Pueblo County Unified Development Code

Amended: November 13, 2025



PUEBLO COUNTY **UNIFIED DEVELOPMENT CODE**

in coordination with PUEBLO MEANS BUSINESS

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Chapter 17.01 General Provisions

17.01.010 Title

These regulations are and may be cited as the Pueblo County Unified Development Code or UDC. This UDC replaces the previous Title 17 Land Use Code adopted pursuant to Resolution 20-290, as amended, and the previous Title 16 Subdivision Regulations, and any amendments thereto.

17.01.020 Effective Date

(a) This UDC shall become effective on October 22, 2024. The Land Use Code and Subdivision Regulations that were effective immediately prior to this UDC shall be referred to as the Retired Codes.

(b) Two copies of the Retired Codes shall be maintained and remain of record in the County Clerk's Office and the Department of Planning and Development, either in hard copy or electronically. An unofficial public copy may also be maintained on the County's website. All copies of the Retired Codes that are publicly available shall be clearly identified as outdated.

17.01.030 Authority

Authority to adopt this UDC is given by the Colorado Constitution and the following sections of the Colorado Revised Statutes, as amended:

(a) Title 22, Articles 32 and 54 (School District Boards – Powers and Duties; Reservation and Dedication of School Sites);

(b) Title 24, Article 65.1 (Areas and Activities of State Interest);

(c) Title 24, Article 68 (Vested Property Rights);

(d) Title 28, Article 6 (Division of Aviation);

(e) Title 29, Article 20 (Local Government Regulation of Land Use);

(f) Title 30, Article 11 (County Powers and Functions);

(g) Title 30, Article 15 (Regulation Under Police Power);

(h) Title 30, Article 28 (County Planning and Building Code);

(i) Title 32, Article 1 (Special District Provisions);

(j) Title 34, Article 1 (Geological Survey);

(k) Title 34, Article 60 (Oil and Gas Conservation);

(l) Title 38, Article 30.5 (Conservation Easements);

(m) Title 41, Article 4 (Airports); and

(n) Title 43, Article 2 (State, County, and Municipal Highways).

17.01.040 Purpose

The purpose of this UDC is to preserve, protect, and improve the health, safety, and general welfare of Pueblo County residents and to:

(a) Implement the Pueblo Regional Comprehensive Plan ("Regional Comprehensive Plan") and any future amendments to the plan; the Regional Comprehensive Plan is an informational and guidance document only (not regulatory), and includes all associated plans adopted by the Planning Commission;

(b) Provide standards for the physical development of the County to:

(c) Preserve the character and quality of rural and urban areas;

(d) Foster convenience and compatibility among land uses; and

(e) Support the continued viability of a range of agricultural uses in Pueblo County;

(f) Maintain and enhance property values by stabilizing expectations, fostering predictability in land development, and establishing a process that efficiently and equitably applies this UDC to individual sites while respecting property owner rights and the interests of Pueblo County residents. This requires balancing economic development with community values and individual property rights;

(g) Ensure that service demands of new development will not exceed the capacity of existing roads, streets, utilities, and other public services and that new development, to the extent allowed by state statute, will pay its share of the cost of infrastructure additions and improvements needed to serve such new development; and

(h) Protect critical environmental resources, including wetlands, riparian areas, important wildlife habitats, and special places of Pueblo County.

17.01.050 Applicability

(a) Applicability

(1) This UDC applies to the development and use of land in unincorporated Pueblo County.

(2) This UDC applies to land owned by the County and other local, state, and federal agencies to the extent allowed by law.

(3) This UDC and the official zoning map govern the application of the zone districts and related standards.

(b) Jurisdiction

The following zoning and subdivision requirements are adopted and shall be and are binding upon those unincorporated areas within Pueblo County but not within the corporate limits of the City of Pueblo or the incorporated towns.

17.01.060 Scope

This UDC shall apply to all activities on public and private land over which the County has jurisdiction under the constitution and laws of the State of Colorado, the United States, or pursuant to the County's powers.

Not all situations will fall into easily identifiable processes and requirements. This UDC provides flexibility in dealing with situations in general, and especially those that do not fit well with typical processes and standard requirements. The elements that make up this UDC are interrelated and cannot be taken in isolation; all provisions and regulations shall be taken within the context and intent of the entire Code.

No person shall begin or change a land use or development in the County without first obtaining an appropriate permit or approval.

17.01.070 Compliance Required

No permit, certificate, or approval of any use that is subject to this UDC shall be issued or granted by any department, agency, County official, or County employee without a finding of compliance with this UDC.

No lot of record that did not exist on the Effective Date shall be created by subdivision or otherwise unless it complies with this UDC.

17.01.080 Minimum Standards Required

This UDC sets the minimum requirements necessary for the promotion of public health, safety, and welfare. In many instances, the public is best served when such minimums are exceeded. Where the requirements of this UDC are at variance with other applicable law, rule, contract, resolution, or regulation of the County, state, or federal government containing standards covering the same subject matter, the more restrictive requirement or higher standard shall control.

17.01.090 Fees, Charges, and Expenses

The Board of County Commissioners shall set sufficient fees to recover all, or a portion of the taxpayer costs spent administering this UDC, including for processing, giving notice, and reviewing development applications. The Board of County Commissioners may, by resolution, modify any fee at any Commission meeting.

17.01.100 Application of Regulations During Local Emergency

The Director may waive applicable provisions of this UDC during a local emergency declared by the Board of County Commissioners or County Manager. A public health emergency, wildfire, flood, or other catastrophic situations are examples of a local emergency.

17.01.110 Private Restrictions

If any provision of this UDC is more restrictive or imposes a higher standard than any such private restriction, the requirements of this UDC shall control.

This UDC is not intended to affect any private agreement or condition such as a deed restriction or covenant. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this UDC, the County has no duty to enforce such private restrictions, nor is the County obligated to adopt regulations consistent with private restrictions.

17.01.120 Severability

The provisions of this UDC shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of the decision shall be limited to that provision or provisions that are expressly stated in the decision to be invalid and may, as determined by the County Attorney, be further limited to the specific persons or parcels that are the subject of the decision. The applicable provision shall be removed from the UDC or otherwise identified as severed, and the decision shall not affect, impair, or nullify the remainder of the UDC.

17.01.130 Transition from Prior Regulations

(a) Intent and Applicability

This UDC is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the Effective Date. Applications and permits that have not achieved final approval as of the Effective Date shall be processed according to the provisions of this Section.

(b) Existing Development Approvals

(1) Any development validly approved under any prior regulations may be carried out under the terms and conditions of the approval provided the approval has not expired and the development complies with any applicable standards of this UDC regarding ongoing operations and maintenance.

(2) Any Planned Unit Development approved prior to the Effective Date shall comply with the requirements of Subsection (c) below.

(3) If a prior approval expires based on an expiration established in the Prior Codes or the project development approval is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this UDC.

(4) The Director may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid. Any extension granted shall not exceed the time specified for specific approvals in §17.06.040(l), Extension and Lapsing of Approvals.

(5) Any re-application for an expired, lapsed, or terminated project approval shall meet the standards in effect at the time of re-application.

(6) Unless otherwise provided in the initial approval, any proposed revision to an existing application or approval shall be reviewed.

(c) Applications in Progress

(1) A complete application for a single-step approval, submitted prior to the Effective Date and pending approval at the time of adoption of this UDC may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this UDC at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this UDC. Any re-application after the Effective Date shall comply with the requirements of this UDC.

(2) Complete applications for the first step of a multiple-step approval process submitted prior to the Effective Date shall continue to be processed pursuant to the Prior Codes. Later step applications shall be processed pursuant to this UDC.

(3) Any questions about whether this UDC or a Retired Code is applicable shall be determined by the Director.

Table 17.01.1: Applications in Progress					
Complete Application, First Step	**UDC**	**Retired Codes**	**Later Step Application [1]**	**UDC**	**Retired Codes**
Planned Unit Development					
Preliminary Development Plan		x	Final Development Plan(s)		x
Rezoning					
Rezoning Application		x	Development Plan	x	
Subdivision					
Preliminary Plan		x	Final Plat		x
Notes: [1] Processed pursuant to Retired Codes only if First Step approval has not expired. [2] Applicant may elect review under UDC.					

(d) No Applications Submitted

Projects for which no application has been submitted and accepted as complete prior to the Effective Date shall be subject to all requirements and standards of this UDC.

(e) Lapsing

Any permit or approval issued pursuant to this UDC following the Effective Date shall be subject to the lapsing provisions of §17.06.040(l), Extension and Lapsing of Approvals.

(f) Violations under Prior Code

Any violation occurring under the Retired Codes will continue to be a violation under this UDC and be subject to penalties and enforcement pursuant to Chapter 17.11, Enforcement.

Chapter 17.02 Zone Districts

17.02.010 Zone Districts Overview

(a) Districts Established

The unincorporated areas of the County are divided into zone districts as shown in Table 17.02.1: Zone District Summary, below.

Table 17.02.1: Zone District Summary

Existing Zone District		Updated Zone District		Section
Agricultural				
A-1	Agriculture One	A1	Large Agriculture	17.02.050(b)
A-2	Agriculture Two	A2	Medium Agriculture	17.02.050(c)
A-3	Agriculture Three	A3	Small Agriculture	17.02.050(d)
A-4	Agriculture Four			
Residential				
A-3	Agriculture Three	RR	Rural Residential	17.02.060(b)
A-4	Agriculture Four			
R-A	Residential Agriculture			
--	--	SR1	Suburban Residential, Low	17.02.060(c)
R-1	Single-Family Residential One	SR2	Suburban Residential, High	17.02.060(d)
R-2	Single-Family Residential Two			
R-3	Single-Family Residential Three	LR	Mixed Residential, Low	17.02.060(e)
R-4	Mixed Residential	HR	Mixed Residential, High	17.02.060(f)
R-7	Mobile Home Park	--	--	
R-8	Mobile Home Subdivision	--	--	
Mixed-Use				
R-5	Multiple Residential and Office	MN	Mixed-Use Neighborhood	17.02.070(b)
O-1	Neighborhood Office			
B-1	Neighborhood Business			
R-6	Multiple Residential and Commercial	MC	Mixed-Use Commercial	17.02.070(c)
Commercial and Industrial				
B-4	Community Business	CC	Community Commercial	17.02.080(b)
I-1	Special Industrial	LI	Light Industrial	17.02.080(c)
I-2	Light Industrial			
I-3	Heavy Industrial	HI	Heavy Industrial	17.02.080(d)
I-4	Hazardous Waste Overlay	--	--	
P-1	PuebloPlex	PP	PuebloPlex	17.02.080(e)

Table 17.02.1: Zone District Summary				
Existing Zone District		**Updated Zone District**		**Section**
Special Purpose				
S-1	Public Use	PL	Public Lands	17.02.090(b)
		CF	Community Facilities	17.02.090(c)
S-4	Parking	--	--	
C-1	Conditional (Intent to Rezone)	--	--	
Overlay				
S-2	Airport	APO	Airport Overlay	17.02.100(b)
S-3	Floodplain	FPO	Floodplain Overlay	17.02.100(c)
--	--	AGO	Agricultural Conservation Overlay	17.02.100(d)
--	--	PWO	Pueblo West Overlay	17.02.100(e)
--	--	CCO	Colorado City Overlay	17.02.100(f)
PUD	Planned Unit Development	PUD	Planned Unit Development	17.02.100(g)
RLUP	Rural Land Use Process	--	--	

(b) Regional Comprehensive Plan Consistency

Table 17.02.2: Regional Comprehensive Plan Consistency identifies which zone district(s) appropriately implement the Future Land Use Plan in the Regional Comprehensive Plan.

(1) All approvals granted under this UDC shall be consistent with the Regional Comprehensive Plan and adopted land use and sub area plans.

(2) All Zoning Map Amendments and Future Land Use Plan amendments shall ensure consistency between the zone district and the applicable land use category as identified in Table 17.02.2. The Director may authorize the use of additional zone district(s) to implement the Future Land Use Plan provided that the implementing zone district(s) are consistent with the goals, policies, and land use categories (i.e., primary and supporting land uses, density, locations, and characteristics) contained in the Regional Comprehensive Plan.

(3) Future land use categories and conforming districts for proposed development within Special Development Areas shall be assigned at the time of annexation, subject to the evaluation criteria for major projects, outlined in Section 3 of the Regional Comprehensive Plan.

Table 17.02.2: Regional Comprehensive Plan Consistency

	Conforming Zone Districts															
Future Land Use Plan	**A1**	**A2**	**A3**	**RR**	**SR1**	**SR2**	**LR**	**HR**	**MN**	**MC**	**CC**	**LI**	**HI**	**PP**	**PL**	**CF**
Agricultural Neighborhood			●	●												●
Rural Neighborhoods			●	●												●
Suburban Neighborhoods					●											●
Urban Neighborhoods					●	●	●	●	●	●						●
Neighborhood Mixed-Use						●	●	●	●	●						●
Commercial Mixed-Use								●	●	●	●			●		●
Institutional Mixed-Use														●		●
Employment											●	●		●		●
Light Industry											●	●		●		●
Transportation Dependent Industry													●	●		●
Rural Ranch	●	●	●													●

Table 17.02.2: Regional Comprehensive Plan Consistency																
	Conforming Zone Districts															
Future Land Use Plan	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF
Production Agriculture	●	●	●													●
Parks and Open Space	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
State and Federal Lands															●	

17.02.020 Chapter Organization

(a) Base Zone Districts

A base zone district establishes minimum and maximum building height, setbacks, lot coverage, and other dimensional standards to support the purpose and general characteristics of the district. The Pueblo County base zone districts are separated into four groups:

(1) Agricultural (§17.02.050);

(2) Residential (§17.02.060);

(3) Mixed-Use (§17.02.070); and

(4) Commercial and Industrial (§17.02.080).

Each group contains multiple zone districts with relatively similar allowed uses and development standards.

The illustration(s) provided for the base zone districts depict the requirements for the zone district. Illustrations are not regulatory and do not depict specific locations or buildings and do not necessarily reflect all standards that may apply to a particular development.

(b) Special Purpose Districts

Special purpose districts are separate base zone districts that identify public lands and community facilities under the County's jurisdiction. Section 17.02.090 identifies the two types of special purpose districts available in the County—Public Lands and Community Facilities.

(c) Overlay Districts

Overlay zone districts are applied over one or more underlying zone districts to alter the base district regulations or apply area-specific standards. Section 17.02.100 identifies the

overlay zone districts and sets forth each district's purpose and the standards that modify those of underlying districts.

If the standards for an overlay district expressly conflict with those for an underlying base zone district, special purpose district, or another applicable overlay district, the more restrictive standards as determined by the Director shall apply.

17.02.030 Zone District Map

(a) Application

The written provisions of this UDC shall apply to the applicable zone districts as shown on the Zone District Map.

(b) Incorporation of Zone District Map

The location and boundaries of the zone districts established by this Chapter are shown on the County "Zone District Map," which, together with all data shown on the map and all amendments to the map, is incorporated into this UDC by reference. Changes in zone districts shall be made only upon amendment to this UDC; and all changes shall be promptly entered on the Zone District Map, with an entry on the map identifying the amending ordinance; or a revised or supplementary Zone District Map shall be drawn up, showing the changes. A physical copy of the official Zone District Map shall be located in the County offices. An electronic version of the Zone District Map may be displayed on the County website at the discretion of the Director.

(c) District Boundaries

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, unless otherwise provided.

(d) Interpretation

The Director shall interpret the location of district boundaries on the Zone District Map using the following criteria. Interpretations of the location of district boundaries may be appealed to the Board of County Commissioners.

(1) Abandoned Rights-of-Way

Where a zone district boundary coincides with a right-of-way line and the right-of-way is subsequently abandoned, the zone district boundary shall then follow the centerline of the former right-of-way.

(2) Public Rights-of-Way

Land that is not part of public right-of-way and that is not indicated as being in any zone district shall be considered to be included in the most restrictive adjacent zone district even when the district is separated from the land in question by a public right-of-way.

(3) Map Scale

In cases where existing lines are not available, the zone district boundary shall be determined by the Director using the scale of the Zone District Map or other relevant references.

(4) Boundary Clarification

When a parcel of land under one ownership is divided by one or more zone district boundary lines, the Director may adjust the zone district boundary(ies) so the parcel is located in a single zone district. The Director shall determine which zone.

(e) Map Amendments

Changes in the boundaries of any zone district require an amendment to the Pueblo County Zone District Map per §17.02.030(b).

17.02.040 Dimensional Standards Applicable to All Zone Districts

(a) Dimensional Standards Established by Zone District

(1) The dimensional standards applicable to each zone district are located within that zone district.

(2) Legally nonconforming lots may be developed per Chapter 17.10, Nonconformities.

(3) Exceptions and restrictions applicable to some dimensional standards are provided in this Section. Other exceptions or restrictions may be provided for elsewhere in this UDC. Where there is uncertainty about the applicability of dimensional exception, an applicant may request a UDC Interpretation per §17.06.050(g).

(b) Intersection Sight Distance

Development shall conform with the intersection sight distance standards in §17.04.090, Clear Sight Triangle .

(c) Height Limit Exceptions

(1) Building height limit exceptions are building and site elements that project above the maximum height limit allowed in a zone district.

(2) Screening may be required as described in §17.04.030, Screening.

(3) Measurement:

(i) Each height encroachment shall be measured from the maximum building height.

(ii) Building height encroachments are not cumulative in that they are always measured from the same point.

(iii) The following building height encroachments shall meet the specified standards:

Table 17.02.3: Height Limit Exceptions

Projection	Height Increase (Maximum, Feet)
Chimneys, stacks, vents, and flues	10 FT above zone district height max
Antennas and towers (except as provided in §17.03.030(e)(6), Wireless Communication Facilities)	10 FT above zone district height max
Emergency sirens and similar devices	Any distance
Mechanical, electrical, and plumbing equipment; solar panels; air conditioner and evaporative coolers	10 FT above zone district height max
Parapet walls, safety railings, and screening walls	4 FT above zone district height max
Architectural features such as unoccupied belfries, flagpoles, spires, silos, domes, and windmills	10 FT above zone district height max

(d) Setback Projections and Encroachments

(1) Setback encroachments are building and site elements that project into or are located on the "non-buildable" side of a setback line, typically in a required setback area.

(2) Permitted encroachments, identified below, are allowed where the required dimension is measured by a setback line.

(3) Screening may be required as described in §17.04.030, Screening.

(4) Measurement:

(i) Each setback encroachment shall be measured from the minimum required setback line towards the lot line; setback encroachments are always measured from the same point and are not cumulative.

(ii) No permitted setback encroachment shall be closer than two feet to any lot line with the exception of fence, walls, gardens, and landscaping.

(5) The following encroachments shall meet the specified standards:

Table 17.02.4: Permitted Setback Encroachments

Projection	Front or Street Side Setback (Max., Feet)	Internal or Rear Setback (Max., Feet)
Building Element		
Approved accessibility ramps	Any distance	Any distance
Windows, belt courses, and other ornamental features	1 FT	1 FT
Breezeways, unenclosed	Cannot encroach	Cannot encroach
Chimneys	2 FT	2 FT
Eaves, roof overhangs, cornices, gutters, and downspouts	2 FT	2 FT
Porches, stoops, decks, terraces, balconies, and associated stairs (uncovered and no more than 30" above natural grade)	8 FT	5 FT
Shading devices such as awnings and canopies	5 FT	5 FT
Stairs and fire escapes (unenclosed)	4 FT (rear also)	1.5 FT (side only)
Window wells	Any distance	3 FT
Site Elements		
Accessory Structure	Cannot encroach	Cannot encroach
Clothes lines and poles	Cannot encroach	Cannot encroach
Fences and walls	Any distance	Any distance
Flagpoles and signs	Any distance	Any distance
Flatwork	Any distance	Any distance
Gardens and landscaping	Any distance	Any distance
Ornamental lights	Any distance	Any distance

Table 17.02.4: Permitted Setback Encroachments		
Projection	**Front or Street Side Setback (Max., Feet)**	**Internal or Rear Setback (Max., Feet)**
Play equipment	Cannot encroach	Cannot encroach
Swimming pools and hot tubs including mechanical equipment and deck	Cannot encroach	Cannot encroach
Trash containers	Cannot encroach	Cannot encroach
Mechanical, Electric, and Plumbing Elements		
Evaporative coolers or air conditioners (window)	2 FT	2 FT
Evaporative coolers or air conditioners (ground)	Cannot encroach	Cannot encroach
Gas and electric meters	2 FT	2 FT
Solar energy collectors and heat storage units of up to 200 sq. ft. of collector surface area	Cannot encroach	Cannot encroach
Transformers	Cannot encroach	Cannot encroach
Notes: Where a parcel of record as of the Effective Date does not meet the minimum zone district width, the maximum side yard encroachment requirements may be reduced by up to 50 percent.		

17.02.050 Agricultural Zone Districts

(a) Agricultural Districts Established

The UDC includes the following Agricultural zone districts. When the UDC refers to Agricultural zone districts as a group, these districts are included.

Table 17.02.5: Agricultural Zone District Summary

Existing Zone District	Zone District Name	Section
A-1 Agriculture One	A1 Large Agriculture	17.02.050(b)
A-2 Agriculture Two	A2 Medium Agriculture	17.02.050(c)
A-3 Agriculture Three	A3 Small Agriculture	17.02.050(d)
A-4 Agriculture Four		

(b) Large Agriculture (A1)

(1) Purpose

The purpose of the A1 district is to retain and promote the use of large, contiguous tracts of dry range and irrigated lands for agriculture, ranching, and conservation purposes. The A1 district provides opportunities for supporting uses that contribute to the long-term viability of existing or future agricultural or ranching operations.

(2) Dimensional Standards

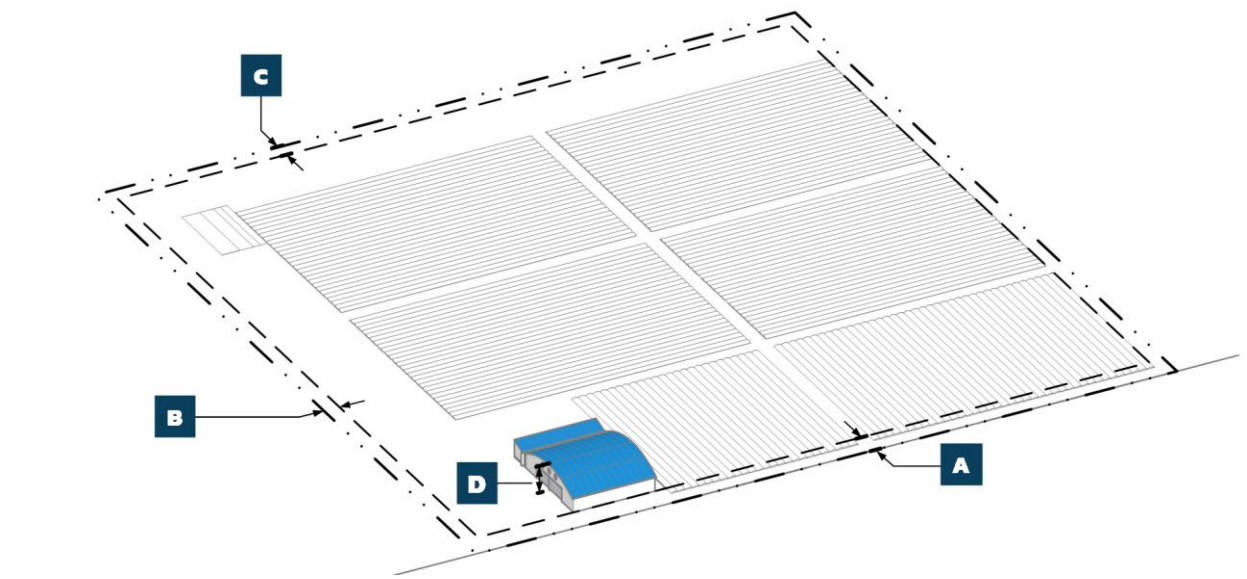


Table 17.02.6: A1 Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum		35 AC		Front	25 FT
Lot Width, Minimum		300 FT		Side	5 FT
Density, Maximum		1 DU/35 AC		Rear	5 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	25 FT	Building Coverage		25%
B	Side	15 FT	**Building Height (Maximum)**		
C	Rear	15 FT	**D**	All Buildings	N/A [1]
Notes: [1] Principal and accessory buildings within 1,320 feet (1/4 mile) of a Residential or Mixed-Use zone district shall have a maximum height of 35 feet.					

(3) Additional Standards

(i) Agricultural Overlay District

Additional requirements may apply to properties in the A1 district that also fall within the boundaries of the AGO district, as described in §17.02.100(d).

(4) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.7: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Rural Land Use Process	17.04.060
Residential Adjacency Standards	17.04.070
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(c) Medium Agriculture (A2)

(1) Purpose

The purpose of the A2 district is to retain and promote the use of moderately-sized tracts of dry range and irrigated lands for agricultural, ranching, and forestry purposes. The A2 district provides opportunities for supporting uses, including very low density residential.

(2) Dimensional Standards

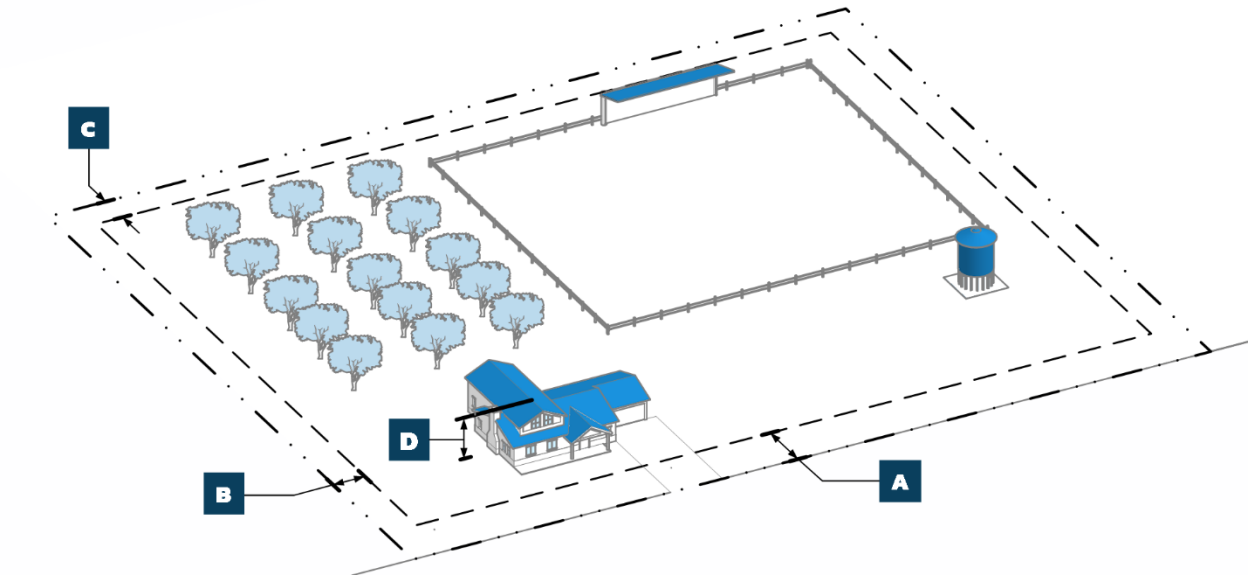


Table 17.02.8: A2 Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum		5 AC		Front	25 FT
Lot Width, Minimum		300 FT		Side	5 FT
Density, Maximum		1 DU/5 AC		Rear	5 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	25 FT	Building Coverage		25%
B	Side	15 FT	**Building Height (Maximum)**		
C	Rear	15 FT	**D**	All Buildings	N/A [1]
Notes: [1] Principal and accessory buildings within 1,320 feet (1/4 mile) of a residential or mixed-use zone district shall have a maximum height of 35 feet.					

(3) Additional Standards

(i) Agricultural Overlay District

Additional requirements may apply to properties in the A2 district that also fall within the boundaries of the AGO district, as described in §17.02.100(d).

(4) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.9: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(d) Small Agriculture (A3)

(1) Purpose

The purpose of the A3 district is to provide and retain contiguous tracts of irrigated and dry range lands for small-scale crop and food production, ranching, and forestry purposes while also providing opportunities for low-density residential development and other supporting uses. Supporting uses should be sited to protect the viability of existing and future agricultural operations.

(2) Dimensional Standards

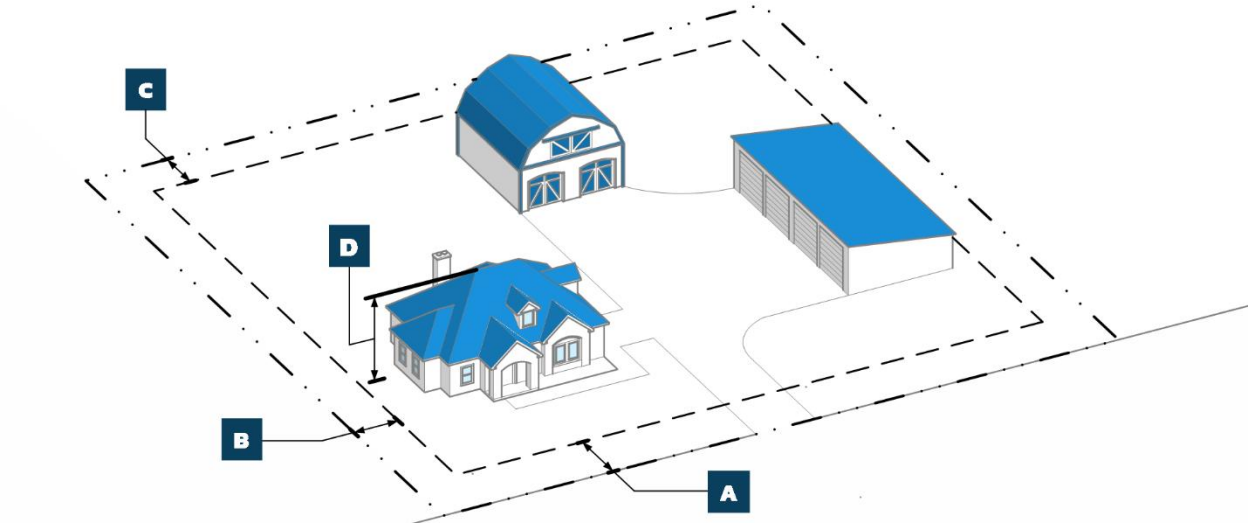


Table 17.02.10: A3 Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum		1 AC		Front	25 FT
Lot Width, Minimum		100 FT		Side	5 FT
Density, Maximum		1 DU/AC		Rear	5 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	25 FT	Building Coverage		50%
B	Side	15 FT	**Building Height (Maximum)**		
C	Rear	15 FT	**D**	All Buildings	35 FT

(3) Additional Standards

(i) Agricultural Overlay District

Additional requirements may apply to properties in the A3 district that also fall within the boundaries of the AGO district, as described in §17.02.100(d).

(ii) Pre-Existing Small Lots

Lots established prior to this UDC's Effective Date that have a minimum lot size of 7,000 square feet will be considered conforming to the UDC and can be developed or redeveloped, provided there is as much compliance with the A3 lot and building standards as is reasonably possible.

(4) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.11: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

17.02.060 Residential Zone Districts

(a) Residential Districts Established

The UDC includes the following Residential zone districts. When the UDC refers to Residential zone districts, these districts are included.

Table 17.02.12: Residential Zone District Summary

Existing Zone District		Zone District Name		Section
A-3	Agriculture Three	RR	Rural Residential	17.02.060(b)
A-4	Agriculture Four			
R-A	Residential Agriculture			
--	--	SR1	Suburban Residential, Low	17.02.060(c)
R-1	Single-Family Residential One	SR2	Suburban Residential, High	17.02.060(d)
R-2	Single-Family Residential Two			
R-3	Single-Family Residential Three	LR	Mixed Residential, Low	17.02.060(e)
R-4	Mixed Residential	HR	Mixed Residential, High	17.02.060(f)
R-7	Mobile Home Park	--	--	--
R-8	Mobile Home Subdivision	--	--	--

(b) Rural Residential (RR)

(1) Purpose

The purpose of the RR district is to provide and retain lands for low-density residential development in established metropolitan districts and agricultural areas. The RR district accommodates limited agricultural and other complementary uses suited to a rural or semi-rural setting.

(2) Dimensional Standards

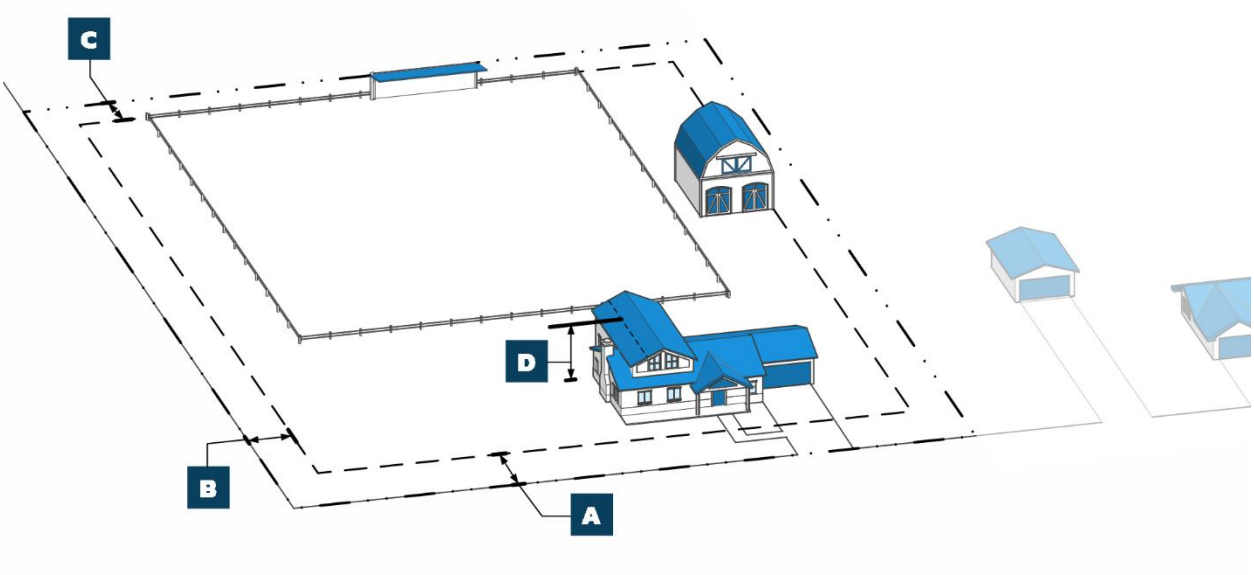


Table 17.02.13: RR Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum		1 AC		Front	25 FT
Lot Width, Minimum		100 FT		Side	5 FT
Density, Maximum		1 DU/AC		Rear	5 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	25 FT	Building Coverage		50%
B	Street Side, Corner Lot	15 FT	**Building Height (Maximum)**		
	Side	15 FT	D	All Buildings	35 FT
C	Rear	15 FT			

(3) Additional Standards

(i) Pre-Existing Small Lots

Lots established prior to this UDC's Effective Date that have a minimum lot size of 7,000 square feet will be considered conforming to the UDC and can be developed or redeveloped, provided there is as much compliance with the RR lot and building standards as is reasonably possible.

(4) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.14: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(c) Suburban Residential, Low (SR1)

(1) Purpose

The purpose of the SR1 district is to retain and provide opportunities for low-density, single-family detached residential development in a neighborhood setting. The SR1 district should be located in established metropolitan districts, rural communities, and other locations where public water and sewer services are available.

(2) Dimensional Standards

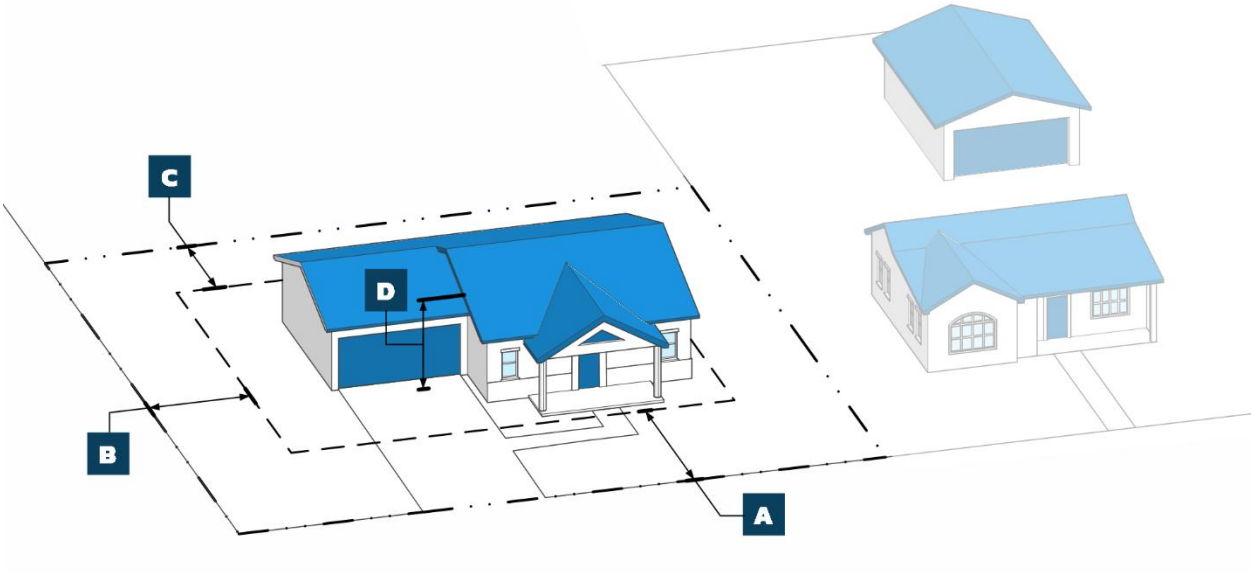


Table 17.02.15: SR1 Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum		8,700 SF		Front	25 FT
Lot Width, Minimum		60 FT		Side	5 FT
Density, Maximum		5 DU/AC		Rear	5 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	25 FT	Building Coverage		50%
B	Street Side, Corner Lot	15 FT	**Building Height (Maximum)**		
	Side	15 FT	**D**	All Buildings	35 FT
C	Rear	15 FT			

(3) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.16: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(d) Suburban Residential, High (SR2)

(1) Purpose

The purpose of the SR2 district is to retain and provide opportunities for low- to medium-density single-family development in a neighborhood setting. The SR2 district should be located in established metropolitan districts, rural communities, and other locations where public water and sewer services are available.

(2) Dimensional Standards

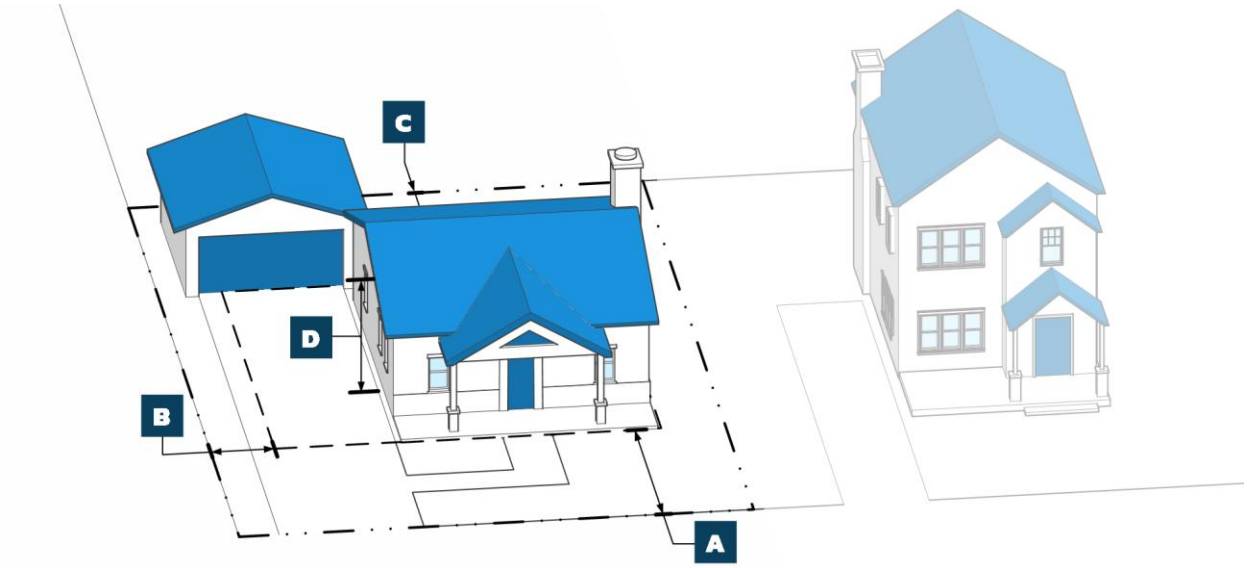


Table 17.02.17: SR2 Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum (per structure)		5,600 SF		Front	25 FT
Lot Width, Minimum (original lot; may be reduced for individual townhomes)		50 FT		Side	5 FT
Density, Maximum		8 DU/AC		Rear	5 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	25 FT	Building Coverage		50%
B	Street Side, Corner Lot	7.5 FT	**Building Height (Maximum)**		
	Side	7.5 FT	**D**	All Buildings	35 FT
C	Rear	15 FT			

(3) Other Applicable Code Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.18: Cross-References to Other Applicable Code Sections

Code Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(e) Mixed Residential, Low (LR)

(1) Purpose

The purpose of the LR district is to retain and provide opportunities for a mix of moderate density residential development characterized by single-family, two-family, and attached dwelling units in a neighborhood setting. The LR district should be located in established metropolitan districts and rural communities where public water and sewer services are available.

(2) Dimensional Standards



Table 17.02.19: LR Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum (per structure)				Front	20 FT
	Single-Family Dwelling or Nonresidential Structure	4,000 SF		Side	5 FT
	Two-Family or Attached Dwelling	5,000 SF		Rear	5 FT
Lot Width, Minimum (original lot; may be reduced for individual townhomes)		50 FT	**Coverage (Maximum)**		
Density, Maximum		11 DU/AC	Building Coverage		60%
Principal Building Setbacks (Minimum)			**Building Height (Maximum)**		
A	Front	20 FT	D	All Buildings	35 FT
B	Street Side, Corner Lot	10 FT			
	Side	5 FT			
C	Rear	10 FT			

(3) Other Applicable UDC Sections

All development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.20: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Site and Building Standards	17.04.080
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(f) Mixed Residential, High (HR)

(1) Purpose

The purpose of the HR district is to retain and provide opportunities for a mix of moderate to high density residential development characterized by single-family detached and attached dwelling units and limited multi-family dwelling unit structures in a neighborhood setting. The HR district should be located in established metropolitan districts and rural communities where public water and sewer services are available.

(2) Dimensional Standards



Table 17.02.21: HR Lot and Building Standards

SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable

Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum (per structure)				Front	20 FT
	Single-Family Dwelling	3,000 SF		Side	5 FT
	Two-Family or Attached Dwelling	4,000 SF		Rear	5 FT
	Multi-Family and Nonresidential Structures	6,000 SF	**Coverage (Maximum)**		
Lot Width, Minimum (original lot; may be reduced for individual townhomes)		25 FT	Building Coverage		60%
Density, Maximum		15 DU/AC	**Building Height (Maximum)**		
Principal Building Setbacks (Minimum)			**D**	All Buildings	35 FT
A	Front	20 FT			
	Front, Manufactured Home Space	10 FT			
B	Street Side, Corner Lot	10 FT			
	Side	5 FT			
C	Rear	10 FT			
	Rear, Manufactured Home Space	5 FT			

(3) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.22: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Site and Building Standards	17.04.080
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

17.02.070 Mixed-Use Zone Districts

(a) Mixed-Use Districts

The UDC includes the following Mixed-Use zone districts. When the UDC refers to Mixed-Use zone districts, these districts are included.

Table 17.02.23: Mixed-Use Zone District Summary

Existing Zone District	Zone District Name	Section
R-5 Multiple Residential and Office	MN Mixed-Use Neighborhood	17.02.070(b)
O-1 Neighborhood Office		
B-1 Neighborhood Business		
R-6 Multiple Residential and Commercial	MC Mixed-Use Commercial	17.02.070(c)

(b) Mixed-Use Neighborhood (MN)

(1) Purpose

The purpose of the MN district is to retain and provide opportunities for small-scale retail, office, and commercial uses in a neighborhood setting in conjunction with moderate density residential development. Residential development in MN districts is characterized by attached dwelling units and smaller multi-family dwelling unit structures.

(2) Dimensional Standards

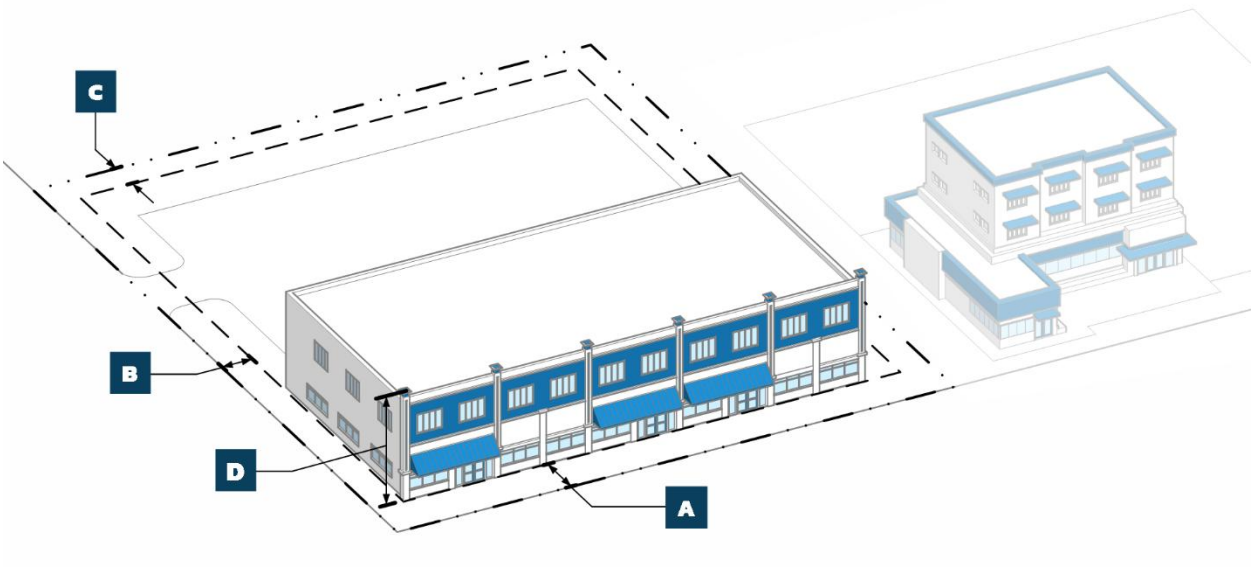


Table 17.02.24: MN Lot and Building Standards

SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable

Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum			Front	15 FT
	Mixed-Use or Nonresidential Structure	N/A	Side	5 FT
	Single-Family Dwelling	3,000 SF	Rear	5 FT
	Two-Family or Attached Dwelling	4,000 SF		
	Multi-Family and Nonresidential Structures	6,000 SF		
Density, Maximum		15 DU/AC	**Coverage (Maximum)**	
Principal Building Setbacks (Minimum)			Building Coverage	50%
A	Front	15 FT	**Building Height (Maximum)**	

	Front, Manufactured Home Space	10 FT			
B	Side	5 FT	D	All Buildings	35 Ft
C	Rear	10 FT			
	Rear, Manufactured Home Space	5 FT			

(3) Other Applicable UDC Sections

All development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.25: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Residential Adjacency Standards	17.04.070
Site and Building Standards	17.04.080
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(c) Mixed-Use Commercial (MC)

(1) Purpose

The purpose of the MC district is to retain and provide opportunities for large-scale retail, office, and commercial uses in high activity settings in conjunction with moderate to high density residential development. Residential development in MC districts is characterized by multi-family dwelling unit structures or multi-family dwelling units integrated with nonresidential uses in the same structure.

(2) Dimensional Standards

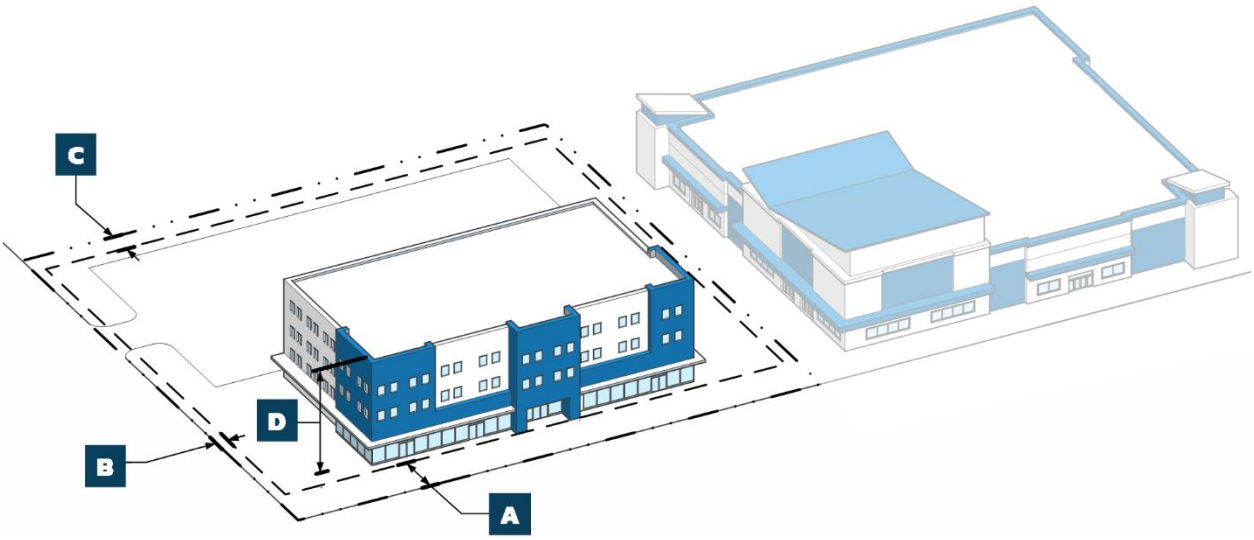


Table 17.02.26: MC Lot and Building Standards

SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable

Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum				Front	20 FT
	Mixed-Use or Nonresidential Structure	N/A		Side	5 FT
	Single-Family Dwelling	3,000 SF		Rear	5 FT
	Two-Family or Attached Dwelling	4,000 SF			
	Multi-Family and Nonresidential Structures	6,000 SF			
Density, Maximum		16+ DU/AC	**Coverage (Maximum)**		
Principal Building Setbacks (Minimum)			Building Coverage		65%
A	Front	20 FT	**Building Height (Maximum)**		
	Front, Manufactured Home Space	10 FT			

Table 17.02.26: MC Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
B	Side	5 FT	**D**	All Buildings	N/A [1]
C	Rear	10 FT			
Notes: [1] Buildings over three stories shall provide an additional two and a half feet of side yard on each side for each story over three.					

(3) Other Applicable UDC Sections

All development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.27: Cross-References to Other Applicable UDC Sections	
Section	**Section Reference**
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Residential Adjacency Standards	17.04.070
Site and Building Standards	17.04.080
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

17.02.080 Commercial and Industrial Zone Districts

(a) Commercial and Industrial Districts Established

The UDC includes the following Commercial and Industrial zone districts. When the UDC refers to Commercial and Industrial zone districts, these districts are included.

Table 17.02.28: Commercial and Industrial Zone District Summary

Existing Zone District		Zone District Name		Section
B-4	Community Business	CC	Community Commercial	17.02.080(b)
I-1	Special Industrial	LI	Light Industrial	17.02.080(c)
I-2	Light Industrial			
I-3	Heavy Industrial	HI	Heavy Industrial	17.02.080(d)
I-4	Hazardous Waste Overlay	--	--	--
P-1	PuebloPlex	PP	PuebloPlex	17.02.080(e)

(b) Community Commercial (CC)

(1) Purpose

The purpose of the CC district is to retain and provide opportunities for commercial, employment, and service-oriented uses that serve adjacent neighborhoods, rural communities, and the broader region.

(2) Dimensional Standards

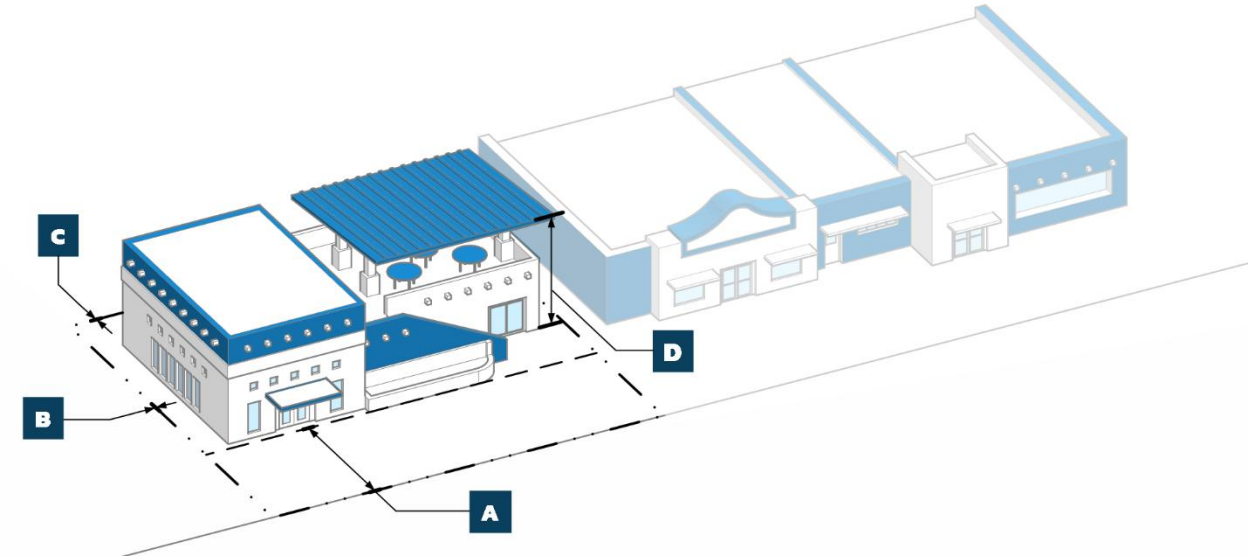


Table 17.02.29: CC Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum		5,000 SF		Front	25 FT
Lot Width, Minimum		50 FT		Street Side	0 FT
				Rear	0 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	25 FT	Building Coverage		60%
B	Side [1]	0 FT	**Building Height (Maximum)**		
C	Rear [1]	0 FT	**D**	All Buildings	35 FT
Notes: [1] Zero-foot side or rear setback requirement provided construction meets building code requirement (re: fire ratings) and parking and loading requirements of §17.04.020, Off-Street Parking and Loading.					

(3) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.30: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Residential Adjacency Standards	17.04.070
Site and Building Standards	17.04.080
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(c) Light Industrial (LI)

(1) Purpose

The purpose of the LI district is to retain and provide areas for the for manufacture, assembly, packaging, warehousing, wholesaling, and limited retailing of products from previously prepared materials. Light industrial uses are carried out inside a structure and do not have external impacts that affect surrounding uses.

(2) Dimensional Standards

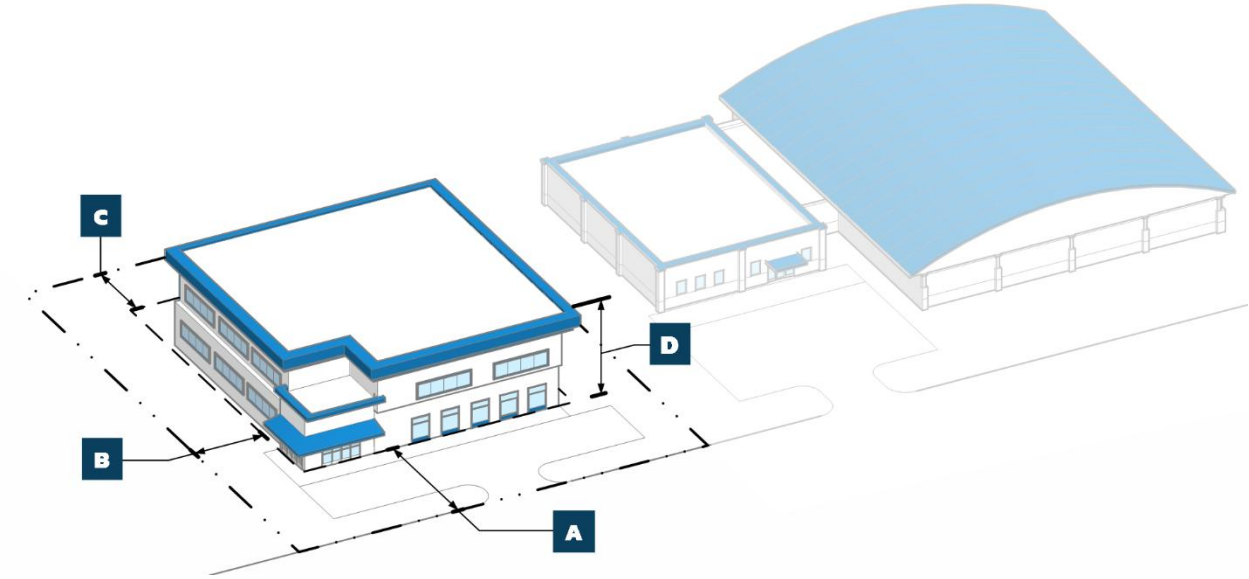


Table 17.02.31: LI Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum		20,000 SF		Front	25 FT
Lot Width, Minimum		100 FT		Street Side	5 FT
				Rear	5 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	20 FT	Building Coverage		N/A
B	Street Side	15 FT	**Building Height (Maximum)**		
C	Rear	15 FT	D	All Buildings	60 FT

(3) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.32: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Residential Adjacency Standards	17.04.070
Site and Building Standards	17.04.080
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(d) Heavy Industrial (HI)

(1) Purpose

The purpose of the HI district is to retain and provide areas for industrial and primary manufacturing uses that use or produce products or conduct operations that generate dust, noise, or pollution, or that may have visual or other adverse impacts that are not compatible with dissimilar uses.

(2) Dimensional Standards

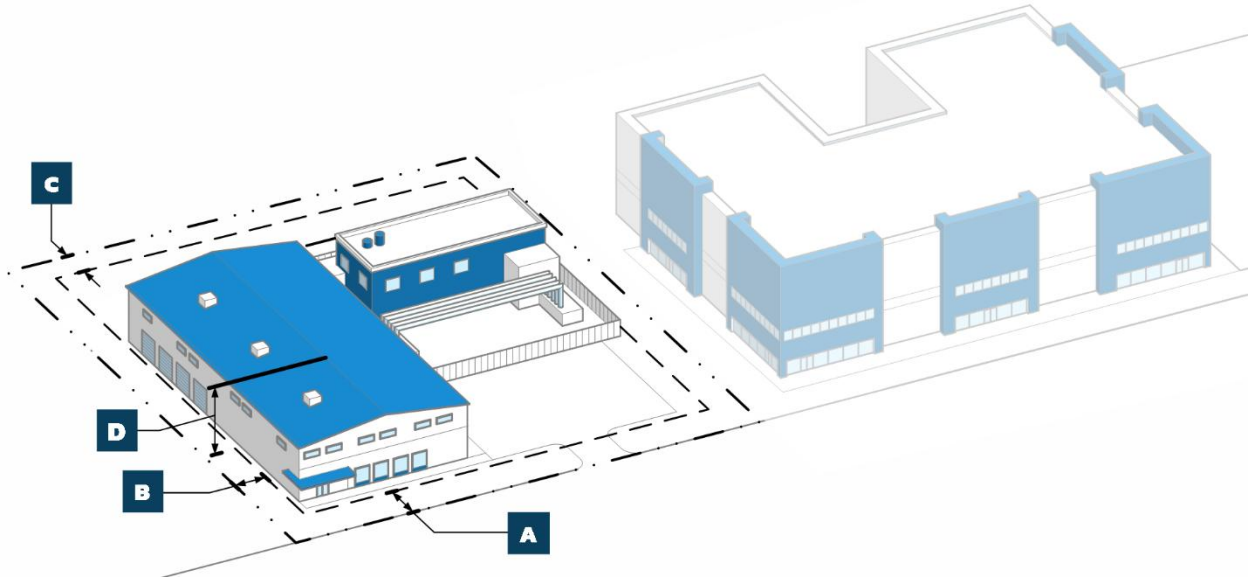


Table 17.02.33: HI Lot and Building Standards					
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable					
Lot Standards			**Accessory Building Setbacks (Minimum)**		
Lot Area, Minimum		1 AC		Front	25 FT
Lot Width, Minimum		100 FT		Street Side	5 FT
				Rear	5 FT
Principal Building Setbacks (Minimum)			**Coverage (Maximum)**		
A	Front	20 FT	Building Coverage		N/A
B	Street Side	15 FT	**Building Height (Maximum)**		
C	Rear	15 FT	D	All Buildings	60 FT

(3) Additional Standards

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

(ii) No vibration resulting from the industrial or business activities shall be measurable at the outer boundaries of the development site;

(iii) No obnoxious or noxious odors resulting from the industrial or business activities shall be discernible at the outer boundaries of the development site;

(iv) 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;

(v) No noxious gases resulting from any industrial or business activity shall be discernible at the outer boundaries of the development site;

(vi) No glare of heat shall be discernible beyond the outer boundaries of the development site;

(vii) Industrial wastes shall be deposited, stored, and transmitted from the development site so as to not be objectionable to adjacent development sites or create a public nuisance; and

(viii) All outdoor storage areas shall be suitably screened in accordance with §17.04.030, Screening.

(4) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.34: Cross-References to Other Applicable UDC Sections

Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Residential Adjacency Standards	17.04.070
Site and Building Standards	17.04.080
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

(e) PuebloPlex (PP)

(1) Purpose

(i) The purpose of the PP district is to support the implementation of the PuebloPlex Redevelopment Plan. Specifically, the PP district is intended to:

(ii) Recognize the unique nature, location, and conditions of the PuebloPlex property;

(iii) Allow for a wide range of uses as may be consistent with the PuebloPlex mission and technological advances over time;

(iv) Establish flexible site layout and development standards to promote orderly development, high quality project design, economies of construction, and the preservation of open space;

(v) Provide greater flexibility in locating buildings and combining compatible uses to support economies of construction and the preservation of open space; and

(vi) Establish specialized review and approval procedures for PuebloPlex projects.

(2) Dimensional Standards

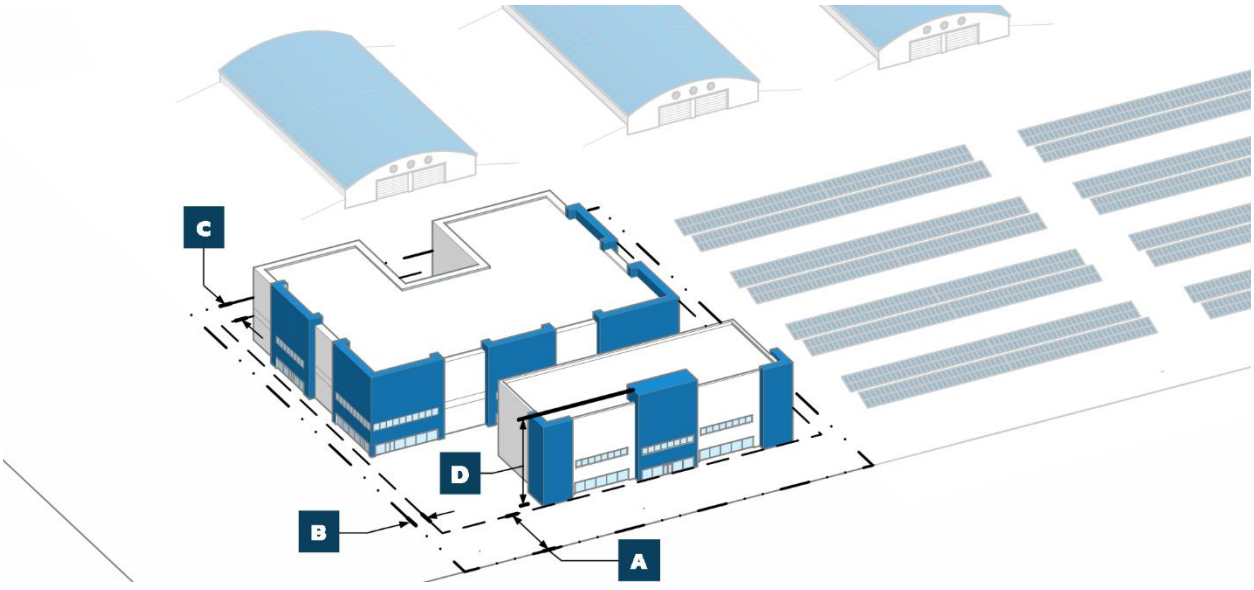


Table 17.02.35: Lot and Building Standards

SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable

Residential

Lot Standards (Minimum)			**Residential Density (Maximum)**	
Lot Area			Single-Family Detached Dwelling	1 unit/parcel
	Single-Family Detached Dwelling	3,000 SF	Attached Dwelling	2 units/parcel
	Two-family and Attached Dwellings	5,000 SF	Multi-Family Dwelling	16 units/acre
	Multi-Family Dwelling	N/A	**Building Setbacks (Minimum)**	
Lot Width		60 FT	Front	25 FT
			Side	5 FT
Building Height (Maximum)			Rear	15 FT
Principal Building			**Coverage (Maximum)**	
	Single-Family Detached, Two-family, and Attached Dwellings	35 FT	Building Coverage	50%
	Multi-Family	60 FT	**Open Space (Minimum)**	
Accessory Building		35 FT	Multi-Family Dwelling	20%

Commercial

Lot Standards			**Coverage (Maximum)**	
Lot Area, Minimum		5,000 SF	Building Coverage	35%
Lot Width, Minimum		60 FT	**Building Height (Maximum)**	
Building Setbacks (Minimum)			**D** Principal Building	60 FT
A	Front	25 FT	Accessory Building	35 FT
B	Side	10 FT		
C	Rear	20 FT		

Institutional

Lot Standards			**Coverage (Maximum)**	
Lot Area, Minimum		5,000 SF	Building Coverage	N/A
Lot Width, Minimum		N/A	**Building Height (Maximum)**	
Building Setbacks (Minimum)			Principal Building	60 FT
	Front	25 FT	Accessory Building	35 FT
	Side	0 FT		
	Rear	0 FT		

Table 17.02.35: Lot and Building Standards				
SF = Square Feet FT = Feet DU = Dwelling Unit AC = Acre N/A = Not Applicable				
Industrial				
Lot Standards			**Coverage (Maximum)**	
Lot Area, Minimum		20,000 SF	Building Coverage	N/A
Lot Width, Minimum		N/A	**Building Height (Maximum)**	
Building Setbacks (Minimum)			All Buildings	N/A
	Front	25 FT		
	Side	15 FT		
	Rear	15 FT		
Agricultural				
Lot Standards			**Coverage (Maximum)**	
Lot Area, Minimum		1 AC	Building Coverage	25%
Lot Width, Minimum		N/A	**Building Height (Maximum)**	
Building Setbacks (Minimum)			All Buildings	N/A
	Front	25 FT		
	Side	15 FT		
	Rear	15 FT		

(3) Additional Standards

(i) Provisions for Public Facilities and Services

The PP district 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.

(ii) Screening Standards

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 Section to require screening or buffering of principal structures or of products displayed for retail sale.

b. Screening and buffering may be accomplished using 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 feet in height is required around the material or equipment.

d. Screening and buffering shall be indicated on the development plan and submitted for review to the Department of Planning and Development. The development plan shall specify 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.

(iii) Performance Standards

a. Sounds resulting from the industrial or business activity, as measured at the outer boundaries of the development site, 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 development site;

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

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 any industrial or business activity shall be discernible at the outer boundaries of the development site;

f. No glare of heat shall be discernible beyond the outer boundaries of the development site; and

g. Industrial wastes shall be deposited, stored, and transmitted from the development site so as to not be objectionable to adjacent development sites or create a public nuisance;

(4) Off-Street Parking and Loading

The PP district shall be subject to shall be subject to the requirements of §17.04.020(d)(3), Schedule C.

(5) Other Applicable UDC Sections

Development shall comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 17.02.36: Cross-References to Other Applicable UDC Sections

Code Section	Section Reference
Use Regulations	Chapter 17.03
Floodplain	17.04.010
Off-Street Parking and Loading	17.04.020
Screening	17.04.030
Outdoor Lighting	17.04.040
Subdivision Design	17.04.050
Residential Adjacency Standards	17.04.070
Site and Building Standards	17.04.080
Clear Sight Triangle	17.04.090
Signs	Chapter 17.05

17.02.090 Special Purpose Districts

(a) Special Purpose Districts Established

The UDC includes the following Special Purpose districts. When the UDC refers to Special Purpose districts as a group, these districts are included.

Table 17.02.37: Special Purpose District Summary

Existing Zone District		Zone District Name		Section
S-1	Public Use	PL	Public Lands	17.02.090(b)
		CF	Community Facilities	17.02.090(c)
S-4	Parking	--	--	--
C-1	Conditional (Intent to Rezone)	--	--	--

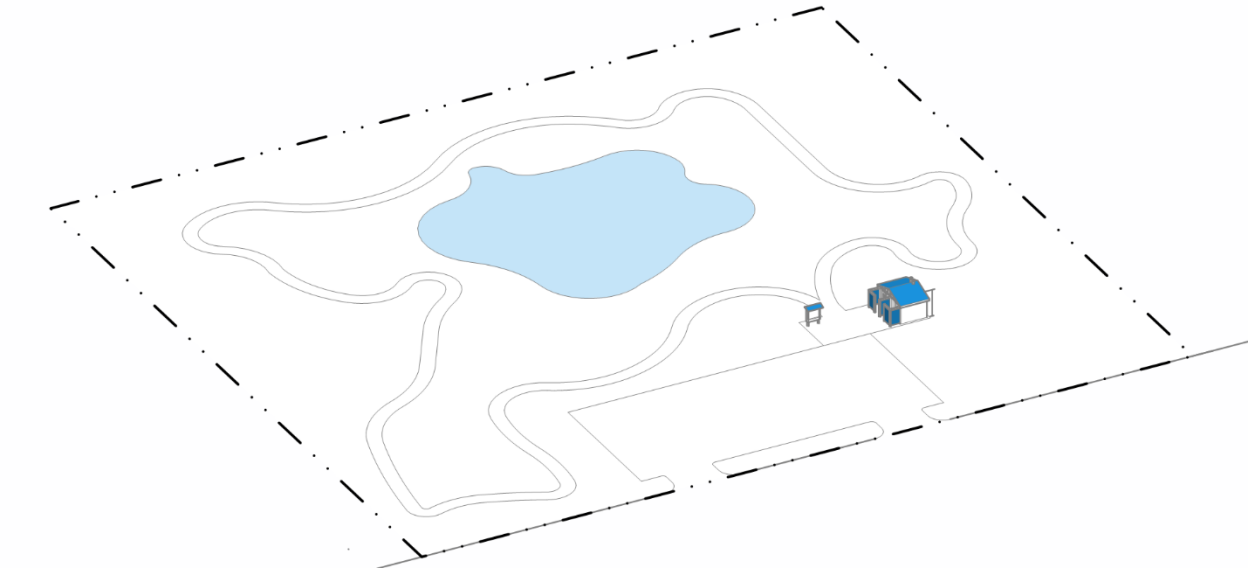
(b) Public Lands (PL)

(1) Purpose

The purpose of the PL district is to retain and provide land areas for public use and to provide notice of potential changes in the use of public lands.

(2) Applicability

The PL district is applicable to lands in Pueblo County that are owned and managed by County, state, or federal agencies.



(c) Community Facilities (CF)

(1) Purpose

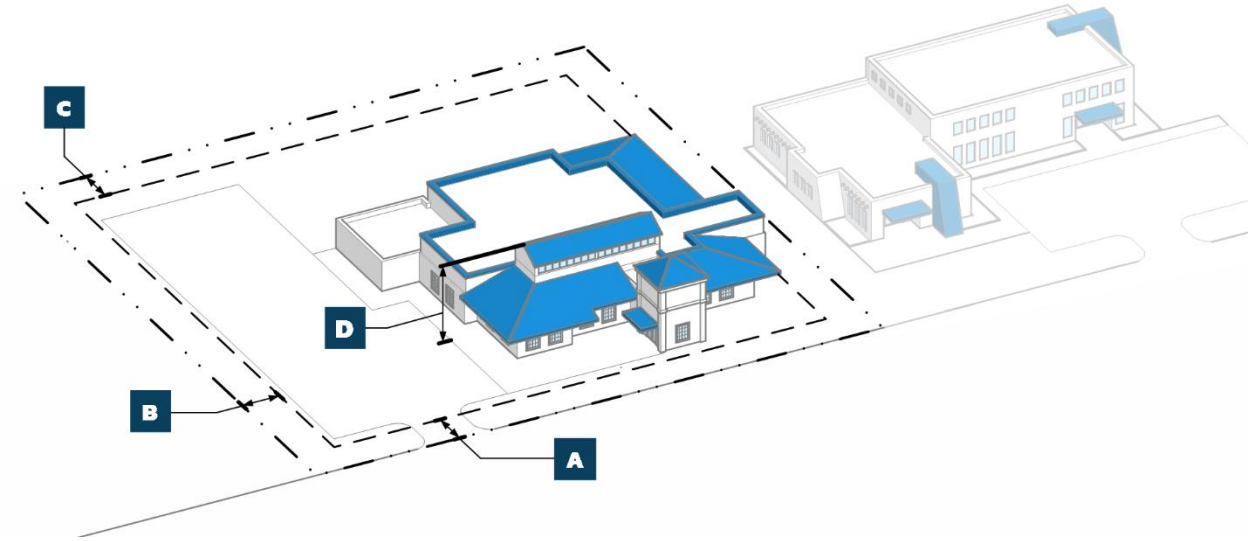
The purpose of the CF district is to accommodate public, educational, institutional, cultural, recreational, and similar uses to serve the needs of the County.

(2) Applicability

The CF district is applicable to public and quasi-public facilities that are not state or federally owned.

(3) Dimensional Standards

Setbacks in the Community Facilities district shall be the same as the required structure setbacks in the abutting zone district unless otherwise approved with a specific development application.



17.02.100 Overlay Districts

(a) Overlay Districts Established

The UDC includes the following Overlay districts. When the UDC refers to Overlay districts as a group, these districts are included.

Table 17.02.38: Overlay District Summary

Existing Zone District		Zone District Name		Section Reference
S-2	Airport	APO	Airport Overlay	17.02.100(b)
S-3	Floodplain	FPO	Floodplain Overlay	17.02.100(c)
--	--	AGO	Agricultural Conservation Overlay	17.02.100(d)
--	--	PWO	Pueblo West Overlay	17.02.100(e)
--	--	CCO	Colorado City Overlay	17.02.100(f)
PUD	Planned Unit Development	PUD	Planned Unit Development	
RLUP	Rural Land Use Process	--	--	--

(b) Airport Overlay (APO)

(1) Purpose

The purpose of the APO district is to promote the use and development of land in a manner compatible with the continued operation and utility of the Pueblo Memorial Airport to protect the public investment in, and benefit provided by, the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens utilizing the facility or living and working in the vicinity, by preventing the creation or establishment of obstructions or incompatible land uses hazardous to the airport's operation or the public welfare.

(2) Applicability

The APO district shall apply to lands in the vicinity of the Pueblo Memorial Airport, as shown on the Pueblo County Zone District Map.

(3) Standards

Lands within the APO district are subject to requirements and review processes associated with the Pueblo Memorial Airport Master Plan, the Airport Industrial Park, and the City of Pueblo in addition to the rules and requirements associated with the underlying base zone district. Where requirements conflict, the more restrictive requirement shall apply.

(c) Floodplain Overlay (FPO)

(1) Purpose

The FPO district is intended 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.

(2) Applicability

The boundaries of the FPO district shall include all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a Federal Emergency Management Agency (FEMA) Letter of Map Amendment (LOMA) or Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Pueblo County.

(3) Basis for Establishing Special Flood Hazard Areas

(i) The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for the County of Pueblo," dated August 15, 2019, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto incorporated by reference into this Section.

(ii) These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Section and may be supplemented by studies designated and approved by the Board of County Commissioners.

(iii) The Floodplain Administrator shall keep a copy of the Flood Insurance Study, DFIRMs, FIRMs and/or FBFMs on file and available for public inspection. The Flood Insurance Study and FIRM shall be kept on file at the Department of Planning and Development. The Director may also make this information available electronically.

(4) Standards

Properties within the FPO district may be subject to the floodplain regulations in §17.04.010. In cases where the FPO and base zone district regulations conflict, FPO regulations apply.

(d) Agricultural Conservation Overlay (AGO)

(1) Purpose

The AGO district is intended to protect and retain larger, contiguous tracts of prime farmland and agricultural land for the purposes of food or crop production that supports local and regional food systems and the economy.

(2) Applicability

The boundaries of the AGO district shall be as shown on the Pueblo County Zone District Map.

(3) Standards

Properties in the AGO district may be subject to additional standards as follows:

(i) A1 district: §17.04.060, Rural Land Use Process.

(ii) A2 and A3 districts: §17.04.050(i), Conservation Development.

(e) Pueblo West Overlay (PWO)

(1) Purpose

The PWO district is intended to distinguish properties that may be subject to requirements and review processes associated with the Pueblo West Declaration of Reservations in addition to the rules and requirements of this UDC.

(2) Applicability

The boundaries of the PWO coincide with the boundary of the Pueblo West Metropolitan District, as established by the Pueblo West Declaration of Reservations and shown on the Pueblo County Zone District Map.

(3) Standards

Properties zoned within the PWO district shall be subject to the requirements of the Pueblo West Declaration of Reservations, as applicable, in addition to the requirements of the underlying base zone district. In the case where the base zoning regulations and the Pueblo West Declaration of Reservations conflict, the more restrictive regulations shall apply.

(f) Colorado City Overlay (CCO)

(1) Purpose

The CCO district is intended to distinguish properties that are subject to requirements and review processes associated with Colorado City Protective Covenants in addition to the rules and requirements of this UDC.

(2) Applicability

The boundaries of the CCO coincide with the boundary of the Colorado City Metropolitan District, as established by the Colorado City Protective Covenants and shown on the Pueblo County Zone District Map.

(3) Standards

Properties zoned within the CCO district shall be subject to the requirements of the Colorado City Protective Covenants, as applicable, in addition to the requirements of the underlying base zone district. In the case where the base zoning regulations and the Colorado City Protective Covenants conflict, the more restrictive regulations shall apply.

(g) Planned Unit Development District (PUD)

(1) Purpose

In accordance with Colorado Revised Statutes, Sections 24-67-101, et seq., the purpose of the PUD district is to:

(i) Further the public health, safety, integrity, and general welfare within Pueblo County in ways consistent with the Regional Comprehensive Plan;

(ii) Facilitate development by permitting greater flexibility than allowed by the strict application of the UDC in exchange for more innovative designs with a higher level of amenities and public benefits than is otherwise possible under the base zone districts; and

(iii) Accommodate unique development layouts that preserve natural, environmental, and scenic features of the site or address challenges presented by specific site conditions.

(2) Applicability

An application for a PUD district shall only be considered if it meets the following criteria:

(i) The proposed PUD is held in single ownership or results in the creation of five or more dwelling units;

(ii) The proposed PUD could not be developed using conventional zone districts or standard established in this UDC;

(iii) The application is not being submitted to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means; and

(iv) The proposed PUD incorporates at least one of the following public benefits:

(v) The PUD protects, preserves, and/or manages areas of significant natural resources or prime agricultural land;

(vi) The PUD features outstanding site design and construction such as best management practices for on-site storm water management, green building materials, solar orientation of building forms, and/or water and energy efficiency;

(vii) The PUD features a unique site design that will create a diverse neighborhood with a mix of housing choices;

(viii) The PUD includes an internally and externally connected park, trail, and open system designed for the occupants/residents of the PUD district; or

(ix) The PUD provides a different substantial benefit to the County as determined by the Director.

(3) Establishment of a PUD District

PUD districts shall be established pursuant to the procedures set forth in §17.06.070(a), Planned Unit Development.

(4) Identification of Base Zone District

Each PUD application shall identify a base zone district or districts from the districts established in this UDC to apply to each area of the PUD. The terms of the base zone district(s) may be varied by the terms of the PUD development plan. Where a PUD approval is silent as to a development term or requirement, the requirements of the applicable base zone district shall apply.

(5) Areas of Flexibility Allowed

Through §17.06.070(a), Planned Unit Development, the County may approve requested adjustments or waivers to any development standard in this UDC, except regulations relating to the provision or financing of necessary public infrastructure, services, and facilities.

(6) 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.

(7) Standards for Consideration

In preparation of a rezoning request to the PUD district, the applicant should consider the following standards:

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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 applicable County standards.

(v) 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 shall be subject to review and approval by the Department of Public Works prior to the

commencement of any construction activities. All drainage facilities, whether public or private shall be constructed in accordance with applicable County standards.

(vi) Compatibility with Adjacent Properties

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 subject to the standards of §17.04.070, Residential Adjacency Standards.

(vii) 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.

(viii) Subdivision Improvements

Subdivision improvements shall be constructed within each phase in accordance with §17.04.050, Subdivision Design.

(8) Modification to Standards

(i) Design, construction, and other requirements applicable to a PUD may be different from or modifications of the requirements of this UDC or other applicable regulations, so long as such requirements substantially comply with the subdivision provisions of C.R.S. 28-30-101, et. Seq. No modification from the submittal and review requirements for rezoning and/or subdivision requests as contained in this UDC shall be allowed.

(ii) Any request for modification of design, construction, or other applicable requirement shall be stated in writing as part of the application for a PUD district 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.

(iii) If no modification is submitted as part of the application for a PUD district, the proposed development shall comply with all applicable regulations of this UDC.

