

# Alamosa County

## Land Use & Development Code

1/23/2013

Alamosa County

Adopted July 15, 2009; 1<sup>st</sup> Revision May 26, 2010; 2<sup>ND</sup> Revision March 12, 2014; 3<sup>rd</sup> Revision April 23, 2014; 4<sup>th</sup> Revision June 25, 2014; 5<sup>th</sup> Revision January 28, 2015; 6<sup>th</sup> Revision February 11, 2015; 7<sup>th</sup> Revision September 23, 2015; 8<sup>th</sup> Revision June 28, 2017.

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# Article 1 | Introductory Provisions

## Section 1.1 Title

This document shall be known and may be cited as the "Alamosa County Land Use and Development Code" or as the "Land Use and Development Code" or simply as the "LDC or LUDC".

## Section 1.2 Authority

The Alamosa County Land Use Development Code is adopted pursuant to the powers granted and limitations imposed by the constitution and laws of the State of Colorado, and other provisions of state statutory and common law that are relevant and appropriate, including, but not limited to, the following sections of Colorado Revised Statutes, as they may be amended and supplemented from time to time: Chapter 28 of Title 30 (County Planning, Zoning, Subdivision); Chapter 65.1 of Title 24 (Areas and Activities of Local and State Interest); Chapter 67 of Title 24 (Planned Unit Development); Chapter 20 of Title 29 (Local Government Land Use Control Enabling Act); and applicable provisions of Chapter 11 of Title 30 (County Powers).

## Section 1.3 Purposes

This Land Use and Development Code is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the Alamosa County, Colorado. It is adopted in accordance with and is intended to implement the Alamosa County Comprehensive Plan. More specifically, this LUDC is intended to do one or more of the following:

- A. Preserve and enhance the long-term viability of the agricultural economy and the integrity, stability and livability of residential neighborhoods;
- B. Maintain property values by stabilizing expectations and ensuring predictability in development;
- C. Prevent or minimize land use incompatibilities and conflicts among land uses;
- D. Prevent overcrowding of buildings and sites and excessive concentrations of population or commercial activities;
- E. Encourage quality commercial development and revitalization;
- F. Preserve and enhance the county's natural environment, including the Rio Grande Corridor, wildlife habitats and wetlands, and avoid natural hazards in the development of the county;
- G. Encourage the provision and protection of open space;
- H. Protect the quality and quantity of the waters of Alamosa County, including surface and ground waters.
- I. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;
- J. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas;
- K. Establish a process that effectively and fairly applies the regulations and standards of this LUDC and respects the rights of property owners and the interests of citizens; and

- L. Promote development that is consistent and compatible with that of the City of Alamosa within the Urban Influence Area.

#### **Section 1.4 Right-to-farm and ranch policy**

In addition to the purposes set out in Section 1.3, Alamosa County hereby establishes a right-to-farm and ranch policy which is summarized in this section.

##### **1.4.1 New and existing**

Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.

##### **1.4.2 Way of life**

Agriculture, as a way of life, benefits all residents of Alamosa County. It is an important part of the economy and adds intrinsic value to life in Alamosa County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences, such as weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Alamosa County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance so long as it occurs as a part of non-negligent and legal agricultural practice, as stated in C.R.S. 35-3.5-101, 102 and 103.

#### **Section 1.5 Habitat Conservation Plan**

In addition to the purposes set out in Section 1.3, Alamosa County hereby establishes a Habitat Conservation Plan to provide legal protection to typical and routine agricultural, infrastructure, and conservation activities in Alamosa County through the implementation of the San Luis Valley Regional Conservation Plan (HCP).

The purpose of the HCP is to:

- A. Provide a mechanism for HCP implementation by defining county land use authority over typical and routine activities within riparian habitat areas;
- B. Protect riparian habitat areas that support the southwestern willow flycatcher, yellow-billed cuckoo, and other wildlife species that depend on riparian habitat.
- C. The process for resolving the impacts of land management activities whose impact are outside the scope of the HCP coverage and that may be in violation of the Federal Endangered Species Act shall be acted upon as outlined in the Habitat Conservation Plan.

#### **Section 1.6 Zoning Jurisdiction**

The boundaries of the zoning districts are shown upon the map accompanying this LUDC, and made a part hereof, entitled "Alamosa County Official Zoning Map" and dated July 15, 2009 respectively, and is hereinafter referred to as the "zoning map". The zoning map and all the notations, references and all amendments thereto, and other information shown there on is hereby made a part of this LUDC the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is on file in the administrator's office and is available for inspection by the public.

## **Section 1.7 Effective date**

This LUDC was adopted on July 15, 2009 by Resolution No. 2009-G-10, becoming effective July 15, 2009. This LUDC was later amended on September 29, 2010 by Resolution No. 2010-G-11.

## **Section 1.8 Minimum requirements**

The articles and sections of this LUDC are the minimum standards necessary to accomplish its stated purposes. It is not the intent of this LUDC to interfere with, abrogate or annul any private easement, covenant, deed restriction or other agreement between private parties. When the sections of this LUDC impose a greater restriction than imposed by such private agreements, this LUDC shall control. When private agreements impose a greater restriction than imposed by this LUDC, such private agreements shall control.

## **Section 1.9 Vested rights**

Final approval of a subdivision plat pursuant to Section 8.6, a site plan pursuant to Section 8.7, or a planned unit development master plan pursuant to Section 8.5, shall be considered approval or conditional approval of a "site specific development plan," as defined in C.R.S. 24-68-101 et. seq., and shall result in a vested right for a period of 3 years as provided in C.R.S. 24-68-101 et. seq. Within 14 days after the final approval of a site specific development plan, the administrator shall publish notice of the creation of a vested property right as described in C.R.S. 24-68-103. Approved final plats, site plans, and planned unit development master plans approved as part of a site specific development plan shall contain a note stating that the property right is vested for a period of 3 years from the date that the required vesting notice is published. The county is authorized to approve vested rights for periods of longer than 3 years by entering into a development agreement.

## **Section 1.10 Graphics**

Where graphics included in this LUDC conflict with the text of the regulations, text shall control.

## **Section 1.11 Commentary**

Where a provision of this LUDC requires additional explanation to clarify its intent, a "commentary" is included. They have no regulatory effect, but are intended solely as a guide for administrative officials and the public to use in understanding and interpreting this LUDC.

## **Section 1.12 Conflicting provisions**

If the provisions of this LUDC are inconsistent with one another or when the regulations of this LUDC conflict with other adopted ordinances or regulations of the county, the more restrictive provisions shall control, unless otherwise specifically stated; however, the county cannot enforce private covenants.

## **Section 1.13 Transitional provisions**

### **1.13.1 Building permits**

Nothing in this LUDC shall require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building permit prior to the effective date of this LUDC, or any amendment to this LUDC, provided construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner as determined by the building official, in accordance with applicable county regulations.

### **1.13.2 Subdivision plats**

The subdivision standards of this LUDC shall not affect any preliminary plat or final plat for which a complete application was submitted prior to the adoption of this LUDC [December 2012]. Such applications shall be subject to compliance with the standards applicable at the time of the submittal.

### **1.13.3 Planned unit developments**

Where a planned unit development use was approved prior to the effective date of this LUDC, the provisions of this LUDC shall apply to the extent that they do not conflict with the original conditions of approval.

### **1.13.4 Prior approvals**

Where a use lawfully exists and is a use that is allowed as a special use, pursuant to Section 2.3.2, such use shall be deemed to already have a special use permit; provided that any change or expansion of such use shall require a new special use permit. Where a special use was approved prior to the effective date of this LUDC, the provisions of this LUDC shall apply to the extent that they do not conflict with the original conditions of approval.

### **1.13.5 Violations continue**

Any violation of the previous zoning ordinance or subdivision regulations of the county shall continue to be a violation under this LUDC and shall be subject to penalties and enforcement under Article 10, Violations, Penalties and Enforcement, unless the use, development, construction or other activity is consistent with the express terms of this LUDC, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this LUDC.

### **1.13.6 Nonconforming uses under the previous zoning regulations**

Any (legal) nonconformity under the previous zoning regulations shall also be a legal nonconformity under this LUDC, as long as the situation that resulted in the nonconforming status under the previous zoning regulations continues to exist. If a nonconformity under the previous ordinances and regulations becomes conforming because of the adoption of this LUDC, then the situation shall no longer be treated as a nonconformity.



## Section 1.14 District Conversion

The zoning district names in effect prior to the effective date of this LUDC are converted as shown below.

| FORMER DISTRICT CODE (2009 Version) | ACRONYM | CURRENT DISTRICT ZONE (2012 Version) | PROPOSED ACRONYM |
|-------------------------------------|---------|--------------------------------------|------------------|
| AGRICULTURAL DISTRICTS              |         |                                      |                  |
| Rural                               | RU      | RURAL                                | RU               |
| RESIDENTIAL DISTRICTS               |         |                                      |                  |
| Residential Estate                  | RE      | RESIDENTIAL ESTATE                   | RE               |
| Residential High                    | RH      | RESIDENTIAL HIGH                     | RH               |
| Residential Medium                  | RM      | RESIDENTIAL MEDIUM                   | RM               |
| Residential Low                     | RL      | RESIDENTIAL LOW                      | RL               |
| Residential Manufactured Home       | RMH     | RESIDENTIAL MANUFACTURED HOME        | RMH              |
| NON-RESIDENTIAL DISTRICTS           |         |                                      |                  |
| Commercial Light                    | CL      | COMMERCIAL                           | C                |
| Commercial Business                 | C       | COMMERCIAL                           | C                |
| Industrial                          | I       | INDUSTRIAL                           | I                |

## Section 1.15 Severability

Should any section or provision of this LUDC be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the LUDC as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.



# Article 2 | Zoning Districts

## Section 2.1 District intent statements

**2.1.1** The following General Zoning Districts and Overlay Districts are hereby established. District titles are intended to convey general land use, maximum density, or development intensity; however the dimensional standards for each particular site may determine the actual allowed land use.

### **2.1.2 General Interpretation Guidelines**

The administrator shall be authorized, at a minimum, to interpret the Zoning Map and shall decide disputed zoning district questions. If such interpretation or dispute cannot be determined by the Administrator, the Administrator may refer such questions to the Planning Commission and the Board of County Commissioners. Interpretations can be appealed by filing an appeal, as determined by the Administrative Appeals.

### **2.1.3 Base district**

#### **A. Agricultural Zoned Districts**

##### **1. RU, Rural**

This district is primarily intended to provide for the protection and continuation of agriculture and forestry operations and the preservation of environmentally sensitive lands. This district is established for the vast majority of the County. It allows for the uses, services, and industry that are compatible with agricultural practices and that do not cause adverse impacts to agricultural and/or ranching operations.

#### **B. Residential Zoned Districts**

##### **1. RE, Residential Estate**

This district provides areas to be used for large-lot, single-family, stand-alone, residential estates. This district typically has similar development within existing platted large-lot subdivisions. The density is typically 1 unit per 5 acres (1:5). A limited number and types of farm animals may be allowed.

##### **2. RH, Residential High**

This district comprises areas for use in a variety of housing types such as single-family detached housing; small-number attached single-family dwellings, as well as multi-unit residential uses at apartment densities (maximum of twenty-five (25) dwelling units per gross acre).

##### **3. RL, Residential Low**

This district provides areas for use in low-density, suburban-scale residential development.

##### **4. RM, Residential Medium**

This district provides areas for use with low to moderate density, including, but not limited to: duplexes, townhouses, cluster housing, and other residential uses at a density of 10 units per acre. Actual development densities will vary based on unique characteristics of the development site and other extraneous factors, i.e. water, sewer, electric services.

**5. RMH, Residential manufactured home**

This district provides areas for single-family detached and double-sectioned manufactured homes, in approved residential manufactured home parks and subdivision developments. This district also permits single family residential developments.

**C. Nonresidential districts**

**1. C, Commercial**

This district provides for areas to be used for a full range of retail sales, commercial services and office spaces serving both residents and transient citizens. This district may encompass areas within or adjacent to residential districts; this district may also be located along traditional transformational corridors, such as highway and railroad corridors.

**2. I, Industrial**

This district provides areas to be used for non-offensive types of manufacturing, such as: research and development, processing, and warehousing activities. High-intensity office use and limited retail that is accessory to a permitted industrial or office use are also allowed in this district.

**D. Planned unit development (PUD)**

The PUD, Planned Unit Development District accommodates proposals for the same or similar uses to be developed as integrated units such as offices, commercial or service centers, shopping centers, light industrial, residential developments or proposals where any appropriate combination of such uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. All development in the PUD district shall have detailed and specific master plans for the proposed development and should include significant open space for the benefit of residents and occupants of the development and the community. PUD district standards are intended to provide for innovative development that is integrated and compatible with surrounding land uses and development patterns.

**2.1.4 Overlay districts**

**A. Planned unit development overlay (-PUDO)**

The Planned Unit Development Overlay District is intended to promote infill and redevelopment, and to supplement the underlying zoning district. The requirements of the -PUDO district shall supersede the requirements of the base district, provided that maximum density and uses shall be those of the underlying base district. The -PUDO district provides for modification of the otherwise applicable dimensional requirements of the underlying base district as specified in Section 3.1 in order to accomplish one or more of the following purposes:

1. Promote innovative and creative design of residential and nonresidential areas;
2. Promote flexibility in the placement of structures so as to preserve and take advantage of the site's unique, natural, resource or scenic features and to avoid or mitigate any hazardous area;
3. Encourage more efficient use of land and public streets, utilities, and governmental services;
4. Preserve open space for the benefit of residents of developments;

5. Achieve a compatible land use relationship with surrounding areas; or
6. Promote greater variety in the type and design of buildings and thereby improving the character and quality of new development.

**B. Airport district (-AO)**

The Airport Overlay district is intended to:

1. Minimize the danger to public health and safety or to property in designated areas around airports.
2. Encourage land use patterns for housing and other local government needs that will separate uncontrollable noise sources from residential and other noise sensitive areas, and encourage compatibility of development with non-motorized traffic.
3. Avoid danger to public safety and health or to property due to aircraft crashes, traffic congestion, air pollution or water pollution.

## **Section 2.2 Official zoning map**

The boundaries of the districts established by this Land Use and Development Code shall be shown on a map or series of maps entitled "Official Zoning Map" (zoning map) an up-to-date copy of which shall be maintained in the office of the administrator. Original copies of the official map and all amendments thereto shall be maintained by the administrator. In any dispute regarding the classification of property subject to this LUDC, the original map maintained by the administrator shall control.

### **2.2.1 Interpretation of district boundaries**

- A. The administrator is authorized to interpret the zoning map and to decide disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the administrator, they shall be handled as provided in Section 8.15, Administrative Appeals.
- B. In the event that the administrator cannot make a determination, the petitioner shall fill out an application for a zoning map interpretation which shall be submitted to the board of adjustment by filing a copy of the application with the administrator. The application shall contain sufficient information to enable the board of adjustment to make the necessary interpretation.
- C. Review and Decision Criteria: Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:
  1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroads (main tracks) shall be construed to follow such center lines;
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
  3. Boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits;
  4. Boundaries indicated as following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines;
  5. Where distances are not specifically indicated on the zoning map, the boundary shall be determined by measurement, using the Zoning Map scale;

6. Where a district boundary divides a land parcel under a single ownership into two districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided that the boundary adjustment is a distance of less than 100 feet. If the adjustment involves a distance of more than 100 feet, the procedures for a zoning district amendment shall be followed; and
7. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered, above, the property shall be considered according to the most restrictive residential district, temporarily, and subject to Section 8.4, Rezoning.

## Section 2.3 Permitted land uses

### 2.3.1 Housing types

#### A. Definitions

The following are types of permitted housing structures and are established to provide a common terminology for housing. All drawings are for illustrative purposes only.

|   |  |  |  |
|---|--|--|--|
| <p><b>Single Family Detached</b><br/>A UBC- or IBC-standard, detached dwelling unit located on a single lot with private yards on all four sides.</p>   |  |  |  |
| <p><b>Two-family House (Duplex)</b><br/>Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.</p>                   |  |  |  |
| <p><b>Townhouse</b><br/>Two to four attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically.</p> |  |  |  |
| <p><b>Manufactured Home</b><br/>A HUD-standard, detached dwelling unit located on a single lot with private yards on all four sides.</p>  |  |  |  |
| <p><b>Multifamily</b><br/>Three or more attached dwelling units in a single structure on a single lot. A multifamily dwelling can vary in height from two to three stories; individual units can be mixed vertically.</p> |  |  |  |
| <p><b>Upper-Story Residential</b><br/>A dwelling unit located on a floor above a nonresidential use.</p>  |  |  |  |

### 2.3.2 Permitted use table

Unless otherwise specifically allowed, only one principal use shall be permitted on any lot in accordance with the table below.

**A. Key to types of use**

| Permitted (“P”) | Special Use Review | Temporary Use (“TU”) | Blank Cell  |
|-----------------|--------------------|----------------------|-------------|
| “P”             | “S”                | “TU”                 | Not Allowed |

**1. Permitted**

A “P” indicates that a use is allowed by right. Such uses are subject to all other applicable regulations of this LUDC.

**2. Special use review**

An “S” indicates that a use is allowed only if approved by a special use permit by the board of county commissioners in accordance with the procedures of Section 8.8. Special uses are subject to any applicable requirement of this LUDC, including, but not limited to, the specific use standards contained in Article 3.

**3. Temporary use**

A “TU” indicates that a use is temporarily allowed by a temporary use permit. Temporary uses may be subject to other applicable requirements of the LUDC, including, but not limited to, the procedures of Section 8.8 or any other applicable provision set forth in this LUDC.

See Section 8.9 Temporary Uses and See 3.8.1 General Requirements

**4. Uses not allowed**

A blank cell indicates that a use is not allowed.

**5. Specific use standards**

Specific Use standards may be applicable to all uses allowed by permitted use, special use permit and temporary use permits. These Specific Use Standards shall be used as determined by the specific use standards section.

**6. Grouping of Uses**

The administrator shall use Section 2.4 – Grouping of Uses to determine how an unlisted use should be treated.

**B. Permitted uses**

The following table lists the principal uses permitted by this LUDC for base districts.

| Group            | Specific Uses                  | RU | RE | RH | RL | RM | RMH | C | I |       |
|------------------|--------------------------------|----|----|----|----|----|-----|---|---|-------|
| Residential Uses | P= Permitted S=Special use     |    |    |    |    |    |     |   |   |       |
|                  | Single-family detached         | P  | P  | P  | P  | P  | P   | S |   |       |
|                  | Single-family attached         | P  | P  | P  | P  | P  | P   | S |   |       |
|                  | Manufactured home, single-wide | S  |    |    |    | S  | P   | S |   | 3.2.1 |
|                  | Manufactured home, double-wide | P  | P  | P  | P  | P  | P   | S |   | 3.2.1 |
|                  | Two-family house (duplex)      |    |    | P  |    | P  | P   | S |   |       |
|                  | Zero lot line house            |    |    | P  |    | P  |     | S |   |       |
|                  | Townhouse                      | S  |    | P  |    | P  | P   | S |   |       |
|                  | Multifamily                    |    |    | P  |    | P  | P   | S |   | 3.2.2 |
|                  | Upper-story residential        | S  |    | P  |    | P  |     | P |   | 3.2.3 |
|                  | Manufactured home park         |    |    | S  |    |    | S   | S |   | 3.2.4 |



| Group                  | Specific Uses   | RU | RE | RH | RL | RM | RMH | C | I |        |
|------------------------|---|----|----|----|----|----|-----|---|---|--------|
|                        | Manufactured home subdivision                             | S  |    | S  |    | S  | S   |   |   | 3.2.5  |
|                        | Group home  | S  |    | S  |    | S  |     |   |   |        |
|                        | Nursing home or assisted living center                    | S  |    | P  |    | P  | S   | P |   |        |
|                        | Fraternity, sorority or dormitory                         |    |    | S  |    | S  |     |   |   |        |
|                        | Rooming house   | S  |    |    |    | S  |     | P |   |        |
| <b>Civic Uses</b>      |   |    |    |    |    |    |     |   |   |        |
|                        | Airport   | S  |    |    |    |    |     |   | S |        |
|                        | Heliport  | S  |    |    |    |    |     | S | S |        |
|                        | Day care center (5 or more)                               |    | S  |    | S  | S  | S   | P |   |        |
|                        | Civic club  |    |    |    |    |    |     | P |   |        |
|                        | Hospital  | S  |    |    |    |    |     | P |   |        |
|                        | Museum, library   | S  |    | S  |    |    |     | P |   |        |
|                        | Park, open area   | P  | P  | P  | P  | P  | P   | P | P |        |
|                        | Place of worship  | S  | S  |    | S  | S  | S   | P | S |        |
|                        | Public facility   | P  | P  | P  | P  | P  | P   | P | P |        |
|                        | RV parks and campgrounds                                  | S  |    |    |    |    |     | S |   | 3.2.6  |
|                        | School (public or private)                                | P  | P  |    | P  | P  | P   | P |   |        |
|                        | Technical, trade, business school                         | S  |    |    |    |    |     | P |   |        |
|                        | Utility, minor  | P  | P  | P  | P  | P  | P   | P | P |        |
|                        | Utility, major **   | S  |    |    |    |    |     |   | S | 3.3.1  |
|                        | Wireless telecommunications facility                      | S  |    |    |    |    |     | S | P | 3.3.2  |
| <b>Commercial Uses</b> |   |    |    |    |    |    |     |   |   |        |
|                        | Adult-oriented business                                   |    |    |    |    |    |     |   | S | 3.4.2  |
|                        | Agriculture, general                                      | P  | S  |    |    |    |     | P | S |        |
|                        | Agriculture, limited                                      | P  | S  |    |    |    |     | P | S | 3.4.11 |
|                        | Agritourism   | S  | S  |    |    |    | S   | P | P |        |
|                        | Banks and financial institutions                          |    |    |    |    |    |     | P |   |        |
|                        | Business and professional offices                         | S  |    |    |    |    |     | P | P |        |
|                        | Bed and breakfast   | P  | S  | S  | S  | S  |     | P |   | 3.4.3  |
|                        | Contractor's office                                       |    |    |    |    |    |     | P | P |        |
|                        | Cottage Foods   | S  | S  | S  | S  | S  | S   |   |   | 3.4.9  |
|                        | Flea market   | S  |    |    |    |    |     | S | S | 3.4.4  |
|                        | Funeral home  |    |    |    |    | S  |     | S |   |        |
|                        | Gas station with convenience retail                       |    |    |    |    |    |     | P | P | 3.4.5  |
|                        | Greenhouse, commercial                                    | S  |    |    |    |    |     | S | P |        |
|                        | Hotel, motel  | S  |    | S  |    | S  |     | P |   | 3.4.6  |
|                        | Industrial Hemp   | P  | S  |    |    |    |     | P | S | 3.4.10 |
|                        | Indoor recreation   | S  | S  | S  | S  | S  | S   | P | P |        |
|                        | Kennels and animal hospitals                              | S  |    |    |    |    |     | S | P | 3.4.7  |
|                        | Lumberyard, wholesale                                     |    |    |    |    |    |     | S | P |        |
|                        | Medical Marijuana-Infused Product Manufacturer*           |    |    |    |    |    |     | S | S |        |
|                        | Medical Marijuana Dispensary*                             |    |    |    |    |    |     | S | S |        |
|                        | Medical Marijuana Optional Premise Cultivation Operation* | S  |    |    |    |    |     | S | S | 3.4.1  |
|                        | Office, general   | S  | S  | S  | S  | S  | S   | P | P |        |
|                        | Office, medical   |    |    | S  | S  | S  |     | P |   |        |
|                        | Outdoor recreation  | S  | S  | S  | S  | S  | S   | S | S |        |
|                        | Parking lots and garages                                  | S  | S  | S  | S  | S  | S   | P | P |        |
|                        | Personal services   | S  | S  | S  | S  | S  | S   | P |   |        |
|                        | Recreational club or lodge, private                       | S  | S  | S  |    | S  | S   | P |   |        |
|                        | Repair, general   | S  |    |    |    |    |     | P | P |        |

| Group                  | Specific Uses  | RU | RE | RH | RL | RM | RMH | C | I |       |
|------------------------|--|----|----|----|----|----|-----|---|---|-------|
|                        | Restaurant   | S  | S  | S  | S  | S  |     | P |   |       |
|                        | Restaurant, drive-thru   |    |    |    |    |    |     | P | S |       |
|                        | Retail, general  | S  |    |    |    |    |     | P |   |       |
|                        | Retail, neighborhood   | S  | S  | S  | S  | S  | S   | P |   |       |
|                        | Self-storage facility  | S  |    |    |    |    |     | S | P | 3.4.8 |
|                        | Service, general   |    |    |    |    |    |     | S | P |       |
|                        | Service, neighborhood  | S  | S  | S  | S  | S  | S   | P | P |       |
|                        | Vehicle sales  | S  |    |    |    |    |     | P | P |       |
|                        | Vehicle repair   | S  |    |    |    |    |     | P | P |       |
|                        | Vehicle service  | S  |    |    |    |    |     | P | P |       |
|                        | Warehouse/freight movement   |    |    |    |    |    |     | S | P |       |
|                        | Wholesale storage and/or sales   | S  |    |    |    |    |     | S | P |       |
| <b>Industrial Uses</b> |  |    |    |    |    |    |     |   |   |       |
|                        | Energy generation facilities**   | S  |    |    |    |    |     | S | S | 3.5.1 |
|                        | Feed lots, animal waste treatment facilities, and animal waste collection facilities | S  |    |    |    |    |     |   | S | 3.5.2 |
|                        | Hazardous waste disposal   | S  |    |    |    |    |     |   |   | 3.5.3 |
|                        | Main line railroad facility, shed, yard  | S  |    |    |    |    |     |   | P |       |
|                        | Manufacturing, general   | S  |    |    |    |    |     |   | P |       |
|                        | Manufacturing, heavy   |    |    |    |    |    |     |   | P | 3.5.4 |
|                        | Manufacturing, limited   |    |    |    |    |    |     |   | P | 3.5.5 |
|                        | Oil and gas wells  | S  |    |    |    |    |     |   | S | 3.5.6 |
|                        | Research & development   | S  |    |    |    |    | S   |   | P |       |
|                        | Waste service  | S  |    |    |    |    |     |   | S | 3.5.7 |

\*Subject to Alamosa County Ordinances

\*\* Indicates that a use may be allowed subject to review and approval by the board of county commissioners; unless otherwise set forth herein, such uses shall be subject to all other applicable regulations of this LUDC. All uses that consist of an Energy Generation Facility or a Utility, Major, shall comply with the submittal and review requirements contained in the Alamosa County Guidelines and Regulations for Areas and Activities of State Interest, whether such use is proposed by a regulated public utility or by a commercial developer.

## Section 2.4 Grouping of Uses

### 2.4.1 Grouping of uses

As set forth in the permitted use table (see Section 2.3) certain uses are grouped together based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered, and likely impact on surrounding properties, and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate base zoning districts. Any use not specifically set forth in this LUDC is expressly prohibited, unless determined otherwise as set forth in Section 9.4.

### 2.4.2 Uses not grouped

As set forth in the permitted use table, due to their specific nature and characteristics, certain uses have not been grouped. Individual uses may be defined in Article 11, Definitions.

### 2.4.3 Public and civic use groups

- A. **Parks and open areas:** Uses focusing on natural areas consisting mostly of open vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures. Parks and open areas shall include the following: agricultural lands, rangeland, wildlife habitat, undeveloped floodplain and river corridor lands, tot lot and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; golf courses; cemeteries or any similar use.
- B. **Utility, major:** A large-scale utility such as water or wastewater treatment plant; water tower; electrical generation plant; solar or wind energy farms; experimental, demonstration or commercial energy generation facilities; or transmission facility or any similar use. Major utility and appurtenant facilities shall be reviewed and approved in accordance with the requirements contained in the Alamosa County Guidelines and Regulations for Areas and Activities of State Interest, whether such use is proposed by a regulated public utility or by a commercial developer.
- C. **Utility, minor:** All utility facilities not considered major, including, but not limited to neighborhood-serving facilities such as pump stations, telephone exchanges, lift stations, electric substation, and storm water detention facilities, or any similar use.

### 2.4.4 Commercial use groups

- A. **Agriculture, general:** Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production. Agriculture shall include the following: animal raising including horses, cows, sheep, goats, swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development; floriculture, pasturage, viticulture, tree or sod farm, silviculture; animal boarding, outdoor; livestock auction;; plant nursery with landscape supply; retail or wholesale sales of agriculturally-related supplies and equipment; stable; or any similar use.
- B. **Agriculture, limited:** Agricultural uses and activities limited to customary local agricultural uses and activities. Limited agriculture shall include: orchard, vineyard row and field crops, packing house for fruits or vegetables, produce stand; processing of fruits or vegetables, winery, and milk processing plant.
- C. **Indoor recreation:** Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club and activities of a similar nature. This does not include an adult entertainment establishment or amusement center.
- D. **Manufacturing, limited:** A facility conducting light manufacturing operations within a fully-enclosed building, generally serviced by trucks no longer than 24 feet in length. Limited manufacturing shall include the following: bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and electrical items; printing, publishing, and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing; or any similar use.
- E. **Office, general:** A facility generally focusing on business, government, professional or financial services. General office shall include the following: advertising office; bank;

business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, or architect; sales office, travel agency or any similar use.

- F. **Office, medical:** A medical facility in which a doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical provider treats or counsels patients.
- G. **Personal services:** custom services provided to individuals, including, barbershops and beauty shops, dry cleaning outlets, photographic studios, self-service laundries, shoe repair shops, music/dance studios or schools, and similar activities.
- H. **Recreation, outdoor:** Any recreational facility where activity takes place primarily outdoors, including miniature golf courses, batting cages, swimming pool, driving range or a similar facility.
- I. **Retail, general:** A facility involved in the wholesale or retail sale, lease, or rental of new or used products to through traffic as well as the surrounding neighborhood. General retail shall include the selling, leasing or renting of the following goods: antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods; or any similar use. The retail sale of automobile parts shall be considered retail general provided no on-site automobile service or repair is provided. This definition does not include any adult entertainment establishment.
- J. **Retail, neighborhood:** A facility involved in the sale, lease, or rental of new or used products primarily to local traffic in the surrounding neighborhood. Neighborhood retail shall include the selling, leasing or renting of the following goods: books; health and beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood.
- K. **Service, general:** A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. General services shall include the following personal services: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; tattoo parlor; security service; taxidermist; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds, canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith. This definition does not include any adult entertainment establishment.
- L. **Service, neighborhood:** A facility involved in providing limited personal services to local traffic in the surrounding neighborhood. Neighborhood services shall include the following: personal care services such as hair, nail, tanning, massage therapy; Laundromat; dry cleaning and laundry pickup station; pack and ship facility; or any similar use.
- M. **Vehicle sales:** A facility involved in providing direct sales, renting or leasing of motor vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving

equipment; construction equipment; farming equipment; and other consumer motor vehicles such as motorcycles and boats, or any similar use.

- N. **Vehicle service:** A facility involved in providing limited service to passenger vehicles and other small consumer vehicles. Such minor operations are primarily provided while customers wait for their vehicles. Limited vehicle service shall include the following: alignment shop; quick lubrication facilities; brake service, battery sales and installation; outdoor car wash; auto detailing and tire sales and mounting; or any similar use.
- O. **Vehicle repair:** A facility involved in providing repair services to passenger vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment; and other consumer motor vehicles such as motorcycles and boats, or any similar use.
- P. **Warehouse and freight movement:** A facility involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and freight movement shall include the following: bulk storage, including nonflammable liquids, feed and grain storage; cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred; or any similar use.

#### 2.4.5 Industrial use groups

- A. **Manufacturing, general:** A facility conducting manufacturing with some operations conducted outside. General manufacturing shall include the following: bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and electrical items; printing, publishing, and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; laundry or dry cleaning plant; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing; or any similar use.
- B. **Manufacturing, heavy:** A facility conducting heavy manufacturing with operation conducted indoors and outdoors. Heavy manufacturing shall include the following: heavy factory production; industrial yards; any use that is potentially dangerous, noxious or offensive to neighboring uses or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause; animal processing, packing, treating, and storage; livestock or poultry slaughtering;; production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill; bulk storage of flammable liquids; feed lot; concrete batching and asphalt processing and manufacture; wrecking, junk or salvage yard; bottling plant; or any similar use.
- C. **Research and development:** A facility focused primarily on the research and development of new products. Research and development shall include: laboratories, offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of

such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research, and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

- D. **Waste service:** A facility that generally receives solid or liquid wastes from others for transfer to another location, or collects sanitary waste or manufactures a product from the composting of organic material. Waste-related service shall include the following: animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; or any similar use.

#### **2.4.6 Uses not specifically listed**

- A. Any use not specifically listed in this LUDC is expressly prohibited, unless the administrator determines, that the use is similar to a permitted individual use or permitted group of uses as listed in this LUDC. Where such similar permitted individual use or permitted group of uses is subject to a use standard contained in this article or special use review, the proposed use shall also be subject to such standard or approval. The administrator shall not amend this LUDC by adding to or eliminating any use standard for the proposed use.
- B. Where a use not listed is found by the administrator not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with Section 8.3. The decision of the administrator may be appealed to the board of adjustment in accordance with Section 8.15, Administrative Appeals.
- C. When considering the appropriate districts for a use not listed in the permitted use table, the district intent statements shall be taken into consideration.
- D. Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the following criteria.
  - 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
  - 2. The relative amount of site area or floor space and equipment devoted to the activity;
  - 3. Relative amounts of sales from each activity;
  - 4. The customer type for each activity;
  - 5. The relative number of employees in each activity;
  - 6. Hours of operation;
  - 7. Building and site arrangement;
  - 8. Types of vehicles used and their parking requirements;
  - 9. The relative number of vehicle trips generated;
  - 10. Signs;
  - 11. How the use is advertised;
  - 12. The likely impact on surrounding properties; and

13. Whether the activity is likely to be found independent of the other activities on the site.

#### 2.4.7 Developments with multiple principal uses

- A. Except as otherwise stated in this code, no more than one principal building or use may be erected on a single lot of record.
- B. When all principal uses of a development fall within one use category, the entire development shall be assigned to that use category.
- C. When the principal uses of a development fall within different group of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.
- D. A development comprised of uses regulated by separate rows on the permitted use table shall be reviewed using the most restrictive process from among the proposed uses.

**Commentary:** *If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special use in the district, then the entire development requires special use review.*

- E. Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

**Commentary:** *For example, where a vehicle repair shop in a C district (subject to special use review) is an outparcel within a larger retail development, the special use shall review the outparcel only – not the entire development. However, where a special use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special use review.*

### Section 2.5 Airport overlay district standards

#### 2.5.1 General

##### A. Authority

The –AO district is authorized by Title 30, Article 28, and 24-65.1-101 et seq., of the Colorado Revised Statutes, 1973, as amended, and are hereby declared to be in accordance with all provisions of these statutes.

##### B. Applicability

The –AO district shall apply to lands so designated on the official zoning map, excluding lands owned and administered by the Federal Government.

##### C. Relationship to other requirements

Nothing in this section shall be construed as exempting an applicant for a permit from any other requirements of this jurisdiction or other state or federal laws and regulations. To the extent that the requirements of this section from any other applicable requirements, the more restrictive requirements shall apply.

#### 2.5.2 Airport zones

In order to carry out the provisions of the -AO district, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones and conical zones as they apply to a particular

airport. Such zones are shown on the San Luis Valley Obstruction and Approach Zones Map consisting of two sheets, prepared by Oblinger-Smith Corporation, Denver, Colorado, and dated August 29, 1977, which is adopted with the –AO district and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

**1. Utility runway visual approach zone**

The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**2. Precision instrument runway approach zone**

The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**3. Transitional zones**

The transitional zones are the areas beneath the transitional surfaces.

**4. Horizontal zone**

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runway 2/20 above and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

**5. Conical zone**

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

**B. Maximum height**

**1. Airport zone height limitations**

Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow or be maintained in the –AO district to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

**a. Utility runway visual approach zone**

Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

**b. Precision instrument runway approach zone**

Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

**c. Transitional zones**

Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 7,685.50 feet above the mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward



beginning at the sides of and at the same elevation as the approach surface; and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degrees angles to the extended runway centerline.

**d. Horizontal zone**

Established at 150 feet above the airport elevation or at a height of 7,685.50 feet above the mean sea level.

**e. Conical zone**

Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

**2. Permitted uses**

- a. Permitted uses shall be those of the underlying zoning, provided that no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise, in any way, create a hazard or endanger the landing, take off, or maneuvering of aircraft intending to use the airport.
- b. No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Alamosa County board of county commissioners or their duly designated representative.
  - (1) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to these or any applicable regulations.
  - (2) Before any such permit is granted, the person making such application shall sign an agreement, release and waiver on forms furnished by the board of county commissioners or their designated representatives whereby such applicants expressly agree to release and hold harmless the local government, from any complaints, actions or liability for and on account of any and all noise, disturbance or interference caused or made by the San Luis Valley Regional Airport - Bergman Field. Signing of such instrument shall be an absolute condition of the issuance of such permit, and shall be binding upon the heirs, survivors or assigns of such applicant, regardless of compliance with any other requirements herein.
- c. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this section or any amendments thereto or than it is the application for a permit is made.
- d. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances,

be so conditioned as to require the owner of the structure or tree in question to permit the board of county commissioners or the administrator to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an obstruction or hazard to air navigation. The cost and expense thereof is to be paid by the person granted such permit or variance.

### **3. Nonconforming uses**

See Section 9.7

#### **2.5.3 Variances in the –AO district**

In addition to the requirements of Section 8.13, applications for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this section may be considered by the board of adjustment unless a copy of the application has been furnished to the Alamosa City-County Board of Airport Control for advice as to the aeronautical effects of the variance. If the Board of Airport Control does not respond to the application within 15 days after receipt, the board of adjustment may act on its own to grant or deny said application.

# Article 3 Specific Use Standards

## Section 3.1 General Base district standards

### 3.1.1 Intent

The general base district standards establish lot sizes and certain restrictions for residential and nonresidential development. These standards allow for variety in housing types while maintaining the overall character of neighborhoods and commercial areas. Separate standards are established to regulate development in each base district. This approach to district development standards has several public benefits:

- A. It allows for development that is more sensitive to the environment and allows for the preservation of open space and natural areas.
- B. It promotes quality site layout and energy-efficient development.
- C. It promotes affordable and life-cycle housing.
- D. It promotes development intensities that match existing and proposed infrastructure investments.

| ZONING                  | RU  | RE   | RH  | RM  | RL  | RMH  |
|-------------------------|---|--|---|---|---|--|
| <b>Max Density</b>      | 3 Units on 35 acres                       | 1 unit per 5 acres                             | 25 units on 43,560 sq. ft.                    | 15 units on 43,560 sq. ft.                    | 5 units on 43,560 sq. ft.                     | 1 unit on 7,260 sq. ft. (with Central Sewer and Water) or 1 unit on 43,560 sq. ft. |
| <b>Minimum Density</b>  | 1 unit on 1 acre                          | 1 unit on 5 acre                               | 1 unit on 7,260 sq. ft.                       | 1 unit on 7,260 sq. ft.                       | 1 unit on 1 acre                              | 1 unit on 1 acre   |
| <b>Lot Width</b>        | 200 (LF)                                  | 165 (LF)                                       | 60 (LF)                                       | 60 (LF)                                       | 60 (LF)                                       | 60 (LF)  |
| <b>Front Setback</b>    | 50'                                       | 30'  | 25'   | 25'   | 25'   | 25'  |
| <b>Side Setbacks</b>    | 25' Side Interior<br>35' Side Yard Street | 20' Side Yard Interior<br>30' Side Yard Street | 6' Side Yard Interior<br>15' Side Yard Street | 6' Side Yard Interior<br>15' Side Yard Street | 8' Side Yard Interior<br>30' Side Yard Street | 8' Side Yard Interior<br>30' Side Yard Street                                      |
| <b>Rear Setbacks</b>    | 25'                                       | 25'  | 20'   | 20'   | 25'   | 25'  |
| <b>Max Lot Coverage</b> |   | 20%  | 40%   | 40%   | 20%   | 30%  |
| <b>Max Height</b>       | 45'                                       | 35'  | 35'   | 35'   | 35'   | 35'  |

### 3.1.2 Nonresidential uses in residential districts

As set forth in the Principal Land Use Table (see Section 2.3) certain nonresidential uses are permitted in residential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this LUDC and all other applicable laws.

| Standard                           | RU       | R             | RE            | RMH           |
|------------------------------------|----------|---------------|---------------|---------------|
| <b>Lot Dimensions</b>              |          |               |               |               |
| Minimum Lot Size                   | 35 acres | 7,000 sq. ft. | 6,000 sq. ft. | 9,000 sq. ft. |
| Minimum Lot width (ft.)            | 200      | 70            | 60            | 60            |
| <b>Yards and Separations</b>       |          |               |               |               |
| Street Yard (ft.)                  | 40       | 25            | 25            | 25            |
| Side Yard (ft.)                    | 30       | 7             | 7             | 8             |
| Rear Yard (ft.)                    | 25       | 25            | 25            | 25            |
| <b>Scale, Massing and Coverage</b> |          |               |               |               |
| Height (ft.)                       | 35       | 35            | 35            | 35            |
| Building Coverage (%)              | 20       | 30            | 35            | 20            |
| Impervious Surface (%)             | --       | 50            | 60            | 60            |

## PART II. NONRESIDENTIAL DISTRICTS

### 3.1.3 Nonresidential district standards in nonresidential districts

#### A. Development standards

Applicants shall meet all applicable development standards as set forth in Article 4, General Development Standards. Applicants shall comply with all other provisions in this LUDC and all other applicable laws.

