permit application, including all hearings conducted therefore.

### **17.152.120 Applicant's submission requirements.**

Applicants seeking to engage in development in a natural hazard area or a mineral resource area shall:

A. Meet the submittal requirements under the "Preliminary Plan" portion of the Pueblo County Subdivision Regulations if the proposal is for the establishment of a subdivision;

B. Meet the requirements of Chapter 70 of the Uniform Building Code, 1973 Edition, if the proposal requires a map amendment, but not subdivision review, under the Pueblo County Zoning Resolution (as amended).

C. Qualifications of Investigators.

1. All geologic maps and reports prepared under this regulation shall be prepared by, or under the responsible direction of, and signed by a professional geologist (as defined by Chapter 51, Article 3, C.R.S. 1973, as amended) who has a minimum of two years' experience in the specialty of "engineering geology."

2. All engineering work prepared under the requirements of this regulation shall be prepared by or under the responsible charge of a registered professional engineer as defined in Chapter 51, Article 1, C.R.S. 1973, as amended. Such engineer shall also be experienced and competent in the engineering specialty required to meet the objectives of this regulation.

D. Waiver of Submission Requirements.

1. The permit authority may waive any part but not all of the submission requirements imposed by this regulation 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. Such a waiver may be granted, after due consideration by the permit authority, upon a written determination that the information to be submitted is sufficient for the permit authority to arrive at a permit decision in full compliance with the law and these regulations and that the proposed development will have an insubstantial impact on the surrounding area.

2. The petition shall be considered and the decision rendered by the permit authority at a public hearing held in compliance with the provisions of Section 17.148.260.

### **17.152.130 Approval of permit application.**

The permit authority shall approve an application for a permit to engage in development of natural hazard area or mineral resource area only if all of the following criteria are met:

#### **A. Natural Hazard Area and Mineral Resource Area.**

1. All of the provisions of the permit application procedure have been complied with.
2. The development will not violate any of the applicable prohibitions, restrictions, or purposes set out in Article 1 of this chapter.
3. The development will not otherwise violate the purposes and intent of these regulations.
4. Any development in which residential activity is to take place will be designed so as to minimize significant hazards to public health and safety or to property.
5. Provision is made for disclosure, prior to sales, of all natural hazard and mineral resource areas and mitigation procedures undertaken and for attaching a delineation and description of the natural hazard area and mineral resource area and mitigation measures to all deeds, titles, and recorded documents involving a transfer of ownership of the subject land.
6. Structures designed for human occupancy and sites designed for human use shall be constructed so as to prevent danger to human life or property.

#### **B. Geologic Hazard Areas.**

1. Provision shall be made for the long-term health, welfare and safety of the public from geologic hazards to life, property, and associated investments.
2. Permitted land uses, including public facilities, which serve such uses shall avoid or mitigate geologic hazards at the time of initial construction.
3. Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.
4. Recommendations concerning the proposed development in the designated geologic hazard area by the Colorado Geological Survey shall be solicited and considered. The Colorado Geological Survey shall be allowed no less than twenty-four (24) days in which to respond to such referrals;

### C. Wildfire Hazard Areas.

1. Any authorized development will have adequate roads for service by fire trucks, fire-fighting personnel, and other safety equipment, as well as fire breaks and other means of reducing conditions conducive to fire.
2. All precautions required to reduce or eliminate wildfire hazards will be provided for at the time of initial development.
3. The development will adhere to the guidelines and criteria for Wildfire Hazard Areas promulgated by Colorado State Forest Service.

### D. Mineral Resource Areas.

1. Importance of diverting future developments to areas which will not interfere with extraction of minerals.
2. The need to permit extraction or exploration of minerals unless extraction or exploration would cause significant danger to the public health and safety.
3. A comparison between the economic value of the minerals present as against the economic value of the proposed development.
4. Procedures proposed for assuring that exploration and extraction of a mineral shall be carried out in a manner which will cause the least practical environmental disturbance.

#### **17.152.140 Permit denial.**

The permit shall be denied if the development does not meet all of the criteria in Section 17.152.130 of these regulations.

### **Article 5. Administration, Enforcement and Penalties**

#### **17.152.150 Administration, enforcement and penalties.**

The provisions of this Chapter and any permits issued hereunder shall be administered and enforced according to the provisions of Chapter 17.148 adopted by this County.

## **Chapter 17.156 SITE SELECTION FOR ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS WITHIN THE COUNTY OF PUEBLO**

### **17.156.010 Criteria for site selection.**

A proposal within the unincorporated jurisdiction of the County of Pueblo which falls within one or more of the following criteria shall be considered site selection of arterial highways, interchanges, and collector highways requiring application to this Board for a permit to conduct such activity:

- A. The proposal represents a limited-access highway which is part of the federal-aid interstate system, or a limited-access highway constructed under the supervision of the Colorado State Department of Highways.
- B. The proposal will eventually serve corridor movements having trip length and travel density characteristic of substantial Statewide or interstate travel.
- C. The proposal will result in the service of all, or nearly all, urban areas having a population of fifty thousand (50,000) or more, as well as the greatest majority of population centers having a population of twenty-five thousand (25,000) and more.
- D. The proposal will serve the major activity centers of a metropolitan area, the highest traffic volume corridors, the longest trip itineraries, and carry a high proportion of the total urban travel of minimum mileage, the major portion of trips entering and leaving the urban area, as well as the majority of through-traffic movements by-passing the urban center, or serve significant intra-area travel, such as between central business districts and outlying residential areas, between major intracity communities, or between major suburban centers.
- E. The proposal represents a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers, and constructed under guidelines and standards established by, or under the supervision of, the Colorado State Department of Highways.
- F. The proposal involves the intersection, or transfer of traffic, between two or more of the types of highways described in Subsections B through E of this Section, at grade or with grade separation.

For the purpose of this Chapter, "site selection" shall mean the preliminary selection of a highway corridor which is not in the 1990 Thoroughfare Plan for Pueblo, and application for a permit to engage in such activity shall be required before any earth moving or other work is done which shall physically affect the site selected. Once a permit has been issued for site selection of a highway corridor, however, this Board shall not thereafter be concerned with the further refinement of design, engineering or construction related to such activity. The person or entity engaging in or planning the activity shall, however, apply to this Board for an additional permit in the event that changes in plans should result in the moving or expansion of the activity to a site not approved in the original permit.

Any permit granted by this Board shall simply state that the particular activity for the particular site or corridor therein described shall be allowed.

#### **17.156.020 Procedure.**

Any "person" desiring to engage in the conduct of this activity of State interest within Pueblo County shall file an application for a permit with the County of Pueblo and its Land Use Administration. "Person," as defined by statute, is any individual, partnership, corporation, association, company, or other public or corporate body, including the federal government and includes any political subdivision, agency, instrumentality, or corporation of the State.

No later than thirty (30) days after receipt of application, the County Land Use Administration will publish a notice of a hearing of the permit application. Such notice shall be published not less than thirty (30) days nor more than sixty (60) days prior to the date set for the hearing and shall be given to the Colorado Land Use Commission.

The County of Pueblo may approve an application for permit to conduct this activity of State interest if the proposed activity complies with the County's guidelines for the conduct of site selection of arterial highways, interchanges and collector highways within the County of Pueblo. If the proposed activity does not comply with these guidelines, the permit shall be denied.

No later than forty-five (45) days after the hearing date, the Board will either grant or deny the permit request.

A permit to conduct this activity shall be required at the following time, respectively:

1. For major additions to the 1990 Thoroughfare Plan: prior to submittal to the State.

#### **17.156.030 Guidelines.**

A permit for the conduct of site selection of arterial highways, interchanges and collector highways shall be issued by this Board following a public hearing upon the application for such a permit, provided that the Board shall have received at such hearing evidence satisfactory to it that:

A. There is sufficient existing and projected need within the County and the region to warrant and support the activity proposed.

B. The proposal is the best alternative available to meet local transportation needs within the approved Transportation Plan, and is of general benefit to the residents of the County and region while promoting uniform application of the latest transportation planning principles.

C. The proposed activity is consistent with the 1990 Thoroughfare Plan for Pueblo, or any subsequently approved transportation plans, as well as the local and State comprehensive plans.

D. The activity will provide an integrated network without stub connections except where unusual geographic or traffic flow conditions require otherwise.

E. All environmental impacts, to the extent that the same are determined by this Board to be adverse, will be sufficiently mitigated or compensated for.

F. Disruption of existing community patterns, including, but not limited to: neighborhoods; pedestrian, bicycle and vehicular traffic circulation patterns; historic, scenic, aesthetic or other unique features or characteristics; and existing land use will not occur or will, in the opinion of this Board, be sufficiently mitigated or compensated for.

G. The proposed activity will not make demands upon natural resources, including, but not limited to, energy resources, which demands are, in the opinion of this Board, excessive when compared with the value of the activity.

## **Chapter 17.160 SITE SELECTION AND DEVELOPMENT OF NEW COMMUNITIES**

### **17.160.010 Criteria for site selection.**

A. Any activity within the unincorporated jurisdiction of the County of Pueblo which falls within one or more of the following criteria is site selection and development of new communities requiring application to this Board for a permit to conduct such activity:

1. Is planned for a minimum population of five hundred (500) persons within five years of implementation of the activity or is planned for an ultimate population of two thousand five hundred (2,500) persons or more;
2. Is planned for or requires municipal incorporation;
3. Is planned for or requires the formation of a special district, such as: a water district, a sewer service district, a recreation district, or a metropolitan district;
4. Is planned for or requires the expansion and/or extension of any existing water and/or sewer service district or association within any twenty-four (24) month period which is equal to or greater than ten (10) percent of the population of land area served by the district or association at the beginning of the period;
5. Is planned for or requires a change in existing zoning that provides for a doubling in allowable density on five hundred (500) acres or more of land;
6. Is planned for or requires an ultimate contiguous zone or special use permit for commercial, industrial, and/or public use on two hundred (200) acres or more of land;
7. Is planned for or requires annexation to any incorporated area within Pueblo County, but is not in compliance with comprehensive plans adopted jointly by such incorporated area and the County, or a County comprehensive plan.

B. A new community may be classified according to one of the following categories:

1. **New Town.** A land development located outside municipal corporate boundaries planned for internal independence in economic, social and physical requirements, thus, not dependent upon a central city and oriented toward a balanced mix of land uses and self-government.
2. **Satellite Community.** A development located outside the corporate limits of a central city planned for a limited degree of land-use mix with emphasis on residences, and thus, a limited degree of self-sufficiency relying upon the central city for economic and social activity and not self-governing.
3. **In-Town Community.** A land development, or "revitalization," within the boundaries of an unincorporated community planned for a variable degree of land-use mix.

4. Specialized Community. A land development usually developed upon vacant land outside a municipality planned and oriented around a single land-use type, thus, almost entirely dependent upon the central city for all other activities and functions not provided by the one use.

5. Growth Center. A land development located outside the boundaries of an existing town or city planned for a variable degree of land-use mix oriented toward relying upon the existing town or city for social, cultural and economic functions and eventual incorporation or inclusion to the town or city.

#### **17.160.020 Procedure.**

Any "person" desiring to engage in the conduct of this activity of State interest within Pueblo County shall file an application for a permit with the County of Pueblo and its Land Use Administration. "Person," as defined by statute, is any individual, partnership, corporation, association, company or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality or corporation of the State.

No later than thirty (30) days after receipt of application, the County Land Use Administration will publish a notice of a hearing on the permit application. Such notice shall be published not less than thirty (30) days or more than sixty (60) days prior to the date set for the hearing and shall be given to the Colorado Land Use Commission. The County of Pueblo may approve an application for permit to conduct this activity of State interest if the proposed activity complies with the County's guidelines for the conduct of site selection and development of new communities within the County of Pueblo. If the proposed activity does not comply with these guidelines, the permit shall be denied.