(9) Supplemental Plans and Studies

(i) 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 request. The maintenance plan shall be submitted concurrently with the Final PUD Plat and recorded prior to or in conjunction with the Final PUD Plat. 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 as part of the PUD Plat review process. In cases in which a submittal conforming to the standards for final plats contained in this UDC is required, the maintenance plan shall be submitted at final plat stage. In cases in which only a PUD Plat is required the maintenance plan shall be submitted at the PUD Plat stage.

b. For proposals that 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 Pueblo Department of Public Health and Environment, such a plan is necessary to protect the public health, safety, and welfare.

c. 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 30 days prior to the submittal date;

3. A service plan to include:
4. Proposed method of guaranteeing maintenance, as approved by the Department of Public Works;
5. Proposed form of unified control, that 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;
6. 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;
7. Cost of capital construction for proposed facilities, cost of maintenance for such facilities per year, amount proposed to be assessed to meet such expenses;
8. 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; and
9. Evidence that all required approvals have been granted in accordance with all applicable requirements of this UDC.

(ii) PUD Plat

A PUD Plat, drawn to scale at a scale adequate to provide the required information clearly, shall be required for all PUDs and shall include the information listed below. The Director may permit certain information listed below to be omitted or otherwise modified when considered not applicable.

a. General Information

1. A vicinity map to locate the development in relation to the community.

2. Any existing plats and improvements of adjacent properties lying within 300 feet of the proposed project.
3. The PUD boundary.

b. Land Use and Zoning

A summary data chart indicating:

1. The size (area) of the proposed project;
2. The underlying zone district(s);
3. The density of the proposed project;
4. The land uses proposed as part of the project, including approximate acres and percent of development associated with each use;
5. Maximum lot coverage; and
6. Minimum open space area.

c. Land Uses and Locations

1. Land use(s) for each area and corresponding land area; including residential, commercial/industrial, public sites, and open space and recreational areas;
2. Existing and Proposed public and private easements and drainage areas; and
3. Perimeter setbacks.

d. Roadways

1. Existing roadways (public and private) within 500 feet, graded by functional classification with right-of-way widths and surfacing depicted.
2. Proposed roadways (public and private) within the PUD, graded by functional classification with right-of-way widths and surfacing depicted.

e. Site Features

The location of watercourses and other natural and historic features.

f. Phasing

The stages, if appropriate, in which the project will be developed.

(10) Vesting of Development Rights for Planned Unit Developments

(i) Large-Scale Projects

For PUDs meeting criteria established by the Board of County Commissioners (such as acreage, number of units, or projected buildout period), the Board may approve vested rights for a period up to twenty (20) years, consistent with C.R.S. §24-68-101 et seq., subject to compliance with an approved phasing schedule.

(ii) Two-Tier Approval Process

Approval of a PUD Conceptual Development Plan shall establish vested rights for overall land uses, density ranges, circulation systems, and open space. Detailed site design shall be approved through Site Development Plans for each phase.

(iii) Flexibility

Site Development Plans may adjust land use boundaries, street alignments, or site layouts so long as they remain consistent with the approved Conceptual Development Plan and do not exceed the maximum densities or intensities authorized by the PUD.

(iv) Review

For PUDs with a vesting period exceeding ten (10) years, the applicant shall provide a progress report to the Director every ten (10) years from the date of PUD approval, describing phasing status and anticipated changes. The Board may amend conditions of approval to respond to substantial changes in infrastructure or public service capacity.

(v) Expiration

Vested rights shall not expire solely because an individual phase is not developed in accordance with the conceptual phasing program. If less than fifty percent (50%) of the overall project has been completed, the Board of County Commissioners may consider expiration of vested rights for undeveloped phases following a public hearing. If fifty percent (50%) or more of the overall project has been completed, vested rights shall remain in effect for the balance of the project unless otherwise agreed to by the applicant and the Board.

Chapter 17.03 Use Regulations

17.03.010 Purpose and Organization

(a) Purpose

This chapter identifies the land uses allowed in Pueblo County's zone districts and establishes standards that apply to certain uses with unique characteristics or impacts.

(b) Organization

(1) Section 17.03.020, Table of Allowed Uses, lists land uses allowed by district and provides cross-references to applicable use-specific standards.

(2) Section 17.03.030, Use-Specific Standards, establishes use-specific standards applicable to specific land uses.

(3) Section 17.03.040, Accessory Uses and Structures, establishes standards applicable to accessory uses and structures.

(4) Section 17.03.050, Temporary Uses and Structures, establishes standards applicable to temporary uses and structures.

(5) Section 17.03.060, Special Event Standards, establishes standards applicable to events requiring a Special Event Permit.

17.03.020 Table of Allowed Uses

(a) Explanation of Use Permission Abbreviations

The following abbreviations are used to indicate use permissions. Where two abbreviations are included in a cell, the first letter indicates whether or how the use is allowed and the second letter indicates any potentially applicable specific use review process. The Director shall determine which, if any, specific use review is applicable, even if not otherwise noted in the Table of Allowed Uses.

(1) Uses Permitted By-Right

"P" in a cell indicates that the use is permitted by right in the respective zone district. Permitted uses are subject to all other applicable regulations of the UDC.

(2) Special Use Permit Required

"S" in a cell indicates that the use is only permitted in the respective zone district with approval of a Special Use Permit pursuant to §17.06.070(b) and subject to all other applicable regulations of the UDC.

(3) Zoning Compliance Review for Marijuana Required

"M" in a cell indicates that the use is only permitted in the respective zone district with approval of a Zoning Compliance Review for Marijuana, subject to all other applicable regulations of the UDC.

(4) Zoning Compliance Review for Hemp Required

"H" in a cell indicates that the use is only permitted in the respective zone district with approval of a Zoning Compliance Review for Hemp, subject to all other applicable regulations of the UDC.

(5) Application to Conduct a Designated Activity of State and Local Interest

"D" in a cell indicates that the use is only permitted in the respective zone district pursuant to Chapter 17.07, Areas and Activities of State and Local Interest, subject to all other applicable regulations of the UDC.

(6) Application for Hazardous Waste Incinerator or Processor

"W" in a cell indicates that the use is only permitted in the respective zone district pursuant to Chapter 17.08, Hazardous Waste Incinerator or Processor Site Procedures, subject to all other applicable regulations of the UDC.

(7) Mining and Extraction Permit Required

"E" in a cell indicates that the use is only permitted in the respective zone district with approval of a Mining and Extraction Permit pursuant to Chapter 17.09 and subject to all other applicable regulations of the UDC.

(8) Prohibited Use

A blank cell indicates that the use is prohibited in the respective zone district.

(9) Use-Specific Standards

In some instances, use-specific standards apply to certain land uses in a specific zone district. Regardless of whether a use is allowed by right or with approval of a Special Use Permit, Zoning Compliance Review, or 1041 Permit, additional standards may be applicable to that use. Use-specific standards are identified and cross-referenced in the last column of the table.

(b) Similar Use Determination

All possible uses may not be listed within this UDC, and new uses may evolve over time. When it is unclear whether a proposed use is permitted, a determination of whether or not

a proposed use is similar to a permitted or conditionally permitted use may be made by the Director in accordance with §17.06.050(g), UDC Interpretation.

(c) Table of Allowed Uses

Table 17.03.1: Table of Allowed Uses

P = Permitted **S** = Special Use Permit **T** = Temporary Use Permit **E** = Mining and Extraction Permit **W** = Hazardous Waste Incinerator or Processor
M = Zoning Compliance Review (Marijuana) **H** = Zoning Compliance Review (Hemp) **D** = Designated Activity of State and Local Interest
See §17.04.020(d) for off-street parking requirements

Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Agricultural Uses																	
Animal Feeding Operation	S																17.03.030(b)(1)
Agricultural Production	P	P	P	S	S	S	S	S	S	S				P			
Agricultural Processing	P	P	P									P	P	P			17.03.030(b)(2)
Agricultural Tourism	P	P	P	S													
Concentrated Animal Feeding Operation	S																17.03.030(b)(3)
Equestrian Facility, Commercial	S	S	S								S			P	S	S	17.03.030(b)(4)
Nursery	P	P	P	P						P	P	P	P	P			
Hemp Establishment	P/H	P/H										P/H	P/H	P/H			17.03.030(b)(5)
Livestock Sales and Auction	S	S															
Roadside Sale Stand	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Sawmill	P	P	S										P				17.03.030(b)(6)
Residential Uses																	
Household Living																	
Dwelling, Attached						P	P	P	P	P				P			
Dwelling, Cottage Court							P	P	P	P							17.03.030(c)(1)
Dwelling, Live/Work	P	P	P						P	P				P			

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Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Dwelling, Multi-Family								P	P	P				P			
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	P				P			
Dwelling, Two-Family						P	P	P	P	P				P			
Manufactured Home	P	P	P	P	P	P	P	P	P	P				P			17.03.030(c)(2)
Manufactured Home Community								S	S	S				S			17.03.030(c)(3)
Group Living																	
Boarding or Rooming House								P	P	P				P			
Dormitory														P			
Group Home, FHAA Large								P	P	P				P			
Group Home, FHAA Small	P	P	P	P	P	P	P	P	P	P				P			
Group Residential Facility, Large								P	P	P				P			
Group Residential Facility, Small	S	S	S	S	S	S	S	P	P	P							
Transitional Housing								P	P	P							

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Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Public, Civic, and Institutional Uses																	
Community and Cultural Facilities																	
Assembly, Religious or Secular	P	P	S	S	S	S	S	S	P	P	P	S		P		P	
Cemetery or Mausoleum, Private	P	P	S												P	P	
Cemetery or Mausoleum, Public	S	S	S												S	S	
Crematory												P	P				
Community Center									P	P				P		P	
Daycare Center, Adult or Child	S	S	S	S	S	S	S	S	P	P	P	S		P			
Cultural Facility									S	P	P	P	P	P			
Emergency Facility											P	P	P	P	P	P	
Exhibition Center										P	P	P	P	P			
Government Offices and Facilities									P	P	P	P		P		P	
Educational Facilities																	
College or University	P								P	P	P	S		P			
Private School									P	P	P	S		S			
Trade School										P	P	P	P	P			
Healthcare Facilities																	

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See §17.04.020(d) for off-street parking requirements

Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Hospital									P	P	P	P		S		P	
Medical or Dental Clinic										P	P	P		P			
Parks and Open Space																	
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Riding Trails and Fields	P	P	P	P	P	P	P	P						P		P	
Water Recharge Areas	P	P												P	P	P	
Commercial Uses																	
Adult Uses																	
All									S	S	P	P					17.03.030(d)(1)
Agricultural and Animal Uses																	
Garden Supply Center	P	P	P							P	P	P		P			
Kennel, Breeding and Boarding	S	S	S	S						S	S	S		P			
Veterinary Hospital	S	S	S	S						P	P	P					
Food and Beverage																	
Alcoholic Beverage Sales									P	P	P	P		P			
Bar or Tavern									P	P	P	P		P			
Craft Alcohol Facility									P	P	P	P					
Farmers Market	P	P	P						P	P	P					P	
Restaurant									P	P	P	P		P			
Lodging Facilities																	

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Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Bed and Breakfast	S	S	S	S					P	P	P						
Hotel or Motel									P	P	P			P			
Campground or Recreational Vehicle Park	S	S															17.03.030(d)(2)
Marijuana																	
Medical Marijuana Cultivation (Indoor)	P/M	P/M										P/M	P/M	P/M			17.03.030(d)(4)
Medical Marijuana Cultivation (Outdoor)	P/M	P/M												P/M			17.03.030(d)(4)
Medical Marijuana Products Manufacturer	P/M	P/M									P/M	P/M	P/M	P/M			17.03.030(d)(4)
Medical Marijuana Store																	
located 250 feet or greater from an existing dwelling											P/M						17.03.030(d)(4)
located within 250 feet from an existing dwelling											S/M						17.03.030(d)(4)
Medical Marijuana Testing Facility											P/M	P/M	P/M	P/M			17.03.030(d)(4)

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Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Medical Marijuana Transporter											P/M	P/M	P/M	P/M			17.03.030(d)(4)
Private Social Club, Marijuana Permitted																	
Retail Marijuana Cultivation (Indoor)	P/M	P/M										P/M	P/M	P/M			17.03.030(d)(4)
Retail Marijuana Cultivation (Outdoor)	P/M	P/M												P/M			17.03.030(d)(4)
Retail Marijuana Products Manufacturer	P/M	P/M									P/M	P/M	P/M	P/M			17.03.030(d)(4)
Retail Marijuana Store																	
located 250 feet or greater from any existing dwelling											P/M						17.03.030(d)(4)
located within 250 feet from any existing dwelling											S/M						17.03.030(d)(4)
Retail Marijuana Testing Facility											P/M	P/M	P/M	P/M			17.03.030(d)(4)
Retail Marijuana Transporter											P/M	P/M	P/M	P/M			17.03.030(d)(4)
Office																	

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See §17.04.020(d) for off-street parking requirements

Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Flex Building												P	P				
Laboratory and/or Research Facility	S								S			P	P	P			
Bioengineering Facility														S			
Industrial Laboratory Facility														S			
Office									P	P	P	P		P			
Personal Services																	
Personal Service									P	P	P	P		P			
Studio	S	S	S	S	S	S	S	S	P	P	P	P					
Recreation and Entertainment																	
Event Venue	S	S								P	P	P					
Golf Course	S	S	S	S	S	S	S	S	S	P	P			P		P	
Recreation and Entertainment, Indoor									S	S	P	P		P			
Recreation and Entertainment, Outdoor																	
Large (≥ 2 acres)	S	S									S	P		S		P	
Small (< 2 acres)			S	S		S				S	P	P		P		P	
Shooting Range, Indoor												S	S	S			
Shooting Range, Outdoor	S	S												S			
Retail Sales																	

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Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Auction Hall											S	S					
Flea Market											S	S					
Retail Sales, Small									P	P	P	P	P	P			
Retail Sales, Medium										P	P	P		P			
Retail Sales, Large											P	P		P			
Transportation																	
Airport or Heliport, Private	S	S										S	S	S			
Freight Depot												P	P	P			
Heliport, Commercial									P	P	P	S	S	P		P	17.03.030(d)(3)
Parking Lot						S	P	P	P	P	P	P	P	P			
Parking Structure											P	P	P	P			
Passenger Terminal														S	P	P	
Rest Stop														P	P	P	
Transportation Test Site	S	S										S	S	S			
Truck Stop											S	P	P	P			
Vehicle Equipment																	
Car Wash									P	P	P	P	P	P			
Rail Car Storage, Repair, and Restoration													P	P			
Vehicle Repair, Agricultural	S	S									S	P	P	P			

Table 17.03.1: Table of Allowed Uses

P = Permitted **S** = Special Use Permit **T** = Temporary Use Permit **E** = Mining and Extraction Permit **W** = Hazardous Waste Incinerator or Processor
M = Zoning Compliance Review (Marijuana) **H** = Zoning Compliance Review (Hemp) **D** = Designated Activity of State and Local Interest
See §17.04.020(d) for off-street parking requirements

Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Vehicle Repair, Major											S	P	P	P			
Vehicle Repair, Minor									P	P	P	P	P	P			
Vehicle Sales, Rental, and Leasing, Heavy	S	S									P	P	P	P			
Vehicle Sales, Rental, and Leasing, Light										P	P	P	P	P			
Vehicle Service Station									P	P	P	P	P	P			
Industrial Uses																	
Industrial Services																	
Contractor's Yard	P	P										P	P	P			17.03.030(e)(1)
Industrial Sales and Services												P	P	P			
Manufacturing, Assembly, or Processing																	
Manufacturing, Heavy												P	P	P			
Manufacturing, Light											S	P	P	P			
Aerospace Activities														S			
Natural Resource Extraction																	
Mining or Extraction Processing	P/E	P/E	P/E									P/E	P/E	P/E			Chapter 17.09
Mining or Extraction	P/E	P/E	P/E									P/E	P/E	P/E			Chapter 17.09
Storage, Warehousing and Wholesale																	
Hazardous Storage	S	S										S	S	S			

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Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Mini-Storage										S	P	P		P			17.03.030(e)(3)
Outdoor Storage	P	P									P	P		P			17.03.030(e)(4)
Wholesale Sales												P					
Warehouse												P	P	P			
Telecommunications																	
Broadcast Tower Facilities	S	S	S									S	S	S	S	S	17.03.030(e)(6)
Utilities and Renewable Energy																	
Biofuel Energy Facility														P/D			Chapter 17.07
Cogeneration Facility														P/D			Chapter 17.07
Electric Power Plant	P/D											P/D	P/D	P/D			Chapter 17.07
Geothermal Facility														P/D			Chapter 17.07
Medium-Scale Solar Facility	P/D										P/D	P/D	P/D	P/D			Chapter 17.07
Nuclear Power Facility	P/D												P/D	P/D			Chapter 17.07
Utilities	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D			17.03.030(e)(4)
Utility-Scale Solar Facility	P/D													P/D			Chapter 17.07
Waste-to-Energy (Biomass) Facility														P/D			Chapter 17.07
Waste and Salvage																	
Composting Facility	S	S										S	S				17.03.030(e)(1)

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Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Hazardous Waste Facility	S												S	S			
Hazardous Waste Incinerator or Processor	P/W												P/W	P/W			Chapter 17.08
Junkyard													S				
Recycling Collection Center												S	P	P			
Recycling Processing Center													P	P			
Solid Waste Disposal Site and Facility	S																
Solid Waste Transfer Station													S	S			
Wireless Communication Facilities (WCF)																	
Attached WCF									P	P	P	P	P	P	P	P	17.03.030(e)(6)
Tower, Collocation	P	P										P	P	P	P	P	17.03.030(e)(6)
Tower, New	S	S										S	S	S	S	S	17.03.030(e)(6)
Accessory Uses																	
Aviary	P	P	P	S										P			
Concession Stand	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.03.040(e)
Dwelling, Accessory	P	P	P	P	P	P	P	P									17.03.040(c)

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See §17.04.020(d) for off-street parking requirements

Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Dwelling, Caretaker's Accessory											S	S	S	S			17.03.040(d)
Dwelling, Farmstead Accessory	P	P															17.03.040(f)
Equestrian Facility, Private	P	P	P	P													17.03.030(b)(3)
Food Truck									P	P	P	P	P	P			17.03.040(g)
Gaming Arcade											S	S					
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Home Occupation	P	P	P	P	P	P	P	P	P	P							17.03.040(h)
Home Day Care, Large	P	P	P	P	P	P	P	P	P	P							17.03.040(h)
Home Day Care, Small	P	P	P	P	P	P	P	P	P	P							
Outdoor Commercial Storage											P	P	P	P			17.03.040(i)
Outdoor Display and Sales										P	P						17.03.040(j)
Primitive Camping	P	P	P	P	P	P	P	P									17.03.040(k)
Private Cemetery	P	P	P														17.03.040(l)
Short-Term Rental	P	P	P	P	P	P	P	P	P	P							17.03.040(l)
Solar Energy Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P			17.03.040(n)
Urban Agriculture				P	P	P	P	P	P	P				P			17.03.040(o)
Vehicle Storage	P	P	P	P	P	P	P	P									17.03.040(p)

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Zone District	A1	A2	A3	RR	SR1	SR2	LR	HR	MN	MC	CC	LI	HI	PP	PL	CF	Use-Specific Standards
Wind Energy Facility	P	P	P	P	P	P	P	P	P	P	P	P	P				17.03.040(q)
Temporary Uses																	
Carnival or Circus	T	T									T				T	T	
Laydown Yard	T	T									T	T	T	T			17.03.050(b)
Recreation Vehicle as Temporary Housing	T	T	T	T	T	T	T	T									17.03.050(c)
Seasonal Sales and Experiences	T	T	T						T	T	T						
Meteorological Tower	T											T	T	T			

17.03.030 Use-Specific Standards

(a) General Standards

(1) The use-specific standards listed in this Section shall apply to those uses listed on the same line of the use table in §17.03.020, regardless of their respective level of permission.

(2) Use-specific standards in this Section apply to all zone districts unless otherwise stated.

(3) Should any use-specific standards conflict with the standards in Chapter 17.04, Development Standards, these use-specific standards shall apply unless otherwise stated.

(b) Agricultural Uses

(1) Animal Feeding Operation

(i) Animal feeding operations shall be located:

a. At least 50 feet from any state or federal highway right-of-way, subject to review by the Colorado Department of Transportation.

b. At least 200 feet from all property lines.

(ii) Manure shall be handled and disposed of in a sanitary manner.

(iii) Suitable chemical and scientific controls shall be provided for rodent and insect control.

(iv) Concrete or other suitable aprons adjacent to the permanently affixed feed bunks, water tanks and feeding devices shall be provided.

(v) Adequate mechanical means for scraping, grading, and cleaning of area shall be provided at all times.

(vi) Drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.

(vii) Animal feeding operations shall comply with all applicable requirements of the Colorado Department of Public Health and Environment.

(2) Agricultural Processing

(i) Any processing operation shall be located at least 100 feet from property lines unless a greater setback is required by another Section of this UDC.

(ii) The agricultural processing and sales facility shall be operated by the owner or lessee of the agricultural use.

(iii) The hours of operation are limited to the hours between 7:00 am and 9:00 pm.

(iv) Noise, fumes, dust, odors, or light generated as a result of the processing shall not exceed established County standards when measured at the property line.

(v) The processing facility is not permitted to include any activities that might allow it to be classified as a hazardous waste generator under state or federal regulations.

(3) Concentrated Animal Feeding Operation

(i) Concentrated Animal Feeding Operations (CAFOs) are subject to regulation by the Colorado Department of Public Health and Environment's Water Quality Control Program under 5 CCR 1002-81, Animal Feeding Operations Control Regulation, as now enacted or amended.

(ii) In addition to the Special Use Permit requirements listed in 17.06.070(b)r, the following information shall be submitted with the application for a CAFO:

a. Type and maximum number of animals that the CAFO will stable or confine.

b. Evidence that the facility has been registered as a CAFO with the Colorado Department of Public Health and Environment.

c. A nuisance management plan.

d. A lighting plan.

e. A facility management plan.

f. A housing plan for employees (if necessary).

g. Evidence that proposed wastewater impoundments will meet the requirements of the Colorado Water Quality Control Commission Regulation Number 81 (5 CCR 1002-81), including but not limited to:

h. Setbacks to water wells.

i. Separation from groundwater.

j. Impoundment liners meet seepage rate.

k. Impoundment wastewater storage capacity.

(4) Equestrian Facility (Commercial or Private)

(i) All equestrian facilities shall use appropriate best management practices to address potential environmental and compatibility impacts of their operation. Applicants shall prepare a plan that outlines the best management practices to be implemented for the following issues or topics, as applicable: management of water quality, storm water, soil erosion, manure, dust, pasture vegetation, pests, wildlife, and weeds.

(ii) Outdoor storage of horse trailers is allowed as part of an equestrian facility.

(iii) Only those trailers that are for use by owners of the property, people associated with the operation, and/or boarded horses may be stored. General trailer storage is not allowed.

(iv) All horse trailers shall be currently licensed and operable.

(5) Hemp Establishment

(i) Prior to the operation of any hemp establishment:

a. A Commercial Industrial Hemp Permit or Research and Development Permit shall be obtained from the State of Colorado Department of Agriculture. The permit shall be submitted to the Department of Planning and Development as part of the Zoning Compliance Review Hemp application.

b. Proof of processing either on-site or the name of the processing company shall be submitted to the Department of Planning and Development as part of the Zoning Compliance Review Hemp application.

c. A Zoning Compliance Review Hemp application shall be submitted for review by the Department of Planning and Development and only upon approval shall the operation be permitted.

(ii) Uses established pursuant to this Section shall at all times be in complete compliance with the terms and conditions of its Hemp Establishment permit for Permits issued by the State of Colorado Department of Agriculture and Pueblo County.

(iii) No hemp establishment shall be allowed as a Home Occupation use.

(iv) Only one Hemp Establishment may be established per parcel.

(v) No Hemp Establishment shall be located within five miles of any Marijuana Establishment as measured from the property line of the Hemp Establishment to the property line of the Marijuana Establishment using a direct line. This Subsection shall not apply to:

a. Any Hemp Establishment that contains only plants that are confirmed female and documentation of female only plants shall be submitted to the Department of Planning and Development;

b. Any Hemp Establishment who submits a waiver of the distance requirement that is signed by all Marijuana Establishments within the five mile radius; or

c. A location where the Department of Planning and Development previously approved a Zoning Compliance Review Hemp application, and a permitted Hemp Establishment has existed in continuous operation since the time of original permitting.

(vi) No Hemp Establishment shall be located within 1,000 feet of any existing public or private elementary, middle, junior high or high school as measured from property line of the school to the property line of the Hemp Establishment using a direct line.

(vii) No Hemp Establishment shall be located in:

a. A building containing residential units,

b. A movable or mobile structure.

c. In the A1 and A2 zone districts, Hemp Establishments are only permitted in a greenhouse, building, or outside farming.

(viii) In the LI and HI zone districts, Hemp Establishments are only permitted in a greenhouse or building.

(ix) Male hemp plants and hermaphrodite hemp plants shall only be grown in an enclosed building, that does not include a greenhouse, with a proper filtration system and clothing/footwear preventative measures (i.e., clean room mat) to prevent escape of pollen/seed/or other product that might be detrimental to a hemp and/or marijuana crop. (Res. P&D 16-014, app. 2-10-2016)

(x) The transport of Industrial Hemp shall be accompanied by a copy of the Department of Agriculture Hemp Permit.

(xi) The Department of Planning and Development has the right to inspect the Hemp Establishment and request paperwork from the Department of Agriculture. Other Governmental Agencies whether state or local, such as Colorado Division of Water Resources, Pueblo Regional Building Department, and/or the Pueblo Department of Public Health and Environment have the right to inspect the Hemp Establishment for compliance with their respective regulations.

(6) Sawmill

(i) The minimum required lot size for a sawmill operation is five acres.

(ii) All structures associated with the sawmill shall be set back at least 200 feet from any adjacent residentially zoned property.

(iii) When located adjacent to a residentially zoned property, noise levels emitted by the sawmill shall not exceed those levels outlined in the County Noise Ordinance (Chapter 10.06) as measured at the property line.

(c) Residential Uses

(1) Cottage Court

(i) For the purposes of determining setback requirements, cottage courts shall be considered as one building occupying one parcel.

(ii) Buildings shall be separated as required by building and fire code.

(2) Manufactured Homes

(i) Dwelling Requirements

New or replacement dwelling units shall meet the definition of Manufactured Home in §17.12.030, Definitions. Existing dwelling units that meet the definition of Mobile Home may continue to occupy a residentially-zoned lot, provided that the requirements of the applicable zone district and this UDC are met, but may not be moved and re-established.

(ii) Installation

New or replacement dwelling units shall be installed in accordance with C.R.S. §24-32-3301.

(3) Manufactured Home Community

(i) Maximum Density

Manufactured home community maximum density and setbacks shall comply with the requirements of the applicable zone district.

(ii) Dwelling Requirements

New or replacement dwelling units shall meet the definition of manufactured home in §17.12.030, Definitions. Existing dwelling units meeting the definition of mobile home may continue to occupy a space in a manufactured home community as long as the mobile home remains legally habitable.

(iii) Recreation and Other Vehicles

a. No detached camper, motor home, travel trailer, motorbike, unlicensed car, boat, airplane, or similar recreational vehicle ("extra" vehicles) shall be stored (as defined in §17.12.030) on any street or otherwise parked in a manner that could hinder the provision of emergency services.

b. Within the manufactured home community, one or more areas shall be designated as storage areas for extra vehicles. At least 100 square feet of paved surfaced area that meets the design requirements of §17.04.020(g)(7) shall be provided for each manufactured home space in the park.

(iv) Access and Circulation

a. The street system design and construction shall provide convenient and safe access to all individual lots and community facilities, and ensure safe pedestrian conditions within living areas as determined by the Director of Public Works and in compliance with applicable fire code requirements.

b. All areas used for vehicular circulation shall be paved with asphalt, concrete, or permeable surface as approved in the project drainage report. Additional paving material may be required when engineering reasons so warrant.

c. The manufactured home community shall have at least one access onto a dedicated public street. Additional access points may be required to meet the applicable fire code.

(v) Lighting

Illumination of the park shall be provided to ensure the security and safety of the residents. All lighting shall comply with the standards in §17.04.040,Outdoor Lighting,

(vi) Landscaping

a. All areas shall be covered with either natural vegetation and/or an acceptable form of ground cover to facilitate drainage, reduce dust, prevent erosion, and reduce fire hazards.

b. One tree shall be provided for every two manufactured home sites and shall be located in close proximity to those two sites. Existing trees on the site may be used to satisfy this requirement.

(d) Commercial Uses

(1) Adult Uses

(i) No adult use shall be located or established within 1,000 feet of any other adult use.

(ii) No adult use shall be located or established within 500 feet of any Agricultural, Residential, or Mixed-Use zone district, or established within 500 feet of any religious institution, school, public park, or dwelling, including all structures used for residential purposes.

(iii) Minimum distances shall be measured in a straight line from the zone district boundary of the zone district specified in Subsection (ii) above; from the property line of a church or other place of worship, school, public park, or dwelling, to the nearest wall of the building with the adult uses. The required separation between adult uses shall be measured in a straight line from the nearest building wall to the nearest wall of any other adult use.

(iv) The location and establishment of adult uses is prohibited in any zone district in Pueblo County except those zone districts where the adult use is expressly permitted as a use by right in Table 17.03.1: Table of Allowed Uses. The provisions of this UDC shall not be interpreted to allow an adult use as a use by review in any other zone district.

(2) Campground or Recreational Vehicle Park

(i) Compliance with Colorado Regulations

a. RV parks shall meet the requirements of a semi-developed campground per the Colorado Code of Regulations, 6-CCR-1010-9:

1. Two or more campsites
2. Accessible by any type of vehicular traffic
3. Provides roads, trails, campsites, and basic sanitary facilities, such as toilets or privies.

b. RV Parks are subject to the standards of this Section, as well as all applicable state and federal requirements, adopted building codes, fire district requirements, and other applicable codes as adopted by the County.

(ii) Dimensional Standards

Table 17.03.2: Recreational Vehicle Park Dimensional Standards	
RV Park Density, Maximum [1]	20 sites/acre gross
RV Park Perimeter Setbacks	
Front	25 FT
Side and Rear	20 FT
RV Site Setbacks	
From other RV, tent, or camp cabin sites	10 FT
From interior roadways	10 FT
From common service buildings	20 FT
Buffer between any sites in the park and a stream or water body	50 FT
Buffer between any sites in the park and residential uses	100 FT
RV Site Area, Minimum	900 SF
Tent Site Area, Minimum	600 SF
Notes: [1] The area in roadways within the recreational vehicle park is included in determining the density.	

(iii) Uses

a. RV parks may include sites for recreational vehicles, tents, and camping structures such as cabins, yurts, or safari tents.

b. Permanent or semi-permanent structures, such as cabins, shall meet all minimum setbacks and space dimensions of Table 17.03.2. and shall comply with all applicable building and fire code requirements.

c. Units may contain one electric heat source, not to exceed 1500 watts on a dedicated 120-volt circuit, not to exceed 15 amps, with GFCI protection. A second separate 120-volt circuit not to exceed 15 amps with GFCI protection may also be included for lights and outlets.

d. Units shall be placed on a permanent foundation that meets the Pueblo County minimum foundation requirements, or be placed on treated wood timbers, a minimum of six inches by five inches. In all cases, cabins shall be adequately anchored for the appropriate wind load.

e. Use Permit depending on the timeframe.

f. All other site types have a stay limit of 10 consecutive days.

(iv) Sites

a. Each site shall be numbered.

b. All forms of overnight accommodation shall be parked or located on a site.

c. Each RV site shall be equipped with an electrical hookup.

d. At least one site with accessible/mobility features shall be provided for every 25 sites within the RV park.

(v) Access and Circulation

a. The RV park shall have access to and frontage along a public road.

b. The access drive to recreational vehicle parks shall be 20 feet wide for one-way traffic and 26 feet wide for two-way traffic. The drive shall be surfaced in accordance with County standards.

c. Road systems within a campground or recreational vehicle park are required. Road systems shall form a loop system and be constructed in the same manner and to the same standard as an access road. If a road system is for one-way traffic only, directional signs shall be installed.

d. An internal pedestrian circulation system shall be provided and shall be constructed with an all-weather surface. All walkways within the campground or RV park shall be at least five feet wide.

(vi) Lighting

a. Entries, access drive aisles, and walkways shall be lit every 500 feet consistent with the overall design of the campground or RV park. All lighting shall comply with the standards in §17.04.040, Outdoor Lighting.

b. Entryways to common service buildings shall be lit during all operational hours between dusk and dawn.

(vii) Landscaping and Screening

a. Areas of campgrounds or RV parks that abut residentially zoned properties shall be screened in accordance with §17.04.030, Screening.

b. All areas shall be covered with either natural vegetation and/or an acceptable form of ground cover to facilitate drainage, reduce dust, prevent erosion, and reduce fire hazards.

c. One tree shall be provided for every two sites and shall be located in close proximity to those two sites. Existing trees on the site may be used to satisfy this requirement. If the location is not suited for the planting of trees, a shade structure measuring at least 10 feet in each dimension shall be provided for each site.

(viii) Recreation Area

A minimum of 10 percent of the gross area within the perimeter of the campground or RV park shall be maintained as a recreation area. Recreation areas may include adult recreation and child play areas, but shall not include sanitary facilities or parking areas.

(ix) Sanitary Facilities

a. Every campground or RV park shall include a minimum of one unisex sanitary facility as approved by Pueblo Department of Public Health and Environment.

b. All sanitary facilities shall comply with the requirements of the Americans with Disabilities Act (ADA) and the ADA Standards for Accessible Design.

c. Required toilet, lavatory, and bathing fixtures shall be provided in the minimum numbers unless otherwise approved by the Pueblo Department of Public Health and Environment.

Table 17.03.3: Minimum Sanitary Facility Requirements

Sites	Toilets	Lavatories or Hand Sinks [1]	Showers
15	2	1	1
16-30	2	1	1
31-45	3	3	1
46-60	4	3	2
61-80	5	4	2
81-100	5	4	3

Notes:
[1] Lavatories or hand sinks shall be included only when full sanitary facilities are required.

(x) Water Services

a. The water supply system shall be designed, constructed, and maintained in compliance with Colorado Department of Health regulations and recommendations to provide a safe, potable, and adequate supply of water.

b. Each campground or RV park shall have at least one potable water hydrant, including water faucets on posts and hand pump hydrants, for common use.

c. Potable water hookups for individual connections to recreational vehicles shall meet the adopted plumbing code standards including backflow prevention, shut-off valve to control rate of water flow, and be equipped with flexible hose to reach the inlet of recreational vehicle water storage tanks.

d. If individual connections are not provided for each site in the recreational vehicle park, every site shall be within a 200-foot radius and have at least one potable water hydrant.

e. Each potable water hydrant and hookup shall be constructed to allow good drainage and prevent freezing.

(xi) Sanitary Sewer

a. A minimum of one sanitary waste station shall be provided in all new campgrounds or RV parks where individual sewer hookups are not available for all sites. Campgrounds and RV parks with more than 100 sites shall have one sanitary waste station for every 100 sites when individual sewer connections are not provided for all sites.

b. Sanitary waste stations that are not connected to central wastewater treatment or public sewer shall meet the design requirements for a septic system permit issued by the Pueblo County Department of Health and Environment. Sanitary waste stations draining to an impervious vault shall include a capacity alarm system as required for vaulted septic systems.

c. The sanitary waste station shall be connected to the recreational vehicle park water supply and provide facilities for washing recreational vehicle waste holding tanks and for cleaning the general area of the sanitary waste station.

(xii) Refuse Disposal

a. The storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions.

b. All trash collection areas shall be screened, and trash containers shall be wildlife proof.

(xiii) Fire Safety

a. Fires will be permitted only in facilities that have been provided for such purposes or where open fires are allowed.

b. Approved designated outdoor campfire locations, if provided, shall be in areas where they will not constitute fire hazards to vegetation, undergrowth, trees, recreational vehicles, camping units, and structures.

c. Each campground or RV park shall have a written evacuation plan approved as part of an application submittal.

(3) Heliport, Commercial

Commercial heliports may be permitted as accessory uses to hospitals in the MN, MC, CC, PP, and CF zone districts.

(4) Marijuana Establishments

(i) General

a. Prior to the operation, expansion, or change of location of any Marijuana Establishment, a license shall be obtained from the State of Colorado and from Pueblo County and a Zoning Compliance Review Marijuana shall be obtained from the Department of Planning and Development. An approved Zoning Compliance Review Marijuana shall expire six months from the date of approval unless an application for Licensure under Chapter 5.12 of the Pueblo County Code has been submitted. The Department of Planning and Development shall not approve a Marijuana License unless a Site Development Plan has been submitted, approved, and inspected to include parking and outdoor lighting.

b. Marijuana Establishments shall be in complete compliance at all times with the terms and conditions of its Marijuana Establishment license for licenses issued by the State of Colorado and the Local Licensing Authority.

1. No Marijuana Establishment shall be allowed as a Home Occupation use.

2. No Marijuana Establishment or related accessory use shall be located in:

3. A building containing residential units; or

4. A movable or mobile structure unless the structure is legally established.

c. Outside generators used for any kind of power supply shall be fully enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

d. Spacing requirements are listed in Table 17.03.4: Marijuana Establishment Spacing Requirements.

Table 17.03.4: Marijuana Establishment Spacing Requirements

Marijuana Use	Distance from Existing Use						
	Dwelling Unit	Religious Institution	Licensed Day Care Facility	Group Home	Group Residential Facility	Public or Private School	Public Library
Cultivation (Indoor)	500 feet [1]					1,000 feet [2]	
Cultivation (Outdoor)							
Products Manufacturer	250 feet [1]						
Store							
Transporter							

Note:
[1]: Distances are measured from the property line of the Marijuana Establishment to the closest wall of the existing use using a direct line.
[2]: Distances are measured from the property line of the Marijuana Establishment to the property lines of the school or public library.

(ii) Marijuana Cultivation (Indoor)

a. The following use-specific standards apply to Indoor Medical Marijuana Cultivation Facilities and Indoor Retail Marijuana Cultivation Facilities.

b. In the CC, LI, HI, PP, and HR zone districts:

1. Cultivation operations located within a structure (term to include buildings, greenhouses, and hoop houses) are required to be equipped with a ventilation system with carbon filters or other odor mitigation system, sufficient in type and capacity to eliminate or be capable of eradicating odor to the extent that no marijuana odor is discernable by a reasonable person standing outside of the licensed premises. Odor mitigation is not required if the licensed premises are located 1,000 feet or more from any exterior wall of an existing residence or operating business.

2. To prevent excessive lighting and to prevent glare on the public roadway, on other public ways and onto adjoining property, and to reduce atmospheric light pollution, all structures (term includes buildings, greenhouses, and hoop houses) used for indoor cultivation with translucent panels/roofing shall have internal shielding (such as blackout curtains) to prevent glare and light trespass from the structure's wall and/or roof. At the time of zoning authorization for a building permit, proof of shielding shall be submitted to the Department of Planning and Development.

(iii) Marijuana Cultivation (Outdoor)

a. The following use-specific standards apply to Outdoor Medical Marijuana Cultivation Facilities and Outdoor Retail Marijuana Cultivation Facilities.

b. Outdoor Medical Marijuana Cultivation Facilities and Outdoor Retail Marijuana Cultivation Facilities are permitted in the A1, A2, and PP zone districts subject to the following standards:

1. A minimum lot size of five acres is required; and

2. The outdoor cultivation facility may not expand to adjoining parcels unless combined into a singular parcel.

c. All Outdoor Cultivation Facilities shall be properly fenced for security with a minimum seven foot chain-link fence (six foot of chain-link material with one-foot security arm with barb wire or razor wire) or equivalent type of fencing for security, excluding field fence and wood fence.

d. Existing nonconforming Outdoor Cultivation Facilities may expand in compliance with the spacing requirements in Table 17.03.4.

(iv) Marijuana Products Manufacturer

a. The following use-specific standards apply to Medical Marijuana Products Manufacturers and Retail Marijuana Products Manufacturers.

b. Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer are permitted in the A1, A2, and PP zone districts, subject to the following standards:

c. Within the premise of an existing Medical Marijuana Cultivation Facility or Retail Marijuana Cultivation Facility with the Marijuana Products Manufacturer to be for onsite cultivation only; and

d. Open Blast Butane Extraction, as defined in §17.12.030, Definitions, is prohibited in the A1 and A2 zone districts.

(v) Marijuana Store

a. The following use-specific standards apply to Medical Marijuana Stores and Retail Marijuana Stores.

b. Medical Marijuana Stores and Retail Marijuana Stores are permitted in the CC zone district subject to the following standards:

c. As a use-by-right if the Store is located 250 feet or greater from any existing residence; or

d. As a use-by-review if the Store is located within 250 feet from any existing residence.

e. An existing Licensed Medical Marijuana Store or Retail Marijuana Store is allowed to construct an addition onto the existing building and/or expand into an adjoining suite pursuant to the rules and regulations in affect at the time of construction or expansion of this UDC or Chapter 5.12 of the Pueblo County Code.

(e) Industrial Uses

(1) Composting Facility

Composting Facilities are subject to regulation by the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division, under 6 CCR 1007-2, Regulations Pertaining to Solid Waste Sites and Facilities, Section 14 Composting, as now enacted or amended.

(2) Contractor's Yard

(i) In the LI, HI, or PP zone districts:

a. Outdoor storage of construction materials is allowed, subject to the screening standards of §17.04.030; and

b. Fabricating or assembling of a product made by the contractor as part of the construction work shall be performed only within an enclosed building or structure in LI, but may be permitted outside in HI or PP.

(ii) In the A1 or A2 zone districts:

a. Outdoor storage of construction materials is prohibited; and

b. Fabricating or assembling of a product made by the contractor as part of the construction work shall be performed only within an enclosed building or structure.

(3) Mini-Storage

(i) Mini-storage buildings shall be oriented to restrict the view of the interior of storage units, as well as the view of loading areas and docks, from adjacent properties that are zoned to allow residential uses. Where site limitations prevent such building orientation, additional screening may be required as provided in §17.04.030, Screening.

(4) Outdoor Storage

(i) Outdoor storage areas shall not interfere with any required parking or traffic circulation area that serves the site.

(ii) Outdoor storage areas shall be effectively screened from any adjacent property zoned to allow residential uses, as described in §17.04.030, Screening.

(5) Utilities

(i) 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.

(ii) These regulations shall in no way prohibit the installation of temporary facilities in cases of emergency conditions, provided within a reasonable period of time application is made for the installation of permanent facilities.

(6) Wireless Communication Facilities

(i) Purpose

The purpose of this Section is to establish development standards for wireless communications facilities (WFCs) that comply with the requirements of state and federal law for public and private telecommunication service and to:

a. Protect the public safety and welfare, safeguard community land values, and promote orderly planning and development;

b. Provide for the managed development, installation, maintenance, modification, and removal of wireless communications infrastructure in the County with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent service;

c. Encourage the joint use and location of new and existing WCFs; and

d. Mitigate any adverse, undesirable visual impacts on the County.

(ii) Applicability

a. This Section shall apply to all WCF applications and shall not preempt underlying zoning regulations unless explicitly stated in this Subsection or as explicitly stated in federal and/or state law.

b. The requirements of this Section shall not apply to:

1. Any WCF for which a permit has been properly issued prior to the Effective Date shall not be required to meet the requirements of this subsection, other than the operational standards set forth in this subsection. Changes and additions to pre-existing WCFs shall meet applicable operational standards set forth in this subsection.

2. Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided the antenna is no taller than the distance from the base of the antenna to the property line.

3. Antennas used for reception of television, multichannel video programming, and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided that the antenna complies with all applicable standards in this UDC related to accessory uses, and provided the antenna is no taller than the distance from the base to the property line. The Director may approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures if the Director determines that modifications are necessary to comply with federal law.

4. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the County.

(iii) General Provisions

a. Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If the standards and regulations are changed, then the owners of the WCF shall bring the facility into compliance with the revised standards and regulations within the time period mandated by the controlling federal agency.

b. Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone, and other communication services used by adjacent residential and non-residential properties; nor shall any facilities interfere with any public safety communications.

c. Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes.

d. Abandonment and Removal

1. For any WCF constructed after the Effective Date, if the WCF is not used to transmit, receive, or relay voice and data signals to or from wireless communication devices for a period of six months, the WCF shall be considered abandoned and the owner of record shall notify the Director and apply for a permit to remove the structure. All WCFs shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility, or by the property owner within 18 months from the time the WCF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

2. If the use of the WCF has not been restored within an 18-month period from the time the WCF has ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the WCF shall be removed and the WCF site restored to its original or better condition, at the property owner's expense.

e. Building Permit Required

A building permit is required for all new WCFs.

(iv) Standards for Specific Facility Types

a. Attached Wireless Communication Facilities (Building or Roof-Mounted)

1. Roof mounted WCFs, including the antenna, support structures and screening, shall not project more than 10 feet above the roof line of a building.

2. If placed on a structure or building that is nonconforming due to setbacks or height, the addition of antennas or equipment shall not increase the nonconformity.

3. Building mounted WCFs, including the antenna, support structures and screening, shall not extend above the top of the structure or the parapet wall, or, in the case of a pitched roof, above the fascia.

4. Attached WCFs shall use camouflage design techniques. An attached WCF shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as technically feasible. Screening shall be used when the visibility of the antennas cannot be minimized by location or painting of the antennas.

b. Tower, Collocation

An application for the collocation of antennas or other equipment on an existing approved tower shall meet the requirements for an Eligible Facilities Request as set forth in Subsection d., below.

c. Tower, New

1. To the maximum extent practicable, new towers shall use "stealth technology" to mitigate and/or camouflage visual impacts. Stealth technology consists of, but is not limited to, the use of grain bins, silos or elevators, church steeples, water towers, clock towers, bell towers, false penthouses, or other similar "mimic" structures. "Mimic" structures shall have a contextual relationship to the adjacent area.

2. The minimum lot area of any parcel of land proposed for the establishment of a new tower shall be at least one-half acre in size. There shall be no minimum size requirements for the leased parcel.

3. All towers shall be setback, at a minimum, the overall height of the tower from any property line. All measurements shall be from the leading edge of the tower structure. Setbacks for guyed wire bases will be the same as required for an accessory structure in the zone district in which the tower is located.

4. There is no minimum setback standard for related accessory buildings and support facilities provided the construction/placement of the buildings and support facilities are contained within the designated fenced leased parcel.

5. The height of any telecommunication tower shall be governed by the height limit imposed in the Special Use Permit.
6. Any telecommunication tower that is proposed to be established with an overall height of 150 feet or greater shall be required to file with the Federal Aviation Administration Form 7460-1 Notice of Proposed Construction or Alteration for the proposed tower.
7. Lighting of telecommunication towers shall only be permitted as required by the Federal Aviation Administration and shall be governed by the Federal Aviation Administration Obstruction Marking & Lighting Advisory Circular (AC 70-7460-1K).
8. The boundary of the leased parcel surrounding the telecommunication towers and its related accessory buildings and support facilities shall be fenced with a minimum six-foot security-type fencing.
9. In addition, subject to review and analyses, all telecommunication towers shall be constructed and made available as to permit collocation of, at minimum, two additional, functionally equivalent service providers.

d. Accessory Equipment and Transmission Equipment

1. All transmission equipment and accessory equipment shall be grouped as closely as technically possible.
2. Transmission equipment and accessory equipment shall be located out of sight whenever possible by locating within equipment enclosures. Where such alternate locations are not available, the transmission equipment and accessory equipment shall be camouflaged or concealed in a manner appropriate to the character of the site.
3. Transmission equipment and accessory equipment shall be of a neutral, nonreflective color that is identical to, or closely compatible with, the color of the supporting structure or uses other camouflage/concealment design techniques to make the equipment as visually unobtrusive as possible, including, for example, painting the equipment to match the structure.

(v) Eligible Facilities Request

All applications for approval of an eligible facilities request and treatment of WCFs that do not propose a substantial change to existing WCFs shall be processed according to and meet the requirements of the federal Telecommunications Act and Section 6409 of the Middle Class Tax Relief and Job Creation Act (2012), also known as the "Spectrum Act," as amended by the federal courts.

17.03.040 Accessory Uses and Structures

(a) General Standards for Accessory Uses

Accessory uses incidental to a principal use are permitted provided:

(1) The use is incidental and customary to and commonly associated with the principal use or is a permitted home occupation;

(2) The use is not injurious, noxious, or offensive to the neighborhood;

(3) In Residential Zone Districts, the use is operated by the same persons who operate or inhabit the principal use or structure.

(b) General Standards for Accessory Structures

Accessory structures incidental to a principal use or principal structure are permitted provided:

(1) Accessory structures shall be constructed either in conjunction with or after the principal structure. A building permit for an accessory structure may not be issued prior to the issuance of a building permit for the principal structure on that same parcel.

(2) Zoning authorization shall be required for the construction, moving, or structural expansion of all accessory structures in accordance with §17.11.030, Zoning Permits.

(3) Accessory structures are subject to the building spacing requirements of the building and fire code, and to the minimum Accessory Building Setbacks of the applicable zone district.

(4) Truck trailers shall not be used as accessory buildings except in the A1 and A2 districts on parcels of at least eight acres in size. Where allowed, the structure shall be set back at least 200 feet from any property line. Nothing in this paragraph shall prohibit nor limit contractor's and business' use of licensed, operable truck trailers.

(5) Manufactured homes may be used as Accessory Dwellings or Caretaker's Accessory Dwellings, provided they meet all other applicable standards, but may not be used as storage buildings or other accessory structures.

(6) Shipping containers may be used as accessory structures in any zone district subject to all applicable fire and building code standards, and the standards of this UDC. When used as an accessory structure, the shipping container shall be repainted in a uniform matter to cover existing text.

(c) Accessory Dwelling

(1) Number

(i) In the A1 and A2 zone districts, one accessory dwelling and one accessory farmstead dwelling may be permitted per lot.

(ii) In the A3, RR, SR1, SR2, LR, and HR zone districts, only one accessory dwelling unit may be permitted per lot.

(2) Size

(i) Interior accessory dwelling units may occupy the floor area of the existing principal dwelling.

(ii) The larger dwelling on a lot shall be considered the principal dwelling, and the smaller dwelling the accessory dwelling. If a second dwelling is constructed larger than an existing dwelling on the same lot, the existing dwelling shall then be considered the accessory dwelling and must meet all standards applicable to an accessory dwelling.

(iii) Attached and detached accessory dwelling units are subject to the maximum area requirements in Table 17.03.4.

Table 17.03.5: Accessory Dwellings Maximum Size by Lot Area
SF = Square Feet

Lot Area	Total Area of Accessory Dwelling (Maximum) [1] [2] [3]
Less than 15,000 SF	60% of the square footage of the principal dwelling or 900 SF
15,000 SF to 1 Acre	60% of the square footage of the principal dwelling or 1,000 SF
1 Acre to 5 Acres	60% of the square footage of the principal dwelling or 1,200 SF
5 Acres to 35 Acres	60% of the square footage of the principal dwelling, or 2,000 SF
35 Acres or Greater	No maximum

Note:
[1] The total square footage of the principal dwelling excludes any basement areas, finished or not.
[2] Maximum allowable area of the accessory dwelling is the greater of the two options.
[3] An ADU may be 500 SF regardless of lot area of square footage of the principal dwelling.

(3) Location

(i) Accessory dwellings shall be located on the same lot as the principal dwelling.

(ii) Prior to approval of a detached accessory dwelling, the owner shall record a covenant with the County Clerk and Recorder stating that the accessory dwelling cannot be sold separately from the principal dwelling without recorded subdivision of the two dwellings onto their own individual lots. The covenant shall run with the property.

(d) Caretaker's Accessory Dwelling

(1) Occupancy

(i) A caretaker's accessory dwelling shall be occupied by an owner, operator, caretaker, or employee, including their immediate family, of the principal non-residential use or business located on the lot.

(ii) A caretaker's accessory dwelling may not be used for short- or long-term rentals.

(2) Review Required

Review and approval of a Special Use Permit, as described in §17.06.070(b), is required.

(3) Number and Size

(i) One caretaker's accessory dwelling unit may be permitted per lot.

(ii) The gross floor area of the caretaker's accessory dwelling shall not exceed 1,000 square feet.

(4) Site Standards

One off-street parking space shall be provided for the caretaker's accessory dwelling in addition to the required parking for the principal use or business.

(e) Concession Stand

Concession stands may be permitted as an accessory use to any primary use listed within the Recreation and Entertainment land use category of Table 17.03.1: Table of Allowed Uses.

(f) Farmstead Accessory Dwelling

(1) Dimensional standards:

(i) Minimum lot size: Five acres

(ii) Minimum separation from other residential structures: 10 feet

(2) Minimum separation from barns, pens, or other livestock or poultry facilities: 100 feet

(3) Maximum beds: 36

(4) Minimum floor area for sleeping rooms: 50 gross square feet per occupant

(5) Farmstead accessory dwellings may not be used for short- or long-term rentals.

(g) Food Truck

Food trucks parked on private property may be permitted as an accessory use subject to the following standards:

(1) The food truck shall be parked on the property for a maximum of 28 consecutive days.

(2) The owner or operator of the food truck shall provide evidence of compliance with all applicable Pueblo Department of Health and Environment standards.

(3) The food truck shall be parked on a site that meets the paving requirements of §17.04.020(g)(7) and shall not displace any parking required to meet the minimum off-street parking requirements for the principal use. A food truck may not be parked in a drive aisle or so as to block pedestrian, bicycle, or vehicle movement.

(4) Trash containers shall be provided on site for debris, and all waste from the Food Truck shall be properly disposed of.

(h) Home Occupations

The intent of this Section is to allow certain business uses in association with dwellings where it is known those business uses will not alter the character or appearance of the residential or agricultural environment.

(1) Generally Applicable Standards

All home occupations shall comply with the following requirements:

(i) Home occupations shall be clearly incidental and subordinate to the residential land use established on the lot or parcel being used. Home occupations are prohibited where there is no principal dwelling unit.

(ii) 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.

(iii) 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.

(iv) The number of employees involved with a home occupation shall be limited to the residents of the principal dwelling unit plus one additional nonresident employee. Any visit by additional off-site employees shall be considered the same as a "client" visit and shall comply with Subsection (v).

(v) No client shall be received between the hours of 8:00 p.m. and 8:00 a.m.

(vi) The number of clients that can visit the dwelling is limited to one client per hour. For the purposes of this Section, a client shall be defined as an individual, or group of not more than four adults, visiting a home occupation in the same vehicle at the same time.

(vii) On-site display and sale of goods/products is prohibited unless the display and sale are 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.

(viii) Vehicles related to the operation of a home occupation shall be restricted to residential accessory vehicle types.

(ix) Deliveries other than standard parcel services are prohibited when associated with a home occupation.

(x) Signage related to or promoting the home occupation is permitted in accordance with Table 17.05.3: Permanent Signs in Residential Districts.

(xi) 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.

(xii) 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 C.R.S §25-12-103.

(xiii) 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 that 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.

(xiv) Home occupations shall comply with health codes, building codes, and all other applicable local, state, and federal regulations.

(2) Limited Use Home Occupations

(i) Large home day cares providing care for seven to 12 children are required to notify their neighbors of their intent to operate a large home day care, as described in §17.06.050(c).

(ii) Training animals in association with a home occupation shall comply with all other standards of this UDC and shall not be permitted on parcel of land with a lot area that is less than five acres.

(iii) "Merchandise parties" (i.e., Tupperware, Avon, Mary Kay, etc.) held for the purpose of soliciting sales shall be limited to no more than four parties per year from the site of the home occupation.

(3) Prohibited Home Occupations

(i) Any occupation requiring the use of hazardous materials of a type or quantity not normally associated with residential uses;

(ii) Dog boarding;

(iii) Motor vehicle repair and auto body work;

(iv) Machine shops;

(v) Equipment and machinery rental;

(vi) Boat repair.

(i) Outdoor Commercial Storage

Accessory outdoor commercial storage areas shall meet the following standards. Where the use or structure cannot meet all the following requirements, administrative review is required.

(1) Accessory outdoor commercial storage areas shall be effectively screened from view of any adjacent property zoned to allow residential uses or public right-of-way as described in §17.04.030, Screening.

(2) Accessory outdoor commercial storage areas cannot cover an area larger than 50 percent of the total area of the site.

(3) Accessory outdoor commercial storage areas shall be maintained in an orderly manner with no junk, trash, or debris.

(4) Adequate emergency access lanes shall be maintained around and through the storage area.

(5) Accessory outdoor commercial storage areas shall not interfere with any required parking or traffic circulation area that serves the site.

(j) Outdoor Display and Sales

(1) Accessory outdoor display areas shall be effectively screened from view of any adjacent property zoned to allow residential uses or public right-of-way, as described in §17.04.030, Screening.

(2) The accessory outdoor display area cannot be any larger than 50 percent of the total lot area.

(3) Accessory outdoor display and sales items are displayed outdoors only when the principal use is open for business.

(4) The accessory outdoor display area shall not interfere with any required parking or traffic circulation area that serves the site.

(k) Primitive Camping

The following regulations apply to primitive camping on private property.

(1) Generally:

(i) Overnight camping stays shall be limited to 14 days in any 30-day period.

(ii) Private covenants running with land may restrict or prohibit primitive camping as defined in this UDC; it is the responsibility of the property owner, not the County or any County employee or agent, to ensure compliance with restrictive covenants.

(iii) Recreational vehicles may be used for camping on private property provided they are not connected to on-site utilities and services (e.g., water, sewer, electric).

(iv) The rental of private property for primitive camping in exchange for compensation is prohibited.

(2) In the RR, SR1, SR2, LR, HR, and A3 districts:

(i) A permanent residential structure shall be constructed prior to camping on the property.

(ii) Overnight camping shall be allowed on residential property with access to a private yard or driveway.

(3) In the A1 and A2 districts, at least one of the following shall be established prior to camping on the property:

(i) A structure; or

(ii) Other improvements or activities associated with a primary use as permitted by Table 17.03.020.

(iii) Overnight camping is not permitted on unimproved property.

(l) Private Cemetery

The following standards shall apply to the private burial/human internment of a dead human body on private property in the unincorporated areas of Pueblo County:

(1) The Pueblo County Sheriff's Office or County Coroner shall be notified at the time of the person's death when a private burial is planned or considered.

(2) Under §25-2-110 C.R.S, a Death Certificate shall be recorded with the County Clerk and Recorder's office within five days following the death

(3) Under Section §25-2-111 (7) (a) C.R.S., the owner(s) of land used to inter a dead human body shall record the burial within 30 days after the burial with the County Clerk and Recorder. This includes the recordation of a Private Burial Affidavit.

(4) The body shall be buried within 24 hours from the time of death if it is not embalmed or refrigerated.

(5) The burial site shall not be in a drainage swale, water course, or floodway.

(6) The burial site shall not be in the 100-year floodplain as designated on the current Pueblo County FEMA Flood Insurance Rate Map.

(7) The burial site shall not be located in a recorded right-of-way.

(8) The burial site shall comply with the following horizontal setbacks:

(9) 10 feet from property lines and structures;

(10) 100 feet from wells, springs, drainage ways, ditches, and bodies of water;

(11) 25 feet from all potable water lines;

(12) 10 feet from all components of an on-site wastewater treatment system; and

(13) 5 feet above the highest seasonal groundwater level.

(14) The grave shall be covered with a minimum of four feet of compacted soil.

(15) The longitude and latitude of the grave shall be recorded by a global positioning system. The location shall be verified by the Pueblo County Sheriff, County Coroner, or two witnesses.

(m) Short-Term Rental

These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the County or any County employee or agent, to ensure compliance with restrictive covenants.

(1) Occupancy and Length of Stay

(i) Short-term rentals may be rented to transient guests who are part of one party for short-term lodging for 28 days or less. The term "party" as used here shall mean one or more persons who stay at a short-term rental as a single group under a single reservation and payment.

(ii) The maximum occupancy of a short-term rental shall not exceed two persons per bedroom, plus two additional renters.

(iii) Bedrooms within the short-term rental cannot be rented out separately; the entire short-term rental unit shall be rented under a single reservation and payment.

(2) Designated Local Responsible Party

(i) The property owner shall designate one or more local person(s) who will be permanently available and responsible for immediately responding to complaints about or violations of law. Local as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number.

(ii) The designated local responsible party may be the owner of the property if they meet the local criteria.

(iii) The designated local responsible party shall be authorized by the property owner to permit inspection of the premises by the County and/or its agent or employee to ensure compliance with applicable fire and building codes and with the requirements of this UDC.

(3) General Requirements

(i) The owner of a dwelling used or to be used as a short-term rental shall:

a. Demonstrate and certify that the unit is a structure permitted by the Pueblo Regional Building Department as a residential structure and contains the following on the premises at all times:

1. A smoke detector in good working order;

2. A carbon monoxide detector in good working order;

3. Adequate and functional building egress from each sleeping room in the unit;

4. Posted notice providing in detail the following information in a highly visible location and readily accessible form:

i. Location of building exits and fire extinguishers;

ii. 24-hour emergency contact information;

iii. Parking areas and parking restrictions, including a notice that parking on lawns is not allowed;

iv. Noise restrictions and quiet hours, as appropriate;

v. Trash disposal instructions including trash pickup location and schedule; and

vi. Maximum occupancy restrictions.

b. Certify all units maintain a fire extinguisher in good working order; and

c. Permit inspection of the premises by the County or its agent or employee upon reasonable notice.

(n) Solar Energy Facility, Accessory

(1) Accessory solar energy facilities shall meet the following criteria:

(2) Is an accessory use on the site that provides energy primarily for on-site use; and

(3) Can be building-mounted or ground-mounted, that may include: rooftop systems, building-integrated solar (e.g., shingle, hanging solar, canopy, new technology), or covered permanent parking or other hardscape areas.

(4) Ground-mounted facilities shall comply with zone district setbacks

(5) The maximum height of building mounted facilities shall not exceed the maximum structure height allowed zone district or a maximum of five feet above the height of the roofline, whichever is less.

(o) Urban Agriculture

(1) Residential and Mixed-Use Districts

Where Urban Agriculture is listed as a permitted accessory use and where Agricultural Production is listed as a use requiring a special use permit in the RR, SR1, SR2, LR, HR, MN, and MC zone districts, the following use-specific standards apply.

(i) Apiaries

a. No more than the following number of colonies may be kept on any lot, based upon the size or configuration of the lot on which the apiary is situated:

b. On lots of 15,000 square feet or less — four colonies are allowed.

c. On lots of more than 15,000 square feet — two additional colonies are allowed for each 7,500 square feet in excess of 15,000 square feet.

d. An apiary consisting of more than 75 colonies shall maintain a distance of at least 200 feet from any property line.

(ii) Aviary

a. Shelters and cages shall be set back a minimum of 50 feet from all property lines.

b. The owner shall locate birds that excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible.

(iii) Poultry Keeping

a. Roosters shall be prohibited in the SR1, SR2, LR, HR, MN, and MC zone districts.

b. Poultry shall be kept in a predator-resistant enclosure or in a yard with a minimum four-foot high, fully enclosing fence at all times.

c. An enclosure or fenced area shall not be located within the front setback, or two feet in front of the primary structure, or closer to any property lines than the accessory structure setbacks for the applicable zone district.

d. Processing of poultry raised on site is allowed, provided it does not constitute a nuisance, safety, or health hazard for surrounding properties.

(2) Rural Residential District

In the RR zone district, the following use-specific standards apply.

(i) Animal Keeping

a. Properties with a minimum of one acre may keep horses, mules, goats, llamas, or alpacas, subject to applicable local and state regulations and the standards below. The keeping of cattle, swine, or sheep is not permitted.

b. Activities associated with animal keeping shall not be allowed to create excessive odor or noise problems, present a health hazard, or otherwise become a nuisance to surrounding residences.

c. Setbacks for barns, corrals, paddocks, run pens, or round pens, shall be consistent with lot and building standards in §17.02.060(b), Rural Residential (RR) .

(p) Vehicle Storage

(1) All inoperable or stored vehicles shall display a valid SOT or registration decal. Accessory vehicle storage shall serve only the residents of the property and shall not be used for commercial purposes.

(2) Inoperable vehicles shall be stored in a completely enclosed structure.

(3) Stored vehicles parking is limited to three times the minimum required off-street parking for the site, rounded down (e.g., 1.5 spaces per dwelling x 3 = 4.5, rounded to 4 stored vehicles) and shall be located on the lot in a way that will not cause traffic sight obstructions or safety hazards.

(q) Wind Energy Facility, Accessory

(1) Accessory wind energy facilities may only be erected on lots with a minimum lot size of 21,780 square feet (half of an acre).

(2) Only one accessory wind energy facility is allowed per lot.

(3) The hub height of the accessory wind energy facility shall not exceed 40 feet. The height of a vertical axis turbine is measured at the top of the generator.

(4) The accessory wind energy facility shall be setback from property lines, public rights-of-way, and access easement at least one times the hub height of the small wind energy facility.

(5) The accessory wind energy facility shall be painted or coated a non-reflective white, grey, or other neutral color.

(6) The accessory wind energy facility shall not be artificially illuminated.

(7) The accessory wind energy facility shall not be used to display advertising.

(8) Electrical controls shall be wireless or underground and power lines shall be underground except for an interconnection to an existing above ground power grid.

(9) Noise emanating from the accessory wind energy facility shall be in compliance with Pueblo County Code Chapter 10.06, Noise Ordinance, as adopted.

17.03.050 Temporary Uses and Structures

(a) General Standards for Temporary Uses and Structures

(1) Temporary Use Permit Required

All uses identified as temporary in Table 17.03.1: Table of Allowed Uses, require issuance of a Temporary Use Permit, as described in §17.06.050(f).

(2) Impact on Subject Property and Surrounding Properties and Uses

(i) Permanent alterations to the site are prohibited.

(ii) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including 100-year floodplains. At the conclusion of the temporary use, or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

(iii) If the property is developed, the temporary use shall be located so as to have a minimal impact on the regular functioning of the principal use unless the proposed temporary use is a short-term enhancement of the principal use, such as sidewalk sales.

(iv) Off-street parking shall be adequate to accommodate the proposed temporary use.

(v) Trash containers shall be provided on site for debris, and all waste from the permitted use shall be properly disposed of.

(3) Compliance with Applicable Regulations

(i) The temporary use shall comply with all applicable regulations of this UDC, unless otherwise expressly stated.

(ii) Temporary uses are only permitted on private property with the written permission of the property owner.

(iii) All temporary signs associated with the temporary use shall comply with the standards of §17.05.060, Temporary Sign Standards.

(iv) The temporary use shall not violate any applicable conditions of approval that apply to a principal use on the site.

(v) The applicant shall obtain any other required permits, such as health or building permits, prior to the commencement of the temporary use.

(vi) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet all applicable requirements of this UDC, the Pueblo Regional Building Department, and the Pueblo Rural Fire Protection District.

(b) Laydown Yards

Laydown yards associated with offsite construction projects shall be permitted subject to the following standards:

(1) Laydown yards shall only be permitted on vacant properties, or properties which have been developed with parking or traffic circulation areas. Laydown yards shall not be permitted on properties which contain a principal use.

(2) Laydown yards shall be effectively screened from any adjacent property zoned to allow residential uses, as described in §17.04.030, Screening.

(c) Recreational Vehicle as Temporary Housing

A recreational vehicle (RV) may be used as a form of temporary housing while a dwelling unit is under construction, or an existing dwelling unit is being remodeled, subject to the following standards:

(1) Only one RV is allowed per principal dwelling.

(2) The RV shall have current licensing and registration and be in an operable road worthy condition.

(3) The RV shall be located on private property and not parked in a public right-of-way.

(4) The RV shall not be used as a short-term rental.

(5) No outdoor storage of personal items is allowed. Exemptions may apply for daily use items (i.e., bicycles).

(6) Use of a recreational vehicle as temporary housing requires a Temporary Use Permit. As part of the Temporary Use Permit application, the applicant shall provide:

(i) Evidence of an active building permit for work on the principal dwelling unit.

(ii) A site plan depicting how the RV will be connected to sewer and water. If the RV is not utilizing sewer and water connections, a plan for disposing of sewage and water at an RV dump station shall be provided.

(7) Temporary occupancy of a recreational vehicle is limited to six months. Extension of a Temporary Use Permit for use of a recreational vehicle as temporary housing may be granted in accordance with §17.06.050(f)(8), Extension and Lapsing of Approval.

(d) Seasonal Sales and Experiences

Seasonal sales and experiences may generally be permitted for up to three consecutive months, except those uses specified in this subsection. Extension of a Temporary Use Permit for seasonal sales and experiences may be granted in accordance with §17.06.050(f)(8), Extension and Lapsing of Approval.

(1) Temporary Christmas tree stands may be permitted from the day after Thanksgiving to the day after Christmas.

(2) Temporary fireworks stands may be permitted from June 16 to July 5. A building permit is required for each temporary fireworks stand.

17.03.060 Special Event Standards

This Section is applicable to all zone districts in the unincorporated area of Pueblo County. The purpose and intent of this Section is to provide for the temporary use of land for special events by establishing requirements and regulations.

(a) A Special Event Permit is not required for the following:

(1) Parades

(2) Wedding and funeral ceremonies

(3) Events or gatherings that attract or are intended to attract less than 200 people held on one day. Multiple day events and events that include primitive camping are subject to a Special Event Permit regardless of the number of attendees.

(4) Personal events that do not include events where admission is paid, donations are made, and/or there is financial gain from the event.

(5) Election activities and political rallies

(6) Temporary farming and harvest related events (e.g., agritourism, farm stands, corn mazes, pumpkin patches and similar) that are held on a working farm

(7) Gatherings at any regularly established, permanent place of assembly provided that:

(i) Such place is being used for its established and normal use allowed by zoning;

(ii) Attendance does not exceed the maximum seating capacity or occupancy rating of the structure or place where the gathering is held; and

(iii) The gathering complies with all other County ordinances, resolutions, and regulations.

(b) Special events that are not exempted under §17.06.050(e)(2)(i) shall require review and approval of a Special Event Permit as described in §17.06.050(e).

Chapter 17.04 Development Standards

17.04.010 Floodplain

(a) Finding of Fact

The Special Flood Hazard Areas of Pueblo County are subject to periodic inundation, that can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety, and general welfare of the public.

These flood losses are created by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

(b) Authority

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of County Commissioners of the County of Pueblo, Colorado, does hereby adopt the floodplain management regulations of this Section.

(c) Purpose

The purpose of this Section is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in Special Flood Hazard Areas through provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to critical facilities; infrastructure; and other public facilities such as water, sewer, and gas mains; electric and communications stations; and streets and bridges located in the floodplains;

(6) Help maintain a stable tax base by providing for the appropriate use and development of flood-prone areas in such a manner as to minimize future flood blight areas;

(7) Ensure that potential buyers are notified that property is located in a Special Flood Hazard Areas; and

(8) Ensure that those who occupy Special Flood Hazard Areas assume responsibility for their actions.

(d) Applicability and Administration

(1) Applicability

This Section applies to all lands in the Floodplain Overlay District (FPO district), as defined in §17.02.100(c) and as periodically updated via amended mapping.

(2) Floodplain Development Permit Required

A Floodplain Development Permit is required to ensure conformance with the requirements of this Section.

(3) Floodplain Overlay District Defined

If a lot or parcel of land lies partly within the FPO district, this Section applies to the part of such lot or parcel lying within the district. If a building or structure lies partly within the FPO district, this Section applies to the entire building or structure lying within the district.

(4) Warning and Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by human-made or natural causes.

This Section does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of Pueblo County staff or the Board of County Commissioners for any flood damages that result from reliance on this Section or any administrative decision made in accordance with these regulations.

(5) Abrogation and Greater Restrictions

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Section and another resolution, easement, covenant, or deed restriction conflict or overlap, the more stringent restrictions shall apply.

(6) Severability

This Section is hereby declared to be severable. Should any part of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Section as a whole, but only that portion declared to be unconstitutional or invalid.

(7) Penalties for Noncompliance

These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

(i) No structure or land shall be located, altered, or have its use changed within a Special Flood Hazard Area without full compliance with the terms of this Section and other applicable regulations. No structure or land shall be constructed, located, extended, converted, or altered without full compliance with the terms of this Section and other applicable regulations.

(ii) Violation of the provisions of this Section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a zoning violation and shall be processed as such.

(iii) Any person who violates this Section or fails to comply with any of its requirements shall upon conviction be fined or imprisoned as provided by the laws of Pueblo County. Nothing in this Section shall prevent Pueblo County from taking lawful action as is necessary to prevent or remedy any violation.

(8) Role of the Floodplain Administrator

(i) Designation

The Director is hereby appointed as Floodplain Administrator to administer, implement, and enforce the provisions of this Section and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(ii) Duties and Responsibilities

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

a. Maintain and hold open for public inspection all records pertaining to the provisions of this Section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by §17.04.010(f), Floodplain Development Permit Procedures.

b. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Section.

c. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

d. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

e. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Section, including proper elevation of the structure.

f. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

g. Review Base Flood Elevation data provided by the applicant to administer the provisions of this Section.

h. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

i. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than six inches, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

j. In riverine situations, 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 FEMA.

k. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(e) Provisions for Flood Hazard Reduction

(1) Methods of Reducing Flood Losses

To accomplish the purposes stated in §17.04.010(c), this Section includes methods and provisions to:

(i) Restrict or prohibit uses that are dangerous to health, safety, and property in times of flood, or cause excessive increases in flood heights or velocities;

(ii) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(iii) Control the alteration of natural floodplains, stream channels, and natural protective barriers, that are involved in the accommodation of flood waters;

(iv) Control filling, grading, dredging and other development that may increase flood damage; and

(v) Prevent or regulate the construction of flood barriers, that will unnaturally divert flood waters, or that may increase flood hazards in other areas.

(2) Interpretation

In the interpretation and application of this Section, all provisions shall be:

(i) Considered as minimum requirements;

(ii) Liberally construed in favor of the governing body; and

(iii) Deemed neither to limit nor repeal any other powers granted under state statutes.

(3) General Standards

In all Special Flood Hazard Areas, the following provisions are required for all new construction and substantial improvements:

(i) All new construction or substantial improvements shall be:

a. Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. Constructed by methods and practices that minimize flood damage;

c. Constructed with materials resistant to flood damage;

d. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) All manufactured homes shall be installed in compliance with Colorado 8 CCR 1302-7 and using the methods and practices that minimize flood damage in FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards. For the purposes of this requirement, manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

(iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, as determined by the Pueblo Department of Public Health and Environment and other agencies having jurisdiction.

(5) Specific Standards

In all Special Flood Hazard Areas where base flood elevation data has been provided, the following provisions are required:

(i) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(ii) Nonresidential Construction

With the exception of Critical Facilities, outlined in §17.04.010(e)(11), new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer 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 as outlined in this Subsection or in accordance with later adopted FEMA/NFIP standards, whichever is the more recent. This certification shall be maintained by the Floodplain Administrator, as proposed in §17.04.010(f), Floodplain Development Permit Procedures.

(iii) Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, crawl space (nonliving areas), or storage in an area other than a basement and 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 shall either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

a. 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.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(iv) Manufactured Homes

a. All manufactured homes that are placed and all existing manufactured or mobile homes that are substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:

   1. Outside of a manufactured home community or subdivision;

   2. In a new manufactured home community or subdivision;

   3. In an expansion to an existing manufactured home community or subdivision; or

   4. In an existing manufactured home community or subdivision on which a manufactured or mobile home has incurred "substantial damage" as a result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. All manufactured homes placed and existing manufactured or mobile homes that are substantially improved on sites in an existing manufactured home community or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(v) Recreational Vehicles

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall comply with one of the following:

a. Be on the site for fewer than 180 consecutive days,

b. Be fully licensed and ready for highway use, or

c. Meet the permit requirements of §17.04.010(f), and the elevation and anchoring requirements for "manufactured homes" in paragraph (iv) of this Section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(vi) Prior Approved Activities

Any activity for which a Floodplain Development Permit was issued by Pueblo County or a CLOMR was issued by FEMA prior to November 13, 2013, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Chapter if it meets such standards.

(6) Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the Special Flood Hazard Area are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one-to-three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(i) Residential Construction

All new construction and substantial improvements of residential structures shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(ii) Nonresidential Construction

With the exception of Critical Facilities, outlined in §17.04.010(e)(11), all new construction and Substantial Improvements of non-residential structures, shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in §17.04.010(f), are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

(7) Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in §17.12.030). Located within Special Flood Hazard Areas are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of

floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(i) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a registered Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.

(ii) If Subsection (i) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §17.04.010(e).

(iii) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(8) Alteration of a Watercourse

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

(i) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(ii) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(iii) Any channelization or other stream alteration activity proposed by a project proponent shall be evaluated for its impact on the regulatory floodplain and comply with all applicable federal, state, and local floodplain rules and regulations.

(iv) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

(v) All activities within the regulatory floodplain shall meet all applicable federal, state and Pueblo County floodplain requirements and regulations.

(vi) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that the proposed project will not result in more than a 0.00-foot rise compared to existing Floodway conditions (otherwise known as a No-Rise Certification), unless the community first applies for a CLOMR and Floodway revision in accordance with §17.04.010(e)(7).

(vii) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(9) Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

(i) Residential Construction

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), shall be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

(ii) Nonresidential Construction

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), shall be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(10) Standards for Subdivision Proposals

(i) All subdivision proposals, including the placement of manufactured home communities, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

(ii) All proposals for the development of subdivisions, including the placement of manufactured home communities, shall meet Floodplain Development Permit requirements of §17.04.010(f) and §17.04.010(e).

(iii) Base Flood Elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home communities, that are greater than 50 lots or five acres, whichever is less, if not otherwise provided pursuant to §17.04.010(d)(8).

(iv) All subdivision proposals, including the placement of manufactured home communities, shall have adequate drainage provided to reduce exposure to flood hazards.

(v) All subdivision proposals, including the placement of manufactured home communities, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(11) Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

(i) Classification of Critical Facilities

Critical Facilities are classified under the following categories:

a. Essential Services;

b. Hazardous Materials;

c. At-risk Populations; and

d. Vital to Restoring Normal Services.

It is the responsibility of the Board of County Commissioners to identify and confirm that specific structures in their community meet the following criteria:

(ii) Essential Services Facilities

a. Types of Essential Services Facilities

Essential services facilities consist of:

1. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
2. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
3. Designated emergency shelters;
4. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
5. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power, and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
6. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

b. Exemptions

1. Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
2. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board of County Commissioners that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that

redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Chapter, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board on an as-needed basis upon request.

(iii) Hazardous Materials Facilities

a. Types of Hazardous Materials Facilities

Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

1. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
2. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
3. Refineries;
4. Hazardous waste storage and disposal sites; and
5. Above ground gasoline or propane storage or sales centers.

b. Threshold Planning Quantity

1. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the workplace, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is either:
    i. 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. §302 (2010), also known as Extremely Hazardous Substances (EHS); or

ii. 10,000 pounds for any other chemical.

2. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. §1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. §302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. §1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this Chapter but exclude later amendments to or editions of the regulations.

c. Exemptions

Specific exemptions to this category include:

1. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
2. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
3. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this §17.04.010(e).

(iv) At-Risk Population Facilities

a. Types of At-Risk Population Facilities

At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

1. Elder care facilities;

2. Congregate care serving 12 or more individuals (day care and assisted living);
3. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);
4. Facilities vital to restoring normal services, including government operations. These facilities consist of:
5. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance, and equipment centers);
6. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

b. Exemptions

These facilities may be exempted if it is demonstrated to the Floodplain Administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Chapter, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Floodplain Administrator on an as-needed basis upon request.

(v) Protection for Critical Facilities

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Section, protection shall include one of the following:

a. Location outside the Special Flood Hazard Area; or
b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

(vi) Ingress and Egress for New Critical Facilities

New Critical Facilities shall, when practicable as determined by the Floodplain Administrator, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(f) Floodplain Development Permit Procedures

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by them and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

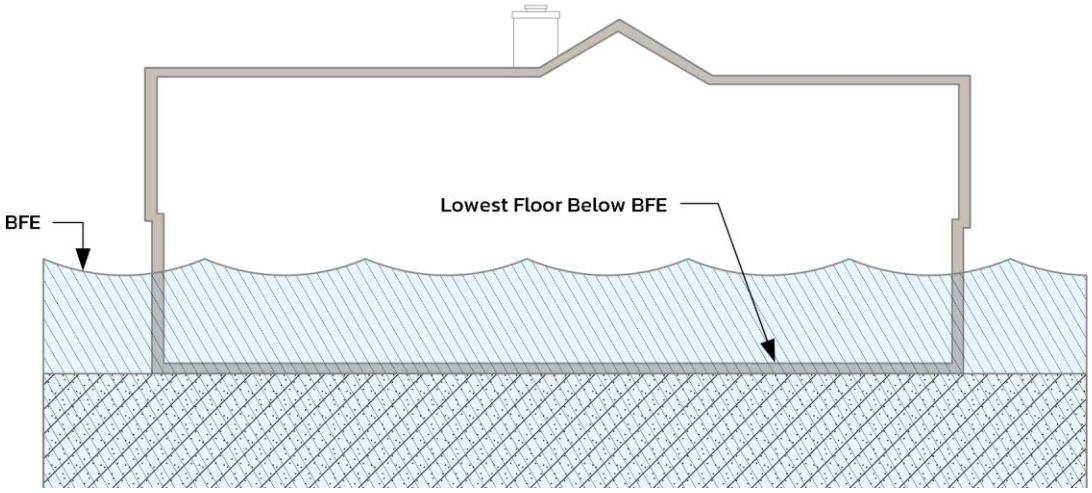


Figure 04.1: Lowest Floor Elevation

(2) Elevation (in relation to mean sea level) to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of §17.04.010(e)(5)(ii);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with §17.04.010(d)(8)(ii).

(g) Review Criteria

(1) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:

(i) The danger to life and property due to flooding or erosion damage;

(ii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iii) The danger that materials may be swept onto other lands to the injury of others;

(iv) The compatibility of the proposed use with existing and anticipated development;

(v) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(vi) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(vii) 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;

(viii) The necessity to the facility of a waterfront location, where applicable;

(ix) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(x) The relationship of the proposed use to the Regional Comprehensive Plan for that area.