#### B. Nonresidential dimensional standards

- As set forth in the permitted use table (see Section 2.3.2) certain nonresidential uses are permitted in nonresidential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this LUDC and all other applicable laws.
- More than one building may be permitted on a single lot

| Standard   | C      | I      |
|--|--------|--------|
| <b>Lot Dimensions</b>                                |        |        |
| Minimum Lot Size (w/central water/sewer) (sq. ft.)   | 7,000  | 21,780 |
| Minimum Lot Width (ft.)                              | 50     | 50     |
| Minimum Lot Size (w/o central water/sewer) (sq. ft.) | 43,560 | 43,560 |
| Minimum Lot Width (ft.)                              | 100    | 100    |
| <b>Yards and Separations</b>                         |        |        |
| Front Setback  | 25     | 25     |
| Street Yard (ft.)                                    | 25     | 35     |
| Side Yard (ft.)                                      | 0      | 25     |
| Rear Yard (ft.)                                      | 20     | 25     |
| Building Separation (ft.)                            | 14     | 14     |
| <b>Scale, Massing and Coverage (max.)</b>            |        |        |
| Height (ft.)   | 40     | 50     |
| Building Coverage (%)                                | 40     | 50     |
| Impervious Surface (%)                               | 75     | 75     |

**C. Residential dimensional standards in nonresidential districts**

1. As set forth in the permitted use table (see Section 2.3) certain residential uses are permitted in nonresidential districts.
2. Upper-story residential permitted on the upper floors of a nonresidential building (see Section 2.3) and shall conform to all lot, yard and bulk requirements of the principal building.
3. Other permitted nonresidential uses shall meet the following dimensional standards.

**Section 3.2 Residential use standards**

The standards of this section shall apply to all permitted and special uses, as set forth in the permitted use table. All uses shall meet or exceed applicable standards. The minimum floor area for any residential purpose, including accessory living areas, is 500 square feet.

**3.2.1 Manufactured homes**

**A. General**

All manufactured homes shall meet or exceed the following standards:

1. Manufactured homes first occupied in Alamosa County after July 1, 2010 shall have affixed a data plate and heating certificate stating compliance with the following standards.
  - a. The home is designed to comply with federal mobile or manufactured home construction and safety standards in force at the time of manufacture.
  - b. The home is designed for Colorado structural and wind zone requirements.
  - c. The home is designed for Colorado outdoor winter design temperature zones.
  - d. The heating equipment installed in the home has capacity to maintain an average 70° F temperature inside the home with an outdoor temperature of -20° F.
  - e. The minimum foot print area of a manufactured home shall be no less than 600 sq. ft.
  - f. The home shall have a foundation designed by a Colorado Registered Design Professional Engineer.
2. The home shall be set up and tied down in accordance with the standards set by current building code regulations.
3. The wheels, axles, tongue, towing apparatus and transporting lights shall be removed.
4. Siding shall be wood, brick or stone or material that looks like wood, brick or stone.
5. All applicable standards must be met prior to issuance of a certificate of occupancy.
6. The minimum floor area: 600 square feet.

**B. Manufactured homes, double-wide**

1. Double-wide manufactured homes shall have a minimum 24 foot horizontal wall dimension on at least 2 non-opposing sides and not be older than 1976

### C. Single-wide homes

Manufactured homes that are installed and occupied in Alamosa County after July 1, 2010 shall have a certificate of ownership or affixed data plate stating that the home to be installed was manufactured no more than fifteen years prior to the date of application to install the home.

Notwithstanding other provisions of this code to the contrary, single-wide manufactured homes to be placed in areas zoned other than those specifically designated for single section manufactured homes shall be subject to a Special Use Review.

D. For townhouse complexes see Section 2.3.2. for additional requirements.

### 3.2.2 Multifamily dwellings

A. No parking space shall be located in a required yard, except for the rear yard.

B. No off-street parking space shall be located closer than ten feet to any residential building wall.

**Commentary:** *Building wall refers to any wall of a building. The space (10 feet) provides opportunity for landscaping, including foundation plantings, and looks better than the alternative.*

C. For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments.

D. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.

E. No building shall be located closer than 10 feet from any interior street, drive or off-street parking area.

F. Maximum number of dwelling units per building shall be limited to six.

G. No building shall exceed 200 feet in length or width.

H. Location of building must allow access by fire-fighting equipment from all sides.

I. For multi-family complexes see Section 2.3.2. for additional requirements.

### 3.2.3 Upper-story residential

Such uses shall adhere to all dimensional standards of the permitted nonresidential use.

### 3.2.4 Manufactured home parks

#### A. Applicability

The standards of this section shall apply equally to all allowed uses in a manufactured home park. Restrictions applicable to manufactured homes and manufactured home parks shall apply equally to nonconforming mobile homes and mobile home parks.

#### B. General requirements

1. Each individual manufactured home shall comply with the requirements of Section 3.2.1, above;
2. Minimum Manufactured Home Park Area: 4 acres

3. Maximum Density: 6 homes and spaces or lots per acre
4. Minimum Space or Lot Area: 4,500 square feet
5. Minimum Space or Lot Width: 40 feet
6. Minimum Building Separation: 15 feet, provided that the minimum separation may be reduced to 10 feet between carports, porches and patios open on three sides, and adjacent buildings.
7. Each manufactured home shall be located on a manufactured home space designated on a site plan prepared in accordance with the requirements Section 8.7, which shall be approved and filed as part of the approval of a new manufactured home park established after the effective date of this LUDC and prior to the enlargement of any existing manufactured home park.
8. Within a manufactured home park, one manufactured home shall be used as an administrative office, identified by a sign, in which the office of the person in charge is located. Copies of all required city, county and state licenses and permits shall be posted therein, and the park register, shall be kept in this office at all times.
9. Lots and spaces served by individual septic tank and individual well shall comply with applicable requirements of the current building code or other applicable code with respect to minimum lot size and separation of wells and septic systems.
10. Maximum lot coverage shall not exceed 40 percent of the lot area.
11. Maximum impervious cover shall not exceed 50 percent of the lot area

**C. Allowed uses**

Notwithstanding the provisions of Section 2.3, allowed uses in a manufactured home park shall include:

1. Manufactured homes and single family dwellings;
2. Mobile homes lawfully installed prior to the adoption of this LUDC; and
3. Common uses and uses accessory to dwelling units, including recreation facilities for the use of residents of the park only, management offices, laundry rooms, tenant storage lockers, parking areas and garbage and trash disposal facilities.

**D. Site plan, internal relationship**

**1. General requirements**

The site, including individual home spaces, structures and all site improvements, shall be harmoniously and effectively organized in relation to topography, the shape of the tract and the shape, size and position of structures, with consideration for usability of space, appearance and livability. An informal park type of arrangement, with grouping or clustering of dwelling units and which conforms to the terrain and natural landscape features, is preferable to a rigid, stylized pattern.

**2. Streets and access ways**

- a. Paved streets at least 22 feet in width shall extend from the existing street system as necessary to provide convenient access to each individual home space and to common facilities and uses. Private streets shall be permitted in a manufactured home park.

- b. Convenient access shall be provided to each home space by an access way at least 15 feet in width. Such access way shall be reserved for maneuvering homes into position and shall be kept free of trees and other immovable obstructions, but need not be paved. Temporary planks or steel mats may be used during the placement of a home.

**3. Pedestrian access**

- a. Pedestrian walkways at least two feet in width and having an all-weather surface shall be provided for access to each home from a paved street or from a paved driveway or parking area connected to a public street.
- b. Common walkways at least three feet in width and having an all-weather surface shall be provided for access to common facilities and uses from each home group or cluster. Walkways through the interiors of blocks are preferable to walkways adjacent to streets.
- c. The minimum distance from any home to a common parking bay or common walk shall be eight feet.

**4. Parking**

- a. Parking areas shall be located off-street and shall have an all-weather surface. One parking space may be located on each lot or on the space immediately adjacent to the home space, and the remainder shall be located in common parking bays adjacent to the street or adjacent to a vehicular access way connected to a street.
- b. Parking spaces shall be provided at the rate of at least one car space for each mobile home, plus one additional car space for each four home spaces to provide for guest parking and delivery and service vehicles.

**E. Project boundary buffer**

- 1. A landscape buffer shall be provided along all project boundaries of a manufactured home park.
- 2. The minimum distance or setback from any perimeter lot line or corner of any individual home space to an external boundary line of the park or subdivision shall be 20 feet.

**F. Signs and numbering of spaces**

- 1. Up to two manufactured home park identification signs may be utilized, but the sum of the areas of one side of these signs shall not exceed 40 square feet. Only external, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.
- 2. Each manufactured home park shall have a sign located adjacent to a public street which includes the name of the park and the street address in letters and numbers in accordance with the requirements of Section 4.7. Each individual home space shall be numbered with four-inch reflective numbers and/or letters set at least 40 inches above ground level and clearly visible from public right-of-way.

**G. Yard requirements**

- 1. The following yard requirements shall pertain to every manufactured home in the manufactured home park:
  - a. Minimum depth of street yard, measured from front lot line: 20 feet



- b. Minimum width of side yard, measured from side lot line: 10 feet
  - c. Minimum depth of rear yard, measured from rear lot line: 20 feet
2. Detached garages and accessory buildings may be erected on manufactured home lots as permitted in Section 3.6, Accessory Use Standards.

#### **H. Utility requirements**

##### **1. Water and sewer**

Water and sewer services and hookups shall conform with the requirements of Section 5.2.9, Water Supply; Section 5.2.10, Sanitary Sewer; and the State Department of Health, Sanitary Standards and Regulations for Manufactured Home Parks, as amended from time to time

##### **2. Solid waste**

- a. The storage, collection, and disposal of solid waste in the manufactured home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazard, or pollution, and shall be maintained at least 100 feet from a well site.
- b. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container, which shall be located at each manufactured home space, or an approved bulk container site. The proper storage, collection, and disposal of solid waste shall be as specified by the local Building Code.
- c. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.
- d. No junked or abandoned vehicles shall be allowed in the park or subdivision.

#### **I. Service buildings**

Service buildings, when constructed, and which supply laundry facilities for occupants of the manufactured home park, shall have:

- 1. Adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit during cold weather, and to supply a minimum of 15 gallons of hot water per hour per laundry machine at a temperature of 150 degrees Fahrenheit during times of peak demand;
- 2. All rooms well-ventilated, with all openings effectively screened;
- 3. At least one mop-sink or other satisfactory facility supplied with hot and cold water; and
- 4. Separate flush-type toilet facilities for each sex plainly marked by appropriate signs, which shall be provided in separate rooms if in the same building. Each water closet shall be placed in a separate compartment, at least three feet wide, properly separated from other water closets.

#### **J. Storage**

- 1. Tenant storage facilities shall be provided for materials which cannot be conveniently stored in a manufactured home. A minimum of 32 square feet shall be provided for each manufactured home unit.
- 2. Storage facilities may be located adjacent to the manufactured homes or in common compounds within a reasonable distance from the manufactured homes. Storage facilities shall be designed in a manner that will enhance the park and shall

be constructed of suitable weather-resistant materials appropriate under the use and maintenance contemplated.

3. Covered storage sheds on individual spaces and lots shall contain a minimum of 48 square feet of floor area for the storage of personal belongings. This requirement may be satisfied by a separate common building that serves more than one manufactured home space, provided that a like amount of space is set aside in each building for each manufactured home space serviced by that building.
4. No storage shall be allowed under a manufactured home.

**K. Landscaping**

1. Lawn and ground cover, which may include aggregates, shall be provided on all common ground areas except those undisturbed areas, such as watercourses, left in their natural state.
2. Screening and/or fencing at least six feet in height shall be provided around refuse collection points, common recreation areas and playgrounds and at such other points as necessary for screening of objectionable views.

**L. Street lights**

All streets in the manufactured home park shall be adequately illuminated. Street lights shall be at each intersection.

**M. Telephone and power lines**

All telephone lines and power lines may need to be located underground. Utility easements shall not be less than ten feet in width.

**N. Recreation areas and facilities**

1. Not less than ten percent of the total land area of the park or subdivision shall be devoted to space for common facilities and uses, such as a laundry, swimming pool or recreation and play areas.
2. Laundry, recreation rooms, management offices and other common facilities may be consolidated in a single building if the single location will adequately serve all manufactured home units.

**O. Maintenance; owner or manager responsibilities**

The manufactured home park owner or manager shall have the following park maintenance responsibilities set forth below:

**1. Annual business license for manufactured home parks**

No person shall operate a manufactured home park within the county without first having obtained an annual business license from the Alamosa County Land Use office. Each manufactured home park shall be licensed for each calendar year, and each license shall expire on December 31 of each year.

**2. Compliance with regulations required**

Both the owner and operator of any manufactured home park shall arrange for the management and supervision of the manufactured home park so as to enforce or cause compliance with all of the provisions of this section.

**3. Register of tenants required; contents; inspection authorized**

It shall be the duty of the owner or operator to keep at all times a register, which shall be open at all times to inspection by state, county officers, showing for all tenants in the manufactured

home park:

- a. The names of all persons inhabiting each manufactured home;
- b. The date of entry and departure of each manufactured home;
- c. The license numbers and state issuing, for each manufactured home and the towing vehicle used to tow the manufactured home into or from the manufactured home park.

**4. Use restrictions**

Both the owner and operator shall prohibit the use of any manufactured home located in the manufactured home park for other than use as a single-family dwelling, with the exception of the park's office.

**5. Repair and maintenance of facilities**

Both the owner and operator of every home park shall be responsible for maintaining in good repair and condition all facilities of the manufactured home park and for maintaining the manufactured home park in a clean, orderly and sanitary condition at all times.

**6. Owner duty to report violations**

Both the owner and operator of each manufactured home park shall report promptly to the proper authorities any violations of this section which may come to his, her or their attention.

**P. Roadway repair and maintenance**

No part of any manufactured home shall obstruct any roadway. All easements and public areas shall be cared for and kept free from weeds and trash. The physical repair and maintenance to all roadways, to include street sweeping and snow removal, shall be the responsibility of the manufactured home park owner.

**3.2.5 Manufactured home subdivisions**

- A. Lots in manufactured home subdivisions may allow single-family detached, single-wide or double-wide manufactured homes. Manufactured homes are subject to the applicable requirements of Section

**3.2.6 Recreational Vehicle Parks**

**A. Minimum Setbacks.**

1. Vehicles. Recreational vehicles and/or tents shall be set back a minimum of twenty (20) feet from each other.
2. Boundaries. The Campground/Recreational Vehicle Park shall comply with the following minimum setbacks:
  - a. Front Yard. The Campground/Recreational Vehicle Park shall be set back a minimum of fifty (50) feet from an arterial or collector road or twenty-five (25) feet from a local or mountain road.
  - b. Side or Rear Property Line. The Campground/Recreational Vehicle Park shall set back a minimum of twenty (20) feet from any side or rear property line.

- B. Minimum Park Area.** A Campground/Recreational Vehicle Park shall contain a minimum of five (5) acres.

- C. **Maximum Park Density.** A Campground/Recreational Vehicle Park shall not contain more than [8] campsites per acre.
- D. **Recreational Vehicle Use Restricted.**

Use of a recreational vehicle for storage purposes, as an accessory structure, or as a dwelling unit for any purpose other than temporary dwelling unit for travel, recreation or vacation use is prohibited.

### **3.2.7 Group homes**

Group homes shall comply with the standards of this section.

#### **A. Occupancy**

Occupancy of group homes shall be limited to the developmentally disabled, mentally ill, at-risk youth or elderly, and their caregivers.

#### **B. Neighborhood density**

No group home shall be located closer than 750 feet to another group home.

#### **C. Health and safety codes**

Group homes shall comply with all applicable local, state or federal health, safety, fire, and building codes.

## **Section 3.3 Civic use standards**

The standards of this section shall apply to all permitted and special uses, as set forth in the permitted use table (see Section 2.3.2). All uses shall meet or exceed applicable standards.

### **3.3.1 Utility, major**

Power plants or any electrical energy generation facility which either utilizes more than five (5) acres of land regardless of its generating capacity, or any electrical energy generating facility with a generating capacity of greater than or equal to ten (10) megawatts or more, regardless of how much acreage is utilized, and any facilities appurtenant thereto, or any addition thereto increasing the existing design capacity of the facility by a combined ten (10) megawatts or more shall be subject to the county's 1041 regulations.

### **3.3.2 Wireless telecommunications facilities**

#### **A. Principal use**

Wireless telecommunication facilities shall always be considered a principal use. Notwithstanding other provisions to the contrary, such uses may be located on lots or on buildings occupied by another principal use.

#### **B. Applicability**

The standards of this section shall only apply to those telecommunications towers and related facilities that exceed 35 feet in height, including the height of other structures or buildings on which the telecommunication facilities are located.

#### **C. Design**

The design of all towers shall be a tapered monopole construction unless otherwise approved by the board of county commissioners.

**D. Co-location**

1. Co-location of antennas on existing towers is encouraged where possible in order to reduce the amount of visual clutter that new towers create in the community.
2. Applicants shall provide competent evidence that all reasonable efforts have been made to co-locate on an existing tower, building, or structure within a 10,000 foot radius or that no existing tower, building or structure within such radius will technically satisfy the applicant's needs.

**E. Setbacks**

The following standards shall apply to all telecommunications facilities:

1. The minimum setback between telecommunication facilities and all boundaries of the lot on which those facilities are located shall be equal to 20 percent of the height of the tower.
2. Telecommunication facilities shall be set back a minimum of 50 feet from any existing right-of-way for any street.
3. Peripheral supports and guy anchors for telecommunication towers may be located within required setbacks for the tower, provided that they shall be located entirely within the boundaries of the lot on which the tower is located and shall be located no closer than 5 feet from the boundary of the lot on which the tower is located, and no closer than 10 feet from the boundary of an adjoining lot in a residential district.

**F. Separation from residential districts**

All telecommunications facilities that exceed a height of 35 feet (including the height of the building on which they may be located) shall be set back at least 100 feet from the boundary of any lot or tract in a residential zoning district.

**G. Height**

The principal support structure for telecommunication facilities shall be allowed to exceed the height limit of the zoning district in which it is located, provided that the setback standards of this section shall apply. Maximum height shall be 160 feet.

**H. Roof-mounted telecommunication towers**

The following conditions apply to roof-mounted telecommunication towers:

1. No tower may be located on any residential structure.
2. A proposed roof-mounted tower shall not extend more than 20 feet above the highest part of the structure.

**I. Security fences and walls**

Unless the telecommunication tower is located on top of a building, a fence or wall not less than 6 feet in height from finished grade shall be constructed around each telecommunication tower. The fence or wall shall comply with the following standards.

1. Access to the tower shall be through a locked gate in the required fence or wall.
2. If high voltage is necessary for the operation of the telecommunication tower and such high voltages are present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE-DANGER."

**J. Airport approach paths**

Telecommunication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA) or by the –AO district. (See Section 7.4)

**K. Removal of obsolete towers**

All obsolete or unused telecommunication towers shall be removed within 12 months of cessation of use.

**L. Electromagnetic radiation**

Telecommunication towers shall comply with all applicable Federal Communications Commission (FCC) standards for non-ionizing electromagnetic radiation.

**Section 3.4 Commercial use standards**

The standards of this section shall apply to all permitted and special, as set forth in the permitted use table (see Section 2.3.2). All uses shall meet or exceed applicable standards.

**3.4.1 Medical Marijuana Operations**

**A. General**

Medical Marijuana Operations shall be subject to the requirements set forth in the Alamosa County Ordinance dealing with Medical Marijuana Ordinance, adopted June 27, 2012 and incorporated herein by reference.

**3.4.2 Adult-oriented businesses**

**A. Purpose**

The standards of this section are intended to address potentially negative, secondary effects of adult uses on the community.

**B. General**

All adult-oriented businesses shall comply with all applicable requirements of Colorado state law.

**C. Annual license and review**

1. Adult-oriented businesses shall be subject to annual license in accordance with the requirements of Alamosa County Ordinance No. 01, adopted October 8, 2003 and incorporated herein by reference.
2. Approved adult-oriented businesses shall submit an annual statement of continued compliance with the terms of the special use permit, along with sufficient information to demonstrate continued compliance with the specific use standards of this section and any additional conditions of approval.

**D. Restricted locations**

1. It shall be unlawful for an owner or operator of an adult-oriented business to allow the activities of the business to be visible from a point outside the business.
2. It shall be unlawful to operate or cause to be operated an adult-oriented business within 1,500 feet of a church, school, child-care or day-care home or facility, dormitory, health services center or hospital, public park, or residential property (protected use). For the purposes of this section, distance between an adult-oriented business and a protected use shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the building

or structure in which the adult-oriented business is conducted to the nearest property line of the premises in which a protected use is located.

3. In the event no location fits the restricted location criteria of subsection D.2., above, the distance from protected uses may be reduced to less than 1,500 feet, but in no event shall the distance be reduced to less than 1,000 feet.
4. It shall be unlawful to operate or cause to be operated an adult-oriented business within 1,500 feet of another adult-oriented business. The distance between any two such businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structures in which the adult-oriented businesses are located.
5. It shall be unlawful to operate or cause to be operated more than one adult-oriented business in the same facility or portion thereof.
6. An adult entertainment establishment lawfully operating within 1,500 feet of a location on which a protected use subsequently commences shall be deemed a permitted non-conforming use; provided, however, if the adult-oriented business ceases operation for a period of 30 days or more, after becoming a permitted non-conforming use, recommencement of operation shall no longer be permitted, and shall be a violation of this LUDC.

**E. Minimum age limitations**

1. All minors, being persons under 21 years of age, shall be prohibited admission to an adult-oriented business; provided, however, that this prohibition shall not apply to the non-adult entertainment establishment portion of a business's premises if the interior of the adult-business portion of the premises is not visible from the non-adult-business portion, and access is restricted and regulated so as to bar entrance by minors.
2. It shall be unlawful for person under 21 years of age to violate this provision. It shall be unlawful for a licensee to violate this provision. In addition to whatever punishment may be imposed hereunder in the event of prosecution of a violation of this provision, conviction of a licensee for a violation under this provision may be grounds for revocation or non-renewal of a license issued hereunder.

**F. Restricted hours of operation**

1. It shall be unlawful for an adult-oriented business to be open for business or for a licensee to allow patrons on the premises on hours restricted by their resolution.
2. Subsection C.1., above, shall not apply to private rooms within an adult-oriented motel or hotel.

**G. Signs**

Notwithstanding the provisions of Section 4.7, no adult-oriented business shall have more than two signs, one primary sign and one secondary sign, as follows:

1. Primary signs shall have no more than two display surfaces. Each display surface shall:
  - a. not exceed 75 square feet in area; and
  - b. not exceed ten feet in height.
2. Secondary signs shall have only one display surface and shall:
  - a. not exceed 20 square feet in area, 5 feet in height by 4 feet in width; and

- b. be affixed or attached to a wall or door of the business.
- 3. Primary and secondary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any kind, and may only contain the name of the business. Such signs not contain any flashing lights and shall be on a flat plane, rectangular in shape. Each letter forming a word shall be of a solid color and each letter shall be the same font type and solid color.

#### **3.4.3 Bed and breakfasts**

A bed and breakfast establishment is permitted subject to the following standards:

- A. A maximum of six guestrooms shall be provided in any one bed and breakfast establishment.
- B. The operator of the bed and breakfast must be a full-time resident of the dwelling in which the bed and breakfast establishment is housed.
- C. No exterior evidence of the bed and breakfast shall be allowed, except for one wall sign no larger than 12 square feet, or one free-standing sign not to exceed four square feet and not to exceed a height of four feet. A larger sign may be approved by special use review in accordance with Section 8.8.
- D. No food preparation, except beverages, is allowed within individual guestrooms. Meal service may be provided.
- E. Preparation and service of food shall conform to all applicable regulations of the State of Colorado.
- F. All parking areas on property (except driveways) shall be behind all building lines and must be screened from the view of adjacent residences to a height of six feet by a solid screening fence, or dense shrubs and vegetation.

#### **3.4.4 Flea markets**

- A. Such sellers may set up temporary stalls or tables for the sale of their products.
- B. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items.
- C. The individual sellers at the flea market need not be the same each time the market is in operation.

#### **3.4.5 Gas stations with convenience stores**

- A. Fuels shall be transferred from underground storage tanks by means of approved dispensing units located at least 15 feet from all property lines.
- B. All dispensers shall be protected from vehicle damage by rigidly mounting them in a concrete platform of at least six inches in height extending a minimum of 12 inches beyond the dispenser in all directions. Pipe bollards or guard rails shall be used to provide additional safeguards as necessary.
- C. Underground tanks for the storage of flammable or combustible liquids shall be located at least five feet from any wall, foundation or property line. The top of the flammable liquid tanks shall be below the lowest floor elevation of any building within 20 feet of said tanks.
- D. All service station, gas station canopies constructed as an accessory structure to a building or commercial establishment dispensing flammable liquids shall have a



minimum vertical clearance of 15 feet. Such canopies shall be setback at least 15 feet from all property lines.

- E. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
- F. A visual barrier or screen shall be provided between the gas station and any adjacent residential use or district.
- G. All uses shall be so operated as to comply with all applicable local, state and federal standards of performance, or their equivalent, which have been adopted or amended.

#### **3.4.6 Hotels, motels**

- A. Minimum Lot Area: 1 acre; provided that there shall be no minimum lot area in nonresidential districts.
- B. All structures shall conform to all setback requirements and be setback at least 200 feet from any residential dwelling located on another lot.
- C. Any accessory commercial activities such as restaurants shall not be located along the side of the property adjacent to a residential district or use.
- D. Any outdoor recreation facilities, such as swimming pools, shall not be located along the side of the property adjacent to a residential district or use.

#### **3.4.7 Kennel and animal hospital**

A veterinary clinic or animal hospital facility shall comply with the following standards.

- A. Facilities shall be developed and maintained so as to meet all county health department requirements and so as to minimize pollution or health risks to adjacent property owners; and
- B. Animal hospital or veterinary clinic; provided that any structure used for such purposes have air conditioning and soundproofing so as to eliminate nuisance qualities, shall be at least 100 feet distant from any residential district.
- C. Outdoor areas, including pens or exercise runways, associated with animal hospitals and veterinary clinics shall be located a minimum of 660 feet from any residential district.
- D. Kennels and boarding facilities shall be located a minimum of 660 feet from any residential district.

#### **3.4.8 Self-storage facilities**

- A. All storage shall be contained within a fully-enclosed building. However, outdoor storage of boats, travel trailers, recreational vehicles, and other noncommercial occasional use vehicles may allowed subject to planning commission approval (see Section 4.4, Outdoor Storage and Display).
- B. A landscape buffer or screen shall be established along any side of the property where the self-storage facility abuts or is across the street from a residential use.
- C. Where the end wall of the self-storage facility is visible from a public right-of-way, the wall shall be buffered or screened to a height of at least four feet.

#### **3.4.9 Cottage foods**

In 2012, the Colorado Legislature enacted Senate Bill 12-048 allowing individuals to produce, sell and store certain types of "cottage food" products in an unlicensed home

kitchen. The Colorado Cottage Foods Act allows individuals to make and sell a limited range of foods that are non-potentially hazardous and that do not require refrigeration.

- A. These foods are limited to spices, teas, dehydrated produce, nuts, seeds, honey, jams, jellies, preserves, fruit butter, Fresh produce including herbs and whole, uncut vegetables and fruit, whole, fresh eggs, and baked goods and candies that do not require refrigeration.
  - 1. All cottage food businesses are required to register with the state for sales tax purposes.
  - 2. Labeling - Products must be labeled so that they can be traced to the seller. Labels must include:
    - B. The name of the product, the producer's name address, telephone number and email, where the food was prepared or grown, the date the food was produced and a complete list of ingredients.
    - C. The disclaimer: "This product was produced in a home kitchen that is not subject to state licensure or inspection and that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish and crustacean shellfish. This product is not intended for resale."
      - 1. Food Safety Course Requirements - Producers must take a food safety course that includes basic food handling training and is comparable to, or is a course given by, the Colorado State University (CSU) Extension or a state, county, or district public health agency, and must maintain a status of good standing, including attending any additional classes if necessary. A copy of the Food Safety Course Certificate must be displayed at the sales venue.
      - 2. Limit on Sales –Total annual net value of cottage food sales limited by state law, which, as of May 1, 2015, was \$5,000 per item (for example, \$5,000 for sale of honey, etc.)
- D. Limit sales of whole, fresh chicken eggs to less than 250 dozen per month.
- E. Cottage foods may not be sold wholesale but only retail, directly to the consumer.
- F. Proof of a well or other legal and adequate water source.

### **3.4.10 Industrial Hemp**

The Colorado Constitution defines Industrial hemp as 'a plant of the genus Cannabis and any part of that plant, whether growing or not, containing a Delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3% on a dry weight basis. Under Colorado State law any Cannabis with a percentage of THC above 0.3% is considered marijuana

- A. All Industrial Hemp operations must be registered with the Colorado State Department of Agriculture Hemp Registry Program;
- B. Proof of Registration shall be provided to the Land Use Office on an annual basis;
  - 1. Must provide proof of a well or other legal and adequate water source;

### **3.4.11 Agritourism**

Agritourism may be defined as activities, events and services related to agriculture that take place on or off the farm or ranch, and that connect consumers with the heritage, natural resource or culinary experience they value. There are three general classifications of agritourism activities: on-farm/ranch, food-based, and heritage activities.

- A. Agritourism businesses are required to register with the state for sales tax purposes, and comply with any other applicable licensing requirements;
- B. Agritourism may include, but not limited to, such activities a brewery/winery tours, farm and ranch stays and classes, fruit and vegetable picking, rodeo and livestock activities;
- C. All food preparation and/or services shall comply with all applicable food safety training and licensing as required by the Colorado Department of Public Health & Environment and the Alamosa County Health Department.
- D. Colorado House Bill 1280 requires all agritourism businesses to post a sign regarding liability that states “WARNING: UNDER COLORADO LAW, THERE IS NO LIABILITY FOR THE DEATH OF OR INJURY TO A PARTICIPANT IN AN AGRICULTURAL RECREATION OR AGRITOURSIM ACTIVITY RESULTING FROM THE INHERENT RISKS OF THE AGRICULTURAL RECREATION OR AGRITOURSIM ACTIVITY, PURSUANT TO SECTION 13-21-121, COLORADO REVISED STATUTES.”
- E. Proof of a well or other legal and adequate water source

### **Section 3.5 Industrial use standards**

The standards of this section shall apply to all permitted and special uses, except those that are reviewed in accordance with the Alamosa County Guidelines and Regulations, for Areas and Activities of State Interest as set forth in the permitted use table (see Section 2.3.2). All uses shall meet or exceed applicable standards.

#### **3.5.1 Energy generation facilities**

- A. Energy generation facilities not subject to review in accordance with the Alamosa County Guidelines and Regulations for Areas and Activities of State Interest shall, at a minimum, comply with the following standards:
  1. Operations and related activities shall be limited to hours from dawn-to-dawn;
  2. The facility shall not be detrimental to wildlife, wildlife habitat or wildlife movement; and
  3. Space between the panels shall be sufficient for emergency vehicles.

#### **B. Site restoration**

The following restoration requirements shall apply to all energy generation facilities.

##### **1. Intent**

The site restoration provisions of this subsection are intended to protect to public and provide assurance that if and when the energy generation project reaches the end of its economic life, the site will restored to its prior condition or otherwise modified so that the site is not detrimental to the public interests.

##### **2. Restoration plan**

- a. Before approval of an excavation use, the operator shall submit to the administrator a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours with an interval of no more than five feet. The plan shall include type and density of vegetation to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.

- b. The restoration plans shall be filed with and approved by the board of county commissioners before quarrying or removal operations begin. The plans shall be prepared by a soil or geological engineer.

### **3. Bonds**

Before the issuance of any special use permit, the owner, at the discretion of the Board of Commissioners, execute a bond sufficient to ensure restoration of the site in accordance with the approved restoration plan. Such bonds shall be approved by the board of county commissioners as to form, sufficiency and manner of execution, and shall run with the land for the life of the project to ensure restoration of the site following conclusion or cessation of use. Amount of bond shall be based on and estimate determined and prepared by Colorado-registered engineer as sufficient to pay all costs associated with restoration of the site as required by the board of county commissioners.

### **4. Appearance**

The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural or they shall be restored pursuant to an approved restoration plan.

### **5. Top soil and fills**

Where topsoil is removed, sufficient arable soil shall be set aside for reclamation of the premises and shall be re-spread over the premises after the operation. The area shall be brought to final grade by a layer of earth of two feet or original thickness, whichever is less, capable of supporting vegetation. The area shall be seeded or sodded in a manner approved by the administrator. Fill shall be of a suitable material approved by the administrator.

### **6. State and federal standards**

All operations shall be licensed, if required, have proper permits from the applicable state and federal requirements pertaining to facilities, equipment and other features.

#### **C. Alternative Compliance**

The applicant may submit an alternative compliance proposal as a means of achieving the intent of this subsection. Such alternative compliance shall be subject to the approval of the board of county commissioners.

#### **3.5.2 Feed lot, animal waste treatment, or animal waste collection facilities**

##### **A. General**

Feed lots, animal waste treatment facilities, and animal waste collection facilities shall comply with the requirements Section 3.5.4, and the following:

1. all runoff retention and containment facilities shall meet and be maintained in accordance with the Colorado Department of Public Health and Environment's Confined Animal Feeding Operation Control Regulations (5 CCR 1002-81), and the property owner shall be responsible for any additional requirements issued by the Colorado Department of Public Health and Environment, Water Quality Control Division, or the Alamosa County Health Department;
2. drainage facilities and improvements and waste collection and treatment facilities shall be constructed to prevent deterioration of the quality of any surface or ground water;
3. natural, sanitary, chemical, and scientific controls shall be provided for rodent and insect control, in order to prevent nuisance conditions;

4. equipment and areas on the property, such as feed bunks, feed bunk aprons, water tanks, feeding devices, manure piles, trash dumpsters, animal pens, feed mixing areas, structures, and other similar equipment and areas shall be constructed and maintained in a sanitary manner to prevent nuisance conditions;
5. mechanical means for scraping, grading, and cleaning of the property shall be provided at all times, in order to prevent nuisance conditions;
6. uses on the property shall comply with the Colorado Air Quality Commission's air quality regulations;
7. use best available technology to control odors for all aspects of the operation;
8. fugitive dust shall be confined on the property;
9. liquid and solid wastes shall be removed, handled, and stockpiled in a manner that will prevent nuisance conditions; and
10. use best available technology to address storage, treatment, and land application of animal waste produced at the feeding operation.

**B. Effect of right-to-farm and ranch policy**

Because of potential industrial-level impacts, the right-to-farm and ranch policy described in Section 1.4 shall not apply to feedlots.

**3.5.3 Hazardous waste disposal**

The abandonment, burial, burning and any and all other methods of disposal of hazardous waste is absolutely forbidden, except at designated locations within approved solid waste disposal sites.

**3.5.4 Manufacturing, heavy**

**A. Location**

All heavy manufacturing, including but not limited to feed lots, animal waste collection systems, and animal waste treatment facilities shall not be located within:

1. One-half mile of an occupied dwelling that is not in common ownership with the land use;
2. One mile of a public or private school;
3. One mile of the boundaries of any incorporated municipality;
4. One-half mile of any water well permitted for current domestic purposes;
5. One-quarter mile of a perennial stream unless it is proved that potential adverse effects to the water quality of the stream can be avoided; or

**B. Financial assurance**

An applicant for a feedlot shall provide financial assurance adequate for any necessary corrective actions, including closure or post-closure corrective actions, assuming complete systems failure at peak operation.

**3.5.5 Manufacturing, limited**

Limited manufacturing is light manufacturing conducted on sites adjacent (with no intervening lots or parcels) to the railroad rights-of-way whether or not separated from said rights-of-way by a parallel street rights-of-way. Such uses may be allowed subject to the following standards:

- A. All limited manufacturing activity shall be conducted entirely within a fully-enclosed building.
- B. Outdoor storage and display may be allowed subject to Section 4.4.
- C. Uses shall not emit smoke, odor or objectionable waste materials.
- D. No vibration shall be produced that is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.
- E. No direct glare from high temperature processes such as combustion or welding visible from the street shall be permitted.

### 3.5.6 Oil and gas wells

Drilling for and production of gas and oil, along with all related uses and activities, including but not limited to the installation of pumps, tanks, pits, treaters and separators, and other equipment shall comply with the following standards.

#### A. Purpose

The purpose of these oil and gas wells regulations, as herein set forth, is to protect the health, safety and welfare of residents, to provide for sound environmental practices through the control of all oil and gas operations in the unincorporated areas and to prevent damage to roads and bridges. The provisions of these regulations shall apply to the construction, alteration, repair, erection, location and maintenance of any gas and/or oil well or related structures.

#### B. Operator

For purposes of this section, operator shall mean the mineral estate owner, the mineral estate lessee, drilling contractor, production company, or any party or parties acting on behalf of any of the above.

#### C. Building permits required

If a well is completed as a producing oil and gas well, a building permit will be required for the installation of pumps, tank batteries and all other above-ground structures. Building permit fees shall be based on the existing fee schedule. The building permit application shall be reviewed by the building official. All building permits shall be issued subject to the general performance standards as set forth in subsection C, below, the provisions of the drilling permit, and the special performance standards found to be applicable.

1. Each applicant for a building permit shall submit the following information with the application or shall refer to a current valid policy of liability insurance or letter of indemnity or self-insurability on file with the building official.
  - a. Evidence of insurance in the following amounts:
    - (1) General Liability Insurance: Limits of \$100,000 for injuries or death to one person and \$300,000 for injuries or death in one accident; property damage with limits of \$100,000 and \$250,000 aggregate; or
    - (2) In lieu thereof, the applicant may request the administrator to substitute a letter of indemnity or self-insurability in place of a liability policy. If, in the determination of the board of county commissioners, a letter of indemnity or self-insurability provides sufficient coverage for damages which might occur, the substitution shall be allowed.

- b. The evidence of insurance, the letter of indemnity, or the letter of self-insurability, as provided for hereinabove, shall hold the board of county commissioners harmless from all claims, judgments and liability which may be incurred as a result of operator's operations under any and all permits issued under this subsection by said board of county commissioners, or where any such liability results from damage to any person or the property of any person, firm or entity, as a result of operator conducting operations under all such permits, and to insure the board of county commissioners against any and all claims which may arise due to the operator's operations under any and all building permits issued by hereunder.
- c. No letter or indemnity, policy of liability insurance or letter of self-insurability shall be permitted to lapse, be canceled or be withdrawn unless 10 days mailed notice thereof is given to the board of county commissioners prior to any lapse, cancellation or withdrawal; operator shall cease all operations until compliance is made with the provisions of subsection C.1.a, above.

**D. General performance standards**

In all cases, a proposed oil and gas well installation shall comply with the following:

- 1. Oil and gas well installation shall be individually located so as to provide convenient access to meet their requirements.
- 2. Any interior transportation network shall be paved, or the company shall undertake appropriate dust abatement measures as approved by the administrator.
- 3. All storage tank batteries shall be bermed, subject to requirements placed on all oil and gas well components according to State of Colorado Oil and Gas Conservation Commission rules and regulations.
- 4. On completed oil and gas wells, retaining (mud, oil, water, etc.,) pits which contain hydrocarbons shall be covered with a solid or screened mesh material. Open areas in the screening shall not be larger than 4" x 4" mesh. Any opening around the perimeter of the screen covering created between the lower edge of the screen covering the berm of ground level shall not be greater than six inches in height. All pits shall have a minimum slope of three feet horizontal to one foot vertical.
- 5. Oil and gas well pumping units shall meet existing state sound pressure levels.
- 6. Oil and gas well installation sites shall be maintained in a weed-free, clean condition.
- 7. Operator shall, upon plugging (as defined by the State of Colorado Oil and Gas Conservation Commission Rules and Regulations, Section 331) and abandonment (as defined by the State of Colorado Oil and Gas Conservation Commission Rules and Regulations, Section 305) of any well, removed all pumps, tank batteries, and other equipment from the location, and restore the surface of the land, including re-vegetation, to its original contour and condition consistent with Oil and Gas Conservation Commission requirements.
- 8. A statement as to the means by which liquid spills will be removed from the containment) areas of catchment basins shall be required.

**E. Special performance standards**

Special performance standards may be imposed if a proposed oil or gas well location meets one or more of the following criteria:

1. The request is not compatible with the surrounding area:
  - a. Any facility located within 1,000 feet of an existing wall of a dwelling, unless a waiver is obtained in writing from all homeowners; or,
  - b. Public facilities including public parks, schools, hospitals, commercial establishments and similar facilities are within a one-half mile radius of the proposed location; unless a waiver is obtained in writing from the county, school district, hospital association, the owner of the commercial establishment, or other similar facility involved.
  - c. The request would have an adverse impact on the health, safety and welfare of the local inhabitants.
2. The request would have an adverse effect on the future development of the area;
  - a. The proposal would conflict with or adversely affect the implementation or the Comprehensive Plan; or,
  - b. The proposal would conflict with written economic and/or social policies adopted by the board of county commissioners.
3. Where development or land use conditions have changed with regard to subsections D.1 and D.2, above.
4. The administrator may specify any one or more of the following standards on a specific site basis as a condition of the building permit in accordance with subsection D, above:
  - a. The location of the pumps, tank batteries, pits, treaters, separators, and other production equipment shall be approved by the administrator consistent with Federal and State Laws and Regulations.
  - b. Holding tanks may be required in lieu of restraining pits.
  - c. Open or closed (solid screened) fencing may be required around any or all facilities.
  - d. Landscaping and berming may be specified as to type, height, and location.
  - e. Electric motors or multi-cylinder engines and mufflers may be specified.
  - f. Servicing time may be limited.
  - g. Color of paint to be used on surfaces may be specified.
- F. Alamosa County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
- G. All existing oil and gas wells and components shall be brought into compliance within one year of initial adoption of the regulations of this section.
- H. In addition to the requirements of this Section 3.5.6, all oil and gas exploration and development must be in conformity with all other applicable provisions of this LUDC.

### **3.5.7 Waste service**

Waste service uses, including but not limited to landfills and mining and quarrying uses, shall comply with the following standards



**A. Minimum site area**

The uses shall require a minimum site area of 20 acres.

**B. Minimum setback**

Such uses shall be located a minimum of 660 feet from any residential use.

**C. Outdoor storage and display**

Outdoor storage and display may be allowed subject to planning commission approval (see Section 4.4, Outdoor Storage and Display).

**D. Entrances**

There shall be no more than one entranceway from a public road for each 660 feet of road frontage.

**E. Hours of operation**

Uses shall not operate before sunrise or after sunset if located within 1,000 feet of a residential use.

**F. Separation from residential use**

No digging or excavating shall occur within 100 feet of any lot line or within 300 feet of the lot line of a residential use.

**G. Paving**

All roads, driveways, parking lots and loading and unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

**H. Slopes**

The slope of material in any excavation shall not exceed the normal angle of repose or 55 degrees, whichever is less.

**I. Buffers and fences**

1. When any open excavation will have a depth of ten feet or more and create a slope of more than 30 degrees, there shall be erected a fence of not less than six feet in height with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fences shall be located 50 feet or more from the edge of the excavation. Fences shall be adequate to prevent trespass and shall contain warning signs spaced no more than 100 feet apart to be visible along the entire length of said fences.
2. A landscape buffer shall be provided along all road frontages and adjacent to the lot line of a residential use
3. The minimum distance of separation or setback for any outdoor storage materials from a lot line shall be 20 feet.

