

Module 2: Development Standards

Public Draft: January 2024



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Chapter 17.07 Measurements and Definitions



**PUEBLO COUNTY UNIFIED
DEVELOPMENT CODE**

in coordination with PUEBLO MEANS BUSINESS

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Comments

General Comments applicable to this Module 2 Draft of the UDC:

Content. This draft includes a combination of new content, revised current regulations, and carried-forward current content. Concepts and standards from the current Title 16 and Title 17 have been updated, revised, and relocated to create the new Pueblo County UDC. Throughout the draft there are footnotes that describe the source section, significant changes, or commentary for many of the provisions that originated from Title 16 and Title 17. At this stage of the project, however, the process of creating the new UDC is focused on new drafting and improvements, not tracking the location of edits.

Cross-reference hyperlinks. Where cross-references are provided in this draft, they are a hyperlink to the section referenced. To go to the section in the cross reference, hover over the reference and then press Control + Click (left mouse). To go back to the original location, click Alt + Left Arrow.

Cross-reference updates. A reference to a section or other provision reads "Section <> [current Code reference]" means that the cross-reference to that specific section or provision will be inserted once that part of the UDC has been drafted.

For example, a reference in this Module to Administration and Procedures will be provided in the Consolidated Draft once those regulations have been drafted in Module 3.

Because this is the second Module, this document contains numerous references to other Modules or drafts of the UDC.

Graphics and Illustrations. Graphics are provided to help illustrate key concepts. In other instances, text placeholders indicate where new graphics will be developed.

Future Modules include:

Module 3: Administration and Procedures. Chapter 17.06 Areas and Activities of State and Local Interest will be brought forward for review with Module 3.

The entire UDC will be brought together, and all cross-references provided, in the Consolidated Draft.

Chapter 17.01 General Provisions

[To be drafted in Module 3: Administration and Procedures.]

Chapter 17.02 Zone Districts

[See Module 1: Zone Districts and Uses.]

Chapter 17.03 Use Regulations

[See Module 1: Zone Districts and Uses.]

Chapter 17.04 Development Standards

17.04.010 Floodplain

Comments

Existing Chapter 17.108 was carried forward and reorganized with minor updates to improve clarity and align with the FPO District. The basis for establishing Special Flood Hazard Areas was carried forward as part of the FPO District in Module 1.

(a) Finding of Fact

- (1) The Special Flood Hazard Areas of Pueblo County are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety, and general welfare of the public.
- (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, floodproofed, or otherwise protected from flood damage.

(b) Authority

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of County Commissioners of the County of Pueblo, Colorado, does hereby adopt the floodplain management regulations of §17.04.010.

(c) Purpose

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure, and other public facilities such as water, sewer, and gas mains; electric and communications stations; and streets and bridges located in the floodplains;
- (6) Help maintain a stable tax base by providing for the appropriate use and development of flood-prone properties in such a manner as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is located in a Special Flood Hazard Areas; and
- (8) Ensure that those who occupy Special Flood Hazard Areas assume responsibility for their actions.

(d) Applicability and Administration

(1) Applicability

This Section applies to all lands in the Floodplain Overlay District (FPO district), as defined in §17.02.100(c) and as periodically updated via amended mapping.¹

(2) Floodplain Development Permit Required

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

(3) Floodplain Overlay District Defined²

If a lot or parcel of land lies partly within the FPO district, §17.04.020 applies to the part of such lot or parcel lying within the District. If a building or structure lies partly within the FPO district, §17.04.020 applies to the entire building or structure lying within the District.

(4) Warning and Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On

¹ Link to online map to be added for consolidated draft.

² New.

rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

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

(5) Abrogation and Greater Restrictions

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

(6) Severability

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

(7) Penalties for Noncompliance

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

- (i) No structure or land shall be located, altered, or have its use changed within a Special Flood Hazard Area without full compliance with the terms of this Section and other applicable regulations. No structure or land shall be constructed, located, extended, converted, or altered without full compliance with the terms of this §17.04.010 and other applicable regulations.
- (ii) Violation of the provisions of this Section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a zoning violation and shall be processed as such.
- (iii) Any person who violates this Section or fails to comply with any of its requirements shall upon conviction be fined or imprisoned as provided by the

laws of Pueblo County. Nothing in this Section shall prevent Pueblo County from taking lawful action as is necessary to prevent or remedy any violation.

(8) Role of the Floodplain Administrator

(i) Designation

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

(ii) Duties and Responsibilities

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

- a. Maintain and hold open for public inspection all records pertaining to the provisions of this Section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by §17.04.010(f), Floodplain Development Permit Procedures.
- b. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Section.
- c. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- d. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- e. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Section, including proper elevation of the structure.
- f. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

- g. When Base Flood Elevation data has not been provided, 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 §17.04.010(e), Provisions for Flood Hazard Reduction.
- h. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
- i. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than six inches, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
- j. In riverine situations, notify adjacent communities and the 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.
- k. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(e) Provisions for Flood Hazard Reduction

(1) Methods of Reducing Flood Losses

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

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

- (ii) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (iii) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (iv) Control filling, grading, dredging and other development which may increase flood damage; and
- (v) Prevent or regulate the construction of flood barriers, which will unnaturally divert flood waters, or which may increase flood hazards in other areas.

(2) Interpretation

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

- (i) Considered as minimum requirements;
- (ii) Liberally construed in favor of the governing body; and
- (iii) Deemed neither to limit nor repeal any other powers granted under state statutes.

(3) General Standards

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

- (i) All new construction or substantial improvements shall be:
 - a. Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Constructed by methods and practices that minimize flood damage;
 - c. Constructed with materials resistant to flood damage;
 - d. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (ii) All manufactured homes shall be installed in compliance with Colorado 8 CCR 1302-7 and using the methods and practices which minimize flood damage in FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards. For

the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. 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.

- (iii) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (iv) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (v) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, as determined by the Pueblo Department of Public Health and Environment and other agencies having jurisdiction.

(4) Specific Standards

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

(i) Residential Construction

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

(ii) Nonresidential Construction

With the exception of Critical Facilities, outlined in §17.04.010(e)(10), new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary

facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection or in accordance with later adopted FEMA/NFIP standards, whichever is the more recent. This certification shall be maintained by the Floodplain Administrator, as proposed in §17.04.010(f), Floodplain Development Permit Procedures.

(iii) Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, crawl space (nonliving areas), or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(iv) Manufactured Homes

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

1. outside of a manufactured home park or subdivision;
2. in a new manufactured home park or subdivision;
3. in an expansion to an existing manufactured home park or subdivision;
or
4. in an existing manufactured home park or subdivision on which a manufactured or mobile home has incurred "substantial damage" as a result of a flood

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- b. All manufactured homes placed and existing manufactured or mobile homes that are substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:
 1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation; or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(v) Recreational Vehicles

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

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or

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

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

(vi) Prior Approved Activities

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

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

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

(i) Residential Construction

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

(ii) Nonresidential Construction

With the exception of Critical Facilities, outlined in §17.04.010(e)(10), all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation,

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

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

(6) Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in §17.08.030). Located within Special Flood Hazard Areas are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (i) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
- (ii) If subsection (i) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §17.04.010(e).
- (iii) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the

adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(7) Alteration of a Watercourse

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

- (i) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (ii) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (iii) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and comply with all applicable federal, state and local floodplain rules and regulations.
- (iv) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
- (v) All activities within the regulatory floodplain shall meet all applicable federal, state and Pueblo County floodplain requirements and regulations.
- (vi) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that 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 §17.04.010(e)(6).
- (vii) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(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:

(i) 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.

(ii) 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.

(9) Standards for Subdivision Proposals

- (i) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- (ii) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of §17.04.010(f) and §17.04.010(e).
- (iii) Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is less, if not otherwise provided pursuant to §17.04.010(d)(8).

- (iv) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (v) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(10) Standards for Critical Facilities

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

(i) Classification of Critical Facilities

Critical Facilities are classified under the following categories:

- a. Essential Services;
- b. Hazardous Materials;
- c. At-risk Populations; and
- d. Vital to Restoring Normal Services.

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

- e. 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:
 - 1. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
 - 2. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
 - 3. Designated emergency shelters;

4. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
5. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
6. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

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 Chapter, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board on an as-needed basis upon request.

- f. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
 1. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 2. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

3. Refineries;
4. Hazardous waste storage and disposal sites; and
5. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the workplace, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is either:

- i. 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. §302 (2010), also known as Extremely Hazardous Substances (EHS); or
- ii. 10,000 pounds for any other chemical.

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

Specific exemptions to this category include:

6. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
7. 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.

8. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

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

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

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

(ii) 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 Chapter, protection shall include one of the following:

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

(iii) Ingress and Egress for New Critical Facilities

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

(f) Floodplain Development Permit Procedures

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

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

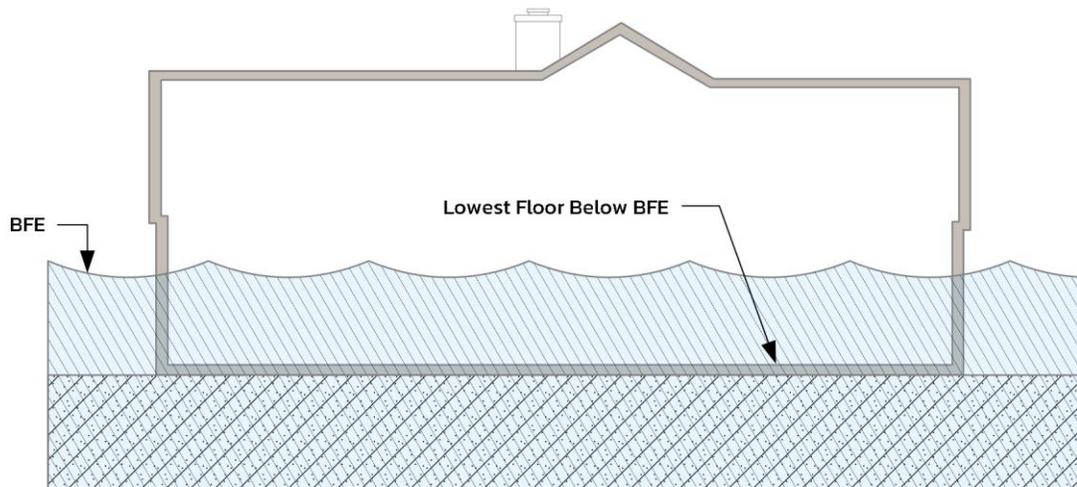


Figure 04.1: Lowest Floor Elevation

- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- (3) A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of S17.04.010(e)(4)(ii).;
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- (5) Maintain a record of all such information in accordance with S17.04.010(d)(8)(ii).

(g) Review Criteria

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

- (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;
- (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 sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (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 that area.

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

(h) Appeal and Variance Procedure

(1) Appeals

- (i) The Planning Commission shall hear and render judgment on appeals and requests for variances from the requirements of this §17.04.010.
- (ii) The Planning Commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Section.
- (iii) Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the District Court, as provided by law.
- (iv) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Section, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;

- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
 - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (v) Upon consideration of the factors of §17.04.010(h)(1)(iv) and the purposes of this Section, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section as stated in §17.04.010(h)(2).
- (vi) The Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

(2) Conditions for Variances

- (i) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items set out in §17.04.010(h)(1)(iv)a - k and in §17.04.010(f) have been fully

considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

- (ii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (iii) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (iv) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (v) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §17.04.010(h)(1)(iv), or conflict with existing local laws or regulations.
- (vi) Any applicant to whom a variance is granted shall be given written notification that the structure will be permitted to be built with a lowest floor elevation below the Base Flood Elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (vii) Variances may be issued by a community for new construction and substantial improvements and for the development necessary for the conduct of a Functionally Dependent Use provided that:
 - a. The criteria outlined in §17.04.010(h)(1) and §17.04.010(h)(2)(i)-(iv), and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

17.04.020 Off-Street Parking, Loading, and Access

Comments

This section has been reorganized to group similar standards together and improve the overall flow of information. Off-street parking requirements have been updated (both the uses identified as requiring parking and the amount of parking required for each use) and placed in tables for easier viewing. Accessible parking standards have been simplified. Commercial vehicle parking standards have been added to address the parking of large trucks in residential areas.