(2) An application fee as established by the Board of County Commissioners by resolution shall be paid at the time application is made.

(h) Appeal and Variance Procedure

(1) Appeals

(i) The Zoning Board of Adjustment shall hear and render judgment on appeals and requests for variances from the requirements of this Section.

(ii) The Planning Commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Section.

(iii) Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the District Court, as provided by law.

(iv) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Section, 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 that 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 Regional 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.

(v) Upon consideration of the factors of §17.04.010(h)(1)(iv) and the purposes of this Section, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section as stated in §17.04.010(h)(2).

(vi) The Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

(2) Conditions for Variances

(i) 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 §17.04.010(h)(1)(iv)a - k and in §17.04.010(f) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(ii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(iii) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(iv) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(v) 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 §17.04.010(h)(1)(iv), or conflict with existing local laws or regulations.

(vi) 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.

(vii) Variances may be issued by a community for new construction and substantial improvements and for the development necessary for the conduct of a Functionally Dependent Use provided that:

a. The criteria outlined in §17.04.010(h)(1) and §17.04.010(h)(2)(i)-(iv), and

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

17.04.020 Off-Street Parking and Loading

(a) Purpose

This Section is intended to regulate the amount and design of off-street parking and loading spaces in Pueblo County and to help protect the public health, safety, and general welfare by:

(1) Avoiding and mitigating traffic congestion;

(2) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians; and

(3) Providing flexibility to respond to the transportation, access, and loading impacts of various land uses.

(b) Applicability

These off-street parking requirements shall apply to the following activities:

(1) Newly constructed buildings and newly established land uses;

(2) Existing buildings that are expanded by an addition; and

(3) Change or expansion of a land use that generates a need for an increase in the required minimum of off-street parking spaces set forth in Subsection (d). Where the existing site does not have sufficient space for additional parking required for a change of use, the maximum amount of additional parking that can reasonably be added to the site, that may include no additional parking, shall be added.

The regulations in this Section shall be reviewed as part of §17.06.050(b), Development Plan.

(c) Calculation of Parking and Loading Requirements

(1) Area Measurements

All square footage based parking and loading requirements shall be computed on the basis of net floor area of the subject use.

(2) Fractions

When measurements of the number of required spaces result in a fractional number, fractional numbers of 0.5 or greater shall be rounded up to the next whole number.

(3) Parking and Loading for Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses unless otherwise stated in this Section or as approved by the Planning Director.

(4) Master Parking Plan

A master parking plan may be required for a campus or other facility involving multiple buildings under common ownership. The parking plan shall include:

(i) An analysis of current and anticipated parking needs by building and use,

(ii) Number and location of total spaces and, if applicable, shared spaces;

(iii) Compliance with applicable accessibility requirements;

(iv) Parking stall dimensions and drive aisle design;

(v) Location of ingress and egress points, and

(vi) Internal circulation design.

(5) Parking and Loading for Unlisted Uses

Uses not listed in Table 17.04.2: Off-Street Parking Schedule A shall be subject to the requirements of §17.04.020(d)(3), Schedule C.

(6) Example Parking Table

A table listing the uses provided on site, the amount of parking required for each use, and the amount of parking spaces provided for each use, shall be included on all development plans that are subject to the standards of this Section. Table 17.04.1 serves as an example of the required parking table.

Table 17.04.1: Parking Table Example				
Use	**County Requirement**	**Number of Bays**	**Net Floor Area**	**Spaces Required**
Car Wash	1 per bay + 3 stacking spaces per bay	1		1 parking space 3 stacking spaces
Vehicle Service Station	1 per 300 SF		4,500 SF	15
				Total Required = 16 + 3 stacking spaces
				Total Provided = 18 + 3 stacking spaces

(d) Minimum Vehicle Parking Spaces Required

The following are the minimum required off-street parking spaces by land use.

(1) Schedule A

Table 17.04.2: Off-Street Parking Schedule A	
DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code	
Use	**Minimum Requirement**
Agricultural Uses	
Animal Feeding Operation Agricultural Production Concentrated Animal Feeding Operation Equestrian Facility, Private Hemp Establishment Roadside Sale Stand Sawmill	N/A
Agricultural Tourism Equestrian Facility, Commercial Greenhouse Nursery Livestock Sales and Auction	Schedule C
Residential Uses	
Household Living	
Dwelling, Attached Dwelling, Cottage Court Dwelling, Multi-Family Dwelling, Two-Family	1.5 per DU
Dwelling, Live/Work Dwelling, Single-Family Manufactured Home	1 per DU

Table 17.04.2: Off-Street Parking Schedule A	
DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code	
Use	**Minimum Requirement**
Manufactured Home Community	
Group Living	
Boarding or Rooming House	1 per guest unit + 1 per 2 main shift employees
Group Home, FHAA (Large and Small) Group Residential Facility (Large and Small) Transitional Housing	1 per 4 beds + 1 per 2 main shift employees
Public, Civic, and Institutional Uses	
Community and Cultural Facilities	
Assembly, Religious or Secular Exhibition Center	1 per 3 persons I.B.C. rated occupancy within the main assembly room, sanctuary, or auditorium
Cemetery or Mausoleum Emergency Facility	Schedule C
Crematory	Schedule C
Daycare Center, Adult or Child	1 per main shift employee + 1 per 450 SF
Cultural Facility	1 per 200 SF
Educational Facilities	
College or University Trade School	1 per employee + 1 per 5 students or 1 per 3 persons I.B.C. rated occupancy within the auditorium or stadium, whichever is greater
Private School	Elementary through junior high schools: 2 per classroom or 1 per 3 persons I.B.C. rated occupancy within the auditorium or stadium, whichever is greater, and a plan for drop-off and pick-up shall be required Senior high schools: 1 per employee, plus 1 per 5 students or 1 per 3 persons I.B.C. rated occupancy within the auditorium or stadium, whichever is greater
Healthcare Facilities	
Hospital	1 per 3 beds + 1 per 2 main shift employees
Medical or Dental Clinic	1 per 200 SF
Parks and Open Space	
Golf Course	1 per 3 golf holes + 1 per 2 main shift employees
Parks and Playgrounds Riding Trails and Fields	N/A

Table 17.04.2: Off-Street Parking Schedule A	
DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code	
Use	**Minimum Requirement**
Commercial Uses	
Adult Uses	
All	1 per 200 SF
Agricultural and Animal Uses	
Garden Supply Center	1 per 200 SF (not including greenhouses or temporary structures)
Kennel, Breeding, and Boarding Veterinary Hospital	1 per main shift employee + 1 per 1,000 SF
Food and Beverage	
Bar or Tavern Craft Alcohol Facility	1 per 200 SF + 1 per 200 SF of accessory patio area
Farmers Market	Schedule C
Restaurant [1]	Indoor dining: 1 per 200 SF Outdoor dining: 1 per 200 SF of outdoor dining area
Lodging Facilities	
Bed and Breakfast Hotel or Motel	1 per guest unit + 1 per 2 main shift employees
Campground or Recreational Vehicle Park	1.5 per campsite
Office	
Flex Office	Schedule B
Laboratory and/or Research Facility	1 per 300 SF or 1 per employee on max shift, whichever is greater
Office	1 per 400 SF
Personal Services	
Personal Services [1]	1 per 250 SF
Studio	1 per 200 SF
Recreation and Entertainment	
Event Venue	1 per 3 persons I.B.C. rated occupancy within the main assembly area
Recreation and Entertainment, Indoor Recreation and Entertainment, Outdoor (Small and Large)	1 per 300 SF
Shooting Range, Indoor Shooting Range, Outdoor	1 per platform + 1 per main shift employee

Table 17.04.2: Off-Street Parking Schedule A	
DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code	
Use	**Minimum Requirement**
Retail Sales	
Auction Hall Flea Market	1 per 300 SF
Retail Sales (Small, Medium, and Large) [1]	3 or 1 per 300 SF, whichever is greater
Shopping Center, Multi-Tenant	1 per 250 SF
Transportation	
Airport or Heliport Passenger Terminal Rest Stop Space Port Facility Truck Stop	Schedule C
Freight Depot	1 per main shift employee + 1 per vehicle maintained on premises
Transportation Test Site	Schedule C
Vehicle Equipment	
Car Wash [1]	1 per bay
Vehicle Repair (Major and Minor) [1]	1 per main shift employee + 2 per bay (inside service bay/lift may count as 1 of the 2 required spaces)
Vehicle Sales, Rental, and Leasing (Heavy and Light)	Schedule B
Vehicle Service Station	1 per 300 SF
Industrial Uses	
Industrial Services	
Contractor's Yard Industrial Sales and Services	Schedule B
Manufacturing, Assembly, or Processing	
Manufacturing (Heavy and Light)	Schedule B
Natural Resource Extraction	
Mining or Extraction Mining or Extraction Processing	Schedule B
Storage, Warehousing, and Wholesale	

Table 17.04.2: Off-Street Parking Schedule A	
DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code	
Use	**Minimum Requirement**
Hazardous Storage Mini-Storage Outdoor Storage Wholesale Sales Warehouse	Schedule B
Telecommunications	
Telecommunication Tower	N/A
Utilities and Renewable Energy	
Biofuel Energy Facility Cogeneration Facility Electric Power Plant Geothermal Facility Medium-Scale Solar Facility Nuclear Power Facility Utilities Utility-Scale Solar Facility Waste-to-Energy (Biomass Facility)	Schedule B
Waste and Salvage	
Composting Facility Hazardous Waste Facility Hazardous Waste Incinerator or Processor Junkyard Recycling Collection Center Recycling Processing Center Solid Waste Disposal Site and Facility Solid Waste Transfer Station	Schedule B
Notes: [1] Drive-through uses will also be subject to Sec. 17.04.020(k), Vehicle Stacking	

(2) Schedule B

Off-street parking spaces for Schedule B uses shall be provided in accordance with the following standards.

Table 17.04.3: Off-Street Parking Schedule B	
SF = Square feet of net floor area	
Use	**Minimum Requirement**
Office Area	1 per 400 SF
Sales/Display Area	1 plus 1 per 1,000 SF
Outdoor Storage Area	1 plus 1 per 20,000 SF
Indoor Storage/Warehousing/Manufacturing Area	1 per 10,000 SF

(3) Schedule C

Schedule C uses have widely varying parking demand characteristics, making it difficult to establish a single appropriate off-street parking or loading standard. Upon receiving an application proposing such a use, or proposing a use not expressly listed in Table 17.04.2: Off-Street Parking Schedule A, the Director is authorized to:

(i) Apply the minimum off-street parking space requirement specified in Table 17.04.2: Off-Street Parking Schedule A for the listed use that is deemed most similar to the proposed use; or

(ii) Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or

(iii) Establish the minimum off-street parking space requirement based on local or national best practices; or

(iv) Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(e) Minimum Amount of Accessible Parking Spaces Required

Accessible parking spaces shall be provided to meet the requirements of the Americans with Disabilities Act (ADA). If there is a conflict between any standard in this Section and ADA requirements, ADA requirements shall apply.

(1) Accessible parking spaces shall be surfaced with concrete or asphalt and striped.

(2) Each accessible parking space shall have a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (as measured from the bottom of the sign).

(3) Accessible spaces shall be eight feet wide adjacent to a five-foot access aisle. All other dimensions for the space are the same as those for standard parking spaces.

(4) Accessible parking spaces shall be located as close as possible to the nearest accessible building entrance, using the shortest accessible travel route. When possible, the accessible route should not cross lanes for vehicular travel.

(5) The minimum amount of accessible parking spaces shall be provided as stated in Table 17.04.4.

Table 17.04.4: Required Number of Accessible Parking Spaces

Total Parking Spaces in Lot [1]	Minimum Number of Accessible Spaces
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 spaces
More than 1,000	20 plus one space for every 100 spaces over 1,000

Notes:
[1] Bicycle parking spaces shall not count towards the total number of parking spaces. Additionally, four motorcycle/scooter parking spaces shall equal one automobile parking space.

(f) Minimum Parking Alternatives

The Director may approve alternatives to minimum parking requirements established in §17.04.020(d), Minimum Vehicle Parking Spaces Required, in accordance with the standards listed below. Nothing in this Subsection shall limit the use of one or more of the following off-street parking alternatives by a single use.

(1) Joint Parking

(i) Different portions of the same off-street parking area may serve two or more uses provided the total number of parking spaces required for each use are provided.

(ii) Joint parking spaces shall be located within 500 feet of the primary entrance to the proposed use.

(iii) Joint parking spaces may not be separated from the primary entrance of the proposed use by public right-of-way.

(iv) An off-street parking space may be counted for compliance with these parking requirements for only one use, unless "shared parking" of the space will occur.

(2) Shared Parking

(i) The same off-street parking space may be counted by other uses as meeting their individual off-street parking requirements if those uses characteristically do not each need the same spaces during the same hours of the day.

(ii) Shared parking spaces shall be located within 500 feet of the primary entrance to the proposed use.

(iii) Shared parking spaces may not be separated from the primary entrance of the proposed use by public right-of-way.

(3) Transit Access and Alternative Parking

Credit toward required vehicular parking may be granted at the following rates, up to ten spaces, when such reductions would not negatively impact the public health, safety, and welfare.

Table 17.04.5: Parking Reductions for Alternative Means of Transportation

Alternative to Off-Street Vehicular Parking	Maximum Parking Reduction
Bicycle Parking	One vehicular space per every four bicycle parking spaces beyond what is required in §17.04.020(j).
Public Transit	Up to five vehicular spaces if the use is located within one quarter mile of a fixed public transit stop.

(4) Deferred Parking

An applicant may submit a request to defer the construction of up to 20 percent of the required number of parking spaces specified in §17.04.020(d), Minimum Vehicle Parking Spaces Required, if the request complies with the following standards:

(i) Reserve Parking Plan

The request is accompanied by a Reserve Parking Plan identifying:

a. The amount of off-street parking being deferred; and

b. The location of the area to be reserved for future parking, if needed.

(ii) Parking Demand Study

Adequate assurance is provided that within 16 months after the initial certificate of occupancy is issued for the proposed development, the applicant will submit a Parking Demand Study to the Department of Planning and Development that demonstrates the parking demand for the development and the adequacy of existing parking spaces. If the study indicates that the existing parking is adequate, then the construction of the remaining number of parking spaces shall not be required. If the study indicates additional parking is required, it shall be provided consistent with the Reserve Parking Plan and the standards of this Section.

(iii) Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.

(5) Reduced Parking

An applicant may submit a request to reduce the required number of parking spaces specified in §17.04.020(d), Minimum Vehicle Parking Spaces Required, subject to the following standards:

(i) Administrative Adjustment

An applicant may request an Administrative Adjustment to reduce the required number of off-street parking spaces by up to 15 percent, pursuant to §17.06.110(a), Administrative Adjustment.

(ii) Administrative Parking Reduction

An applicant who desires more than a 15 percent reduction from the required number of off-street parking spaces may request an administrative parking reduction based on the findings of a Parking Demand Study. The Parking Demand Study shall be submitted to the Director, who may by written administrative decision reduce the number of required off-street parking spaces based on the findings of a Parking Demand Study. The Parking Demand Study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Director and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability

will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

(g) Design and Location of Off-Street Parking

(1) Dimensions

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.

(i) All standard-size vehicle off-street parking spaces shall be a minimum of nine feet in width and a minimum of 18 feet in depth.

(ii) Up to 30 percent of the required parking spaces may be compact, provided the spaces are permanently designated by signs as being for use by compact cars only.

a. All compact car parking spaces shall be a minimum of eight-feet-six-inches in width and a minimum of 16 feet in depth.

b. For the purpose of this Section, a compact car shall be a vehicle that has a maximum wheelbase of 106 inches.

c. Whether or not separation between parking spaces is needed, there is no distinction between parallel parking space dimensions for regular and compact vehicles.

(iii) The dimensions shown in the following diagrams and tables are visual representations of the minimum parking standards and are provided for reference.

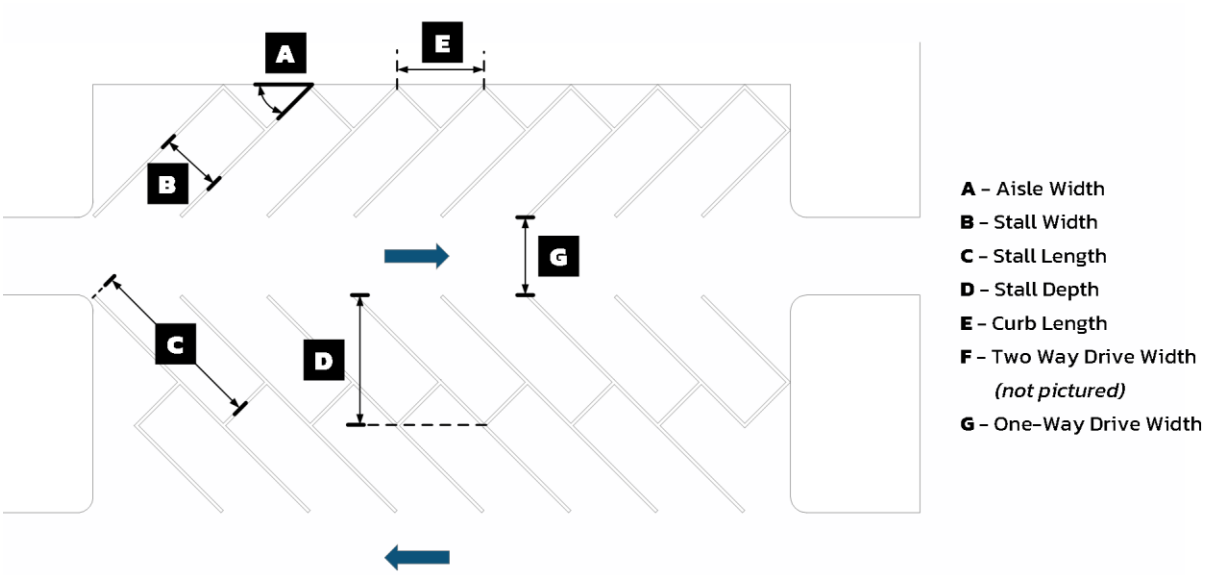


Figure 04.2: Minimum Parking Dimensions

Table 17.04.6: Minimum Vehicle Parking Dimensions

Parking Angle A	Stall Width B	Stall Length C	Stall Depth D	Curb Length E	Two-Way or Double Loaded Drive Width F	One-Way or Single Loaded Drive Width G
0° (parallel)	8 FT	23 FT	8 FT	23 FT	20 FT	12 FT
45°	8.5 FT	20 FT	20.2 FT	12 FT	20 FT	15 FT
60°	9 FT	19 FT	21 FT	10.4 FT	24 FT	20 FT
90°	9 FT	19 FT	19 FT	9 FT	24 FT	24 FT

(2) Turnarounds

Parking stalls located at the end of a dead-end parking aisle shall be provided with adequate backing and turnaround space. The required depth of the turnaround space shall be determined as follows:

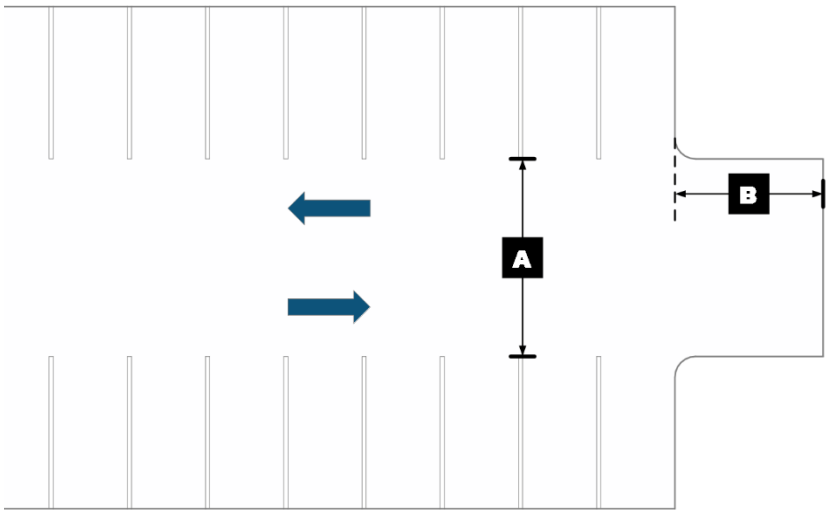


Figure 04.3: Minimum Turnaround Depth

Table 17.04.7: Required Turnaround Depth	
Width of Driving Aisle (A)	**Depth of Turnaround Space (B)**
24 FT or less	6 FT
25 FT	5 FT
26 FT	4 FT
27 FT	3 FT
28 FT	2 FT
29 FT	1 FT
30 FT	0 FT

(3) Parking Islands

When parking abuts a center island on both sides the minimum width of the island shall be four feet.

(4) Vehicle Overhang

No sidewalk shall be decreased to less than four feet in width by use of a vehicle overhang. The maximum front overhang over a sidewalk shall be two feet as long as the sidewalk is protected by wheel stops or curbing. The depth of overhang may be part of the required depth of a parking space.

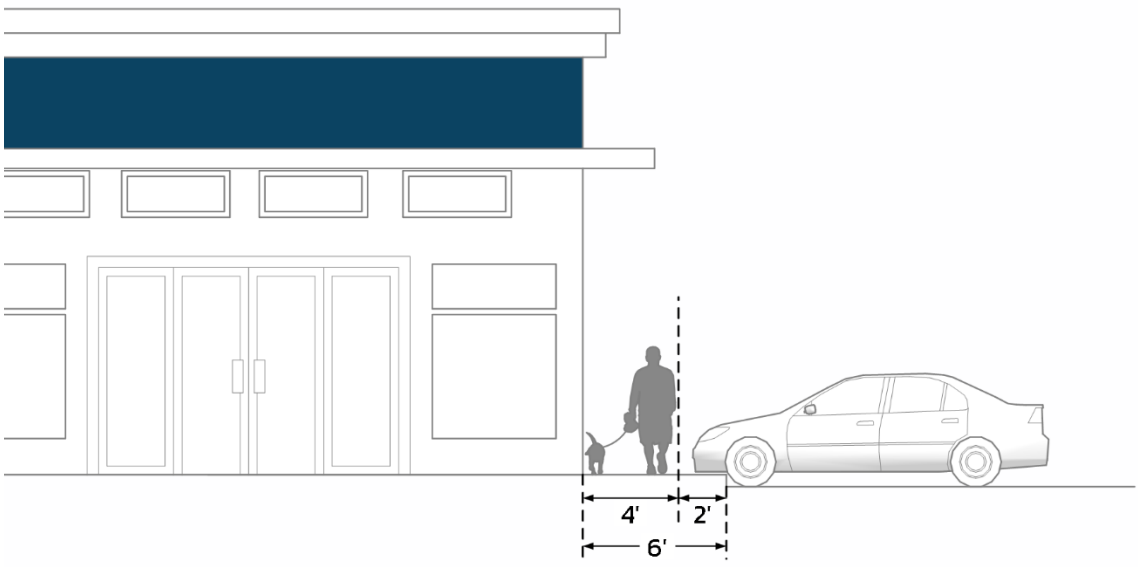


Figure 04.4: Maximum Vehicle Overhang

(5) Dimensional Reductions

Reduction of parking space depth shall not apply to accessible parking spaces.

(6) Location

(i) All required off-street parking areas shall be provided on the same lot or parcel of land containing the use that it serves except as noted in the following subsections.

(ii) No parking space shall be approved where the vehicle must back across any public right-of-way line except for a single-family dwelling, manufactured home, accessory dwelling, for farming and ranching uses, for any parking space that is blocked off by another vehicle, or in other instances as deemed to be appropriate by the Director.

(iii) In cases of extreme hardship, the public right-of-way may 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 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 with any 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 30 calendar days after permit revocation.

(iv) In cases of extreme hardship, off-lot off-street parking may be provided to meet the parking requirements of this Section, subject to compliance with the following:

a. The off-lot parking area for residential use is within 100 feet and for nonresidential use is within 300 feet, excluding public rights-of-way, of the lot or parcel of land containing the use that it serves.

b. The off-lot parking area is not separated from the lot or parcel of land containing the use it serves by a physical or human-made feature that constitutes a safety hazard. Safety hazards include, but are 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.

c. 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 ten year) interest (e.g., lease) running with the land recorded with the 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).

d. 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 30 calendar days after permit revocation.

(7) Surfacing

(i) All areas used for off-street parking and vehicular circulation within the SR2, LR, HR, MN, MC, PP, and CC zone districts shall be paved with asphalt, concrete, or an alternative permeable surface as approved in the project drainage report.

(ii) All areas used for off-street parking and vehicular circulation within the A1, A2, A3, RR, SR1, LI, and HI zone districts shall be surfaced with:

a. Gravel or rock, to a minimum depth of four inches to ensure a dust-free surface;

b. Asphalt;

c. Concrete; or

d. An alternative surface as approved in the project drainage report.

(8) Wheel Stops

All parking areas shall have physical barriers (e.g., wheel stops) to ensure no part of a vehicle will overhang into the public right-of-way or adjacent properties.

(9) Striping and Other Markings

(i) All parking areas shall delineate parking space divider lines, handicapped spaces and aisles, traffic directional (flow) arrows, and other markings as required by ADA or other applicable regulations, using paint or other materials as approved by the Director.

(10) Maintenance

(i) The property owner shall be responsible for maintaining off-street parking areas in good, usable condition throughout the life of the project.

(ii) Parking areas that are not maintained (such as but not limited to faded striping, asphalt, or concrete in disrepair), as determined through the review of a revised, amended, or new parking plan of the property, shall not be granted final approval until the parking area is brought back into good, usable condition.

(11) Drainage

Off-street parking areas shall be designed and constructed to ensure the drainage of stormwater without flooding or damage to surrounding properties or public roads.

(i) Parking lots cannot be designed to serve as stormwater detention facilities.

(ii) Parking lot materials shall be reviewed for appropriateness with surrounding natural features and stormwater mitigation systems to minimize potential negative impacts.

(h) Commercial Vehicle Parking

(1) Applicability

The following regulations shall apply to the parking of commercial vehicles on residentially-zoned properties and properties primarily used for residential purposes.

(i) No commercial vehicle with a manufacturer's gross vehicle weight of ten thousand pounds or greater, with the exception of Subsection (2) below, shall be parked within any residentially zoned property or on any county road right-of-way unless actual loading or unloading of the vehicle is in progress.

(ii) Agricultural or forestry vehicles may be parked in all agricultural districts.

(2) Exemptions

Truck-tractors, without trailers or semi-trailers, may be parked on the driveway of a property zoned RR, Rural Residential, subject to the requirements of Table 17.04.8.

Table 17.04.8: Truck-Tractor Parking in the RR District

Lot Area	Maximum Number of Truck-Tractors
Less than 1.5 acres	0
1.5 acres – 2 acres	1
Greater than 2 acres	2

(i) No repair or maintenance shall be performed on any truck-tractor while the same is parked pursuant to this Subsection (2).

(ii) For purposes of this Section, "truck-tractor" means a motor vehicle designed and used primarily for drawing other vehicles (trailer) and not so constructed as to carry a load other than a part of the weight of the vehicle (trailer) and load so drawn.

(i) Motorcycle and Scooter Parking

(1) Motorcycle and Scooter parking shall be provided for mixed-use, commercial, and public use zone districts in accordance with Table 17.04.9.

Table 17.04.9: Required Number of Motorcycle/Scooter Parking Spaces	
Total Parking Spaces in Lot	**Minimum Number of Motorcycle/Scooter Spaces**
1 to 19	0
20 to 39	1
40 or more	5% of total

(2) All motorcycle/scooter parking areas shall be identified by signs or pavement markings to ensure they are not used for automobile parking.

(3) The following are minimum standards for Motorcycle and Scooter Parking facilities:

(i) Motorcycle/Scooter parking space is an area four-feet-six-inches by nine feet; this area shall provide standing area for a motorcycle/scooter.

(ii) Motorcycle/Scooter parking spaces shall be located as close as possible to building entrances, but not closer than the accessible parking spaces.

(j) Bicycle Parking

(1) Bicycle parking shall be provided for mixed-use, commercial, and public use zone districts in accordance with Table 17.04.10. Industrial zone districts are not required to provide bicycle parking.

Table 17.04.10: Required Number of Bicycle Parking Spaces	
Total Parking Spaces in Lot	**Minimum Number of Bicycle Spaces**
1 to 19	0
20 to 39	1
40 or more	5% of total

(2) All bicycle parking areas shall be identified by signs or pavement markings to ensure they are not used for automobile parking.

(3) The following are minimum standards for Bicycle Parking facilities:

(i) A bicycle parking space is an area two feet by six feet or the area occupied by a bicycle when using a bicycle parking device as designed (e.g., inverted "U" rack provides two bicycle parking spaces).

(ii) Bicycle parking areas shall be located in a highly visible area without interfering with pedestrian or vehicular circulation.

(iii) The ground area surrounding and beneath the bicycle parking facility shall be surfaced to prevent accumulation of mud and dust. Surfaces may include, but are not limited to, pavers, grass, gravel, or concrete.

(iv) Bike parking facilities within an auto parking area shall be separated by physical barriers such as curbs, wheel stops, bollards, or other similar features to protect bicycles from damage by cars.

(v) Trees, fences, light poles, benches, public art and other outdoor furnishings or improvements shall not be used as designated bicycle parking facilities.

(vi) The Director is authorized to reduce or waive the bicycle parking space requirements if there are extraordinary circumstances related to land use, adjacent road network and bicycle accessibility, or other mitigating circumstances. Evidence of extraordinary circumstances shall be submitted by the applicant.

(k) Vehicle Stacking

Vehicle stacking spaces are subject to the following standards:

(1) Dimensions

Stacking spaces shall be a minimum of eight feet wide by 20 feet long.

(2) Circulation

Stacking spaces may not impede on- or off-site traffic movements or movements into or out of the required off-street parking spaces.

(3) Drive-Through Uses

Stacking spaces for drive-through uses shall be provided in accordance with the following standards. Spaces being actively used to provide service (i.e. spaces inside wash bays or adjacent to service windows) shall not count as stacking spaces.

Table 17.04.11: Required Stacking Spaces for Drive-Through Uses [1]

Use	Minimum Requirements
Car Wash	3 per wash bay, or as determined by peak-hour vehicle projections (up to 6 if warranted)
Restaurant	4 per drive-up window; may be increased to 6 based on site-specific traffic projections

Retail, Personal Services, Financial Institutions, and similar	3–5 per drive-up window, based on use type, expected turnover, and operational hours
Notes: [1] The Director is authorized to increase or reduce the number of required stacking spaces based on anticipated traffic, site conditions, or other mitigating factors.	

(l) Off-Street Loading

If off-street loading is provided, then the loading stall shall meet the following standards:

(1) Each off-street loading space shall be at least ten feet wide, 25 feet long, and provide 14 feet height clearance.

(2) Where the parcel on which the off-street loading space is located abuts 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 on lots less than 30 feet in width, the length of such loading space shall be measured perpendicular to the alley.

(3) All off-street loading areas shall be designed so that ingress and egress onto the site shall not impede or conflict with the flow of traffic on public roads.

(4) Surfacing of off-street loading area driveways shall be provided for in accordance with §17.04.020(g)(7), Surfacing.

(m) Access

(1) Unobstructed and direct access shall be provided to the parking area from a public road or alley. No 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 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).

(2) Driveways shall intersect approximately perpendicular to the public road or alley.

(3) An approved driveway or access permit is required from the Colorado Department of Transportation for driveway access to a State or Federal highway, and from the Department of Public Works for driveway access to a County road or alley. For purposes of this Section, the approved permit shall identify the location of the driveway or access way measured from property line and the width of the driveway or access.

(4) Driveways shall be designed to channel entry and exit traffic to a predetermined intersection 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.

17.04.030 Screening

(a) Applicability

This Section shall apply to all fences, walls, and hedges in all zone districts unless exempted by Subsection (b), below.

(b) Exemptions

The following are not required to meet the standards of Subsection (c), below:

(1) Agricultural fencing; and

(2) Any development in the PuebloPlex district. Screening in the PuebloPlex district shall be required in accordance with §17.02.080(e)(3)(ii).

(c) Fences, Walls, and Hedges

(1) Height

The 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. The top of a wall or fence is the highest component (e. g., top of post or top of picket, whichever is highest).

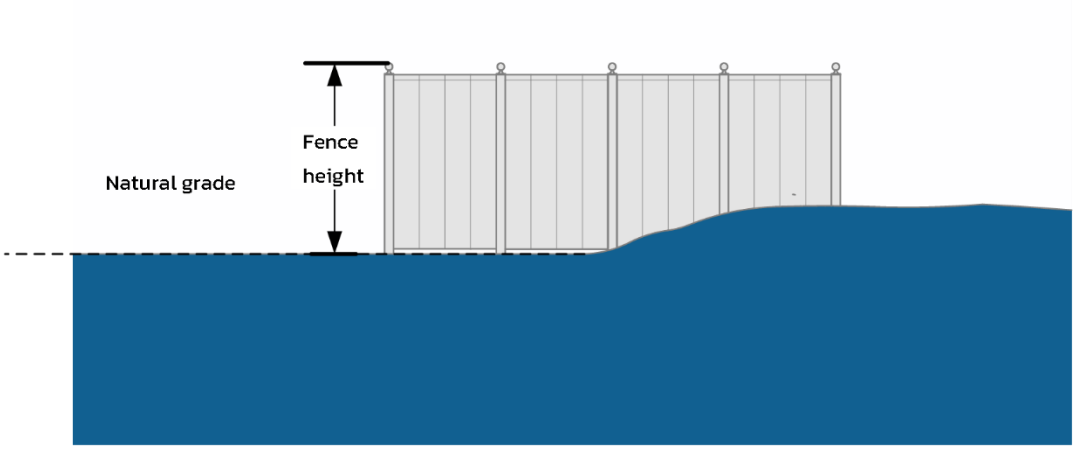


Figure 04.5: How to Measure Fence Height

(2) Permitted Height

(i) Located Within Required Front Setback

Maximum height for fences, walls, and hedges when located within the required front setback:

a. Solid, where no more than 20 percent of the surface area of the fence is open for views: three feet

b. Open, where 20 percent or more of the surface area of the fence is open for views: four feet.

c. The height of either type of fence may increase to the allowed maximum height behind the applicable building line.

(ii) Not Located Within Required Front Setback

The following maximum height applies when compliance with Subsection (2)(i) is not required:

a. Agricultural, residential, mixed-use, or special purpose district: six feet.

b. Commercial or industrial district: seven feet..

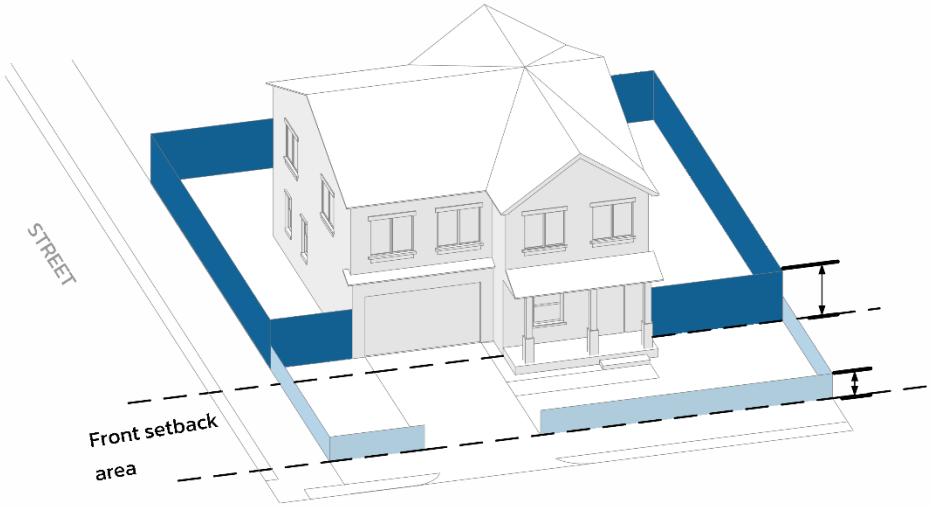


Figure 04.6: Permitted Fence Height within Required Front Setback

(3) Drainage Easements

(i) Fencing or walls placed within drainage easements shall be designed so as not to impede the flow of water. Any fence or wall that does not allow water movement may require removal or redesign upon review by the Public Works Department.

(ii) All fencing associated with commercial, industrial, and multi-family projects shall be depicted on the Development Plan.

(4) Sight Triangles

All fences, walls, and hedges shall meet the sight triangle requirements identified in §17.04.090, Clear Sight Triangle .

(5) Materials

The use of scrap materials such as tires, pallets, corrugated metal roof panels, junked cars, or similar in their original form is prohibited for screening purposes.

(6) Community Facilities District

Fence setbacks in the Community Facilities district shall be the same as the required setbacks in the abutting zone district unless otherwise approved with a specific development application in the CF district.

(d) Required Screening

In addition to the standards in Subsection (c) above, the following standards apply when required as part of §17.03.030, Use-Specific Standards.

(1) Outdoor storage areas and trash receptables shall be completely screened from view of adjacent residential properties and public rights-of-way by fences, walls, or hedges up to the maximum height allowed in the zone district.

(2) To the greatest extent practicable, outdoor storage areas and trash receptacles shall be located at the rear of the property.

17.04.040 Outdoor Lighting

(a) Purpose

The purpose of this Section is to:

(1) Discourage excessive lighting;

(2) Provide adequate lighting for safety and security;

(3) Encourage dark sky-friendly lighting practices; and

(4) Reduce light pollution, light trespass, glare, sky glow impacts, and offensive light sources.

(b) Applicability

Unless exempted by Subsection (c), below, this Section shall apply to:

(1) All external lighting; and

(2) All externally illuminated signs.

(c) Exemptions

The following uses shall be exempt from the provisions of this Section provided that lighting fixtures do not result in light trespass onto adjacent properties:

(1) Temporary lighting for special events, circuses and carnivals, or public, civic, and institutional uses as listed in Table 17.03.1: Table of Allowed Uses that are temporary in nature and that will not exceed a period of 30 days;

(2) Holiday lighting and seasonal decorations using typical unshielded low-wattage lamps as long as the lighting is turned off between 12:00 a.m. and 6:00 a.m.;

(3) Any lighting required by the FAA for air traffic control, navigation, and warning purposes;

(4) Lighting associated with outdoor recreation and entertainment uses as long as all lighting is turned off within one hour of the end of the event or activity;

(5) 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 the lighting;

(6) Motion-sensor security lighting that remains on for no more than five minutes;

(7) Lighting associated with principal agricultural production, agricultural processing, aviary, and feed lot uses in the A1 and A2 zone districts;

(8) Lighting for official government meteorological data gathering purposes; and

(9) Single-family detached and two-unit dwellings, except that lighting fixtures shall meet the shielding requirements of §17.04.040(h)(1). Lighting fixtures that are installed as of the Effective Date shall be brought into compliance with the shielding requirements within two years from the Effective Date.

(d) Prohibited Lighting

(1) Promotional beacons, searchlights, laser source lights, strobe light, or any similar high intensity light, when projected above the horizontal;

(2) Floodlighting that:

(i) Does not comply with the requirements of §17.04.040(h), 17.04.040(i), and 17.04.040(j); and

(ii) Produces light that trespasses beyond the property line;

(3) Site lighting that may be confused with warning, emergency, or traffic signals; and

(4) Mercury vapor light sources.

(e) Lighting Plan Required

An exterior lighting plan is required to be submitted with the Development Plan for all development that meets the compliance thresholds established in §17.04.040(b), excluding residential uses for which a statement of acknowledgement for compliance with this Section shall be submitted with the building permit.

(f) Submission Requirements

(1) 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 ten-foot maximum grid;

(2) 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;

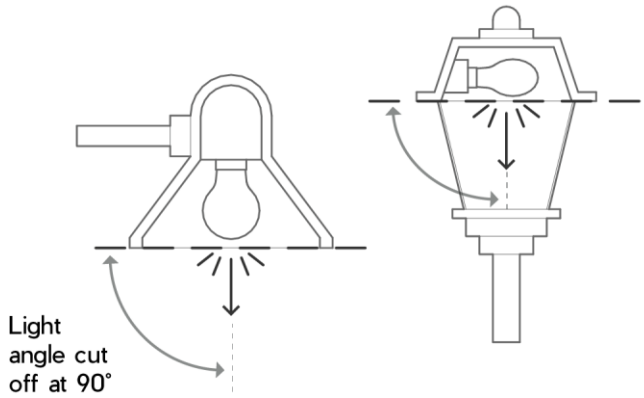


Figure 04.7: Full Cutoff Light Fixtures

(3) Descriptions of luminaries, including lamps, poles or other supports and shielding devices that may be provided as catalogue cut sheets from the manufacturer;

(4) Additional information as may be required by the Director in order to determine compliance with this Section.

(g) 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 that are not specifically described by this Section. The Director may permit the use of alternative designs, materials, methods of installation or operation 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.

(h) Outdoor Lighting Design Standards

All lighting shall be designed, located, installed, and directed in such a manner to prevent objectionable light trespass at and across property lines and to prevent glare at any location on or off the property.

(1) Shielding

(i) All lighting fixtures, except motion detector-activated lighting, shall be fully shielded unless otherwise stated in this Section.

(ii) Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed.



Figure 04.8: Shielded Lighting Fixtures

(2) Lighting Color

All lighting should have a nominal correlated color temperature (CCT) of no greater than 3,000 degrees Kelvin to the maximum extent practicable.

(3) Maximum Light Levels

Lighting plans required for new nonresidential or mixed-use development shall comply with the following limitations:

(i) The maximum light level shall not exceed 0.1 foot-candle as a direct result of the on-site lighting.

(ii) Illuminated areas of the subject property (e.g., parking lots) shall not exceed an average illumination level of 1.5 foot-candles.

(4) Maximum Mounting Height

Unless further restricted by §17.04.070(d)(4), Spillover Lighting, light fixtures can be mounted on buildings and light poles at up to:

(i) 24 feet when the fixture is located within 75 feet of a property line; or

(ii) 40 feet when the fixture is located beyond 75 feet from a property line.

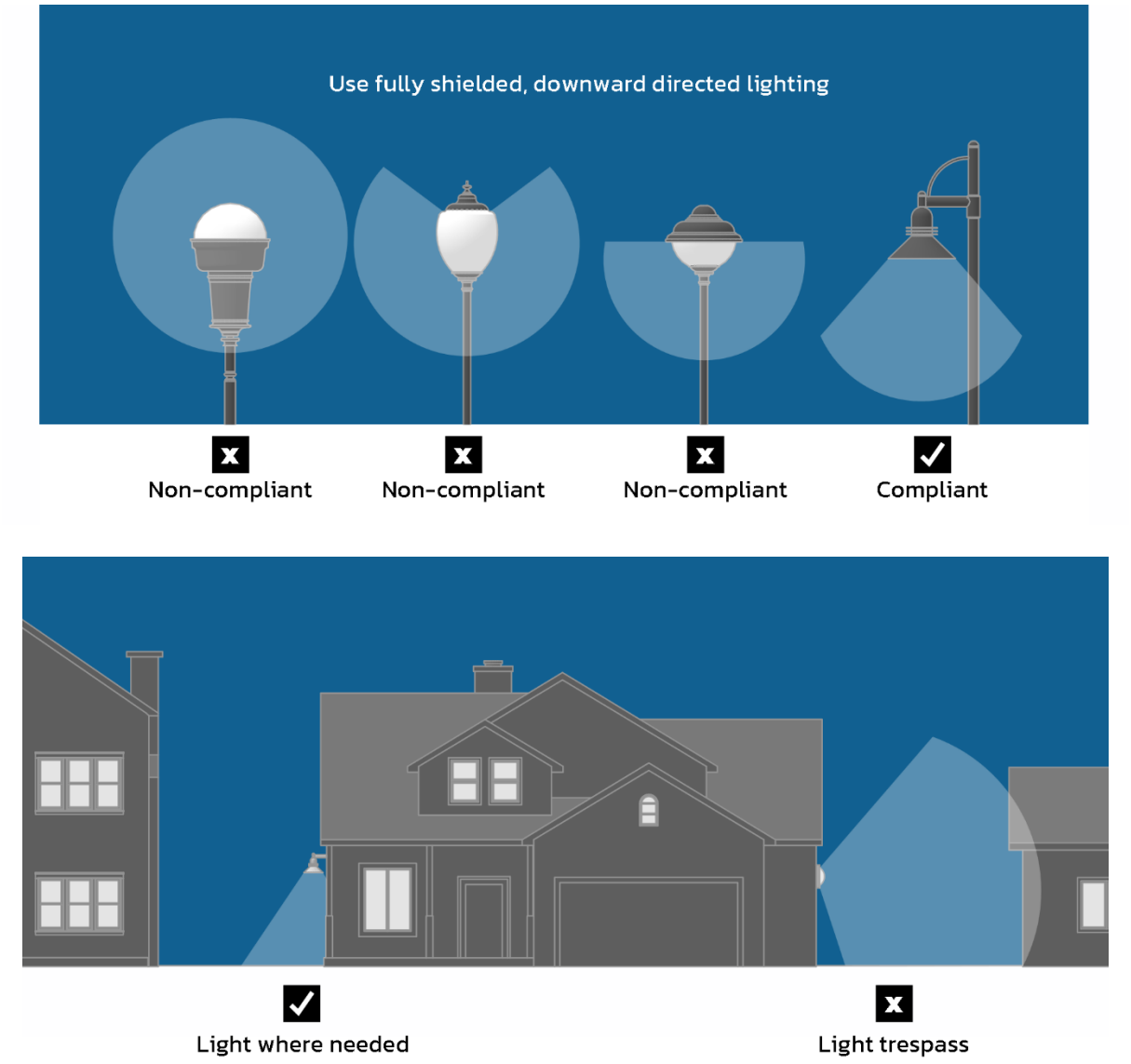


Figure 04.9: Explanation of Compliant Light Fixtures and Light Trespass

(i) Hours of Lighting

Except as otherwise stated in this Section, all exterior lighting, except those fixtures necessary for site and building security, shall be required to be turned off after business hours, or no later than midnight, whichever is earlier, and shall stay off until the business opens or until 6:00 a.m., whichever is later. All nonessential lighting including display and aesthetic lighting shall be turned off during this time.

(j) Security Lighting

Security lighting that is not designed with motion sensors and remains on for more than five minutes shall:

(1) Use the lowest possible illumination to effectively allow surveillance; and

(2) Be shielded and aimed so that illumination is directed to the designated areas.

(k) Canopy Lighting

(1) 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.

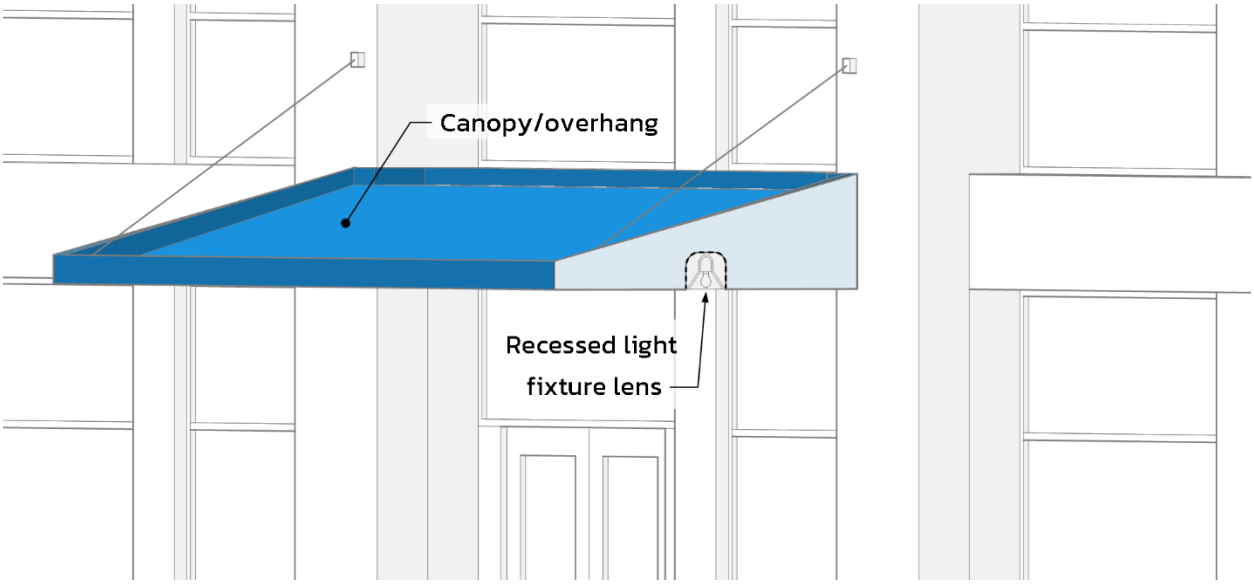


Figure 04.9: Canopy Lighting

(2) A full cut off light fixture may project below the underside of a canopy.

(3) All light emitted by an under-canopy fixture shall be substantially confined to the ground surface beneath the perimeter of the canopy.

(4) No lighting except that permitted by Chapter 17.05, Signs shall be permitted on the top or sides of a canopy.

(l) Architectural and Sign Lighting

(1) Upward-directed sign lighting is prohibited except for monument signs of less than six feet overall height.

(2) Unless prohibited by paragraph (1), all upward-directed sign or building façade lighting shall be fully contained within the vertical surface of the sign or wall being illuminated.

(m) Flagpole Lighting

(1) A flagpole may be illuminated by the following:

(i) One upward aimed fully shielded and self-contained spotlight light fixture that shall not exceed 1,300 lumens; and

(ii) One flagpole downlight that is fully shielded and directed at the ground and does not exceed 900 lumens.

(2) Each light fixture shall use a narrow cone beam or light that will not extend beyond the illuminated flagpole.

(n) Pedestrian-Scale Lighting

Low-level pedestrian lighting may be used along walkways pursuant to the following:

(1) The lighting fixture shall direct light downward;

(2) The lighting fixture shall use shatterproof lamp coverings;

(3) The lighting fixture shall not be located where it poses hazards for pedestrians or vehicles; and

(4) Post or bollard-type lights shall be mounted no higher than four feet above grade.

17.04.050 Subdivision Design

(a) Applicability

All subdivisions shall comply with the following standards.

(b) Generally Applicable Standards

(1) Subdivision lots and roads shall be designed to maintain and preserve, to the greatest extent possible, natural terrain and drainage, existing topsoil, and trees, and to minimize cuts and fill.

(2) Land subject to hazardous conditions such as landslides, mudflows, rock falls, snow avalanches, possible mine or ground subsidence, unstable slopes, seismic effects, expansive soils and rocks, shallow water table, open quarries, mineral resources, floodplains, debris fans, possible wildfires, radioactivity, and polluted or nonpotable water supply shall be identified and shall not be subdivided until:

(i) The hazards have been eliminated or will be eliminated by subdivision and construction plans; and

(ii) A permit under Chapter 17.07, Areas and Activities of State and Local Interest, has been issued.

(c) Lots

(1) No single lot shall be divided by a municipal or County boundary line.

(2) A lot shall not be divided by a road, alley, or other lot.

(3) Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated.

(4) Double frontage lots shall not be permitted. The PP zone district is exempt from this requirement.

(d) Blocks

(1) Blocks shall be reasonable in length and the total design shall provide for convenient access and circulation for emergency vehicles.

(2) Pedestrian easement(s) of not less than eight feet in width with an improved pathway that is at least five feet wide shall be provided through blocks where blocks exceed 1,000 feet in length and pedestrian circulation is needed.

(e) Streets, Sidewalks, Curb, and Gutter

(1) The design and construction of all new roads, streets, curb and gutter, and sidewalks shall be in accordance with the Pueblo County Roadway Design and Construction Standards.

(2) Where a residential subdivision abuts a major highway, service roads may be required.

(3) Development may require the dedication of land to Pueblo County for rights of way. The area of dedication will be determined by the Pueblo County Department of Public Works.

(f) Street Naming

Where a new street is in alignment with an existing street either in the County or in an adjoining county or municipality, the new street shall have the name as the existing streets. Otherwise, there shall be no duplication of street names within the area.

(g) Improvements and Utilities

(1) General Requirements

The following improvements shall be constructed at the expense of the subdivider as stipulated in the development improvements agreement in a manner approved by the Board of County Commissioners that is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of this UDC, they shall apply:

(i) Road, grading, and surfacing;

(ii) Curbs, if required;

(iii) Sidewalks, if required;

(iv) Sanitary sewer laterals and mains where required;

(v) Storm sewers or storm drainage system, as required;

(vi) Water distribution system, where applicable;

(vii) Street signs at all street intersections;

(viii) Permanent reference monuments and monument boxes;

(ix) Other facilities as may be specified or required in these regulations by the Department of Planning and Development; and

(x) Where practical, all utilities, except major power transmission lines, shall be underground.

(2) Guarantees

No final plat shall be approved or recorded until the subdivider has submitted and the Board of County Commissioners has approved, one or a combination of the following:

(i) Development improvements agreement guaranteeing to construct any required public improvements shown in the final plat documents, together with collateral, that is sufficient, in the judgment of the Board, to make reasonable provision for the completion of the improvements in accordance with design and time specifications;

(ii) Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final plat documents that, in the judgment of the Board, will make reasonable provision for completion of the improvements in accordance with design and time specifications.

(3) Use of Guarantees

(i) As improvements are completed, the subdivider may apply to the Director of Public Works for the release of part or all of the collateral. Upon inspection and approval, the Department of Public Works shall release the collateral.

(ii) If the Department of Public Works determines that any improvements are not constructed in substantial compliance with applicable specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance.

(iii) If the Department of Public Works determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Director of Public Works may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with specifications.

(4) Engineer's Certification ("as built")

A certification signed by a registered professional engineer that all improvements have been built in accordance with the final plat (or noting modifications) shall be required before the subdivider's obligations are fulfilled and the improvements guarantee is released. Any noted modifications shall be approved by the Director of Public Works prior to any release of funds or obligation. The subdivider may phase improvements and request a release from an appropriate portion of the obligations and improvements guarantee as such improvements are built, provided a certification is submitted for such improvements. The certification shall be made in the format identified by the Director of Public Works.

(5) Water

(i) The subdivider shall construct a complete water distribution system in accordance with the specifications of the local water provider. If the subdivider proposes an individual on-lot water supply system, it shall comply with the requirements of the Colorado Division of Water Resources.

(ii) The water distribution system shall include and provide for the installation of fire hydrants, as applicable, pursuant to §17.04.050(h)(2), Fire Protection.

(6) Sanitary Sewage

(i) The subdivider shall connect to a public or community sanitary sewage system in accordance with the specifications of the service provider. If the subdivider proposes an on-site wastewater treatment system, the system shall comply with CCR 1002-43 and the requirements of the Pueblo Department of Public Health and Environment.

(ii) Lots or parcels proposed for an on-site wastewater treatment system shall:

a. Be a minimum of one acre in size, or as determined by Pueblo Department of Public Health and Environment

b. Have 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 15 percent.

c. Be at least 150 feet from any water supply well, at least 50 feet from any stream, watercourse, or irrigation ditch, and at least ten feet from any dwelling or property line.

d. Not include lands made, altered, or filled with non-earth materials within the last ten years.

e. Have a minimum depth of eight feet from the surface of the ground to impermeable bedrock, and a minimum depth of eight feet from the surface of the ground to the groundwater surface (based on annual high-water level).

(iii) Subdividers shall submit a site soil evaluation to the PDPHE to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the actual lot area required to support an on-site wastewater treatment system.

(iv) Land rated as having severe limitations for septic tank absorption fields as defined by the U.S. Department of Agriculture, Soil Conservation Service, shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless such building sites contain a minimum of 20,000 square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.

(v) Applicants proposing the installation of soil absorption sewage disposal facilities on soils that have severe limitations, as determined by the site soil evaluation, shall:

a. Have additional on-site investigations made, including percolation tests;

b. Obtain the certification of a soils scientist or a competent technician that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and

c. Obtain documentation from PDPHE certifying that the proposed corrective measures are sufficient to overcome the severe soil limitations.

(vi) The applicant shall have an opportunity to present evidence to the Board of County Commissioners contesting the soil classification and analysis, and the Board may affirm, modify, or change the classification.

(vii) Where local, County, and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Board of County Commissioners may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-site wastewater treatment systems.

a. PDPHE shall be responsible for the design and supervision of installation of all capped sewers, laterals, and house connections.

b. When individual on-site wastewater treatment systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that onsite wastewater treatment system be installed by the purchaser of the lot at the time that the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

(viii) Test procedures shall be conducted in accordance with U.S. Public Health Service Publication Number 526, 1967, as revised, and other County requirements.

(7) Stormwater and Drainage

(i) Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work.

(ii) The drainage and floodplain systems shall be designed to:

a. Consider the drainage basin as a whole;

b. Accommodate runoff from the subdivision area but also, where applicable, runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.

c. Permit the unimpeded flow of natural water courses;

d. Ensure adequate drainage of all low points; and

e. Ensure the applications of the following regulations regarding development in designated floodplains comply with all other applicable provisions of this UDC.

(8) Easements

Where deemed necessary and requested by appropriate entities such as utility companies, Department of Public Works, Colorado Department of Transportation, ditch companies, and other public and quasi-public entities, easements shall be provided at a minimum of ten feet in width. Wider easements may be requested based on specified design requirements.

(h) Dedications and Fees

This Section identifies dedications and fees applicable to different types of development. The Board of County Commissioners may determine and adjust fees as needed, pursuant to applicable methodology and calculation.

(1) Parks and School Sites

(i) Dedication of Park Sites and School Sites

a. Completely nonresidential subdivisions are not required to comply with this Section. Any subsequent application for a change of zoning or other regulations that permits the use of all or a portion of such subdivision for residential purposes, shall be made contingent upon the applicant satisfying the requirements of this Subsection for residential subdivisions.

Table 17.04.12: Minimum Land Requirements Per Dwelling Unit

	Acres	
Unit Type	**Park**	**School**
Single-Family	0.025	0.019
Multi-Family	0.021	0.010
Manufactured Home	0.019	0.007

b. Each subdivision that includes residential units shall convey land for the purpose of providing park sites and school sites to serve the future residents of the subdivision. When authorized by the Director, a fee-in-lieu of conveyance of a school site per Table 17.04.13 may be provided. A fee-in-lieu of conveyance option is not available for park sites unless the proposed development abuts and has access to an existing park.

c. The conveyance of land for a school site may occur upon the recommendation of the appropriate School Board and the Planning Commission. The criteria to be considered in determining whether to accept land or an in lieu of the fees described below shall be that the proposed land dedication is:

    1. Adequate in size, shape and access for the use intended;

    2. Suitable for any building purposes contemplated given considerations of topography, condition of soil, drainage, location, and availability of water;

    3. Consistent with the regional plans; and

    4. Not detrimental to the protection of natural and historical features, scenic vistas, watersheds, timber, and wildlife.

d. At final plat review, the owner shall designate the number of dwelling units proposed for each lot in the subdivision. The required conveyance of land or fees shall be based upon the type and total number of dwelling units designated. Additional subdivision of a lot or lots for which conveyance has been made or fees have been paid shall provide the owner with "credit" for park site and school site requirements equal to the number of dwelling units previously provided for in the agreement then in force.

    Example: Lot X is ten acres in size and has met the park and school site requirements for one single-family dwelling unit; Lot X is being subdivided into five two-acre lots, each to have a single-family dwelling unit; the owner shall meet the requirements for only four additional dwelling units

e. To calculate the fee in-lieu for school sites, the owner shall have the property appraised by a Colorado certified appraiser. The appraiser shall value the total acreage of the property notwithstanding the fact that the owner may develop or propose to develop the property in filings or phases.

The applicant is responsible for all costs of the appraisal and report. The Appraisal Report shall be in a Summary Appraisal Report form as prescribed by the most recent edition of the Uniform Standards of Professional Appraisal Practice (USPAP). The Appraisal Report shall be provided by the Applicant to the County, as a public record, for the County to review, and if it accepts the Appraisal Report, determine fair market value of the property and to otherwise determine compliance with this Section.

f. Conversion from the multi-family requirements to the single-family requirements shall be on a pro rata basis.

g. The requirements of school sites and park sites are separate for the purpose of conveyance or fees. Conveyance may be made to satisfy both requirements, or conveyance may be made to satisfy park site requirements and fees to satisfy school site requirements. A combination of partial conveyance and partial fees may be made to meet the requirements of school sites.

h. A school or park site to be conveyed need not be located within the proposed subdivision, provided it will serve the residents of the subdivision.

i. Conveyance of land shall occur by deed at the time of final plat approval.

j. Payment of fees shall occur within 180 days from the date of final plat approval unless the applicant enters into a fee deferral agreement with the County. The final plat shall not be recorded until all fees are paid. Required fees shall be recalculated if the final plat is not recorded within three years of approval.

(ii) School Site Standards

a. The following standards shall govern the conveyance of school sites:

Table 17.04.13: Conveyance Standards for School Sites		
Type	**Minimum Site Size**	**Population Serviced**
Elementary School	10 acres	400 students
Junior High School	20 acres	800 students
Senior High School	30 acres	1,200 students

b. The site shall be accepted for the purpose of meeting the requirements of this Section only if it meets the minimum size for such sites or enlarges an existing deficient site.

(iii) Park Site Standards

The Board of County Commissioners may approve publicly accessible trails, bike paths, open spaces, tot lots, playgrounds, or other active or passive recreational facilities as meeting all or part of the park conveyance requirements of this Section, provided:

a. All standards contained in Subsection (i) of this Section, and applicable Public Works standards are met;

b. Development, use, and maintenance are guaranteed, with the County having full authority to enforce such guarantees;

c. The park or recreational facility will serve the residents of the subdivision and members of the general public without discrimination; and

d. The uses provided for are not so specialized as to inhibit enjoyment of the uses by all residents of the subdivision and members of the general public.

(iv) Lease, Trade, or Sale

a. The Board of County Commissioners may lease any conveyed or acquired site for an interim use (e.g., crop production, grazing, mineral extraction) provided:

   1. The interim use will not be detrimental to adjacent property; and

   2. The interim use will not impede the development of such site for its intended use.

b. Proceeds of any such lease may be transferred to the County General Fund, or be expended to improve the site, or be used to repay a Dwelling Unit Conveyance Advance.

c. The Board of County Commissioners may trade a deeded or acquired site, provided the site to be received will serve the residents of the conveying subdivision for the purpose intended.

d. The Board of County Commissioners may sell a deeded or acquired site, provided all monies received from such sale shall be used to acquire a site to serve the residents of the conveying subdivision for the purpose intended, or to repay a Dwelling Unit Conveyance Advance.

(v) Disposition of Site and Fees

a. The Board of County Commissioners shall accept conveyance of all approved sites and shall retain ownership until requested by the appropriate school district or recreation district to transfer the sites. Site transfer shall be made upon demonstration of need and ability to develop such sites.

b. The Board of County Commissioners shall accept all fees paid in lieu of conveyance and shall deposit them in separate interest-bearing accounts. The Board may transfer fees upon request to the appropriate school district or recreation district for the acquisition of sites that serve the subdivisions having paid the fees. Fee transfer shall be made upon demonstration of need and ability to develop the site to be acquired.

c. In addition to site acquisition, fees may be expended on such incidental and related expenses and public notices, legal fees, survey fees, appraisal fees, planning fees, engineering fees, the extension of utilities to the site, and rough fill and grading of the site reasonably necessary to meet the requirements and intent of this Section. Fees may also be expended to repay §17.04.050(h)(1)(vi), Dwelling Unit Conveyance Advance.

(vi) Dwelling Unit Conveyance Advance

a. The Board of County Commissioners, appropriate school district, or recreation district may advance monies to the fees in-lieu conveyance fund in the form of a Dwelling Unit Conveyance Advance when:

1. There exists a need to acquire a site; and

2. Subdivisions within the proposed site's service area have provided insufficient fees to acquire such site.

b. The Dwelling Unit Conveyance Advance shall specify the number of additional dwelling units for which monies are being advanced and shall establish the precise boundaries of the area intended to be served by the proposed site.

c. Fees from future subdivisions occurring within the boundaries of a site acquired using Advances may be disbursed without condition by the Board, appropriate school district, or recreation district as payment upon the Dwelling Unit Conveyance Advance. Payment shall be computed on a dwelling unit for dwelling unit basis, not dollar for dollar.

(vii) Review Procedures

a. All sites proposed for conveyance shall be shown on the preliminary plat and shall be reviewed in accordance with the appropriate subdivision review procedure.

b. The appropriate school district shall review the physical properties and shall evaluate the need for the proposed school site to be conveyed, reserved, or acquired, and shall make recommendations to the Board.

c. Prior to the lease, trade, sale, acquisition, or transfer of any site; or transfer of fees, amendment of a Density Agreement, or approval of a Dwelling Unit Conveyance Advance obtained under provisions of this Section, the Board of County Commissioners may obtain recommendations from the Planning Commission and appropriate school district or recreation district.

(viii) Reservation of Sites

a. The Board of County Commissioners may reserve at the time of final plat approval any lot or lots in a subdivision platted after August 7, 1975, for the purpose of future park sites and school sites. Any lot so reserved shall be identified on the plat as "Reserved School Site" or "Reserved Park Site." No use or development shall be permitted on such a reserved site that will impede the acquisition or development of the site for the purpose reserved.

b. The owner may have the reservation removed by filing written notice with the Board of County Commissioners of their intent to develop the site in a manner not permitted under the reservation. The Board shall enter into negotiation for acquisition of the site within 180 days from receipt of the owner's notice and shall acquire the site within one year, or the Board shall remove the reservation from the plat at County expense.

(2) Fire Protection

(i) Applicability

These fire protection standards shall be applied to subdivisions, including resubdivisions and subdivision exemptions within fire service areas, as required by the applicable fire district(s).

(ii) Fire Service Areas

Fire service areas are defined to be any of the following:

a. Fire protection district;

b. Metropolitan district authorized to provide fire protection;

c. Contract for fire protection;

d. Extraterritorial fire service agreement area;

e. Water district area covered by mutual aid agreements where a water district exists; or

f. Volunteer fire protection district.

(iii) Fire Protection Impact Fee and Fire Protection Service Plan

a. Applicability

1. For agricultural, single-family residential, and two-family residential uses, a fire protection impact fee shall be paid as determined by the Board of County Commissioners, pursuant to applicable methodology and calculation.

2. For public, commercial, industrial, and multi-family residential (above two units) uses, a Fire Protection Service Plan shall be submitted based on standards in the applicable fire code.

3. Waivers may be granted by the applicable fire district as appropriate.

b. Exemptions and Exceptions

1. Any lot or parcel within the proposed subdivision that is improved with a habitable residence in standard condition shall be exempt from this fee.

2. Exceptions are for those lots within the Metropolitan Districts in Pueblo County being Pueblo West Metropolitan District and Colorado City Metropolitan District. These Districts shall be allowed to have the authority to reduce, waive, modify, or adjust the fee.

c. Calculation and Payment

1. One-half of the fire impact fee per lot shall be paid prior to recordation of the subdivision final plat. The remaining one-half of the fee shall be paid at the time of zoning authorization for a building permit for each lot in the subdivision.

    i. A Notice of Fire Impact Fee statement indicating that a Fire Impact Fee shall be due at time of zoning authorization for a building permit and collected by the Department of Planning and Development shall be placed on the final plat.

    ii. A Notice of Fire Impact Fee statement letter for the subdivision stating the Fire Impact Fee amount that shall be due at time of zoning authorization for a building permit and collected by the Department of Planning and Development, shall be recorded concurrently with the subdivision final plat.

2. When property is located within a Metropolitan District, the developer shall submit a letter from the respective Metropolitan District stating the requirements for fire protection, such as payment of a fee, installation of a fire hydrant(s), a combination of options, or no requirement. The letter shall be a requirement of the final plat subdivision application and shall be due at the time of the subdivision application submittal.

    i. If fees are required, the payment method is the same as payment to the County: one-half of the required fee per lot shall be paid by the developer to the Metropolitan District prior to recordation of the final plat, the requirement of the plat notation of the fire impact fee assessment of the remaining one-half of the fee per lot due at time of zoning authorization for a building permit, and the requirement of the fire impact fee statement letter being recorded concurrently with the final plat.

ii. If a fire hydrant(s) is required by the Metropolitan District, payment for the cost of the fire hydrant(s) shall be made to the Metropolitan District's fire impact fee account prior to recordation of the subdivision final plat or the fire hydrant(s) shall be installed prior to recordation of the subdivision final plat.

d. Use of Fees

1. Fee usage is intended to provide fire protection within the fire service area in which the property that paid the fee is located. Within those fire service areas where a water distribution system exists or is planned for extension, the fees are to be used for the purchase and associated installation costs of fire hydrants. The fees are not to be used for the extension of water lines, nor hydrant operation, maintenance, and repair costs.
2. Within fire service areas where no water distribution system exists nor is planned to be extended, the fees may be used to purchase fire pumper and tanker trucks, and equipment that meets the applicable National Fire Protection Association (NFPA) standards.
3. Disbursement of fire protection impact fees shall be made by the Board of County Commissioners. The Board may disburse fees upon written request to the appropriate fire district, metropolitan district, water district, or entity providing fire protection by contract or agreement.
4. If the fees are to be used for fire hydrants, the request shall include:
    i. Map showing the location of existing hydrants and the location of hydrants proposed to be provided by the fees;
    ii. The purchase and installation costs of the proposed hydrants;
    iii. Time schedule for installation; and
    iv. Letter committing such additional funds as may be necessary to ensure the completion of the project.
5. If the fees are to be used for a fire pumper, tanker truck, or NFPA equipment the request shall include:
    i. The make, model and year of the pumper or tanker truck;

ii. The source of such additional funds as may be necessary to ensure the purchase of the pumper or tanker truck;

iii. A listing of the specific NFPA equipment to be purchased.

6. The Board of County Commissioners may disburse only those fees collected from properties that can reasonably be served by the proposed fire hydrant or truck.

7. The Department shall maintain a record, which may be in the form of a map, that provides the location of properties paying fees, fee amount paid, date of subdivision approval, and date of fee disbursement.

(i) Conservation Development

(1) Purpose

Conservation development is intended to provide flexibility in subdivision layout and lot sizes to accomplish the following objectives:

(i) Protect, preserve, and conserve Prime Agricultural Land, Prime Farmland, and Farmland within the Agricultural Conservation Overlay (AGO) (§17.02.100(d)), as well as rangeland, open space, water resources, wildlife habitat, wetlands, and other finite resources that contribute to Pueblo County's economy, natural environment, and quality of life;

(ii) Protect the viability and productivity of existing and future agriculture and ranching operations in Pueblo County;

(iii) Provide opportunities for compact, context-sensitive rural neighborhoods that minimize impacts on existing and future agricultural and ranching operations; and

(iv) Reduce infrastructure costs and impacts by providing greater flexibility and efficiency in the siting and design of services and infrastructure.

(2) Applicability

(i) Conservation Development Required

a. Conservation development is required for subdivisions of three or more lots in the A2 and A3 districts that fall within the AGO district and meet the following criteria:

1. The parcel size is:

i. Five acres or more in the A2, Medium Agriculture District

ii. Two acres or more in the A3, Small Agriculture District

2. At least 60 percent of the parcel is designated as Prime Farmland, Prime Agricultural Land, or Farmland, as defined by the AGO district; and

3. The parcel is currently being used for agricultural production, or has been used for agricultural production within the previous five years, based on current site conditions or County tax records.

b. Exceptions to the above requirement may be granted by the Director if the applicant can demonstrate that:

1. The parcel has not been used for agricultural production in the prior five years, based on County tax records;

2. At least 60 percent of the parcel is developed for non-agricultural uses;

3. Water rights associated with the parcel for irrigation purposes were severed prior to January 1, 2024; and/or

4. The siting of subdivision lots or driveways used to access subdivision lots will not limit the following on the subject property or adjacent agriculturally zoned properties:

i. The function or maintenance of irrigation canals or other irrigation infrastructure.

ii. Equipment or vehicular access necessary for agricultural production.

iii. Viable use for agricultural production.

(ii) Conservation or Cluster Development Encouraged

a. Conservation development is encouraged for subdivisions of three or more lots in the A2 and A3 districts that are located outside of the Agricultural Conservation Overlay.

b. Cluster development is available in the A1 district as an alternative to rezoning or 35 acre land division through the Rural Land Use Process, in accordance with the domestic water and cluster development provisions of C.R.S. §30-28-401 et seq. and amendments to C.R.S. §37-92-602.

(iii) Exemptions

Two lot subdivisions are exempt from conservation development requirements.

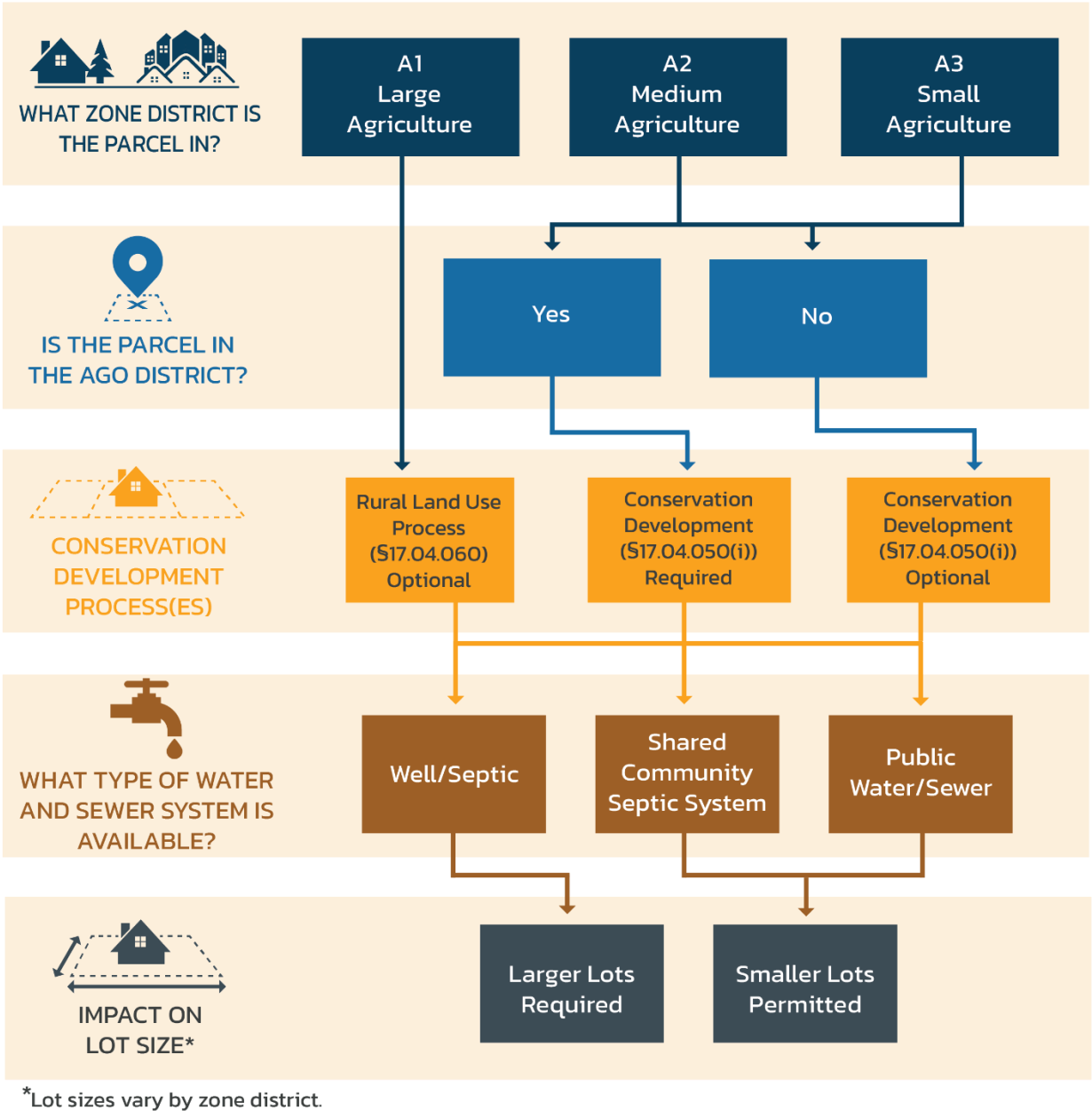


Figure 04.10: Conservation Development/RLUP Applicability by Zone District

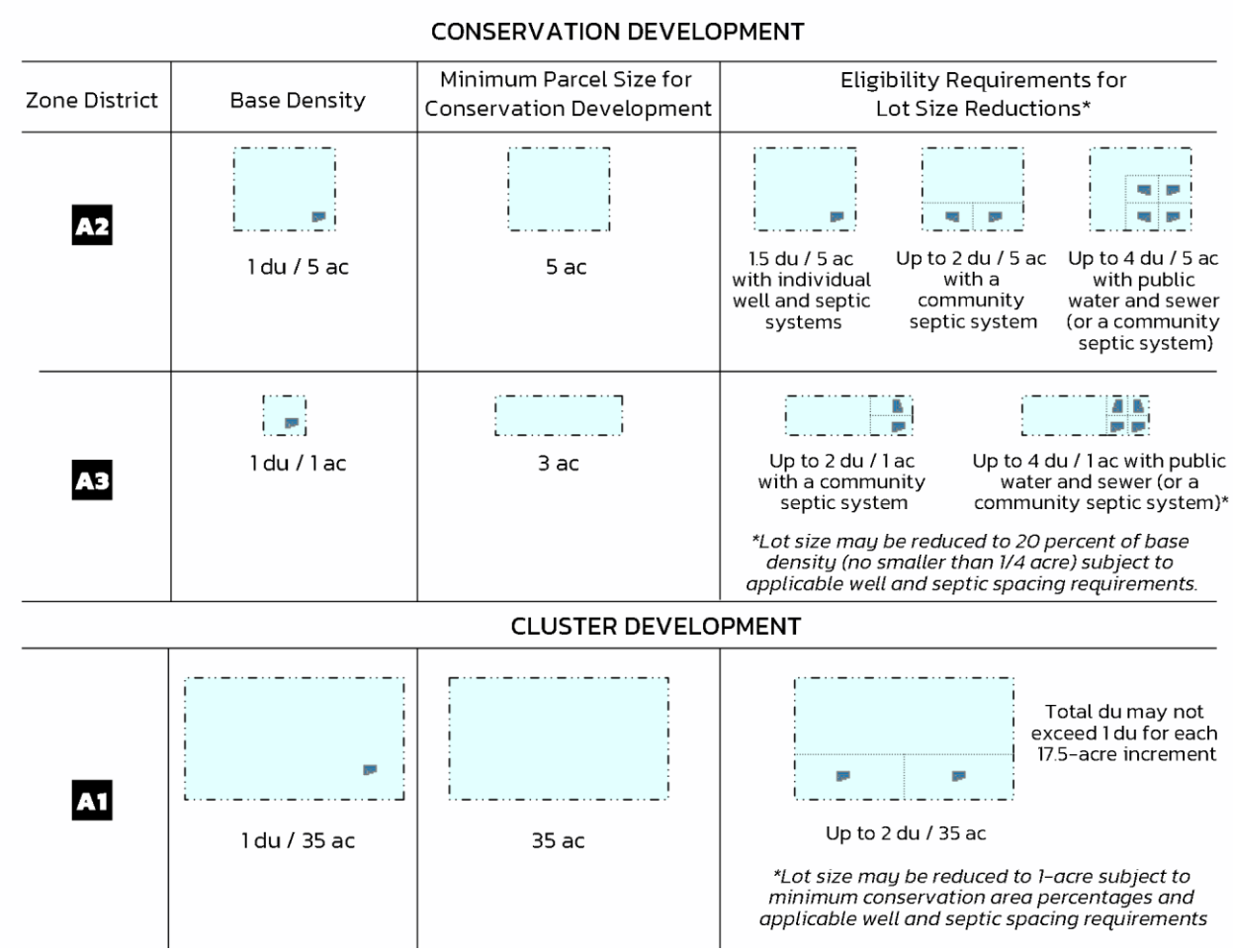


Figure 04.11: Conservation Development/RLUP Size Thresholds and Eligibility Requirements by Zone District

(3) Base Density with Conservation Development Allowances

(i) The base density for conservation development allowances shall be determined by calculating the gross land area (in acres) of the entire parcel, divided by the number of dwelling units per acre, as set forth in subsections (a) and (b) below.

(ii) Where the total number of dwelling units calculated results in a fractional number, the subdivider shall round down the number of dwelling units to the nearest whole number. For example: A conservation development on an 8-acre parcel in the A2 zone district would be eligible for 2.1 dwelling units with individual well and septic systems (1.5 units for the first 5-acres, and 0.6-acres for the additional 3-acres). The total number of dwelling units allowed would be two.

(iii) Further development of lots within a residential development cluster established as part of a conservation development shall go through the subdivision process and comply with applicable zone district and local and state health department regulations.

a. A2, Medium Agriculture District

1. Base density one dwelling unit per 5-acres, in accordance with 17.02.050(c).
2. Conservation development allowances:
    i. One and a half dwelling units per 5-acres with individual well and septic systems.
    ii. Up to two dwelling units per 5-acres with individual well and septic systems.
    iii. Up to four dwelling units per 5-acres with:
        A. Access to public water and sewer; or
        B. Access to public water and an engineered community septic system, subject to approval by the Pueblo Department of Public Health and Environment (PDPHE). Community septic systems that generate more than 2,000 gallons per day shall be approved by the Colorado Department of Public Health and Environment and PDPHE. All community septic systems shall provide recorded maintenance agreements.
3. Lot size may be reduced to 10 percent of base density (no smaller than one-half of an acre), subject to the eligibility requirements for lot size reductions in Figure 04.11.

b. A3, Small Agriculture District

1. Base density one dwelling unit per one-acre, in accordance with 17.02.050(d).
2. Conservation development allowances:
    i. Up to two dwelling units per one-acre with a community septic system.
    ii. Up to four dwelling units per one-acre with:

A. Access to public water and sewer; or

B. Access to public water and an engineered community septic system, subject to approval by the Pueblo Department of Public Health and Environment (PDPHE). Community septic systems that generate more than 2,000 gallons per day shall be approved by the Colorado Department of Health and Environment and PDPHE. All community septic systems shall provide recorded maintenance agreements.