**J. Storm water management**

A storm water management plan shall be required.

## K. Site restoration

The following restoration requirements shall apply to all excavation uses, provided that landfills shall, instead, be subject to state and federal requirements.

### 1. Restoration plan

- a. Before approval of a special use permit for an excavation use, the operator shall submit to the administrator a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours with an interval of no more than five feet. The plan shall include type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
- b. The restoration plans shall be filed with and approved by the board of county commissioners before quarrying or removal operations begin. The plans shall be prepared by a soil or geological engineer.

### 2. Bonds

Before the issuance of any special use permit, the owner shall execute a bond sufficient to ensure restoration of the site in accordance with the approved restoration plan. Such bonds shall also be approved by the board of county commissioners as to form, sufficiency and manner of execution, and shall run for the same term as the term of the special use permit and any renewals.

#### a. Water quality

In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or sub-surface water or into the atmosphere.

#### b. Appearance

The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural or they shall be restored pursuant to an approved restoration plan.

#### c. Top soil and fills

Where topsoil is removed, sufficient arable soil shall be set aside for reclamation of the premises and shall be re-spread over the premises after the operation. The area shall be brought to final grade by a layer of earth of two feet or original thickness, whichever is less, capable of supporting vegetation. The area shall be seeded or sodded in a manner approved by the board of county commissioners. Fill shall be of a suitable material approved by the board of county commissioners.

#### d. State and federal standards

All operations shall be licensed, if required, have proper permits from the applicable state and federal requirements pertaining to facilities, equipment and other features.

**Section 3.6 Accessory uses and structures**

**3.6.1 Administrator approval required**

It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of an accessory structure, until the administrator has approved such work in writing.

**3.6.2 General**

**A. Minimum requirements**

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this LUDC and shall also comply with the following limitations:

1. Accessory structure shall not be located closer than 10 feet to the principal structure, either on the same lot or an adjacent lot, unless it is attached to, or forms a part of, such principal structure.
2. Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
3. Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would the principal use, where applicable.
4. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
5. Tractor trailers and pods (shipping containers) are prohibited as storage buildings or structures except as permitted on an active construction site or as otherwise specifically allowed on Rural zoned districts provided they meet the requirements as set forth in Section 3.7.2.B

**B. Dimensional standards for accessory uses**

Accessory uses and structures shall be subject to the same dimensional standards and other regulations as principal uses, except as otherwise specified below.

**1. Residential districts**

| Districts                        | RU | RE | RL | RM | RH | RMH |
|----------------------------------|----|----|----|----|----|-----|
| <b>Yards</b> (min. ft.)          |    |    |    |    |    |     |
| Street yard                      | 50 | 30 | 25 | 25 | 25 | 25  |
| Side yard (interior)             | 25 | 8  | 8  | 6  | 6  | 8   |
| Side yard (street)               | 25 | 8  | 30 | 15 | 15 | 30  |
| Rear yard, adjacent to alley     | 25 | 25 | 25 | 25 | 25 | 25  |
| Rear yard, not adjacent to alley | 25 | 25 | 25 | 25 | 25 | 25  |
| Building separation              | 14 | 14 | 14 | 14 | 14 | 14  |
| <b>Bulk</b> (max.)               |    |    |    |    |    |     |
| Height (ft.)                     | 45 | 45 | 35 | 35 | 35 | 35  |

**2. Nonresidential district standards**

| Districts                        | C  | I  |
|----------------------------------|----|----|
| <b>Yards</b> (min. ft.)          |    |    |
| Street yard, min.                | 35 | 35 |
| Side yard (interior)             | -- | -- |
| Side yard (street)               | 35 | 35 |
| Rear yard, adjacent to alley     | 5  | 5  |
| Rear yard, not adjacent to alley | 10 | 10 |
| Building separation              | 14 | 14 |
| <b>Bulk</b> (max.)               |    |    |
| Height (ft.)                     | 20 | 25 |

**3.6.3 Residential accessory uses**

**A. General**

Residential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

1. Animals, subject to the standards of subsection B, below;
2. Greenhouses and hot houses, subject to the standards of subsection C, below;
3. Guest house, subject to the standards of subsection D, below;
4. Off-street parking areas, subject to the standards of Section 4.12;
5. Driveways, subject to the standards of Section 4.3;
6. Home occupations, customary, subject to the standards of subsection E, below;
7. Home occupations, rural, subject to the standards of subsection F, below;
8. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings, subject to the standards of subsection I, below;
9. Radio and television receiving antennas and support structures;
10. Recreational facilities for the use of residents;
11. Outdoor storage and display, subject to the standards of Section 4.4;
12. Solar energy systems; and
13. Accessory Living Areas, subject to the standards of subsection J, below;
14. Other necessary and customary uses determined by the administrator to be appropriate, incidental and subordinate to the principal use on the lot.

**B. Animals**

The keeping of animals shall be subject to all applicable regulations of the city, county and state, and the following requirements.

1. Domestic pets such as a cat or dog are allowed in residential districts provided, however, that under no circumstances shall they be allowed to create a health hazard or nuisance.

2. The keeping of dogs and cats may be permitted, provided:
  - a. Up to four dogs over the age of six months, and dog houses, pens and similar structures are permitted accessory to single family detached in all districts. The keeping of more than four dogs over the age of six months shall in every case be deemed a kennel for which a special use permit is required when allowed by district regulations.
  - b. Cats, and cat houses, pens and similar structures, are permitted accessory to single family detached in all districts, provided:
    - (1) there shall be no limitation as to number of permitted cats if the single family dwelling is located outside the urban influence area; and
    - (2) up to seven cats over the age of six months are permitted if the single family dwelling is located in any other district.
3. Horses, mules, donkeys, cattle, rabbits, goats, sheep and poultry or other fowl may be allowed in residential districts only on lots of one acre or larger in size, but under no circumstances shall they be allowed to create a health hazard or nuisance to surrounding properties.
4. No owner of a lot less than two acres or less in size shall keep any more than a total of two of the following: horses, mules, donkeys, cows, goats or sheep per acre, except that young animals of less than six months of age shall not be included provided they are the offspring of mature animals on said property.
5. The keeping of up to ten chickens is permitted as an accessory use to a residential use. The keeping of more than ten chickens is prohibited in all zone districts except those zoned Rural (RU). The following requirements apply:
  - a. The chickens must be provided with a covered, properly ventilated and predator-resistant chicken coop.
  - b. The chicken coop and outdoor enclosure shall be regularly cleaned to control dust, odor and waste and not constitute a nuisance, safety hazard, or health problem to surrounding properties.
6. Animal runs or barns and poultry or fowl pens shall be located on the rear half of the lot but not closer than 70 feet to the front lot line or closer than 50 feet to any adjacent residence.
7. Animals, poultry and fowl shall be properly caged, fenced or housed and proper sanitation shall be maintained at all times. All grain processed feed shall be stored in metal or other rodent-proof containers.

**C. Greenhouses or hothouses**

A greenhouse or hothouse may be maintained accessory to a dwelling.

1. Greenhouses or hothouses must meet all Minimum Setbacks (All Sides).
2. Greenhouses under 200 square feet are subject to approval by the Alamosa County Building Official.
3. All greenhouses or hothouses, regardless of square footage, are subject to tie-down requirements.
4. Proof of a well or other legal and adequate water source
5. All sales of produce are subject to Section 3.4.9 and Section 3.4.11.

**D. Guest houses**

A guest house may be maintained in a residential district accessory to a dwelling unit, provided that such guest house is used for the occasional housing of guests of the occupants of the principal dwelling, so long as such guest house is not used for commercial purposes and that no charge is made for the use of the premises.

**E. Home occupations, customary**

Home occupations shall be allowed as provided for and shall be governed by the following regulations:

1. Home occupations must be clearly secondary to the use of the building and shall not occupy more than 20 percent of the total floor area of the main building or, if located in an accessory building, shall not occupy more than five percent of the total area.
2. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of materials or equipment.
3. There shall be no visible evidence of the operation, and it shall not change the residential character thereof.
4. The operation shall not generate objectionable traffic, substantially increase traffic or result in increased on-street parking in the area.
5. The operation shall comply with the operational performance standards of Section 4.8.
6. A maximum of one sign, a non-illuminated wall or freestanding sign, up to four square feet per sign face shall be allowed per home occupation.

**F. Home occupation, rural**

A rural home occupation may be conducted in the RU and RA districts only and as an accessory use to a principal dwelling. A rural home occupation may take place in one accessory structure on the lot and must meet the following specifications.

1. Said accessory structure shall be located in the rear yard only and shall also be located at least 100 feet from any existing residence on adjacent parcels of land and at least 50 feet from any adjoining lot line.
2. Said accessory structure shall have a maximum gross floor area equal to 1/2 the gross floor area of the principal structure or 750 square feet, whichever is less.
3. No outside storage of materials or goods shall be permitted.
4. The operator of the rural home occupation must reside on the same lot as the occupation.

5. No more than two full-time employees at any one time who do not reside on the premises may be employed at the home occupation.
6. Machinery or equipment that creates odors, light emission, noises or interference in radio or television reception detectable off-site shall be prohibited.
7. No display of products shall be visible from a public road and only articles made or reconditioned on the premises may be sold; except that non-durable articles incidental to a service conducted as the home occupation, may be sold on the premises. (An example of this is beauty products which are sold at hair salons conducted as rural home occupations.)
8. Rural home occupations may operate between the hours of 6AM and 10PM, only.
9. No auto repair business shall be allowed under these provisions.
10. If a customary home occupation or a home office takes place on the lot, a rural home occupation may not be in operation.

**G. Swimming pools**

A swimming pool may be permitted in any district as an accessory use subject to the following additional requirements:

1. No public or private swimming pool may be located in any required front or side setback abutting a street.
2. Every swimming pool must be completely surrounded by a fence or wall not less than six feet in height with no openings large enough to permit children to pass through, other than gates or doors that can be fastened to protect against entry. A building may be used as part of such required enclosure.
3. All gates or doors opening through such enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

**H. Storage and parking of commercial vehicles**

No commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products may be parked or permitted in a residential district or manufactured home park, except that such vehicles may enter these districts while making actual deliveries to customers therein.

**I. Storage buildings and garages**

1. Each lot may include detached storage buildings and garages for the sole use of the occupants of the principal building or principal use on that lot provided that:
  - a. Storage building and garages must meet the general base district standards as set forth in Section 3.1
  - b. Only those buildings that are approved by the Alamosa County Building Official as storage buildings or garages may be used for this purpose.
  - c. Manufactured homes or tractor trailers with attached running gear (i.e. axels, wheels) cannot be used as storage buildings, barns, or garage;
2. In Rural (RU) zoned districts, prior to the construction of a principle structure, each lot may include one(1) storage building or garage for the purpose of storing personal property, provided that all storage must be inside the storage building or garage.

## **J. Accessory living areas**

1. An Accessory living area is a finished habitable space in a single-family dwelling or in a detached building that is clearly accessory to the single-family dwelling.
2. Other than the standard for Max Density, accessory living areas must meet all other general base district standards as set forth in Section 3.1
3. The accessory living area must provide for basic living, sleeping, eating, cooking, and sanitation.
4. Documentation from the Colorado Division of Water Resources for a legal and adequate water source for the accessory living area must be submitted before the issuance of a building permit.
5. The accessory living area may not be rented or leased separately from the single-family dwelling.

### **3.6.4 Nonresidential accessory uses**

#### **A. General**

Nonresidential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

1. Drive-thru facilities, subject to the standards of subsection 3.6.4B, below;
2. Driveways, subject to the standards of Section 4.3;
3. Dwelling units for security or maintenance personnel;
4. Outdoor storage and display, subject to the standards of Section 4.4;
5. Off-street parking and loading facilities, subject to compliance with the requirements of Section 4.12;
6. Radio and television receiving antennas and support structures;
7. Signs, subject to compliance with the requirements of Section 4.7;
8. Solar energy systems; and
9. Other necessary and customary uses determined by the administrator to be appropriate, incidental and subordinate to the principal use on the lot.

#### **B. Drive-thru facilities**

Any use permitted in a zoning district which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles, or which allows products to be consumed on the premises outside the principal building, and which is not subject to special use review provisions of Section 8.8, or is not part of a planned unit development pursuant to Section 8.5. shall be subject to approval of a major site plan pursuant to Section 8.7. In reviewing and approving the site plan for such a use, the planning commission must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

1. Traffic circulation shall be arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.
2. The layout and design of parking and stacking shall comply with requirements of Section 4.2.4; and



3. Effective visual screening shall be required between the facilities and any residential uses.

## **Section 3.7 Temporary uses**

### **3.7.1 General requirements**

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. In addition to complying with the approval criteria of Section 8.9.4 and unless otherwise specified in this LUDC, the following regulations shall govern temporary uses:

### **3.7.2 Temporary uses exempt from permit**

The following permitted temporary uses are exempt from these requirements:

#### **A. Garage or yard sales**

Garage or yard sales are permitted only by the property owner on their property and are allowed once every four months at any given location. The sale may not exceed three consecutive days in length. Advertising signs may not be placed on any rights-of-way, utility poles or off-site locations without the owners' permission.

#### **B. Storage pods (shipping containers) and Tractor Trailers**

Storage pods (shipping containers) and tractor trailers for off-site storage of household or other goods located in any road yard are permitted for a maximum of seven consecutive days, and any side or rear yard for a maximum of 30 consecutive days.

1. Storage pods (shipping containers) and tractor trailers are permitted as storage structures in Rural zoned districts provided that they comply with the standards of this section.
  - a. Meets all Minimum Setbacks (All Sides);
  - b. Shall not be placed on Rural Zoned lots less than 5 acres in size;
  - c. Shall not exceed 2 number of units per parcel;
  - d. Must be painted earth-tones to fit with natural landscape.

### **3.7.3 Temporary use permit required**

The following temporary uses are allowed in the frequency stated below except that no property shall have more than four of the events listed below in one calendar year, without the approval of the board of county commissioners:

**Commentary:** For example, a temporary use permit for a carnival would be counted in considering whether to issue a temporary use permit for a non-profit special event.

#### **A. Christmas tree sales**

Christmas tree sales in any district shall comply with the standards of this section.

1. Christmas tree sales may be permitted for a period not to exceed 60 days.
2. Display of Christmas trees need not comply with the yard and setback requirements, provided that no tree shall be displayed within 30 feet of the intersection of the right-of-way line of any two streets.

## **B. Concrete and asphalt products, temporary**

Temporary facilities for manufacturing concrete, asphalt or related products shall comply with the standards of this section. Such uses may be located in any zoning district where they are directly associated with construction in the area. Retail sales of such products shall be prohibited in conjunction with temporary plants. The production site must be returned to its pre-construction state following completion of the associated project. Such permits shall be valid for up to six months.

## **C. Carnivals, circuses or special events, temporary**

A special event permit is required for activities at a specific location that may attract 50 or more people, or that may attract more than 25 vehicles a day, or are publically advertised. Temporary carnivals, circuses, or special events shall comply with the standards of this section.

1. Minimum Setback (All Sides): 200 feet
2. The above minimum setback shall apply to all equipment, from any off-site building used for residential purposes.
3. Such uses may only be permitted in nonresidential districts.
4. The maximum length of the permit shall be 10 days and no more than one such permit shall be issued per zoning lot in any calendar year.
5. The applicant must provide adequate parking.
6. The applicant must make arrangements for police protection and security guards for crowd control.
7. The applicant must guarantee cleanup of the premises.
8. The applicant may be required to post a bond in a reasonable amount as determined by the board of county commissioners to ensure compliance with the requirements of this section.

## **D. Construction field offices, temporary**

Temporary construction field offices shall be permitted only for the duration of a construction project.

## **E. Farmers' markets**

Seasonal sale of farm produce grown on the premises, to continue for not more than four months per year. Structures incidental to such sale need not comply with the applicable street yard requirements if the structures are removed or moved back of the required street yard setback line at the end of the season during which they are used.

## **F. Flea markets**

1. Flea market sellers may set up temporary stalls or tables for the sale of their products.
2. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other eatable items.
3. The individual sellers at the flea market need not be the same each time the market is in operation.

**G. Recreational vehicle occupancy, temporary**

1. Temporary recreational vehicle occupancy, including all RV's, trailers, campers, pull campers of any vehicle type and on any parcel or site shall be permitted only for a cumulative total of 180 calendar days per year provided that the following criteria must be met prior to approval.
  - a. The RV will be hooked to an approved Onsite Wastewater Treatment System (OWTS)
  - b. There are no violations on the property of any County regulation/ordinance or state statute
  - c. The placement of a RV conforms to any covenants on the property
  - d. The applicant has proven ownership of the applicable property
2. Temporary recreational vehicle occupancy during the construction of a residence, including all RV's, trailers, campers, pull campers of any vehicle type and on any parcel or site shall be permitted only for a cumulative total of two years (24 months) with a renewal every 12 months provided that the following criteria must be met prior to approval.
  - a. The RV will be hooked to an approved Onsite Wastewater Treatment System (OWTS)
  - b. Proof of a well or other legal and adequate water source
  - c. There are no violations on the property of any County regulation/ordinance or state statute
  - d. A building permit has been obtained
  - e. The placement of a RV conforms to any covenants on the property
  - f. The applicant has proven ownership of the applicable property

**H. Sales offices and model homes, temporary**

A temporary sales office and model homes shall comply with the standards of this section.

1. Temporary residential sales offices and model homes may be located within a residential district as part of an on-going residential development.
2. Temporary residential sales offices and model homes incidental to a new housing development to continue only until the sale or lease of all lots or houses in the development, but not exceeding one year and subject to renewal under the discretion of the board of county commissioners.
3. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home and shall comply with the applicable residential parking standards at that time.

**I. Other Temporary Uses**

Other temporary uses similar in nature to the ones listed above, with corresponding and similar limitations, as determined by the administrator.



# Article 4 | General Development Standards

## Section 4.1 On-site Wastewater Treatment Systems

### I Title and Authority

These Regulations shall be known as the Alamosa County Regulations On-site Wastewater Treatment Systems.

These Regulations have been adopted by the Alamosa County Board of Commissioners acting as a Board of Health pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S. and has designated the Alamosa County Land Use Department to implement these Regulations.

### II Scope and Purpose

#### A. Declaration

1. This Regulation shall apply to On-site Wastewater Treatment Systems as defined in section 25-10-103(12), C.R.S.

#### B. Purpose

1. The purpose of these Regulations is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a design capacity less than 2,000 gallons per day within Alamosa County.

#### C. Jurisdiction

1. These Regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Alamosa County but not over the territory of any municipal corporation that maintains its own public health agency.

#### D. Prohibition of OWTS Where Public Sewer Service is Available and Feasible

1. No OWTS permit shall be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district.

#### E. Severability

1. Should any section, clause, or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part declared to be invalid.

### III Incorporation of Regulation 43

#### A. Included By Reference

1. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43," and

future revisions thereto, are made a part of these Regulations and shall apply except where identified as an option of the local public health agency or are more stringent than Regulation 43, 5 CCR 1002-43, and included in these Regulations. All aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance and use shall be as provided in Regulation 43 and any additional requirements contained in these Regulations.

2. Allowable local options identified in Regulation 43 but not identified in this text and the designated decisions for these Regulations are identified in the attached Appendix A to OWTS Regulations for Alamosa County. Appendix A is made a part of these Regulations.

**B. Excluded**

1. Reductions in soil treatment area size or separation distances and wide beds for higher level treatment units shall not be allowed under these Regulations. All designs must be based on TL-1 parameters in Regulation 43. Similarly, bed widths are limited to 12 feet except for repairs. Area or separation distance reductions and wider beds for higher level treatment can only be allowed in the future, if these Regulations are amended to include a program of oversight for inspection and maintenance of higher level treatment units. Amended Regulations must be approved by the Water Quality Control Division in the Colorado Department of Public Health and Environment.

**IV Permits and Fees**

**A. Permits [43.4(B)]**

1. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from Alamosa County Public Health Department.
2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43.
3. An OWTS permit expires one year after the date of issuance if construction has not commenced. After expiration, a new application shall be required to begin construction.
4. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the Alamosa County Public Health Department. After a permit is invalidated, a new application shall be required to begin construction.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs.
6. Application for a product development permit may be approved by the Alamosa County Public Health Department consistent with requirements of Section 43.4(I) of Regulation 43.
7. Application for an experimental permit may be approved by the Board of Health consistent with requirements of Section 43.4(J) of Regulation 43.

**B. Board of Health Review [43.4(B)(9)]**

1. When an application is denied by the Alamosa County Public Health Department, an applicant may request review by the local board of health. All requests for review must be in writing and must be received by the local Board of Health no

later than seven (7) days after the date of the action from which the appeal is taken.

**C. Fees [43.4(B)(4) and 43.4(B)(5)]**

1. Permit fees and fees for other services and tests associated with OWTS will be set by the Board of Health, in conformance with Section 43.4(B)(4) and (5) of Regulation 43 and 25-10-107, C.R.S.
2. A waiver of all fees shall be granted to all Federal and State governments, provided the government agency is listed as the installer, not the contractor.

**D. Surcharge [43.4(B)(5)]**

1. Surcharge of \$23.00 will be collected for each permit issued by Alamosa County Public Health Department. Of that fee, Alamosa County Public Health Department will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.

**V Inspections [43.4(E)]**

**A. Tank [43.9(B)(3)(c)]**

1. The applicant must notify the local public health agency or its designee Alamosa County Land Use Department so the local public health agency or its designee can conduct a field inspection of the septic tank before backfilling.

**B. OWTS [43.4(F)(3)]**

1. The applicant must notify the local public health agency or its designee Alamosa County Land Use Department so the local public health agency or its designee can conduct a final field inspection of all related components of the OWTS before backfilling.

**VI. Prohibition of OWTS in Unsuitable Areas [43.4(K)]**

- A.** Except for repair or replacement of existing systems, OWTS will not be allowed in subdivisions or platted lots with lots smaller than one (1) acre. OWTS will be permitted on multiple contiguous lots that are combined to create a minimum of one (1) acre parcel.

**VII Licensing**

**A. Systems Contractors [43.4(L)(1)]**

1. All systems contractors shall have a current license prior to providing services in Alamosa County. All systems contractors must become licensed as a competent technician as defined by Section 43.5.J.2.b (2) which requires "attendance at training or workshop for soil evaluation for OWTS including both class and field work" pass a test to install Onsite Waste Water Treatment Systems in Alamosa County. The local Board of Health may adopt a fee for the initial license and renewal. The license shall be renewed annually. The local Board of Health may adopt a separate fee for administering the OWTS test.

**B. Systems Cleaners [43.4(L)(3)]**

1. All systems cleaners shall have a current license prior to providing services in Alamosa County, and must be renewed annually. The local Board of Health may adopt a fee for the initial license and renewal.

**VIII. Variances [43.4(O)]**

- A. Variances Allowed
  - 1. The Board of Health may approve a variance from a requirement of this Regulation. Variances cannot be granted by staff.
  - 2. Approval of a variance shall be based upon evidence presented by the applicant showing that the variance: a) would not be injurious to the public health, water quality, or environment; and b) would prevent a substantial hardship to the applicant.
  - 3. Variances shall not be granted under the items identified in section 43.4(O)(5) of Regulation 43.

- B. Variance Procedure
  - 1. Variance requests shall be provided by filing an application for a variance with the Alamosa County Board of Public Health or its designee as permitted by Sec 43.4.(O) of Regulation 43.
  - 2. Variance requests shall include all items identified in section 43.4(O)(2)(d) of Regulation 43.
  - 3. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations. The Board of Health shall determine if this item has been addressed prior to granting a variance.
  - 4. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.

- C. Variances Requiring Public Hearings
  - 1. Repairs: The Alamosa County Board of Public Health may provide a variance from the design and/or sitting requirements of the Alamosa County Regulations on On-Site Waste Water Treatment Systems.
  - 2. A) Published Notice. Prior to the rendering on a variance request, a public hearing must be held. The hearing shall be the subject of a public notice in a newspaper of general circulation in the county. The notice shall be published no less than 30 days in advance of the public hearing.  
B) Mailed Notice. Prior to the rendering a decision on a variance request, a notice to all property owners within 500 feet radius of the exterior boundary of the subject property at least 30 days before the scheduled public hearing, using available county records to compile a mailing list.

**IX. Special Soil Types Requiring Different Percolation Test Procedure [43.5(D)(4)(e)(6)]**

- A. Requirements for site and evaluation soil.
  - 1. In areas with high water tables and unsuitable soil, an engineered design and report is required.

**X. Requirement for Percolation Holes and Profile Test Pits to Remain Open [43.5(E)]**

- A. Percolation Holes
  - 1. Percolation holes must remain open until evaluation by the local public health agency or its designee.



B. Profile Test Pits

1. Profile test pit holes must remain open until an evaluation by the local public health agency or its designee.

**Appendix A to the Onsite Water Treatment System Regulations for Alamosa County**

**Appendix A to OWTS**

| ITEM   | REQUIREMENTS  | Citation         |
|--|---|------------------|
| Flow Rate-Residential  | 7.5 Gal./Person/Day   | 43.6.A.2.b       |
| Occupancy-Residential  | Bedrooms 1 through 3: 2 people per bedroom<br>All additional Bedrooms: 1 person per bedroom   | 43.6.A.2e        |
| How the number of Bedrooms in a 43.6.A.2.h. Home will be defined for flow Requirements   | Bedrooms: number of originally finished bedrooms is the only area requiring flow estimates.   |                  |
| Effluent Screen  | May be used   | 43.9.1.1         |
| Length of distribution lines   | Distribution lines 100 feet maximum for gravity Fed at one end and up to 150 feet if pressure Dosed or effluent applied at center of lateral Or chamber | 43.10.E.2.b.&c.  |
| Inspection ports at initial (front) End of distribution line (e.g.,lateral Or chamber)   | Not required  | 43.10.E.2.f.(3)  |
| Vault Privies-new  | Allow new vault privies   | 43.12.E.1        |
| Vault Privies- existing  | Allow continued use of existing vault privies   | 43.12.E.1        |
| Pit Privies-new  | Prohibit new pit privies  | 43.12.E.2.a      |
| Pit Privies-existing   | Require abandonment of existing pit privies   | 43.12.E.2.b      |
| Slit Trenches  | Prohibit slit trenches  | 43.12.G.1.       |
| Wide Beds  | Width of beds + maximum of 12 feet for new, Wider than 12 feet allowed for repairs  | 43.10.E.2.h. (1) |
| LPHA May Choose to Implement or Not  |   |                  |
| Reductions in soil treatment area (STA) Allow reductions for higher level treatments size or Separation distances for higher level treatment systems with mandatory maintenance and oversight. | Allow reductions for higher level treatment   | 43.14.D.2        |
|  | Reductions in area and separation distances not allowed for higher level treatment systems.   | 43.14.D.3        |
| Transfer of Title Inspections  | Required  | 43.4.M.1         |
|  | Not Required  | 43.4.M.1         |

|                     |                              |          |
|---------------------|------------------------------|----------|
| Renewable permit(s) | Used in local regulation     | 43.4.M.1 |
|                     | Not used in local regulation | 43.4.M.1 |

**Section 4.2 Off-street parking and loading**

**4.2.1 Applicability**

- A. Unless specifically exempt, all existing and proposed development shall provide off-street parking and loading facilities in accordance with this section. No certificate of occupancy shall be issued until these parking requirements and regulations have been met.
- B. With the exception of a restriping of a parking area or other vehicular use area which does not result in a reconfiguration of the parking spaces, any modification to existing off-street parking and loading facilities shall conform to the requirements of this section.
- C. No land with more than six parking spaces shall be developed as a parking area or parking garage without an approved site plan issued in accordance with Section 8.7.
- D. Buildings and uses lawfully existing as of the effective date of this LUDC may be redeveloped, renovated or repaired without providing additional off-street parking and loading facilities, providing there is no increase in floor area or change in use of existing floor area that would increase parking demands.
- E. Where a building existed as of the effective date of this LUDC, and such building is enlarged in floor area or impervious area by ten percent or 2,000 square feet, whichever is less, off-street parking and loading as specified in this section shall be required for the enlarged area.
- F. A change in use of a building or use existing as of the effective date of this LUDC shall require additional off-street parking and loading facilities to comply with the requirements of this section for the new use unless:
  - 1. The building is less than 2,000 square feet in floor area; or
  - 2. The new use has the same parking requirement or a lesser requirement than the previous one.

**4.2.2 How to use this division**

|                                    |                   |
|------------------------------------|-------------------|
| <b>Part 1. Off-Street Parking</b>  | See Section 4.2.3 |
| <b>Part 2. Off-Street Stacking</b> | See Section 4.2.4 |
| <b>Part 3. Off-Street Loading</b>  | See Section 4.2.5 |

## Part 1. Off-Street Parking

### 4.2.3 Off-street parking

#### A. Calculation of parking ratios

1. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
2. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
3. The parking space requirements for a use not specifically listed in the table below shall be the same as for the listed use deemed most similar to the proposed use by the administrator. The administrator shall use the criteria in Section 2.4.6 to determine how an unlisted use should be treated.

#### B. Parking ratios

##### 1. Minimum off-street parking

The following minimum off-street parking ratios shall be applicable to all zoning districts. Where in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios (see Section 4.2.3D).

| * = Group of Uses (Section 2.4)  |  |   |
|--|--|---|
| <b>Residential Uses</b>  |  |   |
| Single-family detached or zero lot line<br>Two-family or townhouse<br>Manufactured home<br>Manufactured home park<br>Group home (8 or less)<br>Rehabilitation center | All uses                                       | 2 per unit  |
| Multi-family<br>Upper-story residential  | Studio<br>1 bedroom<br>2 bedroom<br>3+ bedroom | 1.25 per unit<br>1.50 per unit<br>1.75 per unit<br>2.00 per unit  |
| Assisted Living or Nursing home  | --   | 1 per 5 beds  |
| Manufactured home park   | --   | 2 per unit  |
| <b>Public and Civic Uses</b>   |  |   |
| Airport, heliport  | --   | As determined by administrator  |
| Adult care home or day care center<br>(6+)   | All uses                                       | 1 per employee  |
| Civic club   | --   | 1 per 500 SF of GFA   |
| Hospital   | --   | 1 per 2 beds  |
| Museum, library  | --   | 1 per 200 SF of GFA   |
| Park, open area*   | All uses                                       | As determined by administrator  |
| Place of worship   | --   | 1 per 8 seats in largest assembly room  |
| Public facility  | --   | As determined by administrator  |
| School (public or private)   | Elementary<br>Junior High/<br>High School      | 1 per classroom + 1 per 300 SF of office area<br>6 per classroom + 1 per 300 SF of office area + 1 per 5 seats in any |

\* = Group of Uses (Section 2.4)

|                                     |   |   |
|-------------------------------------|---|---|
|                                     |   | auditorium or similar facility  |
| Technical, trade or business school | --  | 6 per classroom + 1 per 300 SF of office area + 1 per 5 seats in any auditorium or similar facility |
| Utility, Minor*                     | All uses                                    | 1 per 1,000 SF of GFA   |
| Utility, Major*                     | All uses                                    | 1 per 1,000 SF of GFA   |
| Wireless telecommunication facility | --  | As determined by administrator  |
| <b>Commercial Uses</b>              |   |   |
| Agriculture (involving livestock)*  | All uses                                    | As determined by administrator  |
| Agriculture (sales and processing)* | All uses                                    | As determined by administrator  |
| Amusement center, indoor            | --  | 1 per 400 SF of GFA   |
| Bed & Breakfast                     | --  | 1 per unit + 1 per guest room   |
| Cemetery                            | --  | As determined by administrator  |
| Club, private                       | --  | 1 per 500 SF of GFA   |
| Contractor's office                 | --  | 1 per 1,000 SF of GFA   |
| Funeral home                        | --  | 1 per 8 seats in largest assembly room  |
| Gas station with convenience retail | --  | 1 per 200 SF of GFA   |
| Hotel, motel                        | --  | 1 per guest room + 1 per 200 SF of conference/banquet/restaurant area                               |
| Indoor recreation (commercial)*     | Bowling Alley<br>All other uses             | 3 per lane<br>1 per 300 SF of GFA   |
| Kennel                              | --  | 1 per 300 SF of GFA of office area  |
| Manufacturing, Limited*             | All uses                                    | 1 per 1,000 SF of GFA   |
| Newspaper publisher                 | All uses                                    | 1 per 1,000 SF of GFA   |
| Office, General*                    | Bank<br>All other uses                      | 1 per 300 of GFA<br>1 per 400 SF of GFA   |
| Office, Medical*                    | All uses                                    | 1 per 300 SF of GFA   |
| Outdoor recreation (commercial)*    | Campground<br>Golf course<br>All other uses | 1 per campsite<br>2 per hole + 1 per 200 GFA<br>As determined by administrator                      |
| Outdoor storage, general            | --  | As determined by administrator  |
| Radio or television studio          | --  | 1 per 300 SF of GFA   |
| Recreational club, private          | --  | 1 per 300 SF of GFA   |
| Restaurant                          | --  | 1 per 150 SF GFA  |
| Restaurant, drive-thru              | --  | 1 per 100 SF GFA  |
| Retail, Neighborhood*               | All uses                                    | 1 per 250 SF GFA  |
| Retail, General*                    | All uses                                    | 1 per 250 SF GFA  |
| Self-storage facility               | --  | Minimum 5 + 1 per 100 storage units   |
| Service, Neighborhood*              | All uses                                    | 1 per 250 SF GFA  |
| Service, General*                   | All uses                                    | 1 per 250 SF GFA  |
| Sexually-oriented business          | All uses                                    | 1 per 250 SF GFA  |
| Vehicle repair*                     | All uses                                    | 3 per service bay   |
| Vehicle sales*                      | All uses                                    | 1 per 500 SF GFA  |
| Vehicle service*                    | Car wash<br>All other uses                  | 1 per wash bay<br>3 per bay   |
| Veterinarian, animal hospital       | --  | 1 per 300 SF of GFA   |
| Winery/tasting room                 | --  | 1 per 300 SF of GFA   |
| Warehouse and freight movement*     | All uses                                    | 1 per 1,000 SF of GFA   |

| <b>Industrial Uses</b>    |          |   |
|---------------------------|----------|---|
| Crematorium               | --       | 1 per 8 seats in largest assembly room                        |
| Manufacturing, General*   | All uses | 1 per 1,000 SF of GFA   |
| Manufacturing, Heavy*     | All uses | 1 per 1,000 SF of GFA   |
| Oil or gas wells          |          | None  |
| Gravel pits               |          | As determined by administrator                                |
| Research and development* | All uses | 1 per 1,000 SF of GFA   |
| Waste service*            | All uses | 1 per 5,00 SF of GFA + 1 per 5,000 SF of outside storage area |

**2. Handicapped-accessible parking**

Parking spaces for vehicles with handicapped drivers shall be provided per the following schedule:

| <b>Total Parking Spaces in Lot</b> | <b>Minimum Accessible Spaces</b>  |
|------------------------------------|-----------------------------------|
| 0 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                                 |
| 402 to 500                         | 9                                 |
| 502 to 1000                        | 2% of Total                       |
| Over 1000                          | 20 plus 1 for each 100 over 1,000 |

**3. Modifications**

The administrator may reduce the required number of spaces by up to ten percent if for reasons of topography, mixes of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this LUDC.

**C. Design standards**

| <b>Type of Stall</b> | <b>Minimum Dimensions</b> |
|----------------------|---------------------------|
| Parallel stall       | 20 feet x 9 feet          |
| Angle stall          | 19 feet x 9 feet          |
| Ninety-degree stall  | 19 feet x 9 feet          |
| Handicapped stall    | 19 feet x 12.5 feet       |

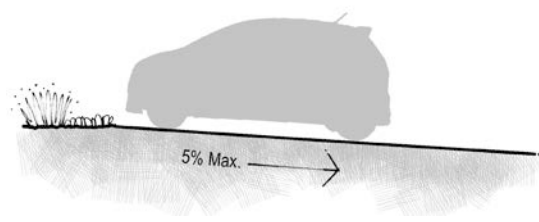
**1. Dimensions**

- a. Parking space sizes shall be governed by the following dimensions:
- b. Minimum aisle widths shall be as follows:

| <b>Parking Angle</b> | <b>Aisle Width in Feet</b> |                        |
|----------------------|----------------------------|------------------------|
|                      | <b>One-Way Traffic</b>     | <b>Two-Way Traffic</b> |
| 0-57 degrees         | 14                         | 24                     |

|               |    |    |
|---------------|----|----|
| 58-74 degrees | 18 | 24 |
| 75-90 degrees | 24 | 24 |

- c. The maximum grade permitted for any required parking shall not exceed five percent.
- d. Parking spaces using geometric standards other than those specified above may be approved if developed and sealed by a registered engineer with expertise in parking facility design subject to a determination by the administrator, that the proposed facility will satisfy off-street parking requirements as adequately as would a facility using those specified above.



**2. Surfacing**

Where off-street facilities are provided for parking or any other vehicular use area, they shall be surfaced with asphalt bituminous, concrete or other dustless material approved by the administrator and shall be maintained in a smooth, well-graded condition. Permeable materials with durability and dustless characteristics similar to asphalt and concrete may be used with the approval of the administrator.

**3. Markings**

Each parking stall shall be marked off and maintained so as to be distinguishable.

**4. Lighting**

Where off-street facilities are provided for parking or any other vehicular use area adequate outdoor lighting shall be provided. Lighting shall be so arranged as to direct the light and glare away from streets and adjacent property (see also Section 4.5, Outdoor Lighting).

**5. Yards**

All parking lots shall observe a minimum street yard and street (side) yard of not less than five feet, and a side yard on a corner lot of not less than five feet.

**6. Curbs**

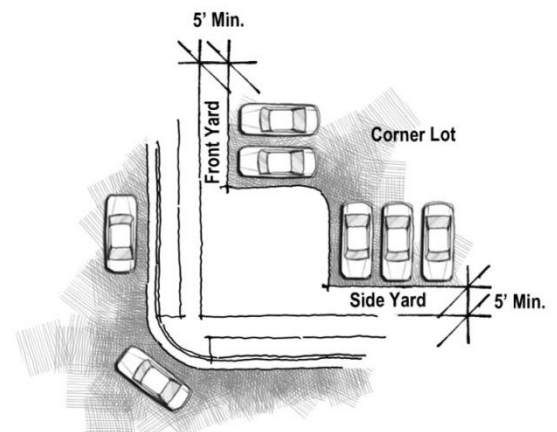
- a. All landscaping in or adjacent to a vehicular use area shall be protected from vehicular damage by a raised concrete curb six inches in height or equivalent barrier, however, the barrier need not be continuous.
- b. Landscaped areas adjacent to parking areas shall be landscaped so that no plant material greater than 12 inches in height will be located within two feet of the curb or other protective barrier.

**7. Separation from walkways and streets**

In the event any parking area abuts a walkway, sidewalk, or street, the parking area shall be separated by curbing or other protective device with a minimum distance of 3½ feet between the protective device and the edge of the walkway.

**8. Drainage**

Parking lots shall not drain onto or across public sidewalks or into adjacent property, except into



a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the administrator may exempt the applicant from this requirement, provided that adequate provision is made for drainage.

#### **9. Entrances and exits**

On all corner lots, all vehicular openings shall be located at least 50 feet from the point of intersection of established right-of-way lines. No entrance and exit, whether or not on a corner lot, shall exceed 30 feet in width at the property line or 40 feet in width at the curb line. There shall be a minimum distance between driveways of 25 feet, measured along the curb line, unless such driveways are less than five feet apart.

#### **D. Alternative parking plans**

##### **1. General**

The administrator may modify the parking requirements of this section (beyond that permitted by Section 4.2.3B.3, Modifications) where applicant-submitted parking data, prepared and sealed by a registered engineer in the State of Colorado with transportation expertise, illustrates that the standards of this section do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

##### **2. On-street parking**

The administrator may approve on-street parking spaces located immediately abutting the subject parcel, entirely within the extension of the side lot lines into the roadway, and not within any required clear sight triangle may be counted toward meeting off-street parking requirements. On-street parking for vehicles exceeding 22 feet in length is not permitted in any residentially zoned district.

##### **3. Off-site parking**

The administrator may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with the all of following standards.

###### **a. Ineligible activities**

Off-site parking may not be used to satisfy the off-street parking requirements for residential uses (except for guest parking) or for convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

###### **b. Location**

Off-site parking spaces shall be located within 250 feet from the primary entrance of the use served. Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet.

###### **c. Zoning classification**

Off-site parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Off-site parking areas serving uses located in residential districts may be located in residential or nonresidential districts.

###### **d. Agreement**

(1) In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.

- (2) The owner of the off-site parking area shall enter into a written agreement with the county, with enforcement running to the county, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns.
- (3) An off-site parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this section.

#### **E. Shared parking**

The administrator may allow shared parking facilities if the shared parking complies with all of following standards.

##### **1. Ineligible activities**

Shared parking may not be used to satisfy the off-street parking standards for upper-story residential uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

##### **2. Location**

Shared parking spaces shall be located within 750 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.

##### **3. Zoning classification**

Shared parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Shared parking areas serving uses located in residential districts may be located in residential or nonresidential districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

##### **4. Shared parking study**

Applicants wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the administrator that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the administrator and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

##### **5. Agreement**

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the administrator on forms made available by the administrator. A shared parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this section.

#### **F. Recording of approved plans**

An attested copy of an approved Alternative Parking Plan shall be recorded in the office of the County Clerk and Recorder on forms made available by the administrator. An Alternative Parking Plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.



**G. Violations**

Violations of an approved Alternative Parking Plan constitute a violation of this LUDC and will be subject to the enforcement and penalty provisions of Article 10, Violations,

| Specific Use                         | Minimum Spaces              | Measured From               |
|--------------------------------------|-----------------------------|-----------------------------|
| Automated teller machine             | 3                           | Machine                     |
| Bank teller lane                     | 4                           | Teller or window            |
| Car lubrication stall                | 2                           | Entrance to stall           |
| Car wash stall, automated            | 4                           | Entrance to wash bay        |
| Car wash stall, hand-operated        | 3                           | Entrance to wash bay        |
| Day care drop off                    | 3                           | Passenger loading area      |
| Gasoline pump island                 | 2                           | Pump island                 |
| Parking area, controlled entrance    | 4                           | Key code box                |
| Restaurant drive-thru                | 6                           | Order box                   |
| Restaurant drive-thru                | 4                           | Order box to pick-up window |
| School drop-off (Public and Private) | Determined by administrator |                             |
| Other                                | Determined by administrator |                             |

Penalties and Enforcement.