(a) Purpose³

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

- (i) Avoiding and mitigating traffic congestion;
- (ii) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians; and
- (iii) Providing flexibility to respond to the transportation, access, and loading impacts of various land uses.

(b) Applicability

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

- (1) Newly constructed buildings and newly established land uses;
- (2) Existing buildings that are expanded by an addition;
- (3) Change in land use that generates a need for an increase in the required minimum of off-street parking spaces set forth in subsection (d); and
- (4) Expansion of a land use that generates a need for an increase in the required minimum of off-street parking spaces as set forth in subsection (d).

The regulations in this Section shall be reviewed as part of <> [Site Plan Review process].

³ New.

(c) Calculation of Parking and Loading Requirements⁴

(1) Area Measurements

All square footage based parking and loading requirements shall be computed on the basis of net floor area of the subject use. Structured parking within a building shall not be counted in that computation.

(2) Fractions

When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next whole number.

(3) Parking and Loading for Multiple Uses

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

(4) Parking and Loading for Unlisted Uses

Uses not listed in Table 17.04.2 shall be subject to the requirements of §17.04.020(d)(3), Schedule C.

(5) Example Parking Table

A table listing the uses provided on site, the amount of parking required for each use, and the amount of parking spaces provided for each use, shall be included on all site plans that are subject to the standards of this §17.04.020. An example parking table is provided below.

| Table 17.04.1: Parking Table Example | | | | |
|--|---------------------------------------|-----------------------|-----------------------|--------------------------------------|
| Use | County Requirement | Number of Bays | Net Floor Area | Spaces Required |
| Car Wash | 1 per bay + 6 stacking spaces per bay | 1 | | 1 parking space 6 stacking spaces |
| Vehicle Service Station | 1 per 300 SF | | 4,500 SF | 15 |
| Total Required = 16 + 6 stacking spaces | | | | |
| Total Provided = 18 + 6 stacking spaces | | | | |

⁴ New.

(d) Minimum Vehicle Parking Spaces Required

The following are the minimum required off-street parking spaces by land use.

(1) Schedule A⁵

| Table 17.04.2: Off-Street Parking Schedule A | | |
|--|---|--|
| DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code | | |
| Use | Current Parking Requirement | Recommended Minimum Requirement |
| Agricultural Uses | | |
| Agricultural Production | 1 per 2 employees | N/A |
| Agricultural Tourism | | Schedule C |
| Aviary | | N/A |
| Equestrian Operation, Commercial or Private | All drive aisles and parking areas specifically associated with the facility shall be surfaced with gravel or rock, to a minimum depth of four (4) inches in parking areas. The site shall contain at minimum an area of sufficient size to accommodate the maximum number of participants and their vehicles and/or trailers which may be on-site at any given time. The plan shall comply with the 2010 ADA Standards et seq. | Schedule C |
| Feed Lots | 1 per 2 employees | N/A |
| Nursery | 1 per employee | Schedule C |
| Hemp Establishment | | N/A |
| Livestock Sales and Auction | | Schedule C |
| Roadside Sale Stand | | N/A |
| Sawmill | 1 per 2 employees | N/A |
| Residential Uses | | |
| Household Living | | |
| Dwelling, Attached | 1.5 per DU | 1.5 per DU |
| Dwelling, Cottage Court | 1.5 per DU | 1.5 per DU |

⁵ Proposed Schedule A parking ratios are informed by the current parking requirements of 17.112.020, the ITE Parking Generation Manual, and best practices from peer counties.

Chapter 17.04 Development Standards

17.04.020 Off-Street Parking, Loading, and Access

17.04.020(d) Minimum Vehicle Parking Spaces Required

| Table 17.04.2: Off-Street Parking Schedule A | | |
|--|--|--|
| DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code | | |
| Use | Current Parking Requirement | Recommended Minimum Requirement |
| Dwelling, Live/Work | | 1 per DU |
| Dwelling, Multi-Family | 1.5 per DU | 1.5 per DU |
| Dwelling, Single-Family | 1 per DU | 1 per DU |
| Dwelling, Two-Family | 1.5 per DU | 1.5 per DU |
| Manufactured Home | 1 per DU | 1 per DU |
| Manufactured Home Park | | 1 per DU |
| Group Living | | |
| Boarding or Rooming House | 1 per guest unit + 1 per 2 main shift employees | 1 per guest unit + 1 per 2 main shift employees |
| Group Home, FHAA Large | | 1 per 4 beds + 1 per 2 main shift employees |
| Group Home, FHAA Small | | 1 per 4 beds + 1 per 2 main shift employees |
| Group Residential Facility, Large | 1 per 8 beds + 1 per 2 main shift employees | 1 per 4 beds + 1 per 2 main shift employees |
| Group Residential Facility, Small | 1 per 8 beds + 1 per 2 main shift employees | 1 per 4 beds + 1 per 2 main shift employees |
| Transitional Housing | 1 per 4 beds + 1 per 2 main shift employees | 1 per 4 beds + 1 per 2 main shift employees |
| Public, Civic, and Institutional Uses | | |
| Community and Cultural Facilities | | |
| Assembly, Religious or Secular | 1 per 3 persons I.B.C. rated occupancy within the main assembly room, sanctuary, or auditorium | 1 per 3 persons I.B.C. rated occupancy within the main assembly room, sanctuary, or auditorium |
| Cemetery, Crematory, and/or Mausoleum | | Schedule C |
| Daycare Center, Adult or Child | 1 per 4 children | 1 per main shift employee + 1 per 450 SF |
| Cultural Facility | 1 per 200sf of NFA | 1 per 200 SF |
| Emergency Facility | | Schedule C |
| Exhibition Center | | 1 per 3 persons I.B.C. rated occupancy within the main assembly room |
| Educational Facilities | | |

Chapter 17.04 Development Standards

17.04.020 Off-Street Parking, Loading, and Access

17.04.020(d) Minimum Vehicle Parking Spaces Required

| Table 17.04.2: Off-Street Parking Schedule A | | |
|--|---|---|
| DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code | | |
| Use | Current Parking Requirement | Recommended Minimum Requirement |
| College or University | 1 per employee plus 1 per 5 students or 1 per 3 auditorium or stadium seats, whichever is greater | 1 per employee, plus 1 per 5 students or 1 per 3 persons I.B.C. rated occupancy within the auditorium or stadium, whichever is greater |
| Private School | 1 per employee plus 1 per 5 students or 1 per 3 auditorium or stadium seats, whichever is greater | <u>Elementary through junior high schools:</u> 2 per classroom or 1 per 3 persons I.B.C. rated occupancy within the auditorium or stadium, whichever is greater <u>Senior high schools:</u> 1 per employee, plus 1 per 5 students or 1 per 3 persons I.B.C. rated occupancy within the auditorium or stadium, whichever is greater |
| Trade School | 1 per employee plus 1 per 5 students or 1 per 3 auditorium or stadium seats, whichever is greater | 1 per employee + 1 per 5 students or 1 per 3 persons I.B.C. rated occupancy within the auditorium or stadium, whichever is greater |
| Healthcare Facilities | | |
| Hospital | 1 per 3 beds plus 1 space per 2 main shift employees | 1 per 3 beds + 1 per 2 main shift employees |
| Medical or Dental Clinic | 3 plus 1 per 200sf NFA exceeding 600sf NFA | 1 per 200 SF |
| Parks and Open Space | | |
| Golf Course | 1 per 3 golf holes, plus 1 per 2 employees | 1 per 3 golf holes + 1 per 2 main shift employees |
| Parks and Playgrounds | 1 per one-half acre of developed park area up to 15 acres, plus 1 parking space for each additional acre of developed park area over 15 acres | N/A |

Chapter 17.04 Development Standards

17.04.020 Off-Street Parking, Loading, and Access

17.04.020(d) Minimum Vehicle Parking Spaces Required

| Table 17.04.2: Off-Street Parking Schedule A | | |
|--|--|---|
| DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code | | |
| Use | Current Parking Requirement | Recommended Minimum Requirement |
| Riding Trails and Fields | | N/A |
| Commercial Uses | | |
| Adult Uses | | |
| All | | 1 per 200 SF |
| Agricultural and Animal Uses | | |
| Garden Supply Center | | 1 per 200 SF |
| Kennel, Breeding, and Boarding | 1 per employee, plus 1 per 1,000 sf NFA | 1 per main shift employee + 1 per 1,000 SF |
| Veterinary Hospital | | 1 per main shift employee + 1 per 1,000 SF |
| Food and Beverage | | |
| Bar or Tavern | 1 per 3 persons I.B.C. rated occupancy | 1 per 200 SF + 1 per 200 SF of accessory patio area |
| Craft Alcohol Facility | 1 per 100sf of tasting room area | 1 per 200 SF + 1 per 200 SF of accessory patio area |
| Farmers Market | | Schedule C |
| Restaurant | 1 per 3 persons I.B.C. rated occupancy <u>Drive thru standard:</u> 1 per 2 persons I.B.C. rated occupancy plus 4 stacking spaces for drive thru window. | <u>Sit-down:</u> 1 per 200 SF + 1 per 200 SF of accessory patio area <u>Drive-through:</u> 1 per 200 SF + 6 stacking spaces for drive through window |
| Lodging Facilities | | |
| Bed and Breakfast | 1 per guest unit + 1 per 2 main shift employees | 1 per guest unit + 1 per 2 main shift employees |
| Hotel or Motel | 1 per guest unit + 1 per 2 main shift employees | 1 per guest unit + 1 per 2 main shift employees |
| Recreation Camp | | 1 per visitor site |
| Campground or Recreational Vehicle Park | | 1.5 per campsite |
| Office | | |
| Flex Office | Office area less than 1,200sf NFA provide 1 per 400sf NFA plus 1 per 2 main shift employees. Office area | Schedule B |

Chapter 17.04 Development Standards

17.04.020 Off-Street Parking, Loading, and Access

17.04.020(d) Minimum Vehicle Parking Spaces Required

| Table 17.04.2: Off-Street Parking Schedule A | | |
|--|---|---|
| DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code | | |
| Use | Current Parking Requirement | Recommended Minimum Requirement |
| | greater than 1,200sf NFA provide 3 plus 1 per 400sf NFA exceeding 1,200sf NFA plus 1 per 2 man shift employees | |
| Laboratory, Analytical and Research Facility | | 1 per 300 SF or 1 per employee on max shift, whichever is greater |
| Office | 3 plus 1 per 400sf NFA exceeding 1,200sf NFA | 1 per 400 SF |
| Personal Services | | |
| Personal Services | | 1 per 250 SF |
| Studio | 1 per 3 persons I.B.C. rated occupancy | Schedule C |
| Recreation and Entertainment | | |
| Recreation and Entertainment, Indoor | | 1 per 300 SF |
| Recreation and Entertainment, Outdoor (Large) | | 1 per 300 SF |
| Recreation and Entertainment, Outdoor (Small) | | 1 per 300 SF |
| Shooting Range, Indoor | | 1 per platform + 1 per main shift employee |
| Shooting Range, Outdoor | | 1 per platform + 1 per main shift employee |
| Retail Sales | | |
| Auction Hall | | 1 per 300 SF |
| Flea Market | 1 per 300sf vender area NFA | 1 per 300 SF |
| Retail Sales, Small | 3 plus 1 per 200sf NFA exceeding 600sf NFA | 1 per 200 SF |
| Retail Sales, Medium | | 1 per 200 SF |
| Retail Sales, Large | | 1 per 200 SF |
| Transportation | | |
| Airport or Heliport | | Schedule C |