3. Lot sizes may be reduced to 25 percent of base density (no smaller than one-fourth of an acre), subject to the eligibility requirements for lot size reductions in Figure 04.11.

(4) General Provisions

(i) Conservation Area(s)

a. Minimum Conservation Area

1. Minimum conservation areas shall be set aside as follows:

   i. A1, Large Agriculture District. A minimum of 75 percent of the total area of a cluster development.

   ii. A2, Medium Agriculture District. A minimum of 60 percent of the total area of a conservation development.

   iii. A3, Medium Agriculture District. A minimum of 60 percent of the total area of a conservation development.

2. The calculation of the total conservation area shall exclude existing public open space.

3. The boundaries, total acreage, calculated percentage of the gross area, intended use, and final ownership of all conservation area(s) shall be delineated on the recorded Conservation Development Plan or Rural Land Use Plan.

4. Conservation areas shall be contiguous to the maximum extent feasible.

b. Ownership of Conservation Areas

Ownership and maintenance of the conservation area(s) shall be by one or some combination of the following entities:

1. A homeowner's association established according to state statute and with the authority to collect a fee to maintain the open space.
2. An established land trust.
3. Public jurisdictions or agencies, subject to their acceptance.
4. Quasi-public organizations, subject to their acceptance.
5. The original landowner.
6. Shared, undivided interest by all property owners of the residential parcels.
7. Pueblo County, subject to acceptance by the Board of County Commissioners.

c. Management of Conservation Areas(s)

1. Unless otherwise agreed to by the County or unless the land is dedicated to the County, the cost and responsibility of maintaining and managing the conservation area(s) shall be borne by the owner, property owners association, conservation organization, or other owner entity as identified in Subsection b, above.
2. For all conservation areas greater than 20 acres, the subdivider shall, at the time of the Conservation Development Plan submission, provide a Plan for Management of the Conservation Area(s) in accordance with the requirements of this subsection.

(ii) Water

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, shall be submitted to, and approved by the State Engineer.

b. A maximum of one well permit shall be issued by the State Engineer for every residential unit, as allowed by C.R.S. 30-28-404 pursuant to Sections 37-90-105 and 37-92-602, C.R.S., subject to the provisions of §16.04.040(2) of this UDC.

c. Water consumption shall be metered and monitored as required by the State Engineer.

d. Except in areas of the state where unappropriated water is available for withdrawal and the vested water rights of others will not be materially injured and except inside designated ground water basins, a water court-approved Rural Land Use Plan for augmentation shall be required and shall accompany any County-approved Rural Land Use Plan when the water usage in the cluster development would exceed an annual withdrawal rate of one acre-foot for each 35 acres within the cluster development. Nothing in this Section shall be construed to preclude the use of treated domestic water provided by any public or private entity.

e. The use of xeric and/or native vegetation for landscaping is encouraged to minimize water consumption.

(iii) Sanitation

a. On-site wastewater treatment systems shall comply with the Pueblo Department of Public Health and Environment regulations.

b. Shared septic systems (community septic systems) may be permitted for the purposes of accommodating conservation development subject to approval by the Pueblo Department of Public Health and Environment. Community septic systems that generate more than 2,000 gallons per day shall be approved by the Colorado Department of Public Health and Environment.

c. No portion of an on-site wastewater treatment system for the proposed lots shall be located within designated conservation area(s).

d. Primary and alternative locations for on-site wastewater treatment systems shall be identified within the building envelope on the Rural Land Use Plan.

(iv) Maintenance of Common Facilities

Unless otherwise agreed to by the County, the cost and responsibility of maintaining common facilities (private roads, shared water and community septic systems) shall be borne by the property owner or the homeowner's association.

(5) Standards and Guidelines for Conservation Development and Cluster Development

(i) Applicability

The following standards and guidelines apply to all conservation development and cluster development, as authorized through the §17.04.070, Rural Land Use Process. Where standards conflict with §17.04.060, Subdivision Standards, these standards shall apply.

(ii) Residential Clusters

a. Siting of Residential Clusters

1. Standards

i. Residential clusters shall be sited to avoid or minimize impacts on:

A. Known geologic hazards including floodplains, wetlands, or landslide/slip areas;

B. Environmental, cultural, or open space resources; and

C. Prime Farmland, Prime Agricultural land, and Farmland (as defined by the AGO district) and associated infrastructure and facilities that enable the viable economic use of that land, including, but not limited to, irrigation canals, shared driveways, and access easements.

ii. A subdivision may contain one or more residential clusters grouped to make efficient use of land resources and infrastructure.

iii. All required parking shall be off-street parking.

2. Guidelines

i. In rural areas, views from the public road abutting the development road toward the residential cluster should be minimized through the use of natural changes in topography or existing vegetation.

ii. The use of shared driveways is encouraged to the maximum extent practicable.

b. Minimum Lot Size within Residential Clusters

1. Standards

The minimum size of a proposed lot in a residential cluster shall be determined by:

i. The applicable zone district(s);

ii. The nature and characteristics of the area, soil types, constraints on the lot, and

iii. The letter of approval from the Pueblo Department of Public Health and Environment.

c. Building Siting within Residential Clusters

1. Guidelines

i. Vary the placement of structures within building envelopes along the street frontage to minimize uniformity.

ii. Group, mass, and design buildings such that privacy is provided among and between units.

iii. Orient residences for maximum solar exposure and heat conservation in the winter and maximum shading in the summer.

(iii) Building Envelopes

a. Standards

1. All buildings or structures existing or built on the land reserved for development shall be contained within predetermined building envelopes for lots one acre or less. Building envelopes may not be required on lots greater than one acre.

2. If building envelopes are not required, the buildings or structures shall have the following setbacks from property boundaries:

Table 17.04.14: Setback Requirements for Properties without Building Envelopes
FT = feet

Required Setback	Distance (Minimum)
Front	25 FT
Side and Rear	15 FT

3. Only one single-family dwelling unit shall be permitted for each residential parcel proposed.

b. Guidelines

1. Building envelopes and no-build areas may be required to protect a site's natural, historic, and cultural features. All such building envelopes and/or no-build areas shall be depicted on the Rural Land Use Plan.

(iv) Site Design

a. Standards

1. 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 the Colorado State University Extension.
2. Install utilities and infrastructure in a manner that will minimize visible structures, power poles, overhead power lines, tree removal, and other site disturbances, as well as impacts on sensitive natural features. All site disturbances for installations shall be re-vegetated and graded to harmonize with the natural surroundings. Where possible, utilities should be placed underground.

b. Guidelines

1. Locate buildings to minimize disturbances to the site's topography and existing natural environment.
2. Locate, group, and design roads and driveways such that privacy is provided among and between residential units.
3. Orient roads to provide opportunities to maximize residential solar exposure and heat conservation in the winter and maximize shading in the summer.
4. 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 conservation areas.
5. Re-vegetate or enhance all road cuts, grading, and other earth disturbances with indigenous vegetation.

(v) Stormwater and Drainage

a. Standards

1. Stormwater and drainage facilities shall be located such that they shall not adversely impact floodplains, watercourses, water bodies, or wetlands.

2. A drainage report shall be submitted to the Department of Public Works for approval. All construction activities disturbing more than one acre will require a NPDES permit issued by the Colorado Department of Public Health and Environment, 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 Department of Public Works.

b. Guidelines

1. Stormwater best management practices should be used to:
    i. Retain natural drainage channels, wetlands, and depression areas in their natural state;
    ii. Minimize erosion and protect riparian habitat; and
    iii. Manage stormwater drainage.
2. Stormwater detention/retention basins should be sited, formed, and re-vegetated so that they harmonize with the natural surroundings and complement natural water flows.
3. Excessive grading, clearing, and alteration of the site should be avoided to minimize soil erosion.

(vi) Fencing

a. Standards

1. In rural areas, fencing shall be designed to conform to the topography of the site and be of a color that blends with the natural environment.

b. Guidelines

1. 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.
2. 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.

(vii) Signage

a. Standards

1. No signage, either temporary or permanent, is permitted except the following:
    i. Gateway signs;
    ii. Temporary sign(s) allowed with an active construction permit; and
    iii. Road signs.
2. Road signs shall be required and installed in accordance with the standards established by the Department of Public Works.

b. Guidelines

1. Gateway signs should be:
    i. Of a scale and character that is compatible with the development and surrounding environment; and
    ii. Sited and designed to minimize impacts on views of the natural landscape.

(viii) Conservation Areas

a. Standards

1. Conservation areas shall be used to protect environmental, cultural, and historic features within cluster and conservation developments, including, but not limited to:
    i. Prime Agricultural Land and Prime Farmland (as defined by the AGO zone district).
    ii. Ranch and rangeland.
    iii. Significant wildlife habitat or migration routes.
    iv. Sensitive, rare, endangered, or unusual vegetation or ecosystems.
    v. Remarkable geologic features such as rock outcrops or formations.
    vi. Streams, watercourses, wetlands, and other bodies of water.
    vii. Trail corridors, such as existing trails, trail easements, or trail connections shown on an official plan.

viii. Designated historical or archaeological features.

ix. Unstable slopes and slopes greater than 30 percent.

x. Geologic and other hazard areas.

xi. Candidate lands identified by the Regional Comprehensive Plan.

2. Agricultural/ranch buildings and structures may be located in conservation areas provided they are contained within specified building envelopes.

b. Guidelines

1. Natural features in conservation areas should be maintained in their original condition to the greatest extent possible.

2. Configure the conservation area as a single lot unless an existing ditch or road, an existing physical feature or historic site, or sensitive wildlife habitat make this infeasible.

3. Allow wildlife movement corridors in a size, location, and character that will encourage their continued use and in contiguity with adjacent wildlife corridors.

(ix) Perimeter Buffers

a. Standards

1. Perimeter buffering shall be provided to minimize visual and noise impacts where adjacent land uses are of a different type (e.g., residential clusters adjacent to commercial or industrial) or are of a substantially different residential density; or where the residential cluster is adjacent to a County road or state or federal highway or a railroad.

2. Where the residential 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 shall be of a width and design to reduce visual and noise impacts from the road, highway, or railroad.

3. A buffer area having a minimum depth of 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.

4. 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.

b. Guidelines

1. 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.
2. The traditional concept of using windbreak plantings around a farm may be desirable for the design of buffering between a residential cluster and agricultural uses.
3. Perimeter buffering of a residential cluster in mountainous areas should be designed to take into consideration the buffering effect provided by existing trees and topography.

17.04.060 Rural Land Use Process

(a) Purpose and Intent

The purpose of the Rural Land Use Process (RLUP) is to provide an alternative to platting, rezoning, or 35 acre land division in accordance with the domestic water and cluster development provisions of C.R.S. §30-28-401 et seq. and amendments to C.R.S. §37-92-602. The RLUP is intended to encourage cluster development as a means to:

(1) Protect, preserve, and conserve open space, agricultural land, water resources, wildlife habitat, wetlands, and other finite resources that contribute to Pueblo County's economy, natural environment, and quality of life;

(2) Protect the viability and productivity of existing and future agriculture and ranching operations in Pueblo County;

(3) Provide opportunities for compact, context-sensitive rural neighborhoods that are accessible to open space amenities and have a strong community identity; and

(4) Reduce infrastructure costs and impacts by providing greater flexibility and efficiency in the siting and design of services and infrastructure.

(b) Applicability

The Rural Land Use Process (RLUP) may be used for any parcel in the A1 district that meets 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 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 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 RLUP shall only be considered in the areas outside the three mile annexation boundary as delineated on the City of Pueblo Three Mile Annexation Boundary Map;

(6) The RLUP can be used only for single-family residential development; and

(7) All ad valorem property taxes for years prior to that year in which approval is granted shall be paid for the site.

(c) Development Standards

The following standards are applicable to the development and review of Rural Land Use Process Subdivisions. In a case where the requirements of the base zone district conflict, these standards shall apply.

(1) Permitted Uses

(i) Cluster Dwelling Areas

The following uses are permitted in cluster dwelling areas.

a. Detached single-family dwellings; and

b. Accessory buildings and uses incidental to the residential use of the property. Mobile homes and railroad rolling stock cars are expressly prohibited as accessory buildings.

(ii) Conservation Areas

The area primarily remains in its undisturbed natural conditions.

(iii) Livestock Animals

Persons within the cluster dwelling area on lots with a minimum area of five 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.

(2) Permitted Density

(i) The maximum permitted residential density for a proposed Rural Land Use Process for cluster development shall be one single-family residential unit per each 17.5-acre increment of the total project acreage.

(ii) 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 shall go through the subdivision process and comply with applicable zoning.

(3) Approval Requirements

Prior to Building Permit Authorization, the Rural Land Use Process per this UDC shall be approved by the Board of County Commissioners.

(4) Waiver and Variances

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; 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.

(5) 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 Department of Planning and Development, Pueblo Regional Building Department, or any other department or agency of Pueblo County or other public agency.

(6) 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. The type and amount of the security and the duration of the guarantee and warranty shall be as outlined in the §17.04.040(n)(4), and shall be specified in an Improvements Agreement to be submitted by the applicant prior to approval by the Board.

(7) Notification to State Engineer

No later than ten days after approval of a cluster development pursuant to the County's Rural Land Use Process, the Board of County Commissioners shall notify the State Engineer of such approval and shall provide the State Engineer a copy of the approved Rural Land Use Plan that includes the cluster development.

17.04.070 Residential Adjacency Standards

(a) Purpose

The purpose of this Section is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when higher-intensity development is located near residential zone districts, manufactured home communities, Rural Communities, and established rural subdivisions or farmsteads.

(b) Applicability

The Residential Adjacency standards of this Section apply to nonresidential development within the A1 district, or a mixed-use, commercial, or industrial zone district that is adjacent to:

(1) An A2, A3, or residential zone district;

(2) An established rural subdivision or farmstead within the A1 district;

(3) A Rural Community, as designated on the Future Land Use map in the Regional Comprehensive Plan, regardless of the zone district where such development is located; and

(4) A manufactured home community, regardless of the zone district where such park is located.

(c) Exceptions

These standards shall not apply to development within the HI, Heavy Industrial or PP, PuebloPlex districts.

(d) Residential Adjacency Standards

(1) Use Limitations

(i) Certain uses have distance separation requirements from residential development, as described in Chapter 17.03, Use Regulations. Those standards apply in addition to this Subsection d.

(ii) The following uses are prohibited as primary or accessory uses within 200 feet of areas subject to Residential Adjacency standards. The Director may designate additional uses based on site-specific circumstances and potential impact on the residential use:

a. Airport or Heliport;

b. Campground or recreational vehicle park;

c. Composting facility;

d. Drive-thru lanes (unless separated by a primary building);

e. Kennel, breeding, and boarding;

f. Livestock sales and auction;

g. Outdoor recreation and entertainment;

h. Outdoor shooting range;

i. Outdoor storage; and

j. Public address systems.

(2) Site and Building Orientation

(i) Rural Residential Transition

Residential development that abuts a RR district shall:

a. Provide lots at least as large as the lots in the RR district they abut along any shared lot lines;

b. Comply with the side or rear setbacks of the RR district along any shared lot lines; and

c. Not exceed heights allowed in the RR district.

(ii) Orientation of Site Features

a. Site features that generate high levels of noise or vehicular activity such as parking, loading and delivery areas, trash receptacles, outdoor seating areas, or similar shall not be sited within 50 feet of an adjacent residential district, unless no other feasible option is available.

b. Where site limitations preclude the requirements of (3)(ii)(a), above, additional screening may be required pursuant to §17.04.030, Screening.

(iii) Building Orientation

a. Non-residential buildings should be oriented to minimize impacts on adjacent residential uses or zone districts.

(3) Height Step Backs and Limits

(i) For any portion of a building above 35 feet in height, a one-foot horizontal step back is required for each foot of height over 35 feet.

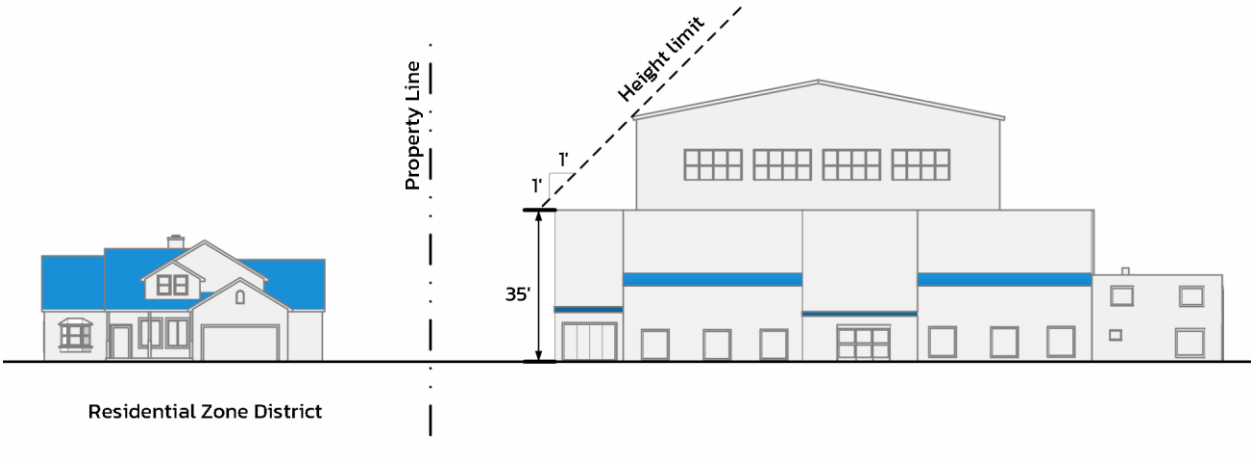


Figure 04.12: Residential Adjacency Horizontal Step Back Requirement

(ii) No portion of a building shall exceed the following height limits:

a. Sixty feet for buildings within 100 feet of a single-family dwelling or zone district, or Rural Community.

b. One hundred feet for buildings within 200 feet of a single-family dwelling or zone district, or Rural Community.

c. Building features allowed as exceptions to maximum height requirements per §17.02.040, Dimensional Standards Applicable to All Zone Districts, shall minimize visibility from adjacent residential districts and meet the height of the adjacent zone district to the maximum extent practicable.

(4) Spillover Lighting

In addition to the general standards in §17.04.040, Outdoor Lighting, development subject to Residential Adjacency shall limit the height of on-site lighting within 100 feet of any residential zone district to 18 feet in height.

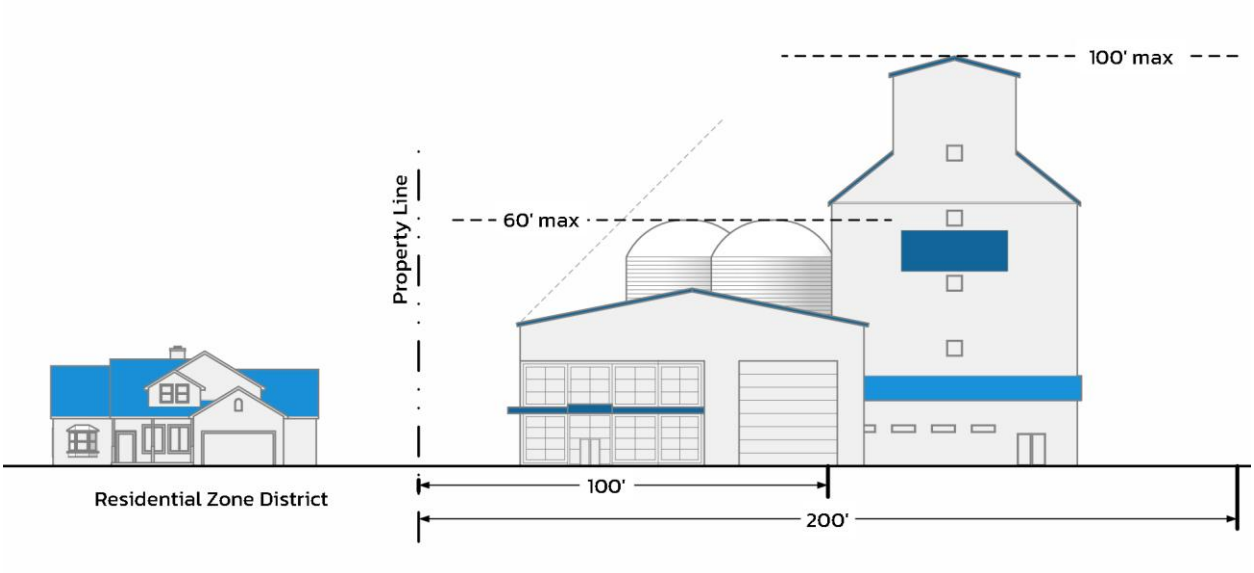


Figure 04.13: Residential Adjacency Height Limitations

(5) Signs Adjacent to Residential

(i) Illuminated signs are prohibited on the rear or side of a building that faces an adjacent property in a residential district.

(ii) Any sign located within 100 feet of an area subject to Residential Adjacency standards that is or will be visible from such property may not be internally or externally illuminated.

17.04.080 Site and Building Standards

(a) Purpose

The purpose of this Section is to establish minimum site and building standards that protect and enhance the character and quality of established Metropolitan Districts, Rural Communities, and other areas of concentrated development in unincorporated areas of Pueblo County.

(b) Applicability

Except as otherwise provided in this Section, these standards shall apply to new development:

(1) Within the Pueblo West or Colorado City Overlay districts, as defined in §17.02.100, Overlay Districts;

(2) Within or adjacent to a Rural Community; and

(3) Within or adjacent to an established subdivision of four or more lots.

(c) Exceptions

These standards shall not apply to development within the HI, Heavy Industrial or PP, PuebloPlex districts.

(d) Design Standards for Nonresidential and Mixed-Use Development

(1) Building Articulation

Ground floor facades that face public streets shall have arcades, display windows, defined public entrances, awnings, or other such features along at least 60 percent of their horizontal length.

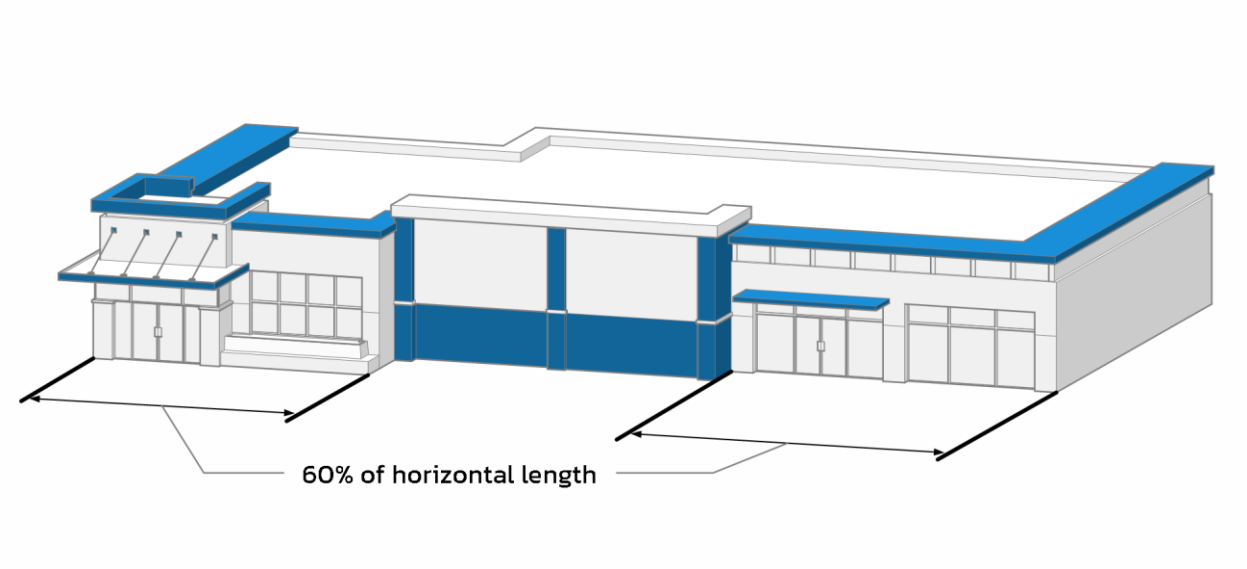


Figure 04.14: Building Articulation Requirement for Nonresidential and Mixed-Use Development

(2) Primary Entrance

Primary public entrances shall be clearly defined and articulated with architectural elements such as porches, columns, overhangs, awnings, or other comparable features.

17.04.090 Clear Sight Triangle

(a) Purpose

The purpose of this Section is to prevent the obstruction of clear sight triangles by the establishment of landscaping, signs, structures, or other elements.

(b) Applicability

Notwithstanding any other provision of this UDC, no buildings, permanent or portable signs, parking spaces, fences, landscaping, or any other object may be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of

three feet and eight feet above street grade within the required sight triangle area of a street intersection or driveway intersection with a street.

(c) Required Sight Triangles

(1) Measurement

The area formed at a corner intersection, measured from the intersection to a minimum required distance (length) from the intersection along two sides measured along the abutting right-of-way lines, and the third side being a line connecting these two sides.

(2) Driveway/Street Intersection

Where a driveway intersects with a street, the minimum sight triangle length is 15 feet.

(3) Street/Street Intersection

Where two streets intersect, the minimum sight triangle length is 30 feet.

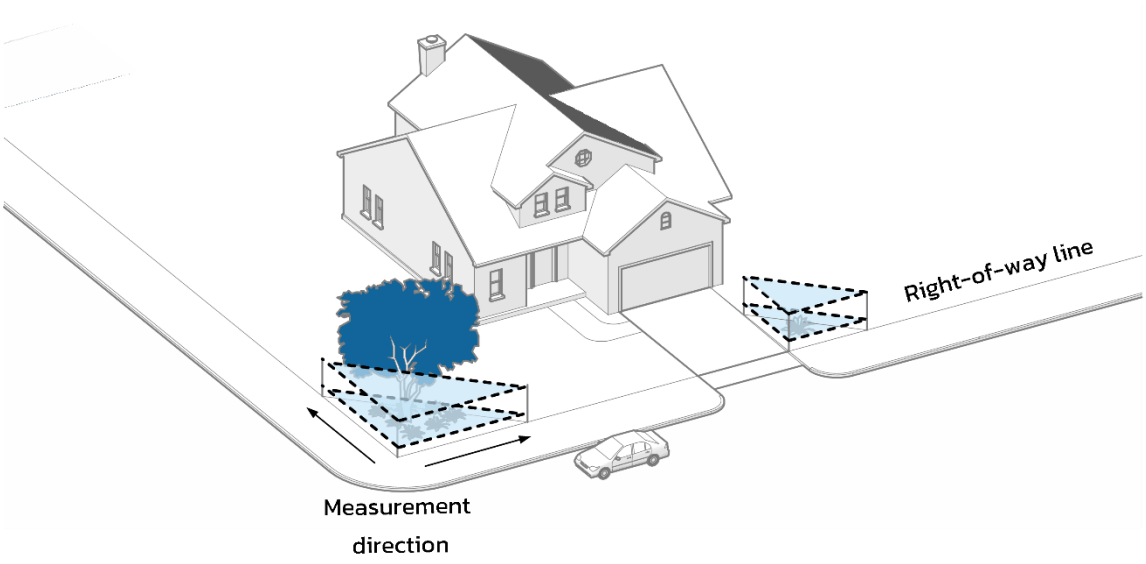


Figure 04.15: Clear Sight Triangle

17.04.100 Landscaping

(a) Purpose

The purpose of this Section is to prohibit the installation of landscaping elements that are prohibited by state law. Nothing in this section shall be interpreted, construed, or enforced in a way that is counter to the provisions of Senate Bill 24-005.

(b) Applicability

The Landscaping standards of this Section apply to Public, Civic, and Institutional Uses; Commercial Uses; Industrial Uses; common interest community property; street rights-of-way; parking lots; medians; and transportation corridors.

(c) Exceptions

These standards shall not apply to sports fields; playgrounds; areas of parks regularly used for civic, community, or recreational purposes; the playing areas of golf courses; and private residential lots.

(d) Prohibited Landscaping

Nonfunctional turf, artificial turf, and invasive plant species may not be installed, planted, or placed.

Chapter 17.05 Signs

17.05.010 Purpose

(a) Purpose

The purpose of this Chapter is to:

(1) Provide the public, property owners, and businesses with an opportunity for safe and effective means of communication;

(2) Recognize free speech rights by regulating signs in a content-neutral manner;

(3) Provide minimum standards in order to safeguard life, health, property, and public welfare, and promote traffic safety by following the established standards, including construction, illumination, size, location, and maintenance of sign and sign structures;

(4) Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or that may be fully or partially attributable to, cluttered, distracting and/or illegible signage;

(5) Reduce sign and visual clutter and protect and maintain the visual appearance and property values of the County;

(6) Preserve the County's residents and visitor's ability to enjoy Pueblo County's scenic beauty; and

(7) Adopt clear and understandable regulations that enable the fair and consistent enforcement of this article.

(b) Findings

Pueblo County finds that:

(1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this Chapter, and the constitutionally protected right to free expression.

(2) The regulations set out in this Chapter are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.

(3) The incidental restriction on freedom of speech that may result from the regulation of signs pursuant to this Chapter is no greater than is essential to the furtherance of the County's important, substantial, and compelling interests.

(4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing visual pollution.

(5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the public on the County's streets or sidewalks if they are not removed.

(6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

(c) Conflicts with Other Provisions

(1) Nothing in this Chapter shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances or applicable regulations shall comply with all such ordinances and regulations.

(2) Where applicable, signs shall be permitted only when consistent with the Colorado "Outdoor Advertising Act" as set forth at C.R.S §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 signs as set forth at 23 U.S.C. Sec. 131 and national standards and regulations promulgated pursuant to such provisions.

(d) Severability

If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the County that such clause, section, or specific regulation be considered eliminated and not effecting the validity of the remaining clauses, section, or specific regulations that shall remain in full force and effect.

17.05.020 Applicability

(a) Applicability

The regulations of this Chapter shall apply to all signs in all zone districts including exempt signs that do not require a sign permit. For the purposes of applying this provision, the term "sign" includes any sign type defined in this UDC.

(b) Sign Permit Required

(1) A sign permit is required for the construction or installation of any signs, or any repairs that also require a building permit unless specifically exempted below.

(i) A sign permit is required to convert a temporary sign to a permanent sign.

(ii) A sign permit is required to convert a non-EMD sign to an EMD sign, including where the EMD is replacing part of an existing or proposed non-EMD sign.

(2) The following actions are exempt from this requirement:

(i) Changing or replacing sign copy without changes to the sign structure;

(ii) Changes to copy on changeable copy signs and EMD signs;

(iii) Change or replacement of window signs; and

(iv) Changes to temporary signs that are allowed without a permit.

(3) Changes to nonconforming signs require a sign permit and are subject to §17.10.070, Nonconforming Signs.

(4) Existing signs that were legally installed are not required to come into compliance with this Chapter unless changes to the sign are made in a manner regulated in §17.10.070, Nonconforming Signs. Existing signs are required to comply with maintenance requirements and are subject to abandonment per §17.05.090(c), Installation, Maintenance, and Abandonment.

(5) When a sign permit is requested for a parcel where an illegal, including any sign that requires a permit that was installed without a permit, or prohibited sign(s) exists, the permit shall not be issued until any illegal or prohibited signs are removed or brought into conformance with this UDC. This provision does not apply when the applicant can demonstrate that an existing sign is legally nonconforming.

(6) Sign permits shall lapse if any of the following conditions are met, and a sign otherwise in compliance with this UDC shall be in violation upon lapse of the permit authorizing it. The Director may approve one six-month extension of the original sign permit approval if requested prior to the permit lapsing.

(i) The sign contemplated in the permit is not fully constructed within six months of permit issuance,

(ii) The permitted sign is abandoned pursuant to §17.05.090(c)

(iii) Use of the sign is discontinued for a period of six months.

(7) The Director may extend an unlapsed sign permit for one period of six months.

(c) Exemption

The following signs do not require a sign permit but shall be in compliance with the other requirements of this Chapter:

(1) Public and government signs, including:

(i) Legal notices;

(ii) Signs erected or required by governmental bodies; and

(iii) Traffic and safety signs

(2) Internal and interpretive signs:

(i) Freestanding or attached, and

(ii) Integral interpretive signs that are carved into stone or similar material that are integral to a building. The maximum sign area of integral interpretive signs shall not exceed three square feet in residential zone districts or 12 square feet in non-residential zone districts.

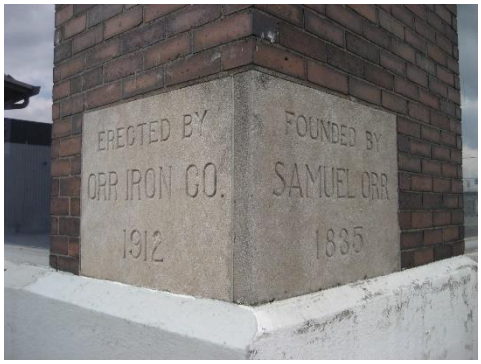


Figure 05.1: Example Integral Interpretative Sign

(3) Incidental signs not exceeding a total sign area of six square feet and a maximum height of four feet, including signs affixed to machines, equipment, walls, gasoline pumps, utility cabinets, or recycling collection containers for public, charitable or nonprofit organizations.

(4) Video or digital displays with a screen area of less than two square feet on a permitted primary structure, accessory structure, or piece of equipment, and designed to be viewed only by an individual obtaining services or goods at that location. This includes digital or video screens on ATM machines, fuel pumps, charging stations, car washes, and air filling stations.



Figure 05.2: Example Digital Displays on a Charging Station

(5) Permanent and temporary signs or banners on fences and structures within a public arena, County park, recreational complex, or athletic field, provided such signs or banners face inward to the arena, park, recreational complex, or athletic field.

(6) Signs less than two square feet in sign area that are displayed by local nonprofit organizations and community service clubs.

(7) Flags affixed to a permanent ground or wall mounted flagpole.

(8) Temporary seasonal or celebratory decorations or displays incidental to the use of the premises.

(9) Window signs or displays.

(d) Prohibited Signs

The following signs and sign elements are prohibited in Pueblo County:

(1) Signs that resemble or imitate an official traffic control device, safety sign, or railroad sign or signal.

(2) Permanent or temporary portable signs, including portable readerboards, wheeled signs, or signs moved by trailer.

(3) Vehicle signs, except for operable and licensed motorized vehicles and licensed trailers used in the pursuit of regular day-to-day business. Parking vehicles or trailers on a public right-of-way or public property or on private property so that it is visible from the public right-of-way for the sole purpose of providing advertisement is prohibited. The County will presume an advertising purpose in any of the following situations where a temporary sign(s) that is at least 1/3 the size of the side on which it is attached is affixed to a vehicle or trailer meeting this parking requirement:

(i) Unlicensed or inoperable vehicle,

(ii) Trailer or other similar transportation device is not attached to a licensed vehicle.

(iii) Vehicle or trailer that have not moved in a continuous seven-day period.

(iv) Payment to the vehicle or trailer owner for installation of a temporary sign.



Figure 05.3: Examples of Allowed Vehicle Sign (top) and Prohibited Vehicle Sign (bottom)



(4) EMD or other video display used as temporary signage.



Figure 05.4: Example Prohibited EMD Temporary Sign

(e) Prohibited Locations

(1) Private signs shall not be located or otherwise encroach on public property, including road right-of-way. Public signs are permitted in a public right-of-way.

(2) Private signs may not be attached to utility poles.

(3) No signs shall be attached to trees, rocks, or other natural features.

(4) Signs may not be placed on any property, whether public or private, without securing the consent of the owner or their tenant.

(5) Sight triangles, as described in §17.04.090, Clear Sight Triangle .

(6) Signs and sign structures are prohibited from creating hazardous conditions in any of the following manners:

(i) By creating a conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.

(ii) By creating a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.

(iii) By creating a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.

(iv) By obstructing firefighting or fixed police surveillance via photographic or video technology.

(v) Through improper mounting or installation, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of both the sign and the mounting have been verified in writing by a structural engineer licensed to practice in Colorado.

17.05.030 Permanent Sign Standards by Zone District or Use Type

(a) Maximum Total Sign Area

(1) Table 17.05.1 establishes the maximum cumulative sign area allowed for permanent signs by zone district. Individual sign types are also limited to a maximum sign size by zone district.

Table 17.05.1: Permanent Signs – Maximum Total Sign Area by Zone District
SF = Square Feet

Zone District	Freestanding Signs	Attached Signs
Agricultural (A1 – A3)	64 SF per public roadway frontage	250 SF per wall where attached
Residential (RR – HR)	6 SF per public roadway frontage [1]	6 SF per wall where attached [1]
Mixed-Use and Commercial		
MN	1 SF per 1 lineal foot of building frontage	20% of total wall area where attached
MC – CC	1.5 SF per 1 lineal foot of building frontage	30% of total wall area where attached
Industrial LI – HI	1 SF per 1 lineal foot of building frontage	Wall area up to 5,000 SF: 5% of wall area Wall area 5,000 SF or larger: 1% of wall area
PuebloPlex PP	1 SF per 1 lineal foot of building frontage	20% of wall area where attached
PL – CF	Signs as allowed by §17.06.070(b), Special Use Permit	

Notes:
[1] Commercial, civic, and institutional uses allowed with a special use permit may request larger sign allowances.

(2) Building frontage is the wall of the primary building that faces the street abutting the property. If the primary building is located on a corner lot, the frontage may be any wall of the primary building that faces a street. Public roadway frontage is the length of the property measured parallel to the abutting public street.

(3) Accessory structures shall not be included in the calculation of maximum signage. Wall signs may be affixed to accessory structures; where this is done, the amount of signage used on the accessory structure shall be deducted from the total amount of signage permitted on the property.

(b) Agricultural Districts or Uses

(1) Maximum Total Sign Area Allowed

(i) Identified in Table 17.05.1: Permanent Signs – Maximum Total Sign Area by Zone District

(ii) Measurement instructions are provided in §17.05.070, Measurement and Calculation.

(2) Illumination

(i) Internal and external illumination of permanent signs is allowed. All static interior or exterior sign lighting shall comply with §17.04.040, Outdoor Lighting.

(ii) EMD signs are prohibited in Agricultural districts.

(3) Permitted Signs

Table 17.05.3 identifies the types of signs permitted in residential districts, and the regulations associated with each sign type. If a sign type is not included in Table 17.05.3 or §17.05.020(c), Exemption, it is prohibited.

Table 17.05.2: Permanent Signs in Agricultural Districts

SF = Square Feet FT = Feet Mixed-Use, Commercial, and Industrial Districts = A1, A2, A3

Sign Type	Max. No. Signs	Max. Sign Area per Sign (SF)	Max. Height (FT)	Min. Setback (FT) [1]	Illumination	Min. Clearance (FT)	Max. Projection (FT)
Attached Signs							
Wall Sign	n/a	25% of wall where located, up to max. 250	Top of wall where located	n/a	Internal or External	10	1
Freestanding Signs							
Directional Sign	1 per each vehicle exit/entry	6	6	n/a	Internal or External	n/a	n/a
Gateway Sign [2]	1 per public entrance	48	32	Per zone district; may be reduced with Pubic Works approval	Internal or External	14, it built across driveway	n/a

Pole Sign	1 per street frontage	64	15, including sign base	Per zone district; may be reduced with Pubic Works approval	Internal or External	Ped: 10 Veh: 14	n/a
Notes: [1] Shall meet setbacks for accessory structures. [2] See also §17.05.050(a)							

(c) Residential Districts or Uses

(1) Maximum Total Sign Area Allowed

(i) Identified in Table 17.05.1: Permanent Signs – Maximum Total Sign Area by Zone District.

(ii) Measurement instructions are provided in §17.05.070, Measurement and Calculation.

(2) Illumination

(i) Internal and external illumination of permanent signs is allowed. All static interior or exterior sign lighting shall comply with §17.04.040, Outdoor Lighting.

(ii) EMD signs are prohibited in Residential districts.

(3) Permitted Signs

Table 17.05.3 identifies the types of signs permitted in residential districts, and the regulations associated with each sign type. If a sign type is not included in Table 17.05.3 or §17.05.020(c), Exemption, it is prohibited.

Table 17.05.3: Permanent Signs in Residential Districts

SF = Square Feet FT = Feet Residential Districts = RR, SR1, SR2, LR, HR

Zone District, Building Type, or Use		Sign Type	Permit Required	Max No. of Signs	Max. Sign Area per Sign (SF)	Max. Height (FT)	Min. Clearance (FT)
Residential Structures and Uses							
RR, SR1, SR2	1	Attached Sign	Yes	2 per property	6	[1]	10
	2	Directional Sign	Yes	1 per driveway	6	6	n/a

Table 17.05.3: Permanent Signs in Residential Districts							
SF = Square Feet FT = Feet Residential Districts = RR, SR1, SR2, LR, HR							
Zone District, Building Type, or Use	**Sign Type**		**Permit Required**	**Max No. of Signs**	**Max. Sign Area per Sign (SF)**	**Max. Height (FT)**	**Min. Clearance (FT)**
LR, HR for Dwellings with 3 Units or more	3	Attached Sign	Yes	1 per residential structure per street frontage	6	[1]	10
	4	Freestanding Sign	Yes	1 per street frontage	6	6	n/a
All, Home Occupation	5	Attached Sign	Yes	1 per property	1	[1]	10
Subdivision	8	Gateway	Yes	1 per each side of entry roads	32	Attached: [1] Freestanding: 6	10
Non-Residential Structures and Uses Permitted in Residential Districts							
All	9	Directional Sign	1 per driveway	2	6		n/a
	10	Attached Sign	Yes	1 per street frontage; max. 2 per property	32	Top of wall	10
	11	Freestanding Sign	Yes		32	M: 6, P: 15	n/a
Notes: [1] Top of wall where located							

(d) Mixed-Use and Commercial Districts

(1) Maximum Total Sign Area Allowed

(i) Identified in Table 17.05.1: Permanent Signs - Maximum Total Sign Area by Zone District.

(ii) Measurement instructions are provided in §17.05.070, Measurement and Calculation.

(iii) Each property shall be at a minimum entitled to one freestanding sign of 50 square feet per face per street frontage and one wall sign per business of 32 square feet in size so long as all other requirements of this Chapter are met. If permits are approved for signs based on the minimum provisions of this paragraph, the allowable sign area based on the building frontage as set forth above shall not be recognized as allowable sign area for the property.

(2) Illumination

(i) Internal and external illumination of permanent signs is allowed. All static interior or exterior sign lighting shall comply with §17.04.040, Outdoor Lighting.

(ii) EMD signs are allowed.

(3) Generally Applicable Standards

(i) Maximum number of permanent freestanding signs, not including directional signs:

a. In all mixed-use and commercial districts, one freestanding sign is permitted per public street frontage for each primary structure.

b. Properties with street frontage of more than 300 lineal feet may have one freestanding sign per 300 feet, up to a maximum of three signs. Multiple freestanding signs on an individual property shall be separated by at least 150 feet.

(ii) Multiple frontages: Where a developed parcel has frontage on more than one public right-of-way or street, excluding alleys, driveways, and service ways, the provisions of this Subsection shall apply to each street frontage. Permitted signage may only be allocated to the frontage from where it is calculated; signage square footage cannot be "moved" from one frontage to another.

(iii) Attached tenant signage in multitenant structures shall be allocated to each tenant unit based on the percentage of front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance only.

a. Sign permit applications for multitenant structures that have existing signage shall indicate the total amount of sign area allowed for wall where the sign is requested, the measurements of existing signs, and the amount of sign area available for the sign requested.

b. A variance shall not be granted to allow additional sign area for multitenant structures where the maximum allowable sign area has been installed.

(iv) Residential structures or uses in mixed-use districts shall comply with §17.05.030(b)(2)(ii).

(4) Permitted Signs

Table 17.05.4 identifies the types of signs permitted in mixed-use, commercial, and industrial districts, and the regulations associated with each sign type. If a sign type is not included in Table 17.05.4 or §17.05.020(c), Exemption, it is prohibited.

Table 17.05.4: Permanent Signs in Mixed-Use, Commercial, and Industrial Districts

SF = Square Feet FT =Feet Mixed-Use, Commercial, and Industrial Districts = MN, MC, CC, LI, HI, PP

Sign Type	Max. No. Signs	Max. Sign Area per Sign (SF)	Max. Height (FT)	Min. Setback (FT) [1]	Illumination	Min. Clearance (FT)	Max Projection (FT)
Attached Signs							
Projecting Sign	1 per tenant	6	Top of wall where located	n/a	Internal and EMD [2]	10	6
Wall Sign	n/a	25% of wall where located, up to max. 250; Max. EMD-only sign area: 100	Top of wall where located	n/a	Internal, External, and EMD [2]; Max. EMD incorporated into larger static sign: 50% of total sign area	10	1
Freestanding Signs							
Directional Sign	1 per each vehicle exit/entry	6	6	n/a	Internal and External	n/a	n/a
Freeway Interchange [3,4]	1 per parcel	300; Max. EMD-only sign area: 150	50	n/a	Internal and EMD [2]; Max. EMD incorporated into larger static sign: 50% of total sign area	n/a	n/a
Gateway Sign [5]	2 per vehicle entry	64	6 for structure and sign, or higher as	10	Internal or External	n/a	n/a

Table 17.05.4: Permanent Signs in Mixed-Use, Commercial, and Industrial Districts							
SF = Square Feet FT =Feet Mixed-Use, Commercial, and Industrial Districts = MN, MC, CC, LI, HI, PP							
Sign Type	**Max. No. Signs**	**Max. Sign Area per Sign (SF)**	**Max. Height (FT)**	**Min. Setback (FT) [1]**	**Illumination**	**Min. Clearance (FT)**	**Max Projection (FT)**
			allowed by building permit				
Pole Sign, Single or Multi-Tenant	1 per street frontage	200; Max. EMD-only sign area: 100	30	Per zone district; may be reduced with Public Works approval	Internal, External, and EMD [2]; Max. EMD incorporated into larger static sign: 50% of total sign area	Ped: 10 Veh: 14	n/a
Monument Sign							
Single Tenant	1 per street frontage	100	12, including sign base	Per zone district	Internal, External, and EMD [2]; Max. EMD incorporated into larger static sign: 50% of total sign area	n/a	n/a
Multiple Tenants		+ 10 sf per tenant; max. sign area 200; Max. EMD-only sign area: 100	12, including sign base			n/a	n/a
Notes: [1] Shall meet setbacks for accessory structures. [2] EMD signs are not allowed in MN zone districts. [3] Only allowed on a parcel that is at least 10 acres in size with 300 feet frontage along right-of-way and located within 1,000 feet of the interchange. [4] Shall apply with CDOT Rules Governing Outdoor Advertising where applicable. [5] See also §17.05.050(a)							

17.05.040 Billboards

(a) Where Allowed and Dimensions

Table 17.05.5 identifies billboard allowances by zone district.

Table 17.05.5: Regulations for the Placement of Billboards									
SF = Square Feet FT = Feet									
Zone District	**Not Allowed**	**Uses by Review**	**Single Sign Face Area (Max. SF)**		**Total Sign Area (Max. SF)**	**Height (Max. FT)**	**Single Dimension (Max. FT)**	**Illum.**	**EMD**
			Static Only or Static with up to 50% EMD	**EMD only**					
A1-A3		X	300	150	600	35	25	Yes	Yes
RR-HR	X								
MN- MC		X	300	150	600	35	25	Yes	Yes
CC		X	720	360	1,440	35	50	Yes	Yes
LI-HI		X	720	360	1,440	50	50	Yes	Yes
PP		X	720	360	1,440	50	50	Yes	Yes

(b) Special Use Permit Required

(1) A request for billboard approval in any Agricultural, Mixed-Use, Commercial, or Industrial district as well as for those billboards that require a special use permit in the PuebloPlex district shall be made to the Board of County Commissioners through a §17.06.070(b), Special Use Permit application.

(2) The Board shall consider matters of public health, safety, and general welfare in its deliberations, specifically including an affirmative finding of the following:

(i) Ownership and liability, including the provision of liability insurance, are established;

(ii) Maintenance of the sign and sign site are provided; and

(iii) The proposed billboard sign does not significantly reduce the exposure of existing signs located on surrounding properties.

(c) Spacing

(1) Billboards on the same side of a County or local roadway shall be spaced at least 500 feet apart. Nonconforming billboards and approved but unbuilt billboards with a valid building permit shall be included in measuring the spacing distance.

(2) Billboards shall be located at least 300 feet from the property line of a residential zone district or use and shall be oriented away from the residential district or use.

(3) For the purpose of calculating spacing, a sign structure having back-to-back sign faces shall be interpreted as one sign.

(4) All billboards shall meet any applicable CDOT and federal spacing requirements where applicable.

(d) Incorporation in Overall Sign

(1) An EMD may only be used as part of a freestanding sign and shall not be displayed on its own.

(2) The EMD shall not be larger than 50 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components.

(3) For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.

17.05.050 Permanent Sign Standards



Figure 05.5: Example Gateway Sign

(a) Gateway Sign

(1) Gateway signs may be either freestanding or attached to an entry wall.

(2) When placed on subdivision entry wall structures, only the sign face shall be used to calculate the size of the sign.

(3) EMD signs shall not be incorporated in gateway signs.

(4) Proof of ownership and liability, including the provision of liability insurance, shall be provided to the County. A plan for maintenance of the sign and sign site shall also be provided.

(5) Farms and ranches located in an Agriculture district are allowed one entrance sign at each public entrance, not to exceed 48 square feet in sign area or 32 feet in height.



Figure 05.6: Example Electronic Message Display (EMD) Sign

(b) Electronic Message Display (EMD) Signs

(1) Display

(i) Signs may contain static or animated messages that move, fade, dissolve, travel, or scroll.

a. The use of full motion or streaming video is prohibited.

b. The use of messages that flash, appear to flash, or have a strobing effect is prohibited.

(ii) The sign shall be programed to display a blank screen if a malfunction occurs.

(iii) The sign shall not include audio, pyrotechnic, bluecasting (Bluetooth advertising), or other similar components.

(2) Display Time and Transitions

(i) Display transition shall be completed within five seconds.

(ii) There shall be a direct change from one message to the next. An ambient light increase of 0.3 foot-candles is permitted during display change.

(3) Display Brightness

(i) Sign luminance shall not exceed a daytime level of 75 percent and a nighttime level of 50 percent of the maximum programmable illumination. Unless otherwise defined in this article, nighttime shall mean between the periods of sunset to sunrise as calculated by the United States Naval Observatory. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to public health, safety, or welfare.

(ii) Each application for electronic message display approval shall include the manufacturer's specifications programmed to meet this requirement, along with a description of the proposed dimming method.

(iii) EMD signs shall have an illumination curfew of one hour beyond operating hours or at a minimum between 12:00 a.m. and 5:00 a.m., except for signs situated on nonresidential lots that are open 24 hours.

(4) Display Technology

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates under the brightness limits above shall not require an ordinance change for approval.

(5) EMD Sign Face Enclosure

(i) EMD-only sign faces and sign faces where the edge of the EMD is located at the edge of the sign, the entire sign face shall be enclosed with a finish of brick, stone, stucco, powder coated, painted, or comparable finished metal.

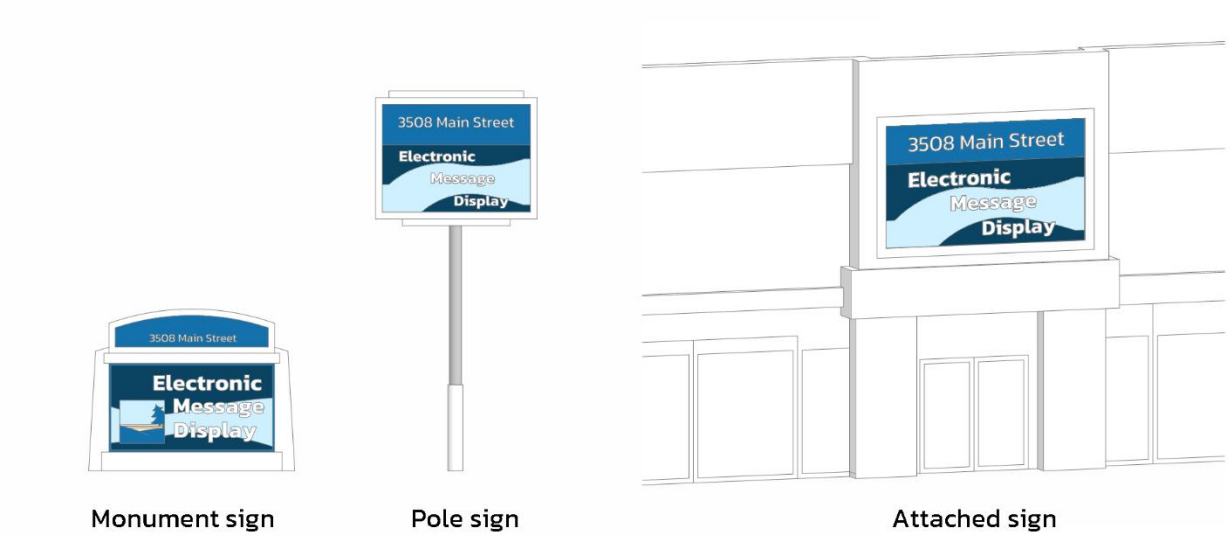


Figure 05.7: Examples Electronic Message Display (EMD) Sign

(6) Sign Permit Conditions

The following conditions apply to all EMD sign permits. Failure to comply shall result in a requirement that the sign cease operation until compliance occurs.

(i) That the sign shall at all times be operated in accordance with County codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the County;

(ii) That a County inspector may access the property upon 24 hours' notice to the owner, operator, or permittee so that the County may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator, or permittee may be required by the County inspector to manually reduce the brightness to a lower setting.

(c) Illumination for Non-EMD Signs

(1) Purpose

Illuminated signs, where permitted, shall be illuminated in a manner so that the light is not directed at adjacent properties or public ways, and the intensity is not obtrusive to adjacent properties or public ways.

(2) Standards

(i) Illuminated signs adjacent to residential properties are subject to the Residential Adjacency standards of §17.04.070(d)(5).

(ii) Light sources to illuminate signs shall not:

a. Be visible from any street right-of-way, nor

b. Cause glare that is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

(iii) Externally illuminated signs, where permitted, shall be designed to avoid negative impacts on surrounding rights-of-way and properties, and:

a. Shall have a steady, stationary light source that is fully shielded and directed solely at the sign.

b. The light source shall be static in color and the color temperature shall not exceed 3000 Kelvin.

(iv) Internally illuminated signs, where permitted, including neon lighting, shall be static in intensity and color.

(v) Sign luminance shall not exceed 2,500 nits between the periods of sunset to sunrise as calculated by the United States Naval Observatory.

(vi) Flashing or rotating lights are prohibited.

(d) Use-Specific Signs

(1) Home Occupation

One sign shall be permitted on a single parcel of land, subject to the following requirements:

(i) The property owner/tenant has completed a Home Occupation Disclosure Form;

(ii) The sign does not exceed a total sign area of one square foot and is mounted flat against the exterior wall of a principal or accessory structure or is located on/in a windowpane or door pane in such a manner that the sign is not illuminated or animated.

(2) Marijuana Establishments

(i) This Section shall apply to Marijuana Establishments defined in §17.12.030, Definitions.

(ii) This section is in addition to, and not in lieu of, any other restrictions set forth in this Chapter.

(iii) The following signs are prohibited:

a. Billboards, sign-spinners, A-frames, sandwich boards, sidewalk signs, or curb signs;

b. Signs on motor vehicles or other moving signs;

c. Animated, flashing, or electronically controlled signs;

d. Any sign that is not kept in good repair. Good repair means, at a minimum, that the sign is properly anchored, does not contain cracks, broken wood, missing letters or symbols, and is protected from the elements and against decay and rust by the periodic application of a weather-coating material;

e. Streamers, balloons, flags, or inflatable displays;

f. Leaflets or flyers excluding bona-fide business cards;

g. Signs or displays outside of the premises that advertise potency, strain, character, class, or other statement that implies the effects of the consumption of marijuana; and

h. Advertisements that use numbers in relation to the price of marijuana (i.e., any prices, ½ off, free 1/8th).

(iv) The prohibitions in this paragraph shall not apply to:

a. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the County; or

b. Advertising that is purely incidental to sponsorship of a charitable event by a marijuana establishment.

(v) All marijuana establishment signs shall meet all other requirements of this UDC.

17.05.060 Temporary Sign Standards

(a) Purpose

The purpose of these temporary sign regulations is to:

(1) Enhance opportunities for visual communication, including promoting the legibility of such communications;

(2) Create a more attractive economic and business climate within the County;

(3) Enhance and protect the physical appearance of all areas of the County;

(4) Identify permissible signage for temporary uses and temporary events;

(5) Reduce the distractions, obstructions, and hazards to pedestrians and automobile traffic caused by the excessive number, size, or height, inappropriate means of illuminations or movement, indiscriminate placement, overconcentration, or unsafe construction of signs; and

(6) Establish maintenance, abandonment, and removal requirements that limit the continued use of temporary signs that are in violation of this article.

(b) Permit and Display

Temporary signs shall comply with the following unless otherwise specified:

(1) No temporary sign shall be erected, re-erected, or maintained for more than a cumulative 30 days per year, unless otherwise permitted in this Chapter or specified in the sign permit.

(2) Temporary event signs, such as a Small Sales Event or Commercial Event, may be displayed on any private property provided the signs meet the following requirements:

(i) The sign conforms to all requirements of this Section, including the maximum square footage of signage allowed on the property where placed;

(ii) The sign does not interfere with pedestrian or automobile traffic;

(iii) The sign is not placed in the public right-of-way or on public property;

(iv) The sign is placed with the express permission of the property owner; and

(v) The sign is not a public danger or nuisance during high winds or inclement weather.

(c) Generally Applicable Standards

(1) Location

(i) Temporary signs are subject to the prohibited sign locations identified in §17.05.020(e).

(ii) No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems.

(2) Temporary Sign Types

(i) The total amount of temporary signage allowed on any lot may be allocated among any of the following temporary sign types, subject to the applicable standards of this article:

a. Banner sign

b. Door sign

c. Yard sign

(ii) Wind driven signs, except for flags, and inflatable temporary signs are prohibited unless otherwise provided for in Table 17.05.7.

(3) Temporary Sign Size and Placement Limitations

The following temporary sign type, size, and placement limitations are generally applicable to temporary signs unless otherwise specified in this Section.

(i) Temporary Sign Dimensions

The temporary sign dimensions in Table 17.05.6 are applicable when the UDC refers to a specific temporary sign type, such as Large Temporary Sign:

Table 17.05.6: Maximum Temporary Sign Dimensions

SF = Square Feet FT = Feet	Temporary Sign Type							
	Extra Large		Large		Medium		Small	
	Area (SF)	Height (FT)	Area (SF)	Height (FT)	Area (SF)	Height (FT)	Area (SF)	Height (FT)
Agricultural District	48	8	32	6	8	6	4	3
Residential District	32	6	16	6	8	6	4	3
Non-Residential Use in Residential District	32	6	16	6	8	6	4	3
Nonresidential District	48	15	32	15	8	6	4	3

(ii) Dimensions and Measurement

The maximum sign area identified in Table 17.05.6 is for a single sign face. Temporary signs may be printed on both sides or two single-sided banners may be placed back-to-back. V-type configurations are prohibited.

(iii) Location

a. Signs, except for door signs, shall be located a minimum of five feet behind all property lines on the parcel.

b. Door signs shall be located within ten feet of a pedestrian entrance and shall be removed when the business is closed and during severe weather events.

(iv) Materials

a. All temporary signs shall be made of durable materials.

b. Balloons shall be made of biodegradable materials.

c. Temporary signs shall not be illuminated.

d. Temporary signs shall not contain any digital components including EMD, or a changeable message component or mechanism.

(v) Removal

a. Unless specified otherwise in this Section, temporary signs shall be removed at the end of the event for which the sign was permitted.

b. If the County determines that a property has excess temporary signage, the County may require the removal of an appropriate amount of square footage of temporary signage to bring the property into compliance with this UDC.

(d) Temporary Signs Allowed Without a Permit

(1) The temporary sign types listed in this Section are named for the activity or use with which the sign permit is associated and are not intended to specify content requirements.

(2) The types of temporary signs permitted without a permit are identified in Table 17.05.7. Sign dimensions are provided in Table 17.05.6.

Table 17.05.7: Temporary Signs Allowed Without a Permit					
Activity, Use, or Event	**Number of Signs Allowed**				**Duration**
	Extra Large	**Large**	**Medium**	**Small**	
Active Real Estate Listing					
Existing Residential	N/A	N/A	1 medium or small, but not both, per street frontage on the property listed		The sign may be placed when the real estate listing becomes active and shall be removed within 20 days of the sale or lease of the property or when the listing is deactivated.
Vacant Land	1 per street frontage on the property listed	N/A	N/A	N/A	
Active Construction Permit	Larger temporary signs may be permitted according to the requirements of §17.05.060(d)(3)		1 medium or small, but not both, per property with active construction		The medium or small sign may be placed when the construction permit is issued and shall be removed within one week of final inspection or completion of the project, whichever occurs first.
Door Sign, Nonresidential Use Only [1]	1 sign, max. six square feet in area per side, per business				Door signs are allowed to be used 365 days a year, are not subject to the 30-day duration limitation for temporary signs, and shall be taken in daily at the close of business.
Election Event					
Residential Districts	N/A	N/A	Any number	Any number	Total signage in excess of the maximum amount allowed on the property during non-election periods shall be removed within 20 days after the election event.
Nonresidential Districts	N/A	Any number	Any number	Any number	
General Temporary Sign	N/A	N/A	Any number [2]		See Sec. 17.05.060(c)(3)(v)
Sales Events					
Home Occupation Retail Sales Event [3]	N/A	N/A	1 medium or small, but not both, per property		The sign may be placed 7 days before the event and shall be removed within 24 hours of the end of the retail sales event.
Small Residential Sales Events (Estate/	N/A	N/A	N/A	1 per street frontage	The signs may be placed 1 day before the event and shall be

Table 17.05.7: Temporary Signs Allowed Without a Permit					
Activity, Use, or Event	**Number of Signs Allowed**				**Duration**
	Extra Large	**Large**	**Medium**	**Small**	
Garage/Yard Sale)					removed immediately after the event.
Retail and Commercial Sales Events (Sidewalk Sales/Seasonal Sales Events)	N/A	1 per street frontage	1 medium or small, but not both, per participating merchant		The signs may be placed 14 days before the event and shall be removed within 48 hours of the end of the event.
Notes: [1] Door signs shall be placed within 15 feet of the primary business entrance and shall not impede pedestrian sidewalk circulation. Door signs are not permitted for home occupations. [2] The maximum total area of a medium temporary sign may be distributed across more than one sign face. [3] The sign shall be located on private property no farther from the subject parcel than the nearest arterial road.					

(3) Active Construction Permit larger temporary signage is allowed as follows:

(i) One large temporary sign per street frontage per property. The sign(s) shall be removed within 30 days of the issuance of a Certificate of Occupancy.

(ii) One extra-large temporary sign per vehicle access point sign per entrance, with a maximum of two signs per project or phase of a project as indicated on the construction permit.

a. Temporary access point signs shall be located within the development.

b. Signs shall be allowed to remain for no more than two years following the issuance of the temporary sign permit.

(iii) In addition to the sign(s) above, a temporary project sales office shall be entitled to one small temporary sign that may be indirectly lit.

(e) Temporary Signs that Require a Permit

The placement of temporary signs allowed in this Section requires the issuance of a temporary sign permit. Each sign approved according to this Section will have a removal date identified on the permit.

(1) Noncommercial Public Event on Private Property

A noncommercial public event on private property may be permitted temporary signage as follows:

(i) Any number of signs is allowed, subject to the following maximum size standards:

a. Residential District: medium temporary sign.

b. Nonresidential District: large temporary sign.

(ii) Signs may not be placed more than 45 days prior to the event and shall be removed within five days after the event.

(2) Commercial Event on Private Property

A commercial event on private property, such as a sidewalk sale or grand opening, in a nonresidential zone district may be permitted temporary signage as follows:

(i) Permitted Sign Types

a. A banner or banners that do not cumulatively exceed 100 square feet in total sign area and that are mounted flush to a building wall.

b. Balloons and other types of lighter than air objects that have no linear dimension greater than two feet.

(ii) Conditions and Timeframe

a. The temporary sign permit may specify such conditions and limitations as are deemed necessary to protect adjoining properties and the public.

b. The permit may not be approved for a time period that exceeds 30 consecutive days in any calendar year for each property, or each business in a multi-tenant center.

(iii) Temporary Sign Removal

a. The applicant shall remove any temporary signs on or before the expiration date of the permit.

b. If a person erects any temporary signs for a commercial event without receiving a permit as described in this UDC, the person shall be ineligible to receive a temporary sign permit for the remainder of the calendar year. Applicants will be asked to verify that commercial event signage was not placed prior to the issuance of a temporary sign permit.

c. If a temporary sign associated with a commercial event sign permit remains up for longer than 30 days, the sign will be considered a permanent sign, require a sign permit and all other regulations in this Section apply.

17.05.070 Measurement and Calculation

(a) Applicability

The following methods shall be used to calculate the total square footage of the sign area of any sign.

(b) Sign Area

For the purpose of this subsection, a sign structure having back-to-back sign faces shall be interpreted as one sign.

(1) Inclusion in Maximum Sign Area Calculation

(i) Unless otherwise specified in this Chapter, all sign faces shall be counted separately and considered part of the maximum total sign are allowance.

(ii) The sign area of attached signs shall not include structural elements used to attach or support the sign that do not contribute to the display.

(2) Measurement of Sign Area

Sign area shall be calculated as the entire area within a continuous perimeter drawn with not more than eight straight lines to create a geometric figure enclosing the extreme limits of the sign.

(i) Attached Signs

a. Sign copy counted, affixed, or painted on a background panel or area is calculated as the entire area contained within the sum of the smallest geometric figure that will enclose all of the sign copy.

b. Signs with a frame or cabinet shall be calculated as the entire area contained within the smallest geometric figure that will enclose the outer edge of the frame or cabinet and encompass all sign copy.

c. Signs that consist of individual letters that are mounted to a wall, or "race-way" type signs that consist of individual letters that are mounted to a base that is mounted to a wall, that use the building wall as the background, and freestanding individual letters that are mounted to a monument base shall be considered individual letter signs, The sign area of such signs shall be calculated as the entire area within a continuous geometric figure enclosing the extreme limits of the sign.

(ii) Freestanding Signs

a. The measurement of the sign area of a freestanding sign shall include, in addition to the sign face area, any portion of the freestanding sign base that exceeds one and on-half times the area of the sign face.

b. The base shall include any structural component of the sign, including raised landscape planter boxes.

c. Freestanding signs with two or more faces that are aligned to each other at an angle greater than 90 degrees shall be considered a single sign face.

(iii) Three-Dimensional Signs

The area of a spherical, cubical, or polyhedral sign equals one-half the total surface area. See Figure 05.7 below.

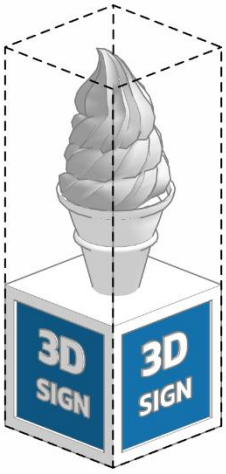


Figure 05.8: Example 3D Sign Measurement

(iv) Moveable Sign Elements

If elements of a sign are moveable or flexible, such as a flag or banner, or if the sign includes any permitted copy extensions, the measurement is taken when the elements or extensions are fully extended and parallel to the plane of view.

(c) Height and Clearance

(1) Height

(i) The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding, or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sing including any architectural appurtenances. See Figure 05.8 below.

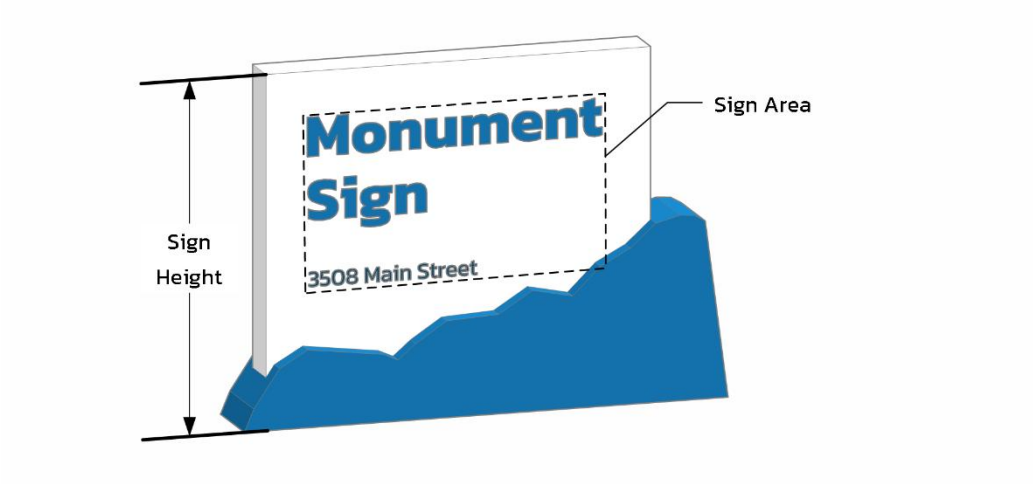


Figure 05.9: Example Sign Height Measurement

(ii) For the purposes of this Section, average finished grade shall be considered the lower of:

a. The lowest elevation where the base of the sign meets ground level, or

b. The nearest public or private sidewalk within 25 feet of the sign.

(iii) When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.

(2) Clearance

Clearance for pole and projecting signs shall be measured as the smallest vertical distance between the sign and the finished grade directly underneath the sign at the lowest point of the sign structure, including any framework or other structural elements. See Figure 05.9 below.

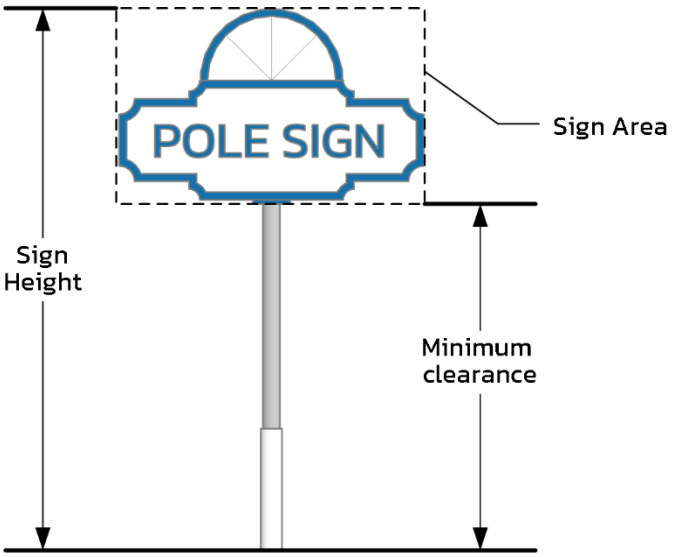


Figure 05.10: Example Clearance Measurement

(d) Separation

Sign separation shall be measured along the property lines from the center of the signs.

(e) Setbacks

The minimum required setback for signs is as follows and shall be measured from the closest structural component of the sign (including wheels, poles, frames, or lights) to the property line.

(1) No sign shall encroach on any sight triangle, as described in §17.04.090, Clear Sight Triangle .

(2) No sign, including wall or projecting signs, may encroach into the public right-of-way without the approval of the Board of County Commissioners and issuance of a revocable encroachment permit, and no sign shall encroach on an adjacent parcel or lot of record without a written and recorded easement by the affected property owner(s).

(3) Attached signs shall meet the setback requirements for the structure to which they are attached.

(4) Access point and incidental signs may have a setback up to zero feet or as otherwise required by the Director.

(5) The setback requirements for gateway signs shall be established by the Planning Commission.

(6) Freestanding and projecting signs shall meet 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:

Table 17.05.8: Setback Requirements for Free Standing and Projecting Signs

Setback	Minimum Setback (Feet)
Front	15
Side	5
Rear	15

(7) Reductions from the minimum setbacks in Table 17.05.7 may be granted for pole signs with approval from the Director of Public Works or the Colorado Department of Transportation, as applicable.

17.05.080 Overall Sign Program (OSP)

(a) Applicability

(1) An applicant may request approval of an Overall Sign Program to authorize signage for a development that includes two or more businesses that does not strictly conform to the criteria established in this Chapter but that meets the purpose and requirements of this Chapter.

(2) The Overall Sign Program is not the exclusive way in which an applicant may seek a modification of this Chapter. Depending on the circumstances of the site and application, an applicant may also seek an Administrative Adjustment, per §17.06.110(a), or a Variance, per §17.06.110(c) for changes to the standards in this Chapter.

(b) Purpose

An Overall Sign Program is intended to provide opportunities for signage that, while not in strict conformance with the standards of this Chapter, provides compensating benefits without injury to the purpose and intent of the sign regulations. Benefits may include, but are not necessarily limited to, enhanced public safety, enhanced visual interest, improved aesthetics, improved place identification, or superior visual integration of signs and related buildings. Overall Sign Programs may be used to encourage creative, unusual,

innovative, or unique design, architecture, construction, or materials, in contrast to conventional or formulaic signage. An approved Overall Sign Program establishes the standards by which subsequent sign permit applications shall be evaluated.

(c) Procedure

An Overall Sign Program application shall be reviewed and decided on by the Director.

(d) Submission Requirements

The Overall Sign Program application shall include, at a minimum:

(1) An accurate development plan of the lot, drawn to scale, indicating the location of buildings, parking lots, driveways, and landscaped areas on the lot;

(2) A color rendering or similar graphic depiction of all proposed signs;

(3) Plans, elevations, and other documents as necessary to indicate the following information for all proposed signs and any existing signs that will remain on site:

(i) Location;

(ii) Size;

(iii) Height;

(iv) Number; and

(v) Relationship to related buildings and other nearby buildings, signs, and travel ways.

(4) Where existing signs will be modified, identification of dimensional, design, or structural changes that will be made to those signs; and

(5) Proposed standards for temporary signage if different from §17.05.060, Temporary Sign Standards.

(e) Standards

(1) Required Standards

A proposed Overall Sign Program may be approved if, considered as a whole and in comparison to the signage achievable through compliance with this Chapter, the Overall Sign Program results in a substantially improved, comprehensive, and unified proposal that meets the following standards:

(i) Architectural Criteria

a. Compatible with the architectural characteristics and spatial relationships of the buildings on which the signs are attached, and the placement of freestanding signs on the site, when considered in terms of location, scale, proportion, color, materials, and illumination.

b. Use or enhance the architectural elements of the building.

c. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the façade.

(ii) Design Quality

a. Creative in the use of two- and three-dimensional forms, representative images, illumination, and graphic design, including the use of color, pattern, typography, and materials.

b. Constitute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area.

c. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit.

(iii) Community Context

Reflect current or historic character of the County.

(2) Modifications

The following modifications may be approved as part of an Overall Sign Program:

(i) Applicable setbacks may be reduced by up to 20 percent.

(ii) The standards regulating height, maximum sign area, and spacing of signs may be modified by up to 20 percent from the requirements of the applicable zone district, based on the following factors:

a. The overall size of the development and the scale of the use, or uses, located, or anticipated to be located there (larger land areas and scales of use tend to favor larger signs or more signs);

b. The relationship between the building setback and sign location (higher visibility signage may be appropriate for buildings with lower visibility);

c. The property frontage (larger property frontages may justify more or larger signs, particularly if the length of the property frontage tends to prevent visual pollution by allowing additional spacing between signs);

d. Access and visibility to the property (limitations on access or visibility may justify relocation or resizing of signs according to an Overall Sign Program);

e. Intended traffic circulation pattern;

f. Creation of a more obvious hierarchy of signage;

g. Improvement of the relationship of signage between the property and adjacent properties or land uses;

h. Proximity of the property to elevated streets and highways; and

i. Consistency with the objectives and design policies of the Regional Comprehensive Plan, special area plans, and any applicable land use plans, approved by the County for the area in which the Overall Sign Program is proposed.

(iii) Existing nonconforming signs may be made conforming by approval of a modification through the Overall Sign Program.

(iv) The Director may also require removal or modification of any existing signs that reduce the application's level of compliance with the approval criteria as a condition of approval of an Overall Sign Program.

(f) Conditions of Approval

The Director may impose reasonable conditions on the Overall Sign Program in order to ensure continuing compliance with the approved Overall Sign Program and any other applicable standards. Approval conditions may not be related to the content or viewpoint of the signs, or the nature of the sign users. If an applicant does not agree to the conditions, the applicant may terminate the Overall Sign Program by notifying the Director in writing, provided that either:

(1) No signs have been installed pursuant to the Overall Sign Program; or

(2) The termination of the Overall Sign Program does not result in the presence of nonconforming signs on the applicant's property.

(g) Issuance of Permits

After approval of an Overall Sign Program, the Director shall issue sign permits for individual signs within such program upon request of the applicant in accordance with §17.06.050(d), Sign Permit.

(h) Term of Approved Overall Sign Program

(1) An Overall Sign Program approval shall be valid for one year after the date of approval, or such longer period as may be provided in the approval. Overall Sign Programs that are processed in conjunction with a Final Plat or Development Plan approval shall be valid for the term of the associated development approval (i.e., if a Final Plat or Development Plan approval lapses, then the Overall Sign Program will simultaneously lapse).

(2) If a sign permit is issued according to the Overall Sign Program within the period during which the Overall Sign Program is valid, and the sign is thereafter timely constructed, then the Overall Sign Program shall remain effective until the applicant requests amendment or termination.

17.05.090 Installation, Maintenance, and Abandonment

(a) Installation

(1) All signs shall be permanently affixed or attached to the ground or to a structure, except for those temporary signs and vehicle signs that are specifically allowed in this Chapter.

(2) All electrical service to a freestanding sign shall be underground.

(b) Maintenance

(1) All signs shall be maintained in good condition at all times. All signs shall be kept neatly finished and repaired, including all parts and supports. The following specific sign maintenance standards shall apply. Repairs, where required, shall be equal to, or better than the original sign in quality of materials and design:

(i) Sign finishes and structures shall be maintained in good condition and shall not have:

a. Any surface area covered with disfigured, cracked, ripped, faded, or peeling paint, poster paper, or other material.

b. Rusted, disfigured, peeling, faded, bent, broken, dilapidated, or deteriorated sign facings or supports, or loose appendages or struts.

(ii) All signs shall have sign facings installed, whether blank or with copy content.

(iii) Signs that are designed to be upright and level shall be installed and maintained in an upright and level position. Signs that are not upright and level shall be removed or restored to an upright and level position.

(iv) Signs shall not have weeds, trees, vines, or other vegetation growing on, or in it, or obscuring the view of the sign from the right-of-way from which it is to be viewed.

(v) No internally illuminated sign shall be allowed to operate with less than full illumination.

(vi) Temporary signs and flags shall not be faded, tattered, or torn.

(2) The Director may inspect any sign governed by this UDC and shall have authority to order the painting, repair, alteration, or removal of a sign that constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

(3) The Director may order a change in the illumination of any sign that becomes a hazard or nuisance.

(c) Abandonment

(1) Abandoned Signs

(i) Except as otherwise provided in this Chapter, the County may determine that a conforming or nonconforming sign or sign structure has been abandoned where either:

a. The sign or sign structure is no longer used by the property or sign owner, in which case discontinuance of sign use may be shown by any of the following:

1. Expiration or revocation of a business license or required zoning permit or approval for the business located on the property,

2. A six-month cessation of use of the property or tenant unit with which the sign or sign structure is associated, or

3. Failure to display a message on the sign for 45 days.

b. The sign or sign structure has been damaged, and repairs and restoration have not been started within 45 days of the date the sign was damaged, or, once started, are not diligently pursued to completion.

(ii) Temporary signs shall be considered abandoned if the associated permit has expired, the permit-associated event has occurred in the past, the sign fails to meet the maintenance requirements of this section, or when there is excess temporary signage on a property.

(2) Damage to Nonconforming Signs

A nonconforming sign shall not be re-established after damage or destruction if the estimated cost of reconstruction exceeds 50 percent of the appraised replacement cost.

(3) Sign Removal

(i) An abandoned sign or sign structure is prohibited and shall be removed by the owner of the sign or owner of the premises within 45 days of a determination of abandonment.

(ii) When a sign or sign structure becomes abandoned due to demolition or destruction of the structure in which the business was located, the sign and structure shall be removed at the same time as the demolition of the structure, or within 45 days of a determination of abandonment.

(iii) Where a successor to a business agrees in writing, prior to the demolition of the structure or as part of a determination of abandonment, to bring any sign into compliance with and to maintain the sign as provided in this section, the removal requirement shall not apply. The sign and sign structure shall be brought into full compliance prior to the issuance of a certificate of occupancy for use of any part of the associated structure or business.

Chapter 17.06 Administration and Procedures

17.06.010 Review and Decision-Making Bodies

(a) Board of County Commissioners

The Board of County Commissioners is hereby authorized:

(1) To hear and decide zoning entitlements, such as Zoning Map Amendments, Special Use Permits, and Planned Unit Developments;

(2) To hear and decide subdivision proposals, such as Right-of-Way Vacations and Major Subdivisions;

(3) To hear and decide amendments to this UDC;

(4) To receive public comment and to make such studies and surveys as are required to carry out their assigned duties;

(5) To request information or opinions from any other agencies and commissions relative to applications;

(6) To request information or opinions from any County staff member or any other person or persons, including state agencies, considered expert on a matter before the Board; and

(7) To recommend 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 UDC.

(b) Planning Commission

The Planning Commission is hereby authorized:

(1) To receive public comment and to make such studies and surveys as are required to carry out their assigned duties;

(2) To request information or opinions from any other agencies and commissions relative to applications;

(3) To request information or opinions from any County staff member or any other person or persons, including state agencies, considered expert on a matter before the Commission; and

(4) To recommend 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 UDC.