No later than forty-five (45) days after the hearing date, the Board will either grant or deny the permit request.

A permit to conduct this activity shall be required at the following time, respectively:

A. For municipal incorporations: prior to the submission of the petition therefore to the District Court;

B. For the formation of special districts: at the time a service plan is filed with this Board;

C. For inclusions of land into a water district, or a water and sanitation district: prior to the publication of public notice of meeting by the Board of Directors pursuant to statute;

D. For the formation of a water users' association: prior to the filing of Articles of Incorporation with the Secretary of State of Colorado;

E. For municipal annexations: prior to the establishment of a hearing date by the governing body of the municipality or, if the governing body proposes to proceed without hearing, then prior to the annexation by ordinance.



### **17.160.030 Guidelines.**

A permit for the conduct of site selection and development of a new community shall be issued by this Board following a public hearing upon the application for such a permit, provided that the Board shall have received at such hearing evidence satisfactory to it that:

- A. There is sufficient existing and projected need within the County and region to warrant and support the proposed activity.
- B. All environmental impacts, to the extent that the same are determined by the Board to be adverse, will be mitigated or compensated for.
- C. The proposed activity, in the opinion of the Board, will not conflict with surrounding land uses either as they exist currently, or as proposed by local plans and programs previously approved by the commission or by the governing body of the territory of local government in which the proposed activity lies.
- D. The activity will provide for transportation, waste and sewage disposal, water, schools, parks and recreation, and other services deemed necessary by the Board in sufficient quality and quantity to meet the needs created by the proposed activity, and in a manner which will not overload the facilities which provide such services existing within the area of the activity.
- E. The proposed activity will not make demands upon natural resources, including, but not limited to, energy resources, which demands are, in the opinion of the Board, excessive when compared with the value of the activity.
- F. The proposed activity is, in the opinion of this Board, of general benefit to the residents of the County and region.
- G. The proposed activity does not conflict with the "Guidelines for Administering New Communities, as a Matter of State Interest Under House Bill 1041", issued by the Colorado Land Use Commission.
- H. The proposed activity does not conflict with the Comprehensive Plan of the City and County of Pueblo adopted in 1967, and as subsequently amended and modified.
- I. The proposed activity shall, prior to the public hearing upon the application for its permit to conduct the activity, have been reviewed by the Land Use Advisory Committee.

The issuance of a permit allowing the activity shall, however, in no way constitute an exemption from zoning and other land use regulations, health regulations, or any other laws, regulations, or procedural requirements.

**Chapter 17.164 LOCAL REGULATIONS OF SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSIONS OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS**

**17.164.010 Designation.**

A. **Designated Activity Requiring Permit.** Any activity wholly or partially within the unincorporated jurisdiction of the County of Pueblo which falls within one or more of the following categories shall be considered to be site selection and construction of major new domestic water and sewage treatment systems and/or major extension of existing domestic water and sewage treatment systems requiring application to the Board of County Commissioners for a permit to conduct such activity:

- (1) **Domestic Water Systems.** Is planned for or requires the creation of a major new domestic water system(s) or major extension(s) of an existing domestic water system(s), which means any new collection, pumping, storage, transmission line, distribution line, structure, or treatment facilities and any service line twelve (12) inches or greater in diameter or its equivalent proposed for any of the following:
  - (a) Service to one hundred (100) or more dwelling units not served at the time of permit of application,
  - (b) Service for commercial and/or industrial use equal to or greater than two hundred fifty thousand (250,000) gallons per day of water which is not served at the time of permit application, or
  - (c) Service by an existing domestic water system to any combination of residential, commercial, industrial, or public uses which is equal to or greater than an average of ten (10) percent of the number of gallons per day of water supplied by the existing domestic water system within twelve (12) months prior to the time of application not served at the time of permit application, or
  - (d) Service to any potential water consumer, which requires the installation of any combination of transmission and distribution lines over a linear distance of five thousand two hundred eighty (5,280) feet, or more.
- (2) **Domestic Sewage Systems.** Is planned for or requires the creation of a major new sewage treatment system(s) or a major extension(s) of an existing sewage treatment system(s), which means any new collector sewer lines, return flow lines, pumping, structure or treatment facilities proposed for:
  - (a) Service to one hundred (100) or more dwelling units not served at the time of permit application,
  - (b) Service for commercial and/or industrial use equal to or greater than two hundred fifty thousand (250,000) gallons per day of effluent which is not served at the time of permit application,

- (c) Service by an existing sewage treatment system to any combination of residential, commercial, industrial, or public uses which is equal to or greater than an average of ten (10) percent of the number of gallons per day of effluent treated by a sewage treatment system within twelve (12) months prior to the time of application not served at the time of permit application,
- (d) Service to any potential sewage treatment user which requires the installation of any combination of collector sewer or return flow lines over a linear distance of five thousand two hundred eighty (5,280) feet, or more.

**B. Definitions.** For the purpose of this chapter, the following definitions will apply:

- (1) "Collector sewer line" means a sewage treatment system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to accept and transport wastewater from privately owned service lines from individual structures and properties to the system's treatment plant. A collector sewer line for the purpose of this regulation includes common lateral sewers and interceptor sewers. Not included in this definition are privately owned individual on-site sewage disposal system lines and privately owned service lines.
- (2) "Domestic water and sewage treatment system" means, a wastewater treatment plant, water treatment plant, or water supply system, including systems whose service area is, or will be, outside the unincorporated area of Pueblo County. Return flow means a sewage treatment system's pipe, conduit, ditch, natural water course, or combination thereof, which is designed to transport wastewater, commonly known as effluent, from the system's treatment plant to a point of discharge. A point of discharge includes a natural water course, ditch, groundwater recharge area, injection well, evaporation basin, or water supply system's transmission line.
- (3) "Wastewater treatment plant" means the facility or group of units used for treatment of wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes.
- (4) "Water distribution line" means a water supply system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to transport water of a potable or non-potable quality, commonly referred to as treated or raw water, and having the characteristic that it allows customer service taps. A water distribution line for the purpose of this regulation is a line having a vertical cross sectional area equal to or greater than a twelve (12) inch diameter pipe or its equivalent.
- (5) "Water supply system" means the system of pipes, structures and facilities through which a water supply is obtained, treated and sold or distributed for human consumption or household use, including systems whose service area is, or will be, outside the unincorporated area of Pueblo County.
- (6) "Water transmission line" means a water supply system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to transport water of a potable or non-potable quality, commonly referred to as treated or raw water, and having the characteristic that it does not allow customer service tap. A water transmission line for the purpose of this regulation is a line having a vertical cross sectional area equal to or greater than a twelve (12) inch diameter pipe or its equivalent.

- (7) "Water treatment plant" means the facility or facilities within the water supply system, which can alter the physical, chemical or bacteriological quality of the water.
- (8) Where applicable, the definitions set forth in Chapter 17.172.040 shall apply to this Chapter.

C. **Applicability.** This Chapter shall not apply to any proposal for the conduct of this activity which meets the exemptions set forth in the Administrative Regulations, §17.148.050.

### **17.164.020 Procedure.**

Any "person" desiring to engage in the conduct of this activity of State interest within Pueblo County shall file an application for a permit with the County Land Use Administration of the Board of County Commissioners of Pueblo County. "Person," as defined by statute, is any individual, partnership, corporation, association, company, or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality or corporation of the State. The application shall be processed in accordance with the procedures and requirements of Article 4 of the Administrative Regulations, §17.148.240, et seq., and with the additional provisions below.

The procedures set forth in §17.172.080 Pre-application Procedure, §17.172.090 FONSI Determination, §17.172.100 Application Fee, §17.172.110 Permit Application Procedure, §17.172.120 Application Submittal Requirements, as applicable, §17.172.180 Term of the Permit, §17.172.190 Renewal, §17.172.200 Permit Amendment, §17.172.220 Transfer of Permits, §17.172.240 Judicial Review, §17.172.250 Severability, and §17.172.260 Criteria Guidance, as applicable, are incorporated herein by this reference and shall apply to the permitting and permits issued under these Regulations.

The Board of County Commissioners of Pueblo County may approve an application for a permit to conduct this activity of State and local interest if the proposed activity complies with the County's approval criteria for the conduct of site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems. If the proposed activity does not comply with these approval criteria, the permit shall be denied, or it may be approved with conditions.

A permit is required before any person engages in the designated activity of State or local interest. No grading permit, excavation permit, building permit, or permit for a permanent use in a County right-of-way or County owned property shall be issued by the County for purposes of development of this designated activity without the approval first being obtained of a permit pursuant to these Regulations.

### **17.164.030 Approval Criteria.**

A permit for the conduct of site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems shall be issued by the Board of County Commissioners following a public hearing upon the application for such a permit, provided that each of the following criteria are satisfied:

- A. There is sufficient existing and projected need to warrant and support the proposed activity.
- B. New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
- C. Major extensions of domestic water and sewage treatment systems will not create growth and development which is incompatible with and cannot be accommodated by the local financial capacity of the area or residents to be served.
- D. Major extensions of domestic sewage treatment systems will not overburden the existing systems and current and projected future demand for the service can be met within existing and proposed capacity.
- E. The activity can be supported by water possessed by the applicant of sufficient quality to meet the State's drinking water standards and in sufficient quantity to fulfill existing and projected future demand.
- F. The activity will not create proliferation of special districts, or overlapping of the boundaries of special districts.
- G. Environmental impacts including, but not limited to, agricultural productivity potential, aquatic life, stream standards, groundwater, and in-stream water quality related to the proposed activity have been identified and will be mitigated or compensated for.
- H. The proposed activity will not make demands upon natural resource, including, but not limited to, water, energy resources, and unique environmental areas, which demands are excessive when compared with the value of the activity.
- I. The proposed activity does not conflict with the Pueblo Regional Development Plan, Water Quality Management Plan, or other duly adopted plans of the County of Pueblo.
- J. All natural hazards affecting the proposal, including, but not limited to, floods, expansive and corrosive soils, unstable geologic features, such as mudflows, landslides and avalanches have been avoided or compensated for by the activity.
- K. The activity will not conflict or create any conflict with the surrounding lands either as they exist currently or as proposed by local plans and programs previously approved by the governing body of the territory in which the proposed activity lies.
- L. The proposed activity is the best alternative available for the provision of water and/or sewer service to the geographical area affected by the proposal.
- M. Economic impacts including, but not limited to, taxable property, agriculture, NPDES permitted facilities, and recreation related to the proposed activity have been identified and will be mitigated or compensated for.
- N. **Additional permit for a major new domestic water supply system or major extension of an existing domestic water supply system.** When the component water supply system for a major new domestic water system or major extension of an existing domestic water system is proposed to be developed for a new or increased diversion per year, or new or

increased storage capacity, of 500 acre-feet or more, the additional criteria set forth in §17.172.130, which are incorporated by this reference, shall be satisfied as part of this designation and the activity will require a permit for a Municipal Water Project pursuant to §17.172.010 et seq.

- O. Documentation that prior to site disturbance for the Project, the applicant will have obtained all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.

This issuance of a permit allowing the activity shall, however, in no way constitute an exemption from zoning and other land use regulations, health regulations, or procedural requirements. In the case of this activity, the issuance of a permit is contingent upon the subsequent approval of the proposal by the Colorado Water Quality Control Commission and/or the Colorado Department of Public Health and Environment, where required by appropriate statute or regulation.