Chapter 17.04 Development Standards

17.04.020 Off-Street Parking, Loading, and Access

17.04.020(d) Minimum Vehicle Parking Spaces Required

| Table 17.04.2: Off-Street Parking Schedule A | | |
|--|--|---|
| DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code | | |
| Use | Current Parking Requirement | Recommended Minimum Requirement |
| Freight Depot | 1 per employee (on largest shift) and 1 per vehicle maintained on premises | 1 per main shift employee + 1 per vehicle maintained on premises |
| Parking Lot | | N/A |
| Parking Structure | | N/A |
| Passenger Terminal | | Schedule C |
| Rest Stop | | Schedule C |
| Space Port Facility | | Schedule C |
| Vehicle Equipment | | |
| Car Wash | | 1 per bay + 6 stacking spaces per bay |
| Vehicle Repair, Major | Office, other for office space; maintenance works: 1 per bay/lift employee plus 2 per service bay/lift (inside service bay/lift may count as 1 of the 2 required spaces) | 1 per main shift employee + 2 per bay (inside service bay/lift may count as 1 of the 2 required spaces) |
| Vehicle Repair, Minor | Office, other for office space; maintenance works: 1 per bay/lift employee plus 2 per service bay/lift (inside service bay/lift may count as 1 of the 2 required spaces) | 1 per main shift employee + 2 per bay (inside service bay/lift may count as 1 of the 2 required spaces) |
| Vehicle Sales, Rental, and Leasing, Heavy | 3 plus 1 per 200sf NFA exceeding 600sf NFA | 1 per 200 SF of enclosed buildings |
| Vehicle Sales, Rental, and Leasing, Light | 3 plus 1 per 200sf NFA exceeding 600sf NFA | 1 per 200 SF of enclosed buildings |
| Vehicle Service Station | | 1 per 300 SF |
| Industrial Uses | | |
| Industrial Services | | |
| Autonomous Vehicle Site | | Schedule C |
| Contractor's Yard | | Schedule B |
| Industrial Sales and Services | | Schedule B |
| Manufacturing, Assembly, or Processing | | |
| Manufacturing, Heavy | | Schedule B |

Chapter 17.04 Development Standards

17.04.020 Off-Street Parking, Loading, and Access

17.04.020(d) Minimum Vehicle Parking Spaces Required

| Table 17.04.2: Off-Street Parking Schedule A | | |
|--|---|--|
| DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code | | |
| Use | Current Parking Requirement | Recommended Minimum Requirement |
| Manufacturing, Light | | Schedule B |
| Natural Resource Extraction | | |
| Mining Operation and Processing | 1 per 2 employees | Schedule B |
| Natural Deposits Extraction | 1 per 2 employees | Schedule B |
| Storage, Warehousing, and Wholesale | | |
| Hazardous Storage | | Schedule B |
| Mini-Storage | | Schedule B |
| Outdoor Storage | 1 per 20,000sf of land devoted to outside storage | Schedule B |
| Wholesale Sales | | Schedule B |
| Warehouse | | Schedule B |
| Telecommunications | | |
| Telecommunication Tower | | N/A |
| Utilities and Renewable Energy | | |
| Biofuel Energy Facility | | Schedule B |
| Cogeneration Facility | | Schedule B |
| Electric Power Plant | | Schedule B |
| Geothermal Facility | | Schedule B |
| Medium-Scale Solar Facility | | Schedule B |
| Nuclear Power Facility | | Schedule B |
| Utilities | | Schedule B |
| Utility-Scale Solar Facility | | Schedule B |
| Waste-to-Energy (Biomass Facility) | | Schedule B |
| Waste and Salvage | | |
| Composting Facility | | Schedule B |
| Hazardous Waste Facility | | Schedule B |
| Hazardous Waste Incinerator or Processor | | Schedule B |
| Junkyard | | Schedule B |
| Recycling Collection Center | | Schedule B |
| Recycling Processing Center | | Schedule B |
| Solid Waste Disposal Site and Facility | | Schedule B |

| Table 17.04.2: Off-Street Parking Schedule A | | |
|--|-----------------------------|---------------------------------|
| DU = Dwelling Unit SF = Square feet of net floor area I.B.C. = International Building Code | | |
| Use | Current Parking Requirement | Recommended Minimum Requirement |
| Solid Waste Transfer Station | | Schedule B |

(2) Schedule B⁶

Off-street parking spaces for Schedule B uses shall be provided in accordance with the following standards.

| Table 17.04.3: Off-Street Parking Schedule B | |
|---|---------------------------------|
| SF = Square feet of net floor area | |
| Use | Recommended Minimum Requirement |
| Office Area | 1 per 400 SF |
| Sales/Display Area | 1 plus 1 per 1,000 SF |
| Outdoor Storage Area | 1 plus 1 per 20,000 SF |
| Indoor Storage/Warehousing/Manufacturing Area | 1 per 1,000 SF |

(3) Schedule C⁷

Schedule C uses have widely varying parking demand characteristics, making it difficult to establish a single appropriate off-street parking or loading standard. Upon receiving an application proposing such a use, or proposing a use not expressly listed in Table 17.04.2: Off-Street Parking Schedule A, the Director is authorized to:

- (i) Apply the minimum off-street parking space requirement specified in Table 17.04.2 for the listed use that is deemed most similar to the proposed use; or
- (ii) Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or
- (iii) Establish the minimum off-street parking space requirement based on local or national best practices; or
- (iv) Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers (ITE) or other

⁶ New. Ratios provided are based on existing Pueblo County practices and those provided for Larimer County.

⁷ New.

acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(e) Minimum Amount of Accessible Parking Spaces Required

Accessible parking spaces must be provided to meet the requirements of the Americans with Disabilities Act (ADA). If there is a conflict between any standard in this section and ADA requirements, ADA requirements shall apply.

- (1) Accessible parking spaces shall be surfaced with concrete or asphalt and striped.
- (2) Each accessible parking space shall have a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (as measured from the bottom of the sign).
- (3) Accessible spaces shall be eight feet wide adjacent to a five-foot access aisle. All other dimensions for the space are the same as those for standard parking spaces.
- (4) Accessible parking spaces shall be located as close as possible to the nearest accessible building entrance, using the shortest-accessible travel route. When possible, the accessible route should not cross lanes for vehicular travel.
- (5) The minimum amount of accessible parking spaces shall be provided as stated in Table 17.04.4.

| Table 17.04.4: Required Number of Accessible Parking Spaces | |
|--|---|
| Total Parking Spaces in Lot⁽¹⁾ | Minimum Number of Accessible Spaces |
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2 percent of total spaces |
| More than 1,000 | 20 plus one space for every 100 spaces over 1,000 |

| Table 17.04.4: Required Number of Accessible Parking Spaces | |
|---|-------------------------------------|
| Total Parking Spaces in Lot ^[1] | Minimum Number of Accessible Spaces |
| <p>Notes: [1] Bicycle parking spaces shall not count towards the total number of parking spaces. Additionally, four motorcycle/scooter parking spaces shall equal one automobile parking space.</p> | |

(f) Minimum Parking Alternatives

The Director may approve alternatives to minimum parking requirements established in §17.04.020(d), Minimum Vehicle Parking Spaces Required, in accordance with the standards listed below. Nothing in this subsection shall limit the use of one or more of the following off-street parking alternatives by a single use.

(1) Joint Parking⁸

- (i) Different portions of the same off-street parking area may serve two or more uses provided the total number of parking spaces required for each use are provided.
- (ii) Joint parking spaces must be located within 500 feet of the primary entrance to the proposed use.
- (iii) Joint parking spaces may not be separated from the primary entrance of the proposed use by public right-of-way.
- (iv) An off-street parking space may be counted for compliance with these parking requirements for only one use, unless “shared parking” of the space will occur.

(2) Shared Parking⁹

- (i) The same off-street parking space may be counted by other uses as meeting their individual off-street parking requirements if those uses characteristically do not each need the same spaces during the same hours of the day.
- (ii) Shared parking spaces must be located within 500 feet of the primary entrance to the proposed use.
- (iii) Shared parking spaces may not be separated from the primary entrance of the proposed use by public right-of-way.

⁸ Existing 17.112.090

⁹ Existing 17.112.100

(3) Transit Access and Alternative Parking¹⁰

Credit toward required vehicular parking may be granted at the following rates, up to ten spaces, when such reductions would not negatively impact the public health, safety, and welfare.

| Table 17.04.5: Parking Reductions for Alternative Means of Transportation | |
|--|--|
| Alternative to Off-Street Vehicular Parking | Maximum Parking Reduction |
| Motorcycle/Scooter Parking | One vehicular space per every four motorcycle/scooter parking spaces beyond what is required in §17.04.020(h). |
| Bicycle Parking | One vehicular space per every four bicycle parking spaces beyond what is required in §17.04.020(j). |
| Public Transit | Up to five vehicular spaces if the use is located within one quarter mile of a fixed public transit stop. |

(4) Deferred Parking ¹¹

An applicant may submit a request to defer the construction of up to 20 percent of the required number of parking spaces specified in §17.04.020(d), Minimum Vehicle Parking Spaces Required, if the request complies with the following standards:

(i) Reserve Parking Plan

The request is accompanied by a Reserve Parking Plan identifying:

- a. The amount of off-street parking being deferred; and
- b. The location of the area to be reserved for future parking, if needed.

(ii) Parking Demand Study

Adequate assurance is provided that within 16 months after the initial certificate of occupancy is issued for the proposed development, the applicant will submit a Parking Demand Study to the Department of Planning and Development that demonstrates the parking demand for the development and the adequacy of existing parking spaces. If the study indicates that the existing parking is adequate, then the construction of the remaining number of parking spaces shall not be required. If the study indicates additional parking is required, it shall be

¹⁰ New. Combination of existing standards from 17.112.030.E and F.

¹¹ New.

provided consistent with the Reserve Parking Plan and the standards of this section.

(iii) Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.

(5) Reduced Parking¹²

An applicant may submit a request to reduce the required number of parking spaces specified in §17.04.020(d), Minimum Vehicle Parking Spaces Required, subject to the following standards:

(i) Administrative Parking Reduction

An applicant may request an administrative parking reduction based on the findings of a Parking Demand Study. The Parking Demand Study shall be submitted to the Director, who may by written administrative decision reduce the number of required off-street parking spaces based on the findings of a Parking Demand Study. The Parking Demand Study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Public Works Director and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

(ii) Special Use Permit for Parking Reduction

Alternatively, applicants who do not wish to provide a Parking Demand Study may apply for a Special Use Permit for Parking Reduction in accordance with the standards of § <> [Special Use Permit]. It is the applicant's responsibility to demonstrate that the reduction will not negatively impact the public health, safety, and welfare, and not increase congestion.

¹² Existing parking reduction standards have been updated to expand the requirements for administrative approval and allow property owners to apply for a reduction through a SUP rather than a variance.

(g) Design and Location of Off-Street Parking

(1) Dimensions¹³

These standards are designed to accommodate automobiles and light trucks. They are not intended to satisfy land uses with special needs, such as parking for heavy trucks, vans, and motor homes.

- (i) All standard-size vehicle off-street parking spaces shall be a minimum of nine feet in width and a minimum of 18 feet in depth.
- (ii) Up to 30 percent of required parking spaces may be compact, provided the spaces are permanently designated by signs as being for use by compact cars only.
 - a. All compact car parking spaces shall be a minimum eight-feet-six-inches in width and a minimum of 16 feet in depth.
 - b. For the purpose of this Section, a compact car shall be a vehicle which has a maximum wheelbase of 106 inches.
- (iii) The dimensions shown in the following diagrams and tables are visual representations of the minimum parking standards and are provided for reference.