**Part 2. Off-Street Stacking**

**4.2.4 Off-street stacking requirements**

The following vehicle stacking standards shall apply unless otherwise expressly approved by the administrator. The administrator may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

- A. Minimum number of spaces
- B. Design and layout

Required stacking spaces are subject to the following design and layout standards:

**1. Dimensions**

Stacking spaces shall be a minimum of eight feet by 20 feet in size.

**2. Location**

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

**3. Design**

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the administrator for traffic movement and safety.

**Part 3. Off-Street Loading**

**4.2.5 Off-street loading requirements**

- A. Loading facilities required

- 1. As determined by the administrator, off-street loading facilities shall be required for uses that regularly handle large quantities of goods. Loading facilities shall be of sufficient quantity to adequately serve the proposed use.

2. Any vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
3. Any convenience store or similar use requiring deliveries by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.

**B. Design and layout**

1. Loading and unloading activity shall not be permitted in any public right-of-way. In no case shall loading and unloading activity encroach on or interfere with the public use of streets, sidewalks, and lanes by automotive vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping.
2. Where off-street loading facilities are provided, they shall be not less than 15 feet in width by 40 feet in length, with not less than 15 feet of vertical clearance.

**C. Screening**

All loading areas shall be screened from view of residential uses and right-of-ways.

## **Section 4.3 Access management**

### **4.3.1 Access required**

- A. Except as provided in paragraph B below, no principal building, structure, or use may be erected or established on any lot which does not abut at least 30 feet, 25 feet for townhouse lots and 20 feet for cul-de-sac lots, on a street constructed to the standards of the county and dedicated as a public street to the county or the state.
- B. The administrator may authorize, in specific situations, the erection or establishment of a principal building, structure, or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided, and there are special circumstances, such as the rural nature of the lot and area, or in the case of a nonresidential use, that an easement has been recorded guaranteeing accessibility, that make the application of these requirements to the proposed use not feasible or undesirable.
- C. No building permit or certificate of occupancy may be issued until the access requirements of this section have been met.

### **4.3.2 Access to arterial highways**

- A. Whenever a subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial highway, no direct driveway access may be provided from lots within the subdivision onto this street.
- B. When a lot or development borders on or contains an existing or proposed arterial highway, driveway access between the lot and the arterial highway shall be located not closer than 175 feet to the nearest centerline of any other proposed or existing driveway access along the same side of the arterial highway or as otherwise required by CDOT.
- C. Approval of driveway access between a lot and the arterial highway at an interval less than those specified above may be granted only by review and recommendation of the administrator.
- D. The driveway access provisions shall not be applicable to any subdivision lot where:

1. The effect of such application would be to deprive the lot of reasonable access; or
2. The size of the parcel being subdivided or lack of frontage on the thoroughfare makes the alternatives above not feasible.

#### **4.3.3 Access to collectors**

All access to collectors shall occur in accordance with the following.

##### **A. Provision of a frontage road**

Lots may take direct access onto a frontage road.

##### **B. Provision of local roads or cul-de-sacs**

Lots may take indirect access by fronting on local roads or cul-de-sacs.

##### **C. Change of lot orientation**

Lots may front on a parallel residential street.

#### **4.3.4 Residential driveways**

Residential driveway access to and from streets shall be constructed in accordance with standards as outlined below:

##### **A. Width of driveway**

The width of a residential driveway serving a single family residence shall be no less than ten feet. The width of a residential driveway serving more than one residence shall be no less than 18 feet. No residential driveways shall have a width of more than 24 feet. When two residential driveways coincide along a property line, the maximum width shall not exceed 24 feet.

##### **B. Curb radius**

Residential driveway approaches shall have minimum curb radius of five feet.

##### **C. Number of driveway access points**

The number of residential driveway access points servicing any lawful lot should be limited to one unless otherwise approved by the administrator; however, in no instance shall there be more than two residential driveway access points servicing the lot.

##### **D. Location of driveway access points**

Residential driveways shall be spaced at least 24 feet from any other driveway on the same lot, but not nearer than 3½ feet to any lot line, except where two residential driveways coincide along the same lot line. The minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least 20 feet from the point of tangency of the radius curvature, or 20 feet from the intersection of right-of-way lines, whichever is greater.

##### **E. Elevation**

Driveways shall be graded so that the driveway at the back of the sidewalk or property line is at least as high as the adjacent top of curb. If the site served by the driveway is lower than the road, then the driveway may have a grade break and slope down once the curb elevation is obtained. Driveways and other areas of access to a structure shall be sloped so as to prevent the runoff of surface water into any structure, including garage and carport areas.

#### **4.3.5 Nonresidential driveways**

##### **A. Number of driveways**

1. The number of driveway access points may be restricted where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required common access points. The County Building Official shall approve the recordable documents for all required common access points.
2. Outparcels shall take access from within the development, where possible.

##### **B. Curb radius**

Nonresidential driveway approaches shall have minimum curb radius of 15 feet.

##### **C. Emergency access**

Emergency access drives shall be a minimum of 24 feet in width.

#### **4.3.6 Divided entrances required**

Where the board of county commissioners determines it is necessary, a divided entrance shall be required for a subdivision or development. Where a divided entrance is credited as two access points, the divided entrance shall be four travel lanes from the intersection with the public road system to the first intersection within the development.

#### **4.3.7 Nonresidential driveway access to adjacent development**

- A. Driveway connections to adjacent development shall be provided and clearly identified. All driveway connections shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.
- B. Access easements may be required to ensure out parcels or adjacent developments have adequate access if ownership patterns change.
- C. The planning commission or board of county commissioners may waive the requirement for a driveway connection required above in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties.
- D. The planning commission or board of county commissioners may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

#### **4.3.8 Shared access**

A shared access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of such easement shall be determined by the planning commission.

#### **4.3.9 Closure or relocation of existing access points**

The Alamosa Road and Bridge Director, in conjunction with CDOT, shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.

#### **4.3.10 Corner setbacks and intersection visibility (safe sight triangle)**

- A. No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of 3 feet and 7 feet shall be erected, placed, or maintained

within the triangular area formed by an imaginary line starting at the point of intersection of property lines and extending 25 feet street pavement edges from their point of intersection, to a point 25 feet from their point of intersection.

- B. Visibility triangle requirements may be increased when deemed necessary for traffic safety.

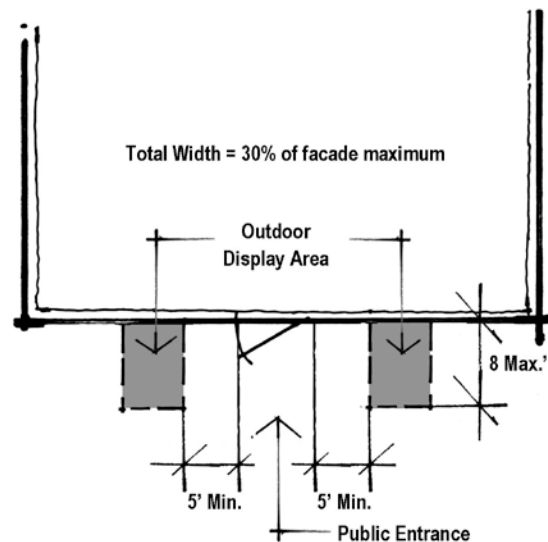
## Section 4.4 Outdoor storage and display

### 4.4.1 Applicability

- A. Any merchandise, material or equipment stored outside of a fully-enclosed nonresidential building shall be subject to the requirements of this section.
- B. Vehicles (including boats) farm implements, farmers markets, and manufactured housing for sale, lease or rent as part of a properly permitted use shall not be considered merchandise, material or equipment.

### 4.4.2 Outdoor display

- A. Outdoor display shall be defined as the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines shall be considered outdoor display. Outdoor display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers. Such merchandise shall be considered limited outdoor storage.
- B. Outdoor display shall be permitted in association with any nonresidential use following planning commission review of a major site plan in accordance with Section 8.7, Site Plan Review, illustrating the extent of the permitted area for outdoor display provided it meets the standards below.
  1. Outdoor display shall be permitted adjacent to the primary façade (façade with principal customer entrance) and shall extend no more than eight feet from such façade.
  2. Outdoor display shall be located no closer than five feet from any public entrance.
  3. Outdoor display shall occupy no more than 30 percent of the horizontal length of the façade.
  4. Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas.



### 4.4.3 Outdoor storage

#### A. General

Outdoor storage is more intensive than outdoor display. Materials stored in outdoor storage are not normally brought indoors overnight. Outdoor storage is broken in two categories as follows:

**B. Limited outdoor storage**

1. Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility), merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
2. Limited outdoor storage shall only be permitted by planning commission review of a major site plan in accordance with Section 8.7, Site Plan Review, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
  - a. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100 percent opaque visual barrier or screen. Chain-link fencing with slats inserted may be considered acceptable for this screening, except where located abutting or across the street from a residential use or residentially-zoned property.
  - b. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.
  - c. Limited outdoor storage shall be located in the rear yard.
  - d. Limited outdoor storage may be located to the side of a building, provided it is not located within the side yard.
  - e. Vehicles awaiting repair may be stored up to 14 days within the required screened storage area.

**C. General outdoor storage**

1. General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, and steel, junk and other similar merchandise, material or equipment.
2. General outdoor storage shall only be permitted following planning commission review of a major site plan in accordance with Section 8.7, Site Plan Review, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
  - a. General outdoor storage shall be screened by 100 percent opaque, eight foot high visual barrier or screen, except where located abutting or across the street from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view.
  - b. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
  - c. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.
  - d. General outdoor storage may be located in the side or rear yard.

## Section 4.5 Outdoor lighting

### 4.5.1 Applicability

All new nonresidential and multifamily development outside the city of Alamosa but within the urban influence area shall comply with the standards of this section.

- A. Buildings and structures lawfully existing as of the effective date of this section, may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance with this section, provided there is no increase in floor area in such building or structure or impervious area on the site.
- B. Where a building or structure existed as of the effective date of this section, and such building is enlarged in floor area or impervious area on the site by 10 percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this section shall be provided.

### 4.5.2 Exemption

The following shall be exempt from the outdoor lighting requirements of this section:

- 1. Fixtures (luminaries) utilizing incandescent lamps (bulbs) with less than 1,000 initial lumen output;

**Commentary:** A 60 watt incandescent light bulb has an initial lumen output of about 1,000 lumens. This exemption covers the typical exterior residential light fixture, almost all such fixtures come with the manufacturer's recommendation (on the box) for the use of a maximum 60 watt incandescent bulb.

- 2. Public recreational playfield lighting;
- 3. Lighting with more than 1,000 initial lumen may be allowed with an active or activated motion sensor; and
- 4. Bona fide agricultural enterprise.

### 4.5.3 Prohibited light sources

The following light fixtures and sources shall not be used where the direct light emitted is visible from adjacent areas:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
- C. Searchlights and other high-intensity narrow-beam fixtures.

### 4.5.4 Design requirements

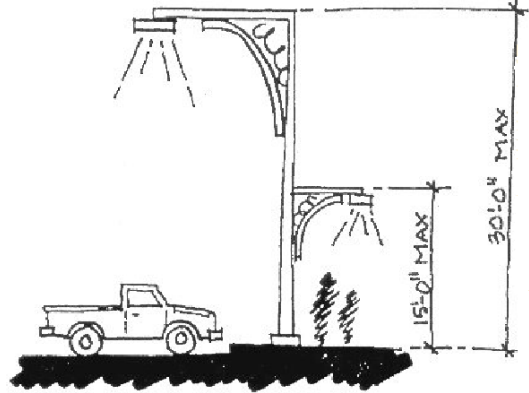
Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

#### A. Fixture (luminaire)

The light source shall be concealed and shall not be visible from any street rights-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.

**B. Fixture height**

Lighting fixtures shall be a maximum of 30 feet in height within parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any residential use or residential property boundary shall not exceed 15 feet in height.



**C. Light source (lamp)**

Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.

**D. Mounting**

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

**E. Limit lighting to periods of activity**

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the administrator to conserve energy, provide safety and promote compatibility between different land uses.

**4.5.5 Specific standards**

**A. Security lighting**

1. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
2. Security fixtures shall not face a residential property.
3. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

**B. Accent lighting**

Only lighting used to accent architectural features, landscaping or art may be directed upward.

**C. Canopy area lighting**

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

**D. Tear sheets required**

Tear sheets for all lighting fixtures (luminaries) to be installed on site shall be required.

**4.5.6 Entrances and exits in nonresidential and multifamily development**

All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings, shall be adequately lighted to ensure the safety of persons and the security of the building.



#### **4.5.7 Commercial parking area lighting**

All commercial parking areas shall be required to provide lighting during nighttime hours of operation.

#### **4.5.8 Excessive illumination**

- A. Lighting within any lot that unnecessarily illuminates and interferes with the use or enjoyment of any other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this section, or if the standard could reasonably be achieved in a manner that would not interfere with the use or enjoyment of neighboring properties.
- B. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
- C. All lighting, including any exterior floodlights, shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates.
- D. Illumination using bare illuminated tubing or strings of lights that completely outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes is prohibited, except for temporary holiday displays.
- E. All lighting fixtures used to illuminate an off-street parking area shall be arranged so as to direct or shield the light away from any adjoining residential premises.
- F. Lighting used to illuminate commercial sites and parking areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential district or use or any street rights-of-way.

### **Section 4.6 Floodplain regulations**

#### **4.6.1 Statutory Authorization**

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 Alamosa County, Colorado, does hereby adopt the following floodplain management regulations.

#### **4.6.2 General provisions and applicability**

##### **A. 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 specific areas by 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 public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such manner as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in a flood area; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**B. Applicability**

This Section shall apply to all areas of special flood hazard and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the county. No structure or land shall be located, altered or have its use changed without full compliance with the terms of this section and other applicable regulations.

**C. Findings of fact**

1. The flood hazard areas of the county are subject to periodic inundation which results 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 public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains, which 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, flood-proofed or otherwise protected from flood damage.

**D. Floodplain development permit required**

Approval of a floodplain development permit pursuant to the requirements of Section 8.12 shall be required prior to any development, as defined in Section 11.3, to insure conformance to the provisions and requirements of this section.

**E. Methods of reducing flood losses**

In order to accomplish its purposes, this section uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in the times of flood or that cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**F. Basis for establishing areas of special flood hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering reports, with accompanying flood insurance rate maps (FIRM) and any revision thereto, entitled "The Flood Insurance Study for

Alamosa County, Colorado and unincorporated Areas", dated April 21, 1999, are adopted by reference and declared to be a part of this section.

**G. Abrogation and greater restrictions**

This Section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where the requirements of this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**H. Interpretation**

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

1. Considered as minimum requirements;
2. Liberally construed in favor of the board of county commissioners; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**I. Warning and disclaimer of liability**

**1. Severability**

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

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 manmade or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the county or any officer or employee of the county for any flood damages that result from reliance on this section or any administrative decision lawfully made under this section.

**J. Violations**

The failure of a structure or other development to be fully compliant with the standards of this section shall be a violation of this LUDC. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in by this section and pursuant to the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Nothing herein contained shall prevent the county from taking such action as is necessary to prevent or remedy any violation.

**K. Floodplain development variance**

Variance to the requirements of this section may be approved pursuant to the requirements of Section 8.12.7.

**4.6.3 Administration**

**A. Designation of the Floodplain Administrator**

The Land Use Administrator is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this ordinance and other appropriate sections of 44

CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

## **B. Duties & Responsibilities of the Floodplain Administrator**

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

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, 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 Article 4, Section C.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. 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.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
6. 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.
7. When Base Flood Elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.
8. 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.
9. 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 one-half foot, 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.

10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

#### **4.6.4 General standards**

In all areas of special flood hazard, the following standards are required:

##### **A. Anchoring**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, 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. Specific requirements may be:
  - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
  - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
  - c. All components of the anchoring system be capable of carrying a force of four 4,800 pounds; and
  - d. Any additions to the manufactured home shall be similarly anchored.

##### **B. Construction materials and methods**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
3. All new construction and substantial improvements shall be 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.

##### **C. Utilities**

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

2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**D. Subdivision proposals**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

**4.6.5 Specific standards**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4.6.2F or 8.12.2C, the following provisions are required:

**A. Nonresidential construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the at least one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. be flood proofed so that below one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. be certified by a registered professional engineer or architect that the design; and
4. methods of construction shall be in accordance with accepted standards of practice for meeting the provisions of this subsection. Such certifications shall be provided to the official as set forth in 7.4.3C.

**B. 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.

**C. Openings in enclosures below the lowest floor**

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood

waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. 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;
2. The bottom of all openings shall be no higher than one (1) foot above grade;
3. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**D. Manufactured homes**

1. Manufactured homes shall be anchored in accordance with Section 4.6.4A.2.
2. All manufactured homes or those to be substantially improved shall conform to the following requirements:
  - a. Require that manufactured homes that are placed or substantially improved on a site (1) outside of a manufactured home park, (2) in an expansion to an existing manufactured home park, or (3) in an existing manufactured home park on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least 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. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in subparagraph 1 above be elevated so that either the lowest floor of the manufactured home is at least one foot above the base flood elevation or the manufactured home chassis is supported by reinforced piers or other foundation elements that are not 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.

**E. Recreational vehicles**

Require that recreational vehicles either:

1. be on the site for fewer than 180 consecutive days;
2. be fully licensed and ready for highway use; or
3. meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

**4.6.6 Floodways**

Located within areas of special flood hazard established in Section 4.6.2F are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following shall apply:

- A. Encroachments are prohibited, including fill, new construction, and substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachments shall

not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- B. If Section 4.6.6A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

#### **4.6.7 Alteration of a Watercourse**

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

1. 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.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and Alamosa County floodplain requirements and regulations.
6. 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 there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section D of this Article.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

#### **4.6.8 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:

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

#### **4.6.9 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.

##### **1. Classification of Critical Facilities**

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

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.

- a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- ii. 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);
- iii. Designated emergency shelters;
- iv. 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);
- v. 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
- vi. 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).

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.

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 Article, 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 of County Commissioners on an as-needed basis upon request.

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

These facilities may include:

- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- iii. Refineries;
- iv. Hazardous waste storage and disposal sites; and
- v. Above ground gasoline or propane storage or sales centers.

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 work place, 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 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 10,000 pounds for any other chemical. 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 ordinance, but exclude later amendments to or editions of the regulations

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. 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.
- iii. 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 Article.

- c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- i. Elder care ( nursing homes);
- ii. Congregate care serving 12 or more individuals ( day care and assisted living);
- iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

- d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to 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 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 ordinance, 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 Board of County Commissioners on an as-needed basis upon request.

## **2. 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 ordinance, protection shall include one of the following:

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

## **3. Ingress and Egress for New Critical Facilities**

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

## **Section 4.7 Signs**

### **4.7.1 PURPOSE**

The purpose of this Article is to define the types of signs that will be permitted in the various districts and those that will be prohibited, the manner in which sign areas and dimensions will be measured, and exempting certain types of signs from these Regulations. It is further the intent of this Article to encourage the erection of signs which are attractive and compatible with the adjacent property, which will preserve and enhance property values within the County, which will provide for the public convenience, health and welfare, and which will protect the public safety.

### **4.7.2 SIGN PERMITS**

- A. No sign, except for signs listed in Section 4.7.4 shall be altered, constructed erected, remodeled, or expanded until a permit for such sign has been issued by the Board of County Commissioners or their designated agent having jurisdiction.
- B. A permit fee shall be required of applicants for a sign permit (except signs listed in 8.4) payable at the time the permit is issued. The amount of this fee shall be set by resolution of the Board of County Commissioners.
- C. If a permit is issued, it shall expire six (6) months after the date of issuance if the alteration, construction, erection, remodeling, or expansion of such sign has not been completed. If requested in writing by the applicant a six (6) month extension may be granted without repayment of fee.

### **4.7.3 GENERAL REGULATIONS**

The following Rules and Regulations shall apply to all signs visible from the State Highway System or County Road System.

- A. No obsolete or abandoned signs shall be allowed and any obsolete or abandoned sign which is not made current upon notice shall be removed.
- B. No sign shall be allowed that is not clean and in good condition.
- C. No sign shall be allowed which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
- D. No off-premise sign shall be allowed which contains, includes, or is illuminated by any flashing, intermittent or moving light or lights.

- E. No lighting shall be allowed to be used in any way in connection with any sign unless it is shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the State Highway System or County Road System, unless lighting is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
- F. No sign shall be allowed which moves or has any animated or moving parts.
- G. No off-premises sign shall be allowed to be erected or maintained upon trees or painted or drawn upon rocks or other natural features, including fences and utility poles.
- H. Changes in any aspect of or in the character of any off-premise sign is prohibited, unless provided for in these Rules and Regulations or State Law.
- I. The United States Postal Service prohibits advertising on mail boxes or their supports. Business symbols or business trademarks are classified as advertising, which are prohibited. The business name which is required by the USPS to be on each mail box shall not be in excess of three inches high, or it will be classified as advertising, which is prohibited.
- J. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.
- K. No off-premise sign shall contain more than two signs per facing.
- L. Distances shall be measured horizontally along a line perpendicular to the centerline of the highway or roadway.
- M. Distances between sign structures located on the same side of the highway shall be measured along the nearest edge of the pavement between points directly opposite the closest points of the signs to the highway or roadway.
- N. Sign height shall be measured from existing grade at the base of or below the sign to the highest element of the sign.
- O. Signs shall be measured in square feet and measurement shall include border and trim.
- P. All signs must conform to the regulations and design standards of all applicable state and local codes. Electrical signs must conform to the applicable Electrical Code.
- Q. No sign shall block any required access way or window.
- R. Traffic Safety

1. No sign shall be maintained at any location where by reason of its position, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
  2. No sign shall be located in any vision clearance area. (See Section 4.7.3.D)
- S. No outdoor general advertising signs will be permitted, except as set forth in Section 4.7.5 hereof.
- T. Political signs may be erected and maintained provided that such signs shall not be a banner type; shall not be posted more than ninety (90) days prior to the election to which the sign relates; shall be removed within fifteen (15) days following the election to which the sign relates; shall be limited to wall, window and ground signs; shall be limited to two (2) signs for each line of frontage of the lot for each permitted use; shall be limited to thirty-two (32) square feet per face; shall be limited to a maximum height of twenty (20) feet; shall not be animated; and shall not flash, blink or fluctuate; and may be illuminated but only from a shielded light source.
- U. One (1) sign not more than fifty (50) square feet in area announcing the sale of acreage, or the sale of lots in a subdivision, may be located on subject property or on such development. Said sign shall be removed at the end of two (2) years a two year extension may be granted at the option of the Board of County Commissioners.

#### 4.7.4 EXEMPTIONS

The following signs shall comply with all provisions of this Article, but may be erected and maintained in all districts without a permit:

A. Address Numerals

Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulations.

B. Agricultural signs

Business signs not exceeding thirty-two (32) square feet in the area when located on property used for agricultural purposes and pertaining to the sale of agricultural products and livestock produced on the premises.

C. Bulletin Boards

Bulletin Boards not over twenty (20) square feet in area for public, charitable, or religious institutions where the same are located on the premises of said institutions.

D. Civic Events

Signs identifying a civic activity or even occurring in Alamosa County and containing direction information useful to the traveler in locating the activity or event; provided that such signs shall not exceed thirty two (32) square feet in sign area and shall not be displayed more than thirty (30) days prior to the activity or event and shall be removed within forty-eight (48) hours after the day of the activity or event. If not removed within such time period, such sign shall be considered a public nuisance and may be removed by the county.

E. Project Signs

Project signs shall not be more than thirty-two (32) square feet in area identifying the project and naming the parties engaged in the project on the property where the sign is located.

F. Farm Sale/Auction/Garage Sale

One (1) Farm Sale/Auction/Garage Sale sign shall be allowed on the lot, shall not exceed thirty-two (32) square feet in sign area and shall be displayed no more than seventy-two (72) hours before the day of sale or auction and shall be removed within forty-eight (48) hours after the day of the sale or auction or shall be considered a public nuisance and may be removed by the county.

G. Flags and Emblems

Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property.

H. Home Occupation Signs on the Location of the Home

One (1) home occupation sign shall be allowed on the lot shall be set back at least twenty-five (25) feet from the property line and shall not exceed sixteen (16) square feet in sign area.

I. Holiday Decoration

Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday are permitted.

J. Identification Signs

Identification signs not exceeding sixteen (16) square feet in gross surface area accessory to a multiple-unit dwelling.

K. Memorial Signs

Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface, permanently attached to, or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

L. Nameplate Signs

Nameplate signs not exceeding two (2) square feet in gross surface area accessory to a one-unit or two-unit dwelling.

M. Occupant Signs

Signs limited in content to name of occupant, address of premises, and signs of danger or a cautionary nature which are limited to: wall and ground signs; not more than two (2) per street front; nor more than four (4) square feet per sign in area; no more than ten (10) feet in height above grade; signs which may be illuminated only from a shielded light source which does not flash, blink or fluctuate; and signs which are not animated.

N. On-site Information Signs

Signs commonly associated with and limited to information and directions relating to the Permitted Use on the lot on which the sign is located, provided that each such sign is only for the convenience of the public and is limited to: wall, window and ground signs; not more than five (5) feet in height above grade; may be illuminated only from a shielded light source which does not flash, blink or fluctuate; shall not be animated except that gauges and dials may be animated to the extent necessary to display correct measurement.

O. Professional Signs

Name plate signs not more than two (2) square feet in area which are of a wall or window type.

P. Public Signs

Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation authorized by the law, statute or ordinance under which the signs are erected.

Q. Real Estate Signs

Signs not extending outside the property line and not more than sixteen (16) square feet per face in area which the sale, rental, or lease of the premises upon which said signs are located, except for those controlled by Section 4.7.7.B.d (K).

R. Scoreboards

Scoreboards in athletic stadiums

S. Signs in Display Window

Signs in the display window of a business use, which are incorporated with a display of merchandise or a display relating to services offered.

T. Signs within Buildings

Any sign placed inside a building may be erected without a permit but subject to the safety regulations of all applicable buildings codes.



#### **4.7.5 ON-PREMISE ADVERTISING DEVICES**

On premise signs must comply with the following tests and criteria:

1. The purpose of an “on premise sign” is to advertise the principal or primary activities, goods or services available upon the premises, or to identify the property upon which the sign is located and direct the traveling public to the closest entrance to the premises, or to advertise the property upon which the sign is located for sale or lease. An on-premise sign must be located upon the same property as the premise activity advertised.
  - A. A sign that is located upon the premises and only advertises the primary activities, goods or services conducted or available upon the premises or consists solely of the name of the establishment is an on premise sign.
  - B. A sign that advertises activities, goods or services not available upon the premises is not an on-premises sign.
  - C. A sign which identifies the property upon which it is located is an on premise sign if it only advertises the name of the property or the name of the owner of the property. Such signs may direct the motoring public to the closest entrance to the premises. Such signs are limited to two signs visible to traffic proceeding in any one direction if the highway frontage of the property upon which the premises is located is less than one mile in length. If the highway frontage of the property upon which the premises is located is more than one mile in length, one sign visible to traffic proceeding in any one direction per mile is allowed. Devices allowed herein may be no larger than 32 square feet. To the extent that signs are available under paragraph “a” or “c” of this subsection 1, signs under this paragraph are prohibited.
  - D. A sign which advertises the property upon which it is erected is an on premise sign if it predominantly advertises the sale or lease of that specific piece of property. To further the purposes and intent of the act, such signs are limited to one sign visible to traffic proceeding in any one direction less than one mile apart and may be no larger than 32 square feet.

#### **4.7.6 SIGNS IN AREAS ZONED COMMERCIAL & INDUSTRIAL**

- A. A county sign permit must be obtained for all signs.
- B. Signs erected in areas zoned for commercial or industrial use must comply with size, lighting, and spacing criteria. All such signs lawfully erected shall be classified as conforming and may be allowed to be maintained provided that they meet the following criteria:
  1. Size of sign located in areas zoned for commercial or industrial use.

- A. The maximum for any sign shall be 150 square feet with a maximum height of 20 feet and a maximum length of 12 feet except in those in those areas zoned Industrial and Commercial prior to 1970 where any one sign may be 300 square feet with a maximum height of 20 feet and a maximum length of 40 feet. All signs shall be rectangular in shape and not cut out signs shall be permitted.
- B. Measurements shall include all border and trim, but exclude the base or apron supports, and other structural members.
- C. The maximum size limitations shall apply to each side of a sign structure. Signs may be placed back-to-back, or in V-type construction with not more than two displays to each facing. Each two faced sign structure shall be considered as one sign structure if the two faces share a common vertical post.

## 2. Lighting

- A. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
- B. Signs which are not shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the State Highway System or County Road System and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.
- C. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- D. All such lighting shall be subject to any other provision relating to lighting of signs applicable to all highways under the jurisdiction of the State.

## 3. Spacing of Signs

- A. State Highways and County Roads
  - 1. No two signs shall be spaced less than 300 feet apart.
  - 2. No more than one sign shall be allowed at a location for purposes of determining compliance with spacing requirements and shall be located on the same side of the highways as the building qualifying the location zoned for commercial and industrial use.
- 3. Explanatory Notes
  - A. Necessary goods and services are described as follows:

1. Lodging - rooms available 12 months out of the year on a nightly basis such as hotels, motels and cabins.
2. Camping - A facility whose primary business is to provide adequate camping sites with fresh water and sanitary room facilities. If camping sites are not available 12 months out of a year, the sign message must contain the dates the facility is open.
3. Food - facilities available 12 months out a year whose primary business is for the service or sale of prepared or packaged food such as restaurants, fast food outlets, grocery stores, bakeries, and meat markets.
4. Gas - fuel products available 12 months out of a year.
5. Vehicle Repair - A facility which offers motor vehicle repair services 12 months out of a year.
6. Health related goods or services - facilities available 12 months out of a year which provide goods such as drugs and medicines or services such as emergency medical services provided by a licensed medical practitioner.
7. Recreational facilities and service - facilities available to or used by the traveling public and those services available at the facility which are necessary in the operation of that facility such as a ski area is a recreational facility on the on-site rental of skis is a necessary service available at the facility.

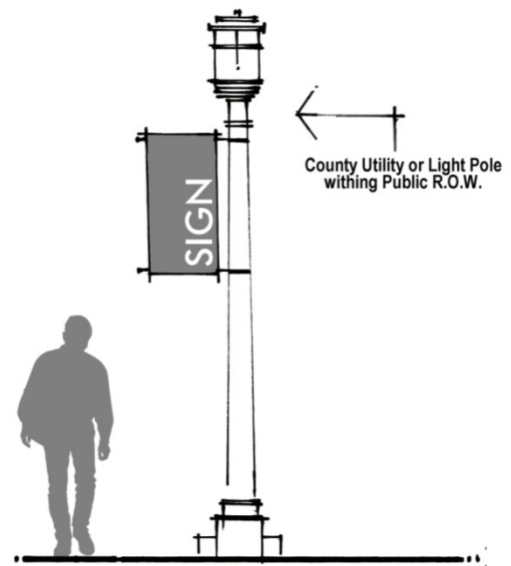
C. Grandfathered signs which do not meet the size, lighting, and spacing criteria provided in subsection B above may continue to be maintained. All such signs shall be classified as Grandfathered and must comply with the following criteria:

1. The right to continue a Grandfathered sign is not confined to the sign owner or any one individual or corporation so using the land. Thus, a Grandfathered sign may be sold, leased, or otherwise transferred without affecting its status. However, the location of the Grandfathered sign may not be changed. A Grandfathered sign removed as a result of a right-of-way taking, or for any other reason, cannot be re-established at a new location.

2. The sign must have been lawful on the effective date of these Regulations and must continue to be lawfully maintained.
3. The Grandfathered sign may continue as long as it is not changed, abandoned or destroyed. The sign must remain substantially the same as it was in existence on the effective date of the State Law or Rules and Regulations. Extension or enlargement of the sign is a change in the existing use. Replacement, rebuilding, or re-erecting is a change in the existing use. Exception may be made for the rebuilding or re-erecting of signs which have been vandalized or subject to other criminal or tortuous acts, if allowed by State Law and re-erected in kind. Reasonable maintenance of the sign is not a change in the existing use. This would include a change of advertising message and normal upkeep and repair of a sign structure.

#### 4.7.7 Other types of signs

- A. Temporary signs
- B. The signs described in this section may be erected on a temporary basis only after a permit has been issued by the administrator. No sign shall be placed in a public right-of-way, nor attached to a pole or structure owned by a public utility company.



- a. One on-premises construction project sign, not to exceed 20 square feet in size, may be erected in a residential district, and up to two on- premises construction project signs may be erected in a business, industrial, or office and institutional zone, so long as the sum of the areas of one face of these signs does not exceed 32 square feet. Construction signs shall not be erected prior to site plan or plat approval or the issuance of a building permit, and shall be removed within 15 days after final inspection and approval of the project.
- b. Signs indicating special events, such as a fair, carnival, festival, grand opening, sale, or similar non-permanent activity to be conducted within Alamosa County. Such sign shall not exceed 32 square feet in area and may be erected for a period not to exceed 30 days. Such signs shall be removed by the applicant within seven days after the event has taken place, and may be permitted only one time within a 12-month period.
- c. “Yard Sale” signs, located off-site from the property where such activity is to occur, shall be permitted outside of public rights-of-way. Such signs may not exceed four square feet in size. Signs shall not be erected more than seven before the sale date and shall be removed within 48 hours of the sale date.

- d. Real estate, church or nonprofit organizational direction signs may be located off-site; however, such signs may not exceed six square feet and no more than one sign per intersection shall be permitted. Such signs may be erected for a period of three consecutive days and must be removed by the applicant for a period of at least three days before placement in the same location is reestablished.
- e. One on-premises easel sign shall be permitted; however, such sign may not exceed six square feet per face and no more than one sign per business or use.

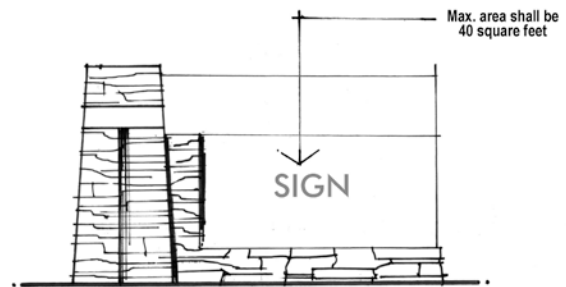
**2. Temporary Political Campaign Signs**

Signs announcing candidates seeking public office, with pertinent data, and signs relating to ballot issues, with pertinent data, subject to the following limitations:

- a. Political signs are permitted in all zoning districts and shall be removed no later than seven (7) days after the election for which they are intended.
- b. Political campaign signs not removed within the stated time period may be removed by order of the Board of County Commissioners at the expense of the political candidate, ballot initiative, or referendum.
- c. No political campaign sign shall be located within or over the public right-of-way.
- d. All political signs do not require a sign permit.
- e. Signs indicating special events, such as fair, carnival, festival, grand opening, sale, or similar non-permanent activity to be conducted within Alamosa County. Such sign shall not exceed 32 square feet in area and may be erected for a period not to exceed 30 days. Such signs shall be removed by the applicant within seven days after the event has taken place, and may be permitted only one time within a 12-month period.

**3. Tract identification signs**

Up to two on-premises permanent subdivision, church, apartment, civic club, fraternal organization, or community facility tract identification signs for each street frontage are permitted, but the sum of the areas of one face of these signs shall not exceed 40 square feet.



**4. Product and information signs**

On- premises product or information signs are permitted, so long as the sum of the areas of one face of these signs does not exceed 48 square feet, and the area of any single sign does not exceed 16 square feet in size.

**5. Community service signs**

A welcome sign, or a sign incorporating the insignias of more than one civic, governmental and/or nonprofit organization, may be permitted. Any such sign shall not exceed 100 square feet in area or 20 feet in height. Location within a public right-of-way may only be permitted with written approval of the state or county. Such sign may be on-premises or off-premises.

**4.7.8 Exemptions**

The following signs shall not be subject to regulation hereunder:

- A. Signs not exceeding two square feet in area that only display the property numbers, post office box numbers or the names of the occupants of any premises, may have information on both sides of the two-square-foot sign.
- B. Historic signs.
- C. Legal signs posted as authorized by law.
- D. Signs of governmental units or agencies on public property or public rights-of-way which are erected for the public health, safety and welfare.
- E. On-premises signs not exceeding four square feet that direct and guide traffic and parking.
- F. Temporary signs pertaining to the lease or sale of the property on which they are located or of any building thereon, provided that such signs do not exceed eight square feet in area per sign and further provided that no more than two such signs are located on any single lot as defined herein.
- G. Temporary signs, and then only on a seasonal basis, to advertise the sale of agricultural products. These seasonal signs shall be no larger than eight square feet, nor may the total copy areas be in excess of 150 square feet, nor shall have a height in excess of that permitted for a freestanding sign.
- H. Danger, poison, precautionary, safety or signs of similar nature.
- I. No trespassing, no-hunting, or signs of similar nature.
- J. Window signs.

#### **4.7.9 Signs prohibited**

The following signs are expressly prohibited within all zoning districts:

- A. Roof signs.
- B. Nongovernmental signs erected on public property or public rights-of-way. This does not include temporary signs.
- C. Signs affixed to trees, shrubbery, vines, utility poles, and similar objects.
- D. Signs that display any statement, word, character, or illustration of an obscene nature.
- E. Portable signs on a seasonal basis to advertise the sale of agricultural products.
- F. Signs painted on or displayed on vehicles or trailers usually parked in public places primarily for displays. Additionally, any such prohibited sign designed to be portable shall not be permitted to be altered so as to be made permanent.
- G. Windblown signs, including banners, pennants, streamers, spinners, blimps, gas balloons, and no more than two flags, unless specifically provided for in paragraph F above.
- H. Any sign or device set into motion by mechanical, electrical, or other means.
- I. Any sign which is a copy or imitation of an official sign, or which purports to have official status.
- J. Off-premises signs, unless specifically provided for in this section.

#### **4.7.10 Removal of obsolete or deteriorated signs**

##### **A. Obsolete signs**

Signs which identify business establishments no longer in existence, products no longer being sold, services no longer being rendered, or events which have already occurred shall be removed by the owner of the premises on which the sign is situated within 30 days of receipt of notification by the administrator.

##### **B. Deteriorated signs**

Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the current building code, or which is otherwise determined to be unsound or unsafe, shall be removed or brought into compliance with all codes and ordinances within 30 days of notification by the administrator.

#### **4.7.11 Maintenance**

- A.** All signs shall be maintained in a state of good repair. The administrator is authorized to inspect each sign periodically to determine that it meets the requirements set forth in this subchapter. Whenever it shall appear to the administrator that any sign has been structured or is being maintained in violation of this subchapter, such sign shall be made to conform to all regulations herein, or shall be removed at the expense of the owner within ten days after written verification thereof by the administrator.
- B.** Maintenance responsibilities: to ensure that signs are erected and maintained in a safe and attractive manner, the following maintenance requirements shall apply to all signs visible from any street right-of-way:
  - 1. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period of more than 30 successive days.
  - 2. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 percent from vertical for a period of no more than ten successive days.
  - 3. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of no more than 30 successive days.

### **Section 4.8 Operational performance**

#### **4.8.1 Purpose**

The operational performance standards of this section are intended to protect the health, safety and welfare of the citizens of the county by regulating potential nuisance features associated with certain land uses.

#### **4.8.2 Applicability**

The operational performance standards of this section shall apply to all uses, buildings and structures within the county unless otherwise specifically indicated. Compliance with the standards of this section shall be an on-going obligation of all uses, with the exception of normal and customary activities and uses associated with bona fide agricultural enterprise located outside the urban influence area. (See Section 1.4, Right-to-Farm Policy)

### 4.8.3 Exemptions

The following are exempt from the operational performance standards of this section:

- A. Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and
- B. Demolition activities that are necessary and incidental to permitted development on the same lot, on another of several lots being developed at the same time or in public rights-of-way or easement.

### 4.8.4 Standards

Under this section, the following standards shall apply:

#### A. Noise

Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family and duplex uses and residential district zoned sites; provided, however, this provision shall not be interpreted as applying to lands within the –AO district, with respect to noise normally associated with airport operations.

#### B. Vibration

All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located.

#### C. Smell

All uses shall be operated so that smell is not perceptible outside the lot lines of the site on which the use is located.

#### D. Fire and explosive hazards

Underground storage tanks for flammable liquids and gasses shall be located at least 50 feet from the lot line of lots with residential zoning or that contain a single-family or duplex use. Above ground tanks shall be set back at least 100 feet from such lot lines, unless the board of adjustment determines, based on information provided by the applicant, that a 50-foot setback will ensure compliance with all applicable state standards. The storage tank setback requirements of this section shall not apply to tanks that are necessary to single-family or duplex units.

#### E. Electromagnetic interference

No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.

#### F. Usable, livable open space (yards)

##### 1. Required yards

No building used in whole or in part for residential purposes shall be hereafter erected, structurally altered or relocated on a lot so as to reduce the usable livable open space of such lot to less than that thereafter specified by the regulations of the district in which such building is located.

##### 2. Usability of required open space

To be considered usable, livable open space shall be readily accessible and of a size and shape which can be reasonably considered to provide for amenities and the necessities of light, air, play space, yard area, garden, etc., but shall not include parking area and drives.



### **3. Maintenance and use of yards**

Required yards shall be landscaped and kept clean and free from the accumulation of debris and refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material except as may be specifically otherwise permitted under this LUDC.

#### **4.8.5 Compliance**

Any use existing at the time of the effective date of this LUDC July 15, 2009 that does not comply with one or more of the operational performance standards of this section shall not be deemed a nonconforming use for the purposes of this LUDC. (See also Section 1.4, Right-to-Farm and Ranch Policy.)



# Article 5 | Subdivision Standards

## Section 5.1 General

### 5.1.1 Scope and purpose

This article shall govern major and minor subdivisions of land within the county. These subdivision standards are authorized by Colorado Revised Statutes, 973, Title 30, Article 28, as amended, and are hereby declared to be in accordance with all provisions of these statutes. The intent of these standards are designed and enacted for the purpose of promoting the health, safety, order, prosperity, and welfare of the present and future inhabitants of Alamosa County. These standards shall supplement and facilitate the enforcement of the provisions and standards contained in this land use and development code, comprehensive plan, and all other applicable standards and regulations.