(c) Zoning Board of Appeals

The Zoning Board of Appeals is hereby authorized:

(1) To hear and decide appeals of decisions of County staff members;

(2) To hear and decide appeals for a variance from the strict application of the zoning regulations set forth in this UDC;

(3) To receive testimony under oath and make such studies and surveys as are required to carry out these duties;

(4) To request information or opinions from other agencies and commissions relative to such application;

(5) To request information or opinions from any County staff member or any other person or persons considered expert on the matter before the Zoning Board of Appeals;

(6) 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 UDC; and

(7) To present to the Planning Commission such suggestions for amendment of the UDC as it deems necessary to clarify the intent and purpose or improve any section or paragraph on which the Zoning Board of Appeals has occasion to rule.

17.06.020 Overview

(a) Organization

The administration of development processes and permits is divided into two categories: Common Review Procedures (§17.06.040) and Specific Applications (§17.06.050 to §17.06.100). Both are described in this Section.

(b) Common Review Procedures

The following requirements are common to many of the procedures contained in this UDC. Applications are typically processed in accordance with the following steps. Additional details may be included in each specific procedure.

(1) Pre-Application Meeting (§17.06.040(a))

(2) Neighborhood Meeting (§17.06.040(b))

(3) Application Submission (§17.06.040(c))

(4) Application Review (§17.06.040(d))

(5) Complete Application with Changed Status (§17.06.040(e))

(6) Public Notice and Public Hearings (§17.06.040(f))

(7) Review and Decision-Making (§17.06.040(g))

(8) Referral and Call Up (§17.06.040(h))

(9) Appeals (§17.06.040(i))

(10) Development Improvements Agreement (DIA) (§17.06.040(j))

(11) Post-Decision Actions (§17.06.040(k))

(12) Extension and Lapsing of Approvals (§17.06.040(l))

(13) Revocation of Approvals (§17.06.040(m))

(c) Specific Review Procedures

Sections 17.06.050 to 17.06.100 provide the application-specific requirements for review and submission of each type of application or permit available.

(d) Pueblo County Online Permitting System

Actions required by this UDC may be made within the County's online permitting system, where allowed by that system. If the online permitting system does not acknowledge a specific requirement, such as making a time extension request in writing, the applicant is responsible for ensuring the request has been submitted in the correct format to the correct recipient in a timely manner. Requests made in document notes or other non-request-specific locations shall not be considered by the County.

17.06.030 Summary of Review Requirements

Table 17.06.1: Commonly Applicable Procedures summarizes the application review requirements in this UDC and identifies whether pre-application and neighborhood meetings are required. Exceptions to these general rules apply and may be specified in the regulations for each specific procedure.

Table 17.06.1: Commonly Applicable Procedures

Key: Pre-App Mtg = Pre-Application Meeting Nbhd Mtg = Neighborhood Meeting PC = Planning Commission BOA = Board of Zoning Appeals BOCC = Board of County Commissioners
✓ = Required S = Suggested R = Review and Recommend D = Decision A = Appeal

Procedure	Section	Pre-App Mtg	Nbhd Mtg	Public Notice	Admin (Staff)	PC	BOA	BOCC
Administrative Approvals								
Administrative Adjustment	17.06.110(a)				R, D		A	
Administrative Subdivision	17.06.080(a)	✓			R, D		A	
Development Plan	17.06.050(b)	✓			R, D		A	
Expedited Review for Affordable Housing Applications	17.06.110(b)	*Project-specific, as determined by the Director*						
Home Occupation Permit for a Large Home Day Care	17.06.050(c)			✓	R, D		A	
Lot Consolidation Vacation	17.06.080(f)	✓			R, D		A	
Resubdivision Procedures	17.06.080(j)				R, D		A	
Sign Permit	17.06.050(d)				R, D		A	
Special Event Permit	17.06.050(e)	S	S		R, D		A	
Subdivision Exemption Plat	17.06.080(e)				R,D		A	
Temporary Use Permit	17.06.050(f)				R. D		A	
UDC Interpretation	17.06.050(g)				R, D		A	

Table 17.06.1: Commonly Applicable Procedures

Key: Pre-App Mtg = Pre-Application Meeting Nbhd Mtg = Neighborhood Meeting PC = Planning Commission BOA = Board of Zoning Appeals BOCC = Board of County Commissioners
✓ = Required S = Suggested R = Review and Recommend D = Decision A = Appeal

Procedure	Section	Pre-App Mtg	Nbhd Mtg	Public Notice	Admin (Staff)	PC	BOA	BOCC
Approvals Requiring a Public Hearing								
1041 Permit Application	Chapter 17.07	✓	✓	✓	R			D
Appeal of Administrative Determination	17.06.100(a)						R/D	
Easement Vacation	17.06.080(f)	S		✓	R	R		D
Final Plat	17.06.080(d)(5)				R			D
Hazardous Waste Incinerator or Processor Site	Chapter 17.08	✓	✓	✓	R			D
Location and Extent Review	17.06.090	✓	✓	✓	R	D		A
Major Subdivision (Preliminary Plan)	17.06.080(d)(4)	✓		✓	R	D		
Mining or Extraction Permit	Chapter 17.01	✓	✓	✓	R	R		D
Minor Subdivision	17.06.080(c)	✓			R			D
Planned Unit Development	17.06.070(a)	✓	S	✓	R	R		D
Regional Comprehensive Plan Amendment	17.06.060(a)	✓	S	✓	R	D		A
Special Use Permit	17.06.070(b)	✓	[1]	✓	R	R		D
UDC Text Amendment	17.06.100(b)	✓		✓	R	R		D
Vacation (Plat)	17.06.080(f)	✓		✓	R	R		D

Table 17.06.1: Commonly Applicable Procedures								
Key: Pre-App Mtg = Pre-Application Meeting Nbhd Mtg = Neighborhood Meeting PC = Planning Commission BOA = Board of Zoning Appeals BOCC = Board of County Commissioners ✓ = Required S = Suggested R = Review and Recommend D = Decision A = Appeal								
Procedure	**Section**	**Pre-App Mtg**	**Nbhd Mtg**	**Public Notice**	**Admin (Staff)**	**PC**	**BOA**	**BOCC**
Road Alley Vacation	17.06.080(i)	✓		✓	R	R		D
Variance	17.06.110(b)	✓		✓	R		D	
Zoning Map Amendment (Rezoning)	17.06.070(b)	✓	[1]	✓	R	R		D
Notes: [1]: The Director may require a neighborhood meeting based on the scope of the request.								

17.06.040 Common Review Procedures

(a) Pre-Application Meeting

(1) Purpose

The purpose of a Pre-Application Meeting is to:

(i) Understand the proposed project and the applicant's specific objectives;

(ii) Discuss anticipated project timeline;

(iii) Identify County approvals needed before any development starts;

(iv) Identify documents, plans, drawings, fees, and process other materials necessary for a complete application;

(v) Identify significant issues; and

(vi) Begin to familiarize the applicant with County requirements and this UDC.

(2) Applicability

A Pre-Application Meeting is required for the following application types and optional for all other development applications:

(i) Areas and Activities of State and Local Interest (1041 Permits);

(ii) Commercial and Industrial Development Plans;

(iii) Hazardous Waste Incinerator or Processor Permits;

(iv) Multi-Family development of three or more units;

(v) Planned Unit Development (PUD);

(vi) Special Use Permits;

(vii) Subdivisions; and

(viii) Zoning Map Amendments.

(3) Procedure

(i) County staff will provide an outline of the procedural steps applicable to the evaluation of the proposal and identify the information required at the time of application submittal to begin the assessment of the project.

(ii) County staff will assist the applicant to identify key issues and concerns regarding the proposed project so the applicant may address them as part of the application submittal.

(iii) Any information or discussions held at the Pre-Application Meeting shall not be binding on the County or the applicant. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(iv) The County is not responsible for making or keeping a summary of the general topics discussed at the Pre-Application Meeting.

(v) Where a Pre-Application Meeting is required for a specific application type, the application shall be filed within one year of the meeting or a new meeting shall be required.

(b) Neighborhood Meeting

(1) Purpose

The purpose of a Neighborhood Meeting is to:

(i) Inform neighboring property owners and tenants of the details of a proposed development;

(ii) Identify how the applicant intends to meet the standards contained in this UDC; and

(iii) For specific application types, allow the applicant to receive preliminary public comment on the proposal.

(2) Applicability

(i) A Neighborhood Meeting is required as indicated in Table 17.06.1: Commonly Applicable Procedures, and is optional for all other applications.

(ii) The Director may waive this step if the project will have little potential to create material negative impacts on the surrounding neighborhood. If the Director waives a required Neighborhood Meeting, the Director will provide the applicant with a written explanation of the reasons why the meeting was waived for inclusion with the project application.

(3) Notice

(i) The applicant shall provide a copy of the proposed written notice of the meeting, date, time, place, and subject of the meeting to the Director for approval at least 21 days before the meeting. This shall include all information required to access the meeting if a virtual option is included.

(ii) Once the notice has been approved, the applicant will work with the Assessor's Office and the Director to identify all property owners and organized groups in the neighborhood or outreach area.

(iii) At least 14 calendar days prior to the meeting, the applicant shall:

a. Mail the notice to every owner and group identified within a radius of 500 feet of any portion of the project lot or parcel, as well as the Department of Planning and Development.

b. Provide courtesy electronic notice (email) to any affected neighborhood organizations located within 1,000 feet of the project that request notification from the Department of Planning and Development. A copy of the meeting notice shall be attached to the electronic notice to allow additional distribution within the organization.

c. In agricultural and rural zone districts, the Director may instruct the applicant to provide courtesy notice to all adjoining property owners, regardless of distance from the project parcel or lot, and all property owners within 2,500 feet at least 30 days prior to the meeting to determine whether there is sufficient interest in the project to require an extension of the required notice area.

d. Post a copy of the notice in at least two locations in or within 1,000 feet of the outreach area that are open to the public, such as a community notice board in a grocery store or coffee shop.

e. If the applicant or project has a website, post a copy of the notice on the website.

(iv) The Department of Planning and Development is not responsible for verifying or correcting email addresses provided by a neighborhood organization and failure of a neighborhood organization or individual member to receive notice does not affect the validity of the Neighborhood Meeting.

(4) Procedures

(i) Meeting Time and Procedure

a. The applicant shall provide for and conduct either a physical or hybrid meeting. Meetings shall be held at a time and location approved by the Director.

b. A required Neighborhood Meeting shall be held 180 days or fewer before the application is submitted.

(ii) Meeting Content and Conduct

a. The applicant shall present a concept plan that, at a minimum, delineates access to the site, internal circulation, the range of density of the entire property or the maximum intensity (square footage and stories for all buildings).

b. At the meeting, the applicant shall describe project impacts, describe ways to mitigate impacts, facilitate a discussion, and answer questions.

c. The meeting shall be conducted so that participants have an opportunity to ask questions and provide comments.

(iii) Information Provided with Application

a. The following information shall be included with the application submittal:

1. A written list of names and addresses of those given notice, how notice was provided, and actual meeting participants, either in person or virtual.

2. A written summary of the meeting including all public comments and the applicant's response to all public comments, addressing whether or not they incorporated the public comments into the final application, and if not, why not.

b. The Director shall make, or instruct the applicant to make, the summary available to the meeting attendees and the public for inspection following the filing of a complete application.

(c) Application Submission

(1) Application Requirements

(i) Applications shall be submitted through the County's electronic permitting system and in accordance with the format and deadlines provided on the Department of Planning and Development's website.

(ii) The Director may require additional information necessary to evaluate the application based on size, complexity, development timeline, or potential impacts of the project on the surrounding neighborhood or the County's transportation or utility systems.

(iii) The Director may, pursuant to a written request submitted by the applicant, waive or modify submittal requirements of any application in a specific instance, where the Director determines that strict compliance with the regulation that is the subject of the request would not serve or further the purposes of this UDC.

(2) Fees

(i) Establishment of Fee Schedule

The Board of County Commissioners shall establish, and update as needed, a fee schedule for the various procedures and requests identified in or needed for the administration of this UDC.

(ii) Initial Application

The applicant shall pay all required application fees to the County in full before an application is reviewed by the Director or scheduled for a public hearing. Application fees are nonrefundable unless otherwise specified in this Section.

(iii) Changes to Complete Applications

In addition to fees set forth in the County fee schedule, the following fees shall apply to actions taken on a complete application:

a. Withdrawn Application

All fees are forfeited in the event the County has incurred any expense related to the application. A withdrawn application shall remain active until archived for non-activity at 45 days. The submission fee shall be paid again

in full if the application, including the original application is submitted after being withdrawn and archived.

b. Continuance of Application

Payment of fees may be required to cover the cost of additional notice.

c. Reapplication

Payment of new application fees shall be required for a reapplication where a previous application has been denied.

d. Minor Modification of Approved Development Plan

Payment of additional fees is incurred for any modifications that require more than three rounds of Planning and Development staff redline review, as determined by the Director.

(3) Who Can File an Application

Applications processed under this UDC shall be submitted by one of the following unless otherwise specified in this UDC:

(i) The owner(s), or any other person(s) having a recognized property interest in the land on which development is proposed within the County;

(ii) A person authorized to submit the petition on behalf of the owner or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner; or

(iii) Planning Commission, Board of County Commissioners, or County staff may file an application for a Regional Comprehensive Plan Amendment, UDC Text Amendment, or a Zoning Map Amendment.

(iv) The Board of Zoning Adjustment may request that County staff file an application for UDC Text Amendment.

(4) Determination of a Complete Application

(i) A complete application is one that contains a finished version of all information, materials, and fees required by subsections (c)(1) and (c)(2), above. On determining the application is complete, the Director shall accept the application for review in accordance with the procedures and standards of this UDC. Incomplete applications will not be processed or reviewed by the County.

(ii) If the application is deemed incomplete, the Director shall notify the applicant of the information or materials that are still needed to make the application complete.

a. The applicant shall have 45 days to update the application with the materials needed to make the application complete. The applicant may submit a written request for additional time that provides the reason(s) for the extension request. All requests for extension shall be submitted prior to the expiration of the 45-day period. The Director may allow a one-time extension for updating the application that includes a specific additional period of time based on the reason(s) provided in the extension request.

b. If the applicant does not update the application within 45 days, the application shall be deemed abandoned for inactivity and the County shall archive the application. The County is not required to notify the applicant that the application has been deemed abandoned and shall take no further steps to review the application.

(d) Application Review

(1) Staff Review

An application shall be reviewed by County staff and other appropriate external agencies for compliance with applicable regulations, laws, and policies. Upon completion of staff review, the staff shall provide comments in writing to the applicant.

(2) Review by Other Agencies

The staff shall forward copies of the application to appropriate agencies for their comments. Examples of review agencies include and are not limited to:

a. County departments;

b. Telecommunications, gas, electric, and other utilities;

c. Irrigation, drainage, water and sewage, sewer provider special districts;

d. School and fire agencies;

e. Law enforcement;

f. Incorporated communities;

g. State agencies (e.g., Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife); and

h. Federal agencies (e.g., Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers).

(3) Agency and Department Comments

External agency reviews will be advisory in character and do not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.

(4) Applicant's Response

(i) An application submitted to the County for review shall be diligently pursued and processed by the applicant. Applicants shall have 90 days to update the application to address comments from the County or the application shall be deemed inactive and shall be archived.

(ii) An applicant may request in writing, and the Director may grant, an extension to the application update deadline for a period not to exceed 180 days.

(5) Review of Response

County staff shall determine if sufficient information has been provided to schedule an application for a hearing or approve, approve with conditions, or disapprove the application. The applicant shall be notified if the application is insufficient. The applicant shall be allowed additional resubmittals and responses, pursuant to the same timeframes as the original response before the application is scheduled for a hearing or before County staff decides whether the application is complete.

(6) Final Report

The Director's written report and recommendations shall be made publicly available at least three calendar days before a public hearing.

(e) Complete Applications with Changed Status

(1) Continued Application

(i) Prior to Public Notice

a. An applicant may continue an application to the next regular meeting date by providing written notice to the Director of the applicant's intent to continue.

b. An application for Zoning Map Amendment shall be continued prior to the publication of the legal advertisement for the first public hearing or be subject to Subsection (e)(1)(ii).

c. A continued application shall be considered active until it is deemed abandoned at 45 days.

(ii) Following Public Notice

a. No application may be amended or modified after the legal advertising has been published.

b. After legal notice for the Planning Commission or Zoning Board of Appeals has been published, a request for continuance shall be submitted in writing to the Director at least 24 hours prior to the first or only public hearing.

c. Once a Planning Commission meeting or hearing has been opened, the Planning Commission may allow continuance of an application by a majority vote of the members present.

d. After the Planning Commission hearing or for any application that is decided by the Board of County Commissioners without Planning Commission review, a request for continuance shall be submitted to the Director and may only be submitted by the property owner or authorized agent, as listed on the application. The Board of County Commissioners shall have exclusive authority to act on any request for continuance after notice of the public hearing has been published.

(2) Postponement

(i) The applicant may request an application be postponed to a future scheduled public hearing date.

(ii) A request submitted prior to public notice shall be in writing and received by the Director prior to the date of publication of the notice of public hearing.

(iii) If a request is either submitted or received by the Director following publication of notice, the applicant shall attend the public hearing to request the application be postponed to a future scheduled public hearing date.

(iv) If the Director determines the applicant is not taking affirmative steps to advance a postponed application for a final determination or the applicant requests that an application be postponed for a second time, the Director may declare the application abandoned.

a. No further processing of the application shall occur, and the application fees shall be forfeited.

b. Any resubmittal of the application after abandonment shall be treated as a new application for purposes of review, scheduling, and payment of application fees.

(f) Public Notice and Public Hearings

(1) Purpose

Public hearings shall comply with legal requirements for due process (the opportunity to be heard) and allow for community input.

(2) Applicability

(i) Notice shall be provided as required by Table 17.06.2: Summary of Public Notice Requirements, and all costs to provide notice shall be paid by the applicant.

(ii) The Director may determine, based on the scope or nature of the project. that additional notice shall be provided, which shall be done at the applicant's cost.

(iii) If a project requires action on several applications at the same hearing, the Director may provide for a single, combined notice.

(3) Public Notice

(i) Notice Required

a. Applications for development shall comply with the Colorado law and the provisions of this Section with regard to public notification. The required notice for each application type is identified in Table 17.06.2: Summary of Public Notice Requirements. Application-specific notice requirements are located in the section for the specific application types.

b. No public notice under this Section shall be made for incomplete applications or for applications requiring additional revisions and review. Applications that remain incomplete or requiring revision after the notice publishing, posting, or mailing deadline shall be removed from the applicable meeting agenda and placed on the next available meeting agenda.

(ii) Summary Table of Public Notice Requirements

Table 17.06.2: Summary of Public Notice Requirements

Procedure	Section	Published Notice	Mailed Notice	Posted Notice
Administrative Approvals				
Administrative Subdivision	17.06.080(a)	N/A	Courtesy, mailed within 10 days of a complete application	N/A

Table 17.06.2: Summary of Public Notice Requirements				
Procedure	**Section**	**Published Notice**	**Mailed Notice**	**Posted Notice**
Expedited Review for Affordable Housing	17.06.110(b)	As determined by Director, in compliance with specific application		
Home Occupation Permit for a Large Home Day Care	17.06.050(c)	N/A	10 days	N/A
Minor Subdivision	17.06.080(c)	N/A	Courtesy, mailed within 10 days of a complete application	N/A
Resubdivision Procedures	17.06.080(j)	N/A	To affected property owners, prior to completion of process	N/A
Applications Requiring a Public Hearing				
1041 Permit Application	Chapter 17.07	30-60 days	30-60 days	As determined by Director
Designation of Matters of State and Local Interest	Chapter 17.07	30-60 days	30-60 days	30-60 days
Hazardous Waste Incinerator or Processor Site	Chapter 17.08	30 days	30 days	30 days
Location and Extent Review	17.06.090	10 days	10 days	10 days
Major Subdivision (Preliminary Plan)	17.06.080(d)(4)	14 days	14 days	14 days
Major Subdivision (Final Plat)	17.06.080(d)(5)	14 days	14 days	14 days
Mining or Extraction Permit	Chapter 17.01	30 days	30 days	30 days
Minor Subdivision	17.06.080(c)	N/A	Courtesy, mailed within 10 days of a complete application	N/A
Planned Unit Development	17.06.070(a)	14 days	To adjoining landowners, at least 15 days prior to the public hearing	14 days

Table 17.06.2: Summary of Public Notice Requirements				
Procedure	**Section**	**Published Notice**	**Mailed Notice**	**Posted Notice**
Regional Comprehensive Plan Amendment	17.06.060(a)	10 days	10 days	10 days
Special Use Permit	17.06.070(b)	10 days	10 days	10 days
Subdivision Exemption Plat	17.06.080(e)	N/A	N/A	N/A
UDC Text Amendment	17.06.100(b)	14 days	N/A	N/A
Vacation (Plat)	17.06.080(f)	14 days	14 days	14 days
Road Alley Vacation	17.06.080(i)	14 days	14 days	14 days
Variance	17.06.110(b)	10 days	10 days	10 days
Zoning Map Amendment (Rezoning)	17.06.070(c)	14 days	14 days	10 days

(iii) Content

Required notices, whether by publication or written, shall meet the general requirements of notice provided by the County and provide the following information:

a. Address or location of the property subject to the application and the name and address of the applicant or the applicant's agent;

b. Date, time, and place of the public hearing;

c. Description of the nature, scope, and purpose of the application or proposal including a description of the development plan and, where appropriate, the classification or change sought;

d. Notification about where the public may view the application; and

e. State that the public may appear at the public hearing.

f. Contact information for arranging participation in the public hearings for individuals with hearing, speech, or vision impairment.

(iv) Agenda Notice

Agenda notice shall be posted and published on the County's website a minimum of 24 hours prior to a meeting, not including weekends or holidays.

(v) Published Notice

a. When required by Table 17.06.2: Summary of Public Notice Requirements, a notice including the information described in Subsection (iii) above shall be published at least once. The Director shall be responsible for giving notice.

b. In computing notice time, the day of the hearing shall be excluded.

c. County staff shall prepare the information for the notice.

d. All published notices shall be published electronically on the County's website. Based on the size, complexity, or potential impacts of a proposed application, the Director may require that courtesy notice be provided to other newspapers, radio, and television stations servicing the County for use as a public service announcement.

(vi) Mailed Notice

a. When required by Table 17.06.2: Summary of Public Notice Requirements, a notice including the information described in Subsection (iii) above shall be sent by U.S. mail first class, postage prepaid as provided in this Section.

b. Mailed notice shall be provided to:

1. Each owner and current resident (addressed to Current Resident) within 300 feet of the subject property, unless otherwise stated in Table 17.06.2: Summary of Public Notice Requirements. Mailing information for each owner and current resident shall be based on the address(es) on file with the Pueblo County Assessor;

2. Each homeowners' association (HOA) or other group registered with the Department of Planning and Development and located within 1,000 feet of the subject property; and

3. Each person who attended any required Neighborhood Meeting and signed-up to receive notice.

4. The Director may instruct the applicant to extend the distance in which notice shall be provided. In agricultural and rural zone districts, the Director may instruct the applicant to provide courtesy notice to all adjoining property owners, regardless of distance from the project parcel or lot, and all property owners within 2,500 feet at least 30 days prior to the meeting to determine whether there is sufficient interest in the project to require an extension of the required notice area.

c. All mailed notices shall be sent at least 15 days before a public hearing.

d. Failure of any individual addressee of such letter of notification to receive the same shall not in any way invalidate or affect subsequent action on the application and such requirement shall not be construed as a legal precedent to the official approval.

e. Mailed notice to property owners shall be required only for the initial presentation of the proposed development at a public hearing. Additional mailed notice shall not be required for any subsequent hearings except when the hearing is not continued to a date certain at the applicant's request. In that case, mailed notice shall be provided in the same manner and timeframe as for the original hearing and the applicant shall be responsible for paying any additional fees for the purposes of re-notifying adjacent property owners.

(vii) Posted Notice

a. The County shall prepare and post notice including the information described in Subsection (iii) above as follows:

   1. At least one sign shall be posted on each street frontage of the property.

   2. Each sign shall be posted at least ten calendar days before the initial public hearing and remain posted until the day after the final hearing.

b. The applicant shall maintain the notice on the property until the day after the final public hearing. If the decision-making body continues the meeting or public hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the posted notice, the Director shall update the existing posted notice with the new date.

(viii) Courtesy Notice

a. The County may, as a courtesy, provide notice to any persons or organization in the County, or to any governmental, public, or quasi-government organization regarding any matter related to this UDC that may be of interest to that person or organization, or on any matter on which any such person or organization has requested notice.

b. Courtesy notice may be provided in any appropriate manner, including electronically, and may be directed to an organization through its leadership for distribution rather than to the entire membership.

c. The failure of the County to send courtesy notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any County action with respect to an application.

(ix) Five Percent Notice

Applications that are applicable to more than five percent of the area of the County and/or related to a Countywide or area plan process, such as Regional Comprehensive Plan Amendments, some Zoning Map Amendments, or zones of annexation, are not required to provide mailed or property sign notice.

(x) Constructive Notice and Substantial Compliance

a. Notice is sufficient if there is substantial compliance with the requirements of this Section.

b. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to errors in legal descriptions, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to the affected parties.

c. Failure of one or more individual parties to receive written notice shall not invalidate subsequent action.

d. If questions arise at a review hearing regarding the adequacy of notice, the decision-making authority shall review the documentation of notice included in the case documents.

e. When County records document the publication, mailing, or posting of notices as required by this Section, it shall be presumed that notice of a public hearing was given as required by this Section.

(4) Public Hearing

(i) Timing

The Director shall schedule an application for hearing only when all issues have been resolved or can be resolved through post-review procedures, and a determination of compliance with all codes and regulations is made.

(ii) Applicant's Option

An applicant has the right to request that an application subject to public hearing be scheduled with the reviewing body at any time during the review process. If

an applicant makes this request, all public notice requirements shall be met. If the Director considers the application incomplete or insufficient, the staff report may recommend denial of the application.

(iii) Request for a Continuance Prior to Hearing

a. An applicant shall have the right to one continuance before the Planning Commission, Zoning Board of Appeals, or Board of County Commissioners. A written request for the continuance shall be submitted to the Director by the applicant or their representative at least three days before the hearing. A request for a continuance may also be made by the County staff, the Planning Commission, or the Board of County Commissioners.

b. An applicant requesting a continuance shall make reasonable efforts to notify all persons previously advised of the hearing that a continuance has been requested. Reasonable efforts shall include, but not be limited to, personal notice, broadcast or print media notice, and any other form of notice determined by the Director to be reasonable.

c. The review body may grant one continuance to a time, place, and date certain, without taking any testimony, except pertaining to the adequacy of the notice.

(iv) Conduct of Hearing

a. Any person may offer relevant information in writing or in person. Every speaker representing one or more other persons shall state their name, street address, and if an organization or group, the name and mailing address of the organization or group.

b. The Chair shall exclude testimony and evidence that is irrelevant, immaterial, unduly repetitious, or disruptive. Ordinarily no one presenting testimony or evidence may ask questions of other persons appearing as witnesses; although the chairperson of the body may ask questions suggested by a person presenting testimony. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or the public.

c. No person shall knowingly make a false statement nor present false, deceptive, or slanderous testimony, comment, or remarks at a public hearing.

(v) Continuance of Public Hearing

The decision-making body may grant a continuance of the public hearing.

(vi) Additional Rules

The decision-making body conducting the hearing may adopt rules of procedure to limit the number of applications to be considered per meeting, limit the time for each presentation or speaker or as provided by this Section, temporarily hear and decide quasi-judicial hearings in accordance with the alternative hearing procedure, which are adopted by this reference and incorporated as if fully set forth.

(g) Review and Decision-Making

(1) Planning Commission as Recommending Body

If the Planning Commission is the recommending body, the Planning Commission shall review the application against applicable decision-making criteria and prepare a recommendation that shall be forwarded to the Board of County Commissioners. All recommendations, including recommendations for denial, shall be heard by the Board of County Commissioners without necessity of appeal.

(2) Approval Criteria

(i) Decision by Director

a. Where Table 17.06.1: Commonly Applicable Procedures indicates that an application is subject to administrative approval (staff review and a final decision by the Director), the Director shall approve the application, approve it with conditions designed to bring the application into compliance with the specific requirements of this UDC, or deny the application based on the application of the criteria specified for the application.

b. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval. Any conditions of approval shall be limited to conditions necessary to ensure compliance with the requirements of this UDC and shall relate to the anticipated impacts of the proposed development.

(ii) Decision by Planning Commission, Board of County Commissioners, or Zoning Board of Appeals

a. Where Table 17.06.1: Commonly Applicable Procedures or another provision of this UDC indicates that the Planning Commission, Board of County Commissioners, or Zoning Board of Appeals shall make the decision on an application, the decision-making body shall review and approve the application, approve it with conditions, or deny the application.

b. The decision-making body shall review the application against the applicable criteria and make decisions based on policies, standards, plans, recommendations, the applicable law, the testimony, and information presented at the hearing.

c. Where there has been a public hearing before the Planning Commission, hearings shall be de novo before the Board of County Commissioners. An affirmative vote of two members of the Board shall be required to approve Zoning Map Amendments and Regional Comprehensive Plan amendments recommended for denial by the Planning Commission. Procedural requirements provided elsewhere in this UDC shall be applicable.

(iii) Conditions

a. A decision-making body, including the Director, may impose conditions as needed to ensure that the approval is consistent with the purposes of the Regional Comprehensive Plan and the general purpose of this UDC stated in §17.01.040.

b. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the County prior to the review of an application. Conditions may include those necessary to carry out the purpose and intent of the Regional Comprehensive Plan and this UDC.

c. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

d. Any conditions that require an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a principle applicable to a broad class of applicants, shall include an individualized determination and shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(h) Referral and Call Up

(1) Administrative Applications and Permits

(i) Administrative applications shall be processed per §17.06.050.

(ii) The Director may refer any application subject to administrative approval to the Planning Commission for a final decision.

(iii) After reviewing a referred administrative application, the Planning Commission shall vote to make a final decision or to refer the application to the Board of County Commissioners for a final decision.

(2) Planning and Zoning Commission Call-Up

(i) The Director shall regularly make available to the Planning Commission a record of pending Development Plan applications.

(ii) If at least three members of the Planning Commission request that the Planning Commission make the final decision on any Development Plan application within 10 days of receiving such notice, the Director shall inform the applicant of this decision. The Director shall schedule the application to be considered at the next available regularly scheduled Planning Commission meeting at which any required notice periods can be met. Notice shall be given as required by the application type.

(3) Planning Commission Referral to Board of County Commissioners

The Planning Commission may refer applications intended for Planning Commission review to the Board of County Commissioners for a final decision. The Director shall inform the applicant of the decision to refer the application and schedule the application to be considered at the next available regularly scheduled Board of County Commissioners meeting.

(i) Appeals

(1) Purpose

The purpose of this Section is to identify an appeal process for decisions and actions by the Director, Zoning Board of Appeals, and Board of County Commissioners.

(2) Administrative Appeal

Appeals of administrative determinations shall be made according to the requirements of §17.06.100(a).

(3) Zoning Board of Appeals Appeal

The findings and decisions of the Zoning Board of Appeals shall be final. Appeals to the District Court shall be made within 30 days from the date of Zoning Board of Appeals' action.

(4) Board of County Commissioners Appeal

The findings and decisions of the Board of County Commissioners shall be final. Appeals to the District Court shall be made within 30 days from the date of the Board of County Commissioners' action.

(j) Development Improvements Agreement (DIA)

(1) Development Improvements Agreement Authorized

The Director may defer the requirement for the completion of required improvements if the applicant enters into a Development Improvements Agreement (DIA) by which the applicant agrees to complete all required public improvements in accordance with an agreed schedule. The Director may require the applicant to complete and dedicate some required public improvements prior to approval of the Final Plat and to enter into a DIA for completion of the remainder of the required improvements. The County Attorney shall approve any DIA as to form.

(2) Agreement to Run with the Land

The Development Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the applicant. All DIAs shall be recorded with the County Clerk and Recorder. All existing lien holders shall be required to subordinate their liens to the guarantees contained in the DIA.

(3) Performance Security

(i) Whenever the Director permits an applicant to enter into a Development Improvements Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a cash deposit made to the County, a letter of credit or disbursement agreement from an authorized financial institution, a subdivision bond, a completed, unrecorded plat, or other method as approved by the County Attorney. The letter of credit, disbursement agreement, or subdivision bond shall be in a form approved by the County Attorney.

(ii) The guarantee shall be in an amount estimated by the Department of Public Works as reflecting 120 percent of the cost of improvements in the approved Construction Plan and shall be sufficient to cover all promises and conditions contained in the DIA.

(iii) In addition to all other security, when the County participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the County as a co-obligee.

(iv) The issuer of any guarantee shall be subject to the approval of the County in accordance with adopted policies.

(4) Maintenance Guarantee for DIA

(i) The applicant shall guarantee improvements against defects in workmanship and materials for a period of one year from the date of County acceptance of such improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow, maintenance bond, or other form acceptable to the Director.

a. If the security is a letter of credit or cash escrow, then it shall be in an amount reflecting 20 percent of the cost of the completed improvements.

b. If the form of security is a maintenance bond, it shall be in a form acceptable to the County Attorney, in the principal amount of 20 percent of the value of the project's public improvements, for a period of one year from the date of final acceptance by the County of all improvements in the project, or as applicable, the phase or filing of a project for which improvements are constructed and accepted.

c. If repairs, replacements, or modifications to the project's public improvements are made by the applicant or are required to be made by the County during the one-year maintenance period, then the County, at its sole option and discretion, may require an extension of the security in an amount equal to the actual or estimated repair, replacement, or modification costs plus 20 percent. If the Director has reason to believe that the security will be extended beyond the one-year initial term, then the Director shall notify the applicant in writing no later than 30 days before the expiration of the security. Mailing of an extension notice shall cause the applicant to extend the security (bond, cash, or letter of credit) for an additional 12 months. The extension shall be on the same terms as the security being extended. The security may be extended for one additional year as may be necessary for the bond to be called or for the improvements to be repaired, modified, or replaced in a manner that satisfies the County. If the Director has reason to believe that the type or extent of the repair, replacement or modification does not warrant extension of the maintenance security, then the security may be released after the initial one-year period. In making the decision to

extend the security the Director may consider any facts or information deemed relevant, which may include, but is not limited to, whether the failed improvements are above or below grade, whether the failed improvements may reasonably be found to constitute life, health and/or imminent safety hazard; whether other phases or filings depend on the improvements and/or the degree of failure of the improvements.

(ii) If the applicant has not warranted and guaranteed required improvements pursuant to a DIA, the applicant shall give the County security equal to at least 50 percent of the cost of the required improvements.

(5) Offers to Dedicate Streets, Roads, and Other Lands

(i) Acceptance of Dedication

The Board of County Commissioners may accept, accept with conditions, or reject any offer to dedicate any land or facility. Any offer to dedicate made pursuant to or as a condition of a review or approval pursuant to this UDC constitutes the owner irrevocable warranty that such owner has the right, title, and interest to convey to the County and that no hazardous or other regulated substance is present on, under or in the property.

(ii) Acceptance of Maintenance

Approval of a subdivision does not mean the County will accept any road, street, or public site for maintenance. The County shall not be obligated to maintain any land unless it explicitly agrees to do so in writing.

(6) Temporary Improvements

The developer shall construct and pay for all costs of temporary improvements required by the County to protect the public, neighborhood, or another person. The applicant shall maintain the temporary improvements for the period specified.

(7) Completion of Improvements

(i) Construction of Required Improvements

a. Before construction begins, the developer shall be familiar with the submittal, construction, plans, and inspection requirements of each utility or agency.

b. After the County and/or other utility providers have inspected and approved all or a portion of the required improvements, the developer may request, in writing, that the approved portion be accepted for maintenance by the appropriate agency. The County shall establish the developer's limits of responsibility for the improvements. The County may condition its acceptance and may require additional guarantees and assurances for at least one year following acceptance.

c. Even if the County does not accept all or a portion of the required improvements, or delays any acceptance, the County may require the developer to correct such defects or deficiencies identified by the County, in which case, final acceptance may be extended for one additional year.

(ii) Release of Improvements Agreement and Guarantee

a. The developer shall submit a written request for a release from the Development Improvements Agreement for the improvements that have been accepted for maintenance by the appropriate agency. Proof of acceptance for maintenance and proof that there are no outstanding judgments or liens against the property shall accompany this request.

b. The Board of County Commissioners, or its authorized representative, shall review the request. If the requirements of the DIA concerning that portion requested for release have been complied with, the appropriate document of release shall be recorded with the County Clerk and Recorder.

c. Release of the DIA does not constitute a certificate of completion and release of responsibility.

(iii) Certificate of Completion and Release of Responsibility

Upon expiration of the limits of responsibility established in this UDC, the developer may request a certificate of completion and release of responsibility from the appropriate agency.

(8) Extension of Development Improvements Agreement and Security

(i) If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, they shall provide written notice of same to the Director at least 30 calendar days prior to the deadline of the milestones they will be unable to meet. The applicant shall make a formal written request for an extension of the completion date for performance in the DIA and security and provide a revised development schedule, which shall be reviewed by the Director. The Director shall approve, approve with conditions, or deny the request for an extension. Based on the Director's decision the existing DIA may be amended, a new DIA drawn up and executed, or the Director may exercise any default provisions contained in the approved DIA. Any amendments or new agreements shall be recorded in the same manner as the original DIA, if required by the Director.

(ii) If the DIA is to be extended or a new DIA is to be executed, the applicant shall provide sufficient security that may be the same as or greater than the original security, up to 120 percent, as was required with the original guarantee. No amendment or replacement DIA shall be executed, recorded or effective until security acceptable to the Director is provided.

(k) Post-Decision Actions

(1) Modification or Amendment of Approval

(i) Application

If, at any time, a property owner with an existing development approval desires to modify the terms of that approval or the conditions attached to that approval, the owner shall submit a written application requesting such revision.

(ii) Review and Determination of Major/Minor Modification Status

a. Applications for modification shall be reviewed by the Director to determine whether the proposed modifications constitute a major or minor revision to the existing approval.

b. Minor modifications are those that qualify for §17.06.110(a), Administrative Adjustment and shall be reviewed and decided on by the Director.

c. Major modifications are those that do not qualify for §17.06.110(a), Administrative Adjustment, or request for modification to a condition established by the Planning Commission or Board of County Commissioners. Major modifications require the submission of a new application.

(l) Extension and Lapsing of Approvals

(1) Period of Validity

(i) Permit or Administrative Approval

An administrative permit or approval granted under this UDC shall lapse and shall become void three years following the date of final approval unless, prior to the expiration date, construction is commenced and pursued toward completion. A different timeframe may be established during the approval of a permit or specific administrative approval.

(ii) Approval Requiring a Public Hearing

a. Except where a different timeframe is provided in a specific procedure or set by the decision-making body, the validity of any approval requiring a public hearing is three years.

b. The following approvals are not subject to expiration:

1. Rezoning, including rezoning to Planned Unit Development; and

2. UDC Text Amendment

(2) Extension of Approval Term

(i) Extension Request

A request to extend any approval shall be submitted in writing to the Director prior to the expiration of the original approval.

(ii) Permit or Administrative Approval

a. Unless otherwise stated in a permit or specific procedure for an administrative approval, the Director may extend the validity of the permit or approval for up to 180 more days if the applicant proves they can complete the project in conformance with currently adopted codes and policies.

b. The Director may grant one extension of 12 months for a Preliminary Plat (major or minor) or unrecorded Final Plat.

(iii) Approval Requiring a Public Hearing

Following extension by the Director, the applicant may request an extension from the original decision-maker if that was not the Director. The decision-making body may extend any deadline if the applicant demonstrates why the

original effective period or approved development schedule was not sufficient and cannot be met.

(m) Revocation of Approvals

The Director may recommend that an approval be revoked based on applicant noncompliance with approval terms or conditions. The Director shall provide written notice to the applicant and schedule a show cause hearing in the manner directed by the Board of County Commissioners.

17.06.050 Administrative Procedures and Permits

(a) Administrative Decision-Making

(1) Decision

(i) Where Table 17.06.1: Commonly Applicable Procedures indicates that an application is subject to administrative approval (staff review and a final decision by the Director), the Director shall approve the application, approve it with conditions designed to bring the application into compliance with the specific requirements of this UDC, or deny the application based on the application of the criteria specified for the application.

(ii) The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval. Any conditions of approval shall be limited to conditions necessary to ensure compliance with the requirements of this UDC and shall relate to the anticipated impacts of the proposed development.

(2) Finality of Decision

For all application types requiring administrative approval, as noted in Table 17.06.1: Commonly Applicable Procedures, the Director's decision is immediately final.

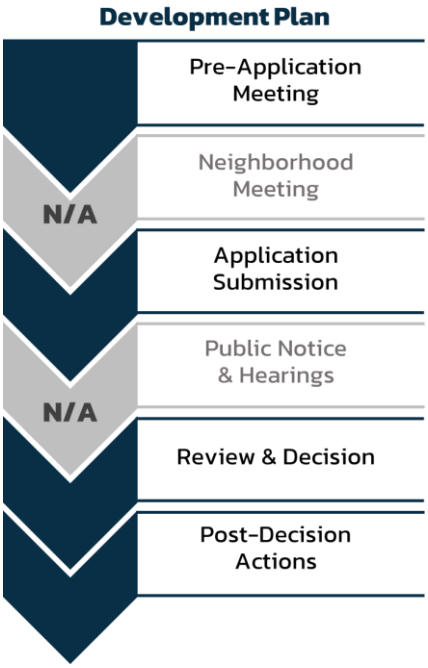
(3) Review Criteria

The Director shall make administrative decisions based on compliance of the application with the requirements of this UDC, the Regional Comprehensive Plan, criteria identified in a specific application type, and comments and/or required approvals from other agencies.

(b) Development Plan

(1) Purpose

The purpose of Development Plan review is to allow the County to review the proposed site layout to determine if the requirements of UDC will be met.



(2) Applicability

(i) Development Plan Required

Development Plan approval is required for all multi-family, mixed-use, commercial, and industrial development prior to the issuance of a building permit unless the development is exempt as described below.

(ii) Exemptions

The following activities are not required to submit a Development Plan application but are still subject to the requirements of this UDC:

a. A change in use that does not involve or require other development (such as new or expanded buildings, or additional parking);

b. Conversion of either of the following without changing the existing building footprint or increasing the building area:

   1. Non-residential building area into up to five dwelling units, or

   2. Mixed-use building area into up to five dwelling units;

c. Alteration, repairs, or additions to existing residential buildings that increase the gross floor area or total impervious surface by less than 25 percent;

d. Improvements inside the structure that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements);

e. Construction of a single-family detached or two-family dwelling, additions to the dwellings, and structures accessory to the dwellings; and

f. Construction or erection of accessory buildings, hedges, or fences and walls under six feet in height.

(3) Additional Actions that Require BOCC Decision-Making

Any development that requires any one of the following shall be reviewed and decided on by the Board of County Commissioners:

(i) Extension of infrastructure or public facilities beyond locations or other limits set forth in the County's regulations, policies or plans, or a proposal to oversize utilities with County funding participation.

(ii) A dedication of land that the County will be required to maintain or payment of fee in lieu of, including a street, alley, park, trail, or other public land or right-of-way.

(4) Initiation and Limitations

A Development Plan application may be submitted in accordance with §17.06.040(c)(3).

(5) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(6) Review and Decision-Making

(i) Review Criteria

The Director shall review and decide on Development Plans in accordance with §17.06.050(a), Administrative Decision-Making, and in light of the following review criteria:

a. The Development Plan is consistent with all applicable standards of this UDC;

b. The Development Plan is consistent with any previously approved and still valid land use approval, such as a plat or PUD.

c. The Development Plan is consistent with the Regional Comprehensive Plan and other adopted County plans.

(7) Post-Approval Actions

(i) If a Development Plan is approved, it shall be signed by the Director and a copy shall be filed with the County Clerk and Recorder.

(ii) The Development Plan shall be incorporated into the building permit and all conditions shall apply to the building permit.

(8) Appeal

A decision on a Development Plan application may be appealed in accordance with §17.06.040(i), Appeals.

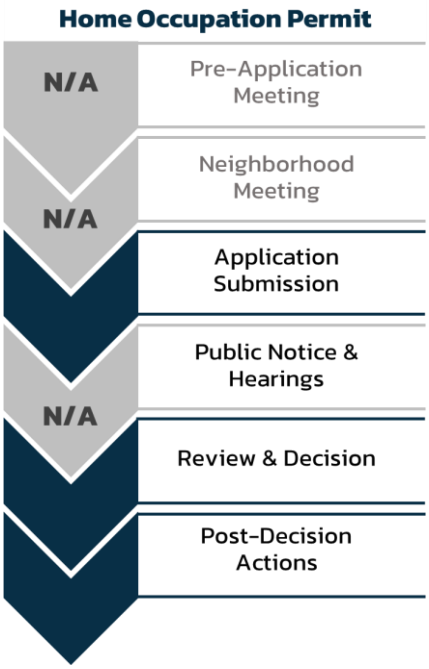
(9) Post-Decision Amendment

Approved Development Plans may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(10) Expiration, Extension, and Lapsing of Approvals

If construction is not commenced, approved Development Plans shall lapse, or the approval may be extended, in accordance with §17.06.040(l), Extension and Lapsing of Approvals.

(c) Home Occupation Permit



(1) Purpose

The purpose of Home Occupation Permit review is to document the existence of commercial businesses with residential and agricultural areas.

(2) Applicability

A Home Occupation Permit is required 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.

(3) Initiation and Limitations

A Home Occupation Permit application may be submitted in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

(i) Common Review Procedures

Common review procedures are established in §17.06.040 and summarized in Table 17.06.1: Commonly Applicable Procedures.

(ii) Procedures Specific to Large Home Day Care Use

a. Applicants requesting a Home Occupation Permit for a Large Home Day Care, as defined in §17.12.030, shall provide written notice of the application to all property owners and/or current residents within 300 feet of the subject property. Mailing information for each owner and/or current resident shall be based on the address(es) on file with the Pueblo County Assessor. The following information shall be included in the written notice:

1. Name and address of the applicant requesting the Home Day Care Permit;
2. Description of the proposed home day care use, including proposed hours of operation; and
3. Notification about where the public may view and comment on the application.

A copy of the notice, and a list of notified neighbors, shall be provided to the County as part of the application review process.

b. Applicants shall also provide proof of a valid license in compliance with all applicable state regulations.

(5) Review and Decision-Making

The Director shall review and decide on Home Occupation Permits in accordance with §17.06.050(a), Administrative Decision-Making.

(6) Appeal

A Home Occupation Permit may be appealed in accordance with §17.06.100(a), Appeal of Administrative Determination.

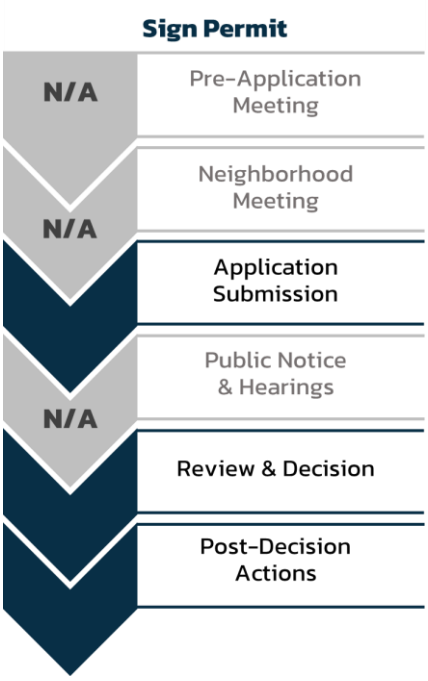
(7) Post-Decision Amendments

Approved Home Occupation Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Expiration, Extension, and Lapsing of Approval

Approved Home Occupation Permits shall lapse, or the approval may be extended, in accordance with §17.06.040(l), Extension and Lapsing of Approvals.

(d) Sign Permit



(1) Purpose

The purpose of Sign Permit review is to determine if a proposed sign complies with this UDC, the Regional Comprehensive Plan, and other applicable regulations.

(2) Applicability

A Sign Permit is required for the construction or installation of any sign, or any repair that also requires a building permit, unless specifically exempted in §17.05.02, Applicability.

(3) Initiation and Limitations

A Sign Permit application may be submitted in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

The Director shall review and decide on Sign Permits in accordance with §17.06.050(a), Administrative Decision-Making, and in light of the following review criteria:

(i) The proposal is consistent with Chapter 5, Signs, and all applicable standards of this UDC;

(ii) The proposal is consistent with any previously approved and still valid land use approval, such as a plat or PUD.

(iii) The proposal is consistent with the Regional Comprehensive Plan and other adopted area or corridor plans.

(6) Appeal

A decision on a request for a Sign Permit may be appealed in accordance with §17.06.040(i), Appeals.

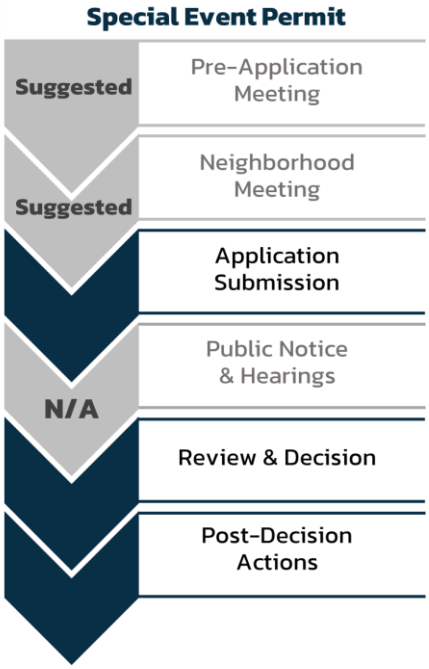
(7) Post-Decision Amendment

Approved Sign Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Expiration, Extension, and Lapsing of Approval

Approved Sign Permits shall lapse, or the approval may be extended, in accordance with §17.06.040(l), Extension and Lapsing of Approvals.

(e) Special Event Permit



(1) Purpose

The purpose of this Section is to provide for the temporary use of land for Special Events by establishing requirements and regulations.

(2) Applicability

A Special Event Permit shall be required in accordance with the regulations of §17.03.060, Special Event Standards. It shall be unlawful for any person to sponsor or knowingly participate in any special event without a Special Event Permit issued by the Director to the special event sponsor.

(i) Exemptions

Any event sponsored by the County, as well as any emergency services program, military exercise simulation, funeral process, picketing, training drill, activities held inside a building or facility intended for such activities, or any governmental agency acting within the scope of its functions, shall be exempt from complying with the requirements of this Section.

(ii) Temporary Events

Any activity or event defined as a temporary event in §17.03.050, Temporary Uses and Structures, shall not be considered a special event.

(3) Initiation and Limitations

A Special Event Permit application may be submitted in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

(i) Common Review Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(ii) Procedures Specific to Special Event Permit Review

a. Applications for a Special Event Permit shall be submitted in accordance with §17.06.040(c).

b. Applications for a Special Event Permit shall be submitted to the Director at least 15 days prior to the event for review by staff. Exceptions to the 15-day requirement may be granted at the discretion of the Director.

(5) Review and Decision-Making

The Director shall review and decide on Special Event Permits in accordance with §17.06.050(a), Administrative Decision-Making, and in light of the following review criteria:

(i) The conduct of the event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location unless approved by the Sheriff;

(ii) The conduct of the event will not require the diversion of so great a number of police officers of the county to properly police the event and the areas contiguous to the event as to prevent police protection to the county unless approved by the Sheriff;

(iii) The conduct of the event will not require the diversion of so great a number of ambulances or emergency medical services not otherwise provided for by the event sponsor as to prevent normal ambulance and emergency medical service to portions of the county other than that to be occupied by the proposed event and areas contiguous to the event;

(iv) The concentration of persons, animals, and vehicles at the location of the event will not unduly interfere with proper fire and police protection or ambulance and emergency medical services to the area of the event and the areas contiguous to the event unless approved by the Fire Chief and Sheriff;

(v) The conduct of such event will not interfere with the movement of firefighting equipment enroute to a fire unless approved by the Fire Chief;

(vi) The conduct of the event, as described in the submitted application and plans, is not reasonably likely to cause or create any significant public health risks unless approved by the Pueblo Department of Public Health and Environment;

(vii) The conduct of the event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or to create a disturbance beyond the capacity of the Sheriff's Office to protect the general public or those participating in the event; and

(viii) Verification that the information contained in the permit application by the event sponsor is true and does not omit any material detail for the consideration of the factors listed in this Section.

(6) Appeal

A decision on a Special Event Permit application may be appealed in accordance with §17.06.100(a), Appeal of Administrative Determination.

(7) Post-Decision Amendment

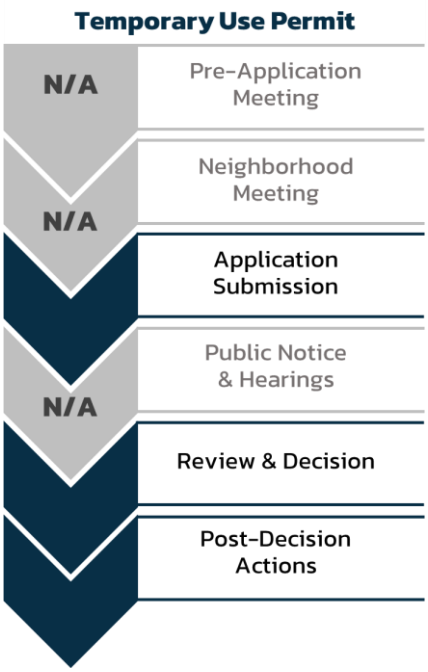
Approved Special Event Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing of Approval

(i) Special Event Permits are not transferable and shall expire at the close of the last date of the event for which the permit has been issued. Failure of the sponsors of the event to comply with the conditions of a Special Event Permit and all other applicable regulations shall immediately void the permit.

(ii) Special Event Permits shall be valid for a maximum of five days within a consecutive 14-day period. A repeat special event shall not occur more frequently than once every 60 days. Exceptions may be granted at the discretion of the Director or the Board of County Commissioners.

(f) Temporary Use Permit



(1) Purpose

The Temporary Use Permit procedure is intended to provide a mechanism for enforcement of the temporary use regulations in §17.03.050 in order to allow short-term and minor deviations for uses that are temporary in nature, that will not adversely impact surrounding properties, and that can be terminated and removed at will.

(2) Applicability

A Temporary Use Permit is required before establishing, constructing, or installing any temporary or seasonal use or structure designated as a temporary use in Table 17.03.1: Table of Allowed Uses.

(3) Initiation and Limitations

A Temporary Use Permit application may be submitted in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

The Director shall review and decide on Temporary Use Permits in accordance with §17.06.050(a), Administrative Procedures and Permits, and in light of the following review criteria:

(i) The proposed temporary use or structure is consistent with all applicable standards of this UDC;

(ii) The proposed temporary use or structure is not likely to negatively impact surrounding properties.

(6) Appeal

A decision on a Temporary Use Permit application may be appealed in accordance with §17.06.100(a), Appeal of Administrative Determination.

(7) Post-Decision Amendment

Approved Temporary Use Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing of Approval

(i) Expiration of Approval

a. A Temporary Use Permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit, not to exceed 12 months.

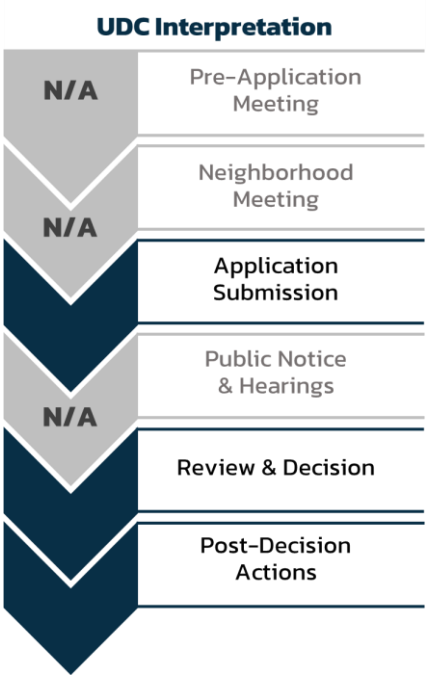
b. Upon request, the Director may grant a one-year extension; however, in no case shall a Temporary Use Permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended.

c. Any Temporary Use Permit requesting an approval period beyond one year shall require a Special Use Permit approval pursuant to §17.06.070(b).

(ii) Removal and Restoration

Before the expiration of a Temporary Use Permit, the permittee shall discontinue all temporary uses and remove all temporary structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.

(g) UDC Interpretation



(1) Purpose

The purpose of a UDC Interpretation is to clarify how regulations are applied to a specific case as well as guide general application of the UDC.

(2) Applicability

(i) The Director is authorized to provide a written interpretation of the contents and requirements of this UDC.

(ii) Interpretations may be requested for a provision of this UDC subject to a proposed or current application, hearing, or appeal.

(iii) The Director may also provide a property-specific code interpretation in the form of a UDC clarification that identifies whether specific regulations in this UDC are applicable to the subject property.

(3) Initiation and Limitations

An interpretation may be requested by:

(i) An applicant;

(ii) A person affected by an action proposed pursuant to this UDC; or

(iii) Any County staff or other governmental agency that may be subject to the provisions of this UDC.

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures. When making a similar use determination, the following review criteria shall apply:

(i) The characteristics of and activities associated with the proposed use are equivalent to one or more of the uses listed in Table 17.03.1: Table of Allowed Uses and will not involve a higher level of activity or greater impact than other uses permitted in the applicable zone district;

(ii) The proposed use will be consistent with the purposes of the applicable zone district; and

(iii) The proposed use will be consistent with the regulations of this UDC, the Regional Comprehensive Plan, and any other applicable regulations.

(5) Review and Decision-Making

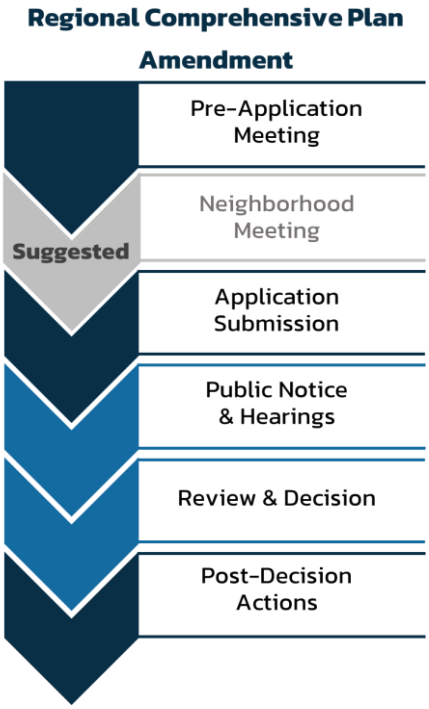
The Director shall review and decide on UDC Interpretations in accordance with §17.06.050(a), Administrative Decision-Making.

(6) Appeal

A UDC Interpretation may be appealed in accordance with §17.06.100(a), Appeal of Administrative Determination.

17.06.060 Regional Comprehensive Plan Procedures

(a) Regional Comprehensive Plan Amendment



(1) Purpose

The purpose of this Section is to ensure administrative changes and proposed amendments to the Regional Comprehensive Plan are consistent with the vision, goals, and policies included in the Plan.

(2) Applicability

(i) This Section shall apply to all proposed amendments to or adoption of the text of the Regional Comprehensive Plan. For purposes of this Section, the Regional Comprehensive Plan shall include all neighborhood plans, corridor plans, area plans, and all other elements adopted as a part of the Regional Comprehensive Plan.

(ii) Any proposed development that is inconsistent with any goals or policies of the Regional Comprehensive Plan shall first receive approval of a Regional Comprehensive Plan Amendment.

(3) Initiation and Limitations

A request for a Regional Comprehensive Plan Amendment may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

The Planning Commission shall review and decide on Regional Comprehensive Plan Amendments in accordance with §17.06.040(g), Review and Decision-Making, and in light of the following review criteria:

(i) The existing Regional Comprehensive Plan and/or any related Regional Comprehensive Plan element requires the proposed amendment;

(ii) The County or area will derive benefits from the proposed amendment; and

(iii) The amendment will be consistent with the vision, goals, principles, policies, and elements of the Regional Comprehensive Plan.

(6) Appeal

A decision on a Regional Comprehensive Plan Amendment application may be appealed to the Board of County Commissioners.

(7) Post-Decision Amendment

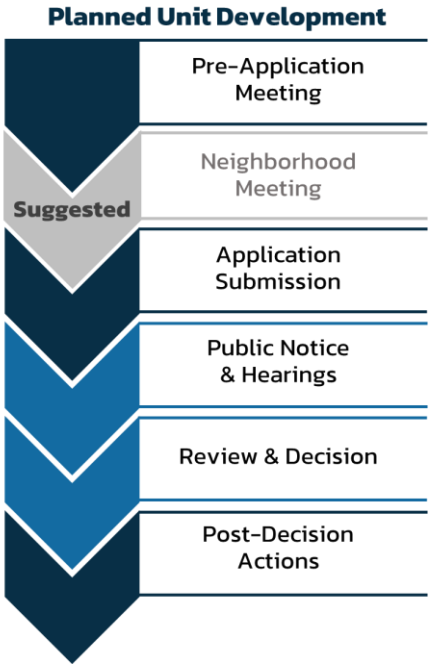
Approved Regional Comprehensive Plan Amendments may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing of Approval

Approved Regional Comprehensive Plan Amendments are final and shall not lapse.

17.06.070 Zoning Procedures

(a) Planned Unit Development



(1) Purpose

In accordance with Colorado Revised Statutes, §24-67-101, et seq., the purpose of the PUD district is to:

(i) Further the public health, safety, integrity, and general welfare within Pueblo County in ways consistent with the Regional Comprehensive Plan;

(ii) Facilitate development by permitting greater flexibility than allowed by the strict application of this UDC in exchange for more innovative designs with a higher level of amenities and public benefits than is otherwise possible under the base zone districts; and

(iii) Accommodate unique development layouts that preserve natural, environmental, and scenic features of the site or address challenges presented by specific site conditions.

(2) Applicability

An application for a PUD district shall only be considered if it meets the following criteria:

(i) The proposed PUD includes a minimum of five acres of land held in single ownership or the creation of five or more dwelling units;

(ii) The proposed PUD could not be developed using the zone districts or standard established in this UDC;

(iii) The application is not being submitted to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means; and

(iv) The proposed PUD incorporates at least one of the following public benefits:

a. The PUD protects, preserves, and/or manages areas of significant natural resources or prime agricultural land;

b. The PUD features outstanding site design and construction such as best management practices for on-site storm water management, green building materials, solar orientation of building forms, and/or water and energy efficiency;

c. The PUD features a unique site design that will create a diverse neighborhood with a mix of housing choices;

d. The PUD includes an internally and externally connected park, trail, and open system designed for the occupants/residents of the PUD district; or

e. The PUD provides a different substantial benefit to the County as determined by the Director.

(3) Initiation and Limitations

A request for a PUD may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

(i) Common Review Procedures

a. Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

b. A PUD Plat, as described in §17.02.100(g)(9)(ii), shall be submitted with the PUD application.

(ii) Optional Submittal Information

The applicant may submit a Final Plat in accordance with §17.06.080(d)(5) to be processed concurrently with a PUD rezoning request.

(5) Review and Decision-Making

(i) The Planning Commission shall review and recommend, and the Board of County Commissioners shall review and decide on PUD applications in accordance with §17.06.040(g), Review and Decision-Making, and the in light of the following review criteria:

a. 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;

b. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner that would interfere with the present or future extraction of such deposit by an extractor;

c. That a need for the development is demonstrated;

d. 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;

e. 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 provided in a timely manner;

f. That the proposed development will not have a negative effect upon the existing and future development of the surrounding area;

g. 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;

h. As set forth in C.R.S. 24-67-104(1)(f), a finding by the County that the PUD District rezoning request is in general conformity with the Regional Comprehensive Plan or any amendment thereto is required.

(ii) Upon approval of a rezoning to the PUD district by the Board of County Commissioners, the PUD Plat shall be the controlling document, establishing land use(s), densities, setbacks, height limits, lot coverage, and access points. The PUD Plat shall be recorded in the County Clerk and Recorder's Office in conjunction with the Board of County Commissioners' approval Resolution establishing the zone. The PUD Plat shall be binding on the owner-applicant, their heirs, successors, and assigns.

(6) Appeal

A decision on a PUD application may be appealed in accordance with §17.06.040(i), Appeals.

(7) Procedures Specific to PUD

(i) Recording of the PUD Plat

a. A PUD Plat, as described in §17.02.100(g)(9)(ii), is required as part of a PUD.

b. The following information shall be depicted on the PUD Plat to be recorded:

1. All information required on the initial PUD Plat, and

2. The following general provision statements:

i. Authority

The authority of this PUD Plat is Section 17.02.100(g) of the Pueblo County UDC. The authority for Section 17.02.100(g) of the Pueblo County UDC is the Colorado Planned Unit Development Act of 1972.

ii. Adoption

The adoption of this PUD Plat shall evidence the findings and decision of the Board of County Commissioners that this PUD Plat for (name of development) is in general conformity with the Regional Comprehensive Plan, is authorized by the provisions of Chapter 17.126 of this UDC, and that such Chapter 17.126 and this PUD Plat comply with the Colorado Planned Unit Development Act of 1972, as amended.

iii. Relationship to County Regulations

The provisions of this PUD Plat shall prevail and govern the development of (name of development), provided, however, that where the provisions of this PUD Plat do not address a particular subject, the relevant provisions of this UDC, as amended, or any other applicable resolutions or regulations of Pueblo County, shall be applicable.

c. The applicant shall pay recording fees as required prior to recording the PUD Plat.

(ii) Platting

No building permits shall be applied for or granted on any portion of property that is currently zoned PUD district until and unless the property is subdivided and/or platted, as applicable, in accordance with §17.06.080, Subdivision Procedures, unless otherwise excepted by statute.

(iii) Maintenance Plan

A Maintenance Plan, as described in §17.02.100(g)(9)(i), is required as part of a PUD.

(8) Post-Decision Amendment

Approved PUDs may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(i) Amendment to the PUD Plat

a. Major Modifications

Any request to make a major modification to an approved PUD Plat shall be processed as a new application for PUD rezoning. The following are considered major modifications to the PUD Plat:

1. Increased density;
2. Over 15 percent reduction in perimeter setbacks;
3. Changes in amount or location of open space;
4. Change in residential density or unit type (townhouse to apartments, etc.);
5. Projects over 20 acres:
    i. Over ten percent reduction in area of open space;
    ii. Over ten percent increase in lot coverage;
6. Projects under 20 acres:
    i. Over five percent reduction in area of open space;
    ii. Over five percent increase in lot coverage.
7. No major change shall be allowed 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.

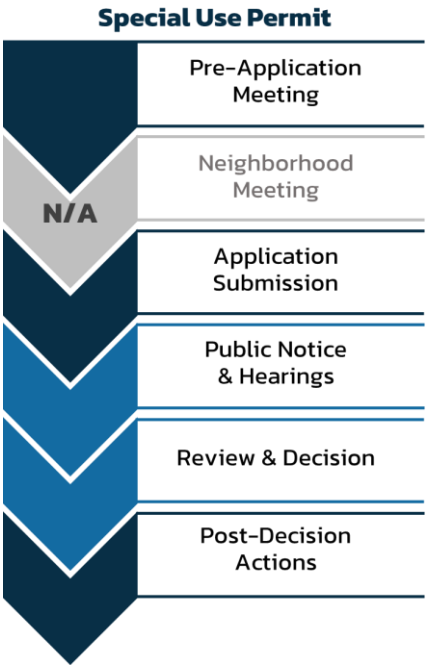
b. Minor Modifications

1. The Director may approve minor modifications to a recorded PUD Plat. Minor changes are limited to reductions in perimeter setbacks, open space, or lot coverage under the threshold established above, and/or errors of a clerical, typographical, or format nature. The Director shall not approve a minor modification if the modification does not substantially conform to the approved PUD Plat.
2. The applicant shall substantiate to the Director that the minor modification is required by engineering or other circumstances not foreseen during the approval of the PUD Plat.

(9) Extension and Lapsing of Approval

Approved PUDs are final and shall not lapse.

(b) Special Use Permit



(1) Purpose

The purpose of this Section is to provide a method for reviewing potentially incompatible land uses for their impact on surrounding properties.

(2) Applicability

Special Use Permit review is required for certain land uses as described in Table 17.03.1: Table of Allowed Uses.

(3) Initiation and Limitations

A request for a Special Use Permit may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

The Planning Commission shall review and recommend, and the Board of County Commissioners shall decide on Special Use Permits in accordance with §17.06.040(g), Review and Decision-Making, and in light of the following review criteria:

(i) 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 Director 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 Director or by the Planning Commission shall not be site specific and shall thereafter be binding upon Pueblo County in the interpretation and administration of this UDC unless and until the same is amended in accordance with law and regulation;

(ii) The granting of the Special Use Permit will not substantially modify the Regional Comprehensive Plan or the intent or purpose of this UDC;

(iii) The Special Use Permit proposal incorporates reasonable means to create an environment harmonious with that of the surrounding properties; and

(iv) The Special Use Permit will not adversely affect public health, safety, or welfare.

(6) Appeal

A decision on a SUP application may be appealed in accordance with §17.06.040(i), Appeals.

(7) Post-Decision Amendment

Approved Special Use Permits may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing of Approval

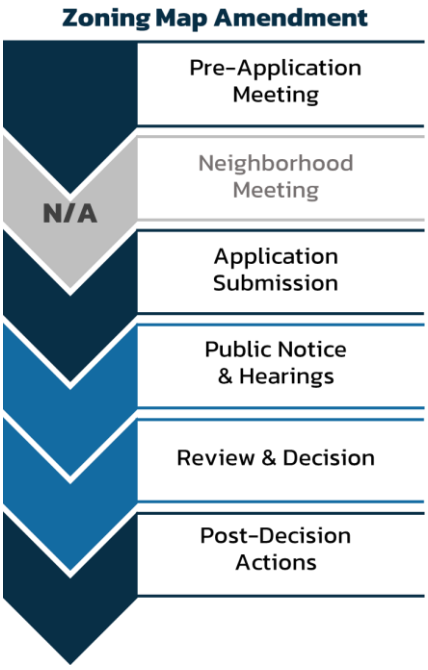
(i) General

Approved Special Use Permits are final once the use has commenced. Special Use Permits shall lapse if the use does not commence within one year of approval.

(ii) Reapplication

In the event an application for a Special Use Permit is denied, no new application shall be made for the same or a substantially similar special use on the same property covered by the original application within six months of the denial.

(c) Zoning Map Amendment (Rezoning)



(1) Purpose

The purpose of this Section is to provide a method for changing zone district boundaries and for changing the zone district designation of a parcel as shown on the Official zoning map.

(2) Applicability

(i) General

Any portion of 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.

(ii) 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 PL and shall therefore be governed by the provisions of the PL zone district.

(3) Initiation and Limitations

A request for a Zoning Map Amendment may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(5) Review and Decision-Making

(i) The Planning Commission shall review and recommend, and the Board of County Commissioners shall review and decide on Zoning Map Amendments in accordance with §17.06.040(g), Review and Decision-Making, and the following review criteria:

a. The proposed amendment is in conformance with the Regional Comprehensive 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 or more sides by property outside of the County's jurisdiction, the matter has been referred to the Planning Commission of the appropriate municipality for its review and recommendation.

(ii) The Planning Commission or Board of County Commissioners may establish conditions on the approval necessary to carry out the intent and purposes of this UDC.

(6) Appeal

A decision on a PUD application may be appealed in accordance with §17.06.040(i), Appeals.

(7) Extension and Lapsing of Approval

Approved Zoning Map Amendments are final and shall not lapse.

17.06.080 Subdivision Procedures

(a) Overview

The following subdivision procedures are available through this Section:

Table 17.06.3: Subdivision Procedures

Procedure	Section	Maximum Total Number of Lots	Allowed when Infrastructure Dedication Needed?	Decision-Maker
Administrative Subdivision	17.06.080(b)	2	No	Director
Minor Subdivision	17.06.080(c)	4	Yes	Board of County Commissioners
Major Subdivision	17.06.080(d)	5 or more	Yes	Board of County Commissioners

(b) Administrative Subdivision



(1) Purpose

The Administrative Subdivision process is used to evaluate proposed subdivisions that will create up to two lots or involve minimal adjustments to approved final plats.

(2) Applicability

(i) The Administrative Subdivision process shall apply to the one-time resubdivision of previously legally subdivided land that meets the following criteria:

a. Creates no more than two lots meeting the minimum dimensional standards of the applicable zone district, or up to 10 condominiums or townhomes within an existing building;

b. Resulting parcels are accessed by a public right-of-way;

c. Does not require development of or dedication of any public improvements in addition to those already existing from the original subdivision; and

d. Is not a lot previously created by an Administrative Subdivision, Conservation Development, or Rural Land Use Plan.

(ii) Only one Administrative Subdivision may be approved per original parent parcel. Multiple Administrative Subdivision applications, or any combination of Administrative Subdivision and Minor Subdivision application may not be submitted for the same or similar parent parcel in an effort to avoid or subvert the Major Subdivision process.

(3) Eligibility

The proposed subdivision and proposed lots shall meet all of the following:

(i) A minimum building envelope can be created within the required setbacks that is:

a. Located outside of any hazard, wildlife, or environmentally sensitive areas on the property or,

b. Located where potential impacts to hazard, wildlife, or environmentally sensitive areas can be mitigated pursuant to the requirements of this UDC;

(ii) Be served by a public water supply or private, on-site wells;

(iii) Require no new roads nor any road improvements adjacent to or necessary for access to the development; and

(iv) Include access points serving the proposed lots from the adjacent road(s) that will comply with the current locational and spacing requirements.

(4) Applicable Procedures

(i) Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(ii) Courtesy mailed notice providing information about the Administrative Subdivision and specifying that written comments may be submitted but may not result in changes to the application or approval shall be provided per §17.06.040(f)(3)(vi), Mailed Notice.

(5) Review and Decision-Making

The Director shall review the application and make a determination per §17.06.050(a). The Director shall consider the following criteria:

(i) Whether the resulting development will be consistent with the Regional Comprehensive Plan;

(ii) Whether the approved lots will be consistent with the intent of the applicable zone district and the applicable standards of this UDC;

(iii) That the proposed lot changes:

a. Do not affect a recorded easement without approval from the easement holder; and

b. Will not limit the County's current or future ability to effectively provide facilities or services.

(6) Appeal

Upon the Director's approval of the Administrative Subdivision, the applicant or any aggrieved person may file an appeal of the Director's decision. An appeal shall advance the decision to a hearing with the Board of County Commissioners.

(7) Post-Decision Actions

(i) County staff shall record the approved Administrative Subdivision with the County Clerk and Recorder.

(ii) When reviewing a proposal to divide an existing structure into condominium or townhouse units, the Director may require the subject property to come into compliance with this UDC and all applicable life safety codes as necessary to safeguard the public health, safety, and welfare.

(c) Minor Subdivision

(1) Purpose

The Minor Subdivision process is used to evaluate proposed subdivisions that will create up to four lots or involve minimal adjustments to approved final plats.



(2) Applicability

(i) The Minor Subdivision process shall apply to the one-time resubdivision of previously legally subdivided land that meets the following criteria:

a. Creation of:

1. No more than a total of four lots meeting the minimum dimensional standards of the applicable zone district, or

2. No more than 20 condominiums or townhomes within an existing building;

b. Resulting parcels are accessed from a public right-of-way; and

c. Is not a lot previously created by an Administrative Subdivision, Conservation Development, or Rural Land Use Plan.

(ii) Only one Minor Subdivision may be approved per original parent parcel. Multiple Minor Subdivision applications, or a mix of Minor Subdivision and Administrative Subdivision applications may not be submitted for the same or similar parent parcel in an effort to avoid or subvert the Major Subdivision process.

(3) Eligibility

The proposed subdivision and proposed lots shall meet all of the following:

(i) A minimum building envelope can be created within the required setbacks that is:

a. Located outside of any hazard, wildlife, or environmentally sensitive areas on the property or,

b. Located where potential impacts to hazard, wildlife, or environmentally sensitive areas can be mitigated pursuant to the requirements of this UDC;

(ii) Be served by a public water supply or private, on-site wells;

(iii) Include access points serving the proposed lots from the adjacent road(s) that will comply with the current locational and spacing requirements.

(4) Applicable Procedures

(i) Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

a. The Director may adjust or waive application submission requirements to reflect the potential impacts of the specific application. The Director shall provide the applicant with a list of adjustments or waivers to include with the application.

b. If the Director determines that an application will raise complexities that are better reviewed in a Major Subdivision process, the Director may reject the Minor Subdivision application and instruct the applicant to file a Major Subdivision application.

(ii) Notice shall be provided as required by Table 17.06.2: Summary of Public Notice Requirements.

(5) Review and Decision-Making

The Board of County Commissioners shall review the Minor Subdivision application and make a determination per §17.06.040(g)(2)(ii). The Board of County Commissioners shall consider the following criteria:

a. Whether the resulting development will be consistent with the Regional Comprehensive Plan;

b. Whether the approved lots will be consistent with the intent of the applicable zone district and the applicable standards of this UDC;

c. That the proposed lot changes:

1. Do not affect a recorded easement without approval from the easement holder; and

2. Will not limit the County's current or future ability to effectively provide facilities or services.

(6) Final Documents

(i) Upon approval of the Minor Subdivision by the Board of County Commissioners, a full certified Land Survey Plat, or Improvement Survey Plat, in compliance with Title 38, Article 51 C.R.S. and all other relevant statutes shall be submitted on mylar.

(ii) The applicant shall also submit new deeds reflecting the newly created legal descriptions for each parcel.

(iii) Final approval is not valid until the Final Plat and Minor Subdivision Resolution are signed by the Board of County Commissioners, the new deeds are received and the Final Plat and deeds are recorded with the County Clerk and Recorder.

(7) Appeal

Upon the Planning Commission's determination on a Minor Subdivision application, the applicant or any aggrieved person may file an appeal of the decision. An appeal shall advance the decision to the District Court.

(8) Post-Decision Actions

(i) County staff shall record the approved Minor Subdivision with the County Clerk and Recorder.

(ii) When reviewing a proposal to divide an existing structure into condominium or townhouse units, the Board of County Commissioners may require the subject property to come into compliance with this UDC and all applicable life safety codes as necessary to safeguard the public health, safety, and welfare.

(d) Major Subdivision

(1) Purpose

This Section is intended to provide for full review of any proposed subdivision of land to ensure that the potential effects of the proposal are considered.

(2) Applicability and Process

(i) Every Major Subdivision proposal shall include review of:

a. A Sketch Plan in accordance with §17.06.080(d)(3);

b. A Preliminary Plan in accordance with §17.06.080(d)(4); and

c. A Final Plat in accordance with §17.06.080(d)(5).

(ii) Administrative Subdivision applications and Minor Resubdivision Procedures are exempt from this three-step process but may need to conform to specific steps as directed in the individual application process.

(iii) Unless one of the following is accomplished with the purpose of evading the existing provisions of this UDC, "subdivision" or "subdivided land" shall not apply, but §17.06.080(e), Subdivision Exemption Plat may apply to any division of land that is:

a. Created by order of any court in this state or by operation of law, so long as the County is notified of any such court action;

b. Created by a lien, mortgage, deed of trust, or other security instrument;

c. Created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;

d. Creating cemetery lots;

e. Creating an interest in oil, gas, minerals, or water that is severed from the surface of real property;

f. Created by the acquisition only of an interest in land in the name of persons in joint tenancy or as tenants in common; any such interest shall be deemed for the purposes of this Section as only one interest;

g. Creating parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interest;

h. Created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than 35 acres in land area, only one interest in the land shall be allowed. If the resulting parcel is greater than 35 acres in land area, such land area, divided by the number of interests in the resulting parcel, shall result in 35 or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subsection;

i. Creating a cluster development pursuant to §17.04.050(i), Conservation Development;

j. Created by a contract concerning the sale of land that is contingent upon the purchaser's obtaining approval to subdivide, pursuant to these regulations and any applicable county regulations, the land that they are to acquire pursuant to the contract;

k. A single property containing single or separate structures that function as a single use on the property. The allowed use within the structure(s) may be rented or leased as individual units; however, no portion of the structure(s) may be sold, without compliance with applicable subdivision regulations; or

l. The dedication, conveyance, or vacation of land to or from the County for public right-of-way or other public uses.

(iv) The Board of County Commissioners may withdraw any recommendation by the Planning Commission or approval by the Board of a plan or plat if and when it is determined that information provided by the subdivider, upon which such decision was based, is false or inaccurate.

(3) Sketch Plan

(i) Purpose

The Sketch Plan review process is intended to enable County staff to render an informal preliminary review of the Sketch Plan for general scope and conditions that might affect the subdivision design or review.

(ii) Applicability

a. All subdivision applicants for any of the following shall prepare a sketch plan:

1. Subdivision of land that has not been platted;

2. Subdivision that will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for Administrative Subdivision processing; or

3. Any subdivision that is not eligible to be processed as an Administrative Subdivision or Minor Resubdivision Procedure.

b. The Director may require all or part of any information waived from a Sketch Plan review to be submitted with the Preliminary Plan.

(iii) Initiation and Limitations

A request for a Sketch Plan review may be initiated in accordance with §17.06.040(c)(3).

(iv) Applicable Procedures

a. Sketch Plan review will take place during the Pre-Application Meeting, as described in §17.06.040(a).

b. At the time of Sketch Plan review, the subdivider will be given materials and information relating to procedures and standards by which the suitability of proposed sewer and water systems may be determined and evaluated, and in the case of on-lot sewer or water facilities, forms to be completed by a professional engineer, licensed in the state of Colorado, for submission with the Preliminary Plan.