## **Chapter 17.168 SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF PUBLIC UTILITIES**

### **17.168.010 Exemptions.**

A. This Resolution shall not apply to development which is exempt under the provisions of Section 17.148.050 adopted by Pueblo County, to nonconforming uses, or to those transmission lines, pipelines, and easements as set forth herein:

1. A sixty-nine (69) kilovolt transmission line in existence on the date this Division is adopted as amended (May 8, 1978), and subsequently upgraded to a one hundred and fifteen (115) kilovolt line;
2. An eight (8) inch pipeline in existence on the date this Division is adopted as amended (May 8, 1978), and subsequently upgraded to a ten (10) inch pipeline; or
3. An easement in existence on the date this resolution is adopted as amended (May 8, 1978), upon which is subsequently constructed a major pipeline or transmission line; provided that the easement is legally described in such manner that a qualified engineer/licensed land surveyor could locate it on the ground, no additional easement width is necessary to construct the facility, and easement acquisition has been completed.

B. This Division shall not apply to interstate natural gas pipeline facilities regulated by the Federal Energy Regulatory Commission (FERC), or its successor, provided the following requirements and procedures are complied with by person or entity proposing to site and construct the interstate natural gas pipeline facility whenever site selection and construction of such facility will be partly located within Pueblo County:

1. Copies of all materials (i.e., environmental impact statement, applications for certification of public convenience and necessity and related materials) filed or to be filed with a federal and/or State regulatory agency shall also be filed with the Director of the Pueblo County Department of Planning and Development within five (5) days after the same are submitted to such federal and/or State regulatory agency; and
2. Written notice of all scheduled public proceedings before the federal and/or State regulatory agency concerning the natural gas pipeline facility shall be given to the Director of the Pueblo County Department of Planning and Development not less than forty-five (45) days prior to any scheduled proceeding before any such agency, provided, further, however, that if the applicant before such federal or State agency receives less than forty-five (45) days' notice, it shall give written notice to the Director of the Pueblo County Department of Planning and Development within five (5) working days after it receives notice of the same.

C. The Board of County Commissioners shall provide to the public utility written notice of all public hearings which may be held by the Board to accept testimony on the proposed major facilities not less than thirteen (13) days prior to the hearing.

D. The Board of County Commissioners does not waive or otherwise diminish its rights, nor the rights of any interested party, before any federal and/or State regulatory agency considering the proposed major facilities.

## **17.168.020 Definitions.**

For the purpose of this Chapter, the following definitions shall apply:

**"Appurtenant facilities"** means any building, structure or other property which is incidental to, and customarily found in connection with, major facilities of public utilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such major facilities.

**"Major facilities of a public utility"** means transmission lines, power plants, substations, pipelines, and storage areas of utilities as herein separately defined.

**"Nonconforming use"** means a use in existence on the effective date of this designation (April 7, 1977) which is a "major facility of a public utility." When such a nonconforming use is discontinued for six months or more, or is damaged or destroyed to the extent of fifty (50) percent of the appraised value, then the protection afforded the nonconforming use shall cease and a permit shall be required to recommence or replace the use.

**"Pipelines"** mean any pipeline and appurtenant facilities thereto, designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives of ten (10) inches or more in diameter which creates a hoop stress of twenty (20) percent or more at their specified minimum yield strength.

**"Power plant"** means any electrical energy generating facility with a generating capacity of one hundred (100) megawatts or more, and any appurtenant facilities thereto, or any addition or series of additions thereto increasing the existing design capacity of the facility by one hundred (100) megawatts or more.

**"Public utilities"** mean those utilities as defined by 39-4-101, C.R.S. 1973.

**"Storage area"** means any facility, including appurtenant facilities, designed to store eighty million (80,000,000) cubic feet or more of natural or manufactured gas, or thirty-five thousand (35,000) barrels or more of petroleum derivatives, or any expansion or series of expansions of an existing storage facility to accommodate eighty million (80,000,000) cubic feet or more of natural or manufactured gas, or thirty-five thousand (35,000) barrels or more of petroleum derivatives.

**"Substation"** means any facility designed to provide switching, voltage transmission, or voltage control required for the transmission of electricity at one hundred fifteen (115) kilovolts or more, but does not have as a primary purpose the transformation of voltage to fifty (50) kilovolts or less for distribution purposes.

**"Transmission lines"** mean any electric transmission line and appurtenant facilities, which transmit electricity at one hundred fifteen (115) kilovolts or more.

## **17.168.030 Procedures**

The procedures for the issuance of a permit shall be as set forth in Article 4 of Chapter 17.148 adopted by Pueblo County.



### **17.168.040 Guidelines.**

A permit to conduct site selection and construction of a major facility by a public utility shall be issued by the permit authority following a public hearing upon the application for such a permit, provided that, at such hearing, the preponderance of evidence shall establish the following:

- A. The health, safety and welfare of the citizens of this jurisdiction will be protected and served;
- B. The facility will not adversely impact the physical, economic, or social environment of this jurisdiction, except as permitted in Section 17.168.040(C);
- C. When an adverse impact is expected to occur, reasonable modifications and programs and other reasonable mitigating actions will be implemented and maintained to minimize the degree of adversity of the impact;
- D. Other feasible alternatives to the proposed facility have been assessed, and the proposed facility represents the best interest of the people of this jurisdiction and the best utilization of resources in this jurisdiction;
- E. There exists a need, or a reasonably foreseeable need, for the facility as proposed;
- F. Adequate resources (e.g., schools, water and air, roads, labor) exist, or will exist, for the construction and efficient operation of the facility;
- G. The facility does not conflict with this jurisdiction's adopted Comprehensive Plan, or a Comprehensive Plan in the required statutory process of adoption, and all feasible actions have been taken to avoid conflict with other adopted plans of this jurisdiction, region, State and nation.

Where such terms as "reasonable," "feasible" and "adequate" are used in the foregoing guidelines, the permit authority shall determine in each case what is or is not reasonable, feasible or adequate.

The issuance of a permit allowing the activity shall, however, in no way constitute an exemption from zoning and other land use regulations, health regulations, or procedural requirements. In the case of this activity, the issuance of a permit is contingent upon the subsequent approval of the major facility by the Public Utilities Commission, Colorado Department of Public Health and Environment, U.S. Environmental Protection Agency, or other regulatory agencies, where required by appropriate statute or regulation.

## **Chapter 17.172 REGULATIONS FOR EFFICIENT UTILIZATION OF MUNICIPAL AND INDUSTRIAL WATER PROJECTS**

### **17.172.010 Designation.**

The “Efficient Utilization of Municipal and Industrial Water Projects” is a designated matter of state and local interest in Pueblo County. No person may engage in development, including construction, expansion, reoperation, or other significant change in use, of a municipal and/or industrial water project wholly or partially within unincorporated Pueblo County, without first obtaining a permit pursuant to these Regulations.

### **17.172.020 Authority.**

These Regulations are adopted pursuant to §§24-65.1-101, et seq., 7 C.R.S. (2004) (“HB 1041”), and §§29-20-101, et seq., 9 C.R.S. (2004) (“HB 1034”), and pursuant to other applicable land use and regulatory powers of Pueblo County.

### **17.172.030 Purpose and Findings.**

A. **Purposes.** Pueblo County is situated midway along the Arkansas River as it flows through Colorado. The County encompasses the confluences with the Arkansas River of such tributaries as the Fountain River, St. Charles River, and Huerfano River; and it is the site for Pueblo Reservoir, a large in-channel storage project on the Arkansas River. By reason of its unique geography, Pueblo County has become the location of many water supply projects, which impact the County, the Arkansas Valley and the State of Colorado in important and enduring ways. These Regulations are adopted:

- (1) To protect the public health, safety, convenience, order, property or welfare of present and future inhabitants of Pueblo County and the State of Colorado.
- (2) To ensure planned, orderly, efficient and economical land use development.
- (3) To provide for the needs of agriculture, existing businesses, residential communities, and recreation now and in the future in Pueblo County and adjacent areas which are integral to the economy of Pueblo County.
- (4) To ensure that water projects are located to avoid conflict with County land use plans.
- (5) To regulate municipal and industrial water projects that could cause extensive water and air pollution or that would otherwise degrade or threaten the environmental quality within the County or the beauty of its landscape and the integrity of its rivers.
- (6) To ensure that municipal and industrial water projects emphasize the most efficient use of water, including to the extent permissible under existing law, and when appropriate, the recycling, reuse, and conservation of water.

- (7) To ensure that urban development, population densities, and site layout of storm water and sanitation systems be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
- (8) To ensure that new municipal and industrial water and sewage treatment systems be concentrated in areas which would result in the proper utilization of existing treatment plants and the orderly distribution of water and sewage systems of adjacent communities.
- (9) To ensure that major extensions of municipal and industrial water and sewage treatment systems be permitted only in areas in which the anticipated growth and development that may occur as a result of such extensions can be accomplished within the financial and environmental capacity of the area to sustain such growth and development.
- (10) To protect lands from development which would cause immediate or foreseeable material danger to significant wildlife habitat or endanger a wildlife species.
- (11) To preserve areas of historical and archaeological importance.
- (12) To regulate location of activities and developments which may result in significant changes in population density.
- (13) To provide for planned development of services and facilities.
- (14) To regulate use of land and water resources on the basis of impact thereof on the community or surrounding areas.
- (15) To provide planned and orderly use of land and water resources and protection of the environment in a manner consistent with constitutional rights and private property rights.
- (16) To ensure that new development will pay for itself to the maximum extent practicable and to ensure that the present residents of Pueblo County will not have to unduly subsidize new development through increased cost of public services or degradation of the quality of life.

**B. Findings.** The Board of County Commissioners finds that:

- (1) All applicable notice and public hearing requirements have been followed for the designation of this activity as a matter of state and local interest;
- (2) Based on duly noticed public hearings the Board has considered the applicable guidelines for designation issued by the Colorado Land Use Commission as part of its HB. 1041 Model Land Use regulations;
- (3) These Regulations are necessary because of the current and foreseeable development pressures on and within the County; and
- (4) These Regulations are necessary to fulfill the purposes and intentions specified above.

## 17.172.040 Definitions.

A. **Administrator:** The person responsible for the administration of designated matters of State and local interest within the County of Pueblo as set forth in Chapter 17.148.080.

B. **Aquifer recharge area:** Any area where surface waters may infiltrate to a water bearing structure of permeable rock, sand or gravel. This definition also includes areas affected by wells used for disposal of wastewater or other toxic pollutants.

C. **Board or Board of County Commissioners:** Board of County Commissioners of Pueblo County, State of Colorado. (See also Permit Authority).

D. **County:** Pueblo County, Colorado.

E. **Determination:** The Administrator's decision whether a Project qualifies for a Finding of No Significant Impact (FONSI) or requires a permit.

F. **Development:** Any construction or activity which in any way changes or modifies the basic character or use of the land on which the construction or activity occurs.

G. **Efficient utilization of water:** The employment of methods, procedures, techniques and controls to encourage use of water that will yield the greatest possible benefits including social, economic, environmental, aesthetic, agricultural, commercial and recreational benefits, and that will promote, where feasible and appropriate, the conservation of water in particular uses, and that emphasizes, to the extent permissible under law, the recycling and reuse of water.

H. **FONSI:** A Finding of No Significant Impact.

I. **Industrial:** Any development of natural resources, business or trade, commercial activity, processing, fabrication, alteration or manufacture of raw or semi-processed materials, manufactured goods or any components thereof, and commercial feedlots. "Industrial" includes the provision of water directly or indirectly by a private entity or individual for domestic, municipal or industrial uses. "Industrial" does not include agricultural crop production or livestock watering.