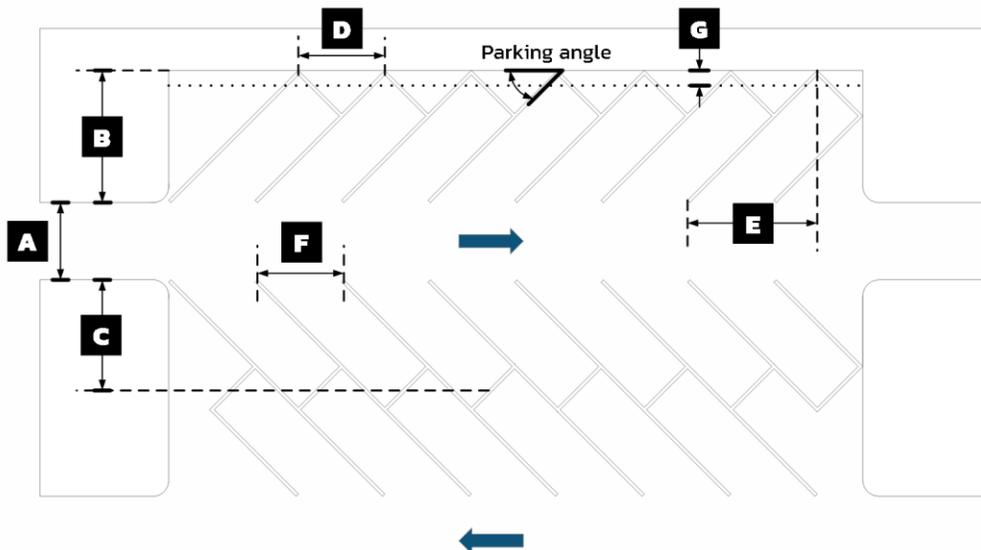


Figure O4.2: Minimum Parking Dimensions

¹³ Based on existing 17.112.030 (Design Standards). This information has been rearranged from its original order, but the content is largely the same.

Chapter 17.04 Development Standards

17.04.020 Off-Street Parking, Loading, and Access

17.04.020(g) Design and Location of Off-Street Parking

Table 17.04.6: Minimum Vehicle Parking Dimensions

| Parking Angle (Degrees) | Aisle Width | | | | | | |
|----------------------------|----------------------|---------|---------|--------|--------|---------|-------|
| | Two Way/One Way A | B | C | D | E | F | G |
| 30 | 24'/10' | 16'-10" | 12'-11" | 18' | 29'-1" | 22'-4" | 1'-6" |
| 45 | 24'/12' | 19'-1" | 15'-11" | 12'-9" | 19'-1" | 15'-11" | 1'-6" |
| 60 | 24'/18' | 20'-1" | 17'-10" | 10'-5" | 11'-7" | 10'-4" | 2' |
| 90 | 24'/24' | 18' | 18' | 9' | 0' | 0' | 2' |

Notes:

[1] Parked vehicles may hang over the perimeter of a curb no more than the depth of overhang (G) shown in the table above, as long as protected by wheel stops or curbing and provided no part of a vehicle will overhang into the public right-of-way or adjacent properties.

Table 17.04.7: Minimum Vehicle Parking Dimensions for Compact Car Spaces

| Parking Angle (Degrees) | Aisle Width | | | | | | |
|----------------------------|----------------------|--------|--------|--------|--------|--------|-------|
| | Two Way/One Way A | B | C | D | E | F | G |
| 30 | 24'/10' | 15'-4" | 11'-8" | 17' | 26'-7" | 20'-3" | 1'-6" |
| 45 | 24'/12' | 17'-4" | 14'-4" | 12' | 17'-4" | 14'-4" | 1'-6" |
| 60 | 24'/18' | 18'-1" | 16' | 9'-10" | 10'-6" | 9'-3" | 2' |
| 90 | 24'/24' | 16' | 16' | 8'-6" | 0' | 0' | 2' |

Notes:

[1] Parked vehicles may hang over the perimeter of a curb no more than the depth of overhang (G) shown in the table above, as long as protected by wheel stops or curbing and provided no part of a vehicle will overhang into the public right-of-way or adjacent properties.

(2) Parallel Parking

Whether or not separation between parking spaces is needed, there is no distinction between parallel parking space dimensions for regular and compact vehicles.

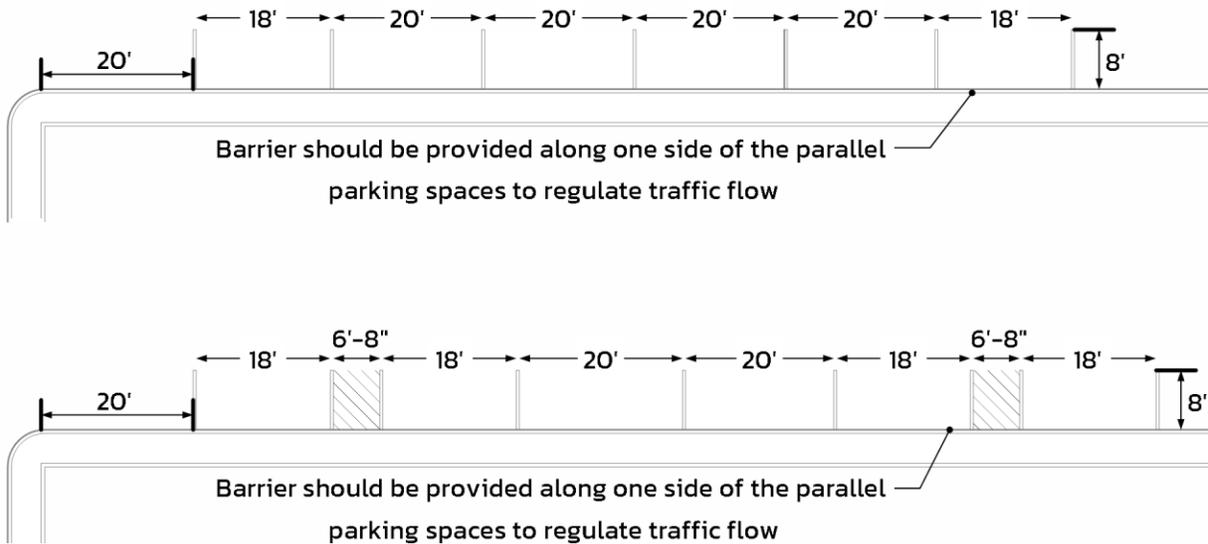


Figure 04.3: Minimum Parallel Parking Dimensions

(3) Turnarounds

Parking stalls located at the end of a dead-end parking aisle must be provided with adequate backing and turnaround space. The required depth of the turnaround space shall be determined as follows:

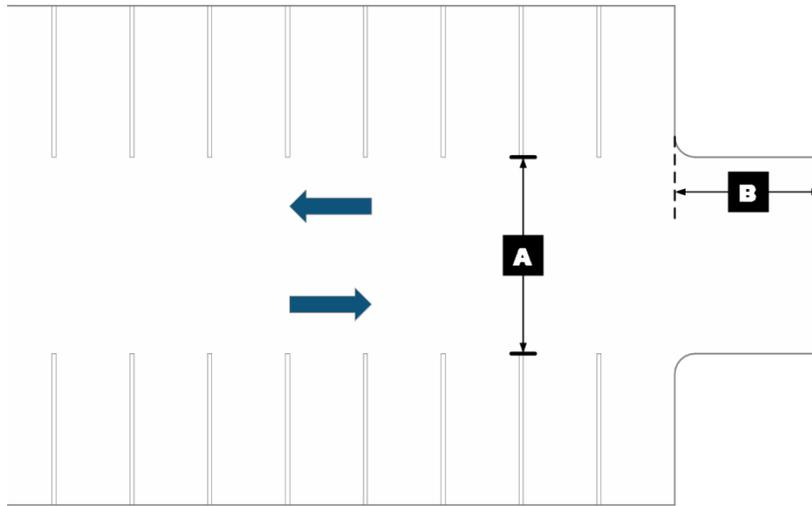


Figure O4.4: Minimum Turnaround Depth

| Table 17.04.8: Required Turnaround Depth | |
|---|--|
| Width of Driving Aisle (A) | Depth of Turnaround Space (B) |
| 24 FT or less | 6 FT |
| 25 FT | 5 FT |
| 26 FT | 4 FT |
| 27 FT | 3 FT |
| 28 FT | 2 FT |
| 29 FT | 1 FT |
| 30 FT | 0 FT |

(4) Parking Islands

When parking abuts a center island on both sides the minimum width of the island shall be four feet.

(5) Vehicle Overhang

No sidewalk shall be decreased to less than four feet in width by use of a vehicle overhang. The maximum front overhang over a sidewalk shall be two feet as long as the sidewalk is protected by wheel stops or curbing. The depth of overhang may be part of the required depth of a parking space.



Figure O4.5: Maximum Vehicle Overhang

(6) Dimensional Reductions

Reduction of parking space depth shall not apply to accessible parking spaces.

(7) Location¹⁴

- (i) All required off-street parking areas shall be provided on the same lot or parcel of land containing the use for which it serves except as noted in the following subsections. Physical barriers (e.g., wheel stops) shall be used to ensure no part of a vehicle will overhang into the public right-of-way or adjacent properties.

No parking space shall be approved where the vehicle must back across any public right-of-way line except for single-family dwelling, manufactured home, accessory dwelling, and farming and ranching uses, or for any parking space that is blocked off by another vehicle.

¹⁴ Existing 17.112.060

- (ii) In cases of extreme hardship, the public right-of-way may be used to provide off-street parking. A Revocable Permit for the Use of Public Right-of-Way, issued by the Public Works Department in accordance with § <>, shall be obtained prior to counting such parking towards meeting the off-street parking requirements. It shall be the permittee's responsibility to develop and use the right-of-way in accordance with any requirements, terms, and conditions as may be imposed by the Public Works Department.
 - a. In the event the permit is revoked, the owner or operator is not relieved from compliance with these off-street parking standards and shall bring the use into compliance within 30 calendar days after permit revocation.
- (iii) In cases of extreme hardship, off-lot off-street parking may be provided to meet the parking requirements of this Section, subject to compliance with the following:
 - a. The off-lot parking area for residential use is within 100 feet and for nonresidential use is within 300 feet, excluding public rights-of-way, of the lot or parcel of land containing the use for which it serves.
 - b. The off-lot parking area is not separated from the lot or parcel of land containing the use it serves by a physical or man-made feature which constitutes a safety hazard. Safety hazards include, but are not limited to, a road with a functional classification of "major collector" or higher, or a road with a current or projected (20 year) average daily traffic (ADT) of 2,500 vehicles.
 - c. The off-lot parking area is held in the same ownership as the lot or parcel of land containing the use it serves, or there is a long-term (minimum ten year) interest (e.g., lease) running with the land recorded with the Pueblo County Clerk and Recorder. The instrument of interest shall set forth as a minimum: purpose, location duration, assignability, maintenance and repair responsibility, liability, and provision of termination (if any).
 - d. In the event the permit is revoked, the owner or operator is not relieved from compliance with these off-street parking standards and shall bring the use into compliance within 30 calendar days after permit revocation.

(8) Paving and Striping¹⁵

- (i) All areas utilized for off-street parking and vehicular circulation within the SR2, LR, HR, MN, MC, and CC zone districts shall be paved with asphalt or concrete.
 - a. Striping (painting) of parking areas paved with asphalt or concrete is required. Components to be striped include parking space divider lines, handicapped routes and aisles, and traffic directional (flow) arrows.
- (ii) All areas utilized for off-street parking and vehicular circulation within the A1, A2, A3, RR, SR1, LI, and HI zone districts shall either be surfaced with gravel or rock, to a minimum depth of four inches to ensure a dust-free surface, or paved with asphalt or concrete. Should the owner choose to pave with asphalt or concrete, then the striping requirements set forth in subsection (a) above shall apply.
- (iii) The property owner shall be responsible for the parking areas, including surfacing and striping, to be maintained in good, usable condition throughout the life of the project.
 - a. Parking areas that are not maintained (such as but not limited to faded striping, asphalt, or concrete in disrepair), as determined through the review of a revised, amended, or new parking plan of the property, shall not be granted final approval until the parking area is brought back into good, usable condition.