(v) Review and Decision-Making

a. County staff shall consider the following in their review of a Sketch Plan:

1. How the proposed subdivision complies conceptually with the Regional Comprehensive Plan and the applicable requirements of this UDC;

2. How the proposed subdivision incorporates variety in the type, design, and siting of buildings;

3. How the proposed subdivision will be connected to and be integrated with surrounding natural and developed areas;

4. How the proposed subdivision will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors); and

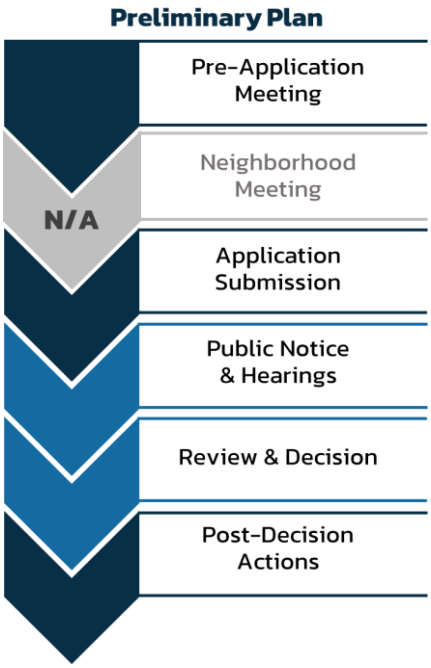
5. How the proposed subdivision promotes the efficient use of land and public streets, utilities, and governmental services.

b. County staff shall review the Sketch Plan and provide the applicant with a list of any outstanding items that need to be addressed as part of the Preliminary Plan process.

(4) Preliminary Plan

(i) Purpose

The Preliminary Plan procedure provides a mechanism for the County to review an overall plan for a proposed subdivision to ensure compliance with this UDC, the Reginal Comprehensive Plan, and the adequate provision of facilities and services in the County.



(ii) Applicability

A Preliminary Plan is required for all subdivisions creating more than four lots.

(iii) Initiation and Limitations

A request for a Preliminary Plan may be initiated in accordance with §17.06.040(c)(3).

(iv) Applicable Procedures

a. Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

b. The following referral entities shall be provided with copies of the Preliminary Plan for review and comment:

1. To the appropriate school district;
2. To each county or municipality within a two-mile radius of any portion of the proposed subdivision;
3. To any utility, local improvement and service district, or ditch company when applicable;
4. To the Colorado State Forest Service, when applicable;
5. To the local soil conservation district board or boards within the County for explicit review and recommendations regarding soil suitability and flooding problems. Such a referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district;

6. When applicable, to the Pueblo Department of Public Health and Environment, for their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report of the water quality of the proposed water supply to serve the subdivision;

7. When applicable, to the State Engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with the water supply evidence. The State Engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells;

8. To the Colorado Geological Survey for an evaluation of those geologic factors that would have a significant impact on the proposed use of the land; and

9. To any other agencies or persons who may, in the opinion of the Board of County Commissioners or the Planning Commission, be affected by the proposed subdivision.

c. The agencies named in this Section shall make recommendations within 21 days after the mailing by Pueblo County or its authorized representatives of such plans unless a necessary extension of not more than 30 days has been consented to by the subdivider and the Planning Commission. The failure of any agency to respond within 21 days or within the period of an extension shall, for the purpose of the hearing on the plan, be deemed an approval of such plan; except that, where such plan involves 20 or more dwelling units, a school district shall be required to submit within the time limit specific recommendations with respect to the adequacy of school sites and the adequacy of school structures.

(v) Review and Decision-Making

a. County Staff

The Department of Public Works shall determine from a review of the Preliminary Plan whether the soil slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the subdivider

shall be required to provide soil erosion and sedimentation control plans and specifications.

1. Control plans and specifications shall be prepared by a registered professional engineer, or the U.S. Soil Conservation Service, using the County conservation standards or the soil and water conservation plan.
2. In the event that soil erosion and sediment control plans are required, the preliminary plan submission shall not be considered complete until such plans have been submitted for review with the preliminary plan.

b. Planning Commission

1. The Planning Commission shall decide on Preliminary Plans in accordance with §17.06.040(g) and in light of the following review criteria:
    i. The Preliminary Plan is consistent with applicable provisions of the Regional Comprehensive Plan;
    ii. The Preliminary Plan complies with the applicable standards of this UDC;
    iii. The Preliminary Plan provides evidence that public water and sewer system connections can be efficiently implemented; and
    iv. The Preliminary Plan proposes reasonable project phasing in terms of infrastructure capacity, transportation connections, provision of open space and trails, and any other aspect of the development that will be developed across multiple phases.
2. If any of the required reviewing entities responds after the consideration of the Preliminary Plan at the Planning Commission public hearing, the entity's response will be considered as part of the Final Plat process.

(vi) Post-Decision Amendment

Approved Preliminary Plans may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(vii) Extension and Lapsing of Approval

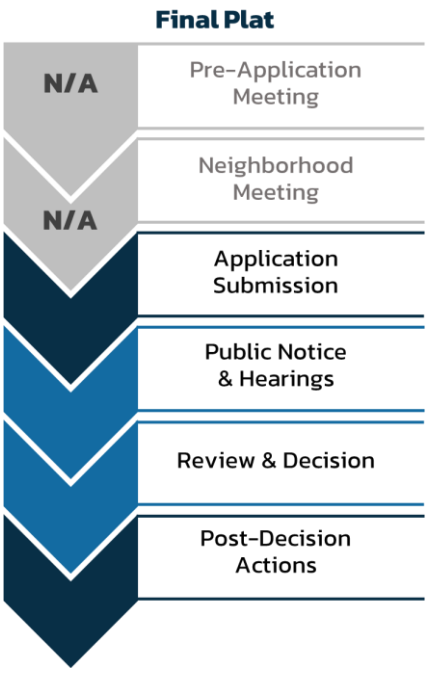
a. Approval of the Preliminary Plan shall be effective for 18 months. The Preliminary Plan will expire unless a Final Plat has been submitted to the Director within that 18 months, or a mutually agreed upon extension has been granted by the Director.

b. Whenever a Final Plat is submitted for less than the entire area covered by the Preliminary Plan, approval of the Preliminary Plan for the remaining unplatted area shall be extended for an additional 18 months.

c. Upon a request by the applicant made prior to the expiration of the 18-month period, the County may grant an extension for another 18 months. If more than 18 months elapse from the date of the original approval or an approved extension to the date of the Preliminary Plan submittal, and if no extension has been granted, the applicant shall be required to resubmit the Preliminary Plan as a new application.

d. If a Development Plan and Preliminary Plan are submitted jointly both approvals lapse pursuant to this Section.

(5) Final Plat



(i) Purpose

The Final Plat procedure completes the subdivision process and ensures compliance with the approved Preliminary Plan and applicable standards in this UDC.

(ii) Applicability

The Final Plat procedure applies to all subdivisions in the County unless otherwise stated in this UDC.

(iii) Applicable Procedures

a. Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures. Section 17.06.040(d), Application Review, shall be modified as follows:

1. Prior to the Director's determination that an application is complete, the Department of Planning and Development will send the application materials to appropriate reviewing agencies.
2. Reviewing agencies will review the application materials to ensure that the final plat complies will all conditions of preliminary plat approval, improvement standards required by this UDC and the standards required by districts, utilities and agencies providing service to or having facilities and infrastructure that may be affected by the proposed development.
3. The Department of Planning and Development will ensure each reviewing agency provides a copy of its comments to the applicant in a manner that is easily accessible to the applicant.
4. The planner assigned to the project will prepare a written report specifying how the final plat meets or fails to meet the standards and other requirements of this UDC. The report shall also include comments received from reviewing agencies.
5. The applicant may review the report and make revisions to the final plat to address concerns raised by the planning staff and reviewing agencies.

b. Review by the Board of County Commissioners will not be scheduled until all the districts, utilities, and agencies have approved the plat and the County Attorney has approved the development agreement.

(iv) Review and Decision-Making

The Board of County Commissioners shall review and decide on the Final Plat application based on the following criteria:

a. The Final Plat conforms to the approved Preliminary Plan, including any conditions of approval;

b. The development will comply with all requirements of this UDC; and

c. The development will comply with all applicable technical standards and specifications.

(v) Post-Decision Actions

a. Acceptance of Street and Other Public Land Dedication

1. Approval of a subdivision shall not constitute an acceptance by the County of the roads, streets, alleys, or other public lands as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by specific action of the Board of County Commissioners.

2. An inspection by the Department of Public Works shall be requested by the subdivider or their agent in accordance with the requirements of the Pueblo County Roadway Design and Construction Standards. Inspections during construction shall be made by the Department of Public Works to ensure that work is progressing in compliance with this UDC. Deviation from these regulations and their requirements will be sufficient reason to issue stop and desist orders by the County until such time as proper corrections or adjustments have been made to the satisfaction of the Director of Public Works. Upon completion of all work, a final inspection shall be made, and if it is determined by the Director of Public Works that the roads have been built according to County specifications and the approved construction plans, the subdivider may then apply for release of the collateral provided under the terms of the subdivision improvements agreement. Request may also then be made to the Board of County Commissioners to accept the subdivision's roads by resolution for maintenance.

b. Recording Final Plat

1. A Final Plat shall not be recorded until all impact fees are paid in full. If the Final Plat is not recorded within three years of approval, impact fees and infrastructure costs shall be recalculated prior to recordation. A Final Plat that is not recorded within 20 years of approval shall be considered abandoned and lapsed.

2. The Director shall record the Final Plat with the County Clerk and Recorder within five business days of receipt of final documents for recording.

3. County staff shall notify the applicant upon completion of filing the Final Plat with the County Clerk and Recorder.

(6) Global Positioning System (GPS)

All final plats that are approved by Pueblo County shall be based on a land survey that is tied to the Global Positioning System (GPS).

(7) Treasurer's Certification of Taxes Paid

(i) No plat for subdivided land shall be approved by the Board of County Commissioners unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

(ii) The ad valorem taxes referenced in the above paragraph shall include:

a. Real property taxes on the land and improvements;

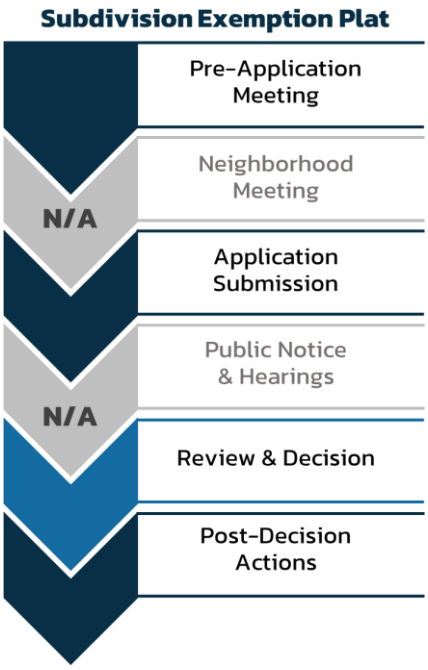
b. Mobile home taxes;

c. Mineral rights taxes; and

d. Special assessments.

(iii) The County Treasurer's certifications shall be submitted with the application for administratively approved procedures or a minimum of 15 days in advance of the Board of County Commissioners' meeting at which the plat is to be considered. The only exceptions shall be for plats scheduled to be considered by the Board between January 1 and January 15. The County Treasurer's certifications for plats scheduled during this time period shall be submitted prior to the Board's approval.

(e) Subdivision Exemption Plat



(1) Purpose

To allow the Director to exempt certain divisions of land or the creation of an interest in property, as described in §17.06.080(d)(2)(iii), from the subdivision regulations of this Section.

(2) Initiation and Limitations

An application for Subdivision Exemption Plat may be filed by the property owner.

(3) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(i) Global Positioning System (GPS)

The Global Positioning System (GPS) standards of §17.06.080(d)(6) shall apply.

(ii) Treasurer's Certification of Taxes Paid

The Treasurer's Certification standards of §17.06.080(d)(7) shall apply.

(4) Review and Decision-Making

The Director shall review and decide on a Subdivision Exemption Plat. The Director may impose conditions and/or requirements as it deems necessary to protect the public health, safety, and welfare and to ensure consistency with this Section, such as:

(i) The Subdivision Exemption Plat be prepared to the standards of a Land Survey Plat;

(ii) Title search not more than 30 days old be submitted;

(iii) Public improvements and additional public right-of-way be provided as deemed necessary by the Director;

(iv) Applicable Impact Fees (e.g., fire protection, school site, park site) be paid;

(v) Technical reports (e.g., drainage study) as deemed necessary by the Director be submitted.

(5) Post-Decision Actions

The Director shall, at the applicant's expense, file the approved Subdivision Exemption Plat for recordation in the County Clerk and Recorder's Office.

(f) Lot Consolidation Vacation

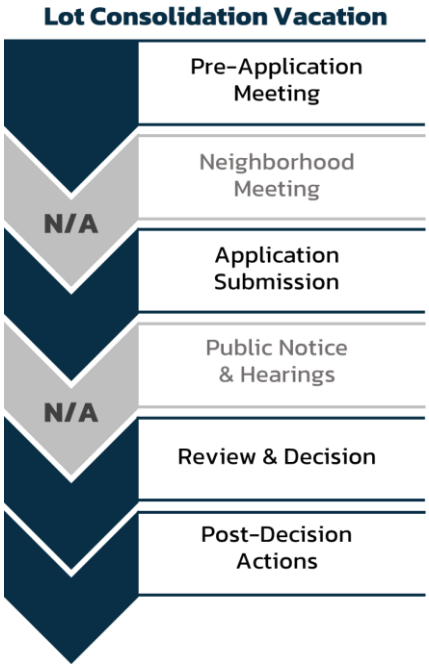
(1) Purpose

To allow the vacation of any lot consolidation that has been duly recorded and approved by the Board of County Commissioners.

(2) Initiation and Limitations

(i) Lot Consolidation Vacation may only be requested where the consolidation will be vacated into the immediately previous lot configuration with no changes in lot ownership.

(ii) An application for Lot Consolidation Vacation may be filed by the property owner.



(3) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(4) Review and Decision-Making

The Director shall review and decide on a Lot Consolidation Vacation, based on the following criteria:

(i) Both the lot consolidation and the previous lot configuration were both properly recorded, as determined by the specific recordation information provided by the applicant;

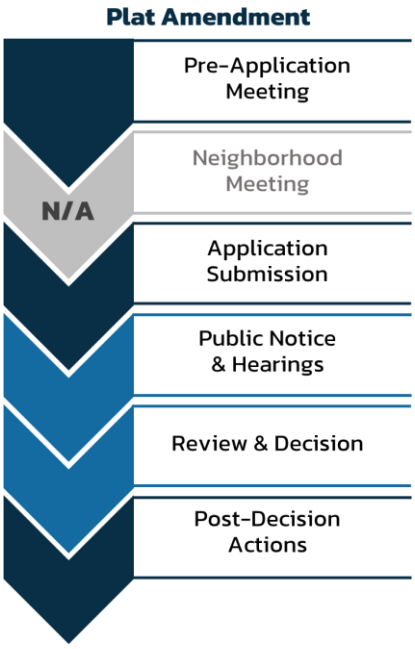
(ii) Vacation of the consolidated lot will default to a legal subdivision; and

(iii) The previously recorded legal subdivision complies with the requirements of the applicable zone district.

(5) Post-Decision Actions

The Director shall, at the applicant's expense, file the approved consolidation vacation instructions for recordation in the County Clerk and Recorder's Office.

(g) Plat Amendment



(1) Purpose

To allow the amendment of any plat or any part of any plat that has been duly recorded and approved by the Board of County Commissioners.

(2) Initiation and Limitations

An application for Plat Amendment may be filed by the property owner.

(3) Applicable Procedures

Common review procedures are established in §17.04.060 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

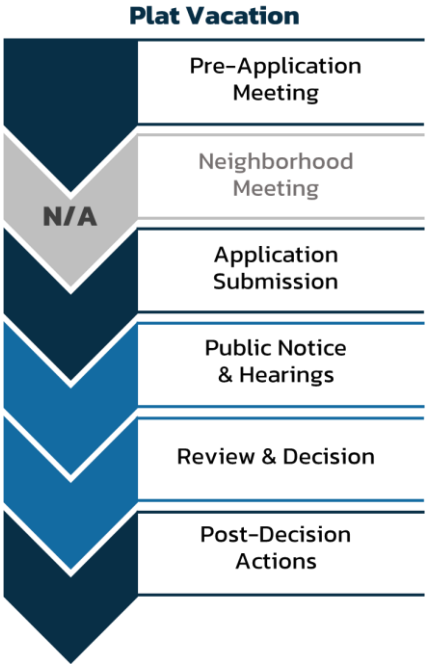
(4) Review and Decision-Making

The Planning Commission shall review and recommend on, and the Board of County Commissioners shall decide on a Plat Amendment. The Planning Commission shall forward its recommendation to the Board within 30 days after the hearing is concluded.

(5) Post-Decision Actions

The Director shall, at the applicant's expense, file the approved Amended Plat for recordation in the County Clerk and Recorder's Office.

(h) Plat Vacation



(1) Purpose

To allow the vacation of any plat or any part of any plat that has been duly recorded and approved by the Board of County Commissioners.

(2) Initiation and Limitations

An application for Plat Vacation may be filed by the property owner.

(3) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

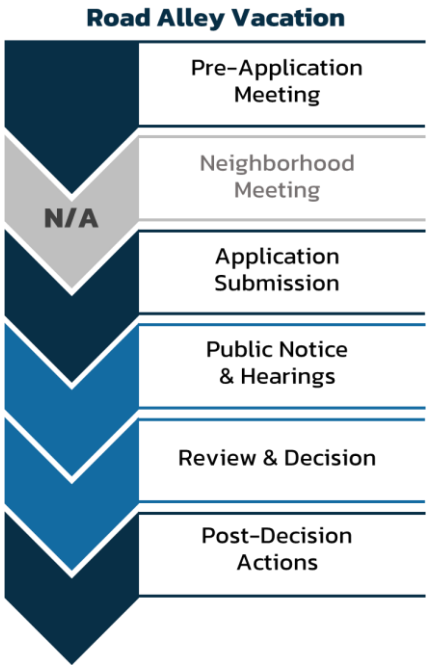
(4) Review and Decision-Making

The Planning Commission shall review and recommend on, and the Board of County Commissioners shall decide on a Plat Vacation. The Planning Commission shall forward its recommendation to the Board within 30 days after the hearing is concluded.

(5) Post-Decision Actions

The Director shall, at the applicant's expense, file the approved Vacation Plat for recordation in the County Clerk and Recorder's Office. The Vacation Plat shall divest all public rights in the streets, alleys, and public ways, and in all dedications laid out or described in the subdivision plat except where reservation is made therefrom.

(i) Road Alley Vacation (Public Street, Alley, Easement, or Public Way)



(1) Purpose

The Road Alley Vacation procedure provides a mechanism for implementing C.R.S. § 43-2-303.

(2) Applicability

A request for Road Alley Vacation may be filed when:

(i) The street or alley:

a. Has never been, or is not anticipated to be formally opened or used;

b. Is no longer needed because of design changes made by the County;

c. Has never been used for public purposes, or

d. Has been abandoned and removed.

(ii) All portions of the street or alley to be vacated are within the County; and

(iii) No portion of the street or alley to be vacated constitutes a boundary line between two counties or a boundary with a municipal jurisdiction.

(3) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(4) Review and Decision-Making

(i) The Planning Commission shall review and recommend on, and the Board of County Commissioners shall review and decide on Road Alley Vacation applications. Before granting the vacation of a public street, alley, or public way, the Board of County Commissioners shall find conditions (a) through (e) exist. Before granting the vacation of an easement, the Board shall find conditions (e) and (f) exist:

a. The public street, alley, or public way to be vacated was created by plat or deed or exists by right of usage if unplatted or undefined.

b. The requested Vacation will not leave any land adjoining the roadway without an abutting established public road or private access easement connecting the land with another established public road.

c. The requested Vacation will not adversely affect the transportation needs of Pueblo County.

d. The requested Vacation is completely within the boundaries of Pueblo County and is not within the limit of any incorporated city or town.

e. The requested Vacation is not a boundary with any other county or incorporated city or town or if it is a boundary, the Vacation is approved by joint action of the Board of County Commissioners and the duly constituted authority of the other county, city, or town.

f. The requested easement Vacation will not adversely impact the development or redevelopment of the surrounding properties or neighborhood.

(ii) If the Vacation is approved, the Board of County Commissioners may reserve rights-of-way or easements for the continued and/or future use of sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

(5) Post-Decision Actions

(i) Upon approval of the Vacation, the affected property owners shall prepare deeds to incorporate the applicable portion of the Vacation into their property's description. The deeds shall be submitted to the Department of Planning and Development for recordation with the drawing.

(ii) Upon approval of the Vacation and satisfaction of all conditions imposed on the approval, the accurate drawing and the required deeds shall be recorded with the County Clerk and Recorder at the applicant's expense.

(j) Resubdivision Procedures

Resubdivision of land or changes to an approved or recorded plat shall be considered a subdivision, except as otherwise provided in this Section, and shall be subject to the provisions of §17.06.080(a).

(1) Applicability

(i) Minor Rearrangement or Alteration of Lot Lines

Minor rearrangement of lot lines or alterations may be made to a recorded plat, including PUDs, Conservation Development, and Rural Land Use Plans, subject to approval of the Director, provided such minor rearrangement or alteration will not:

a. Involve more than five lots;

b. Result in any lot, parcel, or portion of the subdivision becoming insufficient in size, area, or location to meet the minimum requirements of the zone district within which the property is located;

c. Alter any dedicated easement or area reserved for public use;

d. Alter any street or right-of-way alignment or reduce their dimensions;

e. Necessitate new, or the modification of, public improvements; or

f. Adversely affect the character of the recorded plat.

(ii) Vacation of Interior Platted Lot Lines

Interior lot lines within a recorded plat may be vacated subject to approval of the Director under the following guidelines:

a. Involves five lots or less;

b. Interior lot lines only, no exterior boundary lines of a subdivision;

c. Lots within a recorded subdivision; the year of recordation is not a factor;

d. No easements or rights-of-way will be vacated, nor publicly owned land will be adversely affected.

(iii) Minor Survey or Drafting Error

A recorded plat may be corrected if a minor survey or drafting error is discovered.

(2) Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(3) Review and Decision-Making

(i) Minor Rearrangement and Interior Lot Line Vacation

The Director shall review the application and make a determination per §17.06.050(a). The Director shall consider the following criteria:

a. Whether the resulting subdivision layout will be consistent with the Regional Comprehensive Plan;

b. Whether the approved lots will be consistent with the intent of the applicable zone district and the applicable standards of this UDC;

c. That the proposed lot changes:

1. Do not affect a recorded easement without approval from the easement holder; and

2. Will not limit the County's ability to effectively provide facilities or services.

(ii) Minor Survey or Drafting Error

In a recorded Final Plat, the subdivider shall be required to file a corrected Final Plat with an affidavit regarding the revisions, certified by two Colorado licensed land surveyors to the Board of County Commissioners for its approval. At least one of the surveyors certifying the corrected Final Plat shall be an impartial observer having no personal interest in the subdivision. If the correction of the error results in major alterations, the Board may require full compliance with §17.06.080(c), Minor Subdivision or §17.06.080(d), Major Subdivision, as appropriate.

(4) Appeal

Upon the Director's approval of the Minor Resubdivision, the applicant or any aggrieved person may file an appeal of the Director's decision. An appeal shall advance the decision to a hearing with the Board of County Commissioners.

(5) Post-Decision Actions

(i) County staff shall record the approved Minor Resubdivision revised plat with the County Clerk and Recorder after plat has been accepted for recording.

(ii) When reviewing an application that includes existing structures, the Director may require the subject property to come into compliance with this UDC and all applicable life safety codes as necessary to safeguard the public health, safety, and welfare.

17.06.090 Location and Extent Review

(a) Purpose

(1) This process was created to establish a review procedure for the location and extent of public buildings, facilities, or uses as provided by Section 30-28-110, Section 22-32-124(1), and Section 22-32-124(1.5)(a) et seq. of the Colorado Revised Statutes.

(2) If this process is complied with, the permitted uses and the lot and building standard provisions of this UDC shall not apply to the reviewed buildings, facilities or uses. The standards used for the development of the property shall be those identified in the final approved Location and Extent documents.

(b) Applicability

Location and Extent Review shall apply to the following unless the proposed activity listed in this Section is subject to Chapter 17.07, in which case the Areas and Activities of State and Local Interest regulations shall control and supersede Location and Extent Review.

(1) Public Schools

This process shall be completed by the school on behalf of the Board of Education prior to the following:

(i) The acquisition of land or the contracting to purchase land.

(ii) The construction of a structure/building.

(2) Charter Schools

This process shall be completed by a Charter School prior to the following:

(i) The contracting for a facility.

(ii) The construction of a structure/building.

(3) Other Public Entities

This process shall be completed by the government of the State of Colorado or any political subdivision (except Pueblo County), and by any public utility (whether publicly or privately owned), prior to the following:

(i) The authorization or construction of any road, park, or other public way, ground or space, public building or structure, or public utility.

(ii) The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale or lease of or acquisition of land for any road, park, or other public way, ground, place, property, or structure.

(4) Exemptions

(i) If the location and extent of any road, park, or other public way, ground or space, public building or structure, or public utility, whether publicly or privately owned, has already been reviewed and approved by the Planning Commission or Board of County Commissioners at a public hearing through a different process (i.e., Subdivision, Zoning Map Amendment, Regional Comprehensive Plan Amendment, 1041 Review, or similar process), a separate Location and Extent application shall not be required.

(ii) Per Colorado Statutes, the following shall be exempt from Location and Extent Review:

a. Minor routine extensions of utilities.

b. Maintenance of existing roadways or facilities, or the replacement of an existing facility with improvements that substantially match the original improvements.

c. The sale, lease, or acquisition of any property or structure approved by the Board of County Commissioners.

d. The construction or maintenance of roadways identified in the Long Range Transportation Plan.

e. Land acquisitions for schools, if such acquisition has been reviewed through a land development process.

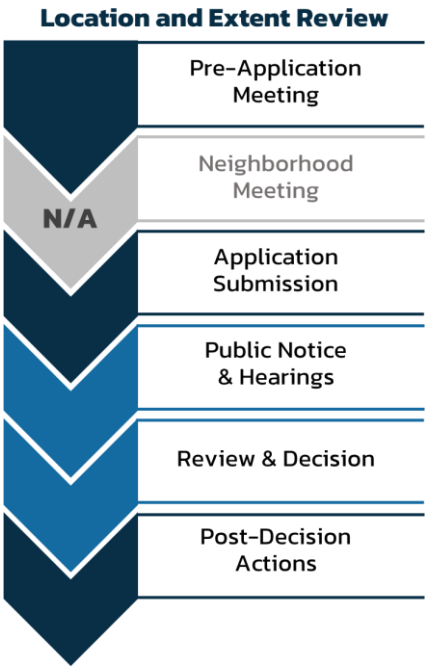
f. Utilities and telecommunications facilities in public rights-of-way, so long as the height of such improvements is no more than 10 percent greater than that allowed by the applicable zoning.

g. Any other proposal that the Director deems to be minor in nature and is not anticipated to generate negative impacts to the health, safety and welfare of the community, and thus would not likely generate significant public interest.

(5) Applicable Procedures

(i) Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(ii) Location and Extent applications shall be heard and acted on by the Planning Commission within 30 days of a determination of a complete application or it shall be deemed approved per Section 30-28-110, C.R.S.



(6) Review and Decision-Making

(i) Planning Commission Review

a. Review Criteria

The Planning Commission, in reviewing Location and Extent applications may consider the following criteria:

1. The compatibility with the existing and allowable land uses in the surrounding area.
2. The degree of conformance with the Regional Comprehensive Plan and applicable land use plans.
3. The ability to mitigate negative impacts upon the surrounding area.
4. The availability of infrastructure and services.
5. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area.

b. Decision-Making

The following actions will be taken by the Planning Commission based on the type of entity applying for the Location and Extent Review:

1. Public Schools

The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and either approve the request or provide comment on the proposed site location and/or

the proposed development plan to the School District. If the Planning Commission is not satisfied with the response from the School District related to their comments, then they may request a public hearing before the Board of Education. If requested by the Planning Commission, the Board of Education shall promptly schedule the public hearing, publish at least one notice, and provide written notification of the hearing to the Planning Commission.

2. Charter Schools

The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and either approve the request or provide comment on the proposed site location and/or the proposed development plan to the governing body of the charter school. If the Planning Commission is not satisfied with the response from the governing body of the charter school related to their comments, then they may request a public hearing before the Board of Education. If requested by the Planning Commission, the Board of Education hearing shall be within 30 days of the request by the Planning Commission.

3. Other Public Entities

The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and shall approve, conditionally approve, or deny the application. The Planning Commission may continue the request to a future date if the applicant agrees to the continuance either in writing or at the public hearing. A continuance shall be to a date certain.

(ii) Final Approval

If the Planning Commission denies the application or places a condition of approval on the application that the applicant does not support, the applicant may choose to amend and resubmit the application for a new Location and Extent review, or they may request approval of the project from their governing body or board in accordance with state statutes, generally as follows:

a. If the public way, ground, space, building, structure, or utility falls within the jurisdiction of the Board of County Commissioners, then the Board has the power to overrule such disapproval by a vote of not less than a majority of its entire membership. The Board shall review the request, Staff report, and the Planning Commission decision, receive testimony and evidence on the application, and shall uphold or overrule such disapproval by the Planning Commission

b. If the public way, ground, space, building, structure, or utility does not fall within the authority of the Board of County Commissioners, disapproval may be overruled by the body or official having jurisdiction by a vote of not less than a majority of its entire membership or by the official with authority.

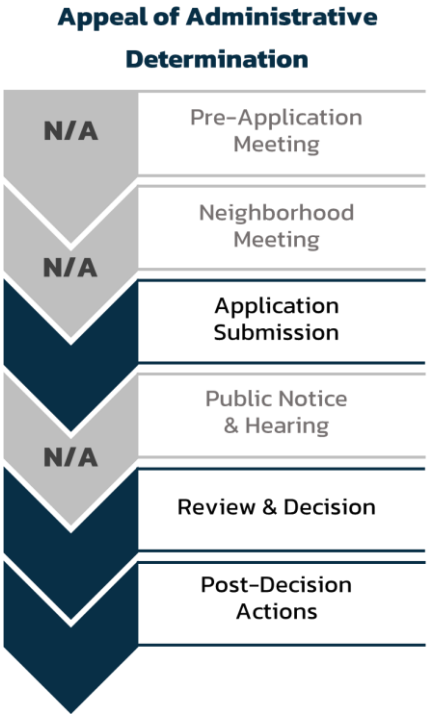
c. If a utility is owned by an entity other than a political subdivision, then the disapproval by the Planning Commission can be overruled by the Public Utilities Commission by a vote of not less than a majority of its entire membership.

(7) Expiration, Extension, and Lapsing of Approval

Approved Location and Extent Reviews shall lapse, or the approval may be extended, in accordance with §17.06.040(l), Extension and Lapsing of Approvals.

17.06.100 UDC Administration Procedures

(a) Appeal of Administrative Determination



(1) Purpose

The purpose of this Section is to establish the procedure and requirements for appeals of administrative decisions made by County staff.

(2) Applicability

The Zoning Board of Appeals is authorized to hear and decide appeals where:

(i) A person asserts that there is an error in any order, requirement, decision, or refusal made by the Director or any agency in the administration or enforcement of the provisions of this UDC;

(ii) A person asserts that the Director made an error in interpreting the text of this UDC.

(iii) A person proposes to deviate from a standard or requirement imposed by this UDC, except standards or requirements that are subject to Variances in accordance with §17.06.110(a).

(iv) Appeals to the prohibition of medical marijuana centers, medical marijuana infused product manufacturers, medical marijuana optional premises cultivation operations, private marijuana clubs, and appeals that would allow for the submittal of a land use application to establish those or similar marijuana-related uses not otherwise allowed in a zone district shall not be accepted, reviewed, or processed.

(3) Initiation and Limitations

An Appeal of Administrative Determination may be initiated in accordance with §17.06.040(c)(3).

(4) Applicable Procedures

(i) Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

(ii) Applications for relief from any action by the Director shall be made within 30 days from the date on which the person, firm, or corporation was aggrieved by action of the Director.

(5) Review Criteria

An Appeal of an Administrative Determination shall be reviewed for conformance with the following criteria:

(i) The granting of the appeal will permit only those uses listed in the zone district in which the parcel is located; and

(ii) The action of the Director was arbitrary, capricious, or not in harmony with the provisions, purposes, intent, and spirit of this UDC.

(6) Review and Decision-Making

The Zoning Board of Appeals shall review and decide on Appeals of Administrative Determination in accordance with §17.06.040(g).

(7) Appeal

Appeals to the District Court shall be made within 30 days from the date of the action by the Zoning Board of Appeals upon the application for relief from the actions of the Director.

(8) Extension and Lapsing of Approval

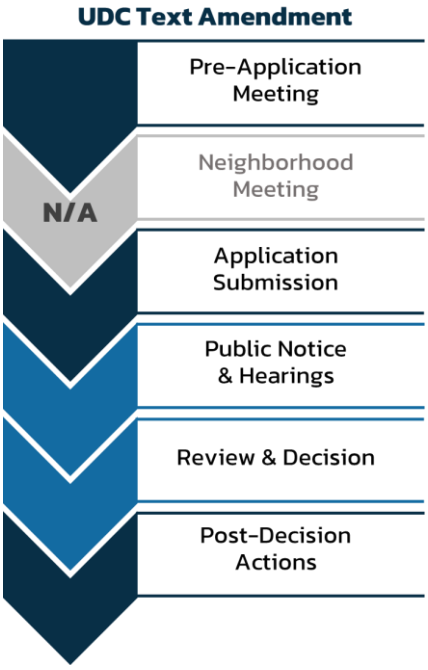
(i) General

Decisions on Appeals of Administrative Determination are final and shall not lapse.

(ii) Reapplication

In the event an appeal from the actions of the Director 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 months of the denial.

(b) UDC Text Amendment



(1) Purpose

The purpose of this Section is to establish a method for changing the text of this UDC.

(2) Applicability

The provisions of the UDC may be amended or repealed following the procedure in this Section. Notwithstanding this procedure, the Director shall have authority to revise this UDC to correct errors or omissions, to clarify existing UDC provisions, and to make other minor non-substantive revisions.

(3) Initiation and Limitations

Amendments to this UDC may be proposed by the County, the Planning Commission, or the Board of County Commissioners in order to:

(i) Respond to a request for UDC Text Amendment made by property owner(s);

(ii) Reflect trends in development or regulatory practices;

(iii) Expand, modify, or add requirements for development in general or to address specific development issues;

(iv) To add, modify or expand zone districts; or

(v) To clarify or modify procedures for processing development applications.

(4) Applicable Procedures

Common review procedures are established in §17.06.040. They are summarized in Table 17.06.1: Commonly Applicable Procedures for applicant convenience.

(5) Review Criteria

UDC Text Amendment requests shall be reviewed for conformance with the following criteria:

(i) The proposed UDC Text Amendment is generally consistent with applicable provisions of the Regional Comprehensive Plan.

(ii) The proposed UDC Text Amendment is consistent with and does not conflict with or contradict other provisions of this UDC.

(iii) The proposed UDC Text Amendment shall meet at least one of the following specific reasons:

a. To address trends in development or regulatory practices;

b. To expand, modify, or add requirements for development in general or to address specific development issues;

c. To add, modify or expand zone districts; or

d. To clarify or modify procedures for processing development applications.

(6) Review and Decision-Making

The Planning Commission shall review and recommend, and the Board of County Commissioners shall review and decide on UDC Text Amendments in accordance with §17.06.040(g), Review and Decision-Making.

(7) Appeal

A decision on a UDC Text Amendment application may be appealed in accordance with §17.06.040(i), Appeals.

(8) Post-Decision Amendment

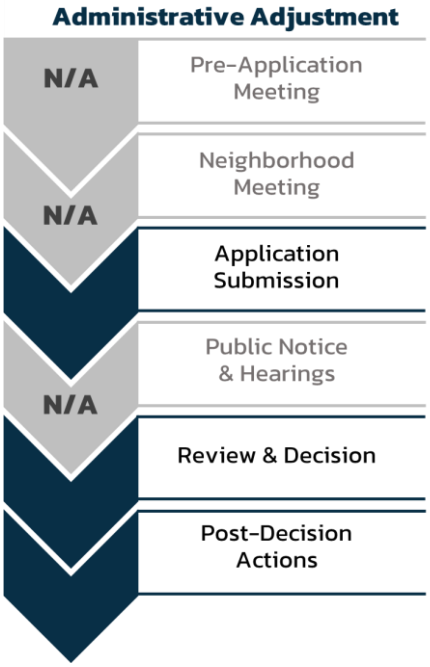
Approved UDC Text Amendments may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(9) Extension and Lapsing of Approval

Approved UDC Text Amendments are final and shall not lapse.

17.06.110 Flexibility and Relief Procedures

(a) Administrative Adjustment



(1) Purpose

The Administrative Adjustment procedure is intended to allow minor changes from specific dimensional standards of this UDC with approval by the Director. Administrative adjustments are intended to provide greater flexibility, when necessary, without requiring a formal map amendment or zoning variance. The administrative adjustment procedure is not a waiver of current standards of this UDC and shall not be used to circumvent the zoning variance procedure.

(2) Applicability

(i) An application for an administrative adjustment to the standards of this UDC may request only the types of adjustments shown in Table 17.06.4: Standards that may be Adjusted Administratively, below.

(ii) Administrative adjustments to UDC standards may not be requested for PUD applications.

Table 17.06.4: Standards that may be Adjusted Administratively

UDC Standard	Allowable Administrative Adjustment (Max. %)
Lot area, min.	15
Lot width, min.	15
Setback, min.	15
Building height, max.	15
Off-street parking, min.	15
Sign area, max.	15
Sign height, max.	15

(3) Initiation and Limitations

A request for an Administrative Adjustment may be initiated in accordance with §17.06.040(c)(3), Who Can File an Application.

(4) Applicable Procedures

(i) Common Review Procedures

Common review procedures are established in §17.06.040. They are summarized in Table 17.06.1: Commonly Applicable Procedures for applicant convenience.

(ii) Procedures Specific to Administrative Adjustment

a. An application for an administrative adjustment shall be submitted and reviewed concurrently with an application for a zoning permit. A request for administrative adjustment may be submitted following approval of a different land use approval, such as a Special Use Permit or Sign Plan, to adjust approvals for conditions later found on the development site.

b. Each UDC standard per Subsection (2)(ii) shall be considered a separate Administrative Adjustment request as it relates to the review criteria, but multiple adjustments may be considered in one Administrative Adjustment application.

(5) Review and Decision-Making

In reviewing a proposed administrative adjustment, the Director shall consider whether and to what extent the adjustment is necessary to allow the development while still in keeping with the intent of the zone district and other applicable UDC provisions.

(i) Where the concurrently reviewed application requires review and approval by the Director, the Director shall review the application per Subsection (ii).

(ii) Where the concurrently reviewed application requires review and approval by the Planning Commission or Board of County Commissioners, the Commission or Board, as applicable, shall review and decide the administrative adjustment application per Subsection (ii).

(iii) Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

(6) Appeal

A decision on a request for an Administrative Adjustment may be appealed in accordance with § 17.06.100(a), Appeal of Administrative Determination.

(7) Post-Decision Amendment

Approved Administrative Adjustments may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(8) Extension and Lapsing Approval

An Administrative Adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

(b) Expedited Review for Affordable Housing (Prop. 123)

(1) Purpose

The expedited review process allows the County to streamline the review process for residential projects that include affordable housing.

(2) Applicability

To qualify for Expedited Review, a residential project shall include, and agree to include through completion, at least 50 percent of the units that qualify as affordable housing. For the purposes of expedited review, Affordable Housing meets the following criteria:

(i) Rental housing at or below 60% AMI or for-sale housing at or below 100% AMI, and

(2) That costs the household less than 30% of its monthly income.

(3) Initiation and Limitations

A request for an Expedited Review may be initiated in accordance with §17.06.040(c)(3), Who Can File an Application. An applicant may opt out of the Expedited Review for any reason.

(4) Applicable Procedures

Expedited review is applicable for the following application types when associated with an affordable housing project:

(i) Administrative Adjustment

(ii) Building Permit

(iii) Development Plan

(iv) Site Plan

(v) Special Use Permit

(vi) Variance

(5) Expedited Review Timeframe

(i) When required by this Section and in compliance with Colorado Prop. 123, the County shall review and decide on qualifying applications within 90 calendar days from a determination of complete application. The following time extensions may be allowed:

Table 17.06.5: Expedited Review Timeline Extensions

Extension	Purpose
90 days	Any purpose shall be at applicant's request, limited to one request
90 days	Compliance with a state law or court order
90 days	Review period required by another local government or agency, within the local government or outside, for any component of the application requiring that government's or agency's approval.
30 days from request	Allow for the submission of additional information or revisions to an application in response to requests from the local government,

(6) Allowable Adjustments

The Director shall determine the submission and review steps that will be applicable for any project that qualifies for Expedited Review. This may include the use of any of the following tools and strategies to assist an applicant:

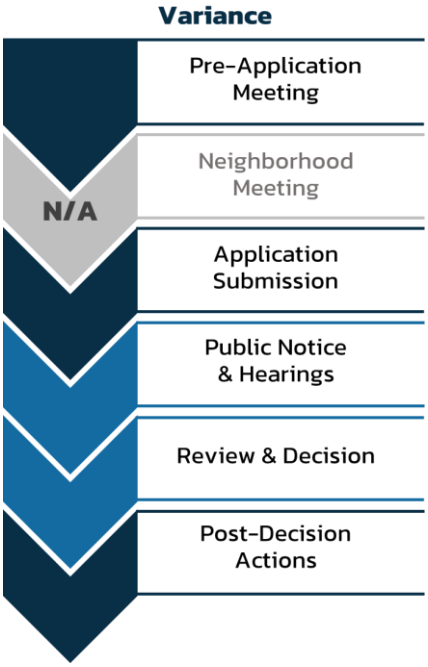
(i) Pre-application or post-application meeting with representatives from all reviewing County departments, utility providers, special districts, and state and federal agency partners;

(ii) Concurrent application submission and review;

(iii) Request BOCC waiver of Planning Commission review of an SUP application to allow the scheduling of the application for BOCC decision-making; and

(iv) Allowing up to a 30% adjustment for up to any three requested Administrative Adjustments where doing so will allow the project to bypass a Variance request.

(c) Variance



(1) Purpose

The purpose of a Variance is to grant a landowner relief from certain standards in this UDC where, due to exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of the property, the strict application of the standards would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the property owner.

(2) Applicability

When consistent with the review criteria listed below, the Zoning Board of Appeals may grant Variances from zone district dimensional standards of Chapter 17.02, Zone Districts.

(3) Initiation and Limitations

A request for a Variance may be initiated in accordance with §17.06.040(c)(3), Who Can File an Application.

(4) Applicable Procedures

Common review procedures are established in §17.06.040. They are summarized in Table 17.06.1: Commonly Applicable Procedures for applicant convenience.

(5) Review Criteria

Variance request shall be reviewed for conformance with the following criteria:

(i) The Variance, if granted, will permit only those uses listed as a use permitted in the zone district in which the parcel is located;

(ii) The parcel for which the Variance 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;

(iii) The Variance will not grant privileges inconsistent with limitations shared by other parcels in the zone district;

(iv) The Variance will not have an injurious effect on the existing or future use of adjacent parcels;

(v) The Variance will not injure or adversely alter the general character of the neighborhood in which the variance is sought; and

(vi) The Variance is in harmony with the intent, purpose, and spirit of this UDC.

(6) Review and Decision-Making

The Zoning Board of Appeals shall review and decide on Variance requests in accordance with §17.06.040(g).

(7) Appeal

Appeals to the District Court shall be made within 30 days from the date of the action by the Zoning Board of Appeals on the Variance request.

(8) Post-Decision Amendment

Approved Variances may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(9) Extension and Lapsing of Approval

(i) General

Decisions on requests for Variances are final and shall not lapse.

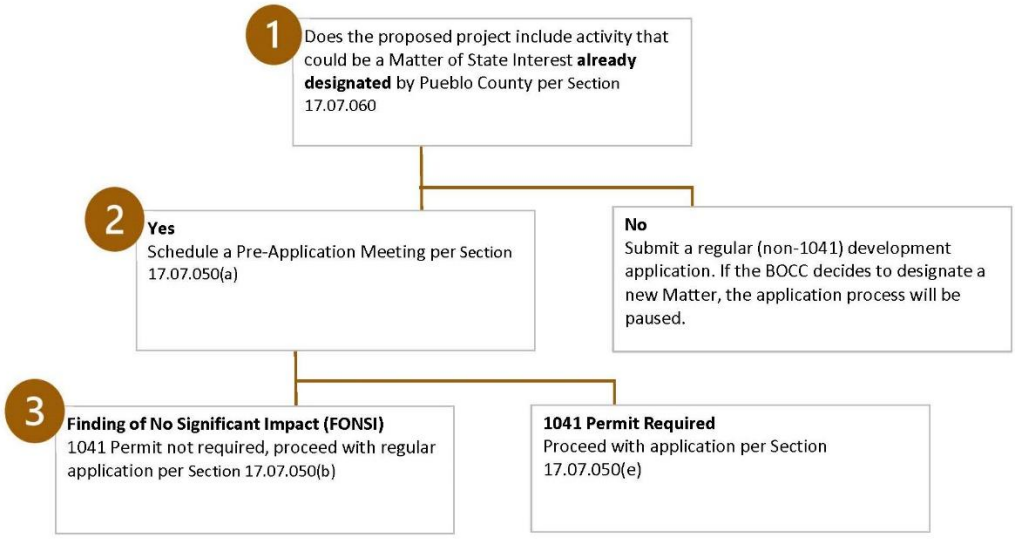
(ii) Reapplication

In the event a request for a variance is denied, no new request shall be made for the same or a substantially similar condition on the same property covered by the original application within six months of the denial.

Chapter 17.07 Areas and Activities of State and Local Interest

17.07.010 How to Apply this Chapter

Applicants for projects that may require a 1041 Permit will generally proceed through the following steps, as described in more detail in this Chapter.



17.07.020 General Provisions

(a) Authority and Title

This Section is enacted pursuant 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 and later maintained by Pueblo County, for the purpose of regulating areas and activities of state interest. These regulations may be cited as "1041 Regulations" and the permit required by this Section is the "1041 Permit."

(b) Purpose

These regulations are designed to implement the legislative declaration in C.R.S. §24-65.1-101 and to facilitate identification, designation, and administration of matters of state and local interest as a means of ensuring that growth and development in Pueblo County are consistent with legitimate development impact concerns; in a manner the protects environmentally sensitive areas; occurs in a safe, efficient and coordinated manner; and, further, ensuring that adequate community services and facilities are provided in a

manner consistent with the constitutional rights of property owners, community goals and protection of the public welfare.

(c) Findings

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 Pueblo County.

(3) These regulations are adopted after having taken into consideration applicable guidelines adopted and issued by the Colorado Land Use Commission and revised based on actual Pueblo County experience.

(4) These regulations apply to all unincorporated areas within Pueblo County.

(d) Relationship to Other Regulations

(1) 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.

(2) If 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.

(3) 1041 Permit requirements may apply to projects that are subject to applicable state and federal water quality and environmental laws, rules, and regulations, including but not limited to the following. Compliance with state and federal laws, rules, regulations, or permits is subject to enforcement by the issuing authority and not Pueblo County:

(i) Section 25-8-701, et seq., C.R.S., wastewater treatment plant site approval;

(ii) 5 C.C.R. § 10002-22 Regulation No. 22, Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works;

(iii) Section 25-8-501, et seq., C.R.S., point source pollutant discharge Permits;

(iv) Section 208 (33 U.S.C. Section 1288) area-wide wastewater treatment management planning administered by the Pikes Peak Area Council of Governments (as to wastewater treatment only);

(v) Section 303 (33 U.S.C. Section 1313) river basin water quality management planning;

(vi) Disposal of sewage sludge (33 U.S.C. Section 1345);

(vii) Section 32-1-201, C.R.S., Special District Control Act;

(viii) 16 U.S.C. Section 661-666(c) (1970), the Fish and Wildlife Coordination Act;

(ix) Section 102(c) (42 U.S.C. Section 4321, et seq.) the National Environmental Policy Act;

(x) Section 404 of the Federal Clean Water Act; and

(xi) Current clearance letter or take permit for the project issued by the U.S. Fish & Wildlife Service for threatened or endangered animal or plant species.

(4) Review or approval of a project by a federal, state, or local agency does not remove and shall not substitute for, the need to obtain a 1041 Permit for that project under this UDC. Any applicant for a 1041 Permit under this UDC that is also subject to the regulations of other agencies may request in writing that the County application and review process be coordinated with that of the other agency or agencies. If practicable, and in its discretion, the County may instruct the applicant in writing that either:

(i) The County will attempt to eliminate redundant application submittal requests and may coordinate its review of the application with that of other agencies as appropriate; or

(ii) Where, in the opinion of the Board, the federal or state review and approval processes adequately address the impacts this Chapter is intended to address, the County may agree to rely on that review and approval.

(5) The applicant shall comply with all applicable federal and state laws, regulations, ordinances, review, and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service regarding the Endangered Species Act.

(e) Duties of Director

Unless otherwise specifically provided, it shall be the duty of the Director to perform all functions set forth in all regulations of matters of state and local interest.

17.07.030 Applicability

(a) Designated Matters of State and Local Interest

These guidelines and regulations shall apply to all proceedings concerning identification, designation, and administration of any area or activity ("Matters") of state and local interest. Matters already designated by Pueblo County are identified in §17.07.060, Pueblo County Designated Matters of State and Local Interest.

(b) Determination of Applicability to New Matters of State and Local Interest

The Board of County Commissioners may designate new Matters through §17.07.040, Consideration and Designation of Matters of State and Local Interest.

(c) Exemptions

The following development types, activities, and locations are exempt from the 1041 review process.

(1) Statutory 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 or activity of state interest if, on May 17, 1974:

(i) The specific development or activity was authorized by a building permit issued by the County;

(ii) 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;

(iii) The specific development or activity is to be on land that 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;

(iv) The specific development or activity is to be on land that 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

(v) 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.

(2) Specific Exemptions

(i) Previously Approved Development

Any activity that meets one of the following criteria as of the date when Pueblo County designates a matter of state interest.

a. Pre-Existing County Approval

1. Final Approval Issued

The exemption does not apply to any subsequent modifications to the approved development or inclusion of a development area that were not included within the pre-existing Pueblo County land use approval and for which a new or revised development application is required.

2. Complete Application Filed

i. Applicants with complete applications shall be permitted to complete the review process and, if approved, the project shall be exempt from Chapter 17.07. However, if application is denied, this exemption shall not apply, and the project shall be subject to this Chapter as applicable.

ii. Proposed development that was not included in the application for the pre-existing approval that is related to or shares a development area with the pre-existing approval and that is subject to 1041 Permit review shall still be required to complete the 1041 review process and will not be exempted from this Chapter based on the relationship to a pre-existing approval.

b. Location and Extent Review

1. The specific activity has been acted upon by the Planning Commission as a §17.06.090, Location and Extent Review.

2. Proposed development that was not included in the location and extent review that is related to or shares a development area with the activity subject to location and extent review and that is subject to 1041 Permit review shall still be required to complete the 1041 review process and will not be exempted from this Chapter based on the relationship to the location and extent review activity.

(ii) Interstate Natural Gas Utilities

An interstate natural gas utility regulated by the Federal Energy Regulatory Commission or its successor, provided the following requirements and procedures are complied with by the utility whenever site selection and construction of major facilities within Pueblo County are proposed:

a. Copies of all materials (i.e., environmental impact statement, application for certification of public convenience and necessity) filed with a federal and/or state regulatory agency shall also be filed with the Board of County Commissioners within five days of filing the state or federal application.

b. Written notice of all scheduled public proceedings before the federal and/or state regulatory agency shall be given to the Board of County Commissioners not less than 30 days prior to the proceedings, provided further, however, that if the public utility receives less than 30 days' notice it shall give written notice to the Board within five working days after it receives its notice.

(iii) Intergovernmental Agreements

Any entity that has an approved intergovernmental agreement with the County in lieu of a 1041 Permit as was previously authorized under this UDC, and such agreement is specific to the project in question. This exemption does not apply to any subsequent modifications to the activity that were not included within the approved intergovernmental agreement.

(iv) Specific Ongoing Operations and Maintenance

a. Replacement of an existing water diversion structure without change in the point of diversion, height of structure within the stream channel, or provided the replacement can be made in a manner that does not create new flood or navigation hazards.

b. Operation, maintenance, repair, and replacement of existing water and wastewater collection, treatment, storage, and delivery facilities and associated works, provided that improvements or replacements of existing facilities do not materially alter the location of the existing facility, including any outfalls or effluent discharge points.

17.07.040 Consideration and Designation of Matters of State and Local Interest

(a) Board of County Commissioners to Make Designations

The Board of County Commissioners may, by official action, designate, amend, or revoke the designation of matters of state and local interest.

(b) Public Hearing Required

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 of the matter.

(1) Notice of Public Hearing, Mailing List, and Publication

(i) The Director shall prepare a notice of the designation hearing that shall include:

a. The time and place of the hearing;

b. The place at which materials relating to the matter to be designated and any guidelines and regulations for the administration may be examined;

c. A telephone number or email address where inquiries may be answered;

d. A description of the area of activity proposed to be designated in sufficient detail to provide reasonable notice as to property that 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.

(ii) At least 30 days but not more than 60 days before the public hearing, the Director shall publish notice of the designation hearing in a newspaper of general circulation in the Pueblo County.

(iii) The Director shall also mail notice of the hearing to any or all of the following, as determined in the discretion of the Director:

a. State and federal agencies;

b. Representatives of the news media;

c. Any other person considered to be likely to be affected by the proposed designation;

d. Any other local governmental jurisdiction that might be directly or indirectly affected by the designation.

(iv) Failure to provide mailed notice shall not constitute a defect that prevents the holding of the public hearing as provided for in the notice published in accordance with §17.06.060(c)(2).

(2) Matters to be Considered at Designation Hearing

(i) The Board of County Commissioners shall consider evidence as may appear appropriate, including as a minimum:

a. The intensity of current and foreseeable development pressures;

b. The matters and considerations set forth in any applicable guideline issued by the Colorado Land Use Commission and other state agencies;

c. The boundaries of the proposed area if the matter to be designated is an area;

d. 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;

(ii) The Board of County Commissioners may also consider:

a. Any master or comprehensive plan pertaining to or affected by the area or activity under consideration; and

b. Any federal or state plan or program pertaining to or affected by the area or activities under consideration.

(iii) The Board of County Commissioners shall also hear relevant testimony and receive relevant evidence, including documents presented at the hearing and the recommendations of the Director.

(3) Record of Designation Proceedings

(i) The Director will collect and preserve the following record of the public hearing, as a minimum:

a. Notice of the hearing;

b. Publisher's proof of publication of the notice;

c. The names and addresses of the person(s) who presented written or oral statements at the hearing;

d. Written findings concerning each of the matters referred to in Subsection (d) above.

(ii) Any person may, at their own expense, provide for the recording and transcription of the hearing; provided, however, that a copy of the recording or transcription, if transcribed, shall be furnished free of charge to the Director and shall become part of the record.

(c) Adoption of Designation and Regulations

(1) 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.

(2) Each designation order adopted by the Board of County Commissioners shall, as a minimum:

(i) 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;

(ii) Specify the regulations applicable to the designated matter of public interest.

(3) The Board of County Commissioner's action shall be taken by resolution.

(d) 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.

(e) Effective Designation Moratorium until Final Determination

After a matter of state and local interest is designated pursuant to this subsection, 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.

(f) 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 1041 Permit. No 1041 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.

17.07.050 1041 Permit Application and Review

(a) Pre-Application Meeting

(1) A Pre-Application Meeting, as described in §17.06.040(a), is required to determine whether the proposal will require a 1041 Permit. In addition to the pre-application meeting materials required in §17.06.040(a), the applicant shall provide the following:

(i) 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:

1. Boundary of the proposed activity.



2. Relationship of the proposed activity to surrounding topographic and cultural features such as roads, streams, and existing structures.

3. 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.

(2) Within 30 days after the pre-application meeting and prior to a Finding of No Significant Impact (FONSI) or 1041 Permit determination, the Director shall establish and provide the applicant with a written fee estimate for the amount reasonable and necessary to cover costs of determining whether a FONSI is applicable, or a 1041 Permit is required. Following receipt of the fee estimate, the applicant shall submit certified funds in the estimated amount to the County. No further action shall be taken in the pre-application process until the fee is paid in full.

(b) Determination: Finding of No Significant Impact (FONSI) or 1041 Permit Required

(1) 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 Director may determine that either a FONSI is warranted or that a 1041 Permit is required. The Director shall make this determination when sufficient information, as requested by the Director, has been provided by the applicant following the pre-application meeting.

(i) The Director 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 with consideration of the review criteria in §17.07.050(h)(2). If the Director makes a FONSI, the applicant does not need to submit a 1041 Permit application, unless the Board of County Commissioners deems that a 1041 Permit is necessary, following reconsideration as set forth below.

(ii) If the Director 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 shall obtain a 1041 Permit.

(iii) Notice of Director's Determination on a FONSI.

a. Upon the Director's determination on a FONSI, the Director shall notify the applicant by mail, and shall notify the Board and the County Attorney of the determination by e-mail or memorandum.

b. Within 14 days of the Director's determination on the FONSI, notice of the determination shall be published once in the County legal newspaper. The notice shall describe the project and the procedure for requesting reconsideration as set forth below.

(iv) Reconsideration of Director's Determination on a FONSI.

Within 14 days after publication of the Director's determination on a FONSI, either of the following may happen:

a. The Board may decide to reconsider the determination. The reconsideration shall be made at the next regularly scheduled meeting of the Board for which proper notice can be accomplished.

b. Any affected party seeking a reconsideration of the Director's determination on a FONSI shall file a written request with the Board. The Board shall reconsider the Director'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.

(2) 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.

(c) Appeal of Determination of Applicability

An applicant or interested party may appeal the Director's determination regarding the requirement for obtaining a 1041 Permit to the Board of County Commissioners pursuant to §17.06.040(i), Appeals, no later than ten days after issuance of the Director's written determination.

(d) Appeal Process

(1) Initiation of Appeal

The application for appeal shall be submitted in accordance with §17.06.040(i), Appeals.

(2) Scheduling and Notice

(i) Upon receipt of the appeal, the Director will schedule the appeal on the next available agenda of the Board of County Commissioners, no later than 60 days after the date on which a properly completed application is filed.

(ii) Notice shall be provided consistent with the requirements in §17.06.040(f), Public Notice and Public Hearings.

(3) Action by the Board of County Commissioners

(i) At the appeal hearing the Board of County Commissioners will take relevant evidence and testimony from the person who filed the appeal, County staff, and any interested party.

(ii) The applicant shall have the burden of proving that granting the appeal is consistent with the intent and purpose of this Chapter.

(iii) The decision of the Board of County Commissioners shall be final.

(4) Review Criteria for an Appeal

The scope of the appeal hearing will be limited to a determination of whether the application will be subject to the 1041 Permit process. The scope will not include evaluation of the substantive merits of the application. The Board of County Commissioners shall consider each of the following review criteria and make findings pertaining to each one that they determine, in their discretion, applies to the appeal.

(i) Whether approval of the appeal will not subvert the purpose or intent of this Chapter.

(ii) Whether the development or activity has received approval through a state or federal permitting process that has used review criteria substantially the same as those contained in this UDC, and that has afforded a similar or greater amount of input by affected residents and property owners of Pueblo County.

(iii) Whether the applicant has met the burden of proving that the Director erred in the decision to include or exclude the activity or development from the 1041 Permit process.

(iv) In the case of siting and development of a new domestic water or sewer transmission pipeline, evidence has been provided that:

a. The proposed pipeline is located entirely on property owned by the entity proposing the activity and/or within easements or rights-of-way that have been acquired from willing sellers, or

b. The proposed pipeline is located entirely within a special district organized under C.R.S. Title 32, or a public or local improvement district organized under C.R.S. 30-20 Parts 5 and 6, and

1. The pipeline is intended to provide water or sewer service to properties located within that district in Pueblo County; and

2. Written notice of all scheduled public meetings of the district concerning the siting and development of the new pipeline has been given to all property owners who may be directly affected by the activity, and to the Board of County Commissioners, not less than 14 days prior to the meeting.

(5) Reconsideration

The Director may determine, based on application information submitted post-Pre-Application, that the nature and impacts of the proposed activity or development merit reconsideration regarding the applicability of a 1041 Permit requirement. Should the Director determine that a 1041 Permit is required, the applicant may appeal the determination pursuant to this Section.

(e) 1041 Permit Required

If the Director determines that a 1041 Permit is required for the requested project, the following requirements apply.

(1) Determination of Required Area

No person may engage in development in a designated area of state interest or conduct a designated activity of state interest without first obtaining a 1041 Permit.

(i) When an applicant proposes development or activity that implicates more than one area or activity of state interest, the applicant shall submit a single 1041 Permit application that includes all affected areas and activities.

(ii) If any proposed development is located partly within and partly outside the boundary of an area of state interest as designated in this Chapter, the impacts of the entire development will be subject to review under this Chapter. All construction or uses that compose or are directly associated with the development shall be considered to be part of the development, including but not limited to buildings, other associated structures, access roads or drives, utility lines, and parking areas.

(iii) If any proposed development, or any segment of any proposed development, includes an area or activity as designated this Chapter, then the entire project is subject to the 1041 process.

(2) Applicability of Other County Regulations

(i) If a development or activity subject to these regulations is proposed as an integral part of a land division process, the applicant shall comply with this Chapter prior to obtaining Final Plat approval.

(ii) No building permit shall be issued by the County for an activity or development subject to this Chapter without the applicant having first obtained a 1041 Permit and other associated required land use approvals.

(iii) 1041 Permits issued under this Chapter shall not be considered to be a site-specific development plan and no statutory vested rights shall take effect under such permit. A 1041 Permit may specify a period of time for which the permit is valid, or state additional criteria related to future validity of the 10 Permit.

(3) Calculation of Application Fee

Within 30 days after determining a 1041 Permit is required, the Director shall determine and establish a reasonable fee sufficient to cover the costs of processing the application, including the cost of holding the necessary hearings. The Director shall determine which one of the two application fee processes below is applicable to the application and shall provide the applicant with written notification of the determination. The application fee processes are as follows:

(i) Application Fee: Estimate Process

a. The Director shall establish an 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 ("application fee"). The Director shall provide the applicant written notification of the application fee amount. Following receipt of the notice, the applicant shall submit certified funds in the amount set to the County. The application shall not be processed until the application fee is paid in full.

b. The actual costs incurred by the County to process the application shall be deducted from the application fee. The Director 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 Director, 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.

c. The County will deposit in an account of its choosing that portion of the fee that may not be necessary to cover current costs and expenses. The funds in the account will be applied by the County toward costs and expenses in processing the application. Any portion of the application fee that is not necessary to cover the cost of processing the application will be reimbursed to the applicant at the conclusion of all actions necessary to process the application.

d. The Board of County Commissioners may, in its sole discretion, waive all or a portion of the application fee if the applicant demonstrates a special need or the waiver of fees is found to be in the best interests of the citizens of Pueblo County.

(ii) Application Fee: Bill for Costs Process

a. The Director shall track and document all 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. The applicant shall be billed for these costs.

b. The Director may bill the applicant during the 1041 Permit review process and/or at the completion of the 1041 Permit review process, prior to recordation.

c. Failure to pay the application fee in accordance with the determination and instructions of the Director made pursuant to these regulations shall result in the suspension of any further proceedings on the Application until such time as the fee is paid in full. If, after receiving notice of suspension for failure to pay the required fee, the applicant fails to pay the fee within a period of 30 days, then the Application shall be deemed to have been abandoned and therefore denied without further action by the Director and/or the Board of County Commissioners.

d. In the event the permit fee is not fully finalized and billed to the applicant prior to the approval of the 1041 Permit, then a failure to pay the fee in full at the time of final billing shall result in an action by the Board of County Commissioners to rescind the approval of the 1041 Permit.

(f) Submittal Requirements

Submittal requirements for 1041 Permit applications for designated areas of state and local interest shall be determined by the Director. 1041 Permit applications for activities of state and local interest shall comply with the submittal requirements in §17.07.050(f) and any additional requirements in §17.07.060. 1041. The Director 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 any specific project.

(1) General

(i) Completed application form approved by the Director.

(ii) The Director may require submission of any plan, study, survey, or other information, in addition to the information required by this Section, at the applicant's expense, as in the Director's judgment is necessary to enable it to review and act upon the application.

(iii) Any application that 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 County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property that 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 that 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 C.R.S. § 24-65.5-101, et seq.

(2) Information Describing the Applicant

(i) The names, addresses, including email and website address, organizational form (e.g., corporation, LLC), and business of the applicant and, if different, the owner of the project.

(ii) 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.

(iii) Written authorization of the application package by the project owner, if different than the applicant.

(iv) 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.

(v) Written qualifications of report preparers.

(3) Information Describing the Project

(i) Vicinity map showing the proposed site and the surrounding area.

(ii) Executive summary of the proposal indicating the scope and need for the project.

(iii) Plans and specifications of the project in sufficient detail to evaluate the application against the applicable review criteria.

(iv) Descriptions of alternatives to the project considered by the applicant. If the Director 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 Director may require the applicant to evaluate and present information on such additional alternatives as part of the application.

(v) Schedules for designing, permitting, constructing, and operating the project, including the estimated life of the project.

(vi) 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.

(vii) Description of relevant conservation techniques to be used in the construction and operation of the project.

(viii) Description of demands that this project expects to meet and basis for projections of that demand.

(ix) List of adjacent property owners and their mailing addresses.

(4) Property Rights, Other Permits, and Approvals

(i) Description of property rights that are necessary for or that will be affected by the project, including easements and property rights proposed to be acquired through negotiation or condemnation.

(ii) 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.

(iii) Copies of any permits or approvals related to the project that have been granted.

(iv) Copies of relevant 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.

(5) Land Use

(i) A map at a scale relevant to the project and acceptable to the Department describing existing land uses and existing zoning of the proposed project area and the project service area, including peripheral lands that may be impacted. The land use map shall include but not be limited to the following categories: residential, commercial, industrial, extractive, transportation, communication and utility, institutional, open space, outdoor recreation, agricultural, forest land and water bodies. Show all special districts (school, fire, water, sanitation, etc.) within the project area.

(ii) All immediately affected public land boundaries should be indicated on the map. Potential impacts of the proposed development upon public lands or existing public access to public lands will be visually illustrated on the map as well as described in the text.

(iii) A discussion of how the project and its impact will be in conformance with the Regional Comprehensive Plan, including each policy or goal furthered by the project, and a description of where the project is in conflict with a policy or goal.

(iv) A discussion of how the project and its impact will be in conformance with any applicable regional and state plans, including without limitation each policy or goal furthered by the project, and a description of where the project is in conflict with a policy or goal.

(v) Specify whether and how the proposed project conforms to applicable federal land management policies.

(vi) If relevant to the project design, describe the agricultural productivity capability of the land in the project area, using Soils Conservation Service soils classification data.

(vii) Describe the probability that the project may be significantly affected by earthquakes, floods, fires, snow, slides, avalanches, rockslides or landslides and any measures that will be taken to reduce the impact of such events upon the project.

(viii) Specify if excess service capabilities created by the proposed project will prove likely to generate sprawl or strip development.

(ix) Specify whether the demand for the project is associated with development within or contiguous to existing service areas.

(6) Financial Feasibility of the Project

(i) Relevant bond issue, loan and other financing approvals or certifications (ex: approved bond issues; bond counsel opinion).

(ii) Business plan that generally describes the financial feasibility of the project.

(7) Local Infrastructure and Services Impacts

An impact analysis that addresses the manner in which the applicant will comply with the relevant 1041 Permit application review criteria. The impact analysis shall include the following information: 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 the project within Pueblo County.

(8) Recreational Opportunities

Description of the impacts and net effect of the project on present and potential recreational opportunities, including public access, ability to perform maintenance

and operation, and potential conflicts between the project and recreational opportunities.

(9) Areas of Paleontological, Historic, or Archaeological Importance

Description of the impacts and net effect of the project on sites of paleontological, historic, or archaeological interest.

(10) Nuisance

Descriptions of noise, glare, dust, fumes, vibration, and odor levels anticipated to be caused by the project.

(11) Air Quality

Description 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, considering particulate matter and aerosols, oxides, hydrocarbons, oxidants, and other chemicals, temperature effects, and atmospheric interactions.

(12) Visual Quality

Description of the impacts and net effect that the project would have on visual quality, considering viewsheds, scenic vistas, unique landscapes, or land formations within view of the project area.

(13) Drainage

The applicant shall supply a surface and subsurface drainage analysis.

(14) Surface Water Quality

(i) Map and/or description of all surface waters relevant to the project, including description of provisions of the applicable regional water quality management plan, and NPDES Phase II Permit and necessary Pueblo County Erosion and Stormwater Quality Control Permit ("ESQCP"), Section 404 Federal Clean Water Act Permit that applies to the project and assessment of whether the project would comply with those provisions.

(ii) Existing data monitoring sources.

(iii) 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.

(15) Groundwater Quality

(i) Map and/or description of all groundwater, including any and all aquifers relevant to the project. At a minimum, the description should include:

a. Seasonal water levels in each portion of the aquifer affected by the project.

b. Artesian pressure in the aquifers.

c. Groundwater flow directions and levels.

d. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.

e. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of the aquifer to impound groundwater and aquifer storage capacity.

f. 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.

g. Existing groundwater quality and classification.

h. Location of all water wells potentially affected by the project and their uses.

(ii) Description of the impacts and net effect of the project on groundwater.

(16) Water Quality

(i) Map and/or description of existing stream flows and reservoir levels relevant to the project.

(ii) Map and/or description of existing minimum stream flows held by the Colorado Water Conservation Board.

(iii) Descriptions of the impacts and net effect that the project would have on water quantity.

(iv) Statement of methods for efficient use of water, including recycling and reuse.

(17) Floodplains, Wetlands and Riparian Areas; Terrestrial and Aquatic Animals, Plant Life and Habitat

Applicant shall only provide description of foregoing natural conditions, animal, and plant life at, but not to exceed, the level of detail required by other federal or state permits or reviews that are applicable to the project.

(18) Soils, Geologic Conditions, and Natural Hazards

(i) 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, rockslide areas, faults and fissures, seismic history, and wildfire hazard areas, all as relevant to the project area.

(ii) Descriptions of the risks to the project from natural hazards.

(iii) Descriptions of the impacts and net effect of the project on soil and geologic conditions in the area.

(19) Hazardous Materials

(i) Description of all solid waste, hazardous waste, petroleum products, 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.

(ii) Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment plans and structures.

(20)Monitoring and Mitigation Plan

(i) 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.

(ii) Description of methodology used to measure impacts of the project and effectiveness of proposed mitigation measures.

(iii) Description, location, and intervals of proposed monitoring to ensure that mitigation will be effective.

(21) Additional Information

The Director may request that the applicant supply additional information related to the project if the Director is not able to make a determination on any one of the applicable review criteria without the additional information. Such additional information may include applicant's written responses to comments by a referral agency.

(g) Notice

No later than 30 days after receipt of a completed application for a 1041 Permit, the Board of County Commissioners shall set a date, time, and place for a hearing upon the application, and shall publish notice of the hearing. The notice shall be published once in a newspaper of general circulation in the County, not less than 30 nor more than 60 days before the date set for the hearing. The Director shall also give notice to the other persons and entities set forth in §17.07.040(b)(1), Notice of Public Hearing, Mailing List, and Publication, but any failure to do so shall not constitute defective notice for the purpose of this hearing.

(h) Board of County Commissioners Review

(1) Conduct of Permit Hearing

(i) The Board of County Commissioners shall conduct the public hearing in a manner that affords procedural due process to the applicant as well as to any person who supports or opposes issuance of the 1041 Permit.

(ii) The Board of County Commissioners shall hear testimony and receive evidence, including:

a. The recommendations and comments of the Director;

b. Relevant testimony and documents presented at the hearing.

(iii) 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 Board of County Commissioners may impose reasonable time limits on presenters and witnesses.

(iv) Any person may, at their own expense, provide for the recording and transcription of the hearing; provided that a copy of the recording or transcript shall be furnished free of charge to the Director and shall become part of the record.

(v) The Director shall collect and preserve the following record of the public hearings:

a. The 1041 Permit application;

b. Any written statements or documents presented in support of or in opposition to the 1041 Permit application;

c. The names and addresses of all persons making oral or written statements, appearing as witnesses, or offering documentary evidence;

d. Any recording or transcript of the hearing as provided in Subsection (iv) above;

e. Written minutes of the Board of County Commissioners relating to the public hearing;

f. The resolution of the Board of County Commissioners granting or denying the 1041 Permit application;

g. A copy of the 1041 Permit, if issued.

(vi) If the Director or any person shall, after the conclusion of the hearing, discover new evidence that they wish to present to the Board of County Commissioners, they may, if the Board has not yet reached its decision, petition to have the hearing reopened. If the Board 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 30 days nor more than 60 days after such determination, upon notice as provided for in §17.07.050(g).

(2) Review Criteria

In determining whether a proposed project complies with any of the following review criteria, or whether conditions should be imposed, the Board of County Commissioners may use the considerations in Attachment A, Appendix A: Considerations for Review Criteria.

(i) Applicability and Interpretation

a. The Board of County Commissioners shall consider the following review criteria in deciding on a 1041 Permit application.

b. Where such terms as "reasonable," "feasible," and "adequate" are used, the Board of County Commissioners shall determine in each case what is or is not reasonable, feasible, or adequate.

(ii) Statutory Permit Application Review Criteria

The following review criteria apply to all project applications:

a. The project is technically and financially feasible.

b. The project is not subject to significant risk from natural hazards.

c. The project will not have a significant adverse effect on:

1. Land use patterns;
2. The capability of local governments affected by the project to provide services or exceed the capacity of service delivery system; or
3. The quality or quantity of recreational opportunities and experience.

d. The project will not create an undue financial burden on existing or future residents of the County.

e. The project will not significantly degrade or deteriorate:

1. Any current or foreseeable future sector of the local economy;
2. Air quality;
3. Existing visual quality;
4. Surface water quality;
5. Groundwater quality;
6. Wetlands and riparian areas;
7. Terrestrial or aquatic plant or animal life or its habitats; and/or
8. Soils and geologic conditions.

f. The project will not cause a nuisance.

g. The project will not result in unreasonable risk of releases of hazardous materials.

h. The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water.

i. The project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.

j. The project shall be necessary to meet community development and population demands in the areas to be served by the project.

k. 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.

l. 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.

m. To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area.

n. New domestic water and wastewater treatment systems shall be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and wastewater treatment systems of adjacent communities.

o. 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.

(iii) Pueblo County Generally Applicable Review Criteria

The following considerations will be applied to the review of all applications. Review criteria for specific matters are also applicable and located in §17.07.060:

a. The proposed activity is consistent with adopted County and regional plans and policies, including the Regional Comprehensive Plan.

b. There is sufficient existing and projected need within the County and region to warrant and support the proposed activity.

c. All environmental impacts, to the extent that the same are determined by this Board to be adverse, will be sufficiently mitigated or compensated for.

d. The proposed activity will not make demands upon natural resources, including, but not limited to, water, energy resources, and unique environmental areas, which demands are excessive when compared with the value of the activity.

e. The proposed activity will not adversely impact the physical, economic, or social environment of this jurisdiction, or 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.

f. 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 1041 Permit application until outstanding property rights, permits, and approvals are obtained.

g. The project will not impair property rights held by others.

h. The project is consistent with relevant provisions of applicable land use and water quality plans.

i. The applicant has the necessary expertise and financial capability to develop and operate the project consistent with all requirements and conditions.

j. The project is technically and financially feasible.

k. The project is not subject to significant risk from natural hazards.

l. The project will not have a significant adverse effect on:

   1. Land use patterns;

   2. The capability of local governments affected by the project to provide services or exceed the capacity of service delivery systems; and/or

   3. The quality or quantity of recreational opportunities and experience.

m. The project will not create an undue financial burden on existing or future residents of the County.

n. The planning, design and operation of the project shall reflect principles of resource conservation, energy efficiency and recycling or reuse.

o. The project will not significantly degrade or deteriorate:

   1. Any current or foreseeable future sector of the local economy;

   2. Air quality;

   3. Existing visual quality;

   4. Surface water quality;

   5. Groundwater quality;

   6. Wetlands and riparian areas;

   7. Terrestrial or aquatic plant or animal life or its habitats; and/or

   8. Soils and geologic conditions nor cause significant erosion, sedimentation, or flooding.

p. The project will not cause a nuisance.

q. The project will not significantly degrade areas of paleontological, historic, or archaeological importance.

r. The project will not result in unreasonable risk of releases of hazardous materials.

s. 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 that impact the County, or the losses of opportunities to develop such resources.

t. The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water.

u. The project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.

v. The project shall be necessary to meet community development and population demands in the areas to be served by the project.

w. 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.

x. 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.

(3) Approval or Denial of Permit Application

At the completion of the public hearing, the Board of County Commissioners shall:

(i) Review the applications in light of the general review criteria in §17.07.050(h)(2), Review Criteria, and any specific review criteria in §17.07.060, Pueblo County Designated Matters of State and Local Interest.

(ii) If the Board finds that there is not sufficient information concerning any material feature of a proposed development or activity, the Board may:

a. Deny the application, or

b. Continue the hearing until the additional information has been received. A continuance shall be limited to 120 days unless agreed to by the applicant.

(iii) Reach a decision upon a 1041 Permit application within the following time frames after the conclusion of the hearing, unless an extension is agreed to by the Board and the applicant:

a. 45 days for applications for a 1041 Permit related to arterial highways, interchanges, and collector highways and new communities; and

b. 90 days for all other applications.

(iv) Decide on the application.

a. Approve an application for a 1041 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 the standards of all the provisions of the regulations governing such area or activity.

b. If the proposed development does not comply with the standards of such regulations, the 1041 Permit shall be denied.

c. As an alternative to denial, the Board, at its sole discretion, may approve the 1041 Permit application with conditions to ensure compliance with this UDC.

(v) The Board of County Commissioners conducting a hearing pursuant to this Section shall state, in writing, reasons for its decision, and its findings and conclusions.

17.07.060 Pueblo County Designated Matters of State and Local Interest

The following have been designated as matters of state and local interest in Pueblo County.

(a) Site Selection of Arterial Highways, Collector Highways, and Interchanges

(1) Applicability

(i) A proposal that falls within one or more of the following criteria shall be considered site selection of arterial highways, interchanges, and collector highways:

a. The proposal represents a limited-access highway that 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 50,000 or more, as well as the greatest majority of population centers having a population of 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 bypassing 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 (a) through (d) above, at grade or with grade separation.

g. The proposal involves major additions to the adopted transportation plan.

(ii) For the purpose of this subsection, "site selection" shall mean the preliminary selection of a highway corridor that is not in the adopted transportation plan, and application for a 1041 Permit to engage in such activity shall be required before any earth moving or other work is done that shall physically affect the site selected. Once a 1041 Permit has been issued for site selection of a highway corridor, however, the Board shall not be involved with the further refinement of design, engineering, or construction related to the activity. The person or entity engaging in or planning the activity shall apply to the Board for an additional 1041 Permit if changes in plans should result in the moving or expansion of the activity to a site not approved in the original permit.

(2) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

(i) Description of how the project will affect traffic patterns as well as non-motorized traffic.

(ii) A map(s) and description of existing land use in the impact area in relationship to the existing circulation system and the project.

(iii) A map(s) of the impact area showing planned, proposed, or expected land use with and without the project.

(iv) Description of how new roads will affect community, regional, and statewide traffic demands.

(v) Description of how new roads will comply with other local, state, and federal regulations and plans.

(vi) For each alternative corridor location being considered by the applicant, including the preferred alternative, provide the information specified below:

a. A general description of the alternative, with the advantages and disadvantages of the alternative

b. Location map showing the corridor and general area

c. Corridor location study, including:

1. Type and scale of the improvement;

2. Cost estimate; and

3. Approximate timetable for construction and right-of-way acquisition.

d. Demographic information in the impact area, including:

1. Estimated current population number and density;

2. Total employment, occupation types, and major employer locations;

3. Household incomes;

4. Population projections in increments as determined by the applicant and approved by the Director, not to exceed a 20-year increment; and

5. Boundaries of neighborhoods in the impact area.

e. A quantification of the amount of traffic by major traffic generator in the impact area.

f. A description of the planned level of service in relationship to projected user demand in ten-year intervals.

g. A description of the impacts of the project on accessibility to and from existing public facilities, commercial and industrial facilities, and residential areas.

h. A description of safety hazards that may result from the location of the project.

i. A discussion of the development potential that would result in the impact area with and without the completion of the project. Measure the development potential in terms of: land values, land availability, land use controls, vacancy rates and indices of accessibility to school/education, utility service, other public and quasi-public services, local and regional amenities, and employment opportunities.

j. A description of projected number of users of the project.

k. A description of plans for complementing and integrating with other modes of transportation.

(vii) A description of all federal highway standards that apply to the project.

(viii) A description of plans for relocation and compensation of homes and businesses.

(3) Review Criteria

1041 Permit applications for site selection of arterial highways, collector highways, and interchanges shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

(i) The proposal represents a limited-access highway that is part of the federal-aid interstate system, or a limited-access highway constructed under the supervision of the Colorado State Department of Highways.

(ii) The project will eventually serve corridor movements having trip length and travel density characteristic of substantial Statewide or interstate travel.

(iii) Where applicable, the project will result in the service of all, or nearly all, urban areas having a population of 50,000 or more, as well as the greatest majority of population centers having a population of 25,000 and more.

(iv) The project 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 intra-city communities, or between major suburban centers.

(v) The project 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.

(vi) The project involves the intersection, or transfer of traffic, between two or more of the types of highways described in subsections (ii) through (v) of this Section, at grade or with grade separation.