J. **Material change:** Any change in the Project as approved by the Permit Authority which significantly changes the nature of impacts considered by the Permit Authority in approval of the original Permit or in the case of a development not previously issued a permit, a structural modification, change of use, change of operation, change of user, which significantly changes the nature of the development and its associated impacts.

K. **Mitigation:** Avoiding an impact; minimizing impacts by limiting the degree or magnitude of the action or its implementation; rectifying the impact by repairing, rehabilitating or restoring the impact area, facility or service; or compensation for the impact by replacing or providing for the replacement of biological or physical conditions, services or facilities.

L. **Municipal and industrial water project:** A water supply system and all related components through which a water supply from either surface or subsurface sources is derived for municipal or industrial uses or both. A water supply system includes wells, diversion facilities, pumps, conduits, canals, pipes, ditches, reservoirs or other impoundments, through which a water supply is obtained directly or by trade, substitution, augmentation or exchange, and also

includes those components for returning unconsumed flows back to the stream system. The filing of an application in court to adjudicate the use of water and obtaining a decree, in and of itself, shall not constitute the development of a water project.

M. **Permit Authority:** The Board of County Commissioners, or its designee.

N. **Person:** Any individual, partnership, corporation, association, company or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality or corporation of the state or the United States government.

O. **Project or proposed project:** The site selection, construction, development, operation, reoperation, enlargement or expansion, conversion of an existing facility or structure to a municipal or industrial use, or material change of a development proposed under these Regulations throughout its life cycle including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof, and any proposed land use directly related to such project if such project is to be located wholly or partially within the County. A project cannot be segmented to avoid the requirements of these Regulations. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the development must be considered together when reviewing the project hereunder and determining if it satisfies these Regulations.

#### **17.172.050 Applicability**

A. These regulations shall apply to development of municipal and industrial water projects, wholly or partially within unincorporated Pueblo County.

B. The provision of this Chapter shall not apply to or affect any development described in §17.148.050 of the Administrative Regulations adopted by this jurisdiction, to the extent these regulations were or are deemed authorized exclusively under §§24-65.1-101, et seq., 7 C.R.S. (2004).

C. Nothing in these regulations shall be construed as exempting an applicant for a permit from any other requirements of this jurisdiction or other state or federal laws and regulations.

D. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

E. No grading permit, building permit, development permit, or permit for a permanent use in a County right-of-way or County-owned property shall be issued by the County for purposes of developing, construction or otherwise engaging in the conduct of a municipal or industrial water project without the applicant first having obtained a permit pursuant to these regulations.

F. Review or approval of a Project by a federal or state or local agency does not obviate and shall not substitute for, the need to obtain a Permit for that Project under these regulations. Any application for a permit under these Regulations that is also subject to the regulations of other agencies may request that the County application and review process be coordinated with that of the other agency. If practicable, and in its discretion, the County may attempt to eliminate redundant application submittal requests and may coordinate its review of the application with that of other agencies as appropriate.

G. Other exemptions: A Municipal or Industrial Water Project is exempt from these Regulations if it falls into one of the following categories:

- (1) The day-to-day operations of an existing project or facility, or a minor change in the operation of an existing project or facility, including retrofitting or updating technology, so long as the change in operation does not constitute a material change and does not cause negative impacts different from that of the existing facility or project or otherwise exacerbate existing impacts.
- (2) The maintenance, repair, replacement of an existing component or facility of a Project if it does not constitute a material change, does not cause negative impacts different from the existing Project, and does not otherwise exacerbate existing impacts.
- (3) Replacement of an existing water diversion or storage structure without change in the point of diversion, type or place of use of the water, or yield.
- (4) Irrigation facilities used for agricultural purposes.
- (5) A proposed municipal water project with a new or increased diversion per year, or new or increased storage capacity, of less than 500 acre-feet.
- (6) A proposed industrial water project with a new or increased diversion per year, or a new or increased storage capacity, of less than 500 acre-feet.

#### **17.172.060 Permit Application and Procedures.**

The procedures concerning permit applications, notice and conduct of permit hearings, review of Permit Authority decisions, and the issuance and content of permits to engage in the designated activity of a municipal or industrial water project shall comply with the provisions set forth in Article 4 of the Administrative Regulations, §17.148.240, et seq., and the additional provisions of these Regulations.

#### **17.172.070 Permit or Finding of No Significant Impact (FONSI) Required After Designation**

- A. No person may engage in development of, or conduct, this designated activity of state interest, not otherwise exempt, without first obtaining a Finding of No Significant Impact (FONSI), a Permit under these Regulations, or a Permit amendment under these Regulations.
- B. When approval is sought to conduct more than one activity of state interest and/or engage in development in more than one area of state interest, the application may be completed for all such activities or developments and may be reviewed simultaneously.

#### **17.172.080 Pre-Application Procedure**

- A. Before submitting an application for a Permit under these Regulations, the applicant shall meet with the Administrator.
- B. At or before the pre-application meeting, the applicant shall provide the Administrator with:
  - (1) A written summary of the Project including:

- (a) The applicant's name, address and phone number.
- (b) Map prepared at an easily readable scale showing:
  - i. Boundary of the proposed activity.
  - ii. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams and existing structures.
  - iii. Proposed buildings, improvements and infrastructure.
- (c) Information that is sufficient for determining the nature of the Project and the degree of impacts associated with the Project.

C. Within thirty (30) days after the pre-application meeting, the Administrator shall establish an estimated fee in an amount reasonable and necessary to cover costs of determining whether a Finding of No Significant Impact (FONSI) or a Permit is required. The estimate will include the costs of copying, mailing, publications, labor, overhead and retention of consultants, experts and attorneys that the County deems necessary to advise it in making the Determination. Once the estimate is established, the administrator shall notify the applicant in writing of said fee and its amount. Following receipt of such notice, the applicant shall present to the Permit Authority certified funds in the amount set. Until the fee is paid, no further action shall be taken in the pre-application process.

## **17.172.090 Determination.**

Based upon review of the pre-application submittals and the information obtained at the pre-application meeting, and after receipt of the pre-application fee, the Administrator may determine that a Finding of No Significant Impact (FONSI) is warranted or that a Permit is required. Such determination may be made by the Administrator at such time as sufficient information is provided by the applicant after the pre-application meeting.

A. **Finding of No Significant Impact (FONSI)**. The Administrator may determine that a Finding of No Significant Impact (FONSI) should be issued if the construction or operation of the Project, without mitigation, in its proposed location is unlikely to have any significant adverse impact to the County in consideration of the Permit Application Approval Criteria in Section 17.172.130 of these Regulations. If the Administrator makes a FONSI, the applicant does not need to submit a permit application, unless the Permit Authority deems that a Permit is necessary, following reconsideration as set forth below.

B. **Permit Required**. If the Administrator determines that a Finding of No Significant Impact (FONSI) is not appropriate based upon review of the pre-application submittals and the information obtained at the pre-application meeting, then the applicant must obtain a Permit.

C. Notice of Administrator's Determination on a FONSI.

- (1) Upon the Administrator's Determination on a FONSI, the Administrator shall notify the applicant by mail, and shall notify the Board and the County Attorney of the Determination by e-mail or memorandum.
- (2) The Notice of Administrator's Determination on the FONSI shall be published once in the County legal newspaper not more than fourteen (14) days following the Determination. The notice shall describe the Project and the procedure for requesting reconsideration as set forth below.

D. Reconsideration of Administrator's Determination on a FONSI.

- (1) **Call-up by the Board**. Within fourteen (14) days after publication of the Administrator's Determination on a FONSI, the Board may decide to reconsider the Determination. Such reconsideration shall be made at the next regularly scheduled meeting of the Board for which proper notice can be accomplished.
- (2) Any affected party seeking a reconsideration of the Administrator's Determination on a FONSI shall file a written request with the Board within fourteen (14) days of the date of publication in the newspaper of the Notice of the Administrator's Determination on the FONSI. The Board shall reconsider the Administrator's Determination on the FONSI at the next regularly scheduled meeting for which proper notice can be accomplished. The affected party may request a reasonable extension if necessary.



### **17.172.100 Application Fee.**

As forth herein, the County shall determine and establish a reasonable fee sufficient to cover the costs of processing the application including the cost of holding the necessary hearings.

A. If a Permit is required, then within thirty (30) days the Administrator shall establish a fee estimate in an amount necessary to cover costs of reviewing and processing the application, including costs of copying, mailings, publications, labor, overhead and retention of consultants, experts and attorneys that the County deems necessary to advise it on the application package.

B. Once the estimate is established, the Administrator shall notify the applicant in writing of said fee and its amount. Following receipt of such notice, the applicant shall present to the Permit Authority certified funds in the amount set. Until the fee is paid, the application for Permit shall not be further processed.

C. The actual costs incurred by the County to process the application shall be deducted from the application fee. The Administrator shall keep an accurate record of the actual time, and other costs, required for processing the application. If the balance of fees falls below a minimum balance established by the Administrator, additional billings shall be made to the Applicant commensurate with the additional costs incurred by the County. The County may cease processing the application pending receipt of additional installments.

D. The County will deposit in an interest-bearing account that portion of the fee which is not necessary to cover current costs and expenses. Interest earned on the account shall belong to the Applicant and will be applied by the County toward costs and expenses in processing the Application. Any portion of the fee, which is not necessary to cover the cost of processing the application, will be reimbursed to the Applicant.

E. The Permit Authority may in its sole discretion waive all or a portion of the fees if the applicant demonstrates a special need or such waiver of fees is found to be in the best interests of the citizens of Pueblo County.

### **17.172.110 Permit Application Procedure.**

If a Permit is required, then the following permit application procedure shall apply:

A. Following the pre-application meeting and/or the Administrator's Determination, the applicant shall submit application materials to the Administrator. The application submittal requirements are described below in Section 17.172.120.

B. An application will not be considered unless it is complete. If the Administrator determines that the application is incomplete, the Administrator shall specify in writing the additional information that is required. An application is not complete unless the fee requirements have been met. The Administrator shall note on the application the date the application is determined to be complete.

C. The Administrator shall determine the number of copies of the application required and the applicant shall provide such copies prior to the permit being formally scheduled for hearing.

D. The Administrator may send a copy of the complete application to any local, state or federal agency that may have expertise or an interest in impacts that may be associated with the Project.

E. Notice of the permit hearing shall be given as provided in Chapter 17.148.260 of these regulations.

### **17.172.120 Application Submittal Requirements.**

The Administrator may waive one or more of the submittal requirements when the submittal information would not be relevant to whether the Project complies with the approval criteria. Additional materials may be required for a particular type of Project.

#### **A. Information describing the applicant.**

- (1) The names, addresses, including email address and fax number, organizational form, and business of the applicant and, if different, the owner of the Project.
- (2) The names, addresses and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the Project.
- (3) Authorization of the application package by the Project owner, if different than the applicant.
- (4) Documentation of the applicant's financial and technical capability to develop and operate the Project, including a description of the applicant's experience developing and operating similar projects.
- (5) Written qualifications of report preparers.

#### **B. Information describing the Project.**

- (1) Plans and specifications of the Project in sufficient detail to evaluate the application against the Permit Application Approval Criteria.
- (2) Descriptions of alternatives to the Project considered by the applicant. If the Administrator determines that the nature or extent of the proposal involves the potential for significant damage and warrants examination of other specific, less damaging alternatives, the Administrator may require the Applicant to evaluate and present information on such additional alternatives as part of the application.
- (3) Schedules for designing, permitting, constructing and operating the Project, including the estimated life of the Project.
- (4) The need for the Project, including a discussion of alternatives to the Project that were considered and rejected; existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the Project.