(9) Drainage¹⁶

Off-street parking areas shall be constructed in a manner to ensure the drainage of stormwater without flooding or damage to surrounding properties or public roads. Parking lots cannot be designed to serve as stormwater detention facilities.

(h) Commercial Vehicle Parking¹⁷

(1) Applicability

The following regulations shall apply to the parking of commercial vehicles on residentially-zoned properties and properties primarily used for residential purposes.

¹⁵ Paving and striping standards have been updated

¹⁶ Existing 17.112.080

¹⁷ New. This section is intended to address the parking of commercial vehicles on residentially-zoned properties.

- (i) No commercial vehicle with a manufacturer’s gross vehicle wight of ten thousand pounds or greater, with the exception of subsection (3) below, shall be parked within any residentially zoned property or on any county road right-of-way unless actual loading or unloading of the vehicle is in progress.
- (ii) Agricultural or forestry vehicles may be parked in all agricultural districts.

(2) Exemptions

One truck-tractor only, without trailer or semi-trailer, may be parked on the driveway of a property zoned RR, Rural Residential, subject to the requirements of Table 17.04.9.

| Table 17.04.9: Truck-Tractor Parking in the RR District | |
|--|---|
| Lot Area | Maximum Number of Truck-Tractors |
| Less than 1.5 acres | 0 |
| 1.5 acres – 2 acres | 1 |
| Greater than 2 acres | 2 |

- (i) No repair or maintenance shall be performed on any truck-tractor while the same is parked pursuant to this subsection (3).
- (ii) For purposes of this section, "truck-tractor" means a motor vehicle designed and used primarily for drawing other vehicles (trailer) and not so constructed as to carry a load other than a part of the weight of the vehicle (trailer) and load so drawn.

(i) Motorcycle and Scooter Parking¹⁸

- (1) Motorcycle and Scooter parking shall be provided for mixed-use, commercial, and public use zone districts in accordance with Table 17.04.10.11.

| Table 17.04.10.11: Required Number of Motorcycle/Scooter Parking Spaces | |
|--|--|
| Total Parking Spaces in Lot | Minimum Number of Motorcycle/Scooter Spaces |
| 1 to 19 | 0 |
| 20 to 39 | 1 |
| 40 or more | 5% of total |

¹⁸ Existing 17.112.030.E.

- (2) All motorcycle/scooter parking areas shall be identified by signs or pavement markings to ensure they are not used for automobile parking.
- (3) The following are minimum standards for Motorcycle and Scooter Parking facilities:
 - (i) Motorcycle/Scooter parking space is an area four-feet-six-inches by nine feet; this area shall provide standing area for a motorcycle/scooter.
 - (ii) Motorcycle/Scooter parking spaces shall be located as close as possible to building entrances, but not closer than the accessible parking spaces.

(j) Bicycle Parking¹⁹

- (1) Bicycle parking shall be provided for mixed-use, commercial, and public use zone districts in accordance with Table 17.04.12.

| Table 17.04.12: Required Number of Bicycle Parking Spaces | |
|--|---|
| Total Parking Spaces in Lot | Minimum Number of Bicycle Spaces |
| 1 to 19 | 0 |
| 20 to 39 | 1 |
| 40 or more | 5% of total |

- (2) All bicycle parking areas shall be identified by signs or pavement markings to ensure they are not used for automobile parking.
- (3) The following are minimum standards for Bicycle Parking facilities:
 - (i) A bicycle parking space is an area two feet by six feet or the area occupied by a bicycle when using a bicycle parking device as designed (e.g., inverted “U” rack provides two bicycle parking spaces).
 - (ii) Bicycle parking areas shall be located in a highly visible area without interfering with pedestrian or vehicular circulation.
 - (iii) The ground area surrounding and beneath the bicycle parking facility shall be surfaced to prevent accumulation of mud and dust. Surfaces may include, but are not limited to, pavers, grass, gravel, or concrete.

¹⁹ Existing 17.112.030.F.

- (iv) Bike parking facilities within an auto parking area shall be separated by physical barriers such as curbs, wheel stops, bollards, or other similar features to protect bicycles from damage by cars.
- (v) Trees, fences, light poles, benches, public art and other outdoor furnishings or improvements shall not be used as designated bicycle parking facilities.
- (vi) The Director is authorized to reduce or waive the bicycle parking space requirements if there are extraordinary circumstances related to land use, adjacent road network and bicycle accessibility, or other mitigating circumstances. Evidence of said extraordinary circumstances shall be submitted by the applicant.

(k) Off-Street Loading²⁰

If off-street loading is provided, then the loading stall shall meet the following standards:

- (1) Each off-street loading space shall be at least ten feet wide, 25 feet long, and provide 14 feet height clearance.
- (2) Where the parcel on which the off-street loading space is located abuts an alley, such loading space shall adjoin or have access to the alley and not the street. The length of the loading space may be measured perpendicular to or parallel with the alley, except on lots less than 30 feet in width, the length of such loading space shall be measured perpendicular to the alley.
- (3) All off-street loading areas shall be designed so that ingress and egress onto the site shall not impede or conflict with the flow of traffic on public roads.
- (4) Surfacing of off-street loading area driveways shall be provided for in accordance with §17.04.020(g)(8), Paving and Striping.

²⁰ Exiting 17.112.130

(l) Access²¹

- (1) Unobstructed and direct access shall be provided to the parking area from a public road or alley. No driveway shall cross an intervening property, even if held in the same ownership, without an access easement running with the land. The easement shall be recorded with the Pueblo County Clerk and Recorder and shall set forth as a minimum: purpose, location, duration, assignability, maintenance and repair responsibilities, liability, and provision for termination (if any).
- (2) Driveways shall intersect approximately perpendicular to the public road or alley.
- (3) An approved driveway or access permit is required from the Colorado Department of Transportation for driveway access to a State or Federal highway, and from the Public Works Department or designee(s) for driveway access to a County road or alley.
 - (i) For purposes of this section, the approved permit shall identify the location of the driveway or access way measured from property line and the width of the driveway or access.
- (4) Driveways shall be designed to channel entry and exit traffic to a predetermined intersection along the public road or alley. Driveway access width and spacing, and driveway distance from road or alley intersections shall be determined pursuant to the Pueblo County Roadway Design Standards.

²¹ Existing 17.112.040

17.04.030 Screening Standards

Comments

The proposed screening standards come from existing section 17.120.160 with minor updates for clarity and consistency with other Sections.

(a) Purpose

The purpose of this section is to provide uniform, minimum technical standards for screening elements as required by this UDC.

(b) Applicability

This Section shall apply to fences, walls, and hedges erected within Pueblo County.

(c) Exemptions

Agricultural fencing is not required to meet the standards subsection (d), below.

(d) Fences, Walls, and Hedges

(1) Generally

- (i) The height of fences, walls, and hedges shall be measured from the natural grade of the property at the location of the fence, wall, or hedge to the top of the fence, wall, or hedge. The top of a wall or fence is the highest component (e. g., top of post or top of picket, whichever is highest).
- (ii) All fences, walls, and hedges, whether open or solid, shall be permitted to a maximum height of six feet within any yard area that does not overlap into a required front yard setback area, or into a required side yard with street frontage on corner parcels.

(2) Required Front and Side Yard Areas²²

- (i) Solid fences, walls, and hedges shall be permitted to a maximum height of three feet within a required front yard setback area for the zone district. This height restriction shall also apply to a required side yard with street frontage on corner parcels, and to both street frontages of a through parcel.
- (ii) Open fences shall be permitted to a maximum height of four feet within a required front yard setback area for the zone district. This height restriction shall

²² Height of solid fences, walls, and hedges increased from 2 1/2 feet to 3 feet, which is more typical.

also apply to a required side yard with street frontage on corner parcels, and to both street frontages of a through parcel.

(3) Corner Properties and Through Parcels

Corner properties and through parcels may have additional sight distance regulations imposed on the type, location, and height of fences, walls, and hedges beyond those regulations set forth in subsections (1) and (2) above.

(4) Community Facilities District²³

On property with the CF, Community Facilities district, the setbacks for fences shall be the same as the required setbacks in the adjacent zone district(s), unless otherwise approved through the Public Use Review process associated with a specific land use within the CF district.

17.04.040 Outdoor Lighting²⁴

Comments

This section has been enhanced with new standards that address lighting efficiency standards (e.g., maximum energy consumed and correlated color temperature) and specific standards for other lighting types such as pedestrian-scaled and security lighting to ensure all areas of a site are well-lit for public safety purposes while still protecting the night sky. Certain existing standards have been further clarified, such as lighting types that are prohibited in the County as well as those exempt from the lighting standards.

(a) Purpose²⁵

The purpose of this section is to:

- (1) Discourage excessive lighting;
- (2) Provide adequate lighting for safety and security; and
- (3) Reduce light pollution, light trespass, glare, sky glow impacts, and offensive light sources.

²³ Detailed information regarding the Public Use Review process for development within the CF District will be addressed in Module 3.

²⁴ Existing 17.120.180.

²⁵ Updated for clarity.

(b) Applicability

Unless exempted by Subsection (c), below, this section shall apply to:

- (1) Newly constructed buildings and newly established land uses, excluding single- and two-family dwellings;²⁶
- (2) All externally illuminated signs; and
- (3) Residential lighting of 150 watts or more for each light fixture, and/or fluorescent lights of 20 watts or more per fixture.

(c) Exemptions

The following uses shall be exempt from the provisions of this Section provided that lighting fixtures do not create glare to motorists or result in light trespass onto adjacent properties:²⁷

- (1) Temporary lighting for special events, circuses and carnivals, or public, civic, and institutional uses as listed in Table <>²⁸ that are temporary in nature and that will not exceed a period of 30 days;
- (2) Holiday lighting and seasonal decorations using typical unshielded low-wattage lamps;²⁹
- (3) Any lighting required by the FAA for air traffic control, navigation, and warning purposes;
- (4) Lighting associated with outdoor recreation and entertainment uses as long as all lighting is turned off within one hour of the end of the event or activity;³⁰
- (5) Construction or emergency lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating the lighting;

²⁶ Expanded from current "Industrial and Commercial Use Lighting" and clarified single- and two-family exclusion.

²⁷ "Provided they do not create glare to motorists or result in light trespass onto adjacent properties" is new to ensure that nuisance lighting can be enforced, even if the fixtures are exempt from this section.

²⁸ Cross-reference to Table of Allowed Uses.

²⁹ Added reference to holiday lighting and removed time period limitation (November – January).

³⁰ Updated "Sports/athletic field lighting and sports complex" to align with proposed Table of Allowed Uses and added time limitation.

- (6) Motion-sensor security lighting that remains on for no more than 10 minutes;³¹
- (7) Lighting associated with principal agricultural production, agricultural processing, aviary, and feed lot uses in the A1 and A2 zoning districts.³² This exemption also applies to any single-family dwelling on the agricultural property;
- (8) Lighting for official government meteorological data gathering purposes; and
- (9) Residential lighting of 150 watts or less for each light fixture, and/or fluorescent lights of 20 watts or less per fixture.

(d) Prohibited Lighting³³

- (1) Promotional beacons, searchlights, laser source lights, strobe light, or any similar high intensity light, when projected above the horizontal;
- (2) Floodlighting that:
 - (i) Shines above the 90 degree horizontal plane;
 - (ii) Produces a glare for pedestrians and drivers; and
 - (iii) Produces light that trespasses beyond the property line;
- (3) Site lighting that may be confused with warning, emergency, or traffic signals; and
- (4) Mercury vapor and low-pressure sodium sources.

(e) Lighting Plan Required

An exterior lighting plan is required for all development that meets the compliance thresholds established in §17.04.040(b).