(vii) Highways and interchanges shall be located so that:

a. Community traffic needs are met.

b. Desirable community patterns are not disrupted.

c. Direct conflicts with adopted local government, regional, and state comprehensive plans are avoided.

(viii) Other reasonable modes of transportation shall, to the extent feasible, be incorporated into the highway proposal, including bicycle, mass transit, and pedestrian modes.

(ix) The location of the proposed highways and interchanges shall not significantly impede the delivery of essential community services and goods.

(x) The location of the proposed highways and interchanges shall not unduly divide neighborhoods or isolate neighborhoods from public facilities including schools, hospitals, mass transit, pedestrian and bikeways, recreational areas, and open spaces.

(xi) The location of the proposed highways and interchanges shall not create unreasonable safety hazards by causing or contributing to significant overuse, improper use, or congestion on other roadways.

(xii) The proposed highways shall be integrated into the regional transportation network.

(xiii) The applicant can demonstrate a clear and reasonable need for the highways and interchanges.

(xiv) The proposed highways or interchanges will complement, to the extent feasible, mass transit facilities.

(xv) The proposed highways or interchanges will not have a significant adverse impact on prime or unique farmland.

(xvi) The proposed highways or interchanges will not result in significant loss of fertile agricultural soil.

(xvii) The proposed highways or interchanges shall avoid the relocation of households. Where relocation of households cannot be avoided because of technical constraints, adequate housing inventory shall exist to accommodate displaced households.

(xviii) The proposed highways or interchanges shall avoid relocation of farms or businesses. Where relocation of farms or businesses cannot be avoided because of technical constraints, adequate sites shall exist within the same market area to relocate farms or businesses.

(xix) The proposed highways and interchanges shall satisfy state and federal highway standards, including without limitation, any Federal Transportation Acts.

(xx) The proposed highways shall reasonably incorporate materials and design that complement the features of the surrounding human and natural environment.

(xxi) The construction of the highways and interchanges shall be phased to minimize interference with traffic movement.

(xxii) Park and ride facilities shall be located in areas designated by the County.

(xxiii) Finance sources are adequate to ensure proper maintenance of the highways or interchanges.

(xxiv) Grants of access to and from the highway shall comply with applicable state highway access laws and regulations, intergovernmental agreements, and access control plans adopted by state or local entities that impose standards for granting access to the highway.

(b) Site Selection and Development of New Communities

(1) Description

A new community may be classified according to one of the following categories:

(i) 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.

(ii) Satellite Community

A development located outside the corporate limits of a central city planned for a limited degree or 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.

(iii) In-Town Community

A land development, or "revitalization," within the boundaries of an unincorporated community planned for a variable degree of land-use mix.

(iv) 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.

(v) 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.

(2) Applicability

Any activity within the unincorporated jurisdiction of the County of Pueblo that falls within one or more of the following criteria is considered site selection and development of new communities:

(i) Is planned for a minimum population of 500 persons within five years of implementation of the activity or is planned for an ultimate population of 2,500 persons or more;

(ii) Is planned for or requires municipal incorporation;

(iii) Is planned for or requires the formation of a special district, such as a water district, sewer service district, recreation district, or metropolitan district;

(iv) Is planned for or requires the expansion and/or extension of any existing water and/or sewer service district or association within any 24-month period that is equal to or greater than ten percent of the population of the land area served by the district or association at the beginning of the period;

(v) Is planned for or requires a change in existing zoning that provides for a doubling in allowable density on 500 acres or more of land;

(vi) Is planned for or requires an ultimate contiguous zone or Special Use Permit for commercial, industrial, and/or public use on 200 acres or more of land;

(vii) Is planned for or requires annexation to any incorporated area within Pueblo County but is not in compliance with the Regional Comprehensive Plan adopted jointly by such incorporated area and the County.

(viii) A 1041 Permit to conduct this activity shall be required at the following times, respectively:

a. For municipal incorporations: prior to the submission of the petition therefore to the District Court;

b. For the formation of special districts associated with the site selected and development of a new community: 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.

(3) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

(i) One or more maps, at a scale specific by the Director, showing the location of the proposed development and its relationship to the adjacent communities or regional facilities.

(ii) A narrative indicating compliance/non-compliance with the Regional Comprehensive Plan sections relating to the proposed development.

(iii) A narrative discussing any applicable Intergovernmental Agreements that may be in effect for this area and Intergovernmental Agreements that may be required.

(iv) Demonstrate that this proposed facility complies with all requirements of this UDC.

(v) Provide one or more maps that show the size, scale, density, traffic circulation, and open space provisions for the proposed development, at full build-out.

(vi) Provide estimates for the timing of the development, indicating if phasing is expected.

(vii) Provide evidence of applicant's ability to provide services, such as water, sanitation, schools, utilities, law enforcement, or fire.

(viii) Provide population growth estimates for the development and the area around the development.

(ix) Provide evidence that the applicant has the financial ability and expertise to complete the development.

(x) Provide examples of building elevations and street design.

(xi) Provide plans, which demonstrate the percentages of open space, park areas, and trails.

(xii) Provide plans showing stream meandering characteristics, floodplain delineations and location of aquifer recharge.

(4) Review Criteria

1041 Permit applications for site selection and development of new communities shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

(i) Whether the proposed facility complies with all applicable requirements of this UDC.

(ii) Evidence of applicant's ability to provide services, such as water, sanitation, schools, utilities, law enforcement, or fire.

(iii) Evidence that the applicant has the financial ability and expertise to complete the development.

(c) Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems

(1) Applicability

Any activity wholly or partially within the unincorporated jurisdiction of Pueblo County that falls within one or more of the following categories shall be considered to be site selection and construction of major new domestic water and wastewater treatment systems and/or major extension of existing domestic water and wastewater treatment systems:

(i) Domestic Water Systems

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 12 inches or greater in diameter or its equivalent proposed for any of the following:

a. Service to 100 or more dwelling units not served at the time of 1041 Permit of application;

b. Service for commercial and/or industrial use equal to or greater than 250,000 gallons per day of water that is not served at the time of 1041 Permit application;

c. Service by an existing domestic water system to any combination of residential, commercial, industrial, or public uses not served at the time of the 1041 Permit application, and which annual amount of new service will be equal to or greater than ten percent of the water supplied by the existing domestic water system within 12 months prior to the time of 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 5,280 feet, or more.

(ii) Domestic Wastewater Systems

Creation of a major new wastewater treatment system(s) or a major extension(s) of an existing wastewater treatment system(s), which means any new collector sewer lines, return flow lines, pumping, structure, or treatment facilities proposed for:

a. Service to 100 or more dwelling units not served at the time of 1041 Permit application;

b. Service for commercial and/or industrial use equal to or greater than 250,000 gallons per day of effluent that is not served at the time of 1041 Permit application;

c. Service by an existing wastewater treatment system to any combination of residential, commercial, industrial, or public uses not served at the time of the 1041 Permit application, and which amount of new service will be equal to or greater than ten percent of effluent treated by a wastewater treatment system within 12 months prior to the time of application; or

d. Service to any potential wastewater treatment user that requires the installation of any combination of collector sewer or return flow lines over a linear distance of 5,280 feet, or more.

(2) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

(i) Detailed plans of the proposal, including proposed system capacity and service area plans mapped at a scale acceptable to the Department of Planning and Development.

(ii) Provide a description of all existing or approved proposed domestic water or wastewater treatment systems within the project area.

(iii) Describe the design capacity of each domestic water or wastewater treatment system facility proposed and the distribution or collection network proposed in the project area.

(iv) Describe the excess capacity of each treatment system and distribution or collection network in the affected community or project area.

(v) Provide an inventory of total commitments already made for current water or wastewater services.

(vi) Describe the operational efficiency and at what percentage of the design capacity the current system is now operating for each existing system in the project area, including the age, state of repair, and level of treatment.

(vii) Describe the existing water utilization, including the historic yield from rights and use by category such as agricultural, municipal, and industrial supply obligations to other systems.

(viii) Specify whether present facilities can be upgraded to accommodate adequately the ten-year projected increase needed in treatment and/or hydraulic capacity.

(ix) Specify the predominant types of developments to be served by the proposed new water and/or wastewater systems or water and/or wastewater system extensions.

(x) Description of the water to be used by the project and, to the extent identified by the Director in consultation with the applicant, alternatives, including:

a. the source, amount, the quality of such water;

b. the applicant's right to use the water, including adjudicated decrees or determinations and any substitute water supply plans, and applications for decrees or determinations;

c. proposed points of diversion and changes in the points of diversion;

d. the existing uses of the water;

e. adequate proof that adequate water resources have been or can and will be committed to and retained for the project, and that applicant can and will supply the project with water of adequate quality, quantity, and dependability; and

f. approval by the respective Designated Ground Water Management District if applicable.

g. If an augmentation or replacement plan for the project has been decreed or determined or an application for such plan has been filed in the court or with the Ground Water Commission, the applicant shall submit a copy of that plan or application.

(xi) 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.

e. Information on impacts to agricultural head gates and water delivery systems.

(xii) The financial impact analysis, including, but not limited to, a review and summary of any existing engineering and/or financial feasibility studies, assessed taxable property valuations, and all other matters of financial aid and resources in determining the feasibility of the proposed new facility, including:

a. Service area and/or boundaries.

b. Applicable methods of transmitting, storing, treating, and delivering water and collecting, transmitting, treating, and discharging wastewater, including effluent and/or sludge disposal.

c. Estimated construction costs and period of construction of each new or extension facility component.

d. Assessed valuation of the property to be included within the service area boundaries.

e. Revenues and operating expenses of the proposed new or extension facility, including but not limited to historical and estimated property taxation, service charges and rates, assessments, connection and tap fees, standby charges, and all other anticipated revenues of the proposed new facility.

f. Amount and security of the proposed debt and method and estimated cost of debt service.

g. Provide the details of any substantial contract or agreement for revenues or for services to be paid, furnished or used by or with any person, association, corporation, or governmental body.

(3) Review Criteria

1041 Permit applications for site selection and construction of major new domestic water and wastewater treatment systems, and major extensions of existing domestic water and wastewater treatment systems shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

(i) New domestic water and wastewater treatment systems shall be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and wastewater treatment systems of adjacent communities.

(ii) Major extensions of domestic water and wastewater treatment systems will not create growth and development that is incompatible with and cannot be accommodated by the local financial capacity of the area or residents to be served.

(iii) Major extensions of domestic wastewater 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.

(iv) 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.

(v) The activity will not create proliferation of special districts or overlapping of the boundaries of special districts.

(vi) 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.

(vii) The proposed activity does not conflict with the Water Quality Management Plan.

(viii) 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.

(ix) 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.

(x) 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.

(xi) 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.

(xii) 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 criteria set forth in §17.07.050(h)(2) shall be satisfied as part of this designation and the activity will require a 1041 Permit for a Municipal Water Project pursuant to §17.07.060(f), Site Selection and Construction of Municipal and Industrial Water Projects.

(xiii) Documentation that prior to site disturbance for the project, the applicant will have obtained all necessary property rights, permits, and approvals. The Board of County Commissioners may, at its discretion, defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained.

(xiv) There is sufficient existing and projected need to warrant and support the proposed project.

(xv) 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.

(xvi) 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.

(xvii) 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.

d. Whether the activity will not create proliferation of special districts or overlapping of the boundaries of special districts.

(4) Conditions Subsequent

The issuance of a 1041 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.

(d) Site Selection and Construction of Major Facilities of Public Utilities

(1) Applicability

A proposal within the unincorporated jurisdiction of Pueblo County that constitutes a major facility of a public utility as defined in this UDC shall be considered site selection and construction of major utilities of a public utility.

(2) Exemptions

The standards in this §17.07.060(d) shall not apply to development that is exempt under the provisions of §17.07.030(c), to nonconforming uses, or to the following:

(i) A 69 kilovolt transmission line that was in existence as of May 8, 1978, and subsequently upgraded to a 115 kilovolt line;

(ii) An eight inch pipeline that was in existence as of May 8, 1978, and subsequently upgraded to a ten inch pipeline; or

(iii) An easement that was in existence as of 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.

(iv) 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:

a. 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 Department of Planning and Development within five days after the same are submitted to such federal and/or state regulatory agency; and

b. 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 Department of Planning and Development not less than 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 45 days' notice, it shall give written notice to the Director of the Department of Planning and Development within five working days after it receives notice of the same.

(v) The Board of County Commissioners shall provide to the public utility written notice of all public hearings that may be held by the Board to accept testimony on the proposed major facilities not less than 13 days prior to the hearing.

(vi) 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.

(3) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

(i) Vicinity map showing the proposed site and the surrounding area. The project area to be shown shall be defined as follows:

a. If a power plant is proposed, the area within 50 miles radius from the site.

b. If new transmission lines or pipelines are proposed, provide a map showing all existing transmission lines and pipelines for a distance of two miles radius beyond any reasonable alternative studied.

c. For upgrades of existing transmission lines or gas pipelines, a map showing all existing transmission lines and pipelines within one mile on either side of the proposed alignment.

d. For all other major facilities of a public utility, the area within ten miles radius of the site if another major facility is proposed.

(ii) Type of facility – specify where applicable:

a. The voltages and lengths of transmission lines.

b. Type of poles used, with graphic depictions.

c. Power source and generating capacity.

d. The functions and sizes of substations.

e. The diameters and lengths of pipelines.

f. The capacities of the storage tanks and types of petroleum derivative to be stored.

g. Corridor locations and dimensions.

h. Service area.

(iii) Resource area (e.g., source of power being generated or transmitted, source of petroleum derivative being transported).

(iv) Projected development schedule:

a. Specify timetable for planning (e.g., federal permits, other state permits, local zoning, etc.).

b. Estimate beginning and completion of construction and beginning of operation of facility.

(v) Hazards and emergency procedures:

a. Describe hazards, if any, of fire, explosion, and other dangers to the health, safety, and welfare of employees and the general public.

b. Describe hazards, if any, of environmental damage and contamination due to solid waste, hazardous waste, petroleum products, hazardous, toxic, and explosive substances or materials used at, or activities taking place at, the proposed facility.

c. Describe emergency procedures to be used in the event of fire, explosion, or other event that may endanger the public health, safety, and welfare.

d. The applicant shall supply an analysis of non-structural alternatives to the project, such as conservation of energy use, no development or management (different scheduling, conservation programs, facility design, land trades etc.), if applicable.

e. The applicant shall supply an analysis of structural alternatives to the project, such as alternate locations and routes, alternative types of facilities, use of existing rights-of-way, and joint use of rights-of-way with other utilities and upgrading of existing facilities.

(vi) Detailed description of the need for the proposed development or activity, including but not limited to:

a. The present population of the area to be served and the total population to be served when the project is operating at full capacity.

b. The predominant type of users or communities to be served by the proposal.

c. The percentage of the design capacity at which the current system is now operating.

d. If the proposal is for construction of a new facility and the capacity of that facility exceeds a ten year projected increase in demand, a detailed explanation of the excess service capacity and the cost of the excess capacity.

e. The relationship of the proposal to the applicant's long-range planning and capital improvement programs.

f. A description of the user needs and user patterns to be fulfilled by the proposed project.

g. A description of the relationship of the project to other existing and planned utility facilities of a similar nature, other communication or energy generation and transmission facilities, local government capital improvement programs, and special district expansion programs.

(vii) Environmental impact analysis:

a. Land use:

Specify how the proposed development will use existing easements or rights-of-way for any associated distribution or collector networks.

b. Information regarding other utility facilities:

1. A map showing each existing major facility of a public utility within the County of the type proposed for development.

2. The design capacity of each such facility, the excess capacity of each such facility, and the percentage of capacity at which each such facility operates.

3. Whether present facilities can be upgraded to adequately accommodate a ten-year projected increase in demand for services to be offered by the proposed project.

(viii) Applicants seeking a 1041 Permit for the site selection and construction of a power plant shall submit, in addition to those requirements set forth above, a map locating and describing resource areas to be used as sources of energy.

(ix) Applicants seeking a 1041 Permit for the site selection and construction of transmission lines or substations shall submit the following additional documents and information:

a. Computer modeled electromagnetic field measurement within the proposed transmission line easement for that portion of the transmission line between substations or transition sites; and

b. Measures taken to comply with the concept of prudent avoidance with respect to planning, siting, construction and operation of transmission lines, which may be those steps taken to comply with CCR 723-3 Section 3206(9)(b) or similar authority, for projects where other similar authority is applicable.

(4) Review Criteria

1041 Permit applications for site selection and construction of major facilities of a public utility shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

(i) Other feasible alternatives to the proposed facility have been assessed, and the proposed facility represents the best interest of the people of this County and the best utilization of resources in this County;

(ii) Adequate resources (e.g., schools, water and air, roads, labor) exist, or will exist, for the construction and efficient operation of the facility;

(iii) Electric transmission lines and pipelines shall be located so as to discourage traffic congestion, incompatible uses, and expansion of the demand for government services beyond the reasonable capacity of the community or region, and to avoid unreasonable or burdensome expenditure of public resources.

(iv) Major facilities of a public utility shall be administered so as to minimize disruption of the service provided by the utility and preserve desirable existing community patterns.

(v) The issuance of a 1041 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.

(e) Site Selection and Construction of Solar Facilities

(1) Purpose

(i) Establish requirements for site selection, construction, and operation of solar facilities (excluding small-scale solar facilities);

(ii) Provide standards for the placement, design, construction, monitoring, modification, and removal of such facilities;

(iii) Address public safety, avoid, minimize, and/or mitigate impacts on scenic, natural, recreational, and historic resources; and

(iv) Provide adequate financial assurance for decommissioning.

These regulations are intended to provide a consolidated list of requirements for the proper consideration of project applications. In the administration of these

regulations, all decisions by the Director and discretionary authority shall be exercised and made in a reasonable manner.

(2) Applicability

(i) Applications for medium-scale and utility-scale solar projects shall be subject to the provisions of this Section and all other applicable requirements of this UDC. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

(ii) Solar facilities proposed as a primary use in the A1 and PP zone districts shall be subject to a 1041 Permit.

(iii) Solar facilities shall be permitted as accessory uses to existing power plants, public facilities, and other existing uses as determined by the Director regardless of zone district. Such uses are subject to the provisions herein as determined by the Director on an individual basis.

(iv) Battery facilities shall be subject to a 1041 Permit. They shall be permitted as:

a. An accessory use to solar facilities in A1 and PP zone districts.

b. A primary use adjacent to other energy generation facilities and substations.

(v) A Development Plan including the project boundary, solar facility, PV pods, and buffer zones shall be provided and used to establish the project area. The project Area may include multiple parcels and portions of parcels, which may be leased parcels or leased areas of parcels. The sum of this area shall be the project area and the boundaries of this area shall be the project boundary. The purpose of the project area is to accommodate a single Solar Facility.

(vi) A pre-application meeting shall be scheduled with the Director to discuss the location, scale, and nature of the proposed use and what will be expected during that process.

(3) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f). The Development Plan requirements may be modified and the Environment Impact Assessment may be waived by the Director for medium-scale solar facility projects in the PP zone district.

(i) Documentation of land ownership and/or legal authority to construct all properties within the project area.

(ii) A narrative giving a general overview of the Solar Facility, which includes:

a. The owner and the operator of the proposed Solar Facility and the applicant,

b. The intended utility company to interconnect to the Solar Facility,

c. The historical and current uses and physical characteristics of the project area and the surrounding area,

d. Approximate Rated Capacity of the solar facility project,

e. Type and location of interconnection to electrical grid as proposed with the appurtenant Public Utility Commission (PUC),

f. Approximate number of panels and representative types,

g. The project area and Solar Photovoltaic Panel Coverage expressed in acres,

h. An inventory with description of all proposed structures and uses including Battery Energy Storage Facilities, inverters, substations, and all structures over 60 feet in height.

(iii) A Concept Plan consisting of aerial imagery of the project area superimposed with the project boundary and the general location and arrangement of screening, buffer zones, fencing, structures, the proposed PV panels, driveways and entrances, wildlife corridors, floodplain, electric lines and overhead utility lines, and connections to the electrical grid, and, in addition, labeled with the distances of structures to the property lines. Typical elevations of structures shall be included in the Concept Plan. The intent of the Concept Plan is to be a visual summary of the project and may serve as the cover page of the Development Plan.

(iv) The Development Plan, certified by a licensed design professional registered in the state of Colorado (an architect, engineer, or similar professional), shall include the following:

a. A legal description of the subject parcels.

b. The project area and Solar Photovoltaic Panel Coverage expressed in acres.

c. The project boundary, property lines, lease lines, Official Street Line, and easements within the project area.

d. Setback lines.

e. General location of driveways, parking and entrances onto streets and accompanying site distance reports for such entrances.

f. Locations and dimensions of all existing and proposed buildings and structures, including solar panels, charge regulators, inverters, substations, Battery Energy Storage Facilities, structures over 60 feet in height, connections to the grid, fencing, and dwellings and associated accessory structures.

g. Preliminary sketches of structure elevations depicting the general style, size, and exterior construction materials in sufficient detail to exhibit the relative compatibility of the proposed development with the character of the neighborhood.

h. Location of exterior lights indicating area of illumination and foot-candles.

(v) An Environment Impact Assessment to include:

a. Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to site and contextual features identified in Subsection b.

b. The following site and contextual features shall be inventoried, delineated, and mapped within one-half mile of the project boundary in order to provide baseline data for the evaluation of the current proposal:

1. Conservation easements;

2. Current and historically accessible recreation areas;

3. Historic or cultural resources;

4. National or state forests and grasslands;

5. Trails, parking areas, and other access points to public lands used for recreational purposes.

6. Wetlands, rivers and streams, and floodplains; and

7. Wildlife management areas and High Priority Wildlife Habitat (using Colorado Parks and Wildlife data, as available).

(vi) A copy of any subdivision covenants, utility easements and restrictions associated with the site.

(vii) A draft Traffic Study, subject to the following:

a. Information about the proposed project's traffic impacts, modeling both the construction and decommissioning processes, to include:

1. The time of day that transport will occur;
2. A map showing the desired primary and secondary routes on the Pueblo Network;
3. Characteristics of the loaded vehicles, including:
4. Length, height, width, curb weight;
5. Maximum load capacity;
6. The number of vehicles transporting goods;
7. The frequency of vehicle arrival at the site.

b. The haul route(s) shall be provided and approved for construction impacts.

c. After reviewing the application's traffic impact information, the Department of Public Works may require a full traffic study to be accepted by an engineer approved by the County.

The draft Traffic Study may be waived by the Director for medium-scale solar facility projects in the PP zone district.

(viii) An estimated construction schedule.

(ix) A draft Grading Plan that limits grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms. The Plan shall include:

a. Existing and proposed contours;

b. Locations and amount of topsoil to be stripped and stockpiled onsite (if any);

c. Percent of the site to be graded; and

d. Indicate natural flow patterns in drainage design and amount of impervious surface.

(x) A preliminary drainage report (PDR) prepared by an engineer licensed in the state of Colorado. The report shall meet the standards and criteria established by the City of Pueblo Drainage Criteria Manual, dated April 2023 and Chapter 8.26 of the Pueblo County Code. The report will follow the criteria included in the Acceptable Methods for Modeling Solar Panels document (provided by the Department of Public Works).

(xi) A draft Screening and Vegetation Plan to include:

a. Ground cover species.

b. All screening and buffering materials, type of landscaping, and elevations.

c. Locations of any structural or opaque screening in relationship to High Priority Wildlife Habitat (using Colorado Parks and Wildlife data, as available) .

d. Maintenance requirements for screening and ground cover.

(xii) A Decommissioning and Reclamation Plan to include:

Signatures by the applicant, landowner and any other person or entity with an interest or property right within the project area affirming the following:

a. Decommissioning/reclamation shall commence within six months after power production has permanently ceased and be completed within 12 months from the start date of the decommissioning/reclamation work, or per the schedule as approved within the Decommissioning Plan. Except if the project is being repowered or a force majeure event has or is occurring requiring repairs; however, the County may require evidentiary support that a longer repair period is necessary.

b. The applicant shall notify the Director in writing of the proposed date of discontinued operations and plans for removal prior to commencement of decommissioning.

c. Decommissioning shall be conducted in compliance with the approved decommissioning plan. Any amendments to the decommissioning plan shall be approved by the Board of County Commissioners.

d. All non-utility owned equipment, conduits, structures, fencing and foundations above and below grade shall be removed.

e. All fences, graveled areas, and access roads shall be removed unless a landowner agreement to retain is presented, in writing, in which the landowner agrees for such specific improvements to remain.

f. The applicant is responsible for decommissioning.

g. Hazardous materials shall be removed and disposed of in accordance with federal, state, and local law.

h. Beginning no later than 15 years from the initial commercial operating date of the Solar Facility and at a frequency of every five years thereafter, the applicant shall provide updated decommissioning/reclamation cost estimates, prepared by a qualified Engineer selected by the applicant, and approved by the landowner. These updated estimates shall include all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities, including the following elements:

   1. All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the permit area.

   2. All costs associated with full reclamation of the permit area including the removal of non-native soils, fences, and constructed access roads.

   3. All costs associated with reclamation of any primary agricultural soils at the facility site to ensure each area of direct impact shall be the same or better than pre-construction conditions.

   4. All decommissioning/reclamation activity management, site supervision, and site safety costs.

   5. All other costs, including administrative costs, associated with the decommissioning and reclamation of the permit area.

i. No later than 30 days prior to the initial commercial operating date of the Solar Facility, an irrevocable standby letter of credit, bond, or alternate form of financial security in an amount sufficient to fund the estimated decommissioning/reclamation costs required by this UDC shall be submitted to County with a copy sent to Landowner. The amount of security shall be 115 percent of the cost of decommissioning.

j. If the applicant fails to remove the installation in accordance with the requirements of this 1041 Permit or within the proposed date of decommissioning, the County may collect the financial security and the County or hired third party may enter the property to physically remove the installation. If the cost to remove the facilities and complete the decommissioning received exceeds the amount of the security, then the developer shall be required to reimburse the additional cost to the County or landowner who took the responsibility for the removal. If the reimbursement is not paid within 60 days after receipt of the invoice from the County (or landowner), then interest shall accrue on the unpaid balance as the then lawful rate of interest until paid in full.

(xiii) Additional information may be required as determined by the Director, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations.

(xiv) One electronic copy of the concept plan (in .pdf format), including elevations and landscape plans as required.

(4) Review Criteria

1041 Permit applications for solar facilities shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

(i) Other feasible alternatives to the proposed facility have been assessed, and the proposed facility represents the best interest of the people of this County and the best utilization of resources in this County;

(ii) Adequate resources (e.g., schools, water and air, roads, labor) exist, or will exist, for the construction and efficient operation of the facility; The issuance of a 1041 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.

(5) Development and Performance Standards

(i) A facility shall be constructed and maintained in substantial compliance with the approved Development Plan to mitigate negative impacts to residences; historic, cultural, recreational, or environmentally sensitive areas; and scenic viewsheds.

(ii) Ground cover on the site shall be native vegetation, and incorporation of native plant species.

(iii) Colorado Parks and Wildlife Best Management Practices shall be employed to avoid, minimize, and mitigate impacts of the Solar Facility.

(iv) Outdoor lighting shall be limited to levels required for safety and security. Facilities need to comply with §17.04.040, Outdoor Lighting. All lights shall be shielded.

(v) Permanent access roads and parking areas will be stabilized with gravel, asphalt, or concrete to minimize dust and impacts to adjacent properties.

(vi) Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education, and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

(vii) At all times, the Solar Facility shall comply with any other condition added or required by the Board of County Commissioners as part of a 1041 Permit approval.

(viii) During the term of this 1041 Permit, the Solar Facility shall not impede public access to recreational uses on adjacent federal, state, or County land.

(ix) During the term of this 1041 Permit, operation shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations.

(x) Unless allowed by a phasing plan approved by the Board, the Solar Facility shall be installed in accordance with the Development Plan within three years of approval of the 1041 Permit. Extensions may be granted by the Board. The 1041 Permit holder shall submit annual reports to the Director detailing the overall status and viability of the project.

(xi) The applicant shall comply with all Colorado Department of Transportation (CDOT) and/or Department of Public Works requirements for traffic management during construction and decommissioning of the Solar Facility.

(xii) The Solar Facility shall be continually maintained and kept in good repair. The Solar Facility operator or owner shall be responsible for the cost of repairing damage to public and private roads occurring because of construction and operation. Failure to maintain the Solar Facility may result in a show cause

hearing. The County reserves the right to require soil and water testing upon any reasonable belief that such testing may be warranted.

(xiii) The Applicant will allow designated County representatives or employees access to the facility for inspection purposes. The Applicant shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

(xiv) The owner and operator shall conform with §17.07.080(i), Transfer of Permits.

(6) Special Provisions for Battery Facilities

In addition to the above provisions, the following additional requirements shall be met for the approval of a Battery Energy Storage Facility:

(i) Battery Energy Storage Facilities shall be constructed, maintained, and operated in accordance with national industry standards and regulations including the most current adopted edition of the National Electrical Code, International Fire Code of the International Code Council, and the National Fire Protection Association Fire Code. The batteries will be NFPA (National Fire Protection Agency) compliant. In the event of a conflict between the national industry standards and these Conditions, the national industry standards shall control so that as technology advances, updated technology may be used.

(ii) Battery cells shall be placed in a Battery Energy Storage System ("BESS") with a Battery Management System ("BMS"). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire detection systems. Each battery enclosure shall have 24/7 automated fire detection technology built in. The BMS shall monitor individual battery module voltages and temperatures, container humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and be able to shut down the system when pre-defined limits are reached.

(iii) The Battery Energy Storage System will be placed on an appropriate foundation.

(iv) Access to container interior shall not be permitted while the system is in operation except for safety personnel and first responders.

(v) Qualifications and experience from selected developers and integrators shall be provided including disclosure of fires or other hazards at facilities.

(vi) Safety testing and failure modes analysis data from selected developers and manufacturers shall be provided.

(vii) The latest applicable product certifications shall be provided.

(viii) The Solar Facility operator or owner shall be responsible for any environmental remediation required by the County or the state and the costs of such remediation. All remediation shall be completed in a timely manner.

(ix) Battery storage shall be developed in collaboration with technical experts and first responders to use technology-appropriate best practices for safe energy storage systems.

(x) The Solar Facility operator or owner shall conduct regular on-site inspections of the battery units and submit an annual written report to the Director on their condition.

(7) Special Provisions for Project Related Substations

In addition to the above provisions, the following additional requirements shall be met for the approval of a project related substation required to be constructed for the interconnection of the solar facility. Utility owned substations are subject to a separate permitting process.

(i) Substations located within the Solar Facility shall be located in accordance with the Development Plan.

(ii) Substations included as part of the Solar Facility may have a life longer than that of the remainder of the Solar Facility and may continue under the 1041 Permit as part of this application approval.

(8) General Conditions

In addition to all Pueblo County development plan requirements, the Applicant shall provide the following plans for review and approval for the Solar Facility prior to the issuance of a building permit:

(i) The Applicant shall prepare a "Construction Management Plan" for each applicable development plan for the Solar Facility, and each plan shall address the following:

a. Traffic control methods as identified in the final Traffic Study along with:

1. Lane closures,

2. Signage, and

3. Flagging procedures.

b. Site access plan directing employee and delivery traffic to minimize conflicts with local traffic.

(ii) The Applicant shall prepare a "Construction Mitigation Plan" for each applicable development plan for the Solar Facility, and each plan shall identify and address the effective mitigation of adverse impacts to the satisfaction of the Director. Damage to public roads related to construction activities shall be repaired in a timely manner and not postponed until construction completion. The Applicant shall provide written notice to both the Director and the Director of the Department of Public Works of the plans for making such repairs, including time within which repairs will be commenced and completed, within 30 days of any written notice received from the Director.

a. Driving of posts shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday, or as modified by the Director. Driving of posts shall be prohibited on state and federal holidays. This requirement may be waived by the Director if the project area is located more than one mile from the nearest residential structure.

b. Other construction activity on-site shall be permitted Monday through Saturday, and in accordance with the provisions of the County's Noise Ordinance.

c. During construction, the setbacks may be used for staging of materials and parking. No material and equipment laydown area, construction staging area, or construction trailer shall be located within 200 feet of any property containing a residential dwelling.

d. Construction lighting shall be minimized and shall be directed downward.

(iii) The Applicant will submit a final Traffic Study for review and approval if required by the Department of Public Works prior to the approval of an Access Permit. The Traffic Study, if required, will be reviewed and approved by the Department of Public Works.

(iv) The Applicant will submit a final Grading Plan for review and approval by the Department of Public Works prior to the commencement of any construction activities. The project shall be constructed in compliance with the Grading Plan.

(v) The Applicant will submit an Erosion and Sediment Control Plan that the County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan.

(vi) The Applicant will submit a Stormwater Management Plan that the County will have a third-party review with corrections completed prior to County review and approval. The owner or operator shall construct, maintain, and operate the project in compliance with the approved plan.

(vii) The County, including the Department of Public Works and the Department of Planning and Development, reserves the authority to use a third party to conduct or assist with plan reviews and to charge and collect reimbursement for third-party building plan, site, or other review of any application, including, but not limited to, civil engineer, traffic engineer, landscape architect, urban forester, arborist, attorney, or any other professional costs and associated expenses.

(viii) Final Drainage Report (FDR) prepared by an engineer licensed in the State of Colorado. The Applicant shall submit an FDR for review and approval by the Department of Public Works prior to the commencement of any construction activities. The Project shall be constructed in compliance with the Final Drainage Report.

(9) Reporting Requirements

The 1041 Permit Holder shall, on behalf of itself and its subcontractors, submit local worker and union worker hiring data to the Director every six months from the start of construction through the commercial operating date. Local worker and union worker hiring data shall include the following:

(i) The number of workers working directly for the permittee or for subcontractors on the project who are Pueblo County residents and who have a primary residence within Pueblo County.

(ii) The number of workers working directly for the permittee or for subcontractors on the project who are members of a labor union.

(f) Site Selection and Construction of Municipal and Industrial Water Projects

(1) Applicability

(i) This Section applies to the development of municipal and industrial water projects, wholly or partially within unincorporated Pueblo County.

(ii) A municipal or industrial water project is exempt from this Section if it falls within one of the following categories:

a. 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.

b. 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.

c. Irrigation facilities used for agricultural purposes.

d. 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.

e. 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.

(2) Permit Application Information

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

(i) 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.

(ii) Map and description of other municipal and industrial water projects and providers 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.

(iii) Description of the water to be used by the project and to the extent identified by the Director in consultation with the applicant, alternatives, including: the source, amount, the quality of such water; the applicant's right to use the water, including adjudicated decrees or determinations and any substitute water supply plans, and applications for decrees or determinations; proposed points of diversion and changes in the points of diversion; the existing uses of the water; adequate proof that adequate water resources have been or can and will be committed to and retained for the project, and that applicant can and will supply the project with water of adequate quality, quantity, and dependability; and approval by the respective Designated Ground Water Management District if applicable. If an augmentation or replacement plan for the project has been decreed or determined or an application for such plan has been filed in the court or with the Ground Water Commission, the applicant shall submit a copy of that plan or application.

(iv) 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.

e. Information on impacts to agricultural head gates and water delivery systems.

(3) Review Criteria

1041 Permit applications for site selection and construction of municipal and industrial water projects shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

(i) 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 extent allowed by law.

(g) Efficient Utilization of Municipal and Industrial Water Projects

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 change in use, of a municipal and/or industrial water project wholly or partially within unincorporated Pueblo County, without first obtaining a 1041 Permit pursuant to this UDC.

(1) Applicability

These regulations shall apply to the development of municipal and industrial water projects, wholly or partially within unincorporated Pueblo County.

(2) Exemptions

A Municipal or Industrial Water Project is exempt from these Regulations if it falls into one of the following categories:

(i) 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.

(ii) 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.

(iii) 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.

(iv) Irrigation facilities used for agricultural purposes.

(v) 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.

(vi) 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.

(3) Application Submittal Requirements

The following information shall be submitted in addition to the requirements of Section 17.07.050(f).

(i) Description of all conservation techniques to be used in the construction and operation of the project.

(ii) Description of efficient water use, recycling, and reuse technology the project intends to use. The 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.

(iii) 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.

(iv) Description of demands that this project expects to meet and basis for projections of that demand.

(v) 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 shall submit a copy of that plan.

(vi) Description of property rights that are necessary for or that will be affected by the project.

(vii) Revenues and operating expenses for the project.

(viii) The amount of any proposed debt and the method and estimated cost of debt service.

(ix) Details of any contract or agreement for revenues or services in connection with the project.

(x) 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.

(4) Review Criteria

1041 Permit applications for site selection and construction of municipal and industrial water projects shall be reviewed in light of the review criteria in §17.07.050(h)(2) and the following specific review criteria:

(i) The project shall emphasize the most efficient use of water, including the recycling, reuse, and conservation of water, including consideration of whether:

a. The project uses readily available conservation techniques

b. The project recycles water to the greatest extent allowed by law.

17.07.070 Natural Hazard Areas and Mineral Resource Areas

(a) General Provisions

(1) Authority

These regulations are adopted pursuant to, inter alia, House Bill 1041 (1974) and House Bill 1034 (1974).

(2) Purpose and Intent

The purpose of these regulations is 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 accomplish the following within specific areas:

(i) Geologic Hazard Areas

a. Minimize significant hazards to public health and safety or to property in a designated geologic hazard area;

b. Promote safe use of geologic hazard areas;

c. Reduce the impact of geologic hazards on life and property by:

1. Prohibiting certain land uses that are dangerous to life or property in geologic hazard areas,

2. Restricting the land uses that would be hazardous to the public health and safety or to property in geologic hazard areas,

3. Restricting the land uses that are particularly vulnerable to geologic hazards 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 that 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;

e. Protect geologic hazard area occupants or users from the impacts of geologic hazards that may be caused by their own, or other, land use and that is or may be undertaken without full realization of the danger by:

1. 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,

2. 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 that are not suitable;

f. Protect the public from the burden of excessive financial expenditures from the impacts of geologic hazards and relief by:

1. Regulating land uses within geologic hazard areas to produce the pattern of development or a soundly engineered manner of construction that 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,

2. Regulating the cutting, filling, or drainage changes and other human-made changes that could initiate or intensify adverse conditions within geologic hazard areas, and

g. Encouraging such uses as agriculture, grazing, greenbelt, open space, and recreation within geologic hazard areas.

(ii) Wildfire Hazard Areas

a. To facilitate the administration of wildfire hazard areas by establishing requirements that shall be met before development in such areas as permitted;

b. Establish requirements that 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;

c. 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;

d. Promote proper land use within wildfire hazard areas;

e. Protect the public against the costs that may be incurred when unsuitable development occurs in wildfire hazard areas;

f. Preserve and maintain forestry and other natural resources; and

g. Conserve natural conditions of air, water, land, vegetation, wildlife and open spaces for the education, recreation, and general welfare of the public.

(iii) Floodplain Hazard Areas

a. Regulate development in flood hazard areas to minimize significant hazards to public health and safety;

b. Operate in coordination with the National Flood Insurance Program; and

c. Prevent substantial solid debris from being carried downstream by flood waters.

(iv) Mineral Resource Areas

a. Regulate development in mineral resource areas to minimize significant hazards to public health and safety; and

b. Ensure the availability to the public of necessary and useful minerals.

(b) Applicability

These regulations apply, subject to available mapping, to applications for permits to engage in development in all designated geologic hazard areas, wildfire hazard areas, regulated flood hazard areas, or mineral resource areas within the unincorporated areas of Pueblo County.

17.07.080 Review and Decision-Making

(a) Conduct of Permit Hearing

The Board of County Commissioners shall conduct the hearing in accordance with the provisions of §17.07.050(h)(1), Conduct of Permit Hearing.

(b) Decision-Making

The 1041 Permit shall be acted upon by the Board of County Commissioners in accordance with the provisions of §17.07.050(h)(3), Approval or Denial of Permit Application.

(c) Financial Guarantees

Before any 1041 Permit is issued, the Board of County Commissioners may, at its discretion, require the Applicant to file a guarantee of financial security per §17.07.090(b).

(d) Issuance of the Permit

Issuance of the 1041 Permit shall be subject to the regulations established in §17.07.090(a).

(e) Term of Permit

The 1041 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 12 months from the date of the 1041 Permit or such other time period specified in the permit, or if such steps have been taken, but the applicant has failed to complete the development with reasonable diligence, then the 1041 Permit may be revoked or suspended in accordance with the provisions of §17.07.090(c), Revocation or Suspension of Permits.

(f) Renewal

1041 Permits may be renewed following the same procedure for approval of new 1041 Permits. The Board may impose additional conditions at the time of renewal if necessary to ensure that the project will comply with these regulations.

(g) Permit Amendment

Any material change in the construction, use, or operation of a project from the approved permit shall require a permit amendment. The amendment shall be processed in accordance with and subject to the same procedures and requirements for a new 1041 Permit.

(h) Permit Administration, Enforcement, and Inspection

The provisions of these regulations and any 1041 Permits issued shall be administered, enforced, and inspected in accordance with §17.07.100.

(i) Transfer of Permits

A 1041 Permit may be transferred only with the written consent of the Board of County Commissioners. The Board shall 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.

(j) Judicial Review

Any action seeking judicial review of a final decision of the Board of County Commissioners shall be initiated within 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.

(k) 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.

17.07.090 Issuance and Security for Approved Permits

(a) Issuance of Permits

(1) General Requirements

(i) The 1041 Permit shall be issued on the form prescribed by the Director.

(ii) The 1041 Permit may be issued for an indefinite term or for a specific period of time.

(iii) The 1041 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 Board of County Commissioners. Any change in the construction, use, or operation of the project shall require a permit amendment.

(iv) A copy of the 1041 Permit shall be certified by the Board of County Commissioners to the County Clerk and Recorder for recording in the same manner as any other document relating to real property.

(v) The issuance of a 1041 Permit allowing the activity shall in no way constitute an exemption from zoning and other land use regulations, health regulations, or any other laws, regulations, or procedural requirements.

(vi) Copies or notices of the issuance of the 1041 Permit shall be sent to any person requesting a copy upon payment of the cost of reproduction.

(2) Matter Specific Requirements

Any 1041 Permit for site selection of arterial highways, connector highways, and interchanges granted by this Board shall simply state that the particular activity for the particular site or corridor described shall be allowed.

(b) Security Provisions

(1) Required

Before any 1041 Permit is issued by the Board of County Commissioners, it may, in its discretion, require the applicant to file a security as described below.

(i) The purpose of any bond or other security required to be filed with the Board of County Commissioners by the applicant or permittee is to assure that the applicant or permittee shall faithfully perform all requirements of the 1041 Permit or of the appropriate regulations adopted by the Board of County Commissioners.

(ii) In lieu of a bond, the applicant or permittee may deposit cash or appropriate securities as determined by the Board of County Commissioners. The Board of County Commissioners may require the bond to be partly or entirely in cash. Any cash received, as a bond or security deposit, by the Board, pursuant to this regulation shall be deposited in an interest-bearing account, in the name of the Board of County Commissioners, and selected at the discretion of the Board. Any interest earned 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.

(iii) 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 Board, 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.

(2) Amount

The amount of any bond or other security to be filed with the Board of County Commissioners prior to the issuance of any 1041 Permit shall be in an amount determined by the Board.

(i) 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 1041 Permit, or to its original condition if the site was developed prior to the application for a 1041 Permit. In the alternative, the amount of the bond or other security required by the Board of County Commissioners shall be based upon the estimated cost of completing the permitted development or activity.

(ii) The estimated cost shall be based upon the applicant's or permittee's cost estimate submitted with the application, plus the Board of County Commissioners' 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 1041 Permit be revoked or the site be abandoned.

(3) Release

The security may be released only when:

(i) The 1041 Permit has been surrendered to the Board of County Commissioners before commencement of any physical activity on the site of the permitted development or activity; or

(ii) The development or activity has been abandoned and the site has been returned to its natural or original condition; or

(iii) The project has been completed and security conditions have been satisfied.

(4) Cancellation

The security may be canceled by the surety only after 90 days' notice to the Board of County Commissioners, and upon receipt of the Board's written consent, which may be granted only when the requirements of the bond have been fulfilled. If a surety's license to do business in Colorado is suspended or revoked by any state authority, then the applicant or permittee, within 30 days after receiving notice, shall substitute a good and sufficient corporate surety licensed to do business in this State. If the permittee fails to make substitution of surety within 60 days, the Board of County Commissioners shall suspend the 1041 Permit until proper substitution has been made.

(5) Forfeiture

If the Board of County Commissioners determines that a financial guarantee should be forfeited because of any violation of the 1041 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 Board of County Commissioners within 30 days after permittee's receipt of notice, requesting a hearing before the Board. If no demand is made by the permittee within this period, then the Board of County Commissioners shall order the financial guarantee forfeited.

(i) The Board of County Commissioners shall hold a hearing within 30 days after the receipt of the demand by the permittee. At the hearing, the permittee may present for the consideration of the Board statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Board of County Commissioners shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.

(ii) The security may be used by the Board of County Commissioners 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 1041 Permit obligations of the permit holder. If 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 the judicial determination. This jurisdiction may arrange with a lending institution, which provides money for the permit holder, to hold in escrow any funds required for the 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.

(iii) 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 they deem proper to recover such costs where recovery is deemed reasonably possible.

(c) Revocation or Suspension of Permits

(1) If the Board of County Commissioners makes a preliminary determination that the provisions of any 1041 Permit or the terms of any regulation have been violated by the permit holder, the Board may temporarily suspend the 1041 Permit for a period of 90 days. Before making a temporary suspension, the Board shall give the permit holder written notice of the specific violation and shall allow the permit holder a period of at least 15 days to correct the violations. If the permit holder does not concur that they are in violation, they shall, within 15 days of receipt of the notice, show cause in the manner directed by the Board of County Commissioners why temporary suspension should not be ordered.

(2) Either prior to or subsequent to a temporary suspension, the Board of County Commissioners may permanently revoke or suspend the 1041 Permit after conducting a public hearing in substantially the same manner and after substantially the same notice as for permit hearing, if it finds:

(i) A violation of the provisions of the 1041 Permit or any applicable regulation; or

(ii) That the applicant has failed to take substantial steps to initiate the permitted development or activity within 12 months from the date of the 1041 Permit, or, if such steps have been taken, the applicant has failed to complete the development or activity with reasonable diligence.

17.07.100 Administration, Enforcement, and Penalties

(a) Enforcement and Penalties

Any person engaging in a development in a designated area or activity of state and local interest who does not obtain a 1041 Permit pursuant to these regulations for administration, or who does not comply with 1041 Permit requirements, or who exceeds the permission granted in the 1041 Permit, may be enjoined from engaging in such development or conducting such activity, may be guilty of a misdemeanor with each day of violation being a separate offense, and may be subject to such other criminal or civil liability as may be prescribed by law.

(b) 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 Board of County Commissioners shall make the necessary determination of boundary. Any person contesting the location of the boundary shall be given an opportunity to present their case to the Board.

(c) Inspection

(1) The Board of County Commissioners or the Director, 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 is in violation of any of the provisions of this UDC or of any permit issued or required pursuant to this or other applicable regulations.

(2) If a violation shall be found to exist, the Board of County Commissioners or the Director shall by written order direct that such remedial action be taken as will result in full compliance with the applicable regulations; provided, however, that the issuance of an order shall in no way be deemed a prerequisite to the institution of such enforcement proceedings as are set forth in this UDC; and provided further, that compliance with the 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.

(d) Appeals

The Board of County Commissioners shall be empowered to hear appeals from any person aggrieved by any decision of the Director made in the course of administering these regulations.

(e) Judicial Review

Any action seeking judicial review of a final decision of the Board of County Commissioners shall be initiated within 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.

17.07.110 Appendix A: Considerations for Review Criteria

The Board of County Commissioners may use the following considerations when applying any of the §17.07.050(h)(2), Review Criteria.

(a) Technical and Financial Feasibility

The project will be technically and financially feasible. The determination of technical and financial feasibility of the project may include but is not limited to the following considerations:

(1) Amount of debt associated with the project.

(2) Debt retirement schedule and sources of funding to retire the debt.

(3) Estimated construction costs and construction schedule.

(4) Estimated annual operation, maintenance, and monitoring costs.

(b) Natural Hazard Risk

The project will not be 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.

(1) Faults and fissures.

(2) Unstable slopes including landslides, rockslides, and avalanche areas.

(3) Risk of subsidence.

(4) Wildfire hazard areas.

(5) Floodplains.

(c) Land Use Patterns

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:

(1) Whether the project complies with and is consistent with applicable plans.

(2) Likelihood that the project will/will not cause or contribute to urban sprawl or "leapfrog" development.

(3) Significant changes in the amount of impervious surfaces.

(4) Contiguity of development associated with the project to existing growth centers.

(5) Changes to unique landforms.

(6) Changes in the amount of character of open space.

(7) Changes to traffic patterns, road capacity and congestion.

(d) Local Services

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:

(1) Existing and potential financial capability of local governments to accommodate development related to the project.

(2) 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.

(3) 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.

(4) Changes in short- or long-term housing availability, location, cost, or condition.

(5) Need for temporary roads to access the construction of the project.

(6) Change in demand for public transportation.

(7) Reduction in the amount of water available for future water supply in the County.

(e) Financial Burden

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:

(1) Changes in assessed valuation.

(2) Tax revenues and fees to local governments that will be generated by the project.

(3) Changes in tax revenues caused by agricultural lands being removed from production.

(4) Changes in costs to water users to exercise their water rights.

(5) Changes in costs of water treatment or wastewater treatment.

(6) Effects on wastewater discharge permits.

(7) Changes in total property tax burden.

(8) Changes in costs to prevent stream channel erosion or sedimentation, or the costs of bridging streams.

(f) Local Economy

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:

(1) Changes to projected revenues generated from each economic sector.

(2) Changes in the value or productivity of any lands.

(3) Changes in opportunities for economic growth and diversification.

(g) Recreational Opportunities and Experiences

The project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experiences. The determination of effects of the project on recreational opportunities and experience may include but is not limited to the following considerations:

(1) Changes to existing and projected visitor days.

(2) Changes to duration of kayaking and rafting seasons.

(3) Changes in quality and quantity of fisheries.

(4) Changes in instream flows or reservoir levels.

(5) Changes in access to recreational resources.

(6) Changes to quality and quantity of hiking trails.

(7) Changes to the wilderness experience or other opportunity for solitude in the natural environment.

(8) Changes to hunting experiences.

(h) Air Quality

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.

(1) Changes to seasonal ambient air quality.

(2) Changes in visibility and microclimates.

(3) Applicable air quality standards.

(i) Visual Quality

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:

(1) Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.

(2) Interference with viewsheds and scenic vistas.

(3) Changes in appearances of forest canopies.

(4) Changes in landscape character types of unique land formations.

(5) Compatibility of building and structure design and materials with surrounding land uses.

(j) Surface Water Quality

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:

(1) 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.

(2) Applicable narrative and numeric water quality standards.

(3) Changes in point and nonpoint source pollution loads.

(4) Increase in erosion.

(5) Changes in sediment loading to waterbodies.

(6) Changes in stream channel or shoreline stability.

(7) Changes in stormwater runoff flows.

(8) Changes in trophic status or in eutrophication rates in lakes and reservoirs.

(9) Changes in the capacity or functioning of streams, lakes, or reservoirs.

(10) Changes in flushing flows.

(11) Changes in dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.

(k) Groundwater Quality

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:

(1) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.

(2) Changes in capacity and function of wells within the impact area.

(3) Changes in quality of well water within the impact area.

(l) Wetlands and Riparian Areas

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:

(1) Changes in the structure and function of wetlands and riparian areas.

(2) Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.

(3) Changes to the aerial extent of wetlands and riparian areas.

(4) Changes in species' characteristics and diversity.

(5) Transition from wetland to upland species.

(6) Changes in function and aerial extent of floodplains.

(m) Terrestrial or Aquatic Animal Life or its Habitats

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:

(1) Changes that result in loss of oxygen for aquatic life.

(2) Changes in flushing flows.

(3) Changes in species composition or density.

(4) Changes in number of threatened or endangered species.

(5) 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.

(6) 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.

(7) Changes to the aquatic and terrestrial food webs.

(n) Terrestrial Plant Life or Plant Habitat

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:

(1) Changes to habitat of threatened or endangered plant species.

(2) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.

(3) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.

(4) Changes in threatened or endangered species.

(o) Soils and Geologic Conditions

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:

(1) Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.

(2) Changes to stream sedimentation, geomorphology, and channel stability.

(3) Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.

(4) Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.

(5) Exacerbation of seismic concerns and subsidence.

(p) Nuisance

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:

(1) Increase in odors.

(2) Increase in dust.

(3) Increase in fumes.

(4) Increase in glare.

(5) Increase in heat.

(6) Increase in noise.

(7) Increase in vibration.

(8) Increase in artificial light.

(9) Increase in traffic impacts.

(q) Hazardous Materials

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:

(1) Plans for compliance with federal and state handling, storage, disposal, and transportation requirements.

(2) Use of waste minimization techniques.

(3) Adequacy of spill prevention and response plans.

(r) Efficient Use of Water

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:

(1) Whether the project uses readily available conservation techniques.

(2) Whether the project recycles water to the greatest extent allowed by law.

(s) Water or Wastewater Treatment Services

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:

(1) Whether the project creates overlapping or competing service areas.

(2) Whether the project differs significantly from the provider's facility plan.

(3) Whether the project impacts other water and wastewater permits.

(t) Water or Wastewater Treatment Systems

New domestic water and wastewater treatment systems shall be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and wastewater treatment systems of adjacent communities. The determination shall include but is not limited to the following considerations:

(1) Relationship to reasonable growth projections and local land use plans.

(2) Proximity to other water and wastewater provider's service area.

(u) Consolidation of Existing Water and Wastewater Facilities

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:

(1) Whether there is an opportunity for consolidation.

(2) The environmental, financial, and social feasibility of consolidation.

(v) Community Development and Population Demands

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 meets

community development and population demands may include but is not limited to the following considerations:

(1) Relationship to reasonable growth projections and local land use plans.

(2) Relationship to other water and wastewater provider's service area.

(3) Whether the project is not in compliance with regulatory or technological requirements or will not be in compliance in the near future.

(w) Aquifer Recharge Areas

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:

(1) Proximity of urban development and population densities to aquifer recharge areas.

(2) Proximity of stormwater and sanitation systems to aquifer recharge areas.

(3) Changes in water quality in the aquifer recharge areas.

(x) Sustainable Growth and Development

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:

(1) Relationship of the project to approved land use plans for the area.

(2) The environmental, financial, and social impacts related to such development.

Chapter 17.08 Hazardous Waste Incinerator or Processor Site Procedures

17.08.010 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.

17.08.020 Applicability

(a) Construction and Interpretation

These regulations shall be construed in accordance with their express purpose. Nothing in these regulations shall be construed or interpreted to limit the power or authority of the Board of County Commissioners granted by the provision of the Act.

(b) 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.

(c) Severability

This Section is hereby declared to be severable. Should any part of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Section as a whole, but only that portion declared to be unconstitutional or invalid.

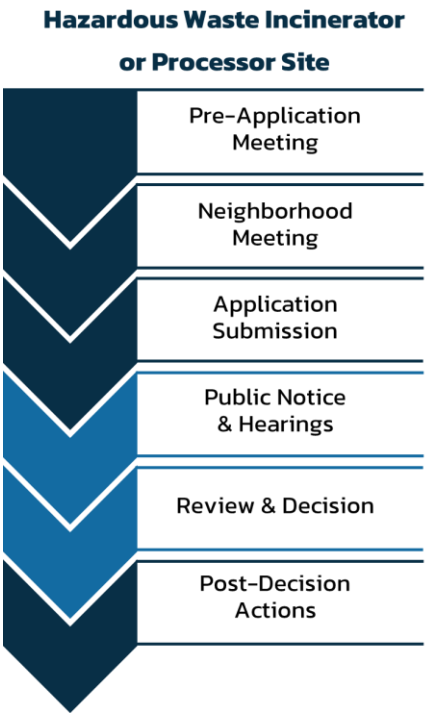
17.08.030 Initiation and Limitations

A request for a Regional Comprehensive Plan Amendment may be initiated in accordance with §17.06.040(c)(3).

17.08.040 Applicable Procedures

(a) Common Review Procedures

Common review procedures are established in §17.06.040. They are summarized in Table 17.06.1: Commonly Applicable Procedures for applicant convenience.



(b) Procedures Specific to Hazardous Waste Incinerator or Processor Site Review

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 this Section. Applications not in compliance with these provisions 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.

(1) Required Submittals

All applications for a Certificate of Designation pursuant to this Section shall include the following information:

(i) The location of the subject property and the location of the proposed incinerator or processor on that site.

(ii) The owner(s) of the subject property upon which the proposed incinerator or processor site is to be located, as well as the person(s) or entity(ies) proposed to construct, operate, 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.

(iii) 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.

(iv) The type or types of incinerator or processor by-product requiring disposal and disposal plans.

(v) The method of supervision of the incineration or processing process.

(vi) All anticipated access routes to be used to and from the site within Pueblo County.

(vii) 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 agencies 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 shall 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.

(viii) A complete copy of all findings and conclusions made by the state of Colorado, the United States, or any local government, or agencies in conjunction with its review of the permit applications referenced above in Subsection (vii), as well as a complete copy of any permits issued by the state of Colorado, the United States, or any local government or agencies, 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 §17.06.040(k), Post-Decision Actions.

(ix) 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 poses a significant threat to the health and/or safety of the public and/or the environment considering:

1. The density of population in the areas neighboring the proposed site;

2. The density of population in areas adjacent to access roadways to the site and that lie within a 50-mile radius of the proposed site; and

3. 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 Regional Comprehensive Plan and land use regulations of Pueblo County, including but not limited to Title 12 and this UDC, as amended. Supporting documentation should include, but not be limited to:

1. plans for road and/or rail access to the facility;

2. plans for construction and improvements supporting the related transportation needs of the facility during the construction, operation, maintenance, and demolition phases of the project;

3. other infrastructure improvement plans such as communication systems, electrical, gas, water, and sewer utility systems;

4. drainage plans;

5. fire suppression plans;

6. hazardous material spill mitigation and cleanup plans;

7. proposed hours of operation; and

8. 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.

(x) The application fees required by §17.08.090.

(xi) 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 shall be provided. 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.

(xii) 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.

(2) Other Information

(i) The applicant may submit other information they deem relevant to the consideration of its application for a Certificate of Designation.

(ii) 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 this Section and the Certificate of Completeness shall not be issued until such additional information has been submitted. However, if such request(s) for such additional information are not made by the County at the time of the initial filing of the application, or within 120 days of the submission of all other information or documentation required by this UDC, then such additional requests for information shall not prevent or delay the issuance of the Certificate of Completeness referenced in this Section.

(3) Submission

The applicant shall submit the original and ten copies of the completed application to the Director. 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 §17.08.080 until all requirements contained in this Section are 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 an 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 shall 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 30 days of a request for such determination by an applicant.

(4) Verification

Each application for a Certificate of Designation under this Section 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.

17.08.050 Review and Decision-Making

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 in accordance with §17.06.040(f), Public Notice and Public Hearings and §17.06.040(g), Review and Decision-Making. Any hearing conducted in accordance with this Section shall include, but not be limited to, the following:

(a) The hearing will be conducted by the Board of County Commissioners as a quasi-judicial hearing in accordance with standard administrative rules of evidence.

(b) The entire hearing will be open to the public and interested parties and the public will be allowed to participate in the hearing.

(c) 30-day notice for the time and place of the hearing will be given by posting and publication.

(d) 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.

(e) Notification of approval or denial of the certificate will be issued within five days after such determination is made by the Board of County Commissioners.

(f) Any appeal of the hearing decision shall be made to the Pueblo County District Court, 10th Judicial District, state of Colorado pursuant to Colorado law.

17.08.060 Post-Decision Amendment

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 Section. 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 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 days of receipt of a modification notice, the County shall notify the certificate holder of the County's classification of the modification.

(a) 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.

(b) 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 notify 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.

  (1) 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 business days of its receipt of the additional information.

  (2) Formal Class B modifications require a more detailed review process.

    (i) The County shall provide a 20-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 days before the hearing and that hearing shall be held within 30 days of the close of the public comment period. The County shall notify the certificate holder of any decision rendered within five days of completion of the hearing.

  (3) No modification selected for the Class B review process shall be implemented until that process is complete.

(c) 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 the requirements below.

(1) The certificate holder shall maintain and supply the County with a list of all modification notices produced pursuant to this Section. The certificate holder shall also maintain a record of all supporting documentation or drawings related to such notices.

(2) 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 30 days of the County's receipt of the modification notice.

(3) Any certificate holder desiring to amend their 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.

17.08.070 Extension and Lapsing of Approval

(a) Revocation or Suspension

(1) Any certificate issued by the County pursuant to this Section is subject to revocation or suspension for those violations outlined in this Section.

(2) Notice of revocation or suspension shall be sent in writing to the certificate holder at the address on file with the Department of Planning and Development. 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 shall 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.

(3) Hearings on any revocation or suspension shall be held within 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 §17.06.040(m). At any such hearing, all information, evidence, allegations, and arguments supporting the alleged violation shall be presented to the Board. The certificate holder shall have an opportunity to contest the matter and present their own information, evidence, and arguments. The hearing may be continued until all matters of dispute are properly addressed to the satisfaction of the Board.

(4) The Board of County Commissioners will make its decision on the matter within 30 days after the conclusion of the hearing.

(5) 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.

17.08.080 Certificate of Completeness

Within a reasonable period of time not to exceed 120 days after the receipt of an application for a Certificate of Designation pursuant to this Section, the County shall:

(a) Inform the applicant in writing of any deficiencies in the application in view of the requirements of this UDC, shall state with reasonable specificity each deficiency in the application, and shall refer the applicant to the corresponding sections addressing the matters in question; or

(b) Issue the applicant a written notice entitled "Certificate of Completeness" signed by the Director certifying that the application is complete in accordance with the requirements of this UDC.

(c) 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.

(d) In the event that an applicant is notified of deficiencies pursuant to Subsection (1) of this Section, it shall have a period of 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 180-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 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.

Upon the date of the issuance of a Certificate of Completeness the 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 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.

17.08.090 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 $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 the amount 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 actual costs within 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.

17.08.100 Inspections

Inspections may be conducted by County staff pursuant to this UDC. 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 this UDC. Failure to cooperate with such inspections shall constitute cause for revocation or suspension.

17.08.110 Annual Fees

The owner or operator of any proposed incinerator or processor for which a Certificate of Designation is required under this Section 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 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.

(a) The County shall provide the owner or operator with a statement of the annual fee that shall 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.

(b) 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.

(c) The owner or operator of an incinerator or processor shall pay to the County the annual fee within 90 days after the issuance of the Certificate of Designation, and within 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.

(d) The failure to pay the annual fee pursuant to this Section, or the failure to cooperate with the County in calculating the annual fee in accordance with this Section, shall be cause for denial to issue a certificate, or revocation or suspension of an existing certificate.

(e) 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.

Chapter 17.09 Mining or Extraction Permit

17.09.010 Purpose

Review of applications for the mining or extraction of sand, soil, or gravel by the Board of County Commissioners in a manner that does not duplicate or contradict applicable state or federal requirements. Pueblo County reserves the right to assume the functions of external agencies involved with sand, soil, or gravel mining if such agencies are eliminated or their operations are curtailed.

17.09.020 Applicability

(a) Permit Required

The following activities require an MEP:

(1) Mining of sand, soil, or gravel.

(2) Temporary borrow pits to extract sand, soil, or gravel.

(3) Use of Pueblo County roads for transportation of mined sand, soil, or gravel.

(4) Projects that include any of the following:

(i) Accessory uses and structures associated with mineral extraction.

(ii) Crushing, screening, stockpiling of extracted materials.

(iii) Processing or batching of materials into other products such as asphalt and concrete.

(iv) Outdoor storage of equipment and materials used for mineral extraction.

(b) Exemptions

The following activities are exempt from an MEP provided they do not include any of the activities identified in §17.09.020(a):

(1) The use is for an agricultural operation where no material would be exported from the parcel and is for the property owner's use on their property. The associated equipment may only operate on internal roads within the parcel boundaries where the operation takes place. All associated operations, screening, and loading shall be at least 1,000 feet from the nearest residence in different ownership.

(2) The activity is approved as a mining activity by the County under separate permit, such as landfill sites, foundation excavations, building or subdivision developments, or water or road tunnel developments;

(3) If for an approved building or subdivision, the disturbed area is located within and immediately surrounding the footprint of an approved building, road, or recreational facility and for sand or soil only.

17.09.030 Initiation and Limitations

A request for an MEP may be initiated in accordance with §17.06.040(c)(3).

17.09.040 Applicable Procedures

Common review procedures are established in §17.06.040 and are summarized in Table 17.06.1: Commonly Applicable Procedures.

17.09.050 Review and Decision-Making

The Planning Commission shall review and recommend, and the Board of County Commissioners shall decide on the MEP in accordance with §17.06.040(g), Review and Decision-Making, and in light of the following review criteria:

(a) The requested use is a use listed as a Mining or Extraction Permit use in the zone district in which the parcel is located.

(b) The granting of the MEP will not substantially modify the Regional Comprehensive Plan or the intent or purpose of this UDC;

(c) The MEP proposal incorporates reasonable means to mitigate impacts on surrounding properties; and

(d) The MEP will not adversely affect public health, safety, or welfare.

17.09.060 Post-Decision Actions

(a) Post-Decision Amendment

Approved MEPs may be amended in accordance with §17.06.040(k), Post-Decision Actions.

(b) Appeal

A decision on an MEP application may be appealed in accordance with §17.06.040(i), Appeals.

17.09.070 Extension and Lapsing of Approval

(a) General

Approved MEPs are valid for the timeframe identified in the approval, up to a maximum of 20 years. The MEP shall lapse if the use is not commenced within one year of approval.

(b) Reapplication

In the event an application for a MEP is denied, no new application shall be made for the same or a substantially similar special use on the same property covered by the original application within six months of the denial.

(c) Extension

The Board of County Commission may extend an approved MEP.

Chapter 17.10 Nonconformities

17.10.010 Purpose

(a) Changes to this UDC can impact the status of legal, existing uses, lots, and structures. It is the general policy of the County to allow uses, structures, and lots that came into existence legally to continue to exist and be put to productive use. As these uses and structures change, they should be brought into compliance with applicable regulations as expediently as is reasonably possible.

(b) These regulations are intended to:

(1) Recognize the interests of property owners in continuing to use their property;

(2) Promote the reuse and rehabilitation of existing buildings; and

(3) Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties, neighborhoods, or the County as a whole.

(c) Nothing in this UDC shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of this UDC.

17.10.020 Application

Any use, parcel, or structure that legally existed prior to the adoption of this UDC that does not conform to the provisions of this UDC at the time of adoption shall be known as a nonconforming use, nonconforming parcel, or a nonconforming structure.

17.10.030 Nonconforming Status

(a) Establishment

The property owner shall bear the burden of establishing that a nonconforming use or structure lawfully exists. The use of land, use of a structure, or a structure itself shall be deemed to have nonconforming status when each of the following conditions are satisfied:

(1) The use or structure does not conform to the regulations prescribed in the zone district in which the use or structure is located and was in existence and lawfully constructed, located, and operating prior to, and at the time of, the event that made the use or structure nonconforming.

(2) The event that made the use or structure nonconforming was one of the following:

(i) Adoption of this UDC or a previous code, or

(ii) Amendment of this UDC or a previous code.

(3) The nonconforming use or nonconforming structure has been operating since the time that the use or structure first became nonconforming without abandonment.

(b) Ordinary Repair and Maintenance

Normal maintenance and incidental repair may be performed on all structures, both conforming and nonconforming. This Section shall not be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the Building Official who declares a structure to be unsafe and orders its restoration to a safe condition.

17.10.040 Registration and Recording

The Director, at the request of the landowner of record or an authorized representative, may issue a Certificate of Nonconformance, a Certificate of Conforming Use, 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 Director shall then record a copy of the Certificate(s) in the office of the County Clerk and Recorder at the applicant's expense. No use of land or structures so registered shall be other than specified on the Certificate(s) unless the use shall be in conformity with the provisions of the zone district in which the parcel is located.

17.10.050 Nonconforming Use

(a) Continuation

Nonconforming uses may be continued so long as the use remains otherwise lawful.

(b) Expansion

(1) No nonconforming use may be expanded or increased except that any nonconforming use may be extended throughout any parts of a building designed for the use that existed as of the Effective Date of the land use regulation that made the use nonconforming, but no use shall be extended to occupy any land outside the building.

(2) No existing structure specific to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conjunction with changing to a conforming use.

(c) Discontinuance and Abandonment

(1) If a nonconforming use has been discontinued for a period of 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 be re-established and any future use shall be in conformance with the provisions of this UDC. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation. Maintaining connection to or payment of public services or utilities is not evidence of continuing operations.

(2) A nonconforming use replaced by a permitted conforming use will result in the loss of the nonconforming use.

17.10.060 Nonconforming Lots

(a) Parcel of Record

A "parcel of record" that pre-dates the adoption of the County's original subdivision regulations and is nonconforming to this UDC may be developed if:

(1) The "parcel of record" is in separate ownership or contiguous to lots in the same ownership; and

(2) The proposed development can be located on the lot so that the yard, height, and other dimensional requirements of the applicable zone district can be met as applicable or with an Administrative Adjustment.

(b) Lot Reduction

(1) No lot or interest therein shall be transferred, conveyed, sold, or subdivided so as to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this UDC, or to leave remaining any lot in violation of the dimensional requirements of this UDC.

(2) No lot or portion of a lot required as a building site under this UDC shall be used as a portion of a lot required as a site for another structure.

(3) No Building Permit shall be issued for any lot or parcel of land that has been conveyed, sold, or subdivided in violation of this subsection. Any transferee who acquires a lot in violation of this Subsection without knowledge of the violation, and any subsequent transferee, shall have the right pursuant to Colorado law to rescind or receive damages from any transferor responsible for the violation.

(c) Merger of Contiguous Nonconforming Parcel

If a nonconforming substandard-sized parcel comes under the same ownership as a contiguous parcel, the parcels shall be merged into a single, conforming parcel. The merger shall be recorded in the office of the County Clerk and Recorder, and then no portion of the enlarged parcel shall be subdivided unless the lots created through subdivision are conforming to this UDC. The following is a listing of mergeable parcels:

(1) Two or more vacant nonconforming parcels of land;

(2) An improved parcel and a contiguous nonconforming metes and bounds parcel; or

(3) 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 improved nonconforming parcels of land under the same ownership will not be required to merge.)

17.10.070 Nonconforming Signs

(a) Continued Use

(1) Any sign that existed prior to the enactment of this UDC, which was legally established but does not now meet the provisions of this UDC, shall be considered nonconforming and may remain in its same location, be repaired, and maintained provided:

(i) The sign is not destroyed beyond its total replacement cost;

(ii) The sign is not destroyed and/or abandoned for a period of 12 consecutive months; and

(iii) The sign does not become 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.

(2) Signs that are individually or as part of a building designated by the County as a historic landmark or a historically important sign are considered conforming provided that:

(i) The sign is kept in good repair;

(ii) The sign does not constitute a hazard to public safety; and

(iii) The original design of the sign does not change.

(b) Classification of Nonconformities

There are two types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

(1) Major Nonconforming Signs

Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates County sign policy, or is incompatible with adjacent signs or applicable County plans such that public policy favors their elimination from the zone district if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:

(i) Dangerous signs;

(ii) Signs that exceed the maximum height or size permitted in the zone district by more than 20 percent;

(iii) Nonconforming location that encroaches on or over a public right-of-way, clear vision area, or public access easement;

(iv) Signs with nonconforming illumination;

(v) Nonconforming sign types; and

(vi) Signs approved with a variance that permits any issue included in this major nonconformity list,

(2) Minor Nonconforming Signs

Minor nonconforming signs are any nonconforming signs that are not classified as major nonconforming signs. Minor nonconforming signs include without limitation:

(i) Signs that exceed the maximum height or size permitted in the zone district by 20 percent or less; and

(ii) Nonconforming location that does not encroach on or over a public right-of-way.

(c) Limitations on Expanding or Altering Nonconforming Signs

A nonconforming sign shall not be:

(1) Structurally or physically changed to another nonconforming sign, although the sign copy may be changed;

(2) Structurally or physically altered in order to prolong the life of the sign, including a change from the original materials of the sign, except to meet safety requirements;

(3) Structurally or physically altered to include an Electronic Message Display; or

(4) Altered in a way that increases the degree of nonconformity of the sign.

(d) Bringing Signs into Conformance

All nonconforming signs on a property shall be brought into conformance with this UDC when:

(1) A change of use, as defined in the UDC, occurs on the property;

(2) A new sign is added to the property; or

(3) A change to any sign beyond routine maintenance and repairs, except in the content of a sign, occurs on the property.

(e) Sign Removal for Public Purposes

Any nonconforming sign temporarily removed by a public utility company, the County, or any governmental agency to accommodate repair, maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign. If any sign is moved as a direct result of a governmental or utility project, it may be relocated to a position determined by the County Engineer to be appropriate in relation to the project, and such a sign shall not be considered nonconforming for the reason of applicable separation standards. No permit shall be required for such replacement.

(f) Loss of Nonconforming Status

A nonconforming sign shall lose its nonconforming designation and be required to comply with this UDC if any of the following apply:

(1) Any portion of the primary sign structure is replaced.

(2) The primary structure on the site is replaced, renovated in a manner that expands the building footprint by more than 50 percent, or when the sign is required to be moved to accommodate building replacement or expansion in compliance with the zone district regulations.

(3) A major nonconforming sign is removed, relocated, or replaced for any reason except towards compliance with this UDC.

(4) If more than 50 percent of a nonconforming sign is damaged by any means, as measured by total replacement cost of both the sign and structure prior to such destruction, and the sign type is no longer permitted in the zone district, it shall be considered destroyed and shall not be brought back into service or use except in conformity with the provisions of this UDC.

(5) The sign is voluntarily replaced in compliance with this UDC.

(6) The sign is abandoned.

(g) Maintenance and Repair

(1) A nonconforming sign is subject to all requirements of this UDC regarding safety, maintenance, and repair.

(2) Temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this UDC, provided that no alterations are made to the sign or sign structure. Should the sign or sign structure be moved permanently for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the district in which it is located after it has been moved or relocated.

(3) Maintenance shall not include the conversion of a nonconforming sign to an electronic message display sign. Any such conversions may only be made to a conforming sign and shall be subject to the permitting and fee requirements set forth in this UDC.

(h) Records

In addition to initial and construction inspections, signs may be inspected periodically by the Department of Planning and Development to ensure continued compliance with this UDC. Sign owners shall maintain all records related to sign installation and maintenance and make them available for County review as requested.

17.10.080 Nonconforming Structures

(a) A nonconforming structure may continue to be used so long as the structure remains lawfully occupied.

(b) The structure may not be enlarged or altered in a way that increases its nonconformity unless an enlargement or structural alteration is required by law. Structural alterations may be permitted when necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in the building. Any enlargement greater than 10% of the GFA that is necessary to adapt to new technologies shall be authorized only by a Conditional Use Permit.

(c) If a nonconforming structure is vacant for 12 consecutive months, moved or condemned, or torn down or destroyed, it shall be removed or made conforming to all the requirements of this UDC.

17.10.090 Nonconforming Lighting

(a) Existing outdoor lights, fixtures, luminaires, or other light-emitting devices regulated under §17.04.040 that were lawfully existing, permitted, and installed prior to the Effective Date (excluding the fixtures described in Subsection (b), below) shall be permitted to remain, provided that lights, fixtures, luminaires, or other light-emitting devices are not altered, enlarged, expanded, replaced, or further modified in any way.

(b) Nonconforming lighting on lots containing a single-family or two-unit dwelling shall be brought into compliance with the shielding requirements of §17.04.040(h)(1) within two years of the Effective Date. Nothing within this Section shall be interpreted as prohibiting the replacement of non-functioning light bulbs when conducted as part of normal maintenance of the existing lighting fixture during the two year period.

17.10.100 Repairs, Maintenance, and Restoration

(a) 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:

(1) The restoration or reconstruction shall not extend beyond the original limits of the structure in setbacks, lot area coverage, building height, and floor area; and

(2) All restoration or reconstruction shall commence within six months of the date of damage and shall be completed within one year.

(b) A nonconforming structure that is totally destroyed may not be restored or reconstructed unless the restored structure is in compliance with the current zoning regulations.

Chapter 17.11 Enforcement

17.11.010 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 this UDC. Any person, firm, or corporation, either as owner, lessee, occupant, or otherwise, who violates any of the provisions of this UDC shall be guilty of a misdemeanor.

17.11.020 Penalties

The violation of any provision of this UDC shall be punishable as provided by law. Each day or portion of a day any violation of any provisions of this UDC shall continue shall constitute a separate offense.

17.11.030 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.

Chapter 17.12 Measurements and Definitions

17.12.010 Rules of Construction

(a) Meanings and Intent

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition in §17.12.030, Definitions, by legislative declaration, or otherwise, shall be construed accordingly. The particular controls the general.

(b) Mandatory and Discretionary Terms

Mandatory requirements use the words "shall," "must" or "will" and are sometimes labeled Standards. Recommendations use the words "may" or "should" and are sometimes labeled Guidelines.

(c) Tenses, Plurals, and Gender

Words used in the present tense include the future unless the context clearly indicates otherwise. Words indicating a specific gender apply to all persons and things unless the context clearly indicates otherwise.

(d) Conjunctions

Unless the context clearly indicates otherwise, the word "and" indicates all connected words or provisions apply. The word "or" indicates connected words or provisions may apply singly or in any combination. The words "either ... or" indicate the connected words or provisions apply singly but not in combination.

(e) Computation of Time

A reference to days is to calendar days unless otherwise specified in this UDC or state statute. If a deadline falls on a weekend or County holiday, the deadline extends to the next working day. When computing a period of days, the first day is excluded and the last day is included. If the last day falls on a weekend or County holiday, the last day is the next working day.

(f) Delegation of Authority

Whenever a provision requires the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

(g) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this UDC and any heading, caption, figure, illustration, table, or map, the text shall control. Section and subsection headings are for convenience only. They do not govern, limit, or modify the scope, meaning or intent of this UDC.

17.12.020 Rules of Measurement

(a) Purpose

This Section provides uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDC.

(b) Density

(1) Density shall be calculated by the number of dwelling units per acre within a proposed development site, excluding public and private streets and rights-of-way, natural bodies of water, and public access easements that restrict the surface use of the property.

(2) The density calculation shall be adjusted for conservation subdivisions as provided in §17.04.050(i), Conservation Development.

(c) Lot Dimensions

(1) New lots created, developed, used, or occupied shall meet the minimum lot dimensions for the applicable zone district unless otherwise established in this UDC.

(2) No land needed to comply with minimum lot dimensions or other standards in this UDC shall be sold or leased away from a lot.

(3) Minimum lot area, for lots created by the land division process, may not include any portion of an adjacent road.

(4) Lot width is measured at the required front setback line, or in the case of an irregularly shaped lot, the front building line.

(d) Setbacks

(1) Setback Measurement

Setbacks shall be measured from the lot line to any building or structure on the lot.

(2) Setbacks for Attached Buildings

For buildings where multiple dwellings or businesses share a common wall, only the outside walls of the end units shall comply with applicable setback requirements.

(3) Through Parcel

On a through parcel, the front setback requirements of the applicable zone district shall apply to both street frontages.

(4) Corner Parcel

On corner parcels, a required side setback with street frontage shall be at least 15 feet wide, and the other setback requirements shall be the same as for other parcels in the same zone district.

(5) Front Setbacks for Developed Areas

Except as provided in §17.02.040(d), Setback Projections and Encroachments, where three or more parcels comprising more than 50 percent of a single street frontage of a block are improved with buildings at the time of passage of this UDC, 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.

(e) Building Coverage

That portion of the parcel shielded from the sky by building and/or structures, as measured along the outside wall at ground level.

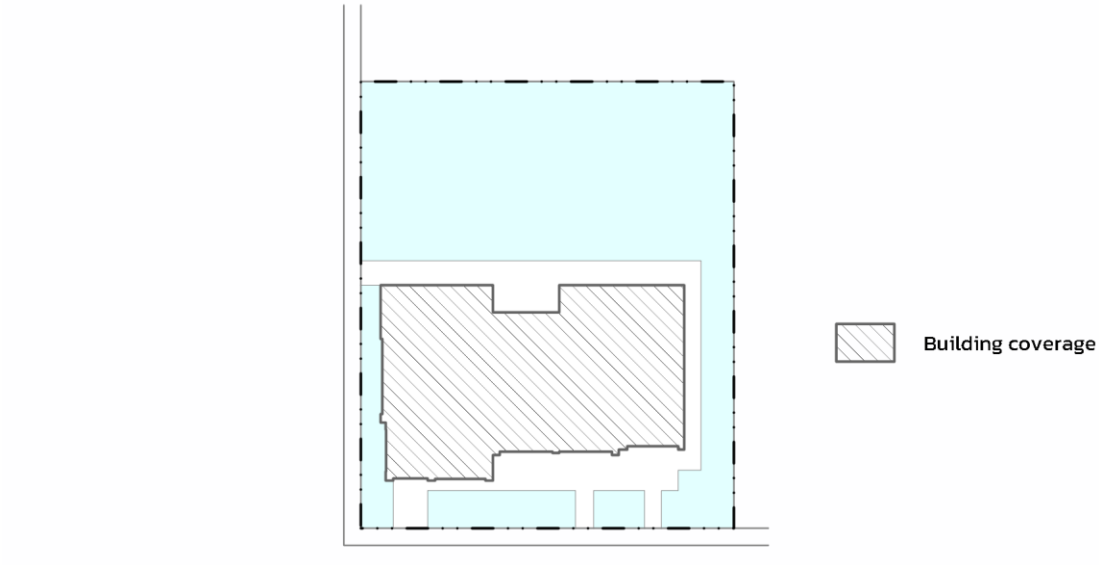


Figure 12.1: Building Coverage Diagram

(f) Building Height

Generally, the height of a building or structure shall be 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 the finished grade above the established street grade.