- (5) Description of all conservation techniques to be used in the construction and operation of the Project.
- (6) Description of efficient water use, recycling and reuse technology the Project intends to use. Such description shall include estimated stream transit losses of water, reservoir evaporation losses, and power and energy requirements of the Project and alternatives to the Project.
- (7) Map and description of other municipal and industrial water projects in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
- (8) Description of demands that this Project expects to meet and basis for projections of that demand.
- (9) List of Adjacent property owners and their mailing addresses.

C. **Property rights, other permits and approvals.**

- (1) A list of all other federal, state and local permits and approvals that will be required for the Project, together with any proposal for coordinating these approvals with the County permitting process. Copies of any permits or approvals that have been granted.
- (2) Copies of all official federal and state consultation correspondence prepared for the Project; a description of all mitigation required by federal, state and local authorities; and copies of any draft or final environmental assessments or impact statements required for the Project.
- (3) Description of the water to be used by the Project and alternatives, including: the source, amount, the quality of such water; the applicant's right to use the water, including adjudicated decrees, and applications for decrees; proposed points of diversion and changes in the points of diversion; and the existing uses of the water. If an augmentation plan for the Project has been decreed or an application for such plan has been filed in the court, the applicant must submit a copy of that plan.
- (4) Description of property rights that are necessary for or that will be affected by the Project.
- (5) Any application which requires compliance with § 24-65.5-101, et seq. C.R.S. (Notification to Mineral Owners of Surface Development) shall not be considered to have been submitted as complete until the applicant has provided a certification signed by the applicant confirming that the applicant or its agent has examined the records of the Pueblo County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. In addition, for purposes of the County convening its initial public hearing on any application involving property which mineral estate owners or lessees owning less than full fee title in the property have been certified by the applicant to exist, the application shall not be considered to have been submitted as complete until the applicant has provided an additional signed certification confirming that the applicant has, at least 30

days prior to the initial public hearing, transmitted to the County and to the affected mineral estate owners and lessees the notices required by § 24-65.5-101, et seq. C.R.S.

**D. Description of the technical and financial feasibility of the Project.**

- (1) The estimated construction costs and period of construction for each development component and the total mitigation costs for the Project.
- (2) Revenues and operating expenses for the Project.
- (3) The amount of any proposed debt and the method and estimated cost of debt service.
- (4) Details of any contract or agreement for revenues or services in connection with the Project.
- (5) Description of the persons or entity(ies) who will pay for or use the Project and/or services produced by the development and those who will benefit from any and all revenues generated by it.

**E. Socioeconomic impacts.**

A comprehensive socioeconomic impact analysis that addresses the manner in which the applicant will comply with the relevant Permit Application Approval Criteria. The impact analysis shall be limited to the impact area and shall include the following information:

- (1) Land Use
  - (a) Description of existing land uses within and adjacent to the impact area.
  - (b) Description of provisions from local land use plans that are applicable to the Project and an assessment of whether the Project will comply with those provisions.
  - (c) Description of impacts and net effect that the Project would have on land use patterns.
- (2) Local Government Services
  - (a) Description of existing capacity of and demand for local government services including but not limited to roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate development within Pueblo County.
  - (b) Description of the impacts and net effect of the Project to the capability of local governments that are affected by the Project to provide services.
- (3) Housing
  - (a) Description of existing seasonal and permanent housing including number, condition and cost of dwelling units.

- (b) Description of the impact and net effect of the Project on housing during construction and operation stages of the Project.
- (4) Financial Burden on County Residents
  - (a) Description of the existing tax burden and fee structure for government services including but not limited to assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.
  - (b) Description of impacts and net effect of the Project on financial burdens of residents.
- (5) Local Economy
  - (a) Description of the local economy including but not limited to revenues generated by the different economic sectors, and the value or productivity of different lands.
  - (b) Description of impacts and net effect of the Project on the local economy and opportunities for economic diversification.
- (6) Recreational Opportunities
  - (a) Description of present and potential recreational uses, including but not limited to the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
  - (b) Map depicting the location of recreational uses such as fishery stream segments, access points to recreational resources, hiking and biking trails, and wilderness areas.
  - (c) Description of the impacts and net effect of the Project on present and potential recreational opportunities and revenues to the local economy derived from those uses.
- (7) Areas of Paleontological, Historic or Archaeological Importance.
  - (a) Map and/or description of all sites of paleontological, historic or archaeological interest.
  - (b) Description of the impacts and net effect of the Project on sites of paleontological, historic or archaeological interest.
- (8) Nuisance.

Descriptions of noise, glare, dust, fumes, vibration, and odor levels caused by the Project.
- (9) Loss of Agricultural Productivity.
  - (a) Information on any agricultural water rights in the region converted to provide water for the Project, now or in the future.

- (b) Information on the amount of irrigated agricultural lands taken out of production, and a description of revegetation plans.
- (c) Economic consequences of any loss of irrigated agriculture, including loss of tax base, in the region.
- (d) Information as to loss of wildlife habitat, loss of topsoil, or noxious weed invasion, as a result of the transfer of water rights and subsequent dry-up of lands.

**F. Environmental impacts.**

Description of the existing natural environment and an analysis of the impacts of the Project to the natural environment. Descriptions in this section shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the Project in comparison to existing conditions. The analysis shall include a description of how the applicant will comply with the applicable Permit Application Approval Criteria.

(1) Air Quality.

- (a) Description of the airsheds to be affected by the Project, including the seasonal pattern of air circulation and microclimates.
- (b) Map and/or description of the ambient air quality and state air quality standards of the airsheds to be affected by the Project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants, and other chemicals, temperature effects and atmospheric interactions.
- (c) Descriptions of the impacts and net effect that the Project would have on air quality during both construction and operation, and under both average and worst case conditions.

(2) Visual Quality.

- (a) Map and/or description of ground cover and vegetation, forest canopies, waterfalls and streams or other natural features.
- (b) Description of viewsheds, scenic vistas, unique landscapes or land formations.
- (c) Map and/or description of buildings and structure design and materials to be used for the Project.
- (d) Descriptions of the impacts and net effect that the Project would have on visual quality.

(3) Surface Water Quality.

- (a) Map and/or description of all surface waters to be affected by the Project, including:
  - i. Description of provisions of the applicable regional water quality management plan that applies to the Project and assessment of whether the Project would comply with those provisions.

- (b) Existing data monitoring sources.
  - (c) Descriptions of the immediate and long-term impact and net effects that the Project would have on the quantity and quality of surface water under both average and worst case conditions.
- (4) Groundwater Quality.
- (a) Map and/or description of all groundwater, including any aquifers. At a minimum, the description should include:
    - i. Seasonal water levels in each subdivision of the aquifer affected by the Project.
    - ii. Artesian pressure in aquifers.
    - iii. Groundwater flow directions and levels.
    - iv. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
    - v. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity.
    - vi. Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
    - vii. Existing groundwater quality and classification.
    - viii. Location of all water wells and their uses.
  - (b) Description of the impacts and net effect of the Project on groundwater.
- (5) Water Quantity
- (a) Map and/or description of existing stream flows and reservoir levels.
  - (b) Map and/or description of existing Colorado Water Conservation Board held minimum stream flows.
  - (c) Descriptions of the impacts and net effect that the Project would have on water quantity.
  - (d) Statement of methods for efficient utilization of water, including recycling and reuse.
- (6) Floodplains, Wetlands and Riparian Areas.

- (a) Map and/or description of all floodplains, wetlands, and riparian areas to be affected by the Project, including a description of the types of wetlands, species composition, and biomass.
  - (b) Description of the source of water interacting with the surface systems to create each wetland (i.e., sideslope runoff, over-bank flooding, groundwater seepage, etc.).
  - (c) Description of the impacts and net effect that the Project would have on the floodplains, wetlands and riparian areas.
- (7) Terrestrial and Aquatic Animals and Habitat.
- (a) Map and/or description of terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic environment; description of threatened or endangered animal species and their habitat.
  - (b) Map and description of critical wildlife habitat and livestock range to be affected by the Project including migration routes, calving areas, summer and winter range, and spawning beds.
  - (c) Description of the impacts and net effect that the Project would have on terrestrial and aquatic animals, habitat and food chain.
- (8) Terrestrial and Aquatic Plant Life
- (a) Map and/or description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.
  - (b) Descriptions of the impacts and net effect that the Project would have on terrestrial and aquatic plant life.
- (9) Soils, Geologic Conditions and Natural Hazards.
- (a) Map and/or description of soils, geologic conditions, and natural hazards including but not limited to soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.
  - (b) Descriptions of the risks to the Project from natural hazards.
  - (c) Descriptions of the impact and net effect of the Project on soil and geologic conditions in the area.

**G. Hazardous materials description.**

- (1) Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the Project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.



- (2) Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment structures.

**H. Monitoring and Mitigation Plan.**

- (1) Description of all mitigation that is proposed to avoid, minimize or compensate for adverse impacts of the Project and to maximize positive impacts of the Project.
  - (a) Describe how and when mitigation will be implemented and financed.
  - (b) Describe impacts that are unavoidable that cannot be mitigated.
- (2) Description of methodology used to measure impacts of the Project and effectiveness of proposed mitigation measures.
- (3) Description, location and intervals of proposed monitoring to ensure that mitigation will be effective.

**I. Additional Information May Be Necessary.**

The Administrator may request that the applicant supply additional information related to the Project if the Permit Authority will not be able to make a determination on one of the Permit Application Approval Criteria without the additional information. Such additional information required by the Administrator may include Applicant's written responses to comments by a referral agency.

**J. Waiver of Submission Requirements.**

- (1) The Permit Authority may waive any part but not all of the submission requirements imposed by this regulation upon petition of the applicant that full compliance with the submission requirements would not be relevant or would be unreasonably burdensome for the applicant and that the proposed development will not have an impact on the surrounding area. Such a waiver may be granted, after due consideration by the Permit Authority, upon a written determination that the information to be submitted is sufficient for the Permit Authority to arrive at a permit decision in full compliance with the law and these regulations and that the proposed development will have an insubstantial impact on the surrounding area.
- (2) The petition shall be considered and the decision rendered by the Permit Authority at a public hearing held in compliance with the provision of the Administrative Regulations adopted by this jurisdiction.

**17.172.130 Approval Criteria**

A. A Permit to conduct the designated activity of a municipal or industrial water project shall be approved if the Project complies with the following general criteria and any additional applicable criteria in Section 17.164 (Domestic Water and Sewer Systems). If the Project does not comply with any one or more of these criteria, the Permits shall be denied or may be approved with conditions.

B. In determining whether the Project complies with these criteria, or if conditions should be imposed, the Permit Authority may utilize the considerations in Appendix "A"

- (1) Documentation that prior to site disturbance for the Project the applicant will have obtained all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.
- (2) The Project will not impair property rights held by others.
- (3) The Project is consistent with relevant provisions of applicable land use and water quality plans.
- (4) The applicant has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.
- (5) The Project is technically and financially feasible.
- (6) The Project is not subject to significant risk from natural hazards.
- (7) The Project will not have a significant adverse effect on land use patterns.
- (8) The Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the capacity of service delivery systems.
- (9) The Project will not create an undue financial burden on existing or future residents of the County.
- (10) The Project will not significantly degrade any current or foreseeable future sector of the local economy.
- (11) The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
- (12) The planning, design and operation of the Project shall reflect principals of resource conservation, energy efficiency and recycling or reuse.
- (13) The Project will not significantly degrade air quality.
- (14) The Project will not significantly degrade existing visual quality.
- (15) The Project will not significantly degrade surface water quality.
- (16) The Project will not significantly degrade groundwater quality.
- (17) The Project will not significantly degrade wetlands and riparian areas.
- (18) The Project will not significantly degrade terrestrial or aquatic animal life or their habitats.
- (19) The Project will not significantly deteriorate terrestrial plant life or plant habitat.