(f) Submission Requirements

- (1) The exterior lighting plan shall include the proposed location, mounting height, and type of luminaries, and aiming point of all exterior lighting fixtures, both building and ground mounted lighting, as well as the illuminance levels shown on a ten-foot maximum grid;

³¹ New.

³² Replaced general reference to "farming and ranching use" to align with proposed Table of Allowed Uses.

³³ Paragraphs (3) and (4) are new.

17.04.040(g) Approved Materials and Methods of Construction, Installation, or Operation

- (2) Certification that the angle of total light cutoff is no more than 90 degrees; this certification can be in the form of Photometric data supplied by the manufacturer or a letter from a certified lighting professional stating that the proposed lighting meets the regulations of this Section;
- (3) Descriptions of luminaries, including lamps, poles or other supports and shielding devices which may be provided as catalogue cut sheets from the manufacturer;
- (4) Additional information as may be required by the Director in order to determine compliance with this Section.

(g) Approved Materials and Methods of Construction, Installation, or Operation

The provisions of this Section are not intended to prevent the use of any design, materials, or methods of installation or operation which are not specifically described by this Section. The Director may permit the use of alternative designs, materials, methods of installation or operation upon proof that the alternative meets the standards set by the Illuminating Engineering Society of North America (IES) for outdoor lighting or a written certification by a qualified lighting professional stating that the alternative meets or exceeds the standards set forth in this Section and further its purpose.

(h) Outdoor Lighting Design Standards

All lighting shall be designed, located, installed, and directed in such a manner to prevent objectionable light at and across property lines and to prevent glare at any location on or off the property.

(1) Shielding³⁴

- (i) All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line, unless otherwise stated in this section.



Figure 04.6: Shielded Lighting Fixtures

- (ii) Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed.

(2) Lamp Types and Efficiency³⁵

- (i) Lamps shall be of a white light source such as LED,³⁶ metal halide, incandescent, or a lamp with a color-rendering index (CRI) greater than or equal to 70.
- (ii) All lighting should have a nominal correlated color temperature (CCT) of no greater than 3,500 degrees Kelvin to the maximum extent practicable.

Comments

Kelvin refers to the temperature (e.g., coolness or warmth) of light. The Kelvin rating on a light fixture indicates the shade of white that is given off by the light source. Lower Kelvin ratings

³⁴ Replaces current "Fixtures and Shielding" language in Section 17.120.180.F.

³⁵ Paragraphs (ii) and (iii) are new.

³⁶ New.

produce warmer light that is less harmful to human health and the environment. DarkSky International recommends Kelvin temperatures of 3,000 and below.

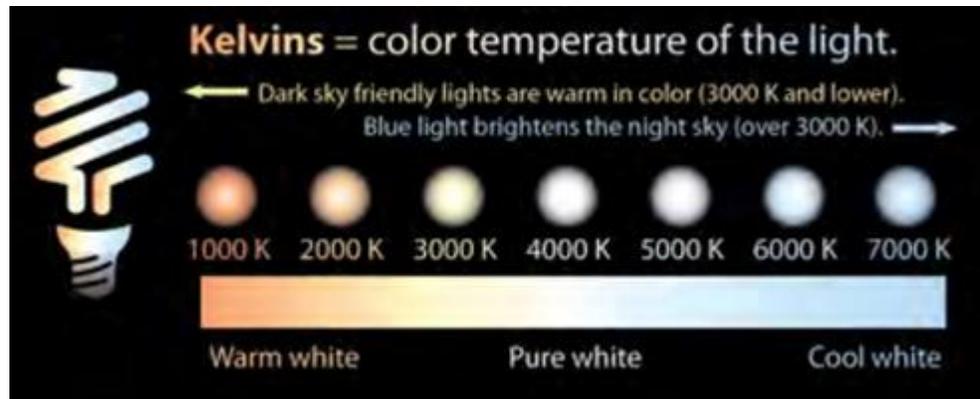


Figure 04.7: Kelvin Scale

(iii) All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers' specifications for the fixture.

(3) Maximum Light Levels

Lighting plans required for new nonresidential or mixed-use development shall comply with the following limitations:

- (i) The maximum light level shall not exceed 0.1 foot-candle as a direct result of the on-site lighting.
- (ii) The subject property shall not exceed the maintained horizontal illuminance recommendations set by the Illuminating Engineering Society of North America (IES) or an average illumination level of 1.5 foot-candles for the illuminated area.

(4) Maximum Mounting Height

Unless further restricted by §17.04.070(d)(5), Spillover Lighting, light fixtures can be mounted on buildings and light poles at up to:

- (i) 24 feet when the fixture is located within 75 feet of a property line; or
- (ii) 40 feet when the fixture is located beyond 75 feet from a property line.

(i) Hours of Lighting

Except as otherwise stated in this Section, all exterior lighting, except those fixtures necessary for site and building security, shall be required to be turned off after business

hours between midnight and 6:00 a.m. All nonessential lighting including display and aesthetic lighting shall be turned off during this time.

(j) Security Lighting

Security lighting that is not designed with motion sensors and remains on for more than 10 minutes shall.³⁷

- (1) Use the lowest possible illumination to effectively allow surveillance; and
- (2) Be shielded and aimed so that illumination is directed to the designated areas.

(k) Canopy Lighting

- (1) Lighting fixtures mounted on canopies shall be installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy and parallel to the ground.

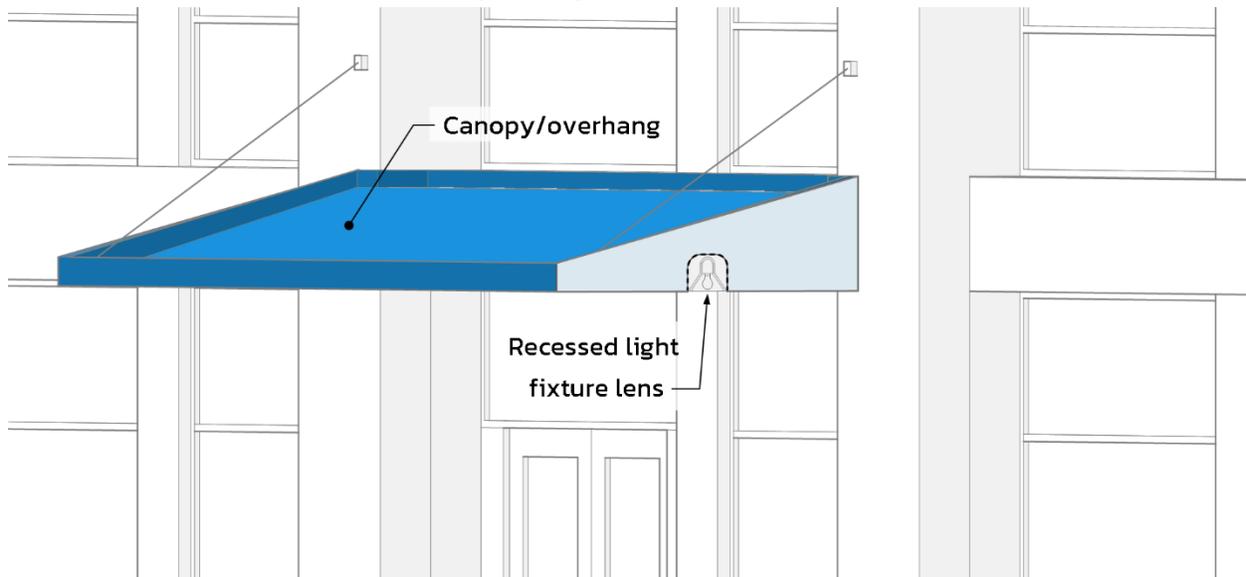


Figure 04.8: Canopy Lighting

- (2) A full cut off light fixture may project below the underside of a canopy.
- (3) All light emitted by an under-canopy fixture shall be substantially confined to the ground surface beneath the perimeter of the canopy.
- (4) No lighting except that permitted by Chapter 17.05, Signs, shall be permitted on the top or sides of a canopy.

³⁷ Time limit on illumination for exempt motion-sensor lighting is new.

(l) Architectural and Sign Lighting³⁸

- (1) Upward-directed sign lighting is prohibited except for monument signs of less than six feet overall height.
- (2) Unless prohibited by paragraph (1), all upward-directed sign or building façade lighting shall be fully contained within the vertical surface of the sign or wall being illuminated.

(m) Flagpole Lighting

A flagpole may be illuminated by one upward aimed fully shielded and self-contained spotlight light fixture that shall not exceed 3,000 lumens (150 watts). The light fixture shall use a narrow cone beam or light that will not extend beyond the illuminated flagpole.³⁹

(n) Pedestrian-Scale Lighting⁴⁰

Low-level pedestrian lighting may be used along walkways pursuant to the following:

- (1) The lighting fixture shall direct light downward;
- (2) The lighting fixture shall use shatterproof lamp coverings;
- (3) The lighting fixture shall not be located to present hazards for pedestrians or vehicles; and
- (4) Post or bollard-type lights shall be mounted no higher than four feet above grade.

17.04.050 Subdivision Standards

Comments

Carried forward from Title 16 with updates for clarity and consistency. A tiered subdivision process will be established as part of Module 3: Administration and Procedures to streamline the approval process for minor subdivisions and lot splits.

(a) Applicability⁴¹

All subdivisions approved by the Board of County Commissioners must comply with the following standards.

³⁸ Expanded current 17.120.180.J. and added new standards.

³⁹ Second sentence replaces "shall be placed as close to the base of the flagpole as reasonably possible."

⁴⁰ New (Recommended in Code Assessment).

⁴¹ Existing 16.42.010

(b) Generally Applicable Standards⁴²

- (1) Subdivision lots and roads shall be designed to maintain and preserve, to the greatest extent possible, natural terrain and drainage, existing topsoil, and trees, and to minimize cuts and fill.
- (2) Land subject to hazardous conditions such as landslides, mudflows, rock falls, snow avalanches, possible mine or ground subsidence, unstable slopes, seismic effects, expansive soils and rocks, shallow water table, open quarries, mineral resources, floodplains, debris fans, possible wildfires, radioactivity, and polluted or nonpotable water supply shall be identified and shall not be subdivided until:
 - (i) The hazards have been eliminated or will be eliminated by subdivision and construction plans; and
 - (ii) A permit under Chapter 17.06, Areas and Activities of State and Local Interest, has been issued.

(c) Lots⁴³

- (1) No single lot shall be divided by a municipal or County boundary line.
- (2) A lot shall not be divided by a road, alley, or other lot.
- (3) Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated.
- (4) Double frontage lots shall not be permitted.

(d) Blocks⁴⁴

- (1) Block lengths shall be reasonable in length and the total design shall provide for convenient access and circulation for emergency vehicles.
- (2) Where blocks exceed 1,000 feet in length, pedestrian rights-of-way of not less than ten feet in width shall be provided through blocks where needed for adequate pedestrian circulation. Improved walks of not less than five feet in width shall be placed within the rights-of-way.

⁴² Existing 16.42.020A-B

⁴³ Existing 16.42.020C

⁴⁴ Existing 16.42.050

(e) Streets, Sidewalks, Curb, and Gutter⁴⁵

- (1) The design and construction of all new roads, streets, curb and gutter, and sidewalks shall be in accordance with the Pueblo County Roadway Design and Construction Standards.
- (2) Where a residential subdivision abuts a major highway, service roads may be required.

(f) Street Naming⁴⁶

Where a new street is in alignment with an existing street either in the County or in an adjoining county or municipality, the new street shall have the name as the existing streets. Otherwise, there shall be no duplication of street names within the area.