### 5.1.2 General Subdivision Criteria

Parcels of land which create less than thirty-five (35) acres shall not be allowed to be subdivided unless the proposed subdivision is done in an orderly, planned, efficient and economic manner; division of land must be completed in a manner that does not endanger the health, safety, prosperity, welfare of the present and future inhabitants of the County of Alamosa. Existing and proposed public improvements may need to conform to the intent of and be properly related to the policies and recommendations of the comprehensive plan.

### 5.1.3 Plat required

The developer of a parcel or site of land located within the county limits; and the developer of multi-family and nonresidential development shall prepare and submit for approval, a plat in accordance with this section.

### 5.1.4 Unapproved plat

No county approvals, including but not limited to building, repair, plumbing or electrical permits, shall be issued by the county for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record.

### 5.1.5 No public maintenance

The county shall not repair or maintain any streets or public utility services that have not been formally accepted in writing by the Board of County Commissioners. The county shall not repair, maintain, install or provide any streets or public utilities or services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

### 5.1.6 No utility service

Utility providers, including but not limited to water, and wastewater and electric providers, shall not sell or supply water or sanitary sewer within a subdivision for which a final plat has not been approved and filed for record, or in which the standards contained herein have not been complied with in full.

### **5.1.7 Acceptance of Public Lands**

Approval of a subdivision plat by the Board of County Commissioners SHALL NOT constitute County acceptance of roads, streets, alleys or other public lands dedicated on the subdivision plat. The dedication of any of the aforementioned subdivision plat dedications shall ONLY be accepted by formal action by the Board of County Commissioners.

### **5.1.8 Interpretation**

In the interpretation and application of the provisions of these standards, the following criteria shall apply:

1. Whenever both a provision of these standards, and any other provision of this code or any provision in any other law, ordinance, resolution, rule, statute or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restriction are more restrictive or impose higher standards or requirements shall govern.
2. These standards do not abrogate or annul any plat, easement, covenants or permits recorded or issued before the effective date of these standards.

## **Section 5.2 Subdivision design standards**

### **5.2.1 General**

#### **A. Suitability of lands**

The county shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

#### **B. Reserved strips and remnants prohibited**

There shall be no reserved strips controlling access to a proposed or existing public easement or right-of-way in such a manner that it denies access from adjacent property to said street or easement, except where their control is placed in the county under condition approved by the planning commission and board of county commissioners.

#### **C. Hillside development**

When a subdivision or development is proposed on land which has an average slope of 15 percent or greater, the following provisions shall apply:

1. The subdivider shall submit detailed information with the preliminary plan regarding geologic conditions, soil types, and other pertinent information in order that a determination can be made as to the appropriateness of development on the site.
2. All individual lots shall be at least one acre in size.
3. The subdivider shall submit with the preliminary plan detailed plans for any proposed cut and fill operations.

4. Maintenance easements shall be provided for access to any cut and fill slopes outside streets rights-of-way.
5. Special attention shall be given to lot design, in order to accommodate adequate space for a building site and sewage disposal facilities.
6. Special attention shall be given to the drainage system, in order to avoid erosion and slippage.

**D. Sequence and continuity of improvements**

**1. Sequence of improvements**

Unless otherwise approved by the administrator, improvements shall be installed on the site in the following sequence:

- a. Street grading and installation of water distribution lines, fire hydrants, sanitary sewers, storm sewers, gas, telephone, cable television, and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement;
- b. Street base material;
- c. Curb and gutter and sidewalks; and
- d. Street paving.

**2. Continuity of improvements**

- a. All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties.
- b. All water distribution lines shall be looped or connected to at least two existing sources.

**E. Existing structures**

The subdivision or re-subdivision of a lot, site or parcel shall not be permitted to cause an existing permanent structure to violate the standards of this LUDC.

**5.2.2 Engineering and construction standards**

All required improvements shall be constructed in accordance with county construction standards; provided that improvements within the Urban Influence Area shall be constructed in accordance with city standards. Where such standards do not specifically cover a design or construction issue, the administrator shall have the authority to enforce other nationally recognized standards. Where a roadway is maintained by CDOT, the roadway and any intersections with such roadway shall be constructed in conformance with the county's construction standards or CDOT standards and specifications, whichever is more stringent.

**5.2.3 Subdivision access**

**A. Large tracts or parcels**

When land is subdivided into larger parcels rather than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions. If the Comprehensive Plan recommends major streets to cross the subdivision, the rights-of-way shall be dedicated to the public.

## **B. Single family residential lots**

1. Single family residential lots shall not derive access from a major street. Such lots facing major streets should be minimized to the fullest extent possible.
2. Where a single family residential lot borders a major street and a local street, access shall be gained from the local street only and the final plat shall include a note restricting access to such lots from the collector, arterial or other major street.
3. Where driveway access from a major street may be necessary for several adjoining lots, a combined access drive may be required in order to limit possible traffic hazards.

## **C. Access requirements**

### **1. Residential subdivisions**

- a. Any residential subdivision of greater than 10 lots shall include at least two access points. The second access may consist of a stub street.
- b. Any residential subdivision of greater than 30 lots shall include at least two access points. The second access may consist of a stub street.
- c. Any residential subdivision of greater than 75 lots shall include at least three access points. Stub streets shall not be considered part of at least two of the three access points.
- d. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.
- e. Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the planning commission may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections. For those subdivisions large enough to require a third access, a stub-out street may be credited as a required access if the two functioning access roads are both connected to a collector road.
- f. Primary access to the proposed subdivision shall, to the maximum extent feasible, be from a collector rather than from local streets or through an abutting, existing residential development.

### **2. Nonresidential subdivisions**

Nonresidential subdivisions shall have access to an arterial street; provided that the planning commission may approve access to a collector street if traffic conditions warrant such access. Nonresidential subdivisions shall not have access to local streets, other than local streets within a nonresidential subdivision.

## **5.2.4 Streets**

### **A. Street layout**

1. Adequate streets shall be provided by the subdivider such that the arrangement, character, extent, width and grade of each shall conform to the Comprehensive Plan. The layout of new streets shall be considered in their relation to existing and planned streets, to the public safety and convenience and to their appropriate relationship to the proposed use of the land to be served by such streets.

2. Street layout shall conform as much as possible to topography; to permit efficient drainage and utility systems; to require the minimum number of streets necessary for convenient and safe access to property.
3. Local streets (collector and local streets) shall be designed so that their use by through traffic will be discouraged.
4. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the un-subdivided portion shall be prepared and submitted by the subdivider with the preliminary plat.

**B. Relationship to adjoining street systems**

1. The arrangement of streets should provide for the continuance of local, collector, or arterial streets between adjacent properties when such continuance is deemed necessary by the planning commission for convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan.
2. Whenever connections to anticipated or proposed surrounding streets are required by this section, the rights-of-way shall be extended and the street developed to the property line of the subdivided property at the point where the connection to the anticipated or proposed street is expected. The administrator may require temporary turnarounds in accordance with the requirements of Section 5.2.4J.
3. Whenever a residential subdivision abuts or contains existing or proposed major streets, access to such major street shall be limited by one or more of the following means:
  - a. Reverse frontage may be required with screening along the rear property line. Deep lots or other such treatment must be required along with this solution. For corner lots or lots with double or reverse frontage, the planning commission shall require that a "limits of access" note be placed on the face of the final plat resulting in no access from collector streets or major streets when a lot may derive its access from a local street.

**C. Major streets**

1. Major streets include all minor arterials and collector streets within the county according to the Comprehensive Plan and the Development Plan Map.
2. Where a subdivision embraces a major street as shown on the Comprehensive Plan or the Development Plan Map, provisions must be made for the uninterrupted extension of such streets as shown on said Plan. In certain cases the city or county may have constructed a street through the area to be subdivided, in which case the subdivider shall develop the necessary street intersections at his or her expense, in accordance with the requirements of this section.
3. Where a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvements required to serve only the subdivision, as determined by the board of county commissioners.

#### **D. Street classification**

Street classification shall be as follows, with arterial highway being the highest classification and alley being the lowest.

##### **1. Arterial highway**

State-owned and maintained highways provide connection to the regional transportation network in the San Luis Valley and south to New Mexico. Arterials provide for traffic movement with a minimum number of at-grade intersections that serves as the principal network for high volumes of traffic as shown on the Comprehensive Plan, usually is or would be designated as a State Highway. Residences should not front on an arterial highway.

##### **2. Minor arterial**

Minor Arterials funnel traffic from collectors and local streets and provide efficient access to the arterial highway system, and provide limited access to abutting property in accordance with the access management provision of Section 4.3. Minor Arterials provide for the movement of relatively large volumes of traffic for short distances within the community. Residences fronting on a Minor Arterial are discouraged.

##### **3. Collector**

Collectors serve as connector streets between local streets, cul-de-sacs and Minor Arterials and often funnel traffic onto the Minor Arterials, but can also provide direct access to arterial highways. Collectors generally do not serve pass-through regional traffic.

##### **4. Local street**

Local streets collect and distribute traffic between parcels of land and major streets and collectors, with the principal purpose to provide access to abutting property. Local streets should be designed so that use by through traffic is discouraged.

##### **5. Cul-de-sac**

A local street having one end open to vehicular traffic and having one closed and terminated by a turnaround.

##### **6. Marginal access (frontage street)**

A local street auxiliary to and located on the side of a minor arterial or arterial highway for providing and controlling access to abutting properties and adjacent areas.

##### **7. Alley or lane**

A local street with a single lane providing service access along rear or side property lines of lots which are also served by one of the other listed street types.

#### **E. Street classification standards**

##### **1. Types of roads**

###### **a. Farm and ranch roads**

Farm and ranch roads (F/R) are roads constructed across slopes of less than 15 percent.

###### **b. Mountainous road**

Mountainous roads (MTM) are roads constructed across slopes of more than 12 percent average slope.

##### **2. Outside urban influence area**



| Design Element                        | Details              | Classification             |       |           |       |                        |       |                 |       |
|---------------------------------------|----------------------|----------------------------|-------|-----------|-------|------------------------|-------|-----------------|-------|
|                                       |                      | Minor Arterial             |       | Collector |       | Local Street           |       | Marginal Access |       |
|                                       |                      | F/R = Farm and Ranch Roads |       |           |       | MTM = Mountainous Road |       |                 |       |
| Terrain Classification                |                      | F/R                        | MTN   | F/R       | MTN   | F/R                    | MTN   | F/R             | MTN   |
| Minimum Right-of-Way (Feet)           |                      | 100                        | 100   | 80        | 80    | 60                     | 60    | 40              | 40    |
| Design Speed (MPH)                    |                      | 50-60                      | 40-50 | 40-50     | 30-40 | 30-40                  | 20-30 | 20-30           | 20-30 |
| Number of Lanes                       |                      | 2-4                        | 2-4   | 2         | 2     | 2                      | 2-1   | 2               | 2     |
| Roadbed Width (Feet) 4 lanes          | with curb            | 68                         | n/a   | n/a       | n/a   | n/a                    | n/a   | n/a             | n/a   |
|                                       | without curb         | 64                         | 52    | n/a       | n/a   | n/a                    | n/a   | n/a             | n/a   |
| Roadbed Width (Feet) 2 lanes          | with curb            | 44                         | n/a   | 40        | n/a   | 32                     | n/a   | 28              | n/a   |
|                                       | without curb         | 40                         | 30    | 36        | 30    | 28                     | 26    | 26              | 26    |
| Roadbed Width (Feet) 1 lane           | without curb         | n/a                        | n/a   | n/a       | n/a   | n/a                    | 16    | n/a             | n/a   |
| Median Width (Feet)                   | without turning lane | 10                         | 4     | n/a       | n/a   | n/a                    | n/a   | n/a             | n/a   |
| Median Width (Feet) with turning lane |                      | 16                         | 10    | n/a       | n/a   | n/a                    | n/a   | n/a             | n/a   |
| Maximum Grade (%)                     |                      | 5                          | 5     | 6         | 8     | 8                      | 12    | 8               | 8     |
| Minimum Grade (%)                     |                      | .5                         | .5    | .5        | .5    | .5                     | .5    | .5              | .5    |
| Minimum Centerline Radius (Feet)      |                      | 850                        | 550   | 550       | 250   | 250                    | 75    | 250             | 75    |
| Minimum Curb Return Radius (Feet)     |                      | 35                         | 25    | 35        | 25    | 20                     | 10    | 20              | 10    |
| Bridge Width                          |                      | Same As Road Bed Width     |       |           |       |                        |       |                 |       |

a. All street improvements conform to county construction standards.

**3. Inside the City of Alamosa influence area**

| Classification   | Right-of-way Width (feet) | Minimum Centerline Curve Radii (feet) |
|------------------|---------------------------|---------------------------------------|
| Arterial Highway | CDOT Requirements         |                                       |
| Minor Arterial   | 80                        | 300                                   |
| Collector        | 60                        | 300                                   |
| Local Street     | 60                        | 100                                   |
| Marginal Access  | 40                        | 100                                   |
| Alley            | 20                        | 100                                   |

a. Minimum grade shall be determined by the city engineer.

b. All street improvements conform to City of Alamosa Construction Standards.

**F. Curb and gutter**

Curbs and gutters shall be required where a majority of lot widths are less than 100 feet and where the board of county commissioners deems curb and gutter necessary for the proper drainage of storm water or for the protection of public safety and welfare.

**G. Intersections**

1. Streets shall be designed to intersection, as nearly possible at right angles (90 degrees).
2. No more than two streets shall intersect at any one point unless specifically approved by the planning commission.
3. Street corners shall have a minimum radius of 25 feet at the curb line. Street intersections involving major streets shall have a minimum street corner radius of

30 feet at the curb line. Alley intersections and abrupt changes in alignment within a block shall have the corners rounded to permit safe vehicular movement in accordance with subsection 5.2.4Q and standard engineering practice.

4. Maximum grade through intersections shall be four percent. The maximum grade shall extend a minimum of 50 feet each direction from the centerline of the intersecting streets.
5. The design of intersections with an existing state or federal highway shall be in accordance with CDOT specifications, but in no case shall the standard be less than the applicable specifications and requirements of these regulations or other applicable regulations of the county.

#### **H. Street jogs**

Street jogs with centerlines of less than 150 feet apart shall be avoided. The planning commission shall require that streets be connected such a manner that a smooth flow of traffic and the elimination of traffic hazards are assured.

#### **I. Half streets**

1. Half streets shall be prohibited unless:
  - a. the subdivider obtains for the county a dedication from the abutting landowner of the other one-half of the street;
  - b. the subdivider obtains from the abutting landowner an agreement in a form satisfactory to the city attorney which guarantees the cost of the improvements and construction on the same on the half street within a time suitable to the planning commission;
  - c. the subdivider guarantees the construction of the improvements on the half street which he is dedicating; or
  - d. other similar arrangement recommended by the board of county commissioners' engineer and approved by the planning commission and board of county commissioners.
2. Where there exists a dedicated or platted half street adjacent to the parcel to be developed, the other half shall be platted and, where required by the planning commission, constructed.

#### **J. Dead end streets**

Temporary dead-end streets shall be permitted up to 1,000 feet subject to the requirements of this section.

1. Temporary turnarounds shall be required where a temporary dead end street stub exceeds 200 feet in length. The developer shall provide a sign at the stub declaring that the particular street shall connect with any future development.
2. Permanent dead-end streets shall terminate in a cul-de-sac.
3. Provisions shall be made for adequate storm drainage structures to prevent water from standing in the end of a cul-de-sac, dead end streets, or stub street.

#### **K. Cul-de-sacs**

1. Cul-de-sacs may be permitted only on local streets.
2. No cul-de-sac or permanent dead end street shall exceed 600 feet in length, measured from the nearest street right-of-way line to the outer curb line of the cul-

de-sac. When topography or ownership creates a hardship or when the proposed density of the subdivision is one dwelling unit per acre or less, the planning commission may waive the 600 foot maximum cul-de-sac length, but in no-case shall a cul-de-sac length be in excess of 1,000 feet.

**L. Marginal access (frontage road)**

Where a parcel of land to be subdivided adjoins an arterial highway, minor arterial or railroad, the planning commission or board of county commissioners may require that such lots be provided access by a frontage road. Reverse frontages with screening contained in a non-access reservation along the rear property line, deep lots, or such other treatment may also be required as may be necessary for adequate protection of residential properties and to afford separation of arterial/collector and local traffic.

**M. Private streets**

1. All private streets shall be constructed according to the county's public street construction standards. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets. The county shall have the discretion to require a public street connection for safety or access purposes.
2. The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street.
3. All private streets shall be maintained by a designated responsible party.
4. Where private streets are later made public through dedication to the county, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the county.

**Commentary on private streets (and roads):** Except in very large developments with thousands of units and professional managers, and in some very expensive smaller developments, private roads tend to be inadequately maintained. Owners' associations typically do not budget adequately for annual maintenance and do not create sufficient sinking funds for major resurfacing at periodic intervals. Residents of such developments, despite disclaimers placed in land records, tend to blame public officials and to expect them to do something about it. Private streets ultimately leave the county in an unfortunate position with affected residents and taxpayers. Therefore, the above recommended standards discourage use of private streets.

**N. Street names**

1. Street names shall not be used which will duplicate or be confused with the names of existing streets in the city or county. Street name shall be subject to the approval of the administrator.
2. Streets that are obviously in alignment with other already existing streets shall bear the names or numbers of all existing streets.

**O. Street numbers**

Street numbers shall be established by the administrator.

**P. Street signs and traffic control devices**

1. All pavement marking, signs, and other traffic control devices needed for new subdivisions shall be installed by the developer at his expense, subject to location approval by the administrator. All traffic control devices required by this section shall be in conformance with the state requirements.

2. All street signs shall be installed, at the expense of the subdivider, at each intersection within the subdivision and shall conform to the requirements of CDOT or the Federal Highway Administration, as appropriate.

**Q. Alleys**

1. Alleys may be required in all districts within the Urban Influence Area where requested by the City of Alamosa in accordance with the following requirements:
  - a. Alleys, open at both ends, shall be provided in commercial and industrial areas;
  - b. Where alley intersections are unavoidable, as in "T", "L" or "H" alley configurations, easements shall be established to ensure compliance with the corner setback and safe sight triangle requirements of Section 4.3.10;
  - c. Placing utilities under paved alleys should be avoided in commercial or industrial areas which contain utility lines; and
  - d. If alleys are provided, they shall be paved.
2. Upon recommendation by the administrator, the planning commission may waive this requirement where other definite and assured provision is made for service access, such as adequate off-street loading, unloading and parking facilities consistent with and adequate for the uses proposed. (See also Section 4.12)

**R. Fire lanes**

Fire lanes shall be required where necessary to protect the area during the period of development and when developed and fire lanes easement shall be dedicated, which shall be 16 feet in width, and remain free of obstructions and provide access at all times.

**S. Traffic impact analysis**

**1. Applicability**

All proposed subdivisions of greater than 16 residential units, or greater than 25,000 square feet of floor area for nonresidential subdivisions, shall submit a traffic impact study with the preliminary plat.

**2. Traffic study**

Such traffic impact study shall demonstrate that the proposed subdivision will not create traffic conditions that result in a level of service (LOS) that fails to meet the standards set forth in subparagraph 2.a below.

- a. The street system within the proposed subdivision shall provide LOS A on all proposed streets and at all proposed intersections, and shall be adequate to maintain current LOS's on all abutting streets and intersections. In no instance shall the planning commission or board of county commissioners approve any proposed subdivision that fails to meet this standard unless the subdivider provides traffic mitigation measures that will maintain or improve current LOS on such adjacent streets and intersections.
- b. A traffic impact study shall contain the following additional requirements, provided that the board of county commissioners' engineer may waive some, or add to the requirements on a case-by-case basis as circumstances warrant:
  - (1) An inventory of existing conditions within one mile of the proposed subdivision including: roadway network and traffic control; existing

traffic volumes in terms of peak hours and average daily traffic (ADT); planned roadway improvements by others; and intersection levels of service; and

- (2) Projected site-generated traffic volumes in terms of: peak hours and ADT; approach/departure distribution including method of determination; site traffic volumes on roadways; and comparison of existing conditions to proposed site generation;
- (3) An analysis of future traffic conditions including: future design year (development fully completed) combined volumes (site traffic plus future roadway traffic); and intersection levels of service;
- (4) A description and schematic plan of recommended access and on-site circulation; and
- (5) A description of proposed on-site and/or off-site mitigation measures necessary to meet the LOS standard set forth herein.

#### **T. Seasonal development**

All development in the county above 8,500 feet elevation shall be considered as seasonal in nature, and the board of county commissioners shall not be obligated to keep open or maintain county roads above 8,500 feet elevation during winter months. Under special circumstances determined by the board of county commissioners, agreements may be made with property owners to keep certain county roads open above 8,500 feet elevation if the existing conditions make such agreement feasible.

#### **5.2.5 Easements**

- A. Easements for utilities shall be 16 feet wide, eight feet of which shall be on each side of common rear lot lines where the lines abut. On perimeter rear lots, easement width shall be ten feet or more. Side lot easements, where necessary, shall be at least five feet in width.
- B. If the location of utility easements adjacent to rear property lines is unsuitable for use of utility companies due to drainage, irrigation ditches, timbered area or other obstructions, suitable width easements will be provided adjacent to the areas of obstruction.
- C. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as may be required for necessary flood control measures.

#### **5.2.6 Lots and blocks**

##### **A. General**

The arrangement of lots and blocks shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions, in securing a building permit. All building lots shall be arranged to comply with the Comprehensive Plan, this LUDC and current building codes.

##### **B. Lots**

###### **1. Access**

All lots must have access in accordance with access management standards of Section 4.3. Each residential lot shall have frontage on a street constructed to the standards of this LUDC.

Nonresidential lots need not have such frontage.

- a. Except as provided in Section 4.3.1B, below, no principal building, structure, or use may be erected or established on any lot which does not abut at least 30 feet, 25 feet for townhouse lots, on a street constructed to the standards of the county and dedicated to the public or approved as a private street pursuant to the provisions of Section 5.2.4M.
- b. The administrator may authorize, in specific situations, the erection or establishment of a principal building, structure, or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided, and there are special circumstances, such as the rural nature of the lot and area, or in the case of a nonresidential use, that an easement has been recorded guaranteeing accessibility, that make the application of these requirements to the proposed use not feasible or undesirable.

## **2. Lot configuration and dimensions**

### **a. Width, depth and area**

Lots shall have a width, depth, and area of not less than that required by this LUDC. Lots, tracts, and parcels created for a particular commercial or industrial use shall have sufficient area and dimensions to provide for off-street parking and loading facilities as required by this LUDC for the type of use and development proposed.

### **b. Lot lines**

Side lot lines shall be at right angles to street line or radial to curving street lines except in townhouse developments abutting a curvilinear right-of-way.

### **c. Safe sight triangle**

Corner lots shall comply with the corner setback and safe sight triangle requirements of Section 4.3.10. Said triangle shall be protected by easement dedicated to the county.

### **d. Septic tanks or ISDS or wells**

In residential subdivisions where septic tanks or On-site Wastewater Treatment devices or water wells are to be installed shall maintain a minimum lot width of 100 feet measured at the required building line. (See also Section 5.2.9 and Section 5.2.10.)

### **e. Drainage**

- (1) Each lot, site and block within a plat or subdivision shall be adequately drained, as prescribed by these regulations and all other ordinances and regulations.
- (2) Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (3) No lot or site within a plat or subdivision shall derive sole access to a public street through a regulatory floodway unless such access shall be designed to remain open under base flow or 100 year floodplain conditions.

## **3. Double frontage or through lots**

Double frontage residential lots are prohibited, except as follows:

- a. Residential lots may not have frontage on two non-intersecting local or collector streets, unless access is taken from the street with the lower classification in accordance with Section 5.2.4D
- b. Residential lots adjacent to an arterial street must also have frontage on a local street. Vehicular access to these lots may be from the local street only. Nonresidential lots with double frontage must have offset access points to inhibit cut-through traffic.
- c. There shall be no right access to the rear or side portion of any lot abutting such street.

#### **4. Undivided lots**

Where a block is to be developed and retained under single ownership it is not required that the block be subdivided into lots; however, the block must meet all requirements of these regulations and other applicable regulations for lots and blocks including lot size and dimensions. All lots proposed for commercial or industrial use, shall abut upon a dedicated street, and shall be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use. No individual parcel shall be created for a particular commercial or industrial use that has an area, width, or depth that is less than is required for the permitted use under the applicable provisions of this LUDC.

#### **5. Numbering**

Lots shall be numbered consecutively within each block, phase or plat, and from block to block in a uniform manner.

#### **C. Blocks**

##### **1. General**

The lengths, widths and shapes of blocks shall be determined with due regard for the following:

- a. Provision of adequate building sites suitable to the special needs of the use type contemplated;
- b. Zoning requirements as to lot sizes and dimensions;
- c. Need for convenient access, circulation, control and safety of street traffic; and
- d. Topographic limitations.

##### **2. Configuration**

Blocks generally shall be platted to provide two tiers of lots with a utility easement or alley between them, with proper regard for drainage channels, wooded areas and other topographical features lending themselves to attractive treatment

##### **3. Length**

- a. Blocks for residential use shall not be longer than 500 feet measured along the centerline of the block; or 1,600 feet where the proposed density is less than one dwelling unit per acre.

#### **D. Width and depth**

1. Blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth but shall not be less than 220 feet width except where otherwise required separating residential development from through traffic. Other exceptions to the prescribed block width shall be permitted for blocks adjacent to major streets, railroads, or waterways. Such exceptions are allowed provided other applicable provisions of these regulations.

2. Blocks intended for business and industrial use should be a width and depth suitable for the intended use, without allowance for off-street parking and loading facilities.

**E. Numbering**

Blocks shall be numbered consecutively within the overall plat or sections of an overall plat as recorded.

**5.2.7 Building lines**

- A. Building lines shall be provided on lots in residential subdivisions.
- B. Where access ways are provided or required, a side yard building line shall be provided not less than 10 feet back of the access way right-of-way line on the side of a lot abutting a mid-block access way.
- C. Platted building lines shown on an approved final plat that are more restrictive than the setback requirements of this LUDC shall represent the mandatory setback line.

**5.2.8 Monuments**

Permanent reference monuments shall be installed for all sites proposed for development.

- A. At least one corner of a development shall be designated by course and distance from a readily discernible reference marker such as a U.S. Government marker, section corner or quarter-section corner.
- B. At least two reasonably permanent markers shall be installed within each development. Additional monuments shall be installed if so directed by the administrator or the planning commission.
- C. Reasonably permanent markers shall be consistent in size and materials and shall be set in accordance with Alamosa County's current standards.
- D. A durable cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each monument.
- E. A bench mark, based on USGS or NGS datum shall be established and shown on the site plan. The administrator shall keep a record of known benches established within the county and surrounding area. An assumed datum will not be allowed.

**5.2.9 Water supply**

**A. General**

1. New development shall provide water supply that is sufficient in terms of quality, quantity and dependability for the proposed development. Where private water systems are proposed, water rights information and water system design and capacity shall be provided. In making its determination as to whether the proposed water supply meets this standard, the decision-making body shall give substantial weight to the recommendations of the State Health Department; the State Engineer; the service provider(s); and county staff.
2. A public water treatment and distribution system shall be required in all subdivisions with a proposed density of greater than one dwelling unit per acre.
3. Minimum lot area for lots served by individual wells shall be subject to Section 5.2.6B.2.d.



4. Fire hydrants shall be required in all subdivisions where a public water system is required. Hydrants shall be spaced 500 to 1,000 feet apart and provided with adequate water pressure for fire-fighting purposes.
5. Water lines, where required, shall be designed to connect each lot with mains in accordance with applicable engineering standards.
6. All water systems and individual wells shall be subject to applicable standards, technical procedures and requirements of the Colorado Department of Health and Colorado Division of Water Resources.

**B. Connect to city system**

1. All major development occurring within the Area of Influence shall be connected to the city water supply system. For purposes of this section, major development shall include all nonresidential and multi-family development and all subdivisions with three or more lots or density greater than one unit per acre.
2. The developer shall provide adequate service lines and stubs to each lot such that street and sidewalk cuts will not be required in order to connect the proposed buildings with the water mains. The tap of the water main shall be made by the county or be accomplished under service provider supervision, in conformance with all applicable county standards, including the city's construction standards.

**5.2.10 Sanitary sewer**

**A. General**

New development shall provide sanitary sewage disposal that is sufficient in terms of quality, quantity, and dependability for the proposed development. In making its determination as to whether the proposed sewage disposal plan meets this standard, the decision-making body shall give substantial weight to the recommendations of the State Health Department, service provider(s), and county staff.

**B. Connect to city system**

1. All nonresidential development and all subdivisions with 3 or more lots or density greater than one unit per acre occurring within the Area of Influence all shall be connected to the city sewage disposal system in accordance with city requirements.
2. The developer shall provide adequate service lines and stubs to each lot in such a manner that street and sidewalk cuts will not be required in order to connect the proposed buildings with the sanitary sewer mains. The actual tap of the sewer main shall be made under city supervision, in conformance with all applicable service provider standards, including the city's construction standards.

**C. Alternative systems**

1. Where a central collection and treatment system is not required, the use of septic tanks is the least desirable alternative. If septic tank – absorption systems are used initially, where a central collection and treatment system is not required, provisions should be made for future central collections and treatment system. Subdividers and others interested in land development should investigate sewage disposal aspects prior to land acquisition.
2. All sewage disposal and treatment systems, whether individual or public, shall comply with all regulations and specifications of the State Health Department, and shall be located and constructed in such a manner which will not pollute or endanger wells or water sources.

3. Lots with water wells and septic tanks shall have a minimum of one acre per lot, or the minimum lot requirement of the Colorado State Health Department Bulletin Number 600, Septic Tank and Subsurface Tile System, whichever is more restrictive. Minimum lot area for lots served by individual wells shall be subject to Section 5.2.6B.2.d.

#### **5.2.11 Underground utilities**

All franchised utilities shall be installed beneath the surface of the ground unless it is determined by the administrator or the planning commission, depending on which is responsible for the review of the site plan, that soil, topographical or any other compelling conditions make underground installation of such utility lines unreasonable and impractical. Underground installation of bulk electric power supply lines such as transmission and primary distribution feeder lines may not be required.

#### **5.2.12 Street lighting**

The subdivider shall be responsible for the installation and cost of street lighting in all subdivisions within the city of Alamosa's Area of Influence in accordance with the requirements of this section.

- A. Prior to installation of street lighting, a street lighting design plan shall be approved by the administrator, including determination of the location and number of street lights. Streetlights shall be located so as to be of general benefit to the surrounding neighborhood. The developer shall be required to provide and install ornamental metal standard and high pressure sodium vapor lamps on public streets in subdivisions.
- B. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the City of Alamosa, the electric company from which electricity is to be purchased and the requirements of Section 4.5.

### **Section 5.3 Responsibility for installation costs**

#### **5.3.1 Required improvements**

Required improvements shall include: streets, curb and gutter (when necessary), street signs and traffic control devices, pedestrian facilities (including sidewalks, walkways, access ways), easements and utilities, water system, sanitary sewer, storm sewers and drainage, public areas and open space, and street lighting.

#### **5.3.2 Payment for required improvements**

The subdivider is responsible for payment of all costs of materials and installation of required improvements (infrastructure and public improvements needed to serve the development), unless otherwise provided, in accordance with the requirements of this LUDC, the county's Engineering and Construction Specifications, and with the specific plans and specifications for such improvements approved by the appropriate city, county, state or federal agencies.

#### **5.3.3 County participation provisions**

The cost of utilities, streets, storm sewers, and other improvements that are required by the county to be larger than would normally be needed to serve the proposed addition may be cost-shared between the developer and the county at the discretion of the board of county commissioners.

## **Section 5.4 Financial guarantee**

### **5.4.1 General**

- A. Improvements may be installed only in accordance with a Final Plat that has been approved, or approved on condition, as required by this LUDC. Said improvements must be in accordance with construction plans approved by the decision-making body, the subdivider may submit a construction phasing plan.
- B. The applicant shall build and pay for all costs of temporary improvements required by the decision-making body and shall warranty and maintain same for the period specified in Section 5.7BA.
- C. All required improvements shall be made by the applicant, at his/her expense, without reimbursement by the county or an improvement district therein, except where approved by the board of county commissioners.
- D. Approval shall be deemed to have expired for subdivisions for which no assurances for completion has been posted and improvements have not been completed within the period specified by the provisions of these regulations. In those cases where a performance bond or other instrument has been required and improvements have not been completed within the terms of said performance bond or other instrument, the board of county commissioners may declare the bond to be in default and require that all the improvements be installed.

### **5.4.2 Time limit for completion of improvements**

- A. The period within which required improvements must be completed shall be specified by the decision-making body in approving the Final Plat and shall be incorporated in the bond or other instrument and shall not in any event exceed two years from date of final approval of the plat or surety bond whichever is later.
- B. The decision-making body may, upon application of the subdivider and upon proof of hardship, approve an extension of the completion date set forth in such bond or other instrument for a maximum period of one additional year. Such extension shall be granted no more than two times. Each application for extension shall be accompanied by an updated estimate of construction cost prepared by a professional engineer.

### **5.4.3 Engineering inspection and repairs**

- A. Engineering inspection of required improvements shall be provided by the county. The subdivider shall be responsible for inspection fees (See Section 8.2.3B). If the administrator finds, upon final inspection that any required improvements have not been constructed in accordance with county's construction standards, the subdivider shall be responsible for making repairs and completing the improvement as required.
- B. The board of county commissioners shall not accept dedications of required improvements, nor release, nor reduce a performance bond until the administrator has submitted a certificate stating that all requirements have been satisfactorily completed.
- C. The administrator may establish additional requirements and procedures as necessary to ensure the proper installation and inspection of required improvements.

### **5.4.4 Improvement assurance alternatives**

Completion of the required improvements may be assured by one the following methods:

**A. Build first**

Prior to recording the final plat or issuance of building permits, the subdivider shall complete, in accordance with the approved construction plans, all improvements required in these regulations specified in the Final Plat and/or planned unit development master plan, and when required, shall dedicate the same to the county in accordance with these regulations. The final plat shall be held by the administrator and signed by the board of county commissioners only after satisfactory completion and acceptance of the required improvements.

**B. Subdivision improvements agreement**

In lieu of completion of all improvements prior to final plat recording, the board of county commissioners may, at its discretion, enter into a subdivision improvements agreement with the subdivider, whereby the subdivider shall guarantee to complete all required improvements as may specified and approved by the board of county commissioners. To secure this agreement, the subdivider shall provide, subject to the approval of the board of county commissioners a financial guarantee as provided in 5.4.5, below.

**5.4.5 Financial guarantees**

If the subdivider decides or elects to file security in lieu of completing construction prior to final plat approval, he or she may utilize one of the following methods of posting security. If the subdivider elects to file security, the plat shall not be approved unless the subdivider has done one of the following:

**A. Surety bonds**

The subdivider shall file a surety bond with the county, as set for herein the amount of 110 percent of the estimated construction costs of the required improvements. A professional engineer shall furnish estimates of the costs of all required improvements at utilities to the administrator who shall review the estimates in order to determine the adequacy of the bond for insuring the construction of the required facility. All dedications, easements and improvements relative to the final plat and to the surety bond shall be brought before the board of county commissioners for their acceptance. Upon such acceptance the applicant shall file the final plat in the office of the County Clerk and Recorder.

**B. Escrow account**

The subdivider shall deposit in case or other instrument readily convertible into cash the face value, either with the county, or in escrow with a bank or savings and loan institution. The use of an instrument, other than cash, shall be subject to approval of the board of county commissioners. The amount of the deposit shall be 110 percent of the full amount of the cost of the required improvements, cost estimated by a professional engineer and approved by the administrator. In the case of any escrow account, the subdivider shall file with the board of county commissioners an agreement between the financial institution and himself guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until released by the board of county commissioners and may not be used or pledged by the subdivider as security in any other matter during that period; and
2. That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall immediately make the funds in said account available to the county for use in the completion of those improvements.

**c. Unconditional letter of credit**

Subject to the approval of the board of county commissioners, the subdivider shall provide a letter of credit from a bank, or other reputable institution or individual. This letter shall be submitted to the board of county commissioners and shall certify the following:

1. That the creditor does guarantee funds equivalent of 110 percent of the full amount as estimated by professional engineer and approved by the administrator;
2. That, in case of failure on the part of the subdivider to complete the specified improvement within the required time period, the creditor shall pay to the county immediately and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of the credit stated in the letter; and
3. The letter of credit may not be withdrawn, or reduced in amount, until approved by the board of county commissioners according to provisions of this article. No expiration of the guarantee shall be permitted.

**5.4.6 Certificate of occupancy**

Where a surety bond or other instrument is required for a subdivision, no certificate of occupancy for any building in that subdivision, or any approved phase, shall be issued prior to the completion of the improvement and dedication and acceptance of the same by the board of county commissioners.

**Section 5.5 Dedication of improvements**

Improvements proposed to be accepted by the county shall proceed as follows:

**5.5.1 Letter from developer**

A letter from the developer shall be submitted to the administrator describing the location of said improvement projects, the construction costs, and a certified copy of as-built plans executed by the developer's engineer shall be attached, and said letter shall contain a request for acceptance for operation and maintenance of the improvement by the county.

**5.5.2 Letter from developer's engineer**

A letter from the developer's design engineer shall be submitted to the administrator certifying that the construction of the street improvements was performed in full compliance with the administrator-approved plans and specifications.

**5.5.3 Materials testing report**

A materials testing laboratory report for each test performed on material incorporated in the construction shall be submitted to the administrator.

**5.5.4 Maintenance bond**

A maintenance bond from the developer's contractor benefiting the county as specified in Section 5.7.

**5.5.5 Approval of construction**

After completion of construction of the improvement and after a determination by the administrator that the street meets all requirements of this LUDC and the county's construction standards, the dedicator shall present to the board of county

commissioners, in a form specified by the administrator, a formal dedication of the improvement with metes and bounds description.

## **Section 5.6 Acceptance and release of financial guarantee**

Upon receipt of a recommendation from the administrator, the board of county commissioners may approve the dedication and releases of financial guarantees for required improvements in accordance with the requirements of this section. The administrator may establish additional submission requirements and procedures for the release of financial guarantee.

### **5.6.1 Periodic releases**

- A. As public improvements are made, an applicant may apply to the administrator for release of part or all of the collateral deposited with the board of county commissioners. Upon inspection and approval, the board of county commissioners shall release collateral.
- B. If the board of county commissioners, upon recommendation of the administrator, determines that any of the required improvements are not constructed in substantial compliance with specifications, the administrator shall furnish the applicant a list of specifications and shall be entitled to withhold collateral sufficient to insure substantial compliance.
- C. If the board of county commissioners determines, upon recommendation of the administrator, that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the board of county commissioners may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the approved specifications

### **5.6.2 Collateral release procedure**

- A. Collateral release requests shall be complete at least 14 days prior to any desired release date; and must show, or include all of the following:
  - 1. Dollar amount of commitment guarantee;
  - 2. Improvements completed, including dollar value;
  - 3. Improvements not completed, including dollar value;
  - 4. Amount of previous releases;
  - 5. Amount of commitment guarantee requested released;
  - 6. Release or waivers of mechanics liens of all parties who have furnished work, services, or materials for the Improvements;
  - 7. Certification by the design engineer that the improvements have been completed according to approved standards and specifications; and
  - 8. Reasonable fee to cover the cost of administration and inspections.
- B. Upon receipt of the application, the administrator shall promptly refer the application to the city or county engineer, as appropriate. The city or county engineer, as appropriate, shall inspect the required improvements, both those completed and those uncompleted, at his earliest convenience. If the city or county engineer, as appropriate, determines from the inspection that the required improvements shown on the application has been completed as provided herein, the city or county engineer, as appropriate, shall so advise the administrator, and the administrator shall release that

portion of the collateral supporting the commitment guarantee relative to the completed improvements.

- C. All collateral releases shall be made in writing signed by the administrator. Such releases shall be made in all cases as soon as practical, following the submission of a complete request, as described above.
- D. The county may release 115 percent of the amount of the collateral for the required improvements completed to date, less 125 percent of the costs of the required improvements not completed; thus retaining 10 percent of the amount of the collateral for the required improvements completed to date as identified by the approved cost estimate shall be retained pending satisfaction of the warranty bond requirements of Section 5.7BA. Alternatively, the amount to be released may be 125 percent of the amount of the collateral for the required improvements completed to date, upon submission of a warranty bond in accordance with the requirements of Section 5.7BA.

#### **5.6.3 Final plat and as-built plans required**

- A. The Final Plat required shall be prepared by a professional surveyor. The as-built construction plans for improvements required by this LUDC shall be prepared by a professional engineer and shall conform to the county's construction standards.
- B. As-built plans and specifications for all improvements shall be filed with the administrator in hard copy with copies as specified by the administrator and digital format, if required by the administrator, prior to final inspection or acceptance by the county of any improvement installed by the subdivider and prior to the release of any performance documents and guarantees. Digital information, when required, shall be provided in format compatible with the county GIS, as specified by the administrator.
- C. The as-built plans shall indicate the location, dimensions, materials, and other information required by the administrator. The plans shall further illustrate that the layout of the line and grade of all improvements are in accordance with construction plans for the subdivision and that said improvements are ready for dedication to the county
- D. Evidence as may be required by the administrator shall be submitted demonstrating that all improvements are free and clear any and all liens and encumbrances.

#### **5.6.4 Final acceptance and release**

Subject to the requirements of Section 5.6.3 and Section 5.6.4B, the subdivider shall request, in writing, the final inspection of completed improvements and release of any remaining guarantee.

- A. Upon receipt of this request, the administrator shall approve in writing all improvements in accordance with approved plans and specifications; and the board of county commissioners may approve the release of any remaining guarantee.
- B. The board of county commissioners, upon finding that the construction of the improvement is constructed in compliance with this LUDC and the county's construction standards, may accept dedications.

### **Section 5.7 Warranty**

- A. The subdivider shall warrant or guarantee that all materials and workmanship in connection with the improvements required under this LUDC are free of defects. Maintenance bonds shall be provided for the respective improvements running from the

time of acceptance shall be filed in the following amounts and for the designated time periods:

1. Streets: 100 percent for one year, and 10 percent for four years thereafter.
  2. Water, Sewer, and Storm Sewer: 10 percent for two years.
- B. Maintenance of sidewalks constructed by the developer as part of the subdivision improvements shall be the responsibility of the developer until said improvements are inspected and approved as may be otherwise required by the board of county commissioners.
- C. The subdivider or developer, if using construction contractors for furnishing the materials or installing the improvements required under this LUDC, shall require that all contracts include such a guarantee. If the subdivider fails to perform the necessary work to correct defects during the guarantee period, the county will make necessary repairs and bill the subdivider for the total cost of the repair work.