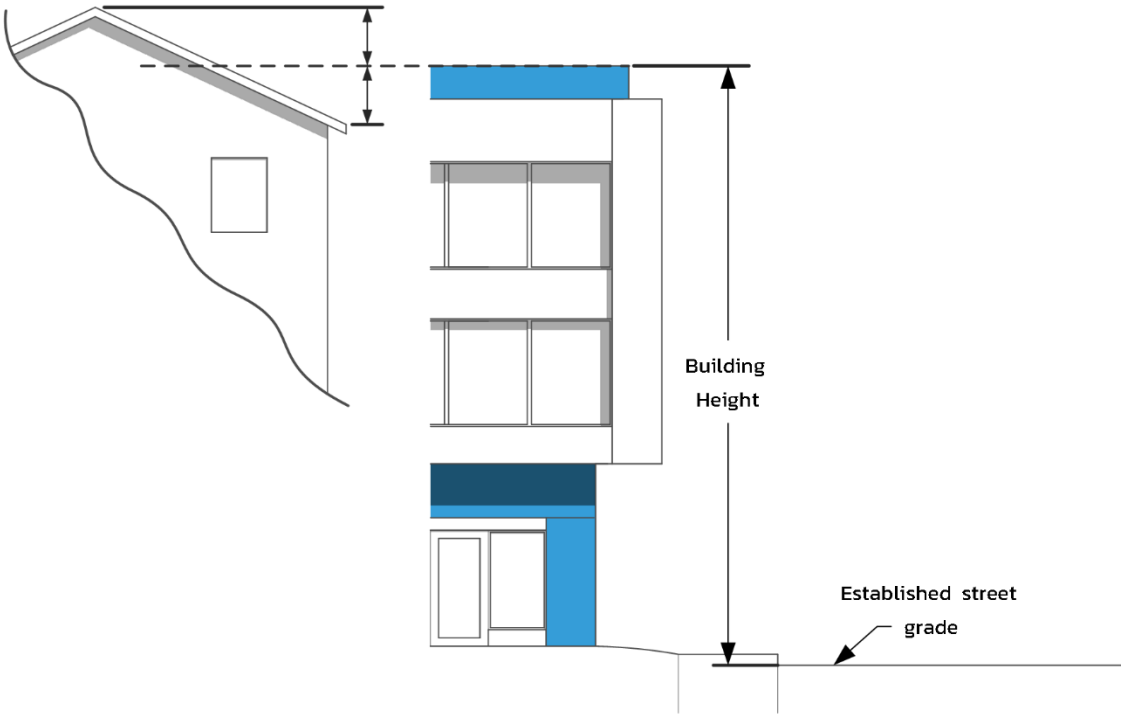


Figure 12.2: Building Height Diagram

17.12.030 Definitions

A

Accessory Dwelling Unit

See "Dwelling, Accessory."

Adult Uses

Any facility used for an adult amusement or entertainment business. This includes an adult bookstore, adult photography studio, adult theater, adult movie arcade, adult restaurant, bar or nightclub, adult tanning salon and other adult businesses characterized by offering patrons activities or material depicting, exhibiting, describing, or relating to specified sexual activities or specified anatomical areas for observation, amusement, enjoyment, satisfaction, or gratification, whether for a fee or not. The uses contemplated by this definition customarily, although not always, offer adult amusement or entertainment activities or materials as a principal, significant or emphasized part of their enterprise and, customarily, although not always, exclude minors under 18.

Aerospace Activities

A use pertaining to the development, production, maintenance and support of aircraft and spacecraft, including but not limited to, research and development, testing and manufacturing of aircraft and spacecraft components and systems, simulator, and ground support equipment; and the maintenance, repair and overhaul of aircraft and spacecraft systems. In PuebloPlex, this includes space port facilities.

Agricultural and Animal Uses

Uses in this category include limited, commercially oriented agricultural activities, greenhouses, nurseries, and facilities for selling agricultural products. This category also includes animal-related uses such as the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Agricultural Conservation Overlay

The Agricultural Conservation Overlay described in §17.02.100(d) identifies prime farmland, prime agricultural land, and farmland that is subject to conservation development standards in §17.04.050(i).

Agricultural Implement, Sale and Repair

A commercial enterprise for the repair of equipment normally or routinely used for agricultural uses, and related parts, tools, and accessories. This use includes sale of associated materials.

Agricultural Processing

The processing and/or packaging of agricultural products, excluding the processing of fish, meat, or game. Examples include but are not limited to the making of food or herbal products, wreaths, woolen products, cheese, and candles. Agricultural processing may include the accessory sales or wholesale of agricultural products grown or produced on the site.

Agricultural Production

Outdoor farming including plowing, tillage, cropping, keeping of animals, grazing, livestock farming and similar uses; seeding, cultivating/harvesting for the production of food and fiber products (excluding commercial logging and timber harvesting). Agricultural Production includes horticulture, silviculture, viticulture, aviculture, aquaculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry and animal sales yards. This use excludes marijuana cultivation.

Agricultural Tourism

Activities conducted on a parcel with a primary agricultural use and offered to the public for the purpose of recreation, education, or active tourism related involvement in the agricultural use. These activities shall be incidental to the primary agricultural use on the site or related to natural resources present on the property. This term includes guest ranches, site tours, hayrides, corn mazes, classes related to agricultural products or skills, farm-to-table dining, and picnic and party facilities offered in conjunction with the above. Agricultural tourism does not include accommodation uses or retail sales.

Agriculture

See "Agricultural Production."

Animal Feeding Operation (AFO)

A lot or facility (other than an aquatic animal production facility) where the following conditions are met: (a) Animals (other than aquatic animals) have been, are, or will be confined and fed or maintained for a total of 45 days or more in any 12-month period (in a bare lot or housed operation), and (b) Crops, vegetation, forage growth, or post-harvest residues are not

sustained in the normal growing season over any portion of the lot or facility. See also, "Concentrated Animal Feeding Operation."

Airport or Heliport, Private

A place on land or water where aircraft may land to discharge or receive cargo and passengers, make repairs, or take on fuel.

Alcoholic Beverage Sales

The retail sale of alcoholic beverages for off-site consumption.

Alley

A minor way that is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Alter

Any structural change in the supporting or load bearing members of a building, such as bearing walls, columns, beams, girders, or floor joists.

Amphitheater

An open-air venue used for entertainment, performances, and sports with seating tiers that surrounded the central performance area.

Animal Keeping

The raising or keeping of a limited number of hoofed animals in a rural residential setting for personal enjoyment or use.

Annual Estimated Operating Cost

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 Chapter 17.08, 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 the 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.

Annual Estimated Gross Revenue

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 Chapter 17.08, 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 the 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.

Antique

A fine art object, artifact, implement or household furnishing, over fifty years old, which is characteristic of a specified area or country, or which has other historical and artistic significance.

Appropriate

Belonging peculiarly, or especially suitable.

Appurtenant Facilities

Any building, structure, or other property that 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.

Aquaponics

A system that combines hydroponics (cultivating plants in water) with aquaculture (raising of fish and other aquatic animals) in a symbiotic relationship.

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.

Assembly

The joining together of completely fabricated parts to create a product.

Assembly, Religious or Secular

Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, worship, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, and concessions.

Associations, Clubs, and Lodges

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 no more than one-third of the gross floor area occupied by the use used for residential occupancy.

Atmospheric Light Pollution

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.

Auction Hall

A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Aviary

An accessory structure, often larger than a typical bird cage, used to confine birds for the purposes of breeding, raising, exhibiting, or selling.

B

Bar or Tavern

An establishment where the primary business is providing or dispensing by the drink for on-site consumption of fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, in which the sale of food products such as sandwiches and light snacks is secondary,

and where music, live entertainment and/or dancing may be provided. This use does not include any adult use.

Battery Energy Storage Facilities

One or more battery cells for storing electrical energy stored in a Battery Energy Storage System ("BESS") with a Battery Management System ("BMS").

Battery Energy Storage System (BESS)

A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Battery Management System (BMS)

An electronic regulator that manages a battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and being able to shut down the system before operating outside safe parameters.

Bed and Breakfast

A single-family dwelling, or portion of a single-family dwelling, where short-term lodging rooms are provided for a maximum of 28 days and where the operator of the house lives on the premises or in adjacent premises.

Beekeeping

The raising or producing of bees, beeswax, honey, and by-products.

Bicycle Parking Device

A rack to which the bicycle frame and at least one wheel can be secured with a user-provided U-lock or padlock and cable.

Bioengineering Facility

A facility involved in the application of engineering principles, practices, and technologies to the fields of medicine and biology especially in solving problems and improving care as in the design of medical devices and diagnostic equipment or the creation of biomaterials and pharmaceuticals.

Biofuel Energy Development Facility

A facility involved in the development of fuels derived from organic matter, for example, ethanol produced from corn, sugarcane, or other plants, using agricultural processes or by micro-organisms in oxygen-free tanks (anaerobic digestion).

Block

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

Boarding or Rooming House

A residential structure that is the operator's personal primary dwelling where lodging is provided, with or without meals, for compensation. A boarding house is not a bed and breakfast or short-term rental.

Broadcast Tower Facility

A facility consisting of antennae, typically for AM and FM radio and/or VHF or UHF transmissions, an equipment building, manned or unmanned, and a guyed or self-support tower(s) and related field facilities. Each facility is intended to provide coverage to a geographic area subject to the limitations of the provider FCC license.

Brownfield

A former industrial or commercial site typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Buffer

An area of land to separate visibly one use from another or that acts as a separation between two land uses of different intensity.

Buildable Area

That portion of a lot or parcel that can be occupied by a building or structure.

Building

A roofed structure for the support, shelter or enclosure of persons, animals, or chattels. See "Structure."

Building and Landscape Materials Sales

A retail establishment selling hardware, lumber, and other large building materials such as paint, wallpaper, glass and fixtures, plant materials, and other landscaping material.

Building Area

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 Envelope

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by regulations such as setbacks and maximum building height.

Building Envelope Map

A map or development plan depicting the building envelopes of existing or proposed structures.

Building Height

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 the finished grade above the established street grade.

Building Line

A line on a plat or the theoretical line on the ground between that line and a street, alley, or private place no principal building or structure may be erected.

Building, Attached

A building attached to another building by a common wall (the 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.

Building, Principal

A building in which is conducted the main or principal use of the lot or parcel on which the building is situated, and including attached structures such as garages, carports, or storage sheds. On farms, the house shall be considered the principal structure.

Bulk Plant

That portion of a property where flammable liquids are received by tank vessel, pipeline, tank car, or tank vehicles, and are stored or blended in bulk for the purpose of distributing those liquids by tank vessel, pipeline, tank car, tank vehicle, or container.

C

Campground or Recreational Vehicle Park

A parcel of land upon which two or more recreational vehicle sites, tent camping sites, and/or permanent structures (that may contain cooking facilities) are located, established, or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

Car Wash

A facility for the cleansing of automobiles and other vehicles providing either self-serve facilities, automated machines, or employees to perform washing operations.

Carnival or Circus

A temporary festival typically offering amusement rides, variety shows, or other entertainment.

Carport

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

Cemetery or Mausoleum

A tract of land, monument, or facility for interment of the deceased.

Cemetery or Mausoleum, Public

A cemetery or mausoleum operated as a business for commercial gain.

Cemetery or Mausoleum, Private

A cemetery or mausoleum that is intended for use solely by the owner of the property, is not operated for commercial gain, and is not open to the general public.

Center Line

See "Street, center line of."

City

Pueblo, Colorado, a municipal corporation.

Clinic, Medical or Dental

An ambulatory health facility where patients are admitted for outpatient examination and treatment by a group of licensed health care practitioners in practice together. This use includes facilities providing support to the medical profession and patients medical and

dental laboratories, blood banks, and various types of medical supplies and services. This definition includes facilities such as blood donor stations, chiropractor offices and clinics, optometrist offices and clinics; osteopathic physician offices and clinics, outpatient drug treatment clinics, and other specialized treatment clinics.

Cluster Development

Any division of land in the A1 district that:

1. is achieved through the Rural Land Use Process;
2. creates parcels containing less than 35 acres each in exchange for the reservation of at least two-thirds of the total area of the tract for the preservation of open space, agricultural land, or to protect wildlife or critical areas in perpetuity; and
3. does not exceed one residential unit for each 17 1/2 acre increment.

See also, "conservation development."

Cogeneration Facility

A facility that uses a heat engine or power station to generate electricity and useful heat at the same time.

Collector Sewer Line

A sewage treatment system's pipe, conduit, ditch natural water course, or combination that 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.

College or University

An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

Collocation

The mounting or installing of a WCF on a pre-existing structure and/or the modification of a structure for the purpose of mounting or installing a WCF on that structure provided that, for purposes of eligible facilities requests, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Color Rendering Index (CRI)

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

Of, or pertaining to, or engaged in the buying, selling, renting, or leasing of goods, services, or property.

Commercial Vehicle

Commercial vehicles include truck-tractors, trailers, semi-trailers, motor trucks, straight trucks, bobtails, dromedaries, drays, trailer coaches, well-boring rigs, gantry trucks and logging trucks, but shall not include recreational vehicles as defined in this UDC.

Common Open Space

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 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 space may not be further subdivided.

Community and Cultural Facilities

Uses in this category include buildings, structures, or facilities that provide services to the public and generally provide public access. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Community Center

A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for meetings, parties, receptions, and dances.

Compact Car

A vehicle that has a maximum wheelbase of 106 inches.

Composite and Steel Manufacturing

The manufacturing of steel or composites from raw materials.

Composting

The biological decomposition of organic material such as vegetable scraps, leaves, grass clippings, wood shavings, and non-human manures to produce material for fertilizing and conditioning soil.

Composting Facility

A facility where organic matter that is derived primarily from offsite is to be processed by composting and/or is processed for commercial purposes. The use may include collection, transportation, composting, curing, storage, marketing, or use of compost.

Composting, Small Scale

An enclosed area not larger than 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

Concealed Light Source

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.

Concentrated Animal Feeding Operation

An Animal Feeding Operation (AFO) that meets the Colorado Department of Public Health and Environment's definition for a small, medium, or large Concentrated Animal Feeding Operation (CAFO). See also, "Animal Feeding Operation."

Concession Stand

A place where patrons can purchase snacks or food that is accessory to the primary use of the facility.

Conference Center

One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Conservation Areas

Portion of a conservation development or cluster development that is set aside for agriculture, ranching, public or private open space, or other conservation purposes.

Conservation Development

A method of subdivision that allows for the creation of lots in the A2 and A3 districts smaller than would otherwise be allowed in exchange for the permanent dedication of a portion of the site as conservation areas. A conservation development is comprised of two parts:

1. a residential development cluster; and
2. the conservation areas.

See also, "cluster development."

Conservation Standards

Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Pueblo County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative that best meets his needs in developing his soil and water conservation plan.

Construction

The utilization of labor and/or materials on the footings, foundations, walls, roofs and other portions of the building or structure.

Contractor's Yard

A site used primarily for the parking, storage, or staging of operable construction vehicles, trucks, and equipment that are actively used in a construction, landscaping, utility, or similar service-oriented business. Such use must be associated with an active business operation. Repairs or maintenance may occur within enclosed buildings. Outdoor storage of inoperable vehicles or materials unrelated to business operations is prohibited.

Convenience Store

A type of general retail store that carries a range of merchandise oriented to convenience and/or travelers' shopping needs.

Court

An uncovered space, other than a yard, on the same parcel as the building and bounded on three or more sides by buildings, walls, or fences.

Covered

Roofed, trellised, or otherwise shielded from the sky except for ground cover material.

Craft Alcohol Facility

A small brewery, winery, meadery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, mead or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers. Accessory uses include tasting rooms at which product tasting occurs.

Crematory

An incinerator, furnace, retort, oven, or chemical system used for the purpose of cremation of human or animal remains.

Crosswalk

A right-of-way dedicated to public use to facilitate pedestrian access through a subdivision block. Also known as a "walkway."

Cultural Facility

A public or non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences, including libraries, museums, and theaters.

Custom Meat Processing Facility

A facility for the processing of meat and poultry for individuals, not intended for resale on the premises, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products. All facilities shall be indoor operations only. See also, "Packing Facility."

D

Day Care Center, Adult

A nonresidential, protective facility specializing in providing activities and socialization for the elderly and/or disabled adults. Care is generally provided during daytime hours, but less than a 24-hour consecutive period, with a variety of planned program activities.

Day Care Center, Child

A licensed facility that is maintained for a whole or part of a day for the care of five or more children under the age of 16 years not related to the owner, operator, or the manager of the facility. Includes facilities operated with or without compensation for care services.

Decommissioning and Reclamation Plan

A plan to disconnect, remove, and properly dispose of equipment, facilities, or devices and reclaim the site.

Designation

The legal procedure specified by C.R.S. §24-65.1--101, et seq., as amended, and carried out by the Board of County Commissioners.

Determination

The Director's decision whether a project qualifies for a Finding of No Significant Impact (FONSI) or requires a permit, as the project relates to Chapter 17.07, Areas and Activities of State and Local Interest.

Development

Any construction and/or activity that in any way changes or modifies the basic character or use of the land on which the activity occurs.

Development Plan

A plan prepared to scale showing all uses (existing and proposed) for a specific project and including all information necessary to clearly define the intended use and development details of the project. Also referred to as a "site plan."

Director

The Director of the Pueblo County Department of Planning and Development and their staff or designees.

Display Gallery

An establishment that displays and may sell art, but that does not derive more than 50 percent of its income from the display and sale of art objects.

Disposition

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land that is not made pursuant to one of the foregoing.

District Park

A park with specialized facilities such as a swimming pool, tennis complex, recreation center, regulation size playing fields, an outdoor theater, restrooms, large grass and tree areas, and off-street parking. The park should be located within ten minutes' driving time of all residents within the area intended to be served.

District, Zone

A land area or land areas as defined by the zoning map within which the zoning regulations are uniform.

Domestic Water and Sewage Treatment System

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.

Domesticated Animal

Any of various animals including but not limited to dogs, cats, horses, and livestock, adapted over time from a wild or natural state to life in close association with and to the benefit of humans. See also, "Livestock" and "Poultry."

Domesticated Pot-Bellied Pig

A domesticated porcine animal of the species Sus scrofa domesticus.

Dormitory

A building, oftentimes associated with an educational facility, providing housing for a number of persons utilizing common entrances and hallways, single or group sleeping accommodations, and shared bath and toilet facilities.

Dwelling

A building or portion of a building containing one or more dwelling units.

Dwelling, Accessory

A residential unit that is located on the same lot as a principal dwelling unit and is either internal to or attached to the unit or located in a detached structure. Accessory Dwelling does not include mobile homes or recreational vehicles.

Dwelling, Attached

A structure divided into three or more separate dwelling units, usually arranged in a row, and joined by party walls. This use includes row homes and townhomes.

Dwelling, Caretaker's Accessory

An accessory dwelling intended for occupation in association with a related principal commercial or industrial use or structure.

Dwelling, Condominium

A common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Dwelling, Cottage Court

A residential development that combines a group of small individually owned or rented single-family dwelling units on a single parcel of land that are oriented around a shared open space for communal use by the residents of the development and may include a shared parking area and/or a shared community building.

Dwelling, Farmstead Accessory

An accessory dwelling on a farm or ranch with an open or semi-private sleeping rooms and common use shower, sanitary facilities, and kitchen designed to be used as seasonal living quarters.

Dwelling, Live/Work

An integrated dwelling unit and working space, occupied and used by a single household, in a building that has been designed or structurally modified to accommodate joint residential occupancy and work activity.

Dwelling, Multi-Family

One or more buildings or portion of buildings on a single lot or tract that contains three or more individual dwelling units, where each unit is living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway.

Dwelling, Single-Family

A detached structure containing one dwelling unit. See also "Manufactured Home" and "Tiny Home."

Dwelling, Tiny Home

A structure that:

1. Is permanently constructed on a vehicle chassis;
2. Is designed for long-term residency;
3. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
4. Is not self-propelled; and
5. Has a square footage of not more than 400 square feet.

To meet this definition, a tiny home shall be built to the International Residential Code as adopted by the Building Codes & Standards program within the Division of Housing. Colorado tiny homes will receive a metal plate insignia that certifies the tiny home is built to the codes and standards of the program. This use does not include manufactured homes, recreational park trailers, or recreational vehicles.

Dwelling, Tiny House

See "Dwelling, Single-Family."

Dwelling, Two-Family

A building or semi-attached building containing two dwelling units.

Dwelling Unit

One or more rooms connected together, but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy by humans, with facilities for sleeping, cooking, and eating, and with sanitary facilities.

E

Easement

Authorization by a property owner, generally created by a real estate deed, a recorded plat, or by a written agreement, for another to use the owner's property for a specified purpose.

Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, including colleges and college

campuses. Accessory uses commonly include play areas, cafeterias, recreation areas, auditoriums, and day care facilities.

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.

Electric Power Plant

A facility designed and operated for the generation and distribution of electricity for the primary purpose of selling electricity generated to the electric power grid, including facilities that use fossil fuels, solar energy, hydroelectric energy, geothermal energy, biomass energy or wind energy as a resource. This definition does not apply to on-site generation equipment when the use is an accessory use.

Eligible Facilities Request

Any request for modification of an existing attached WCF or tower that does not substantially change the physical dimensions of the attached WCF or tower involving:

1. collocation of new transmission equipment,
2. removal of transmission equipment, or
3. replacement of transmission equipment.

Eligible Support Structure

Any structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network or tower if it is existing at the time the relevant application is filed with the County.

Emergency Facility

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 training facilities for first-responders, fire departments, ambulance headquarters but shall not include hospitals.

Employee

A person employed permanently; this shall not mean temporary or seasonal employees.

Employee, Off-Site

An employee of a home occupation whose primary residence is outside the location of the home occupation. This definition includes permanent, temporary, and seasonal employees.

Enclosed

Surrounded by walls and/or fences and a roof. See "Unenclosed."

Encroachment

A private improvement, structure, or obstruction extending into or located within, upon, above, or under any public right-of-way or public easement.

Equestrian Facility, Commercial

An area where activities involving horseback riding are conducted for practice, competition, or entertainment, and are open to members and/or the general public. A commercial equestrian facility may offer related goods and services .

Equestrian Facility, Private

An equestrian facility that is accessory and incidental to the ranch, farm, or home site on which it is located and for use by the family and invited guests of the owner. Activities may include, but are not limited to horse boarding and riding.

Event Venue

A commercial establishment used to accommodate gatherings such as weddings, retreats and similar social events. Includes both indoor and outdoor spaces and can include overnight accommodations.

Evidence

Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence shall be relevant and competent and shall support the position maintained by the subdivider.

Exhibition Center

A building or group of buildings used for trade, consumer and recreational shows and expositions, which feature a regularly changing collection of information booths, display stations, and/or presentation areas, with or without food and live entertainment on an incidental basis, where events are intended to inform, educate, promote, sell or otherwise bring together people to participate in a given market activity; or used to conduct formal

ceremonies, meetings, conferences, banquets, and live entertainment events, concerts, or similar events. This use excludes activities related to Adult Uses.

Explosive

A substance that causes a sudden rapid release of mechanical, chemical, or nuclear energy from a confined region.

Extractor

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

F

Fabrication

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

A group of persons related by blood, marriage, adoption, or fosterage 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-to-Table

Serving locally grown or produced food at restaurants, school cafeterias, and as part of agricultural tourism operations.

Farmers' Market

A structure or place where agricultural products are brought for the purpose of retail sales. A farmers' market differs from a roadside sale stand in that there may be more than one seller allowed per parcel of land and the structure from which produce is sold at a farmers' market need not be portable or capable of being dismantled or removed from the site.

Farmland

Land zoned for agricultural use that is generally irrigated and used for agricultural production, but is not considered to be prime farmland. See also, prime farmland and prime agricultural land.

Fence

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, Agricultural

Any fence in the A1, A2, or A3 zone districts used to control, confine, or coral livestock, deter wildlife from crops, or indicate the borders of a lot that maintains any agriculture use as listed in Table 17.03.1: Table of Allowed Uses. Also known as field fence.

Fence, Open

A fence that 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

A fence that is not an "open fence."

Finished Grade

The final elevation of the ground surface after completion of authorized development and associated human-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

Fixture

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.

Flea Market

A facility where stalls or sales areas are set aside and rented or otherwise provided and intended for use by various individuals to sell articles that are homemade, homegrown, handcrafted, old, obsolete, or antique. It may also include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This use does not include farmer's markets and garage or yard sales that operate a total of less than seven days per calendar year.

Flex Building

A building with an open configuration designed to accommodate a variety of uses that can be combined in the building as needed and over time, such as office, warehouse, and industrial uses.

Flood-Related Definitions

100-Year Flood

A flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood". The term does not imply that the flood will necessarily happen once every 100 years.

100-Year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-Year Flood

A flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every 500 years.

500-Year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Addition

Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Area of Shallow Flooding

A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement

Any area of a building having its floor sub-grade (below ground level) on all sides.

Channel

The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization

The artificial creation, enlargement, or realignment of a stream channel.

Code of Federal Regulations (CFR)

The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Community

Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR)

FEMA's Comments on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility

A structure or related infrastructure, but not the land on which it is situated, as specified in §17.04.010(e)(11) that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Critical Feature

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

Any human-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM Database

Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM)

FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building

A non-basement building that is:

1. built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and
2. adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Community

A manufactured home community for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. 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 Director of Planning and Development.

Expansion to an Existing Manufactured Home Community

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Register

The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

Federal Emergency Management Agency (FEMA)

The agency responsible for administering the National Flood Insurance Program.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Control Structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)

The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Flood, Intermediate Regional

A type of flood, including the water surface elevation and territorial occupation, 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 flood or hundred 100-year flood.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator

The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit

A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this management Chapter.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations

Zoning and subdivision regulations, building codes, health regulations, special purpose regulations (such as a floodplain regulation, grading regulation, and erosion control regulation) and other applications of police power. The term describes such state or local

regulations, in any combination, that provide standards for the purpose of flood damage prevention and reduction.

Floodproofing

Any combination of structural and/or non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood Profile

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.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be six inches. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior; or
    b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR)

FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F)

FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee

A human-made embankment, usually earthen, 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. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure shall meet the requirements set forth in 44 CFR 65.10.

Levee System

A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, that are constructed and operated in accordance with sound engineering practices.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes that includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home, or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a 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 requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home

A structure transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". 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 Director.

Manufactured Home Community

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. 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 Director.

Material Safety Data Sheet (MSDS)

A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point,

flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Mean Sea Level

For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP)

FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New Construction

Structures for which the "start of construction" commenced on or after the effective date of this UDC.

New Manufactured Home Community

A manufactured home community for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community. 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 Director.

No-Rise Certification

A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification shall be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR)

FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational Vehicle

A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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 Director.

Rural Communities

Rural Communities include the Beulah Valley and Avondale communities and the statutory towns of Rye, Boone, and Vineland, based on the boundaries established in the Regional Comprehensive Plan.

Special Flood Hazard Area

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of Construction

The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either 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 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home. 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 Director.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures that have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Threshold Planning Quantity (TPQ)

A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Floor Area, Gross

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

The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.

FONSI

A Finding of No Significant Impact, as it related to Chapter 17.07, Areas and Activities of State and Local Interest.

Food and Beverage

Uses in this category include establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

Food Truck

A licensed mobile and motorized vehicle food unit that is temporarily used on a privately-owned piece of property where food items are being sold to the general public.

Foot-Candle

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.

Freight Depot

Land and buildings used as a relay station for the transfer of a load of freight from one vehicle to another or from one party to another. In PuebloPlex, this includes multi-modal loading and unloading facilities. Long-term or accessory storage is not permitted in a freight depot.

Frontage

That portion of a lot, parcel, tract, or block abutting upon a street. See "Yard, front."

Full Cut Off Fixtures

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.

G

Gaming Arcade

A skilled gaming business that is limited to patrons over 21 years of age, operates as an accessory to a business or private club, and offers or provides legal electronic game equipment provided by or on behalf of the operator that is used or adapted for use to play or operate a computer simulation of a game (e.g., "fish game" or "fish game table") where the play or operation of the device may deliver or entitle the person or persons playing or operating the device to a payoff directly or indirectly from the owner or operator of the device or that person's designee. Gaming arcades are not included in the Indoor Recreation and Entertainment use type.

Game Preserve, Developed

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 the 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

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

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

An accessory building or an accessory portion of a main building, designed or used for the shelter or storage of motor vehicles on property owned or operated by the occupants of the main building.

Garden Supply Center

A facility for the sale of feed, grain, fertilizers, pesticides, garden tools, equipment and supplies that includes the sale of plant materials grown on the premises.

Gardening

The cultivation of fruits, vegetables, flowers, or other plant materials.

Gasoline Service Station

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

Geologic Hazard Area

An area that contains or is directly affected by a geologic hazard. The following definitions are related to geologic hazard areas:

Avalanche

A mass of snow, a mass of snow or ice and other material that may become incorporated as such mass moves rapidly down a mountain slope.

Expansive Soils and Rocks

Any mineral, clay, rock, or other type of geologic deposit having the property of absorbing water with an accompanying swelling to several times its original volume.

Geologic Hazard

A geologic phenomenon that is so averse 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.

Initial Control Area

An area suspected, but not finally determined, to be a natural hazard area or a mineral resource area.

Ground Subsidence

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 human-made phenomena such as underground mining.

Landslide

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.

Mudflow

A flowing mass of predominately fine-grained earth material possessing a high degree of fluid during movement.

Radioactivity

A condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits or rocks, soils, and water.

Rock Fall

The rapid free-falling, bounding, sliding, or rolling of large masses of rock or individual rocks.

Seismic Effects

Direct and indirect effects caused by a natural earthquake or a human-made phenomenon.

Unstable or Potentially Unstable Slope

An area susceptible to a landslide, mudflow, rock fall, or accelerated creep of slope-forming materials.

Geothermal Facility

A facility that collects heat from the earth through wells to convert to electricity.

Glare

The direct or reflected light emitting from a luminaire or reflective surface that causes reduced vision or momentary blindness.

Golf Course

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.

Government Offices and Facilities

An office or other facility occupied by a governmental or quasi-governmental agency that provides administrative and/or direct services to the public, such as public works facilities, administrative offices, or water districts.

Grade, Building

That elevation that is the average of the highest and lowest elevation of the ground along the facade of the building or structure that is nearest the street.

Grade, Street

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

Feeding or growing grass or herbage.

Greenhouse

An enclosed structure used for cultivating plants in a controlled climate, as accessory to a principal use.

Grocery Store

A store selling foodstuffs and household supplies.

Group Home, FHAA

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of residents protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado, including but not limited to facilities providing housing for persons with disabilities, persons with mental health conditions, or persons with developmental disabilities.

Group Home, FHAA Large

A facility designed for and occupied by nine or more residents living together.

Group Home, FHAA Small

A facility designed for and occupied by no more than eight residents living together.

Group Living

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a living unit. Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

Group Residential Facility

A dwelling other than a group home that provides a community living environment for persons requiring custodial care, medical treatment, or specialized social services, but that does not meet the definition of an FHAA Group Home. This definition includes but is not limited to correctional diversion program housing, post-incarceration program housing, and domestic violence shelters.

Group Residential Facility, Large

A facility designed for and occupied by nine or more residents living together.

Group Residential Facility, Small

A facility designed for and occupied by no more than eight residents living together.

Guest Ranch

A destination resort offering overnight accommodations and activities.

Guest Room

A room in a hotel or motel offered to the public for compensation in which no provision is made for cooking and which room is used only for transient occupancy.

H

Hazardous Material

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 Storage

Bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. This use includes the storage and application of domestic septage.

Hazardous Waste

See definition in Colorado Revised Statutes 25-15-101 (6) (a).

Hazardous Waste Facility

A facility primarily devoted to hazardous waste analysis for compatibility with chemical and physical properties and the research and development of technology relating to the disposal, recovery, treatment, storage, or transportation of hazardous waste. Such a facility shall not be used for commercial disposal, recovery, treatment, storage, or transportation of hazardous waste.

Hazardous Waste Incinerator or Processor

A facility with a furnace designed for burning hazardous waste in a combustion chamber.

Health Department

The Pueblo County Department of Health and Environment.

Healthcare Facilities

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of employees in the firm or building.

Hedge

Closely planted rows of landscape materials such as shrubs planted and maintained so as to create a visual barrier.

Heliport, Commercial

A place on land and/or water, and/or structures where rotorcraft may land and/ or take off.

Hemp Establishment

1. Any Establishment that has been issued a Research and Development (R & D) Industrial Hemp Registration or Commercial Industrial Hemp Registration by the Colorado Department of Agriculture, pursuant to the Industrial Hemp Regulatory Program Act, Title 35, Article 61, C.R.S., including outdoor farming, greenhouse farming and indoor (building; excludes residential structures) farming; greenhouse and building shall be permitted by Pueblo Regional Building Department and obtain zoning authorization from Department of Planning and Development;
2. Any Establishment that processes hemp, which is the refinement of Industrial Hemp to create products derived from hemp. Hemp processing shall only be conducted in a greenhouse and/or building, excluding residential structures, that are permitted by Pueblo Regional Building Department and Pueblo Department of Public Health and Environment and have obtained zoning authorization from the Department of Planning and Development.

Hemp Establishments shall follow and abide by rules and regulations issued by the Department of Agriculture in accordance with the Industrial Hemp Regulatory Program Act and shall also follow and abide by Pueblo County's regulations regarding Industrial Hemp.

Hemp, Industrial

A plant of the genus Cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than three-tenths of one percent (0.3%) on a dry weight basis. Delta-9 tetrahydrocannabinols has the same meaning as "tetrahydrocannabinols" as set forth in §27-80-203(24), C.R.S.

Highway, Arterial

Any limited access highway that is part of the federal-aid interstate system or any limited access highway constructed under the supervision of the Colorado Department of Transportation.

Highway, Collector

A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation centers, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

Hoofed Animal

Hoofed animals include horses, cattle, mules, llamas, alpacas, sheep, goats, or swine.

Home Day Care

A type of family care home, licensed by the State of Colorado, which provides less than 24 hour care for two 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. This definition includes different types of family child care homes as defined by the State of Colorado, Department of Early Childhood.

Home Day Care, Large

A family child care home that provides care for seven to 12 children.

Home Day Care, Small

A family child care home providing care for six or fewer children.

Home Occupation

An accessory use clearly incidental and subordinate to an established principal dwelling unit that is conducted within a dwelling unit, accessory building, or private recreation area (e.g., swimming pool, tennis court, riding arena, etc.).

Homeowner's Association

A private nonprofit association that 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.

Horizontal Illuminance

The measurement of brightness from a light source, usually measured in foot-candles or lumens.

Hospital

An institution providing health services for inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training and central services facilities and staff offices.

Hospital, Veterinary

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 or Motel

A structure containing five or more guest rooms with access usually from a common hallway.

House, Fraternity or Sorority

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.

Household Living

Uses in this category are characterized by residential occupancy of a building by a living unit and is not occupied by the living unit for less than 28 continuous days. This category does not include hotels, motels, boarding/rooming houses, resort cottages, or lodges.

I

IESNA

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

Improvements Agreement

An agreement guaranteeing the construction of any required public improvements together with collateral that is sufficient, in the judgment of the Board, to make reasonable provision for the completion of the improvements in accordance with design and time specifications.

Industrial Laboratory Facility

A facility for the testing or analysis of environmental, industrial, or similar products or materials.

Industrial Sales and Services

Establishments engaged in the sale or repair of agricultural, industrial, business or consumer machinery, excluding vehicles, or that provide services of an industrial nature. Examples include but are not limited to: wood working and welding shops; tool repair; repair of scientific or professional instruments; industrial laundry services; firearms servicing; and fumigating or exterminating.

Industry

The commercial production and wholesale of goods and services.

Industry, Light

Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process that 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 that operates independent of: railroad sidings, extensive loading docks, and steam generation as prime power.

Initial Commercial Operating Date of the Solar Facility

The date upon which all equipment and portions of the facility necessary to put the facility into operation have been tested and commissioned and are both legally authorized and able to operate and deliver energy to the electric power grid. Should a portion of the facility achieve such operational capability, being able to operate and deliver energy to the electric grid, the initial commercial operating date of the solar facility shall be the date upon which the first portion of the facility achieves such capability.

Integrated Photovoltaics

Photovoltaics incorporated into building materials, such as shingles.

Interchange

The intersection of two or more highways, roads, or streets, at least one of which is an arterial highway or toll road where there is direct access to and from the arterial highway or toll road.

J

Junk

Goods, materials, or objects that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition and/or subject to being dismantled or processed for reuse.

Junked Vehicle

Any 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. Junked vehicles do 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 in which the property is located, vehicles on the premises of any property dealing in the selling, repairing, or servicing of vehicles, or vehicles within a fully enclosed building.

Junkyard

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.

K

Kelvin

The base unit of measurement for temperature.

Kennel, Breeding and Boarding

Any lot or premises, or portion of a lot or premises, on which five or more dogs, cats, and other household domestic animals are maintained, harbored, possessed, boarded, bred, or cared for in return for compensation or are offered for sale. This use shall not be conducted as a home occupation.

Kitchen

Any area intended and equipped for the preparation of food.

L

Laboratory and/or Research Facility

A facility for research and development of products, including but not limited to technology-intensive fields such as chemical, biological, pharmaceutical, electronics and genetic research.

Lamp

The light-producing source installed in the bulb portion of a luminaire.

Land Use Plan

See "Regional Comprehensive Plan."

Landscaping Materials

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).

Lateral Sewer

A sewer that discharges into another sewer and has only building sewer tributary to it.

Laundromat

Aan establishment providing washing, drying, ironing or dry-cleaning machines for hire to be used by customers on the premises.

Law Enforcement Training Facility, Outdoor

An open area for cognitive and physical skills training including driving skills, equipment training and firearm training for law enforcement.

Laydown Yard

A temporary outdoor storage yard for storing machinery, materials, and/or vehicles associated with an offsite construction project.

Legal Description

Any description from which it is possible to locate accurately on the ground the boundaries of the land being described.

Light Trespass

Any form of artificial illuminance emanating from a light fixture or illuminated sign that shines beyond the property on which the light source is installed.

Line, Center

See "Street, center line of."

Line, Property

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

Livestock

Cattle, bison, sheep, goats, swine, mules, poultry, horses, yaks, alternative livestock, as defined by state statute, and such domesticated animals as fox, mink, marten, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit.

Livestock Sales and Auction

An area or facility where livestock are offered for sale through retail sales or an auction.

Loading Space

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.

Lodger

A person who rents a room in a bed and breakfast, short-term rental, or guest ranch for fewer than 28 consecutive days.

Lodging Facility

Uses in this category provide lodging services for a defined period and may include incidental food, drink, and other sales and services intended for the convenience of guests.

Lot

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

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 that has been dedicated, deeded, or otherwise legally acquired as public right-of-way. Portions of sections may be used to establish lot area for purposes of zoning compliance; however, legal descriptions may not include land that has been dedicated, deeded, or acquired as public right-of-way.

Lot Coverage

That portion of the lot, parcel or tract shielded from the sky by building and/or structures.

Lot Line

The perimeter or outer boundary of a lot, parcel, or tract.

Lot Line, Front

The line separating a lot, parcel, or tract from any public street right-of-way.

Lot Line, Rear

The line, which is opposite and most distant from a front line or, on an irregular or triangular lot, a line at least ten feet long entirely within the lot, parallel to and furthest distance from the front lot line.

Lot Line, Side

A line connecting a front lot line with a rear lot line.

Lot Width

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.

Lot, Corner

A lot situated at the junction of two or more streets.

Lot, Double Frontage

A lot that fronts on one public street and back on another.

Lot, Flag

A lot where the main use or building area does not abut a public street but is connected to the street by a narrow strip of land that is a part of the lot.

Lot, Interior

A lot other than a corner lot.

Lot, Through

An interior lot having frontage upon two parallel or nearly parallel streets.

Luminaire

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.

M

Machine shop

A structure containing machinery for the manufacture, modification or repair of metal goods and equipment.

Major Facilities of a Public Utility

Transmission lines, power plants, substations, pipelines, and storage areas of utilities as separately defined in this UDC.

Manufacture

The creation of a finished or semi-finished product.

Manufactured Home

A factory-built, single-family detached dwelling that complies with the National Manufactured Housing and Construction Standards Act of 1974, 42 U. S. C. 5401 et seq., as amended and bears a seal issued by either the Department of Housing and Urban Development or the Colorado Division of Housing that certifies that the structure is approved to be a dwelling.

Manufactured Home Community

A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes for single-family dwelling purposes. Accessory uses shall include manufactured home community facilities and vehicle parking for residents and staff.

Manufactured Home Community Facilities

Accessory facilities (e.g., swimming pool, club house, sauna, laundry room, restroom, recreation center, recreational vehicle storage areas, and common open space) that supplement the recreational or service needs of the manufactured home community residents but are not available for use by the general public.

Manufactured Home Space

A plot of ground within a manufactured home community designed for the accommodation of one manufactured home, its accessory structures, parking spaces and required yard areas.

Manufacturing, Assembly, or Processing

Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of finished parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of products and materials. Manufacturing

and assembly uses may be conducted entirely outdoors and have moderate to significant off-site impacts, including visual impacts. Uses involving radioactive or highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process are included in this classification. This use classification includes, but is not limited to, steel fabrication, concrete block manufacturing, and truss plants. Products require shipping by semi-trucks or rail.

Manufacturing, Heavy

An establishment or business that uses hazardous inputs or creates hazardous byproducts in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. Examples include but are not limited to asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, and explosives manufacturing.

Manufacturing, Light

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, or processing of goods or products, using parts previously developed from raw material. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where assembly, fabrication, or processing take place.

Marijuana-Related Definitions

Existing

Established and in operation at the time of the licensing of the Marijuana use.

Licensed Premises

The premises specified in an application for a license that are owned or in possession of the licensee within which such licensee is authorized to cultivate or transport marijuana and marijuana-infused products.

Marijuana Establishment

See "Medical Marijuana Establishment" and "Retail Marijuana Establishment."

Marijuana-Infused Product

A product infused with marijuana that is intended for use or consumption other than by smoking, including, but not limited to edible products, ointments, and tinctures.

Medical Marijuana

Marijuana that is grown, manufactured, stored, and/or sold pursuant to the provisions of this UDC; the Colorado Medical Marijuana Code, and Section 14 of Article XVIII of the Colorado Constitution.

Medical Marijuana Cultivation Facility (Indoor)

An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to medical marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers where marijuana plants are cultivated within a fully enclosed and secure structure.

Medical Marijuana Cultivation Facility (Outdoor)

An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to medical marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers where marijuana plants are cultivated anywhere that is not within a fully enclosed and secure structure.

Medical Marijuana Establishment

A Medical Marijuana Store, Medical Marijuana Products Manufacturer, Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, or Medical Marijuana Transporter as set forth in this UDC.

Medical Marijuana Products Manufacturer

A person licensed pursuant to this UDC and to C.R.S. 12-43.3-101, et seq. to operate a business as described in the Licensing Regulations and as also described in C.R.S. 12-43.3-404.

Medical Marijuana Store

A person licensed pursuant to this UDC and pursuant to C.R.S. 12-43.3-101, et seq., to operate a business as described in the Licensing Regulations and as is further described in C.R.S. 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Constitution of the State of Colorado, but is not a primary caregiver.

Medical Marijuana Testing Facility

A person licensed pursuant to this UDC and the Colorado Medical Marijuana Code.

Medical Marijuana Transporter

A person licensed by the state and County to transport medical marijuana and medical marijuana-infused products from one medical marijuana establishment to another medical marijuana establishment and to temporarily store the transported medical marijuana and medical marijuana-infused products at its licensed premises, but is not authorized to sell medical marijuana or medical marijuana-infused products under any circumstances; a person licensed pursuant to this Title and to Title 5 of the Pueblo County Code, to C.R.S. 12-43.3-101, et seq. to operate as described in the Licensing Regulations and as also described in C.R.S. 12-43.3-104, 12-43.3.202(2)(a)(XVIII.6), 12-43.3-301, 12-43.3-401, 12-43.3-406, and Colorado Department of Revenue MED Medical Marijuana M 801 and M 802.

Open Blast Butane Extraction

A process that involves passing butane through the plant material, dissolving the cannabinoids and terpenes, and then evaporating the solvent to leave behind a concentrated extract.

Retail Marijuana

Marijuana that is grown, tested, manufactured, stored and/or sold pursuant to the provisions of this UDC, the Colorado Retail Marijuana Code, and by Section 16 of Article XVIII of the Colorado Constitution.

Retail Marijuana Cultivation Facility (Indoor)

An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers where marijuana plants are cultivated within a fully enclosed and secure structure.

Retail Marijuana Cultivation Facility (Outdoor)

An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers where marijuana plants are cultivated anywhere that is not within a fully enclosed and secure structure.

Retail Marijuana Establishment

A Retail Marijuana Store, Retail Marijuana Cultivation Facility, Retail Marijuana Product Manufacturer, Retail Marijuana Testing Facility, or Retail Marijuana Transporter as set forth

in Section 16 of Article XVIII of the Colorado Constitution and as may be more fully defined in the Colorado Retail Marijuana Code.

Retail Marijuana Products Manufacturer

A person licensed pursuant to this UDC and the Colorado Retail Marijuana Code.

Retail Marijuana Store

A person licensed pursuant to this UDC and the Colorado Retail Marijuana Code.

Retail Marijuana Testing Facility

A person licensed pursuant to this UDC and the Colorado Retail Marijuana Code.

Retail Marijuana Transporter

A person licensed by the State and County to transport retail marijuana and retail marijuana products from one retail marijuana establishment to another retail marijuana establishment, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell retail marijuana or retail marijuana products under any circumstances; a person licensed pursuant to this UDC and to Title 5 of the Pueblo County Code, to C.R.S. 12-43.4-101, et seq. to operate as described in the Licensing Regulations and as also described in C.R.S. 12-43.4-103, 12-43.4-202(3)(a)(XVII), 12-43.4-301, 12-43.4-401, 12-43.4-406 and Colorado Department of Revenue MED Retail Marijuana R 801 and R 802.

Masonry or Equal

Eight inches or more of exterior masonry material or exterior material equivalent in fire retardant characteristics.

Master Plan

A land use map or plan that indicates desired future physical development of Pueblo County or any portion or portions Pueblo County. It is a plan that encompasses all geographic parts of a community or proposed division of land and all functional elements that 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 Regional Comprehensive Plan.

Material Change

Any change in a project as approved by the Board of County Commissioners that significantly changes the nature of impacts considered by the Board 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, or change of user that significantly changes the nature of the development and its associated impacts.

Matter of State and Local Interest

An area of State or local interest or an activity of State and local interest or both.

Meteorological Tower

A wind measuring tower, also referred to as a MET Tower, used to verify the wind characteristics at a potential site for a wind farm.

Metes and Bounds

Limits or boundaries of a tract of land as identified by natural landmarks (e.g., rivers), by man-made structures (e.g., roads), or by stakes or other markers.

Mineral Resource Area

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, significant mining activity in the present, mining development planned or in progress, or mineral rights 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.

Commercial Mineral Deposit

A natural mineral deposit for which extraction by an extractor is or will be commercially feasible and 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.

Mineral

An inanimate constituent of the earth in either solid, liquid, or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, metallic compound, chemical, energy source, 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.

Mining

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.

Open Mining

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.

Reclamation

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.

Mining or Extraction and Processing

The development or extraction of a commercial mineral deposit from its natural occurrences on affected land. The term includes, but is not limited to, open mining, surface operation and surface clearing (rock picking) of individual stones and stone boulders. The term also includes transportation and processing operations on affected land. The term does not include: Oil and/or Gas Operations; the concentrating, milling, evaporation, cleaning, preparation, transportation, and other off-site operations not conducted on affected land.

Mini-Storage

Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. This use classification includes quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of on-site management and security. This classification also may include vehicle storage to a maximum of 20 percent of the site. (Where greater than 20 percent of the site is allocated to vehicle storage, the vehicle storage shall be treated as a separate use.)

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.

Mixed-Use

The development of a lot, tract, or parcel of land, building or structure with two or more different uses including, but not limited to: residential, office, retail, public uses, personal service, or entertainment uses that are designed, planned, and constructed as a unit.

Mixed Use Structure, Horizontal

A building or structure containing both nonresidential and residential uses distributed horizontally throughout the structure.

Mixed Use Structure, Vertical

A building or structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the structure.

Mobile Home

Any vehicle or similar portable structure having no foundation other than wheels, jacks, or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Mobile home includes any structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured.

Motor Vehicle

Any self-propelled vehicle that is designed primarily for travel on public highways and that is generally and commonly used to transport persons and property over the public highway. Includes automobiles, automobile trucks, automobile wagons, motorcycles, or any other self-propelled vehicle designed for running on land but not on rails.

Multi-modal Loading and Unloading Facility

A facility for the purpose of loading and unloading materials between different modes of transportation such as truck and rail.

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.

Municipality

An incorporated city or town.

N

National Cooperative Soil Survey

The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies

Natural Grade

The historic grade or the finished grade necessary for drainage control, but does not include optional or ornamental (e.g., berms) alterations to grade.

Natural Resource Extraction

This use type includes removal of resources from the ground.

Neighborhood Park

A park providing the primary source of recreational open space for the residents of its service area. The neighborhood park usually provides such facilities as structured and unstructured play areas, paved multipurpose area, playing field, open grassed area, picnic facilities, shaded sitting area, and a shelter. The park should be located within one-half mile or less of walking distance from any point in its service area.

Nit

A standard unit of luminance used to measure light intensity. One nit is equivalent to one candela per square meter.

Nuclear Power Facility

A thermal power station in which the heat source is a nuclear reactor.

Nursery

An area used to raise trees, shrubs, plants, and other horticultural and floricultural products, for transplanting or for use as stocks for budding and grafting. This use may be conducted within or without an enclosed building or greenhouse.

O

Occupancy

The use of land and/or buildings or portions of land or buildings.

Off-Street Parking Space

The space required to park one passenger vehicle.

Office

An establishment primarily used for conducting the affairs of a business, profession, service, or industry, or similar activity, that may include ancillary uses such as restaurants, coffee shop, and limited retail sales. In PuebloPlex, this includes call centers.

On-site Wastewater Treatment and Disposal System

An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not a part of or connected to a sewage treatment works. Also referred to as an OWTS or a septic system.

Open

Not roofed.

Open Space

A parcel of land, an area of water, or a combination of land and water within a planned unit development (PUD) site, designed and intended to reasonably serve the needs of the residents, occupants, and owners of the PUD.

Outdoor Commercial Storage

An outdoor area used for the long-term deposit (more than 48 hours) of any goods, material, merchandise, or vehicles as an accessory use to and associated with a principal use on the property.

Outdoor Display and Sales

The placement of products or materials for sale outside the enclosed business space of a retail or wholesale sales establishment as an accessory use to that establishment.

Outdoor Storage

A principal use where goods and equipment, such as recreational vehicles, boats, and other large items are stored outside of a building.

Over-The-Air-Receiving-Device (OTARD) Antenna

1. An antenna that is designed to receive direct broadcast satellite service, including direct-to home satellite services, that is one meter or less in diameter; or
2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or
3. An antenna that is designed to receive television broadcast signals.

Overall Sign Program

A comprehensive sign permit for a multi-use building or multi-building commercial development.

Owner

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 person representing the actual owner shall be bound to comply with this UDC to the same extent as if they were the owner.

P

Packing Facility

A facility where locally raised livestock and/or poultry products are to be packaged for shipping. This use does not include the butchering, cutting, or dressing of meat and poultry products. See also, "Custom Meat Processing Facility."

Parapet Wall

A low wall extending above a roof.

Parcel

A lot or tract, or contiguous groups or portions of 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

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

Parcel of Record

A lot that is part of a subdivision, the plat of which was legally approved and recorded with the County Clerk and Recorder prior to the effective date of this UDC.

Parking

The assembling or standing of motor vehicles for relatively temporary periods of time.

Parking Lot

A lot, parcel, or tract for the parking of motor vehicles as a principal use where motor vehicles may be stored for purposes of temporary, daily, or overnight, off street parking.

Parking Space

The area required by the provisions of this division for the parking of one motor vehicle.

Parking Structure

A garage, carport, or other structure for the parking of motor vehicles as a principal use where motor vehicles may be stored for purposes of temporary, daily, or overnight, off street parking.

Parking, Off-Street

Parking of motor vehicles off the public rights-of-way.

Parks and Open Space

Uses in this category are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation. Structural improvements are generally limited to those structures that facilitate the use of the land as parks and open space. Accessory uses may include maintenance facilities, restrooms and dressing rooms, concessions, and parking.

Parks and Playgrounds

A parcel of land designated and used by the public for passive and active recreation. It may include a variety of facilities, including equipment for younger children as well as court and field games.

Passenger Terminal

A premises used for the boarding or discharge of people being transported.

Patio

An outdoor living area, usually hard-surfaced, and frequently fenced or covered.

Permanent

Continuing or enduring in the same state, place, or the like without marked change.

Permanent Monument

Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Permanent Occupancy

The use of land and/or structures or portions of land and/or structures for a period of 28 consecutive days or longer.

Permanent Foundation

Permanent foundations shall be constructed of durable materials (i.e., concrete, mortared masonry, or treated wood) and be site-built. It shall have attachment points to anchor and stabilize the manufactured home to transfer all loads, herein defined, to the underlying soil or rock. The permanent foundations shall be structurally designed by a licensed professional engineer for the following:

1. Vertical stability: 1 - 1
    a. Rated anchorage capacity to prevent uplift and overturning due to wind or seismic forces, whichever controls. Screw-in soil anchors are not considered a permanent anchorage.
    b. Footing size to prevent over-loading the soil-bearing capacity and avoids soil settlement. Footing shall be reinforced concrete to be considered permanent.
    c. Base of footing below maximum frost-penetration depth.
    d. Encloses a basement of crawl space with a continuous wall (whether bearing or non- bearing) that separates the basement of crawl space from the backfill, and keeps out vermin and water.
2. Lateral stability. Rated anchorage capacity to prevent sliding due to wind or seismic forces, whichever controls, in the transverse and longitudinal directions.

Person

Firms, corporations, associations, partnerships, societies, and/or individuals.

Personal Service

A business that provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at another location. Personal service establishments include, but are not limited to, travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, beauty salons, tanning salons, gyms, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

Pet

A domestic animal kept for pleasure rather than utility. If such an animal is raised for the purpose of sale and/or food, it shall be conclusively presumed not to be a pet. Not more than one domesticated pot-bellied pig, as defined, may be kept or maintained as a pet. It is prohibited to keep or maintain any wild animals, poisonous snakes, or constricting snakes.

Photometry

The quantitative measurement of light level and distribution.

Photovoltaics (PV)

Materials and devices that absorb sunlight and convert it directly into electricity.

Pipelines

Any pipeline and appurtenant facilities designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives of ten inches or more in diameter that creates a hoop stress of 20 percent or more at their specified minimum yield strength.

Planning Commission

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

Plat

A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording real estate interests with the County Clerk and Recorder.

Playground

An improved area that is designed, equipped, and set aside for children's play.

Porch

A roofed or unroofed unenclosed portion of a building projecting from the front, side, or rear wall of the building.

Poultry

Any domesticated bird, such as chickens, turkeys, ducks, geese, or quail, raised commercially or domestically for eggs, meat, or other byproducts.

Power Plant

A power plant may be any of the following:

1. Any fossil fuel, biofuel, or similar electrical energy generating facility with a generating capacity of 100 megawatts or more, and any appurtenant facilities, or any addition or series of additions increasing the existing design capacity of the facility by 100 megawatts or more.
2. Any wind electrical energy generating facility with a generating capacity in excess of two megawatts and any appurtenant facilities, or any addition or series of additions increasing the existing design capacity of the facility in excess of two megawatts.
3. Any solar electrical energy generating facility with a generating capacity one megawatt or greater and any associated facilities, or any addition or series of additions increasing the existing design capacity of the facility to one megawatt or greater.
4. Any nuclear or hydropower electrical generating facility.

Preliminary Plan

The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

Premises

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.

Prime Agricultural Land

Land zoned for agricultural use that is generally unirrigated and used for rangeland, but that would be considered prime farmland if irrigated. See also, prime farmland and farmland. .

Prime Farmland

Prime farmland is a designation assigned by the U.S. Department of Agriculture to land that has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In Pueblo County, prime farmland is concentrated within the St. Charles Mesa, Vineland, and Avondale communities and is irrigated by the Bessemer Ditch. Pueblo County's prime farmland is considered to be nationally significant in its suitability for the long-term production of food and other crops.

Primitive Camping

The use of a private yard, driveway, or other area for overnight stays in a tent or recreational vehicle. Camping is intended as a temporary recreational or leisure activity by the landowner for the private enjoyment of the landowner and their association with written permission from the landowner.

Processing, Food

Preparing, treating, converting, or packaging food.

Processing, Minerals

Any activities associated with the preparation of commercial mineral deposit for use. These activities include, but are not limited to on-site transport, waste products from air emissions control and water treatment, crushing, screening, washing, slabbing, polishing, grinding, concrete or asphalt mixing (does not include concrete batch plant and hot mix plant) or other action exclusive of extraction.

Project

General

The facility and/or development that is the subject of an application or an approved permit under this UDC.

Matters of State and Local Interest

The facility and/or development that is the subject of an application or an approved permit under this UDC, and that can include but is not limited to the site selection, construction, development, operation, reoperation, enlargement or expansion, conversion

of an existing facility or structure, or material change of a facility or development throughout its life cycle, including all ancillary structures, facilities, improvements, and activities, and all integrated components, 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 this UDC. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the project or development shall be considered together when reviewing the project and determining if it satisfies this UDC.

Property Line

See "Line, property."

Public Hearing

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

Public Safety Facility

A facility, including ambulance dispatch facilities, fire stations, other fire prevention and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public Utilities

Those utilities defined by 39-4-101, C.R.S. 1973.

Pueblo Region

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.

Q

Quasi-Public Organization

A company in the private sector that is supported by the government with a public mandate to provide a given service. Examples include, but are not limited to, telephone, oil and gas, water, electric light, and irrigation companies.

R

Racetrack

A course on which races are run.

Rail Car Storage, Repair, and Restoration

The storage, maintenance, and restoration of rail cars for future use.

Railroad Mainline

A railroad track handling long-distance, through traffic.

Rated Capacity

The maximum capacity of a solar facility based on the sum of each photovoltaic system's nameplate capacity reported as Watts Direct Current (Wdc) or Walls Alternating Current (Wac).

Reclamation

The employment, during and after an operation, of procedures reasonably designed to minimize as much as practicable the disruption from an operation and provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of the affected lands.

Recreation and Entertainment

Uses in this category include indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Recreation and Entertainment, Indoor

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades for all ages, skating, swimming, tennis, teen clubs, escape rooms, archery and axe-throwing, trampolines, rental space for events, and similar indoor activities taking place inside an enclosed building.

Recreation and Entertainment, Outdoor

Commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Activities include, but are not limited to sports complexes (baseball, football, soccer, tennis), racetracks, amphitheaters, water parks, batting cages, miniature golf, go-cart tracks, amusement parks, golf driving ranges, swimming pools, and other similar uses. In PuebloPlex, this includes stadiums.

Recreational Vehicle (RV)

A vehicular 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 include travel trailers, camping trailers, truck campers, and motor homes.

Recreational Vehicle as Temporary Housing

A form of temporary housing where a resident of the property is permitted to live in a recreational vehicle on the subject property while the principal dwelling unit is under construction.

Recreational Vehicle Site

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.

Recycling Collection Center

A drop-off facility accepting recyclable waste material from normal household operations. The recyclable material is limited to aluminum, glass, plastic, paper, and paper products that are intended for recycling. Recyclable materials do not include junk, refuse, electronics, or hazardous materials. The facility shall not involve on-site processing of the recyclable materials. No commercial recyclers (i.e., waste disposal companies or the like) shall be permitted to use the facility for drop off of recyclable materials.

Recycling Processing Center

A center for the collection and processing of recyclable materials. Processing may include powered or unpowered preparation of material for efficient shipment, or to an end-user's specifications, by baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Regional Comprehensive Plan

The sum of the policies, proposals, programs, maps, and reports adopted and identified by the Planning Commission as components of the Regional Comprehensive Plan.

Rest Stop

A roadside area with restrooms and other facilities for the use of motorists.

Restaurant

An establishment where food and beverages are prepared, served, and consumed within the principal building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. Accessory uses may include an outdoor dining area.

Residential Clusters

Residential development on lots that are smaller than otherwise allowed in the applicable zone district for the purposes of accommodating conservation development or cluster

development objectives. Residential clusters are designed for single-family dwellings and associated accessory uses permitted by the applicable zone district.

Resubdivision

The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

Retail Sales

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of goods.

Retail Sales, Small

A facility or establishment with up to 5,000 square feet of gross floor area.

Retail Sales, Medium

A facility or establishment with between 5,001 and 25,000 square feet of gross floor area.

Retail Sales, Large

A facility or establishment with more than 25,000 square feet of gross floor area

Riding Trails and Fields

An area providing for the riding of non-motorized vehicles, such as horses and bicycles.

Right-of-Way, Public

All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as a matter or right, for the purpose of vehicular or pedestrian travel.

Road Maintained

A public road that has been accepted by a governmental agency for maintenance.

Road, Private

A right-of-way or easement for purposes of access that is in private ownership, and that has not been dedicated to or accepted for maintenance by a public entity.

Roadside Sale Stand

A temporary or permanent structure and/or area for the display and retail sale of agricultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool. 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.

Roadway

That portion of the street right-of-way designed for vehicular traffic.

Rotorcraft

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.

Runway

The hard surface of the airport landing area used primarily for the landing and takeoff of aircraft.

Instrument runway

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.

Non-instrument runway

A runway other than an instrument runway.

Rural Community

Rural Communities include the census designated places of the Beulah Valley and Avondale communities and the statutory towns of Rye, Boone, and Vineland.

Rural Land Use Process

A planning process duly enacted and adopted by Pueblo County that is designed to offer cluster development in the A1 district as an alternative to traditional thirty-five acre divisions of land, as described in §17.04.070.

S

Sawmill

A mill or machine for sawing logs.

School, Private

A school organized and maintained by a recognized religious or independent association performing an academic function including parochial and independent schools that provide education to children of compulsory school age.

School, Trade

A secondary school offering instruction in a professional, vocational, or technical field.

Seasonal Sales and Experiences

The temporary sale of goods or products, or the establishment of a temporary attraction, associated with the season or a cultural event, including but not limited to the sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, tree stands, pumpkins, haunted houses, fireworks, and seasonal produce.

Septic System

An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which is not a part of or connected to a sewage treatment works. Also referred to as on-site wastewater treatment system or OWTS.

Setback

The distance from the lot line to any building or structure on the lot.

Shielding

A technique or method of construction that causes all the light emitted from an outdoor light fixture to be projected below a horizontal plane passing through the fixture.

Shooting Range, Indoor

A facility designed or used for shooting at targets with rifles, pistols, or shotguns and that is completely enclosed within a building or structure.

Shooting Range, Outdoor

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.

Short-Term Rental

A principal or accessory dwelling rented to transient guests who are part of one party for short-term lodging (28 days or less). The term "party" as used in this definition shall mean one or more persons who stay at a short-term rental as a single group, with a maximum occupancy of two people per bedroom, pursuant to a single reservation and payment.

Sidewalk Sale

A limited time retail event in which a group of merchants within a shopping center or business area are allowed to display merchandise for sale outside of the merchants' places of business during normal business hours.

Sight-Distance Triangle

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 Department of Public Works. The three sides of the pentahedron are perpendicular to the base and begin a distance of two feet above the centerline grades of the intersecting streets and extend to a height of eight feet above the centerline grade.

Sign

An advertising device.

Animation

The presentation of pictorials and/or graphics on signs displayed in a progression of frames that give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light.

Banner Sign

A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind.

Billboard

A sign with at least one sign face that is greater than 70 square feet and is supported by one or more uprights and braces in the ground.

Changeable Copy Sign

A sign for which the informational content can be changed or altered by manual means. A changeable copy sign with copy that is changed electronically is referred to as an electronic message display (EMD) sign.

Directional Sign

A sign located at a vehicular access point to a property.

Dissolve

A mode of EMD message transition accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Door Sign

A manual changeable copy sign typically located near the entrance of a business and intended to be seen from the street, such as menu boards, sandwich boards, or A-Frame signs.

Durable

A nonbiodegradable material with a proven serviceable lifespan of 25 years or more that withstands degradation from the elements.

Electronic Message Display (EMD)

A sign with a display surface composed of light-emitting diodes (LEDs) or similar light sources that are capable of displaying varying words, symbols, figures, or images that can be electronically or mechanically changes by remote or automatic means.

Fade

A mode of EMD message transition accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Flag

A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

Flashing Sign

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 the 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.

Fluttering Sign

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.

Free Standing Sign

A sign that 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.

Freeway Sign

A freestanding sign located within 500 feet of I-25.

Gateway Sign

A sign that is established to denote entrance into a predominately residential neighborhood.

Illuminated Sign

A sign that 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.

Incidental Sign

“Incidental sign” means a small sign that is primarily oriented to pedestrians and intended for up-close viewing.

Inflatable Sign

A large balloon or balloon-like object greater than 18 inches in any dimension that uses blown air or a gas to remain inflated.

Interior Sign

Any sign that is “interior” to a property or development that is not intended for view or readily legible from the public right-of-way.

Interpretive sign

A sign associated with historic buildings or sites where important events occurred or that serve educational, cultural, historical, or scientific purposes.

Light Projection Sign

Any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall, window, or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the property.

Move/Moving Message

Static EMD messages that appear to move, change in size, or appear sequentially.

Monument Sign

A freestanding sign where the base of the sign structure is on the ground.



Figure 12.3: Example Monument Sign

Off-Premise Sign

A sign that is used or intended for use to advertise, identify, direct, or attract attention to a business, institution, product, organization, event, or location offered or existing elsewhere than upon the same property where the sign is displayed.

Pennant

A piece of fabric, plastic, or other flexible medium that may be in the shape of a triangle, rectangle, or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity, and spaced along the cord or rope.

Pole Sign

A self-supported sign permanently attached directly to the ground supported by upright poles or braces placed on or in the ground. Pole signs may be mounted on more than one pole and pylon signs are included in the term pole sign.



Figure 12.4: Example Pole Sign

Portable Readerboard

A sign supported by feet or wheels that is not permanently affixed to the ground, structure, or building but is mounted on an easel, trailer, or other movable equipment and that typically displays a changing message using manual changeable copy or EMD.



Figure 12.5: Example Portable Readerboard Sign

Projecting Sign

A sign that is attached directly to the building wall that may extend upwards and above the façade and/or outwards and over the walkway or parking area.

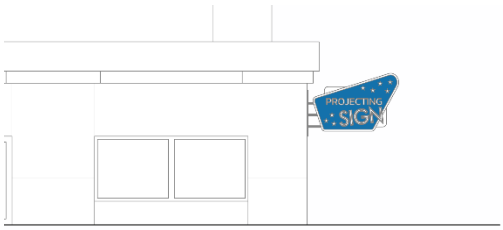


Figure 12.6: Example Projecting Sign

Projection

The distance by which a sign extends away from the structure on which it is located.

Roof Sign

A sign erected upon or above a roof or parapet wall or a building or structure.

Scroll

A mode of EMD message transition where the message appears to move vertically across the display surface.

Sign

Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. The term sign shall not include the following:

1. Art that does not include commercial speech, or
2. Products, merchandise, or other materials that are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location that is designed and commonly used for the storage of such products, merchandise, or materials.

Sign Area

The total area of a sign visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, or framework that contains no written copy

Sign Face

That portion of the sign visible to the public right-of-way for the purpose of advertising.

Sign Structure

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Strobe

An electronic flash of three seconds or less that produces a brief, intense burst of light.

Structural Canopy Sign

A sign attached to a permanent, freestanding canopy, such as a service station or ATM canopy.

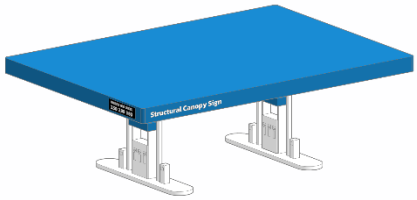


Figure 12.7: Example Structural Canopy Sign

Temporary Sign

A sign that, due to the materials used or the method, manner, or locations of display; is suited only for brief display.

Transition

A visual effect used on an EMD to change from one message to another.

Travel

A mode of EMD message transition where the message appears to move vertically across the display surface.

Wall Sign

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 the wall and extending not more than fifteen inches from the face of the wall.



Figure 12.8: Example Wall Sign

Yard Sign

A type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal, or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

Sketch Plan

A map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early state in the planning.

Social Service Organization Facility

An establishment for public or quasi-public organizations providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services and the otherwise disadvantaged. Examples of this land use include counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day care services, emergency shelters and transitional housing, residential care, or soup kitchens.

Solar Facility, Medium-Scale

A solar facility between one acre and ten acres. This size is approximately equivalent to a rated capacity of about 250 kW to two megawatts (MW) alternating current. Facilities are generally generating electricity from sunlight primarily to reduce onsite consumption of utility power for commercial and industrial applications.

Solar Facility, Small-Scale

A solar facility of less than one acre. This size is approximately equivalent to a rated capacity of about ten kilowatts (kW) to 250 kW alternating current. Facilities are generally generating electricity from sunlight primarily to reduce onsite consumption of utility power for residential, agricultural, commercial, and industrial applications.

Solar Facility, Utility-Scale

A solar facility of more than ten acres. This size is approximately equivalent to a rated capacity of about two MW alternating current or greater. Facilities are generally generating electricity from sunlight to provide electricity to a utility provider.

Solar PV Panel Coverage

The total acres covered by blocks of photovoltaic panels including spaces between panels but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features.

Solid Waste Disposal Site and Facility

The location and facility at which the deposit and final treatment of solid wastes occurs 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

A facility at which refuse awaiting transportation to a disposal site is transferred from one type of collecting vehicle and placed into another.

Solid Wastes

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.

Space Port Facility

A site at which spacecraft are tested, launched, sheltered, and/or maintained.

Special Event

A temporary commercial, promotional, or festive activity, at a specific location that is open to the public and is planned for or expected to attract a large assembly of persons. A Special Event Permit is not required for the following: Parades; Wedding and funeral ceremonies; Events or gatherings that attract or are intended to attract less than 500 people; Election activities and political rallies; and Farming and harvest related events (e.g., corn mazes, pumpkin patches, and similar) that are held on a working farm.

Specified Anatomical Areas

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

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.

Spillover Lighting

The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

Spotlight or Floodlight

Any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Stable

A building for the purpose of housing and feeding horses and for the storage of equipment relating to the care, maintenance, and operation of the horses.

Stadium

An outdoor sports arena with tiers of seats for spectators.

Storage and Application of Domestic Septage

The storage and application of the liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III Marine Sanitation Device, or a similar system that receives only domestic septage (household, non-commercial, non-industrial sewage).

Storage, Warehousing and Wholesaling

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present.

Stored Vehicle

A vehicle parked on the same lot for a period of 10 days or more.

Street

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 Right-of-Way

That portion of land dedicated to public use for street and utility purposes.

Street Width

The horizontal distance between right-of-way lines.

Street, Center Line of

The true center line of a dedicated public right-of-way as determined by the Commissioner of Roads. Where 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

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

Structural Alteration

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Structure

Anything constructed or erected and having a permanent location on the ground. (Does not include fences.)

Structure, Accessory

A structure, usually subordinate in size to the principal structure, located on a lot and designed for a permitted accessory use in the zone district applicable to the lot.

Structure, Agricultural

A structure utilized exclusively for Agricultural Production activities. Does not include structures utilized for marijuana cultivation.

Structure, Nonconforming

A building or structure, or portion of a building or structure, 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 the structure shall not be considered to be a nonconforming structure.

Structure, Permitted

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."

Studio

A place where an art is taught or studied; an artist's or photographer's establishment.

Subdivider

Any person, developer, firm partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

Subdivision

A division, subdivision or resubdivision of a lot, tract, or parcel of land into two or more lots, tracts, or parcels of land.

Subdivision Improvements Agreement

One or more security arrangements that may be accepted by a county to secure the construction of such public improvements as are required by county subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

Substation

Any facility designed to provide switching, voltage transmission, or voltage control required for the transmission of electricity at 115 kilovolts or more but does not have as a primary purpose the transformation of voltage to 50 kilovolts or less for distribution purposes.

T

Temporary

Use of land and/or structure or portion of land and/or structure that continues for a period of less than 28 consecutive days.

Terrace

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.

Theater

A building used primarily for the presentation of live stage productions, performances, or motion pictures, excluding adult entertainment.

Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna clusters, microwave dishes and/or a combination thereof for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. Equipment shelters and support facilities constructed in conjunction with the tower shall be considered accessory structures but shall be constructed within the specifically leased area.

Tract

An area, parcel, site, piece of land, or property. See also, "Subdivision."

Transitional Housing

A facility that provides housing and supportive services to persons experiencing homelessness and whose primary purpose is to enable those individuals or families to move into independent living and permanent housing. The length of stay in transitional housing may be specified.

Transmission Lines

Any electric transmission line and appurtenant facilities that transmit electricity at 115 kilovolts or more.

Transportation

Uses in this category are primarily associated with bus, train, and aircraft facilities.

Transportation Test Site

A proving ground for the safe testing and operations of transportation technologies.

Truck Stop

An establishment or site used for the fueling, servicing, repair, or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, and restaurant facilities primarily for the use of truck crews.

Truck-Tractor

A motor vehicle designed and used primarily for drawing other vehicles (trailer) and not so constructed as to carry a load other than a part of the weight of the vehicle (trailer) and load so drawn.

U

Unenclosed

May be roofed but may not be enclosed on more than two sides by walls or fences. See "Enclosed."

Unimproved Property

Property that has not been modified beyond its natural state.

Uplighting

Any light source that distributes illumination above a 90-degree horizontal plane.

Urban Agriculture

The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture, hydroponics, beekeeping, and/or poultry keeping. This definition includes gardens, container gardens, edible landscapes, residential greenhouses, hoophouses, apiaries, chicken coops, animal keeping, and other similar activities.

Use

Any activity taking place on land and/or in structures.

Use by Right

A use that may be permitted in a zone district upon issuance of a permit by the Director.

Use, Accessory

A use of land and/or building or a portion of land and/or building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Use, Nonconforming

A use that lawfully existed at the time the resolution codified in this division, or any amendment hereto became effective, but that does not now conform to the regulations applicable in the zone district in which it is located.

Use, Principal

The primary use of a lot, tract, or parcel.

Use, Special

A use that may be permitted in a zone district upon favorable action by the Planning Commission.

Utilities

A water, irrigation, sewer, gas, electric, telephone, bus, taxi, ambulance or railroad system or installation that serves five or more customers whether or not to be franchised or organized as a corporation or district.

V

Variance

A grant of relief from the terms of this UDC approved by the Zoning Board of Appeals.

Vehicle

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

Vehicle Equipment

Establishments related to the sale, lease, or rental of new or used parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same premises that sells, leases, or rents vehicles.

Vehicle Repair, Agricultural

A shop or place of business where heavy maintenance of tractors and agricultural implements such as engine overhauls, painting, body and fender work, welding, and the like are conducted. This use shall not include the sale of fuel, gasoline, or petroleum products or heavy maintenance of non-agricultural vehicles.

Vehicle Repair, Major

A shop or place of business where heavy maintenance activities such as engine overhauls, automobile/truck painting, body and fender work, welding, and the like are conducted. This use shall not include the sale of fuel, gasoline, or petroleum products.

Vehicle Repair, Minor

A shop or place of business where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing and the like are conducted. This use shall not include the sale of fuel, gasoline, or petroleum products.

Vehicle Sales, Rental, and Leasing, Heavy

A facility consisting of buildings and yards used for the display, sales, or rental of heavy trucks, recreational vehicles, boats, trailers, tractors, construction equipment, agricultural implements, manufactured homes, or similar heavy equipment including incidental storage, maintenance, and servicing. This use includes but is not limited to recreational, boat, and trailer dealerships, truck dealerships, construction equipment dealerships, and manufactured home sale establishments.

Vehicle Sales, Rental, and Leasing, Light

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.

Vehicle Service Station

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas, or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. Accessory use may include restaurants, convenience food and beverage sales.

Vehicle Storage

The storage of vehicles on a lot outside of a structure, such as a storage building or garage. This use is accessory to the principal use of the lot.

Visible

Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.

W

Wall

An obscuring structure constructed of masonry, brick, concrete, metal, wood, or similar materials that prevents the passage of light, air, and vision.

Warehouse

A facility or portion of a facility used and appropriated by the occupant:

1. For the deposit and safekeeping or selling of their own goods at wholesale or by mail order; or
2. Not for the deposit and safekeeping or selling of their 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.

Waste and Salvage

Waste and Salvage Uses receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage Uses also include uses that receive hazardous waste from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

Wastewater Treatment Plant

The facility or group of units used or treatment of wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes.

Waste-to-Energy Facility

A facility that generates energy in the form of electricity and/or heat from the primary treatment of waste that excludes hazardous or recyclable materials.

Water Distribution Line

A water supply system's pipe, conduit, ditch, natural water course, or combination that 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 12 inch diameter pipe or its equivalent.

Water Recharge Area

A natural area in which water enters an aquifer. In a recharge area, surface water or precipitation percolates through relatively porous, unconsolidated, or fractured materials, such as sand, moraine deposits, or cracked basalt, that lie over a water bearing, or aquifer, formation.

Water Supply Facility

The real property and the plants, structures, and interconnections between machinery and equipment for the collecting, impounding, storing, improving, treating, filtering, conserving, or transmitting of water for the purpose of making available a supply of water.

Water Supply System

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.

Water Transmission Line

A water supply system's pipe, conduit, ditch, natural water course, or combination that 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 12 inch diameter pipe or its equivalent.

Water Treatment Plant

The facility or facilities within the water supply system, which can alter the physical chemical, or bacteriological quality of the water.

Watercourse

A natural or artificial channel through which water flows.

Wholesale Sales

An establishment engaged in enclosed wholesale of manufactured products, supplies, and equipment, including accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. Other accessory uses may include product repair, parking, minor fabrication services, and repackaging of goods.

Wild Animal

Any species of animal that 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 and/or venomous reptiles, lizards belonging to the family Varanidae, and crocodilians.

Wildfire Hazard Area

The following terms are associated with wildfire hazard areas:

Wildfire

An uncontrolled fire burning in vegetation, structures, or other improvements.

Wildfire Behavior

The predictable action of a wildfire under given conditions of fuels, weather, and topography.

Wildfire Hazard

A wildfire phenomenon that is so averse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

Wind Energy Facility, Accessory

A facility that is used to produce electrical energy from energy supplied by the wind, including any transmission lines designed to supplement other electricity sources as an accessory use to existing facilities and where the power generated is used primarily for on-site consumption.

Wind Energy Facility, General

A facility that is used to produce electrical energy from energy supplied by the wind, including any transmission lines, and developed for the purposes of supplying or distributing more electrical energy than is needed for on-site consumption to serve a primarily local load.

Wind Energy Facility, Utility

A facility that is used to produce electrical energy from energy supplied by the wind, including any transmission lines, and developed for the purposes of commercial generation with a total facility rated capacity of greater than one megawatt (MW).

Window Well

An excavated space dug out around basement windows located either partially or entirely below ground.

Wireless Communications Facility (WCF)

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment, alternative tower structures and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Code.

X

[Reserved]

Y

Yard

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

A yard extending the full width of the lot and situated between the street line and the required front setback line.

Yard, Rear

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

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.

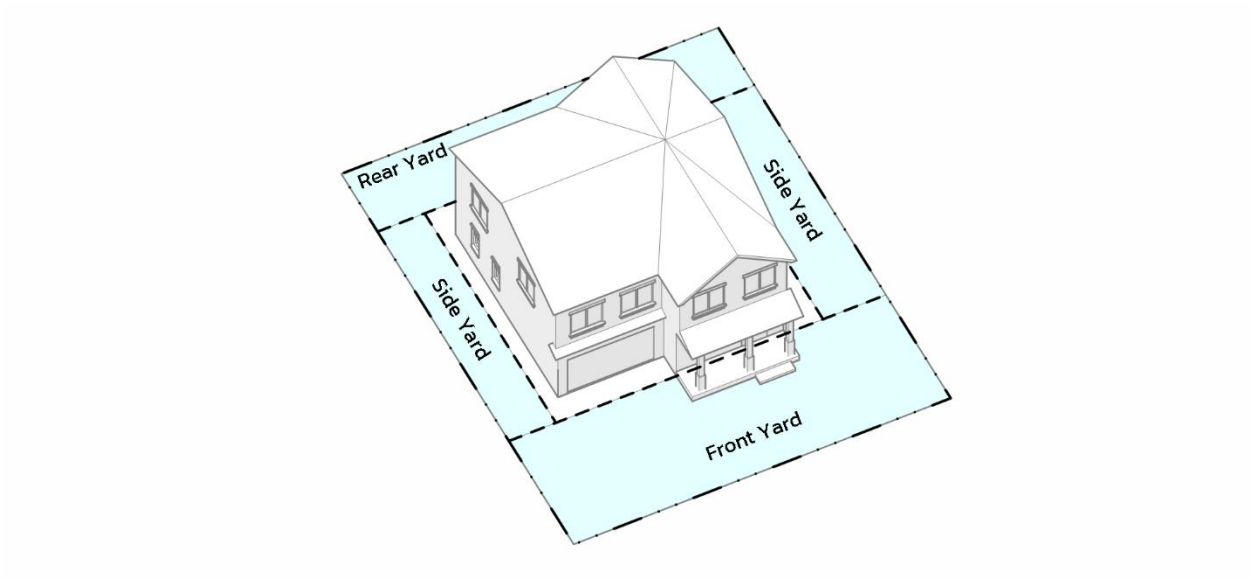


Figure 12.9: Yard Diagram

Z

[Reserved]