(g) Improvements and Utilities

(1) General Requirements⁴⁷

The following improvements shall be constructed at the expense of the subdivider as stipulated in the subdivision improvements agreement in a manner approved by the Board of County Commissioners which is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of this UDC, they shall apply:

- (i) Road, grading, and surfacing;
- (ii) Curbs, if required;
- (iii) Sidewalks, if required;
- (iv) Sanitary sewer laterals and mains where required;
- (v) Storm sewers or storm drainage system, as required;
- (vi) Water distribution system, where applicable;
- (vii) Street signs at all street intersections;
- (viii) Permanent reference monuments and monument boxes;

⁴⁵ 16.42.030

⁴⁶ Existing 16.42.030A

⁴⁷ Existing 16.50.010

- (ix) Other facilities as may be specified or required in these regulations by the Department of Planning and Development;
- (x) All utilities, except major power transmission lines, shall be underground, unless specifically exempted by the Board, who shall grant such exemption only in cases of extreme difficulty.

(2) Guarantees⁴⁸

No final plat shall be approved or recorded until the subdivider has submitted and the Board of County Commissioners has approved, one or a combination of the following:

- (i) Subdivision improvements agreement guaranteeing to construct any required public improvements shown in the final plat documents, together with collateral, which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of the improvements in accordance with design and time specifications;
- (ii) Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of the Board, will make reasonable provision for completion of the improvements in accordance with design and time specifications.

(3) Use of Guarantees, Return Thereof

- (i) As improvements are completed, the subdivider may apply to the Director of Public Works for the release of part or all of the collateral. Upon inspection and approval, the Board of County Commissioners shall release the collateral.
- (ii) If the Board of County Commissioners determines that any improvements are not constructed in substantial compliance with applicable specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance.
- (iii) If the Board of County Commissioners determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of

⁴⁸ Items 17.04.060(h)(2)-(4) are based on existing 16.54

collateral such funds as may be necessary to construct the improvement or improvements in accordance with specifications.

(4) Engineer's Certification ("as built")

A certification signed by a registered professional engineer that all improvements have been built in accordance with the final plat (or noting modifications) shall be required before the subdivider's obligations are fulfilled and the improvements guarantee is released. Any noted modifications shall be approved by the Director of Public Works prior to any release of funds or obligation. The subdivider may phase improvements and request a release from an appropriate portion of the obligations and improvements guarantee as such improvements are built, provided a certification is submitted for such improvements. The certification shall be made in the format identified by the Director of Public Works.

(5) Water⁴⁹

- (i) The subdivider shall construct a complete water distribution system in accordance with the specifications of the local water provider. If the subdivider proposes an individual on-lot water supply system, it shall comply with the requirements of the County Department of Water Resources.
- (ii) The water distribution system shall include and provide for the installation of fire hydrants, pursuant to §17.04.050(h)(2), Fire Protection.

(6) Sanitary Sewage⁵⁰

- (i) In all new subdivisions all lots or parcels that cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of or use of buildings. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, a map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits will be submitted along with the results of percolation tests. The results of these surveys will be reviewed by the Department of Public Health and Environment to determine the general suitability of the soil for on-lot disposal systems.

⁴⁹ Existing 16.42.090

⁵⁰ Existing 16.42.080

- a. Lands made, altered, or filled with non-earth materials within the last ten years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.
- b. Each lot shall have 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 15 percent.
- c. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight feet from the surface of the ground to impermeable bedrock, and a minimum depth of eight feet from the surface of the ground to the groundwater surface (based on annual high-water level).

Each site must also be at least 100 feet from any water supply well, at least 50 feet from any stream or water course, and at least ten feet from any dwelling or property line.

- d. Soils having a percolation rate slower than 60 minutes per inch shall not be divided into building sites to be served by soil absorption sewage disposal systems.
- e. Land rated as having severe limitations for septic tank absorption fields as defined by the U.S. Department of Agriculture, Soil Conservation Service, shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless such building sites contain not less than 20,000 square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.
- f. Applicants proposing the installation of soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall:
 - 1. Have additional on-site investigations made, including percolation tests;
 - 2. Obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and
 - 3. Meet the Pueblo Department of Public Health and Environment regulations. In addition, the Sanitary Inspector shall find that the

proposed corrective measures have overcome the severe soil limitations.

- g. The applicant shall have an opportunity to present evidence to the Board of County Commissioners contesting the soil classification and analysis, and the Board may affirm, modify, or change the classification.
- (ii) Where local, County, and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Board of County Commissioners may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems.
 - a. The County shall be responsible for the design and supervision of installation of all capped sewers, laterals, and house connections.
 - b. Whenever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of the lot at the time that the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.
- (iii) Test procedures shall be conducted in accordance with U.S. Public Health Service Publication Number 526, 1963 Edition, as revised, and other County requirements.

(7) Stormwater and Drainage⁵¹

- (i) Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work. The drainage system information shall include the following:
 - a. The entire system shall be shown graphically.
 - b. All existing drainage features which are to be incorporated in the design shall be identified.

⁵¹ Existing 16.42

- c. If the final plat is to be presented in sections or phases, a general drainage plan for the entire area shall be presented with the first section and appropriate development phases for the drainage system for each subsequent section shall be indicated.
 - d. All proposed surface-drainage structures shall be indicated.
 - e. All appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
- (ii) The drainage and floodplain systems shall be designed:
- a. To permit the unimpeded flow of natural water courses;
 - b. To ensure adequate drainage of all low points;
 - c. To ensure the applications of the following regulations regarding development in designated floodplains comply with all other applicable provisions of this UDC.
- (iii) The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.

(8) Easements⁵²

Where deemed necessary and requested by appropriate entities such as utility companies, Public Works Department, Colorado Department of Transportation, ditch companies, and other public and quasi-public entities, easements shall be provided at a minimum of ten feet in width. Wider easements may be requested based on specified design requirements.

⁵² Existing 16.42.060

(h) Dedications and Fees

(1) Parks and School Sites⁵³

(i) Dedication of Park Sites and School Sites

- a. Completely nonresidential subdivisions are not required to comply with this Section. Any subsequent application for a change of zoning or other regulations that permits the use of all or a portion of such subdivision for residential purposes, shall be made contingent upon the applicant satisfying the requirements of this subsection for residential subdivisions.
- b. Each subdivision for residential purposes in Pueblo County shall pay a fee-in-lieu of conveyance or shall convey land for the purpose of providing park sites and school sites to serve the future residents of the subdivision. The conveyance of land may occur upon the recommendation of the appropriate School Board and the Planning Commission.
- c. The criteria to be considered in determining whether to accept land in lieu of the fees described below shall be:
 - 1. That it be adequate in size, shape and access for the use intended;
 - 2. That from considerations of topography, condition of soil, drainage, location and availability of water, it be suitable for any building purposes contemplated;
 - 3. That it be consistent with the regional plans;
 - 4. That protection of natural and historical features, scenic vistas, watersheds, timber, and wildlife be assured.

| Table 17.04.13: Minimum Land Requirements or Fees Per Dwelling Unit | | | | |
|--|--------------|---------------------|----------------------------|-------------|
| Type Unit | Park | | School⁵⁴ | |
| | Acres | | Acres | Fees |
| Single-Family | 0.025 | 17.04.050(h)(1)(i)e | 0.019 | \$95.00 |
| Multi-Family | 0.021 | 17.04.050(h)(1)(i)e | 0.010 | \$50.00 |
| Manufactured Home | 0.019 | 17.04.050(h)(1)(i)e | 0.007 | \$35.00 |

⁵³ Existing 16.42.120

⁵⁴ County is considering updating these fees, in which case the table should be updated to reflect new fee schedule.

- d. At final plat review, the owner shall designate the number of dwelling units proposed for each lot in the subdivision. The required conveyance of land or fees shall be based upon the type and total number of dwelling units designated. Additional subdivision of a lot or lots for which conveyance has been made or fees have been paid shall provide the owner with "credit" for park site and school site requirements equal to the number of dwelling units previously provided for in the agreement then in force.

Example: Lot X is ten acres in size and has met the park and school site requirements for one single-family dwelling unit; Lot X is being subdivided into five two-acre lots, each to have a single-family dwelling unit; the owner must meet the requirements for only four additional dwelling units.

- e. To calculate the fee in-lieu, the owner shall have the property appraised by a Colorado certified appraiser. The appraiser shall value the total acreage of the property notwithstanding the fact that the owner may develop or propose to develop the property in filings or phases. The applicant is responsible for all costs of the appraisal and report. The Appraisal Report shall be in a Summary Appraisal Report form as prescribed by the most recent edition of the Uniform Standards of Professional Appraisal Practice (USPAP). The Appraisal Report shall be provided by the Applicant to the County, as a public record, for the County to review, and if it accepts the Appraisal Report, determine fair market value of the property and to otherwise determine compliance with this section.
- f. Conversion from the multi-family requirements to the single-family requirements shall be on a pro rata basis.
- g. The requirements of school sites and park sites are separate for the purpose of conveyance or fees. Conveyance may be made to satisfy one and fees to satisfy the other. A combination of partial conveyance and partial fees may be made to meet the requirements of either park sites or school sites.
- h. The site to be conveyed need not be located within the proposed subdivision, provided it will serve the residents of the subdivision.
- i. Conveyance of land shall occur by deed at the time of final plat approval.

- j. Payment of fees shall occur within 180 days from the date of final plat approval. If fees are not paid at the time of final plat approval, then a performance bond equal to all outstanding fees-in-lieu of conveyance shall be obtained by the owner. The bond shall be payable in full to the County if fees are not paid within 180 days.

(ii) Site Standards

- a. The following standards shall govern the conveyance of sites for park and school purposes:

| Table 17.04.14: Conveyance Standards for Park and School Sites | | |
|---|--------------------------|----------------------------|
| Type | Minimum Site Size | Population Served |
| Neighborhood Park | 5 acres | 2.5 acres/1,000 population |
| District Park | 20 acres | 5.0 acres/1,000 population |
| Elementary School | 10 acres | 400 students |
| Junior High School | 20 acres | 800 students |
| Senior High School | 30 acres | 1,200 students |

- b. The site shall be accepted for the purpose of meeting the requirements of this Section only if it meets the minimum size for such sites or enlarges an existing deficient site.

(iii) Private Parks

The Board of County Commissioners may approve private parks as meeting all or part of the park conveyance requirements of this Section, provided:

- a. All standards contained in Subsection (ii) of this Section are met;
- b. Development, use, and maintenance are guaranteed, with the County having full authority to enforce such guarantees;
- c. The private park will serve the residents of the subdivision without discrimination; and
- d. The uses provided for shall not be so specialized as to inhibit enjoyment thereof by all residents of the subdivision.

(iv) Lease, Trade, or Sale

- a. The Board of County Commissioners may lease any conveyed or acquired site for an interim use (e.g., crop production, grazing, mineral extraction) provided:
 1. The interim use will not be detrimental to adjacent property; and
 2. The interim use will not impede the development of such site for its intended use.
- b. Proceeds of any such lease may be transferred to the County General Fund, or be expended to improve the site, or be used to repay a Dwelling Unit Conveyance Advance.
- c. The Board of County Commissioners may trade a deeded or acquired site, provided the site to be received will serve the residents of the conveying subdivision for the purpose intended.
- d. The Board of County Commissioners may sell a deeded or acquired site, provided all monies received from such sale shall be used to acquire a site to serve the residents of the conveying subdivision for the purpose intended, or to repay a Dwelling Unit Conveyance Advance.

(v) Disposition of Site and Fees

- a. The Board of County Commissioners shall accept conveyance of all approved sites and shall retain ownership until requested by the appropriate school district or recreation district to transfer the sites. Site transfer shall be made upon demonstration of need and ability to develop such sites.
- b. The Board of County Commissioners shall accept all fees paid in lieu of conveyance and shall deposit them in separate interest-bearing accounts. The Board may transfer fees upon request to the appropriate school district or recreation district for the acquisition of sites which serve the subdivisions having paid said fees. Fee transfer shall be made upon demonstration of need and ability to develop the site to be acquired.
- c. In addition to site acquisition, fees may be expended on such incidental and related expenses and public notices, legal fees, survey fees, appraisal fees, planning fees, engineering fees, the extension of utilities to the site, and rough fill and grading of the site reasonably necessary to meet the requirements and intent of this Section. Fees may also be expended to repay §17.04.050(h)(1)(vi), Dwelling Unit Conveyance Advance.