- (20) The Project will not significantly deteriorate soils and geologic conditions nor cause significant erosion, sedimentation, or flooding.
- (21) The Project will not cause a nuisance.
- (22) The Project will not significantly degrade areas of paleontological, historic, or archaeological importance.
- (23) The Project will not result in unreasonable risk of releases of hazardous materials.
- (24) The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County or within areas which impact the County, or the losses of opportunities to develop such resources.
- (25) The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.
- (26) The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.
- (27) The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.
- (28) Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
- (29) The Project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the Project, or to comply with regulatory or technological requirements.

#### **17.172.140 Financial Guarantee**

Before any Permit is issued, the Permit Authority may, at its discretion, require the Applicant to file a guarantee of financial security deemed adequate by the Permit Authority and payable to the County, as set forth in the Administrative Regulations, § 17.148.310 Security Provisions.

#### **17.172.150 Conduct of Permit Hearing**

The Permit Authority shall conduct the permit hearing in accordance with the provisions of Chapter 17.148.270 and the same is therefore incorporated herein by this reference as though fully set forth.

#### **17.172.160 Approval or Denial of the Permit Application by the Permit Authority**

The permit shall be acted upon by the Permit Authority in accordance with the provisions of Chapter 17.148.280 and the same is therefore incorporated herein by this reference as though fully set forth.

### **17.172.170 Issuance of the Permit**

The provisions of these Regulations set forth at Chapter 17.148.300 are hereby incorporated by reference and restated as though fully set forth.

### **17.172.180 Term of Permit**

The Permit may be issued for an indefinite term or for a specific period of time, depending upon the size and complexity of the Proposed Project. Periodic progress reports may be required to be submitted to demonstrate that the applicant is completing the development with reasonable diligence. If the applicant fails to take substantial steps to initiate the permitted development within twelve (12) months from the date of the permit or such other time period specified in the permit, if such steps have been taken, the applicant has failed to complete the development with reasonable diligence, then the permit may be revoked or suspended in accordance with the provisions of Chapter 17.148.320.

### **17.172.190 Renewal**

Permits issued under these Regulations may be renewed following the same procedure for approval of new permits. The Board may impose additional conditions at the time of renewal if necessary to ensure that the Project will comply with these Regulations.

### **17.172.200 Permit Amendment**

A. Any material change in the construction, use, or operation of a Project from that approved by the Permit Authority shall require a permit amendment. The amendment shall be processed in accordance with and subject to the same procedures and requirements set forth herein for a new permit.

### **17.172.210 Permit Administration and Enforcement and Inspection.**

The provisions of these regulations and any permits issued hereunder shall be administered, enforced, and inspected in accordance with the provisions of Article 5 of the Administrative Regulations, §17.148.330 through §17.148.360. Such provisions are incorporated herein by this reference as though fully set forth.

### **17.172.220 Transfer of Permits.**

A Permit may be transferred only with the written consent of the Permit Authority. The Permit Authority must ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit and these Regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

**17.172.230 [RESERVED].**

**17.172.240 Judicial Review.**

Any action seeking judicial review of a final decision of the Permit Authority shall be initiated within thirty (30) days after the decision is made, in the District Court in and for the County of Pueblo, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

**17.172.250 Severability.**

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

**17.172.260 Appendix A - Criteria Guidance**

A. Following are considerations to help the applicant understand the types of things that the Permit Authority may consider on balance in determining whether a Project complies with the Permit Application Approval Criteria.

B. These considerations are not criteria that the Project must satisfy; they serve solely as guidance. The considerations are in regular type and the actual criteria that the considerations relate to are in bold type and underlined.

(1) **The Project is technically and financially feasible.**

The determination of technical and financial feasibility of the Project may include but is not limited to the following considerations:

- (a) Amount of debt associated with the Project.
- (b) Debt retirement schedule and sources of funding to retire the debt.
- (c) Estimated construction costs and construction schedule.
- (d) Estimated annual operation, maintenance and monitoring costs.

(2) **The Project is not subject to significant risk from natural hazards.**

The determination of risk from natural hazards to the Project may include but is not limited to the following considerations.

- (a) Faults and fissures.
- (b) Unstable slopes including landslides, rock slides and avalanche areas.
- (c) Expansive or evaporative soils and risk of subsidence.

(d) Wildfire hazard areas.

(e) Floodplains.

(3) **The Project will not have a significant adverse effect on land use patterns.**

The determination of effects of the Project on land use patterns may include but is not limited to the following considerations:

(a) Whether the Project complies with and is consistent with applicable plans.

(b) Likelihood that the Project will/will not cause or contribute to urban sprawl or “leapfrog” development.

(c) Significant changes in the amount of impervious surfaces.

(d) Contiguity of development associated with the Project to existing growth centers.

(e) Changes to unique land forms.

(f) Changes in the amount of character of open space.

(g) Changes to traffic patterns, road capacity and congestion.

(4) **The Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the capacity of service delivery systems.**

The determination of the effects of the Project on local government services may include but is not limited to the following considerations:

(a) Existing and potential financial capability of local governments to accommodate development related to the Project.

(b) Current and projected capacity of roads, schools, infrastructure, housing, and other services necessary to accommodate development, and the impact of the Project upon the current and projected capacity.

(c) Changes caused by the Project in the cost of providing education, transportation networks, water treatment and wastewater treatment, stormwater drainage, channel stabilization, bridges, emergency services, or other governmental services or facilities.

(d) Changes in short or long term housing availability, location, cost or condition.

(e) Need for temporary roads to access the construction of the Project.

(f) Change in demand for public transportation.

(g) Reduction in the amount of water available for future water supply in the County.

(5) **The Project will not create an undue financial burden on existing or future residents of the County.**

The determination of the financial effects of the Project may include but is not limited to the following considerations:

- (a) Changes in assessed valuation.
- (b) Tax revenues and fees to local governments that will be generated by the Project.
- (c) Changes in tax revenues caused by agricultural lands being removed from production.
- (d) Changes in costs to water users to exercise their water rights.
- (e) Changes in costs of water treatment or wastewater treatment.
- (f) Effects on wastewater discharge permits.
- (g) Changes in total property tax burden.
- (h) Changes in costs to prevent stream channel erosion or sedimentation, or the costs of bridging streams.

(6) **The Project will not significantly degrade any current or foreseeable future sector of the local economy.**

The determination of the effects of the Project on the economy may include but is not limited to the following considerations:

- (a) Changes to projected revenues generated from each economic sector.
- (b) Changes in the value or productivity of any lands.
- (c) Changes in opportunities for economic growth and diversification.

(7) **The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.**

The determination of effects of the Project on recreational opportunities and experience may include but is not limited to the following considerations:

- (a) Changes to existing and projected visitor days.
- (b) Changes to duration of kayaking and rafting seasons.
- (c) Changes in quality and quantity of fisheries.
- (d) Changes in instream flows or reservoir levels.
- (e) Changes in access to recreational resources.

- (f) Changes to quality and quantity of hiking trails.
- (g) Changes to the wilderness experience or other opportunity for solitude in the natural environment.
- (h) Changes to hunting experiences.

(8) **The Project will not significantly degrade air quality.**

The determination of effects of the Project on air quality may include but is not limited to the following considerations.

- (a) Changes to seasonal ambient air quality.
- (b) Changes in visibility and microclimates.
- (c) Applicable air quality standards.

(9) **The Project will not significantly degrade existing visual quality.**

The determination of visual effects of the Project may include but is not limited to the following considerations:

- (a) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
- (b) Interference with viewsheds and scenic vistas.
- (c) Changes in appearances of forest canopies.
- (d) Changes in landscape character types of unique land formations.
- (e) Compatibility of building and structure design and materials with surrounding land uses.

(10) **The Project will not significantly degrade surface water quality.**

The determination of effects of the Project on surface water quality may include but is not limited to the following considerations:

- (a) Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
- (b) Applicable narrative and numeric water quality standards.
- (c) Changes in point and nonpoint source pollution loads.
- (d) Increase in erosion.
- (e) Changes in sediment loading to waterbodies.



- (f) Changes in stream channel or shoreline stability.
- (g) Changes in stormwater runoff flows.
- (h) Changes in trophic status or in eutrophication rates in lakes and reservoirs.
- (i) Changes in the capacity or functioning of streams, lakes or reservoirs.
- (j) Changes in flushing flows.
- (k) Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

(11) **The Project will not significantly degrade groundwater quality.**

The determination of effects of the Project on groundwater quality may include but is not limited to the following considerations:

- (a) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
- (b) Changes in capacity and function of wells within the impact area.
- (c) Changes in quality of well water within the impact area.

(12) **The Project will not significantly degrade wetlands and riparian areas.**

The determination of effects of the Project on wetlands and riparian areas may include but is not limited to the following considerations:

- (a) Changes in the structure and function of wetlands and riparian areas.
- (b) Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
- (c) Changes to aerial extent of wetlands and riparian areas.
- (d) Changes in species' characteristics and diversity.
- (e) Transition from wetland to upland species.
- (f) Changes in function and aerial extent of floodplains.

(13) **The Project will not significantly degrade terrestrial or aquatic animal life or its habitats.**

The determination of effects of the Project on terrestrial or aquatic life may include but is not limited to the following considerations:

- (a) Changes that result in loss of oxygen for aquatic life.
- (b) Changes in flushing flows.
- (c) Changes in species composition or density.
- (d) Changes in number of threatened or endangered species.
- (e) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
- (f) Changes to habitat and critical habitat including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification, and any other conditions necessary for the protection and propagation of aquatic species.
- (g) Changes to the aquatic and terrestrial food webs.

(14) **The Project will not significantly deteriorate terrestrial plant life or plant habitat.**

The determination of effects of the Project on terrestrial plant life or habitat may include but is not limited to the following considerations:

- (a) Changes to habitat of threatened or endangered plant species.
- (b) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
- (c) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
- (d) Changes in threatened or endangered species.

(15) **The Project will not significantly deteriorate soils and geologic conditions.**

The determination of effects of the Project on soils and geologic conditions may include but is not limited to the following considerations:

- (a) Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
- (b) Changes to stream sedimentation, geomorphology, and channel stability.
- (c) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
- (d) Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.

(e) Exacerbation of seismic concerns and subsidence.

(16) **The Project will not cause a nuisance.**

The determination of nuisance effects of the Project may include but is not limited to the following considerations:

- (a) Increase in odors.
- (b) Increase in dust.
- (c) Increase in fumes.
- (d) Increase in glare.
- (e) Increase in heat.
- (f) Increase in noise.
- (g) Increase in vibration.
- (h) Increase in artificial light.
- (i) Increase in traffic impacts.

(17) **The Project will not result in unreasonable risk of releases of hazardous materials.**

The determination of the risk of release of hazardous materials caused by Project may include but is not limited to the following considerations:

- (a) Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.
- (b) Use of waste minimization techniques.
- (c) Adequacy of spill prevention and response plans.

(18) **The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.**

The determination of whether the Project emphasizes the most efficient use of water may include but is not limited to the following considerations:

- (a) Whether the Project uses readily available conservation techniques.
- (b) Whether the Project recycles water to the greatest extent allowed by law.

(19) **The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.**

The determination of whether the Project will result in excess capacity or create duplicate services may include but is not limited to the following considerations:

- (a) Whether the Project creates overlapping or competing service areas.
- (b) Whether the Project differs significantly from the provider's facility plan.
- (c) Whether the Project impacts other water and wastewater permits.