## **Section 5.8 Minor Subdivision Design Standards**

### **5.8.1 General Minor Subdivision Criteria**

When certain conditions exist on tracts or parcels of land, the land may be divided into no more than 4 parcels which consist of less than thirty-five (35) acres by the procedure outlined in this Section and other standards outlined in this code.

- A. No Minor Subdivision shall be approved unless the Board of County Commissioners finds that:
1. The proposed parcel to be subdivided is a tract/parcel of land that has not been subdivided in at least fifteen years;
  2. The division of land will not create more than three (3) additional building parcels, sites, tracts, or lots;
  3. The subdivision is in conformance with the goals, objectives, and policies of the Alamosa County Master Plan, Land Use Code, and/or other County guidelines;
  4. All sites, tracts, lots, or parcels shall have access to a public maintained road;
  5. All sites, tracts, lots, or parcels shall have adequate potable water; if well-sharing is approved by the Colorado Division of Water Resources, a shared well agreement shall be recorded in the office of the County Clerk and Recorder;
  6. The proposed area is not in any of the following:
    - a. Geologic Hazard Area
    - b. Floodplain Area
    - c. Critical Wildlife Habitat Area:

Should any of the above conditions exist, the Land Use Administrator, Planning Commission and/or the Board of County Commissioners may require additional reports and/or compliance with certain County, State, and/or Federal requirements.



## Article 6 | Replats and Plat Vacations

### Section 6.1 Replats or Plat Vacation Applicability

6.1.1 Replats and plat vacations, shall be considered under this article.

### Section 6.2 Administrative Adjustment

6.2.1 The administrator may authorize adjustment by up to 10 percent of the applicable standard, not including allowable density.



# Article 7 | Review & Decision-Making Bodies

## Section 7.1 Board of County Commissioners

### 7.1.1 Defined

The Alamosa County Board of Commissioners (board of county commissioners).

### 7.1.2 Powers and duties

In execution of the provisions of this LUDC, the board of county commissioners shall have the following power and duties.

#### A. General authority

The board of county commissioners may exercise powers as may be described elsewhere in this LUDC, and as permitted by Colorado Revised Statutes.

#### B. Powers and duties

In execution of the provisions of this LUDC, the board of county commissioners shall be responsible for final action regarding the following:

1. Text amendments ;
2. Rezoning ;
3. Planned unit development review ;
4. Subdivision Review
5. Preliminary Plat Review ;
6. Final plat review ;
7. Major Site Plan Review
8. Special use ; and
9. Floodplain development permit variances.

## Section 7.2 Planning and Zoning Commission

### 7.2.1 Established

The Alamosa County Planning and Zoning Commission (planning commission) is hereby established by the board of county commissioners in accordance with Colorado Revised Statutes.

### 7.2.2 Powers and duties

In execution of the provisions of this LUDC, the planning commission shall have the following power and duties.

#### A. General authority

The planning commission may exercise powers as may be described elsewhere in this LUDC, as permitted by Colorado Revised Statutes, and as directed by the board of county commissioners.

**B. Review authority**

The planning commission shall make recommendations regarding the following:

1. Text amendments ;
2. Rezoning ;
3. Subdivision;
4. Planned unit development review ;
5. Preliminary plat review ;and
6. Special use review.

**Section 7.3 Board of Adjustment**

**7.3.1 Established**

The Alamosa County Board of Adjustment (board of adjustment) is hereby established by the board of county commissioners in accordance with Colorado Revised Statutes.

**7.3.2 Composition**

- A. The board of adjustment shall consist of three members of the board of county commissioners and two additional members who shall be appointed from the planning commission by the board of county commissioners. Members of the board of county commissioners shall serve for such period as they remain elected Commissioners. Appointed members of the board of adjustment shall serve for periods of three years, except that initial appointments shall be for two and three year periods. If an appointed member terminates from the planning commission, his term on the board of adjustment shall likewise terminate.
- B. In addition to the regular members of the board of adjustment, the board of county commissioners may appoint two associate members. In the event that any regular member shall be temporarily unable to act owing to absence from the county, illness, interest in a case before the board, or any other cause, his place may be taken during such temporary disability by an associate member who shall enjoy full voting privileges.
- C. Vacancies which may occur from time to time on said Board shall be filled by appointment of the board of county commissioners.

**7.3.3 Proceedings**

- A. The board of adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this article. The meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by application to the district court. All meetings shall be open to the public.
- B. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each decision, or if absent, or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be a public record and immediately filed in the office of the county clerk.

**7.3.4 Powers and duties**

In execution of the provisions of this LUDC, the board of adjustment shall have the following powers and duties.

**A. General authority**

The board of adjustment may exercise powers as may be described elsewhere in this LUDC and as permitted by Colorado Revised Statutes.

**B. Final authority**

The board of adjustment shall be responsible for final action regarding the following:

1. Variance (Section 8.13); and
2. Administrative appeal (Section 8.15).

**7.3.5 Removal**

Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after public hearing.

**Section 7.4 Administrator**

**7.4.1 Designated**

The administrator identified in the text of this LUDC as having authority to enforce certain provisions of this LUDC shall be the Alamosa County Administrator (administrator). The administrator shall administer certain provisions of this LUDC as may be required below.

**7.4.2 Delegation of authority**

The administrator may designate any staff member to represent the administrator in any function assigned by this LUDC but shall remain responsible for any final action.

**7.4.3 Powers and duties**

In execution of the provisions of this LUDC, the administrator shall have the following powers and duties.

**A. General authority**

The administrator shall

1. Enforce this LUDC;
2. Maintain an up-to-date Zoning Map, including all amendments directly adopted by the board of county commissioners; and
3. Exercise additional powers as may be described elsewhere in this LUDC.

**B. Review authority**

The administrator shall make recommendations regarding the following:

1. Text amendments ;
2. Rezoning ;
3. Subdivision;
4. Planned unit development review ;
5. Preliminary plat review ;
6. Major site plan review ;
7. Special use ;

8. Written interpretation ;
9. Floodplain development permit variances ;and
10. Variance ;

**C. Final authority**

1. The administrator shall be responsible for final action regarding the following:
  - a. Minor site plan review ;
  - b. Replats and Plat Vacations
  - c. Temporary use permit ;
  - d. Sign permit ;
  - e. Master sign plans ;
  - f. Written interpretation ;
  - g. Floodplain development permit ;and
  - h. Administrative adjustment.
2. At the option of the administrator, additional review may be required by the planning commission and/or board of county commissioners prior to taking final action on any of the above procedures.

**D. Floodplain development permits and administration**

Additional duties of the administrator related to floodplain administration shall include, but not be limited to:

**1. Permit review**

- a. Review all development permits to determine that the permit requirements of this article have been satisfied;
- b. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required;
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment complies with the provisions of Section 4.6.

**2. Use of other base flood data**

When base flood elevation data has not been provided in accordance with Section 4.6.2F, the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, are administered in accordance with the specific standards of Section 4.6.5.

# Article 8 | Development Review

## Section 8.1 Summary of review authority

The following table summarizes review and approval authority under this LUDC. Required public hearings shall be as shown below.

|   | Administrator | Board of Adjustment | Planning Commission | Board of County Commissioners |  |
|---|---------------|---------------------|---------------------|-------------------------------|--|
| Text amendment                          | Review        |                     | Review              | Decision                      |  |
| Replat                                  | Decision      |                     |                     |                               |  |
| Plat Vacation                           | Decision      |                     |                     |                               |  |
| Rezoning                                | Review        |                     | Review              | Decision                      |  |
| Planned Unit Development Review         | Review        |                     | Review              | Decision                      |  |
| Minor subdivision review                | Review        |                     | Review              | Decision                      |  |
| Preliminary plat review                 | Review        |                     | Review              | Decision                      |  |
| Final plat review                       | Review        |                     | Review              | Decision                      |  |
| Minor site plan review                  | Decision      |                     |                     |                               |  |
| Major site plan review                  | Review        |                     | Review              | Decision                      |  |
| Special use permit                      | Review        |                     | Review              | Decision                      |  |
| Temporary use review                    | Decision      |                     |                     |                               |  |
| Sign permit                             | Decision      |                     |                     |                               |  |
| Master signage plan                     | Decision      |                     |                     |                               |  |
| Written interpretation                  | Decision      |                     |                     |                               |  |
| Floodplain development permit           | Decision      |                     |                     |                               |  |
| Floodplain development permit variances | Review        |                     |                     | Decision                      |  |
| Variance                                | Review        | Decision            |                     |                               |  |
| Administrative adjustment               | Decision      |                     |                     |                               |  |
| Administrative appeal                   |               | Decision            |                     |                               |  |

## Section 8.2 Common review procedures

### 8.2.1 Conformity with Land Use and Development Code

Every official and employee of the county vested with the duty or authority to issue a permit or certificate shall not issue a permit or certificate for any use, building, or purpose that conflicts with any provision of this LUDC. Any permit, approval, or certificate issued in conflict with the provisions of this LUDC shall be null and void.

### 8.2.2 Pre-application conference

- A. Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the administrator to discuss the procedures, standards and regulations required for development approval in accordance with this LUDC.
- B. Unless otherwise specified in writing by the administrator, a pre-application conference with the administrator shall be required for all applications filed with the administrator.

- C. Acknowledge that site of proposed application is subject to noxious weed and blight inspection and is not currently in violation of the Alamosa County Blight Ordinance.
- D. Acknowledge that approval or disapproval of a land use application does not certify the suitability of any existing structures on the site of proposed application.

### **8.2.3 Application requirements**

#### **A. Form and content**

Applications required under this LUDC shall be submitted in a form and in such numbers as required by the administrator, along with any requested information. At a minimum, each application shall include the following:

1. A document describing the proposed development and identifying the information submitted in support of the application;
2. Acknowledge compliance (steps taken to comply) with applicable LUDC requirements; and
3. Identify the scale, density (residential), and/or intensity (nonresidential) of the proposed development.
4. Evidence, no older than 180 days, shall be submitted demonstrating that site of proposed application is free and clear of any and all liens and encumbrances. If property is not free and clear, written authorization of all lienholders is required.

#### **B. Fee Schedule**

1. All applications and associated fees shall be filed with the administrator.
2. Filing fees shall be established from time to time by resolution of the board of county commissioners to defray the actual cost of processing the application.
3. Filing fees are not refundable.

#### **C. Applications sufficient for processing**

1. All applications shall be sufficient for processing before the administrator is required to review the application.
2. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this LUDC.
3. It is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
4. Once the application has been determined sufficient for processing, copies of the application shall be referred by the administrator to the appropriate reviewing entities.
5. The administrator may require an applicant to present evidence of authority to submit the application.

#### **D. Staff consultation after application submitted**

1. Upon receipt of an application sufficient for processing, the administrator shall review the application and confer with the applicant to ensure an understanding of



the applicable requirements of this LUDC; that the applicant has submitted all of the information they intend to submit and that the application represents precisely and completely what the applicant proposes to do.

2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the administrator believes the application is incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

**E. Concurrent applications**

1. If approved by the administrator, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

**8.2.4 Application processing**

**A. Referrals**

The administrator may forward applications submitted under this article to such other public officials or agencies as considered necessary for further review.

**B. Staff reports**

The administrator shall submit a written report containing its recommendations on each land use application to the decision-making body and to the applicant at least one week prior to the meeting or hearing of the decision-making body before which the application is to be heard unless an extension is granted by the decision-making body.

**C. Decisions**

Unless specifically provided elsewhere, all decisions on land use changes, including rezoning, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

**D. Notice of decision**

Within 30 days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the administrator, where it shall be available for public inspection during regular office hours.

**8.2.5 Notice and public hearing**

**1. Summary of notice required**

Notice shall be required for all applications requiring a public hearing

|                                 | <b>PUBLISHED</b> | <b>MAILED</b> |
|---------------------------------|------------------|---------------|
| Text amendment                  | <b>X</b>         |               |
| Replat                          | <b>X</b>         |               |
| Plat Vacation                   | <b>X</b>         |               |
| Rezoning                        | <b>X</b>         | <b>X</b>      |
| Planned Unit Development Review | <b>X</b>         | <b>X</b>      |
| Minor subdivision review        | <b>X</b>         | <b>X</b>      |
| Preliminary plat review         | <b>X</b>         | <b>X</b>      |

|   |                  |               |
|---|------------------|---------------|
| Final plat review                       | <b>X</b>         | <b>X</b>      |
| Minor site plan review                  |                  |               |
| Major site plan review                  | <b>X</b>         | <b>X</b>      |
| Special use permit                      | <b>X</b>         | <b>X</b>      |
|   | <b>PUBLISHED</b> | <b>MAILED</b> |
| Temporary use review                    |                  |               |
| Sign permit                             |                  |               |
| Master signage plan                     |                  |               |
| Written interpretation                  |                  |               |
| Floodplain development permit           | <b>X</b>         | <b>X</b>      |
| Floodplain development permit variances | <b>X</b>         | <b>X</b>      |
| Variance                                | <b>X</b>         | <b>X</b>      |
| Administrative adjustment               |                  |               |
| Administrative appeal                   | <b>X</b>         | <b>X</b>      |

## 2. Public notice requirements

### a. Published notice

The administrator shall publish notice of public hearing in a newspaper of general circulation in the county. The notice shall be published no less than 30 days in advance of the public hearing.

### b. Mailed notice

- (1) Above, the administrator shall mail notice to all owners of property within a 1,500 foot radius of the exterior boundary of the subject property at least 30 days before the scheduled public hearing, using available county records to compile a mailing list.
- (2) Mailed notice shall also be sent by first class mail to the parties involved.

## 3. Content of notice

The notice listed above shall contain the following specific information.

### a. Published notice

A published or mailed notice shall provide at least the following:

- (1) Date, time and place of the public hearing;
- (2) Who will conduct the public hearing;
- (3) Address of the subject property (if available);
- (4) Type of action;
- (5) Where a rezoning is proposed, the current and proposed districts;
- (6) Phone number to contact the county; and
- (7) Statement that interested parties may appear at the public hearing.

### b. Mailed notice

Required mailed notices shall indicate the following:

- (1) Information listed in a above; and
- (2) The legal description of the property and street address, or approximate location in the county;

## 4. Constructive notice

Minor defects in 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.

### 8.2.6 Required hearings

A public hearing shall be required for development review as shown in the table below.

|   | Public Hearing |
|---|----------------|
| Text amendment                          | X              |
| Rezoning                                | X              |
| Planned Unit Development Review         | X              |
| Minor/Major subdivision review          | X              |
| Preliminary plat review                 | X              |
| Final plat review                       | X              |
| Major site plan review                  | X              |
| Special use permit                      | X              |
| Floodplain development permit           | X              |
| Floodplain development permit variances | X              |
| Variance                                | X              |
| Administrative appeal                   | X              |

### 8.2.7 Withdrawal of application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the administrator.
- B. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate’s lawful personal representative.
- C. The administrator may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- D. An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the administrator may withdraw the application.

## Section 8.3 Text amendment

### 8.3.1 Applicability

- A. Amendments to the text of this LUDC shall be made in accordance with the provisions of this section.
- B. The board of county commissioners shall consider amendments to the text of this LUDC as may be required from time to time.

### 8.3.2 Initiation of amendment

A request to amend the text of this LUDC may be initiated by the board of county commissioners, board of adjustment, planning commission, administrator, or the general public.

### 8.3.3 Application requirements

Applications for a text amendment shall be submitted in accordance with Section 8.2.3, Application Requirements.

### 8.3.4 Notice and public hearings

The county shall hold all required public hearings and give notice in accordance with Section 8.2.5, Notice and Public Hearing.

### 8.3.5 Action by administrator

- A. The administrator shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.
- B. Following completion of review by staff, the administrator shall forward the completed request and any related materials to the planning commission for a recommendation.

### 8.3.6 Action by planning commission

- A. The planning commission shall make a recommendation on the application to the board of county commissioners. If the planning commission fails to make a recommendation, the board of county commissioners may process the request without a recommendation.
- B. Following planning commission review, the administrator shall forward the completed request and any related materials, including the planning commission recommendation (if applicable), to the board of county commissioners for final action.

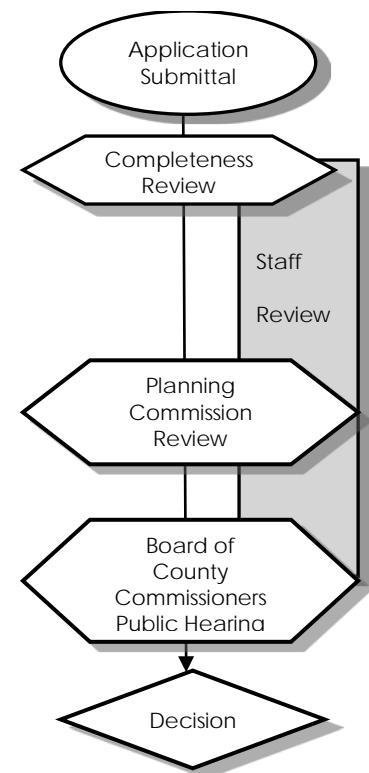
### 8.3.7 Action by board of county commissioners

- A. Before taking action on a text amendment, the board of county commissioners shall consider the recommendations of the planning commission and administrator.
- B. The board of county commissioners may approve the amendment, deny the amendment, or send the amendment back to the planning commission for additional consideration.

### 8.3.8 Approval criteria

- A. In evaluating any proposed amendment of the text of this LUDC, the planning commission and the board of county commissioners shall consider the following:
  - 1. The extent to which the proposed text amendment is consistent with the remainder of the LUDC.
  - 2. The amendment must not adversely affect the public health, safety, or general welfare; and
  - 3. The amendment is necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected; and
  - 4. Whether or not the proposed text amendment revises the LUDC to comply with state or federal statutes or case law.

### Text Amendment



- B. In deciding whether to adopt a proposed text amendment to this LUDC, the central issue before the board of county commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the county and the specific intent of this LUDC.

**Section 8.4 Rezoning (zoning map amendment)**

**8.4.1 Applicability**

Amendments to the Zoning Map shall be made in accordance with the provisions of this section.

- A. The board of county commissioners shall consider amendments to the Zoning Map, as may be required from time to time.
- B. Rezoning should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this LUDC.
- C. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

**8.4.2 Initiation of amendment**

- A. A request for a rezoning may be initiated by the board of county commissioners, the planning commission, the administrator, or the general public.
- B. An owner of land within the jurisdiction of the county (or a duly authorized agent or representative) may petition the board of county commissioners for a rezoning.

**8.4.3 Pre-application conference**

All applicants petitioning for a rezoning shall schedule a pre-application conference with the administrator in accordance with Section 8.2.2.

**8.4.4 Application requirements**

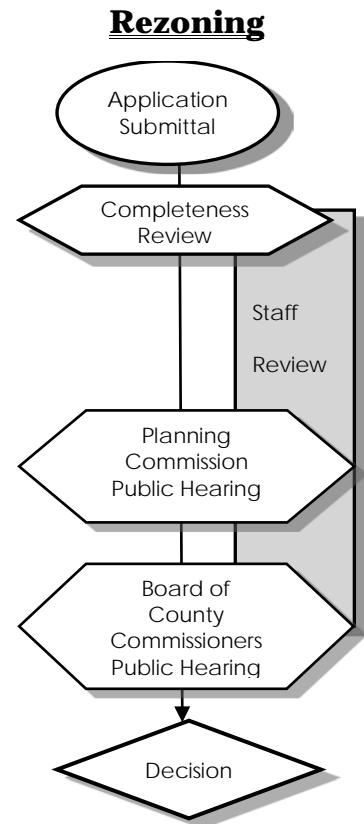
All applications for a rezoning shall be submitted in accordance with Section 8.2.3, Application Requirements.

**8.4.5 Notice and public hearings**

The county shall hold all required public hearings and give notice in accordance with Section 8.2.5, Notice and Public Hearing.

**8.4.6 Action by administrator**

- A. The administrator shall prepare a staff report that reviews the rezoning request in light of the adopted plans and policies of the county and the requirements of this LUDC.



- B. Following completion of review by staff, the administrator shall forward the completed request and any related materials to the planning commission.

#### **8.4.7 Action by planning commission**

- A. The planning commission shall make a recommendation on the application to the board of county commissioners. The planning commission's recommendation shall include a written statement to the board of county commissioners describing whether its recommendation is consistent with the adopted plans and policies of the county. If the planning commission fails to make a recommendation, the board of county commissioners may process the request without a recommendation.
- B. Following planning commission review, the administrator shall forward the completed rezoning request and any related materials, including the planning commission recommendation (if applicable), to the board of county commissioners for final action.

#### **8.4.8 Action by board of county commissioners**

- A. Before taking action on a rezoning, the board of county commissioners shall consider the recommendations of the planning commission and administrator.
- B. The board of county commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the administrator for additional consideration.
- C. Concurrently with adopting, denying, or remanding any rezoning, the board of county commissioners shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the county and explaining why the board of county commissioners considers the action taken to be reasonable and in the public interest.

#### **8.4.9 Approval criteria**

No rezoning may be approved by the board of county commissioners unless all of the following criteria are satisfied:

- A. Consistency with the adopted plans and policies of the county;
- B. Suitability of the subject property for uses permitted by the current versus the proposed district;
- C. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the county;
- D. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities, and storm water drainage facilities for the proposed use.
- E. It has been determined that the legal purposes for which zoning exists are not contravened;
- F. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- G. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

#### **8.4.10 Modification of application**

An applicant in a zoning matter may reduce the geographic scope and/or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the administrator.

## **Section 8.5 Planned unit development review**

### **8.5.1 Applicability**

Planned unit development review, including review of PUD and –PUDO developments, and shall occur in accordance with the provisions of this section. The board of county commissioners shall consider planned unit development review, as may be required from time to time. All requirements shall be met within the boundaries of the area being rezoned to PUD or -PUDO.

### **8.5.2 Initiation of amendment**

An owner of land within the jurisdiction of the county (or a duly authorized agent or representative) may petition the board of county commissioners for planned unit development rezoning.

### **8.5.3 Pre-application conference**

All applicants petitioning for planned unit development rezoning shall schedule a pre-application conference with the administrator in accordance with Section 8.2.2.

### **8.5.4 Application requirements**

- A. Concurrent with a request for planned unit development rezoning, an applicant shall submit a master plan to govern the development and maintenance of the land within the planned unit development. The master plan shall be prepared by a professionally certified landscape architect, engineer, or architect.
- B. All applications for planned unit development rezoning shall be submitted in accordance with Section 8.2.3, Application Requirements.

**Commentary:** *A planned unit development master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.*

### **8.5.5 Notice and public hearings**

The county shall hold all required public hearings and give notice in accordance with Section 8.2.5, Notice and Public Hearing.

### **8.5.6 Action by administrator**

- A. Upon submission of a completed application, the administrator shall review the master plan for consistency with the requirements of this LUDC.
- B. Other referral agencies and officials as the administrator may deem necessary and desirable shall be given an opportunity to review the application.
- C. Upon completion of the technical review, the administrator may meet with the applicant to discuss any changes in development design.
- D. The administrator shall prepare a staff report that reviews the application in light of the adopted plans and policies of the county, and the requirements of this LUDC. The report, master plan, and any related application materials shall be forwarded to the planning commission.

### **8.5.7 Action by planning commission**

- A. The planning commission shall make a recommendation on the application to the board of county commissioners. The planning commission's recommendation shall include a written statement to the board of county commissioners describing whether its recommendation is consistent with the adopted plans and policies of the county. If the planning commission fails to make a recommendation, the board of county commissioners may process the request without a recommendation.
- B. Following planning commission review, the administrator shall forward the completed planned unit development request and any related materials, including the planning commission recommendation (if applicable), to the board of county commissioners for final action.

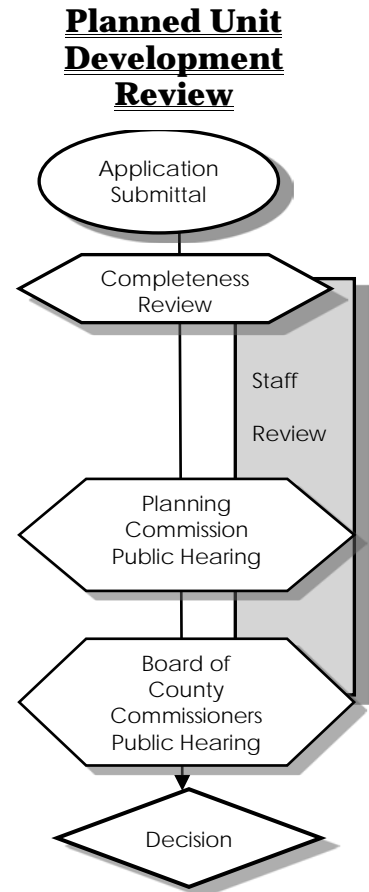
**8.5.8 Action by board of county commissioners**

- A. Before taking action on a planned unit development rezoning, the board of county commissioners shall consider the recommendations of the planning commission and the administrator.
- B. The board of county commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the administrator for additional consideration.
- C. Concurrently with adopting, denying, or remanding any rezoning, the board of county commissioners shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the county and explaining why the board of county commissioners considers the action taken to be reasonable and in the public interest.
- D. A planned unit development master plan which meets the requirements for submittal of a preliminary plat may be approved as the planned unit development master plan for the development and the preliminary plat concurrently.

**8.5.9 Rezoning approval criteria**

No rezoning may be approved by the board of county commissioners unless all of the following criteria are satisfied:

- A. Consistency with the adopted plans of the county;
- B. Suitability of the subject property for uses permitted by the current versus the proposed district;
- C. Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the county;
- D. The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and storm water drainage facilities for the proposed use.
- E. It has been determined that the legal purposes for which zoning exists are not contravened;
- F. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and





- G. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

#### **8.5.10 Planned unit development master plan approval criteria**

The planned unit development review shall include and the applicant shall be responsible for successfully addressing the following:

- A. Compliance with Section 2.3, Planned Unit Development Districts Development Standards, and all other applicable requirements of this LUDC;
- B. Uses to be allowed in a planned unit development;
- C. Conformance of the proposal with the stated purpose of the requested planned unit development district;
- D. Compatibility of the proposed development with the adjacent community;
- E. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- F. Compatible relationships between each component of the overall project;
- G. Self-sufficiency of each phase of the overall project;
- H. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
- I. The fiscal impact of the proposal and the proposed financing of required improvements;
- J. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- K. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

#### **8.5.11 Action after approval**

- A. Upon approval of a planned unit development rezoning by the board of county commissioners, and on recordation of the approved the planned unit development master plan, the district is deemed established. All documents (including the approved planned unit development master plan) shall be an integral part of the approved proposal.
- B. The approved planned unit development and associated planned unit development master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. The approved planned unit development master plan shall be recorded in the office of the County Clerk and Recorder and the Zoning Map shall be amended.
- C. Approval of a planned unit development rezoning and associated planned unit development master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the planned unit development master plan meets the requirements for and is approved as a preliminary plat.
- D. Property to be further subdivided shall obtain approval in accordance with Section 8.6, Subdivision Review. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.
- E. Property not to be further subdivided shall obtain site plan approval as set forth in Section 8.7, Site Plan Review.

### **8.5.12 Time lapse between similar applications**

- A. In the event of a withdrawal of an application prior to action by the board of county commissioners, no application may be filed requesting the same planned unit development contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- B. No subsequent application requesting a planned unit development for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- C. The board of county commissioners, by a majority vote, may waive the time-lapse requirements of this section if the board of county commissioners deems it to be in the public interest to do so.

### **8.5.13 Approved planned unit development master plan modifications**

- A. Amendments to an approved planned unit development master plan, if minor in scope may be approved administratively by the administrator. Minor changes shall include up to ten percent modifications to the original mixture of uses (so long as the minimum and maximum stated are maintained), minor adjustments to phasing (as long as the quantity of phases remains), and the realignment of internal roadways. Minor changes to the sign, lighting, and landscape requirements may also be approved administratively by the administrator.
- B. Major modifications shall require resubmittal to the board of county commissioners. These shall include the addition of land modifications to the originally approved mixture of uses in excess of ten percent, a change in the number of phases within the development, and the addition or deletion of main vehicular entrances serving the development or their relocation. Major modifications shall also include any proposed revisions that are deemed by the administrator to be inconsistent with the adopted plans and policies of the county.

## **Section 8.6 Subdivision review**

### **8.6.1 Applicability**

Subdivision approval shall be required before any of the following activities occur:

- A. The division of land (for any purpose) into two or more parcels;
- B. Development on a parcel not previously subdivided; or
- C. Development that involves the construction of any public improvements that are to be dedicated to the county.

### **8.6.2 Actions exempt from subdivision requirements**

Those activities which are beyond the scope and purpose of subdivision regulations and the State of Colorado has exempted from the definition of subdivision shall be exempt from these regulations. (See also Subdivision Regulations)

### **8.6.3 Unlawful to final plat without board of county commissioners approval**

It shall be unlawful to offer and cause to be recorded any plan, plat, or replat of land within the county jurisdictional boundaries at the Office of the Alamosa County Clerk and Recorder unless the same bears the endorsement and approval of the board of county commissioners.

#### **8.6.4 Types of subdivision**

##### **A. Minor subdivision**

A minor subdivision is the division of land that results into no more than four lots or less, and that does not require dedication of public rights-of way or new streets, or require major extensions of public improvements and major utilities to the associated lots. (See Minor Subdivision Design Standards).

##### **B. Major subdivision**

A major subdivision is the division of land that results into more than four lots, and requires either dedication of public rights-of-way, new streets, and/or major extensions of public improvements and major utilities to the associated lots.

#### **8.6.5 Pre-application conference**

- A.** All applicants seeking subdivision approval shall schedule a pre-application conference with the administrator in accordance with Section 8.2.2.
- B.** At the time of the pre-application conference, applicants shall submit a sketch plan for review by the administrator. This plan should, in simple sketch form, show the proposed layout of streets, lots, and other features in relation to existing conditions.

#### **8.6.6 Phased Subdivision**

- A.** The administrator shall make a determination as to which approval process authorized by this section can be used. The administrator may require the applicant to submit whatever supplemental information is necessary to make this determination.
- B.** When a subdivision is to be developed in stages, a subdivision master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.
- C.** The Subdivision Master Plan must denote in plat form the entire scope of the subdivision and the specific phases. A narrative must detail the phases and the associated improvements for each phase, and provide a schedule for each phase and for the overall development. A preliminary plat shall be submitted for each individual phase, and a final plat also is submitted reflecting the entire subdivision, and must denote which phase(s) are approved and which are built-out. Each subdivision phase shall provide all the necessary infrastructure improvements. All subdivision work must be completed within three (3) years and a final plat must be submitted reflecting all the phases and associated subdivision criteria. All approved changes or modifications in the subdivision must also be accurately denoted on the final plan. Approval of the final plat must be completed before any completed and approved infrastructure is formally accepted by the County.

#### **8.6.7 Minor subdivision review**

##### **A. Applicability**

- 1.** The procedure for approval of a minor subdivision is intended to simplify the processing of routine small divisions of land.
- 2.** A minor subdivision shall be used to create up to three additional lots only one time on any parcel or on a site under common ownership or control not subdivided in at least fifteen years. Thereafter, additional divisions of such parcel shall be subject to the major subdivision procedure of this section.

(See Section 5.2.6 for more information regarding “parcels” and “sites”)

**B. Application requirements**

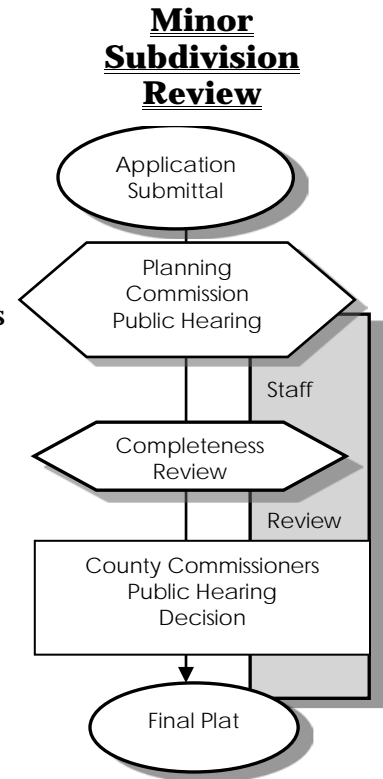
All applications for minor subdivision review shall be submitted in accordance with Section 8.2.3, Application Requirements.

**C. Notice and public hearings**

The county shall hold all required public hearings and give notice in accordance with Section 8.2.5, Notice and Public Hearing.

**D. Action by administrator**

1. Upon submission of a completed application, the administrator shall review the minor subdivision request for consistency with the requirements of this LUDC. The administrator shall determine whether the plat conforms to the standards of a minor subdivision.
2. Upon completion of the technical review, the administrator may meet with the applicant to discuss any changes in development design.
3. Other referral agencies and officials as the administrator may deem necessary and desirable shall be given an opportunity to review the application.
4. The administrator shall prepare a staff report that reviews the application in light of the adopted plans and policies of the county, and the requirements of this LUDC. The report and any related application materials shall be forwarded to the planning commission.



**8.6.8 Action by planning commission**

- A. The planning commission shall make a recommendation on the application to the board of county commissioners. The planning commission’s recommendation shall include a written statement to the board of county commissioners describing whether its recommendation is consistent with the adopted plans and policies of the county. If the planning commission fails to make a recommendation, the board of county commissioners may process the request without a recommendation.
- B. Following planning commission review, the administrator shall forward the completed minor subdivision request and any related materials, including the planning commission recommendation (if applicable), to the board of county commissioners for final action.

**8.6.9 Action by board of county commissioners**

- A. Before taking action on a minor subdivision request, the board of county commissioners shall consider the recommendations of the planning commission and administrator.
- B. The board of county commissioners may approve the request, deny the request, or send the minor subdivision request back to the administrator for additional consideration.

- C. Concurrently with adopting, denying, or remanding any minor subdivision, the board of county commissioners shall adopt a statement describing whether its action is consistent with the adopted plans and polices of the county and explaining why the board of county commissioners considers the action taken to be reasonable and in the public interest.

**D. Minor subdivision approval criteria**

Minor subdivisions shall be approved only when the decision-making body finds that all of the following conditions exist:

1. Consistency with the adopted plans and of polices of the county;
2. The plat complies with the Subdivision Standards, and any other applicable requirements of this LUDC;
3. The parcel proposed to be subdivided is a tract that has not been subdivided in at least 15 years;
4. If located within or adjacent to a Rural Zoning District, the applicant may include a Right to Farm and Ranch Policy Notice; and
5. The plat shall show location of all wells, indicate that all subject lots will have approved access; any proposed private streets shall be clearly marked and named in accordance with the county's road naming protocol;
6. New or residual parcels conform to the requirements of this LUDC and other applicable regulations;
7. No major extension of public sewerage or water lines will be required;
8. All sites, tracts, or lots shall have a maintained access to a public road, which has signage posted in accordance with county standards;
9. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and
10. No waivers from the Subdivision Standards have been requested.

**E. Action Follow Approval**

Upon minor subdivision approval by the Board of County Commissioners, the Applicant shall submit a final plat pursuant to the Subdivision Plat Requirements.

**8.6.10 Major subdivisions**

Major subdivision shall occur in two stages, beginning with review of a preliminary plat, followed by review of a final plat. A subdivider may submit a preliminary plat and final plat concurrently for review and consideration by both the planning commission and board of county commissioners as long as all provisions of this LUDC are met.

**A. Preliminary plat review (major subdivisions only)**

**Commentary:** Where PUD or –PUDO development involve the creation of lots, subdivision review is also required. The two reviews may occur concurrently, at the risk of the applicant – See also Section 8.2.3E.

**1. Applicability**

A preliminary plat shall be required for all subdivisions that do not meet the definition of a minor subdivision.

**2. Application requirements**

- a. All applications for preliminary plat review shall be submitted in accordance with the, Application Requirements.
- b. All applications shall be accompanied by a certificate of design, signed by the professional engineer preparing the plat stating that they have, to the best of their ability, designed the subdivision in accordance with the requirements of the Alamosa County Subdivision Standards; and other applicable requirements of this LUDC or other applicable regulations.
- c. An application for a waiver from any of the provisions of Article 5, Subdivision Standards, shall be submitted in writing by the applicant at the time the preliminary plat is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant.

**3. Notice and public hearings**

The county shall hold all required public hearings and give notice in accordance with the Notice and Public Hearing Section.

**4. Action by administrator**

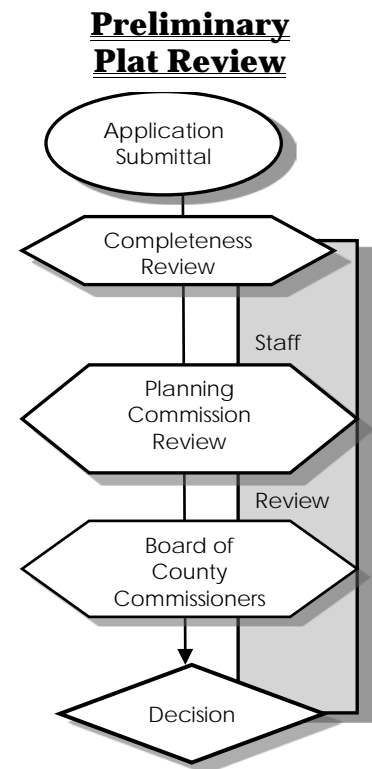
- a. Upon submission of a completed application, the administrator shall review the preliminary plat for consistency with the requirements of this LUDC.
- b. Other referral agencies and officials as the administrator may deem necessary and desirable shall be given an opportunity to review the application.
- c. The administrator shall prepare a report that reviews the application in light of comments provided by referral agencies and officials, and in light of the adopted plans of the county, and the requirements of this LUDC. The report, preliminary plat and any related application materials shall be forwarded to the planning commission.

**5. Action by planning commission**

The planning commission shall review and make a recommendation to the board of county commissioners on the preliminary plat. The recommendation will be forwarded to the BOCC for final consideration. The Planning Commission recommendation shall include a written statement to the BOCC describing whether its recommendation is consistent with the adopted plans and policies of the County. If the Planning Commission fails to make a recommendation, the BOCC may process the request without a recommendation.

**6. Action by board of county commissioners**

Following the Planning Commission review, the Administrator shall forward the Administrator’s report, the application and preliminary plat, all related official documentation, and the Planning Commission recommendation to the BOCC for final action.



- a. The preliminary plat shall be referred to the board of county commissioners for final action after action is taken by the planning commission.
- b. A public hearing shall be held after due notice has been given to the applicant and the general public. Parties shall be given the opportunity to present evidence, cross-examine other parties, and inspect any documentation and offer evidence or testimony in rebuttal.
- c. Findings of fact shall be made by the board of county commissioners that are based on evidence or testimony presented at the meeting. Such evidence or testimony must be relevant, material, and competent.
- d. No final action shall be deemed to have been given by the board of county commissioners on the preliminary plat until the board of county commissioners' written decision on the preliminary plat is delivered to the applicant by the county.
- e. The board of county commissioners may approve the preliminary plat, deny the preliminary plat, or send the preliminary plat back to the planning commission for additional consideration.
- f. If the board of county commissioners should disapprove the preliminary plat, the reasons for such action shall be given to the applicant.

**7. Action following approval**

- a. Upon preliminary plat review, the applicant may initiate proceedings to begin site work and installation of improvements. Prior to constructing any necessary public improvements, a complete set of construction drawings shall be submitted to and approved by the city or county engineer, as appropriate,. All work shall be performed in compliance with the requirements of Article 5, Subdivision Standards, and other applicable regulations of the county and the state.
- b. Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified in Section 8.6.10B below have been fulfilled and after all other specified conditions have been met.

**8. Findings of fact required**

No preliminary plat may be approved by the board of county commissioners unless all of the following findings are made concerning the subdivision:

- a. Consistency with the adopted plans of the county.
- b. The subdivision meets all required specifications of Article 5, Subdivision Standards, and other applicable requirements of this LUDC.
- c. The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.
- d. The subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.

**9. Continuing validity of preliminary plats**

- a. Within 12 months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one section or phase of the subdivision otherwise the preliminary plat shall be null and void unless the planning commission agrees to an extension of time. A formal request for extension and reasons thereof must be submitted prior the one year deadline date. Extensions may be granted for a period of one year and may not be granted more than two times.
- b. All sections or phases of an approved preliminary plat must be submitted for final plat approval within three years of preliminary plat approval for a preliminary plat. Otherwise, the preliminary plat shall be null and void.

**B. Final plat review**

**1. Applicability**

A final plat shall be required for all subdivision of land in the county.

**2. Application requirements**

All applications for final plat review shall be submitted in accordance with the Application Requirements Section. Final plat applications shall include final construction plans for all required improvements, signed and sealed by a Professional Engineer, licensed to practice in the state of Colorado.

**3. Action by administrator**

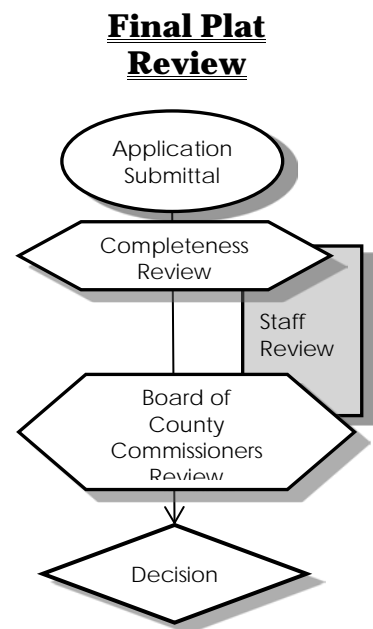
- a. Upon submission of a completed application, the administrator shall review the final plat for consistency with the approved minor subdivision or approved preliminary plat, as applicable, and the requirements of this LUDC.
- b. Other referral agencies and officials as the administrator may deem necessary and desirable shall be given an opportunity to review the final plat.
- c. Upon completion of the technical review, the administrator may submit the final plat to the board of county commissioners or send the plat back to the applicant for modification.
- d. If the final plat is disapproved by the administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this LUDC with which the final plat does not comply.

**4. Action by board of county commissioners**

- a. Before taking action on the final plat, the board of county commissioners shall consider the recommendations of the administrator.
- b. The board of county commissioners may approve the request, deny the request, or send the request back to the administrator for additional consideration.

**5. Final plat approval criteria**

Final plats shall be approved when the following conditions exist:





- a. Consistency with the adopted plans and of polices of the county;
- b. The plat substantially complies with the approved minor subdivision or preliminary plat, as applicable;
- c. The plat complies with the standards of Alamosa County Subdivision Standards, and the other applicable requirements of this LUDC;
- d. New and residual parcels will conform to the requirements of this LUDC and other applicable regulations;
- e. All necessary right-of-way has been offered for reservation or dedication; and
- f. All necessary drainage easements have been provided.

**6. Endorsements on final plats**

**a. Minor subdivisions**

All minor subdivision final plats shall contain the following certificates:

- (1) Certificate of Ownership;
- (2) Certificate of Survey by professional surveyor, signed, sealed and acknowledged;
- (3) Certificate of board of county commissioner's Approval;
- (4) County Treasurer's Certificate;
- (5) Reference to any separate instruments, including restrictive covenants, filed in the office of the County Clerk and Recorder which directly affects the land being subdivided.

**b. Major plats**

All major subdivision final plats shall contain the following certificates:

- (1) Certificate of ownership and dedication;
- (2) Certificate of survey by professional surveyor, signed, sealed and acknowledged;
- (3) Certificate for release of mortgage for any part dedicated to the public, signed and acknowledged;
- (4) Certificate of planning commission approval;
- (5) Certificate of board of county commissioners of plat approval and acceptance of rights-of-way, easements and public land dedication;
- (6) County Treasurer's Certificate;
- (7) Reference to any separate instruments, including restrictive covenants, filed in the office of the County Clerk and Recorder which directly affects the land being subdivided.

**7. Action after approval**

- a. No plat or other land subdivision instrument shall be recorded in the office of the County Clerk and Recorder until it shall have been approved by the administrator as required.
- b. After the final approval of the plat and, the affixing all required signatures, the subdivider, accompanied by the County Clerk, shall file the original tracing, one dark line print on cloth, and one contact reproducible cloth tracing or

mylar with the County Clerk and Recorder. After recording, the subdivider shall provide the administrator with three white background prints and one contact reproducible mylar. The subdivider shall also submit to the administrator one eight and one-half by eleven inch (8 1/2" x 11") reproducible copy-of the recorded plat. The subdivider shall pay all required county recording fees.

- c. The applicant shall record the approved final plat in the office of the County Clerk and Recorder and Recorder for recording within 60 days after the date of approval. The administrator, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LUDC.
- d. The approval of a final plat shall not be deemed to constitute or affect the acceptance or affect the acceptance by the county of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the board of county commissioners may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within the county.

#### **C. Dedication and improvements**

1. In the development of any subdivision, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the county for streets adjoining the property, to install curbs and gutters, and pave all streets adjoining the property to county standards, and to install sidewalks in accordance with the policies and requirements of the Alamosa County Subdivisions Standards.
2. The applicant shall bear the costs of the installation of all on-site improvements as required by this LUDC, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval as a condition of subdivision approval, and upon a determination by the administrator that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the county to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the county elects to install such improvements at a later date.

#### **D. Guarantees of improvements**

Guarantee of improvements shall be made in accordance with Section 5.4.

#### **E. Inspections of required improvements**

Inspections of improvements shall be made in accordance with Section 5.4.3.

### **8.6.11 Approved plat modifications**

#### **A. Minor modifications**

##### **1. Preliminary plat**

Minor revisions to an approved preliminary plat may be approved by the administrator if the revisions are within the scope and intent of the original approval. Such revisions may include

but not be limited to.

- a. Reducing the lot count;
- b. Modifying phase lines; or
- c. Minor adjustments to lot or street locations.

## **2. Final plat**

A final plat may be rerecorded to:

- a. Revise or correct dimensions;
- b. Change street names;
- c. Add, delete, or modify easements or private covenants;
- d. Change subdivision name; or
- e. Other minor modifications that are within the scope and intent of the original approval subject to approval of the administrator.

## **3. Procedures**

### **a. Preliminary plat**

- (1) When minor revisions are proposed to an approved preliminary plat, the applicant shall submit a written request to the administrator delineating the revisions and requesting authorization for administrative revision.
- (2) The administrator shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.
- (3) The administrator shall distribute copies of the revised plat to the appropriate agencies.

### **b. Final plat**

- (1) When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the administrator delineating the revisions and requesting authorization for administrative revision.
- (2) If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the administrator signature, and date of signing.
- (3) If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.
- (4) In addition to the letter and the revised final plat, the applicant shall submit the required fees to the administrator for processing and rerecording the revised plat.
- (5) The administrator shall distribute copies of the recorded final plat to the appropriate agencies.

**B. Major modifications**

Proposed modifications to an approved preliminary plat or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this section.

**Section 8.7 Site plan review**

**8.7.1 Applicability**

- A. All proposed development, except for single-family detached and zero lot lined dwelling units on individual lots, shall be subject to the site plan review process.
- B. Temporary uses may require site plan review (see Temporary Use Permit requirements).

**8.7.2 Site plan types**

There are two types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

**A. Minor site plans**

**1. Applicability**

- a. The following shall be reviewed as a minor site plan:
  - (1) Parking lot expansions where there is no increase in excess of five percent of floor area of the principal structure;
  - (2) Accessory uses in commercial districts involving structures less than 500 square feet; and
  - (3) Amenity facilities, park and open area uses in approved subdivisions.
- b. Projects listed below shall also be reviewed as a minor site plan provided they do not require modification of the standards established in this LUDC other than those which the administrator may modify administratively; and do not involve the issuance of a special use permit.
  - (1) Developments of up to 1,000 square feet of building for nonresidential uses; and
  - (2) Expansion of an existing conforming structure or expansion of a previously approved site plan by five percent in floor area or number of units.

**2. Approval authority**

The administrator shall be responsible for approving a minor site plan.

**B. Major site plans**

**1. Applicability**

Any development requiring site plan review not listed in paragraph A above as a minor site plan shall be considered a major site plan.

**2. Approval authority**

The Board of County Commissioners shall be responsible for approving all major site plans, including site plans associated with an approved planned unit development master plan and special use

### 8.7.3 Pre-application conference

- A. All applicants seeking a major site plan approval shall schedule a pre-application conference with the administrator, in accordance with the Application Requirements.
- B. The administrator shall make a determination as to which approval process authorized by this section can be used. The administrator may require the applicant to submit whatever supplemental information is necessary to make this determination.

### 8.7.4 Application requirements

An application for site plan approval shall be submitted in accordance with the Application Requirements.

### 8.7.5 Minor site plan review

#### A. Application requirements

An application for minor site plan approval shall be submitted in accordance with the Application Requirements.

#### B. Action by administrator

- 1. Upon submission of a completed application, the administrator shall review the minor site plan for consistency with the requirements of this LUDC.
- 2. Other referral agencies and officials as the administrator may deem necessary and desirable shall be given an opportunity to review the application.
- 3. After technical review, the administrator shall determine whether the minor site plan conforms to the requirements of this LUDC.

#### C. Modifications to approved minor site plans

The administrator shall have authority to grant modifications to approved minor site plans in accordance with the provisions of this section or refer the modification to the administrator if deemed necessary.

### 8.7.6 Appeals

An appeal from any final decision by the administrator shall be made within 5 working days of the final decision in accordance with the Administrative Appeals Section.

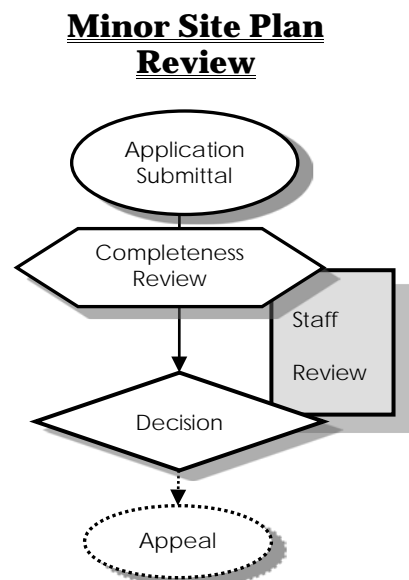
### 8.7.7 Major site plan review

#### 1. Application requirements

An application for major site plan approval shall be submitted in accordance with the Application Requirements Section.

#### 2. Action by administrator

- a. Upon submission of a completed application, the administrator shall review the major site plan for consistency with the requirements of this LUDC.



- b. Other referral agencies and officials as the administrator may deem necessary and desirable shall be given an opportunity to review the application.
  - c. Upon completion of the technical review, the administrator shall prepare a report that reviews the application in light of comments the adopted plans and policies of the county and the general requirements of this LUDC. The report, site plan and any related application materials shall be forwarded to the planning commission.
3. **Action by planning commission**
- a. After considering the administrator's comments, the planning commission shall make a recommendation of the major site plan, to the Board of County Commissioners.
4. **Action by the Board of County Commissioners**
- a. Before taking action on the major site plan, the board of county commissioners shall consider the recommendations of the administrator.
  - b. The board of county commissioners may approve the request, deny the request, or send the request back to the administrator for additional consideration.

**8.7.8 Modifications to approved major site plans**

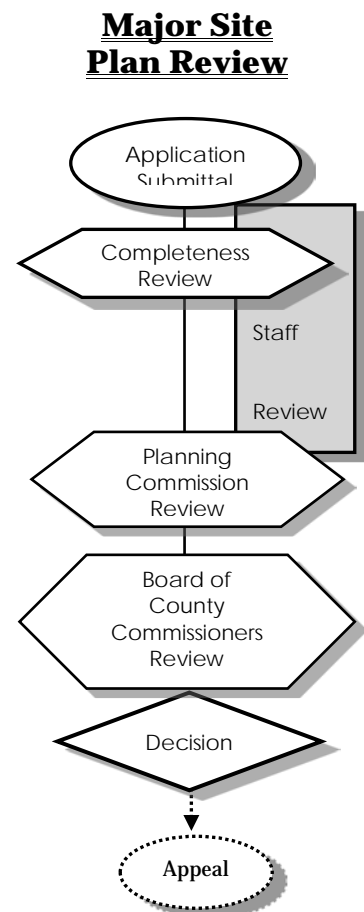
**A. Minor deviations**

If a proposed amendment to a major site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the administrator who shall act upon such application within ten days of its receipt. Minor deviations shall include, but are not limited to, the following:

- 1. A less than five percent increase, or any decrease, in the floor area or number of units, provided that the district maximums of the subject property for which a minor site plan has been submitted, is not exceeded.
- 2. A less than ten percent decrease in parking spaces, open space or livability space;
- 3. The minor relocation of any structure, dedicated street, easement, or landscape screen in any direction from the location shown on the site plan unless deemed by the administrator to significantly alter the approved plan.

**B. Substantial deviations**

If a proposed amendment to a site plan deviates substantially from the approved site plan, the approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:



1. A five percent or greater increase in floor area or number of units;
2. A ten percent or greater decrease in parking spaces, open space or livability space;
3. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the major site plan for the distances greater than 25 feet.
  - a. 25 feet or more for major site plans of two acres or less;
  - b. 50 feet or more for major site plans of more than two acres but less than eight acres;
  - c. 100 feet or more for major site plans of eight acres but less than 20 acres; and
  - d. 150 feet for major site plans of 20 acres or more.

#### **8.7.9 Approval criteria**

In approving a site plan, the administrator shall consider the following:

- A. Consistency with the adopted plans;
- B. Compliance with all applicable requirements of this LUDC;
- C. Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, wetlands, and floodplains;
- D. For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
- E. Adequacy and location of parking areas and pedestrian and vehicular access points;
- F. Compliance with site construction specifications;
- G. Adequacy of storm water facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines;
- H. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
- I. Compliance with requirements for easements or dedications;
- J. Compliance with any applicable subdivision improvements; and
- K. If applicable, compliance with the approved planned unit development master plan.
- L. Building design and materials uphold and promote high quality development in the county and are compatible with other uses in the surrounding neighborhood.

#### **8.7.10 Period of validity**

An approved site plan shall expire one year from the date of approval unless the proposed development is pursued as set forth below:

- A. A complete building permit application has been submitted and remains valid;
- B. Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two years from the date that site plan approval is granted. Each subsequent application shall be

submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or

- C. If no building permit is required, a certificate of occupancy has been issued.
- D. If no building permit or certificate of occupancy is required, alternative documentation, as specified by the terms of their special use permit, shall be deemed acceptable.

#### **8.7.11 Building permit/certificate of occupancy**

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate county officials.

#### **8.7.12 Dedication and improvements**

- A. In the development of any property for which a site plan is required in this section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the county for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to county standards, and to install sidewalks in accordance with the policies and requirements of Article 5, Subdivision Standards.
- B. The applicant shall bear the costs of the installation of all on-site improvements as required by this LUDC, including provision for surface drainage, pavement, landscaping, and utilities.

#### **8.7.13 Guarantees of improvements**

- A. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
- B. The county shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the administrator. This bond shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in Colorado.
- C. As each phase of improvements is installed and inspected by the county, the bond amount shall be reduced by the costs of the installed improvements.
- D. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the county until the remaining required improvements are completed.

#### **8.7.14 Inspections of required improvements**

Inspections of site improvements shall be made in accordance with the Engineering Inspection and Repairs Section. .

### **Section 8.8 Special use review**

#### **8.8.1 Applicability**

- A. A special use is a use that may or may not be appropriate depending on the location and the conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts upon surrounding properties. Special uses may be approved for the uses indicated in the use regulations of the zoning district of the property for which the special use permit is requested. A pre-existing use that is permitted as a special use pursuant to this LUDC shall be deemed to have already



received special use approval. Provided, however, that any change or expansion of a special use, whether pre-existing or otherwise, shall require a new special use permit pursuant to the terms of this section.

- B. Special uses within each base zoning district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the board of county commissioners.
- C. A special use permit shall be required for all special uses as set forth in the Permitted Use Table. A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.  
**Commentary:** If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special use in the district, then the entire development requires special use review.
- D. Where a use requiring an approval as a special use lies on a separate legal lot, only the building containing the use and its separate lot shall be subject to special use review, not the entire project. However, where the separate legal lot is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

**Commentary:** For example, where a use (requiring a special use permit) is an outparcel within a larger retail development, the special use review shall apply to the outparcel only – not the entire development. However, where a special use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require special use review.

#### 8.8.2 Pre-application conference

All applicants seeking special use approval shall schedule a pre-application conference with the administrator, in accordance with Application Requirements Section.

#### 8.8.3 Application requirements

- A. Unless otherwise approved by the administrator, concurrent with a request for a special use permit, an applicant shall submit a site plan for review and approval.
- B. An application for a special use permit shall be submitted in accordance with the Application Requirements Section.

#### 8.8.4 Notice and public hearings

The county shall hold all required public hearings and give notice in accordance with the Notice and Public Hearing Section.

#### 8.8.5 Action by administrator

- A. Upon submission of a completed application, the administrator shall review the application for consistency with the requirements of this LUDC.
- B. Other referral agencies and officials as the administrator or the planning commission may deem necessary and desirable shall be given an opportunity to review the application.
- C. Upon completion of the technical review, the administrator shall prepare a report that reviews the application in light of the adopted plans and policies of the county, and the requirements of this LUDC. The report, site plan and any related application materials shall be forwarded to the planning commission.
- D. If deemed necessary by the administrator, the applicant(s) may be required to submit additional materials including, but not limited to:

1. Maps depicting topography, archaeological, cultural and historical resources, soil identification, vegetative cover, historic land use, or wetland analysis.
2. Environmental Impact Studies.
3. Wildfire Mitigation Plans.
4. Traffic Studies.
5. Grading Plans.
6. Viewshed analysis.
7. Air Quality Studies or Air Pollution Emission Notice (APEN).

**8.8.6 Action by planning commission**

- A. Before taking action on the special use request, the planning commission shall consider the recommendations of the administrator.
- B. The planning commission may recommend to approve the request, deny the request, or send the request back to the administrator for additional consideration.
- C. Where a site plan is required, approval of the special use permit by the planning commission shall be considered site plan approval.

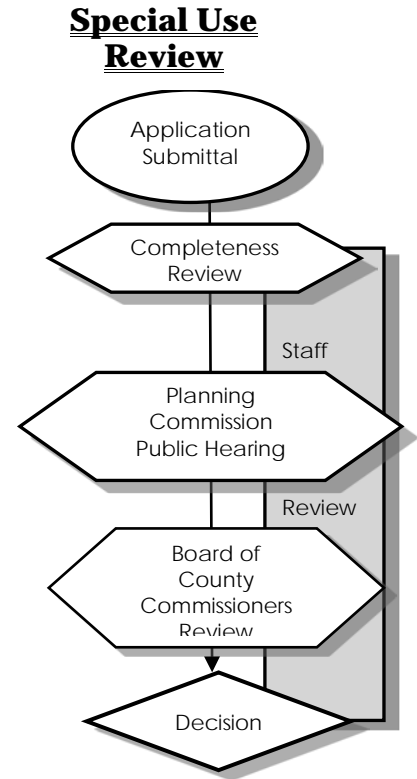
**8.8.7 Action by board of county commissioners**

- A. Before taking action on the special use request, the board of county commissioners shall consider the recommendations of the administrator and the planning commission.
- B. The board of county commissioners may recommend to approve the request, deny the request, or send the request back to the planning commission for additional consideration.

**8.8.8 Special Use Approval Criteria**

No special use permit shall be approved unless the following findings are made concerning the application:

- A. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.
- B. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.
- C. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
- D. That the application will not adversely affect the adopted plans and policies of the county, or violate the character of existing standards for development of the adjacent properties.
- E. Environmental protections, wildlife habitats, ground and surface water, air quality, jurisdictional wetlands.



### **8.8.9 Additional conditions**

- A.** In granting approval of a special use permit, the board of county commissioners may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- B.** Any additional condition approved by the board of county commissioners shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.
- C.** The board of county commissioners may require performance guarantee and bond to ensure compliance with conditions of approval pursuant to the requirements of Section 5.4.
- D.** Bonding may be required as deemed necessary to ensure reclamation of disturbed sites to their natural, original or other substantially beneficial condition consistent with local plans to the extent practicable, and to protect the county's recreation-based economy, as determined by the board of county commissioners. Applicant's may be required to post sufficient security, as deemed reasonably necessary by the board of county commissioners, to guarantee that the final reclamation shall be accomplished within one year of the cessation of the permitted activity/facility; a surety bond approved by the county attorney may be acceptable.

### **8.8.10 Modifications to approved special use permit**

#### **A. Minor deviations**

The administrator is authorized to approve minor deviations to a special use permit, if such change is not contrary to the approving action of the board of county commissioners, but shall not have the authority to approve substantial deviations as set forth below.

#### **B. Substantial deviations**

- 1.** Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit may constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the administrator shall review the record of the proceedings on the original application. Substantial deviations shall include the following:
  - a.** A change in the boundaries of the approved site or a change from the approved use;
  - b.** An increase of five percent or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
  - c.** An increase of five percent or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
  - d.** Substantial change in the location of principal or accessory structures;
  - e.** Structural alterations significantly affecting the basic size, form; style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;

- f. Substantial changes in pedestrian or vehicular access or circulation; and
  - g. Substantial change in the amount or location of landscape screens.
2. If a proposed amendment deviates substantially from the approved special use permit, the approved special use permit shall be amended either in accordance with the procedure and standards which governed its approval or, in certain cases as deemed suitable by the Land Use Administrator, with a public hearing before the board of county commissioners provided that proper notice has been given.

**8.8.11 Effect of decision**

- A. If the board of county commissioners votes to approve an application, the permit shall be recorded in the office of the County Clerk and Recorder.
- B. The special use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.

**8.8.12 Period of validity**

- A. An approved special use permit shall expire 12 months from the date of approval or by the date specified by their resolution unless the proposed development is pursued as set forth below:
  - 1. A complete building permit application has been submitted and remains valid;
  - 2. Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
  - 3. If no building permit is required, a certificate of occupancy has been issued.
  - 4. If no building permit or certificate of occupancy is required, alternative documentation, as specified by the terms of their special use permit, shall be deemed acceptable.
- B. Once the appropriate permit has been issued, the special use permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the special use permit shall become void. If a special use is determined by the administrator to be void, such determination shall be transmitted in writing to the applicant.

**8.8.13 Building permit/certificate of occupancy**

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the board of county commissioners.

**8.8.14 Revocation of a special use permit**

The administrator may revoke a special use permit if it is determined that:

- A. The applicant has misrepresented any material fact on his or her application, or supporting materials;
- B. The special use fails or ceases to comply with applicable standards, conditions or criteria for issuance of a permit;

- C. The operation of the special use violates any statute, law, ordinance or regulation; and/or
- D. The operation of the special use constitutes a nuisance or poses a real or potential threat to the health, safety or welfare of the public.

**8.8.15 Coordination with variance**

Applications for variance may be submitted concurrently with a request for a special use permit. The special use permit request shall be considered first (including any site plan), and where it is denied, the variance request shall be null and void.

**8.8.16 Coordination with rezoning**

An application for a special use permit may be reviewed concurrently with a rezoning application. However, a decision by the board of county commissioners shall be rendered first for any rezoning and then subsequently the board of county commissioners may act on the special use permit.

**Section 8.9 Temporary use review**

**8.9.1 Applicability**

Temporary uses occurring on property outside of the public right-of-way, including those operating for less than 30 days within a one-year time period, shall obtain a temporary use permit from the administrator that outlines conditions of operations to protect the public, health, safety and welfare subject to the standards of the Temporary Use Standards section.

**8.9.2 Application requirements**

An application for a temporary use permit shall be submitted in accordance with the Application Requirements section. The administrator may require that a temporary use application include an application for site plan review pursuant to the Site Plan Review Section.

**8.9.3 Action by administrator**

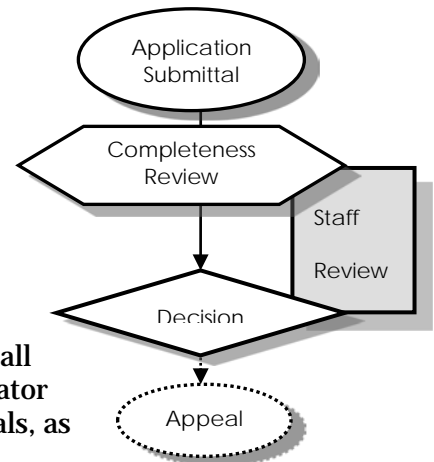
- A. After receiving a complete application, the administrator shall have up to 30 days to review the application. The administrator may refer the application to other referral agencies or officials, as necessary, to review the application.
- B. After technical review, the administrator shall determine whether the temporary use permit conforms to the requirements of this LUDC and may, either, approve or disapprove the temporary use permit or may refer the temporary use permit application to the board of county commissioners for final action.

**8.9.4 Approval criteria**

In approving a temporary use permit, the decision-making body shall approve the issuance of a temporary use permit subject to the following:

- A. No lighting or electrical service shall be provided without an electrical permit, and no temporary use structure shall be erected without a building permit;
- B. No temporary use structure shall block fire lanes or pedestrian or vehicular access;

**Temporary Use Permit**



- C. The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five days after the use is terminated;
- D. Written permission of the property owner for the temporary use shall be provided;
- E. Adequate parking and traffic control measures shall be provided; and required parking for other uses shall remain available;
- F. Adequate provisions for trash disposal and sanitary facilities shall be provided; and
- G. When appropriate, adequate provisions for crowd control shall be provided.

**8.9.5 Revocation of a temporary use permit**

A temporary use permit shall be revoked if the administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

**8.9.6 Appeal**

Final action on a temporary use permit may be appealed to the board of adjustment in accordance with Administrative Appeals Section of this code.

**Section 8.10 Sign permit**

**8.10.1 Applicability**

No sign, including permanent, temporary, portable and sandwich signs, may be erected, located, or altered in any manner until a sign permit, and building permit if necessary, has been secured from the administrator. Change of copy on a legally constructed sign shall not require a permit.

**8.10.2 Application requirements**

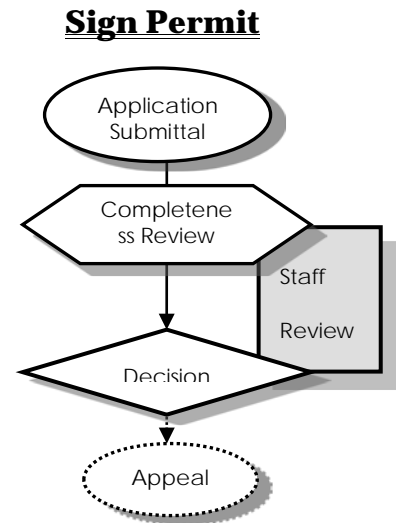
An application for sign permit shall be submitted in accordance with Application Requirements.

**8.10.3 Action by administrator**

- A. After receiving a complete application, the administrator shall have up to 30 days to review the application. Other referral agencies and officials as the administrator may deem necessary and desirable shall be given an opportunity to review the application.
- B. After technical review, the administrator shall approve the sign permit, provided the sign meets all requirements of this LUDC, and all other applicable electrical and Building Code requirements; or refer the sign permit to the board of county commissioners for final action.

**8.10.4 Approval criteria**

In approving a sign permit, the administrator shall consider the sign standards of this code.



### 8.10.5 Maintenance of permanent signs

It shall be a continuing responsibility of the applicant for the sign permit to assure that the sign is erected and maintained in a condition so as not to be a hazard to the safety of the public and of property.

### 8.10.6 Revocation of a sign permit

- A. Sign permit shall be revoked if a sign is found to be in violation of the requirements of this LUDC, or other applicable electrical and Building Code requirements.
- B. The sign permit shall be null and void if sign installation is not completed within six months or the signs are not in conformance with the approved application.

### 8.10.7 Appeal

Final action on a sign permit may be appealed to the board of adjustment in accordance with Administrative Appeals Section.

## Section 8.11 Written interpretation

### 8.11.1 Applicability

When uncertainty exists, the administrator, after consultation with the board of county commissioners, county attorney and other involved staff shall be authorized to make all interpretations concerning the provisions of this LUDC.

### 8.11.2 Application requirements

An application for a written interpretation shall be submitted in accordance with the Application Requirements section.

### 8.11.3 Action by administrator

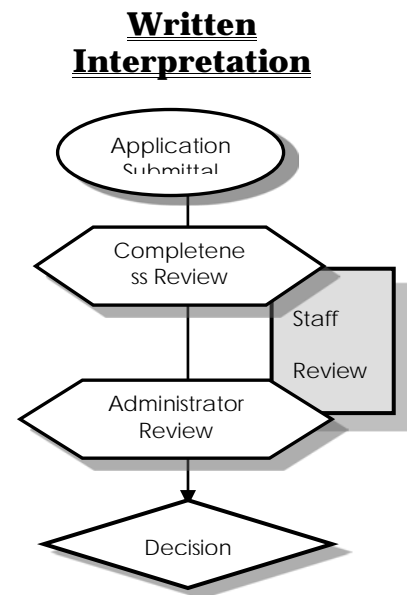
- A. The administrator shall review and evaluate the request in light of the text of this LUDC, the Zoning Map, the adopted plans and policies of the county and any other relevant information.
- B. Following completion of the technical review period, the administrator shall issue a final interpretation in light of the adopted plans and policies of the county, the requirements of this LUDC and any other relevant information.
- C. Upon approval by the administrator, the interpretation shall be provided to the applicant in writing.

### 8.11.4 Appeal

Final action on a written interpretation may be appealed to the board of adjustment in accordance with the Administrative Appeals section.

### 8.11.5 Official record

The administrator shall maintain an official record of all interpretations. Each record of interpretations shall be presented to the planning commission within 30 days of issuance and available for public inspection during normal business hours.



## Section 8.12 Floodplain development permit

### 8.12.1 Applicability

A floodplain development permit is required prior to any land disturbance, and before construction or development begins within any area of special flood hazard established within the county jurisdictional boundaries to ensure conformance to the storm water quality provisions and other applicable requirements of this LUDC.

### 8.12.2 Application requirements

An application for a floodplain development permit shall be submitted in accordance with the Application Requirements section. Application for a floodplain development permit shall be made on forms furnished by the administrator, which shall include, but not be limited, to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information shall be required:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Floodplain Regulations Section ; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

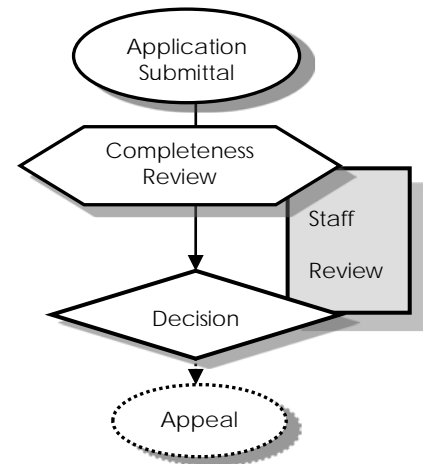
### 8.12.3 Action by administrator

- A. After receiving a complete application, the administrator shall have up to 30 days to review the application.
- B. Other referral agencies and officials as the administrator or the planning commission may deem necessary and desirable shall be given an opportunity to review the application.
- C. After technical review, the administrator shall determine whether the site plan conforms to the requirements of this LUDC and approve or disapprove the floodplain development permit, or refer the permit to the board of county commissioners for final action.

### 8.12.4 Criteria for approval

- A. Approval or denial of a floodplain development permit by the administrator shall be based on the requirements of Floodplain Regulations Section and the following relevant factors:
  1. The danger to life and property due to flooding or erosion damage.
  2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

### Floodplain Development Permit





3. The danger that materials may be swept onto other lands to the injury of others.
  4. The compatibility of the proposed use with existing and anticipated development.
  5. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  6. 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 sanitary sewer, gas, electrical and water systems.
  7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  8. The necessity to the facility of a waterfront location, where applicable.
  9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  10. The relationship of the proposed use to the Comprehensive Plan for the area.
- B.** The applicant must ensure that the application for a floodplain development permit was prepared or reviewed and approved by a licensed professional engineer prior to submission to the county, and that the application meets, at a minimum, the requirements of the application requirements in this section.
- C.** A floodplain development permit is conditional upon issuance of all applicable related permits required from the U.S. Environmental Protection Agency, or any other state or federal agency.

#### **8.12.5 Expiration**

A floodplain development permit shall expire 12 months after the date that the permit was issued.

#### **8.12.6 Appeals**

An appeal from any final decision by the administrator shall be made within 5 working days of the final decision in accordance with the Administrative Appeals section.

#### **8.12.7 Floodplain development permit variances**

##### **A. Applicability**

The board of county commissioners shall hear and render judgment on a variance (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 Section 8.12 as follows:

1. Variances may be approved for new construction, for substantial improvements and for other development necessary for the conduct of a functional dependent use provided 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.
2. Variances may be approved for new construction and substantial improvements to be erected on a buildable lot. In approving the variance, the Board of County Commissioners shall consider this LUDC and other county, state, federal regulations.

## B. Review process

### 1. Initiation

Initiation of a floodplain development permit variance may be made upon application of a property owner or their designated agent.

### 2. Application and completeness determination

The administrator is responsible for checking that a complete application has been submitted, with all material necessary for the board of county commissioners to render an informed decision.

### 3. Staff review

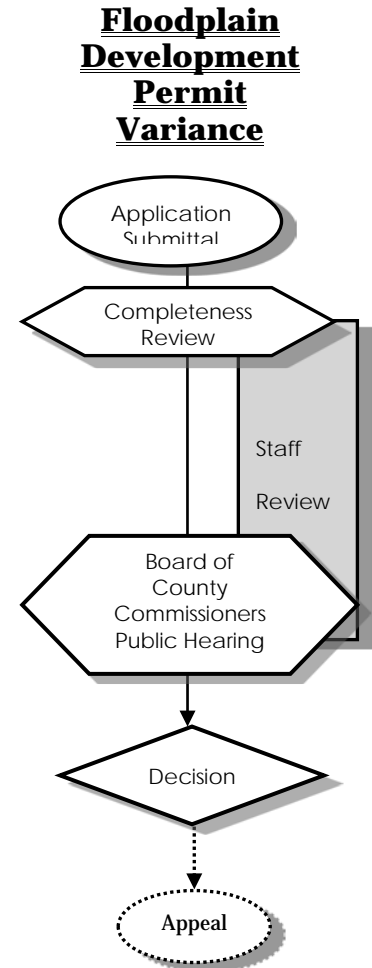
The administrator shall review the application, consider any applicable criteria for approval, and prepare a report to the board of county commissioners. A copy of the staff report shall be mailed to the applicant at least five days prior to the public hearing on the application. The administrator's report may include a recommendation for final action.

### 4. Final action by board of county commissioners

- a. The board of county commissioners shall review the application in a regular public meeting, and may take final action on the proposed floodplain development permit variances. The board of county commissioners may attach such conditions to the granting of variances as it deems necessary to further the purpose for floodplain development permit regulations as stated in in the floodplain development permit variance section.
- b. The floodplain development permit variance shall become effective upon approval by the board of county commissioners.

## C. Criteria for approval

1. Floodplain development permit variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - c. Determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - d. 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 or conflict with existing local laws or ordinances;
  - e. Variances shall not be approved within any designated floodway if any increase in flood levels during the base flood discharge would result;
  - f. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;



- g. 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;
- h. Variances may be issued by the county for new construction, for substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - (1) The criteria outlined in subsections a through g of this section are met; and
  - (2) 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.

**D. Conditions of approval**

In approving a floodplain development permit variance, the board of county commissioners may establish conditions of approval as necessary to ensure compliance with the Criteria for Approval of Section 8.12.7C.

**E. Action following approval**

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.

**F. Expiration**

A floodplain development permit variance shall expire 12 months after the date that the permit was issued.

**G. Appeal**

Any person aggrieved by the decision of the board of county commissioners may appeal such decision in the courts of competent jurisdiction.

**Section 8.13 Variance**

**8.13.1 Applicability**

- A. The board of adjustment is authorized to grant variances from the dimensional standards found in Article 3, Base District Standards and the off-street parking and loading standards of this LUDC, unless a variance is specifically prohibited for a particular requirement. The granting of a variance shall not be contrary to the public interest or the purposes of this LUDC where, owing to special conditions, a literal enforcement of the provisions of this LUDC would result in unnecessary physical (not economic) hardship to the property owner.

- B. It is the intent of this delegation of power to the Board that no variance shall be granted which is a use variance and has the practical effect of rezoning property to a higher intensity of use than the district in which the property is located.

**8.13.2 Application requirements**

An application for a variance shall be submitted in accordance with Section the Application Requirements section.

**8.13.3 Deadline for submission of application**

An appeal of an administrative decision shall be filed with the board of adjustment within 30 days of receipt of the decision.

**8.13.4 Notice and public hearings**

The county shall hold all required public hearings and give notice in accordance with Section 8.2.5, Notice and Public Hearing.

**8.13.5 Burden of proof**

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the board of adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

**8.13.6 Action by administrator**

The administrator shall provide the board of adjustment with a copy of the application and all relevant materials pertaining to the request.

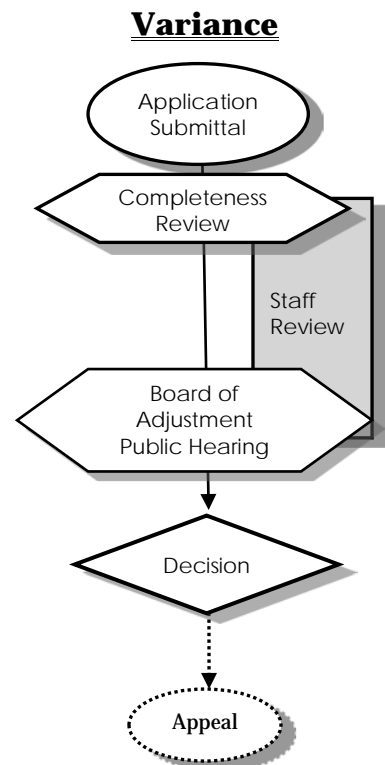
**8.13.7 Action by board of adjustment**

The board of adjustment may approve the request, deny the request, or continue the request.

- A. Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.
- B. In approving the variance, the board of adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
- C. Conditions may be imposed by the board of adjustment regarding the location, character, and other features of the proposed building or use as may be deemed necessary by the board of adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this LUDC.

**8.13.8 Effect of appeal**

- A. A variance request shall stay all proceedings in furtherance of the action appealed, unless the administrative official or decision-making body from who the appeal is taken certifies to the board of adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the



violation is transitory in nature a stay would seriously interfere with the effective enforcement of this LUDC. In that case, proceedings shall not be stayed except by order of the board of adjustment or a court.

- B. A variance request shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this LUDC are stayed.

#### **8.13.9 Variance Approval**

An approved variance request shall be granted on and only for the specific variance request. The applicant requesting the variance shall need to proceed with other necessary application requirements under this LUDC.

#### **8.13.10 Findings of fact**

No variance shall be approved by the board of adjustment unless all of the following findings are made.

- A. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LUDC unrealistic.
- B. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- C. A literal interpretation of the provisions of this LUDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located, and result in practical difficulty or unnecessary hardship.
- D. Relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this LUDC.
- E. The requested variance will be in harmony with the purpose and intent of this LUDC and will not be injurious to the neighborhood or to the general welfare.
- F. The special circumstances are not the result of the actions of the applicant.
- G. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
- H. The variance is not a request to permit a use which is not a permitted or special use in the district involved.

#### **8.13.11 Variances in the –AO district**

Variances within the Airport Overlay District shall be processed in accordance with this Section and additional provisions set forth herein this LUDC.

### **Section 8.14 Administrative adjustment**

#### **8.14.1 Applicability**

Pursuant to the requirements of this section, the administrator may authorize adjustment of the numerical standards of this LUDC by up to 10 percent of the applicable standard. However, the provisions of this section may not be used to increased allowable density.

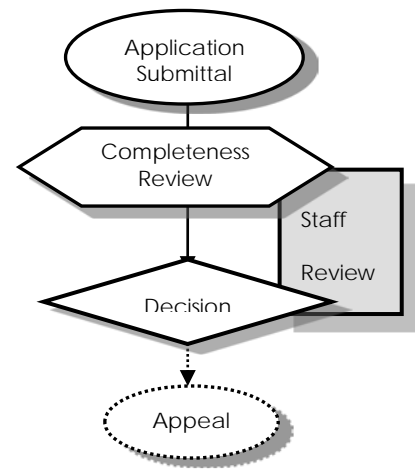
#### 8.14.2 Application requirements

An application for an administrative adjustment shall be submitted in accordance with Section 8.2.3, Application Requirements.

#### 8.14.3 Action by administrator

- A. After receiving a complete application, the administrator shall have up to 30 days to review the application.
- B. Other referral agencies and officials as the administrator may deem necessary and desirable shall be given an opportunity to review the application.
- C. After technical review, the administrator shall approve or disapprove the administrative adjustment, or refer the adjustment to the board of county commissioners for final action.

### **Administrative Adjustment**



#### 8.14.4 Administrative adjustment criteria

The administrator shall consider mitigation measures offered in support of the adjustment and the following criteria:

- A. Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
- B. Granting the adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
- C. Granting the adjustment will be generally consistent with the purposes and intent of this LUDC; and
- D. Granting the adjustment will be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

**Commentary:** *In making the decision to approve or disapprove Administrative Adjustments, the administrator may consider any special efforts by the applicant to promote compatibility with neighboring properties, such as the installation of additional walls or fences, additional landscaping or other site design trade-offs.*

#### 8.14.5 Appeals

An appeal from any final decision by the administrator shall be made within 5 working days of the final decision in accordance with Section 8.15, Administrative Appeals.

### **Section 8.15 Administrative appeals**

#### 8.15.1 Applicability

An appeal by any person aggrieved by a final order, interpretation or decision of the administrator or other administrator or decision-making body of this LUDC in regard to the provisions of this LUDC may be taken to the board of adjustment.

### 8.15.2 Application requirements

- A. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the administrator and the board of adjustment.
- B. An application for appeal of an administrative decision shall be submitted in accordance with Section the Application Requirements section.
- C. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the administrator. The date and time of filing shall be entered on the notice.

### 8.15.3 Deadline for submission of application

An appeal of an administrative decision shall be filed with the board of adjustment within 30 days of receipt of the decision.

### 8.15.4 Notice and public hearings

The county shall hold all required public hearings and give notice in accordance with Section 8.2.5, Notice and Public Hearing.

### 8.15.5 Burden of proof

The applicant seeking the administrative appeal shall have the burden of presenting evidence sufficient to allow the board of adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

### 8.15.6 Action by administrator

The administrator or designee shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

### 8.15.7 Action by board of adjustment

- A. The board of adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board of adjustment shall have all the powers of the officer from whom the appeal is taken.
- B. A motion to reverse, affirm or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- C. If a motion to reverse or modify is not made, or fails to receive the four-fifths of members eligible to vote then appeal shall be denied.
- D. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

### 8.15.8 Effect of appeal

- A. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official or decision-making body from who the appeal is taken certifies to



the board of adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this LUDC. In that case, proceedings shall not be stayed except by order of the board of adjustment or a court.

- B. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this LUDC are stayed.

#### **8.15.9 Findings of fact**

Every decision of the board of adjustment shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the administrator within 10 days after the date of the final action.

### **Section 8.16 Appeals to court**

- A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or person, jointly or severally aggrieved, or any taxpayer or any officer, department, commission or board of the county to the District Court in the County.
- B. The appeal shall be taken by filing a notice of appeal with the chairman of the board of adjustment within 10 days of the final decision of the board. Day one begins the first day following the board's decision. The notice shall specify the grounds for the appeal.
- C. Upon filing the notice of appeal, the board of adjustment shall forthwith transmit to the Court Clerk the original or certified copies, of all papers constituting the record in the case, together with the order, decision or filing.
- D. An appeal to the District Court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chairman of the decision-making body, from which the appeal is taken, certified to the Court Clerk, after the notice of appeal has been filed, that by reasons of facts stated in the certificate a stay in his opinion cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by District Court upon application or notice to the administrator in charge of the enforcement of the terms and provisions of the LUDC, and upon notice to the chairman of the body from which appeal is taken, and upon due cause being shown.



# Article 9 | Nonconformities

## Section 9.1 Nonconforming status

### 9.1.1 General

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 is satisfied:

- A. The use or structure does not conform to the regulations prescribed in the district in which such 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 such use or structure nonconforming.
- B. The event that made such use or structure nonconforming was one of the following: boundary adjustment of the county, adoption of this LUDC or a previous zoning ordinance, or amendment of this LUDC.
- C. The nonconforming use or the use occupying the nonconforming structure has been operating since the time that the use or structure first became nonconforming without abandonment, as abandonment is defined in Section 9.1.2, below.