(20) **The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.**

The determination of whether the Project meets community development and population demands may include but is not limited to the following considerations:

- (a) Relationship to reasonable growth projections and local land use plans.
- (b) Relationship to other water and wastewater provider's service area.

(21) **Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.**

The determination of potential for pollution of the aquifer recharge areas by the Project may include but is not limited to the following considerations:

- (a) Proximity of urban development and population densities to aquifer recharge areas.
- (b) Proximity of stormwater and sanitation systems to aquifer recharge areas.
- (c) Changes in water quality in the aquifer recharge areas.

(22) **The Project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the Project, or to comply with regulatory or technological requirements.**

The determination of whether the Project is reasonably necessary may include but is not limited to the following considerations:

- (a) Relationship to reasonable growth projections and local land use plans.
- (b) Relationship to other water and wastewater provider's service area.
- (c) Whether the Project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.

- (23) **To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area.**

The determination of whether consolidation is feasible shall include but is not limited to the following considerations:

- (a) Whether there is an opportunity for consolidation.
- (b) The environmental, financial and social feasibility of consolidation.

- (24) **New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.**

The determination shall include but is not limited to the following considerations:

- (a) Relationship to reasonable growth projections and local land use plans.
- (b) Proximity to other water and wastewater provider's service area.

- (25) **The Project shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.**

The determination shall include but is not limited to the following considerations:

- (a) Relationship of the Project to approved land use plans for the area.
- (b) The environmental, financial and social impacts related to such development.

## **DIVISION III. HAZARDOUS WASTE INCINERATOR OR PROCESSOR SITE CERTIFICATE OF DESIGNATION**

### ***Chapter 17.176 HAZARDOUS WASTE INCINERATOR OR PROCESSOR SITE CERTIFICATE OF DESIGNATION***

#### **17.176.010 Purpose.**

The purpose of these regulations is to supplement and clarify the procedural requirements attendant upon the application for and issuance of a Certificate of Designation sought by an applicant pursuant to the provisions of the State Hazardous Waste Incinerator or Processor Siting Act, hereinafter, "the Act"; C.R.S. 25-15-501 through 515, as amended.

#### **17.176.020 Conflict with State Law.**

In the event that any provision of these regulations is in direct conflict with the provisions of C.R.S. 25-15-501 through 515, as amended, then the provisions of C.R.S. 25-15-501 through 515, as amended, shall prevail.

#### **17.176.030 Construction and Interpretation.**

These regulations shall be construed in accordance with their express purpose. Nothing herein shall be construed or interpreted to limit the power or authority of the Board of County Commissioners granted by the provision of the Act.

#### **17.176.040 Severability.**

If any of the provisions of these regulations is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such determination shall not affect the validity or enforceability of the other provisions hereof.

#### **17.176.050 Application Requirements.**

A. General. All applications for a Certificate of Designation to permit the location, construction, operation or closure of a hazardous waste incinerator or processor in the unincorporated portions of Pueblo County shall comply with the provisions of the Act and the requirements of these regulations. Applications not in compliance with such provisions and requirements shall be deemed to have not been received by Pueblo County and no further action shall be taken by Pueblo County on such an application until the same is brought into compliance.

B. Required Submittals. All applications for a Certificate of Designation pursuant to the Act shall include or be accompanied by the following information:

1. The location of the proposed incineration or processing site and the location of the proposed incinerator or processor on that site.
2. The owner or owners of the land upon which the proposed incinerator or processor site is to be located, as well as the person, persons, entity, or entities proposed to construct, operate, and maintain and demolish or remove such facility upon closure or project completion. Information for all such persons or entities should include, but not be limited to, name, title, address, telephone number, fax, email address, and designated contact person along with that person's name, title, address, telephone number, fax, and email address.
3. The types of hazardous waste or materials to be accepted or rejected for incineration or processing and the current location of the hazardous waste and/or materials to be accepted.
4. The type or types of incinerator or processor by-product requiring disposal and disposal plans.
5. The method of supervision of the incineration or processing process.
6. All anticipated access routes to be used to and from the site within Pueblo County.
7. A complete copy of all applications for all permits made by the applicant or its agents to the State of Colorado, the United States, or any local government, or any agency or agencies thereof including, but not limited to, the Colorado Department of Public Health and Environment (CDPHE) and the Environmental Protection Agency (EPA), related to the proposed incinerator or processor site. Specifically, if the applicant has applied to the State for a permit under the Resource Conservation and Recovery Act of 1976, 42 U.S.C., Section 6901, et. seq. (RCRA) and/or regulations promulgated pursuant thereto, whether such application is for a Part A, Part B, RD&D, or any other type of permit, a complete copy of that application shall be submitted. In addition, the applicant must submit a complete copy of any support documentation, including but not limited to, Multi-Pathway Health Risk Assessment, or any similar assessment, which has been performed in connection with the proposed incinerator or processor by or at the request of any federal, state, or local agency.
8. A complete copy of all findings and conclusions made by the State of Colorado, the United States, or any local government, or any agency or agencies thereof in conjunction with its review of the permit applications referenced in paragraph 7 of this subsection, as well as a complete copy of any permits issued by the State of Colorado, the United States, or any local government, or any agency or agencies thereof, to the applicant or its agents. No application for a Certificate of Designation under the Act and these regulations shall be complete or deemed to have been received by Pueblo County unless all other permit approvals required by State and/or federal law, have been granted, approved or issued and proof of such grant, approval or issuance has been submitted with the application for Certificate of Designation. The issuance of any draft permits by the CDPHE or other regulatory body shall constitute issuance of those permits. If any final permit is different in any respect from its draft permit, then the owner or operator shall refer those differences to the County for determination and direction as to whether the difference constitutes a substantial change for which an amendment is required pursuant to Section 17.176.090.

9. Written statements along with supporting documentation available to the applicant addressing, in detail, the applicant's position on each of the following issues:
  - a. Whether the proposed incinerator or processor at the particular identified site poses a significant threat to the health and/or safety of the public and/or the environment considering:
    - i. the density of population in the areas neighboring the proposed site;
    - ii. the density of population in areas adjacent to access roadways to the site and which lie within a fifty mile radius of the proposed site; and
    - iii. the risk of accidents occurring during the transportation of any wastes to, from, or at the proposed site.
  - b. Whether the applicant, the owner, or any agent engaged or to be engaged by the applicant or owner has the financial ability to construct and operate the proposed incinerator or processor, and to perform required post-operation closure and clean-up activities.
  - c. Whether, considering its prior performance records, the applicant, owner, or any agent engaged or to be engaged by the applicant or owner has, and can document that it has sufficient reliability, expertise, and competency to operate and manage the proposed hazardous waste incinerator or processor.
  - d. Whether the proposed site conforms to the comprehensive land use plans and relevant land use regulations of Pueblo County, which regulations include, but are not limited to, Titles 12, 16, and 17 of the Pueblo County Code, as amended. Supporting documentation should include, but not be limited to: plans for road and/or rail access to the facility; plans for construction and improvements supporting the related transportation needs of the facility during the construction, operation, maintenance, and demolition phases of the project; other infrastructure improvement plans such as communication systems, electrical, gas, water, and sewer utility systems; drainage plans; fire suppression plans; hazardous material spill mitigation and clean up plans; proposed hours of operation; and expected duration of the project.
  - e. What effect the planned incinerator or processor will have on the surrounding property taking into consideration the type of processing to be used and wind and climatic conditions. Supporting documentation should include, but not be limited to, a study or studies of the impact that the construction, operation, maintenance, and demolition or removal of the proposed incinerator or processor will have on any agricultural activities surrounding the site, the infrastructure surrounding the site (roads, bridges, rail, electricity, water supplies, sewer, and gas, etc.), and community support services (schools, housing, social services, law enforcement, emergency services, etc.). The supporting documentation may also, but is not required to, include any proposed plans or recommendations of the applicant or its agents of how to best address or mitigate those impacts.
  - f. A statement from the applicant, owner or agent of the facility that any and all construction done in support of this project will be consistent with County building code requirements, if applicable.
10. The application fees required by Section 17.176.070 of these regulations.



11. If a phased project is contemplated by the owner or applicant, whether at the construction operation, maintenance, or demolition or removal stage, a plan describing each such phase of the project and all activities that are contemplated under each such phase. The plan should describe each phase of the project in detail to the greatest extent possible based upon the information available at the time the application is submitted. The applicant shall send updates to the County of new details of the plan as those details are determined and developed throughout the course of the application submittal and review process, as well as throughout the development of the project after a certificate is granted.
12. The annual estimated operating cost of or the annual estimated gross revenue received for the incineration or processing of hazardous wastes by the hazardous waste incinerator or processor.

C. Other Information. The applicant may submit such other information it deems relevant to the consideration of its application for a Certificate of Designation.

In addition, Pueblo County may request additional information and/or documentation from the applicant, which it reasonably deems relevant to its review of the application. The applicant, owner, or any agent shall provide such additional information along with all other information and submittals required by the Act or these Regulations and the Certificate of Completeness shall not be issued until such additional information has been submitted. However, if such request or requests for such additional information are not made by the County at the time of the initial filing of the application, or within one hundred and twenty (120) days of the submission of all other information or documentation required by the Act or these Regulations, then such additional requests for information shall not prevent or delay the issuance of the Certificate of Completeness referenced in Article III of these regulations.

D. Submission. The applicant shall submit the original and ten (10) copies of the completed application to the Director of Planning and Development, Pueblo County, Colorado, 229 West 12<sup>th</sup> Street, Pueblo, Colorado 81003-2819. All sections of the application do not have to be submitted at the same time for review. The applicant may submit various sections of the application over a period of time in order to allow an expedited staff review by the County. However, the County will not issue a Certificate of Completeness pursuant to Section 17.176.060 until all requirements contained in the Act and these Regulations are complied with or addressed. The submittal of an application for a Certificate of Designation may be submitted concurrently with any other permit applications applicable to the proposed project, including an application submitted to the State of Colorado for a RCRA permit. A project may be pursued in phases with the various phases being considered for permitting in a single application with conditions, multiple applications, or with succeeding phases being considered as amendments to the original application. The applicant must inform the County if it proposes to pursue the project in phases. The County, within its sole discretion, shall determine if phasing is appropriate for a project, and, if so, whether the contemplated phasing shall be permitted through conditions to a single application and certificate of designation, multiple applications and certificates, or amendments to an original application and certificate. The County shall make such determination as to the appropriateness of a project for phasing and whether it shall be pursued through conditions, multiple applications, or amendments within thirty (30) days of a request for such determination by an applicant.

E. Verification. Each application for a Certificate of Designation under the Act shall be verified by an officer of the applicant authorized to act on its behalf and shall include a verified representation that all representations in the application are true and accurate.

### **17.176.060 Certificate of Completeness.**

Within a reasonable period of time not to exceed one hundred twenty (120) days after the receipt of an application for a Certificate of Designation pursuant to the Act and these regulations, the County shall:

A. Inform the applicant in writing of any deficiencies in the application in view of the requirements of the Act and these regulations, shall state with reasonable specificity each deficiency in the application and shall refer the applicant to the corresponding sections of the Act and/or these regulations addressing the matters in question; or

B. Issue the applicant a written notice entitled "Certificate of Completeness" signed by the Director of Planning and Development certifying that the application is complete in accordance with the requirements of the Act and these regulations.

In the case of a County authorized phased project, the County shall inform the applicant of deficiencies or issue a Certificate of Completeness for each phase proposed in a separate application or as an amendment to the original permit.