### 9.1.2 Abandonment

Whenever a nonconforming use or a conforming use in a nonconforming structure is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth conform to this LUDC. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation. Any nonconforming use that is discontinued for, or that remains vacant for a period of 6 months, shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned.

### 9.1.3 Burden of proof

The burden of establishing that a nonconforming use or structure lawfully exists under this LUDC shall, in all cases, be the owner's and not the county.

## Section 9.2 Intent

It is the intent of this LUDC to permit nonconformities to continue until they are removed, but not to encourage their survival. Such uses are hereby declared to be incompatible with permitted uses in the underlying district. It is further the intent of this LUDC that nonconformities not be enlarged, expanded or extended, nor be used as justification for the addition of other structures or uses, except as may be specifically allowed in this article.

## Section 9.3 Nonconforming structures

### 9.3.1 Continuation

The conforming use of a structure existing at the effective date of this LUDC, may be continued, although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this LUDC.

### 9.3.2 Damaged or destroyed

Nonconforming structures which are damaged or destroyed by fire, explosion, flood, or other calamity to the extent of more than 75 percent of the value of the structure, as determined by the County, may be reconstructed and shall comply with the applicable provisions of this LUDC for the district in which such structure is located, unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply.

### 9.3.3 Movement

A nonconforming structure, including a manufactured home, may not be moved for any reason or for any distance, unless when so moved, it complies with the regulations for the district in which it is located. Further, any subsequent reuse of the lot or lots on which the nonconforming structure has been moved must comply with the regulations for the district in which it is located. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.

### 9.3.4 Expansion

A nonconforming structure may be enlarged or expanded, provided that any expansion does not increase the degree of nonconformity and meets all of the requirements for the zoning district, including, but not limited to the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this LUDC.

**Commentary:** Section 9.3.4 allow enlargement or expansion in order to promote positive change in nonconformities.

## Section 9.4 Nonconforming uses

### 9.4.1 Continuation

The nonconforming use of a structure or land at the effective date of this LUDC may be continued, except that:

- A. Except as permitted by Section 9.3.4, only that portion of the land in actual use may be so continued, and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use.
- B. Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use are permitted, provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.

### 9.4.2 Damaged or destroyed

If such nonconforming use is damaged by fire, explosion, flood, or other calamity to the extent of more than 75 percent of its value, as determined by the County, it shall not be restored unless it will comply with the use provisions of this LUDC, except that nonconforming owner-occupied detached single family dwelling may be restored.

### 9.4.3 Discontinued or terminated

If such nonconforming use is discontinued or terminated, as evidenced by the disconnection of electrical service to such use for a period of 180 days, any future use of the structure or land shall comply with the provisions of this LUDC.

#### 9.4.4 Movement

A nonconforming use, including a manufactured home, may not be moved for any reason or for any distance, unless when so moved, it complies with the regulations for the district in which it is located. Further, any subsequent reuse of the lot or lots on which the nonconforming structure has been moved must comply with the regulations for the district in which it is located. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.

#### 9.4.5 Change in use

- A. The planning commission may permit as a special use (See Section 8.8) a change in nonconforming use, provided that the requirements of paragraphs 9.4.1 through 9.4.4, above, are met, and the planning commission finds that such new use would be more in character with the uses permitted in the district than the previous use. In permitting such change, the planning commission may require appropriate conditions and safeguards in accordance with the provisions of this LUDC.
- B. Once a nonconforming use has been changed or altered so as to comply with the provisions of this LUDC, it shall not revert back to a nonconforming use. Once the planning commission has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a nonconforming use and become subject to all the conditions required by the board. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

**Commentary:** Section 9.4.5 is intended to promote positive change in nonconforming uses.

### Section 9.5 Nonconforming lots

#### 9.5.1 Permitted use

- A. An undeveloped lot in any zoning district which was recorded in the official records of the county clerk and recorder prior to the effective date of the zoning in such area, and such lot does not comply with the minimum lot area or width requirements for the zoning district in which such lot is located, then such lot may be developed for a use allowed in that zoning district provided all structures on said lot meet all applicable yard, setback, and bulk requirements or a variance is approved by the board of adjustment pursuant to Section 8.13.
- B. When a substandard lot or lot combination is so small that the granting of variances to permit the establishment of a permitted principal use would result in potential fire or health hazards, encroachments upon or nuisances affecting adjacent property, or an adverse impact on surrounding property values, no variance shall be granted to permit construction thereon.

#### 9.5.2 Merger of nonconforming lots

- A. If two or more adjoining and vacant lots are in one ownership when this section is adopted, or at any time after the adoption of this section, and such lots individually do not meet the dimensional requirements of this section for the district in which such lots are located, then such group of lots shall be considered as a single lot and therefore, the provisions of Section 9.5.1, above, do not apply.

- B. When a conforming lot cannot be created by the joining of two or more nonconforming lots, the lots will be joined into a single building site to reduce their degree of nonconformity.
- C. Adjoining lots, under single ownership on the effective date of this LUDC or any of its amendments, at least one of which is made nonconforming, shall not be further subdivided or sold separately. If they are separated to create one or more nonconforming lots, no building permits shall be issued to allow construction on them until they are re-joined under single ownership to form a single building site; except that such lots may be combined, subdivided, or re-platted in a manner that results in conforming lots.

### **9.5.3 Actions of governmental agencies**

Where, after the effective date of this LUDC, a governmental agency obtains a portion of a conforming lot for public purposes and thereby creates a nonconforming lot, permitted principal and accessory structures in the district in which said lot is located may be erected or constructed on the lot provided that all other requirements of this LUDC are met.

## **Section 9.6 Nonconforming signs**

### **9.6.1 Authority to continue**

Any sign in existence on the effective date of this LUDC which does not conform with any provisions of the LUDC shall be allowed to remain and to be maintained in good repair, so long as the sign is used in conjunction with an existing business.

### **9.6.2 Enlargement or revision**

No nonconforming sign shall be erected, replaced, or otherwise modified in such a way as to increase its nonconformity. Reasonable repair and maintenance of nonconforming signs, including the change of an advertising message, is permitted, provided that a nonconforming sign which is damaged or deteriorated to the extent of 50 percent or more of its value shall not be replaced unless it conforms to all provisions of this article.

### **9.6.3 Discontinuance**

In the event a nonconforming sign refers to a business which ceases to exist, or if the nonconforming sign is taken out of service for any period of time as a result of either an intentional act of the owner (other than for maintenance), an unintentional act of another or an act of God, the replacement sign shall be constructed in conformance with the provisions of this LUDC.

## **Section 9.7 Nonconformities in the –AO district**

### **9.7.1 Regulations not retroactive**

The rules herein prescribed by this section shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the requirements of this section, as of the effective date, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently prosecuted.

### **9.7.2 Marking and lighting**

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the board of county commissioners or the administrator to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of Alamosa County.

### **9.7.3 Abandonment or destruction**

Whenever the board of county commissioners or the administrator determines that a nonconforming tree or structure has been abandoned or more than 50 percent torn down, destroyed, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.



# Article 10 | Violations, Penalties & Enforcement

## Section 10.1 Enforcement by administrator

The administrator or his/her designated agents, or agents designated by the Board of Alamosa County shall have the authority to enforce this LUDC. Under the powers of this article, the administrator shall have the authority to enter onto property within the county limits to inspect or to investigate suspected violations of this LUDC.

### 10.1.1 Premises occupied

If the building or premises upon which the suspected violation is located is occupied, the administrator or his/her designated agents shall present proper identification and request access. If access is denied, the administrator may obtain a search warrant from a court of competent jurisdiction.

### 10.1.2 Premises unoccupied

If the building or premises upon which the suspected violation is located is unoccupied, the administrator or his/her designated agents shall make reasonable efforts to locate persons having charge of the premises. If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

## Section 10.2 Enforcement procedures

- A. The county may enforce the requirements of the LUDC by withholding Building Permits. It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure without approval of a site plan and/or building permit. The county may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conforms to the provisions of this LUDC.
- B. If there is probable cause that a violation of the provisions of this LUDC exists with respect to any real property in unincorporated Alamosa County which is subject to this LUDC, written notice shall be provided to the owner, as follows:
  1. Written notice of the violation shall be issued either in person or via first class mail to the owner at the address listed in the records of the Alamosa County Assessor's Office and to the mailing address of the property if such address is different from the address in the Assessor's records.
  2. The notice of violation shall specifically describe the nature of the violation and shall require that the violation be corrected within thirty (30) days after the date of the notice.
  3. The notice of violation shall provide that the owner may request additional time to correct the violation. Any extensions of time shall be valid only if granted in writing.
- C. The notice shall include a statement that if the owner believes that notice has been issued in error or without just cause, the owner may request in writing, no later than fourteen (14) business days after the date of the notice, a hearing before the Board in

order to obtain a written determination from the Board whether the condition of the property violates this LUDC.

1. The date of any requested hearing shall be as soon as practicable considering the Board's calendar. Written notice of the date of the hearing shall be sent via first class mail to the owner at least fourteen (14) business days prior to the date of the hearing.
  2. At the hearing, the Board will receive relevant information from the owner and others bearing on the issue of whether the condition of the property violates this LUDC. The owner shall have the burden to show by a preponderance of evidence that the property does not violate this LUDC.
  3. The Board will provide a written determination within ten (10) days of the hearing. If the Board determines the condition of the property violates this LUDC, the Board shall set the date by which the violation must be corrected.
- D. If the violation is not corrected within the time period established in the notice of violation or written extension of time, a second and final notice of violation shall be issued.

## **Section 10.3 Penalties for violation**

### **10.3.1 Penalties**

- A. Failure of the owner to remedy the violation shall constitute a violation of the LUDC and shall give the Land Use Administrator or his/her designated agents the authority to issue penalty assessments, not to exceed the limits established in 1973 C.R.S. §30-15-402, EXCEPT that, nothing herein shall preclude the separate prosecution of zoning or building code violations pursuant to 1973 C.R.S. §30-28-124 or 1973 C.R.S. §30-28-209, or both.
- B. A first violation under these regulations shall be punished by a penalty assessment of one hundred dollars (\$100.00).
  1. A notice of compliance shall be issued if violation is corrected during the time period established in the notice of violation or written extension of time.
- C. A second violation under these regulations shall be punished by a penalty assessment of three hundred dollars (\$300.00).

### **10.3.2 Each day a separate offense**

Each day that a violation continues to exist shall be considered a separate offense.

### **10.3.3 Each lot a separate offense**

Each lot or parcel offered for sale, agreed to be sold, sold, or transferred in violation of the provisions of this LUDC shall be considered a separate and distinct offense.

## **Section 10.4 Remedies for violations**

Whenever the administrator shall find a violation of any of the provisions of this LUDC, he shall be authorized to order the following remedies.

### **10.4.1 Discontinuance of use violation**

The administrator may order any use of land, buildings or structures which violates the provisions of this LUDC to be discontinued or abated. The administrator shall order the immediate repair or removal of hazardous conditions, including hazardous signs. If



a use, sign or structure poses an immediate threat to life, property or the environment, the administrator may take whatever actions necessary to have it removed. All remedies provided for in this section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law

#### **10.4.2 10.4.2 Administrative Entry and Seizure Warrant**

- A. If the violation of this LUDC is not fully corrected within the time period established in the written notice of violation, or within the time period established in the Board's written determination if a hearing was requested, the Land Use Administrator, or his/her designated agents, without further notice to the owner, may initiate proceedings for an administrative entry and seizure warrant through the district or county court of Alamosa County authorizing the County to enter the Property and remove the violation.
- B. In seeking an administrative and seizure warrant, a sworn or affirmed affidavit shall be presented to the court which sets forth the factual basis for the warrant as follows:
  - 1. A general description of the location of the property;
  - 2. A general description of any violation to be removed from the property;
  - 3. Evidence that the owner has received notice of the violation and has failed to abate the violation within the time prescribed by such notice;
  - 4. A proposal about whether the violation to be removed should be disposed of or temporarily impounded.
- C. Within ten (10) days following the date of issuance of an administrative entry and seizure warrant, the County, by and through County forces, contract, agent or otherwise, shall execute the warrant in accordance with the directions of the issuing court. A copy of the issued warrant shall be provided or mailed to the owner. Proof of the execution of such warrant, including a written inventory of any property impounded by the executing authority, shall be submitted to the court by the County.

#### **10.4.3 Removal of buildings**

The administrator may order any buildings, structures or additions, alterations or structural additions thereto which violate the provisions of this LUDC to be removed. Any sign placed upon or over county property or a public right-of-way without a sign permit approved pursuant to Sign Permit Section of this LUDC may be impounded as evidence.

#### **10.4.4 Stoppage of illegal development**

The administrator may order any development activities being accomplished which violate the provisions of this LUDC to be stopped.

#### **10.4.5 Enjoin illegal transfers**

The administrator may notify the county attorney, who may enjoin, by action for injunction brought in any court of competent jurisdiction, any offer to sell, agreement to sell, sale, or transfer of any subdivided property before a final plat has been approved by the county and recorded or filed in the office of the County Clerk and Recorder.

#### **10.4.6 Disposal, Impoundment, & Collection Costs**

- A. Any violation remedied pursuant to an administrative entry and seizure warrant shall be dealt with in accordance with the terms of such warrant, including the impoundment and/or the disposal of property in the manner specified by the court in the warrant.
- B. All reasonable costs associated with removal and impoundment if ordered by the court shall be paid by the owner, including an additional five percent (5%) of such costs for inspection of the property and incidental expenses. A bill of costs shall be mailed to the owner and payment in full shall be due within fifteen (15) days of the date of the bill.
- C. In the event that the bill remains unpaid after fifteen (15) days, the costs may be assessed as a lien against the property until paid and shall have priority over all other liens except general taxes and prior special assessments.
- D. If the costs remain unpaid after ninety (90) days from the date of the bill, such costs together with a ten percent (10%) penalty for collection expenses shall be certified to the Alamosa County Treasurer for collection in the same manner as other taxes are collected.
- E. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property taxes, shall apply to the collection of assessments pursuant to this section.

#### **10.4.7 Other actions**

Nothing in this LUDC shall be construed to limit or restrict Alamosa County's ability to pursue other remedies available under other Alamosa County regulations or pursuant to state or federal law. The remedies provided in this LUDC are not exclusive in any way and may be pursued by Alamosa County singly or in combination to achieve the most expeditious resolution to the violation,

#### **10.4.8 Remedies are cumulative**

All remedies provided for in this section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law.

#### **10.4.9 Severability**

If any paragraph or subparagraph of this LUDC is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of this LUDC and, to this end, the provisions of this LUDC are declared to be severable.

# Article 11 | Definitions

## Section 11.1 Word usage

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural include the singular.
- C. The word “person” or “applicant” includes firms, associations, organizations, partnerships, corporations, trusts, trustees, estates, individuals, companies, and other similar entities.
- D. The word “structure” includes the word “building”.
- E. The word “shall” is always mandatory and not merely directory.
- F. The word “used”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, or “designed to be used”.
- G. “Zoning map” shall mean the official Zoning Map of Alamosa County, Colorado.
- H. The words “board of county commissioners”, shall refer to the board of county commissioners of Alamosa, Colorado.
- I. The words “planning commission” or Planning and Zoning Commission” shall refer to the Planning and Zoning Commission of Alamosa County, Colorado.
- J. The words “board of adjustment” shall refer to the Board of Adjustment of Alamosa County, Colorado.
- K. The words “day” or “days” shall refer to calendar days and shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the State of Colorado, in which event it shall also be excluded.
- L. Any term not herein defined shall be as defined in Webster's New International Dictionary, most recent edition.
- M. In case of any difference of meaning or implication between the text of this LUDC and any caption, illustration or table, the text shall control.

## Section 11.2 Abbreviations

- A. BMP: Best Management Practices.
- B. BOA: Board of Adjustment.
- C. BOCC: Board of county commissioners.
- D. DBH. Diameter at Breast Height.
- E. GFA: Gross Floor Area.
- F. FAA: Federal Aviation Administration.
- G. FCC: Federal Communications Commission.
- H. FEMA: Federal Emergency Management Agency

- I. S.F: Square Feet.
- J. F/R: Farm and Ranch Road.
- K. LUDC: Land Use and Development Code.
- L. LOS: Level of Service.
- M. CDOT: Colorado Department of Transportation.
- N. max.: Maximum
- O. min.: Minimum
- P. MTN: Mountainous Road.
- Q. PB: Planning and Zoning Commission or Planning Commission.
- R. TIA: Traffic Impact Analysis.
- S. sq. ft.: Square Feet.
- T. TRC: Technical Review Committee.
- U. USGS: United States Geologic Survey.
- V. VMC: Vehicle miles of capacity.
- W. VMT: Vehicle miles of travel.

**Section 11.3 Defined terms**

**Definitions**

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| Airport Elevation                    | The highest point of an airport’s usable landing area measured in feet from mean sea level.   |
| Alley                                | A single lane that provides alternative vehicular and service access. See Section 5.2.4D.   |
| Allowed Use                          | Use which is allowed in a district, subject to all of the restrictions applicable to that district and all of the standards of this code.   |
| Alteration                           | Any change, addition, or modification in construction or occupancy of an existing structure or sign; any change, grading or construction within a regulated floodplain.   |
| Abutting                             | The property directly touches another piece of property.  |
| Accessory building, structure or use | A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure (see Section 3.6).   |
| Adult care home                      | An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.                           |
| Adult entertainment establishment    | Any establishment that is open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishments, irrespective of whether such establishments are licensed to serve alcohol or fermented malt beverages.  |
| Adult-oriented business              | An establishment which includes, whether as a principal or adjunct portion of its offerings, the sale, rental, display or other offering, whether live or recorded, of entertainment, dancing, or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to sexual activities. The term "adult-oriented business" includes, but is not limited to bookstores, video stores, gift stores, cabarets, motels and hotels, theaters and adult-entertainment establishments. |
| Agriculture                          | The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation, of any such accessory uses shall be secondary to that of the principal use. The operation of commercial feed pens, sales yards and auction yards for horses, cattle or hogs is deemed an industrial and not an agricultural use. |
| Amusement center                     | Any indoor place that contains three or more amusement devices of any description, including but not limited to pinball games, billiards, computer amusement (video games), and/or games of chance for the public amusement, patronage and recreation.  |
| Animal Waste Collection              | A system, including pipelines, conduits, pumping stations, force mains, and all other construction,   |

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| System   | devices, appurtenances, and facilities, used for collecting or conducting wastes to an ultimate point for treatment or disposal.   |
| Animal Waste Treatment Facility                      | An animal waste receiving facility designed to digest or alter animal waste either mechanically or biologically.   |
| Antenna  | A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the county's building and permitting authority. |
| Applicant  | The owner of land proposed to be subdivided or his legal authorized representative.  |
| Approach - Transitional Horizontal and Conical Zones | See Section 2.5.2.   |
| Approach Surface                                     | See In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.  |
| Approval authority                                   | The board of county commissioners, board of adjustment or other board or official designated by ordinance or this LUDC as being authorized to grant the specific zoning or land use permit or approval.  |
| Arterial, primary                                    | See Section 5.2.4D.  |
| Arterial, secondary                                  | See Section 5.2.4D.  |
| As-built plans                                       | A set of detailed plans and document specifying how required public improvements were actually constructed.  |
| Assisted living center                               | Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies.   |
| Base flood   | The flood having a one percent chance being equaled or exceeded in any given year.   |
| Basement   | A story partly or wholly underground.  |
| Bed and breakfast                                    | A building designed and built as a detached single family containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.   |
| Bedroom  | Room in a dwelling unit that is marketed and designed for sleeping, or otherwise has the potential to function primarily for sleeping.   |
| Berm   | Man-made landform, typically built as a planted earth mound, located so as to separate differing land uses; screen structures, parking area, or yards from view; or to provide sound relief from a nearby road or use.   |
| Best management practices                            | A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.  |
| Bicycle lane   | That portion of a roadway set aside and designated for the use of bicycles.  |
| Bicycle path   | A paved facility that physically separates bicycle riders from motor vehicle traffic.  |
| Billboard (including poster and panel types)         | A non-accessory sign or sign structure upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property: upon which the sign is located.  |
| Block  | A parcel of land, intended to be used for purposes, which is entirely surrounded by public streets or highways, railroad rights-of-way, public walks, public green strips, rural land or drainage channels, boundaries of a municipality, or a combination thereof.  |
| Board of county commissioners                        | The Alamosa County Board of County Commissioners.  |
| Boarding house                                       | A building, other than a hotel/motel or bed and breakfast, containing not more than nine guest rooms. At least one meal is provided to guests. Individual guest rooms may not contain kitchens.  |
| Bona Fide enterprise                                 | An on-going, continual and economically viable agricultural, commercial or business operation.   |
| Breezeway  | A covered area that connects two buildings.  |
| Building   | Any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals or property.  |
| Building coverage                                    | The maximum area of the lot permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three feet.  |
| Building line or setback line                        | A line or designating the area outside of which buildings may be erected, except as otherwise provided by this LUDC.   |
| Building official                                    | The designated official responsible for enforcement of building codes and the supervision of building inspections in the county.   |
| Building separation                                  | The minimum spacing between buildings in a complex shall be 14 feet, with an additional 10 feet provided between buildings for every story over two. Location of building must allow access by fire-fighting equipment from all sides.   |
| Building width                                       | Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).  |

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| Building, main or principal | A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling is deemed to be a main building on the lot on which it is situated.   |
| Caliper                     | The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.   |
| Carport                     | A permanent roofed structure that is permanently opens on at least two sides, and designated for or occupied by "private" passenger vehicles.  |
| Cemetery                    | A place used or to be used and dedicated or designated for interments of human remains or pet animal remains.  |
| Certificate of survey       | An instrument prepared by a registered surveyor licensed to practice in the state of Colorado describing the location and boundaries of a tract or parcel of land.   |
| Child care                  | A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.  |
| Child care center           | A child care center is an arrangement where, at any one time, there are nine or more preschool-age children or nine or more school-age children receiving child care.  |
| Child care home             | A child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.  |
| City                        | The City of Alamosa, Colorado.   |
| Club, civic                 | An organization of persons for specific purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.  |
| Club, private               | Any establishment that is organized and operated solely for a social, recreational, patriotic or fraternal purpose that is not open to the general public, but is open only to the members of the organization and their bona fide guests. The definition of private clubs does not include adult-oriented businesses as defined in this section.  |
| Common Interest Community   | Real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration.  |
| Comprehensive plan          | The Alamosa/Alamosa County Comprehensive Plan; the long-range comprehensive physical development plan for the city and county as adopted by the board of county commissioners to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision circulation, transportation, and community facilities.   |
| Conical Surface             | A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.   |
| Construction plan           | Maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of these regulations.   |
| County                      | Alamosa County, Colorado.  |
| County clerk and recorder   | Alamosa County Clerk and Recorder  |
| County manager              | The administrator of the Alamosa County, Colorado; the County employee primarily responsible for administering the provisions of this LUDC, or his or her designee.  |
| Covenant                    | A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.   |
| Crematorium                 | A building used for the cremation of human remains.  |
| Cul-de-sac                  | A local street having one end open to vehicular traffic and having one closed and terminated by a turnaround.  |
| Debt service                | Principal, interest, and any fees associated with obtaining financing and servicing any debt.  |
| Density                     | Density shall be calculated by dividing one acre of land (43,560 square feet) by the minimum lot size for the district or housing type.  |
| Developer                   | See definition of "subdivider".  |
| Development                 | The subdivision of land into two or more parcels, the construction or reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, land disturbance; and any use or extension of the use of land.; any activity which requires a development application under this LUDC, including but not limited to: zoning development permit, rezoning, planned unit development review, special use permit review, major or minor subdivision plat review, or site plan review. |
| Development application     | Any application for development under this LUDC, including but not limited to: Zoning development Permit, rezoning, planned unit development review, special use permit review, major or minor subdivision plat review, or site plan review.   |
| District, base              | See Section 2.1.1.   |

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| District, planned unit development             | See Section 8.5.  |
| Driveway                                       | A private roadway located on a parcel or lot used for vehicle access.   |
| Duct system                                    | All ducts, duct fittings, plenums, and fans assembled to form a continuous passageway for the distribution of air.  |
| Dwelling unit                                  | A building, or portion thereof, providing complete and permanent living facilities for one household and includes the following (see also Section 2.3.1):<br>Alley-loaded house.<br>Multi-family dwelling.<br>Single family detached.<br>Townhouse.<br>Two-family house.<br>Upper-story residential.<br>Zero lot line house.  |
| Easement                                       | A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.   |
| Existing manufactured home park of subdivision | Manufactured home park 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) are completed before the effective date of the ordinance codified in this section.  |
| Expansion to existing manufactured home park   | 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 to the pouring of concrete pads).  |
| Family   | One or more persons related by blood or marriage, including adopted children, or a group of not to exceed five persons (excluding domestic servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodging house, hotel; club, or similar dwelling for group use. A family is deemed to include domestic servants employed by the family.   |
| Feed lot                                       | An operational unit that meets all of the following criteria: (1) is designed to confine more than 500 animal units, (2) animals are confined, fed, and maintained for 45 consecutive days or more between May 15 and September 15, (3) crop or forage growth is not maintained in the area of confinement, (4) a majority of the crops or forage used to feed the animals is not grown on the same property, and (5) generates an average of more than 5 truck trips per week transporting animals to or from the confinement area. (See also, "Animal Confinement") |
| Fence  | Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.  |
| Final plat                                     | See Section 8.6.10.   |
| Fire chief                                     | The Alamosa County Fire Chief.  |
| Flood - 100 year frequency                     | A flood having an average frequency of occurrence once in 100 years although the flood may occur in any year, based on statistical analyses of rainfall and run-off characteristics in the general region of the watershed, as determined by the administrator, or as determined by the U.S. Army Corps of Engineers and confirmed by the administrator or as determined by a professional engineer and certified by the administrator.   |
| Flood hazard area                              | The land area adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the 100-year frequency flood but which would be inundated by the floodwater or the 100-year frequency flood based on full urbanization of the watershed.   |
| Flood Insurance Rate Map (FIRM)                | Official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.  |
| Flood insurance study                          | Official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary – floodway map, and the water surface elevation of the base flood.   |
| Flood or flooding                              | A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.   |
| Floodplain                                     | Any land susceptible to being inundated by water from any source (see definition of flooding).  |
| Floodplain development permit                  | See Section 8.12.   |
| Floodway                                       | The channel of a water course or driveway and those portions of the adjoining lands which are reasonably required to carry and discharge the floodwater of the 100-year frequency flood.  |
| Floodway regulatory                            | The channel of a river or water course and portions of the adjoining flood that must be reserved in order to discharge the flood without cumulatively increasing the water elevation more than one foot.  |
| Floor area                                     | The floor area of a building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding stairwells, elevator shafts; hallways; ornamental  |

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|                                     | balconies; space occupied by heating, air conditioning or other utility equipment; and space devoted to off-street parking or loading.  |
| Frontage                            | The dimension of a property that is adjacent to a street.   |
| Funeral home                        | A building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this LUDC, includes a funeral chapel.  |
| Gas station with convenience retail | A building used for the sale of gasoline products that also offers for sales prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverage, and pastries may be included in the food items offered sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.   |
| Greenhouse, commercial              | An indoor commercial establishment engaged in the cultivation and/or sale of trees, shrubs, plants, and other agricultural products, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.  |
| Ground cover                        | Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.  |
| Group home                          | See Section 3.2.5.  |
| Guest house                         | See Section 3.6.3D .  |
| Guest room                          | A room or suite used as living accommodations for one or more paying visitors.  |
| Half street                         | See Section 5.2.4I.   |
| Hazard to air navigation            | An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.   |
| Health department                   | The Alamosa County Department of Health.  |
| Height                              | See Section 3.6.2.B.  |
| Home occupation, customary          | See Section 3.6.3E.   |
| Home occupation, rural              | See Section 3.6.3F.   |
| Homeowners association              | An incorporated non-profit organization operating under recorded covenants for the purpose of maintaining any physical facilities, structures, improvements, systems, areas or grounds held in common.  |
| Horizontal Surface                  | A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.  |
| Hospital                            | An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.  |
| Hotel/motel                         | A building containing one or more guest rooms, for overnight guests, and containing registration facilities, on-site management, cleaning services and combined utilities.  |
| Household                           | One or more persons occupying a single dwelling unit.   |
| Impervious surface                  | The maximum area of the lot that is permitted to be covered by buildings including both principal structures and accessory buildings paved areas such as driveway, uncovered , uncovered porches or patios, or solid decks.   |
| Infill development                  | Development upon land within the county previously occupied by an impact-generating use or structure, or within a recommended 'Infill Concentration Zone' as described in the Comprehensive Plan.   |
| Intensity                           | The degree, to which land is used, refers to levels of concentration or activity in uses.   |
| Junk                                | A dilapidated scrap or abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, or parts thereof.   |
| Junk yard                           | The use of more than 600 square feet of any lot or parcel for outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, including the storage of automobiles or other vehicles, or dismantling of such vehicles or machinery or parts thereof.  |
| Kennel                              | An establishment for the keeping or breeding of dogs for profit, or having four dogs or more on any premises.   |
| Land surveyor, registered           | A professional land surveyor license, registered in the State of Colorado.  |
| Land-disturbance                    | Any use of land in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin, and is deposited elsewhere. |
| Landfill                            | A disposal facility or part of a disposal facility where solid waste is placed in or on land. This term does not include composting facilities.   |



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| Landscaping                      | Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a ground cover.  |
| Level of Service                 | A qualitative measure describing operational conditions within a traffic stream as defined in the Transportation Research Board's Highway Capacity Manual (1985 edition) as amended and updated from time to time. LOS is generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. Levels of service are expressed in terms of six (6) levels, designated A through F, with LOS A indicating the best service and LOS F indicating the worst.  |
| Livestock                        | All animals kept or raised on a farm, except however, that necessary working animals and pets are not included.  |
| Loading and unloading area       | A completely off-street space on the same lot for the loading or unloading of freight carriers with ingress and egress to a street or alley (see Section 4.2.5).   |
| Lot                              | 1.) A single lot of record, or more than one contiguous lot of record in the same ownership which lot or lots of record are not divided by any street or public alley.2.) Lot area shall be that area included in a single, undivided piece of land.<br>3.) Minimum lot areas shall be exclusive of existing or proposed public or private right-of-way, and dedicated open space.   |
| Lot frontage                     | That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.  |
| Lot line adjustment              | A relocation of the lot lines of two or more lots included on a plat which is filed of record, for the purpose of making necessary adjustments to building sites.  |
| Lot lines                        | The lines bounding a lot.  |
| Lot of record                    | A lot which is a part of an approved plat or metes and bounds subdivision, the map of which has been recorded in the office of the County Clerk and Recorder.  |
| Lot width                        | Lot width shall be measured by the distances between the side lot lines (generally running perpendicular to a street), measured at the rear edge of the street yard (front building line) along a straight line parallel to the front of the property line or along the chord of the front property line.  |
| Lot, building                    | A City-approved lot that conforms to the requirements of this LUDC.  |
| Lot, corner                      | A lot located at the intersection of abutting two or more streets.   |
| Lot, double frontage             | A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.  |
| Lot, flag                        | An irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the street.  |
| Lot, interior                    | A lot other than a corner lot and bounded by a street on only one side.  |
| Lot-of-record                    | A lot which is part of a subdivision recorded in the office of the County Clerk and Recorder, or a lot or parcel described by metes and. Bounds, the description of which has been so recorded.  |
| Lowest floor                     | Lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than 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 elevation design requirements of Section 4.6.5B.   |
| Major street system              | All arterial highways, collectors, minor arterials and collector streets within the county.  |
| Major street system improvements | Improvements that expand the capacity of the major street system, including but not limited to, the construction of new streets, the widening of existing streets, intersection improvements, facilities to provide for safe turning movements for vehicles and installation of traffic signals and other traffic control devices.   |
| Major subdivision                | See Section 8.6.   |
| Manufactured home                | A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Manufactured Home Act. The term does not include a recreational vehicle. |
| Manufactured home park           | Any plat of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations. Includes a recreation vehicle park.   |
| Manufactured home space          | A plot of land within a manufactured home park designed for the accommodation of one manufactured home, and not located on a manufactured home sales lot.  |
| Manufactured home                | A subdivision designed and intended for residential use where residence is in a manufactured home  |

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| subdivision                             | exclusively, and manufactured home lots are sold for occupancy.  |
| Marginal access road<br>(Frontage road) | See Section 5.2.4L.  |
| Metes and bounds                        | A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker.   |
| Minor subdivision                       | See Section 8.6.   |
| Mobile home                             | A portable manufactured housing unit built before June 15, 1976 designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.  |
| Mobile home park                        | Any plat of ground upon which two or more mobile homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations.   |
| Mobile home space                       | A plot of land within a mobile home park designed for the accommodation of one mobile or manufactured home, and not located on a mobile or manufactured home sales lot.  |
| Mobile home subdivision                 | A subdivision designed and intended for residential use where residence is in a mobile home exclusively, and mobile home lots are sold for occupancy.  |
| Modular home                            | See manufactured home.   |
| Museum                                  | Establishment for the display of art or historic or science objects.   |
| New construction                        | Structures for which the "start of construction" commenced on or after the effective date of the original ordinance codified in this section, and includes any subsequent improvements to such structures.   |
| New manufactured home park              | Manufactured home park 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 these floodplain management regulations.  |
| Nonconforming lot of record             | See Article 9.   |
| Nonconforming structure                 | See Article 9.   |
| Nonconforming use                       | See Article 9.   |
| Nonconformity                           | See Article 9.   |
| Nursing home                            | A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. |
| Obstruction                             | Any structure, growth or other object, including a mobile object which exceeds a limiting height.  |
| Office                                  | A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.   |
| Off-site improvements                   | Any utility, paving, grading, drainage, structure, or modification of topography which is, or will be located on property not within the boundary of the property to be developed.   |
| Open space                              | See Section 4.8.4.F.   |
| Out parcel                              | Individual retail sites in retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.  |
| Owner                                   | Any person having charge of any real property according to the records held by the County Clerk and Recorder.  |
| Parcel                                  | 1.) A continuous quantity of land in the possession of or owned by, or recorded as property of the same person or persons. A parcel may contain multiple buildings or uses.  |
| Park                                    | An area open to the general public and reserved for recreational, education or scenic purposes.  |
| Parking lot                             | An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking (see Section 4.1).  |
| Parking space                           | A designated off-street area designed to accommodate the parking of one vehicle. (see Section 4.1).  |
| Pedestrian-friendly design              | Those commercial development which can demonstrate a high capacity to encourage pedestrian and bicycle traffic to, from and an inter connectivity with adjacent land uses.   |
| Place of worship                        | A building primarily used by a non-profit organization for organized religious services and supporting uses.   |
| Precision Instrument Runway             | A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.   |

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| Preliminary plat               | See Section 8.6.10.  |
| Primary Surface                | A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 2.5. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. |
| Professional engineer          | An engineer licensed and registered in the state of Colorado.  |
| Professional surveyor          | A surveyor licensed and registered in the state of Colorado.   |
| Public facility                | A building or area owned or used by any department or branch of the county, the State of Colorado, or the Federal Government.  |
| Public improvement             | Any improvement consisting of drainage, water, sanitary sewer, parkway, sidewalks, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility which the local government may ultimately assume responsibility for maintenance and operation, or may affect an improvement for which local government responsibility is established.   |
| Public sewer                   | Any sewerage system serving ten or more customers.   |
| Public street                  | A dedicated and accepted public right-of-way for vehicular traffic.  |
| Public use                     | Any area building or structure held and/or controlled exclusively for public purposes by department or branch of any government, without reference to the ownership of the building or structure.  |
| Public utility                 | A business or service which is in the business of regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, sewage disposal, transportation or communications.   |
| Public water supply            | Any water supply furnishing potable water to ten or more customers.  |
| Radio or television studio     | A building used for radio (audio) or television (visual) recording and production.   |
| Recreational club, private     | Any indoor recreational establishment that is not open to the general public, but is open only to the members of the organization and their bona fide guests, including but not limited to a country club, golf, swimming or tennis club.  |
| Recreational vehicle (RV) park | Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.                      |
| Recreational vehicle           | A camping trailer or tent trailer (folding structure constructed of canvas, plastic or similar water repellent material); motorized camper, motor home, recreational conversion van or bus; pick up camper; tent or travel trailer.  |
| Required yard                  | See Sections 3.1.1-3.1.3 & Section 3.6.  |
| Reserve strip                  | A narrow, linear strip of property, usually separating a parcel of land and a roadway or easement that is characterized by limited depth which will not support development and which will prevent access to the roadway or easement from the land adjacent to the reserve strip.  |
| Residential subdivision        | See Section 2.1.3 B.   |
| Restaurant                     | An establishment whose primary purpose is serving meals to patrons.  |
| Rezoning                       | See Section 8.4.   |
| Right-of-way, private          | A strip of land in private ownership to be occupied or intended to be occupied by a street, access way, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "rights-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on the Final Plat as private rights-of-way shall be maintained by the property owners abutting the rights-of-way.             |
| Rights-of-way                  | An area or strip of land, either public or private, on which an irrevocable right-of- passage has been recorded for the use of vehicles or pedestrians or both.  |
| Roadway                        | The improved or unimproved portion of a street intended for the accommodation of vehicular traffic.  |
| Roof line                      | The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.  |
| Runway                         | A defined area on an airport prepared for landing and take-off of aircraft along its length.   |
| Runway, utility                | A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.  |
| Runway, visual -               | A runway intended solely for the operation of aircraft using visual approach procedures.   |
| School, public or private      | A public or private institution offering a curriculum of education authorized by the State of Colorado giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.   |
| School, trade, or business     | An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.  |

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| Screening                      | The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.  |
| Self-storage facility          | A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.  |
| Setback                        | Required yard. See Section 3.1.1 General Base Standards.  |
| Sidewalk                       | See Section 4.2.3.B.7.  |
| Sign                           | Any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public (see Section 4.7)   |
| Sign permit                    | See Section 8.10.   |
| Silviculture                   | A branch of agriculture dealing with forests.   |
| Site                           | 1.) A continuous quantity of land to be developed as a single project. A site may contain multiple parcels or lots.<br>2.) Site area shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).   |
| Site plan                      | A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses, and principal site development features proposed for a specific parcel of land. (See Section 8.7)   |
| Site plan review               | See Section 8.7.  |
| Site specific development plan | A plan of land development submitted to the county pursuant to Title 24, Article 68, Colorado Revised Statutes, for purpose of obtaining one of the following zoning or land use permits or approvals: subdivision plat, zoning development permit, special use permit or variance; provided, notwithstanding the foregoing that neither a variance, a plat nor any other document that fails to describe with reasonable certainty that type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.   |
| Solar panel field              | An experimental, demonstrational, or commercial facility utilizing energy to produce other forms of energy, including but not limited to: equipment used to capture solar energy (e.g., photoelectric panels, mirrors); equipment that converts solar power to other power, including electrical generators; ancillary and associated equipment, including water treatment plants, power lines, substations, cooling equipment and any other equipment or facility necessary for the successful operation of the facility.  |
| Special use or permit          | See Section 8.8.  |
| Start of construction          | Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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. |
| Street                         | A dedicated and accepted public right-of-way for vehicular traffic and pedestrian use. Includes the following street classifications (see also Section 5.2.4):<br>Arterial highway.<br>Collector.<br>Minor Arterial<br>Collector.<br>Local street.<br>Alley.  |
| Street stub                    | A temporary dead-end street designated to provide future connection with adjoining un-subdivided areas.   |
| Street, arterial               | Any street designated on the Comprehensive Plan as an arterial, primary arterial, secondary arterial, major street, etc.  |
| Street, collector              | See Section 5.2.4D.   |
| Street, cul-de-sac             | See Section 5.2.4D.   |
| Street, local                  | See Section 5.2.4D.   |
| Street, major                  | See Section 5.2.4D.   |
| Street, minor                  | See Section 5.2.4D.   |
| Street, public                 | Any county road dedicatee to the public annexed to the county or any street or road dedicated to the county for public purposes.  |
| Structure                      | Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground (not including sidewalks/ driveways  |

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|                                       | and similar improvements areas). This includes but is not limited to advertising signs, billboards, antennas, wind generators, fence, poster panels, and buildings.  |
| Subdivider                            | Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.  |
| Subdivision                           | Any parcel of land which is to be used for condominiums, multi-family dwellings, or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. It includes mobile home subdivisions which is a parcel of land intended to be used exclusively for and occupied solely by mobile homes and within which the homes and the land are owned by occupants. |
| Subdivision Improvements Agreement    | One or more security arrangements which may be accepted by the City to guarantee the construction of such public improvements as are required by the 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.   |
| 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 before 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 the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) Any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."                |
| Temporary use or permit               | See Section 8.9.   |
| Traffic impact-generating development | Any land development designed or intended to permit a use of the land that will increase the number of vehicle miles of travel.  |
| Transition surface                    | These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.  |
| Urban development                     | Nonresidential and multifamily development and residential development with a density of more than two units per acre.   |
| Urban influence area or urban area    | That part of the unincorporated area within three miles of the city of Alamosa which is designated on the comprehensive plan for urbanization.   |
| Variance                              | See Section 8.13.  |
| Vehicle miles of capacity             | The product of the maximum number of vehicles that can be accommodated on a street or roadway during a weekday and the length of the roadway in miles.   |
| Vehicle miles of travel               | The product of the number of vehicles traveling during a week day and the distance in miles that those vehicles travel.  |
| Veterinarian, animal hospital         | A building used for the care and treatment of small animals, including household pets.   |
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| Wireless telecommunications facility | A Wireless telecommunications facility includes “telecommunications tower” and “tower” and “telecommunications site” and “personal wireless facility.” A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the county’s building and permitting authority, excluding those used exclusively for the county’s fire, police or exclusively for private, non-commercial radio and television reception and private citizen’s bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below the height limits set forth in this LUDC. |
| Written interpretation               | See Section 8.11.   |
| Yard                                 | See Sections 3.1.1-3.1.3 & Section3.6.  |
| Yard depth                           | See Sections 3.1.1-3.1.3 & Section3.6.  |
| Yard width                           | See Sections 3.1.1-3.1.3 & Section3.6.  |
| Yard, front                          | See Sections 3.1.1-3.1.3 & Section3.6.  |
| Yard, interior side                  | See Sections 3.1.1-3.1.3 & Section3.6.  |
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