In the event that an applicant is notified of deficiencies pursuant to subsection A. of this Section, it shall have a period of one hundred and eighty (180) days from the date of its receipt of the notice to correct the deficiency in the application. If the applicant is unable to correct the deficiency within that one hundred and eighty day period, it may request an extension of time within which to make that correction, and such requests shall be granted by the County if good cause is shown. In the event that no Certificate of Completeness is issued to the applicant by the conclusion of that one hundred and eighty (180) day period, and no extension for good cause has been granted, then the application shall lapse and no further action shall be taken by the County with regard thereto.

Upon the date of the issuance of a Certificate of Completeness the one hundred and eighty (180) day review period specified in C.R.S. 25-15-505(1) shall begin. The County may approve or disapprove an application at any time within that one hundred and eighty (180) day period, and the applicant may request an expedited review by the County. The issuance of a Certificate of Completeness shall not serve as the basis of an inference, nor shall it give rise to a presumption of approval of the Certificate of Designation.

### **17.176.070 Fees.**

The application shall be accompanied by a fee payable to Pueblo County in cash or certified funds in an amount to be certified to the applicant by Pueblo County at or near the time that the application is submitted. In no event shall the required fee exceed One Hundred Thousand Dollars (\$100,000.00). Such fee shall be based upon the reasonable anticipated costs that may be incurred by Pueblo County in the application review and approval process. Once such reasonable anticipated costs have been determined by Pueblo County, it shall certify the same to the applicant and, thereafter, the applicant shall pay said amount in order to receive further consideration of its application. Pueblo County shall provide an accounting of the actual costs incurred in its review of the application and in the hearing process and shall refund any payment in excess of said actual costs within ninety (90) days after completion of the certification process. An application fee shall accompany each separate application for a Certificate of Designation. A phased project may be subject to only one application fee if it is determined by the County that the phases are simply parts or elements of a single project.

### **17.176.080 Hearing and Decision.**

After the receipt of an application for a Certificate of Designation and the issuance of a Certificate of Completeness, the County shall schedule and hold a public hearing on the application and shall render a decision on the application in accordance with the express provisions of the Act and pursuant to the substantive standards set forth therein. Any hearing conducted in accordance with the Act and these regulations shall be conducted in accordance with the standard rules and procedures of the County for land use matters, and shall include, but not be limited to, the following:

1. The hearing will be conducted by the Pueblo County Board of County Commissioners (BOCC) as a quasi-judicial hearing in accordance with standard administrative rules of evidence.
2. The entire hearing will be open to the public and interested parties and the public will be allowed to participate in the hearing.
3. Thirty days notice for the time and place of the hearing will be given by posting and publication.
4. Relevant written and oral testimony will be accepted from the applicant, other governmental agencies and interested citizens. Witnesses will be required to give sworn testimony. All parties at the hearing have the right to be represented by counsel. The hearing will be recorded.
5. Notification of approval or denial of the certificate will be issued within five days after such determination is made by the BOCC.
6. Any appeal of the hearing decision shall be made to the Pueblo County District Court, 10<sup>th</sup> Judicial District, State of Colorado pursuant to Colorado law.

### **17.176.090 Modifications and Amendments.**

The certificate holder shall notify the County of any proposed modifications or changes in operations, ownership or design for its hazardous waste incinerator or processor, which involve matters that are the subject of or contained in the Certificate of Designation, its application, amendments or previous modifications. All such modifications and changes shall be referred to as modifications under this Article. Modifications that are internal to the facility and that are not expected to have external impacts shall not require advance notice to the County if: a) such notice is impracticable; and b) notice is provided to the County within three (3) business days of implementation of the modification. The certificate holder shall assume all risks with respect to any modification implemented prior to notice pursuant to this paragraph.

Within ten (10) days of receipt of a modification notice, the County shall notify the certificate holder of the County's classification of the modification.

1. Class A modifications are those for which the County requires no additional information or input from the certificate holder. No further action shall be taken by the County on Class A modifications.
2. Class B modifications are those for which the County requires additional information or input. If the County classifies a modification as Class B, it shall modify the certificate holder whether the informal or formal process described below is contemplated. Modifications initially categorized as informal or formal may later be recategorized by the County.
  - a. Informal Class B modifications require only additional information, explanation or discussion with the County. The County shall notify the certificate holder of any decision rendered within five (5) business days of its receipt of the additional information.
  - b. Formal Class B modifications require a more detailed review process.
    - i. The County shall provide a twenty day public notice and comment period for formal Class B modifications. Any additional information provided by the certificate holder shall be made available to the public for review during the comment period. Class B modifications may also necessitate a hearing and/or an amendment to the Certificate of Designation.
    - ii. If a hearing is required, a notice shall be issued at least ten (10) days before the hearing and that hearing shall be held within thirty (30) days of the close of the public comment period. The County shall notify the certificate holder of any decision rendered within five (5) days of completion of the hearing.
  - c. No modification selected for the Class B review process shall be implemented until that process is complete.
3. Class C modifications are those that would modify the ownership, design, or operations described in the existing Certificate of Designation so substantially that an amendment process is warranted. If a modification is classified as a Class C modification, the certificate holder shall proceed with an amendment application pursuant to below.

The certificate holder shall supply to the County and maintain a list of all modifications notices produced pursuant to this Article. The certificate holder shall also maintain in its files or records all supporting documentation or drawings related to such notices.

The County may change its initial classification of a proposed modification if it deems such change necessary. Members of the public may make a request to the County to change its initial classification within thirty (30) days of the County's receipt of the modification notice.

Any certificate holder desiring to amend its certificate of designation, or required to do so pursuant to a County classification of a modification as a Class C modification, may do so by filing an application for such amendment with the County. The application for an amendment shall include and address all of the information and submittal requirements contained in these regulations for an application for the initial certificate and shall be processed by the County in the same manner as an initial certificate application. Information or submittals that remain unchanged from the initial certificate application need not be readdressed or resubmitted, but, instead, the unchanged section or submittal may be incorporated by reference into the amendment application.

#### **17.176.100 Revocation or Suspension.**

Any certificate issued by the County pursuant to the Act and these regulations is subject to revocation or suspension for those violations outlined in the Act.

Notice of revocation or suspension shall be sent in writing to the certificate holder at the address on file with the Planning and Development Office. Copies of all such notices shall be sent to the owner and operator of the subject incinerator or processor. The notice shall indicate the violation and any time period, if applicable, for correction of the violation. Depending upon the severity or urgency of the violation, a certificate may be summarily suspended, pending hearing, as deemed appropriate by the County. Notices will indicate whether operations must stop immediately, or continue until completion of the hearing. The Board of County Commissioners may cancel the hearing on the matter if the violation is corrected to the satisfaction of the County prior to the scheduled hearing date.

Hearings on any revocation or suspension shall be held within sixty (60) days of the date of mailing of the notice. The hearing shall be conducted by the Board of County Commissioners in accordance with the provisions of Section 17.176.080. At any such hearing, all information, evidence, allegations and arguments supporting the alleged violation shall be presented to the Board of County Commissioners. The certificate holder shall have an opportunity to contest the matter and present its own information, evidence and arguments. The hearing may be continued until all matters of dispute are properly addressed to the satisfaction of the Board of County Commissioners.

The Board of County Commissioners will give its decision on the matter within thirty (30) days after the conclusion of the hearing.

The certificate holder shall correct any matter found by the Board of County Commissioners to be a violation, and correct it in accordance with the terms of the Board's decision. The certificate holder shall have the burden of notifying the County and proving correction of the violation. The County may inspect the incinerator or processor, or the records or the certificate holder, operator or owner to verify correction. Additional hearings may be conducted by the

County if needed. The County may restore the certificate if the violation is found to be corrected.

### **17.176.110 Inspections.**

Inspections may be conducted by County staff pursuant to the Act. The certificate holder, owner and operator of an incinerator or processor shall cooperate with such County staff and assist them in conducting such inspections. The provision of notice of such inspections, the date, time and location of such inspections, and the frequency of such inspections shall be within the sole discretion of the County, subject to the requirements of the Act. Failure to cooperate with such inspections shall constitute cause for revocation or suspension.

### **17.176.120 Annual Fees.**

The owner or operator of any proposed incinerator or processor for which a certificate of designation is required under the Act shall provide to the County the annual estimated operating cost of that incinerator or processor as well as the annual estimated gross revenue to be received for the incineration or processing of hazardous wastes as part of the initial application for a certificate of designation. After a certificate has been issued, the owner or operator shall provide to the County not less than sixty (60) days prior to each anniversary date of the issuance of the certificate any new or revised estimates of the annual operating cost and the annual gross revenue expected to be received for the incineration or processing of hazardous wastes by the hazardous waste incinerator or processor.

For the purposes of these regulations, the following definitions shall apply:

1. **Annual estimated operating cost** shall be defined as the good faith estimate provided by the owner or operator of an incinerator or processor for which a certificate of designation is required pursuant to the Act, of all costs, expenses, debts or obligations expended or incurred, or to be expended or incurred, including the amortized or depreciated cost of all capital expenditures based upon the planned or anticipated useful life of such capital expenditures, by said owner or operator, or their agents, in pursuit of the construction, operation, maintenance, or demolition of the incinerator or processor. If the operator is a person or entity other than the owner then the fee or other remuneration paid or to be paid to the operator for its services shall be included as an operating cost. Such good faith estimate shall include an estimate of those expenditures anticipated to be incurred in the current calendar year as well as those anticipated to be incurred in each calendar year thereafter for a minimum of three years. The expenses included in such good faith estimate shall be limited to those expenses directly incurred for and uniquely a part of the incinerator or processor project.
2. **Annual estimated gross revenue** shall be defined as the good faith estimate provided by the owner or operator of an incinerator or processor for which a certificate of designation is required pursuant to the Act, of the total amount of money or other valuable consideration provided to or received by the entity actually charged with or contracted for the construction, operation, maintenance, or demolition of said incinerator or processor, including all amounts paid to reimburse such entity for all costs, expenses, debts, or obligations incurred by such entity in the construction, operation, maintenance, or demolition of such incinerator or processor. Such good faith estimate shall include an estimate of those revenues anticipated

to be paid in the current calendar year as well as those anticipated to be paid in each calendar year thereafter for a minimum of three years. The revenues included in such good faith estimate shall be limited to those revenues received, which are directly related to and uniquely a part of the incinerator or processor project.

The County shall provide to the owner or operator a statement of the annual fee that must be paid to the County as a condition of the issuance of a certificate of designation. In addition, the County shall provide as the basis for such fee, an estimate of all direct costs necessitated by the construction, operation, maintenance, or demolition of the proposed incinerator or processor. The County shall provide the initial year's annual fee and the estimated cost basis of that fee to the owner or operator prior to the issuance of the certificate of designation. After the issuance of a certificate of designation, the County shall provide to the certificate holder each subsequent year's annual fee within 30 days prior to the anniversary date of the issuance of a certificate, and annual updates or amendments to the estimated direct costs.

If the owner or operator wishes to dispute the annual fee or the basis of that fee, it shall notify the County of such in writing. In such an event, a meeting shall be arranged between the owner or operator and the County to allow the matter to be discussed and/or negotiated. The County will make its final decision with regard to the fee based upon those discussions.

The owner or operator of an incinerator or processor shall pay to the County the annual fee within ninety (90) days after the issuance of the certificate of designation, and within ninety (90) days of each anniversary date of that certificate. Upon a showing of good faith effort, the County may grant additional time within which the owner or operator will be required to make any payments due pursuant to these regulations.

The failure to pay the annual fee pursuant to the Act and these regulations, or the failure to cooperate with the County in calculating the annual fee in accordance to the procedures provided herein shall be cause for denial to issue a certificate, or revocation or suspension of an existing certificate.

The County shall deposit annual fees received into a hazardous waste incinerator or processor fund as required by §25-15-515(3), C.R.S.