(vi) Dwelling Unit Conveyance Advance

- a. The Board of County Commissioners, appropriate school district, or recreation district may advance monies to the fees in-lieu conveyance fund in the form of a Dwelling Unit Conveyance Advance when:
 1. There exists a need to acquire a site; and
 2. Subdivisions within the proposed site's service area have provided insufficient fees to acquire such site.
- b. The Dwelling Unit Conveyance Advance shall specify the number of additional dwelling units for which monies are being advanced and shall establish the precise boundaries of the area intended to be served by the proposed site.
- c. Fees from future subdivisions occurring within the boundaries of a site acquired using Advances may be disbursed without condition by the Board, appropriate school district, or recreation district as payment upon the Dwelling Unit Conveyance Advance. Payment shall be computed on a dwelling unit for dwelling unit basis, not dollar for dollar.
- d. Park site fees may not be used as payment upon an Advance for a school site, nor may school site fees be used as payment upon an Advance for a park site.

(vii) Review Procedures

- a. All sites proposed for conveyance shall be shown on the preliminary plat and shall be reviewed in accordance with the appropriate subdivision review procedure.
- b. The appropriate school district shall review the physical properties and shall evaluate the need for the proposed school site to be conveyed, reserved, or acquired, and shall make recommendations to the Board.
- c. Prior to the lease, trade, sale, acquisition, or transfer of any site; or transfer of fees, amendment of a Density Agreement, or approval of a Dwelling Unit Conveyance Advance obtained under provisions of this Section, the Board of County Commissioners may obtain recommendations from the Planning Commission and appropriate school district or recreation district.

(viii) Reservation of Sites

- a. The Board of County Commissioners may reserve at the time of final plat approval any lot or lots in a subdivision platted after August 7, 1975 for the purpose of future park sites and school sites. Any lot so reserved shall be identified on the plat as "Reserved School Site" or "Reserved Park Site." No use or development shall be permitted on such a reserved site which will impede the acquisition or development of the site for the purpose reserved.
- b. The owner may have the reservation removed by filing written notice with the Board of County Commissioners of their intent to develop the site in a manner not permitted under the reservation. The Board must enter into negotiation for acquisition of the site within 180 days from receipt of the owner's notice and must acquire said site within one year, or the Board shall remove the reservation from the plat at County expense.

(2) Fire Protection⁵⁵

(i) Applicability

These fire protection standards shall be applied to subdivisions, including resubdivisions and subdivision exemptions within fire service areas.

(ii) Fire Service Areas

Fire service areas are defined to be any of the following:

- a. Fire protection district;
- b. Metropolitan district authorized to provide fire protection;
- c. Contract for fire protection;
- d. Extraterritorial fire service agreement area;
- e. Water district area covered by mutual aid agreements where a water district exists; or
- f. Volunteer fire protection district.

⁵⁵ Existing 16.42.130

(iii) Fire Protection Impact Fee and Fire Protection Service Plan

a. Applicability

1. For agricultural, single-family residential, and two-family residential uses, a fire protection impact fee shall be paid on the basis of \$750 per lot.
2. For public, commercial, industrial, and multi-Family (above two units) uses, a Fire Protection Service Plan based on standards per the applicable fire code shall be submitted.

b. Exemptions and Exceptions

1. Any lot or parcel within the proposed subdivision that is improved with a habitable residence in standard condition shall be exempt from this fee.
2. Exceptions are for those lots within the Metropolitan Districts in Pueblo County being Pueblo West Metropolitan District and Colorado City Metropolitan District. These Districts shall be allowed to have the authority to reduce, waive, modify, or adjust the fee, not to exceed the \$750 per lot fee.

c. Calculation and Payment

1. One-half of the fire impact fee (\$375) per lot shall be paid prior to recordation of the subdivision final plat. The remaining one-half of the fee (\$375) shall be paid at the time of zoning authorization for a building permit for each lot in the subdivision.
 - i. A Notice of Fire Impact Fee statement indicating that a \$375 per lot Fire Impact Fee shall be due at time of zoning authorization for a building permit and collected by the Department of Planning and Development shall be placed on the final plat.
 - ii. A Notice of Fire Impact Fee statement letter for the subdivision stating a \$375 per lot Fire Impact Fee shall be due at time of zoning authorization for a building permit and collected by the Department of Planning and Development, shall be recorded concurrently with the subdivision final plat.

2. When property is located within a Metropolitan District, the developer shall submit a letter from the respective Metropolitan District stating the requirements for fire protection, such as payment of a fee, not to exceed \$750 per lot, installation of a fire hydrant(s), combination thereof, or no requirement. The letter shall be a requirement of the final plat subdivision application and shall be due at the time of the subdivision application submittal.
 - i. If fees are required, the payment method is the same as payment to the County: one-half of the required fee per lot shall be paid by the developer prior to recordation of the final plat, the requirement of the plat notation of the fire impact fee assessment of the remaining one-half of the fee per lot due at time of zoning authorization for a building permit, and the requirement of the fire impact fee statement letter being recorded concurrently with the final plat.
 - ii. If a fire hydrant(s) is required by the Metropolitan District, the cost of the fire hydrant(s) shall be part of a Subdivision Improvements Agreement, or payment of the fire hydrant(s) shall be made to the Department of Planning and Development (payment shall be deposited to the Metropolitan District's fire impact fee account) prior to recordation of the subdivision final plat or the fire hydrant(s) shall be installed prior to recordation of the subdivision final plat.

d. Use of Fees

1. Fee usage is intended to provide fire protection within the fire service area in which the property that paid the fee is located. Within those fire service areas where a water distribution system exists or is planned for extension, the fees are to be used for the purchase and associated installation costs of fire hydrants. The fees are not to be used for the extension of water lines, nor hydrant operation, maintenance, and repair costs.
2. Within fire service areas where no water distribution system exists nor is planned to be extended, the fees may be used to purchase fire pumper

and tanker trucks, and equipment that meets the applicable National Fire Protection Association (NFPA) standards.

3. Disbursement of fire protection impact fees shall be made by the Board of County Commissioners. The Board may disburse fees upon written request to the appropriate fire district, metropolitan district, water district, or entity providing fire protection by contract or agreement.
4. If the fees are to be used for fire hydrants, the request shall include:
 - i. Map showing the location of existing hydrants and the location of hydrants proposed to be provided by the fees;
 - ii. The purchase and installation costs of the proposed hydrants;
 - iii. Time schedule for installation; and
 - iv. Letter committing such additional funds as may be necessary to ensure the completion of the project.
5. If the fees are to be used for a fire pumper, tanker truck, or NFPA equipment the request shall include:
 - i. The make, model and year of the pumper or tanker truck;
 - ii. The source of such additional funds as may be necessary to insure the purchase of the pumper or tanker truck;
 - iii. A listing of the specific NFPA equipment to be purchased.
6. The Board of County Commissioners may disburse only those fees collected from properties that can reasonably be served by the proposed fire hydrant or truck.
7. The Department shall maintain a record, which may be in the form of a map, which provides the location of properties paying fees, fee amount paid, date of subdivision approval, and date of fee disbursement.

(i) Conservation Development⁵⁶

Comments

A proposed boundary for a new Agricultural Conservation Overlay (AGO district) was established as part of Module 1: Districts and Uses. The proposed boundary, shown in Figure 04.9 is derived from the Agricultural and Ranch Lands map in the Regional Comprehensive Plan, which was created in collaboration with the Palmer Land Trust.

This section establishes a mechanism for requiring/encouraging conservation development within the AGO and includes a consolidated set of definitions for a new conservation development option and the (current) Rural Land Use Process (RLUP). New/proposed definitions are intended to establish a clear distinction between the two types of conservation development, while also using common terminology where appropriate (e.g., conservation areas and residential development cluster). Figure 04.10 illustrates conservation development size thresholds and eligibility requirements by zone district.

⁵⁶ New, except where noted. Proposed to replace current Chapter 16.72.

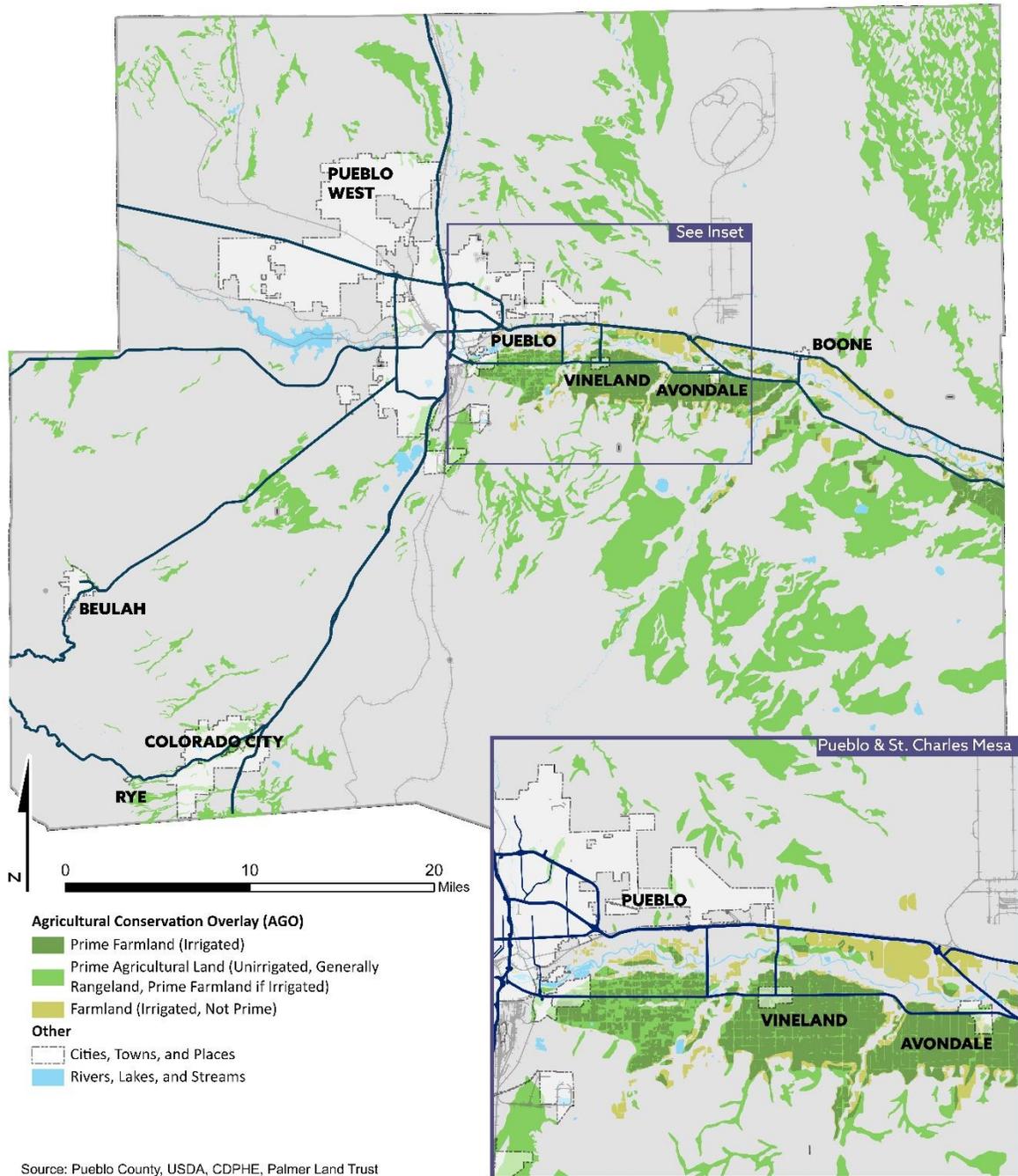
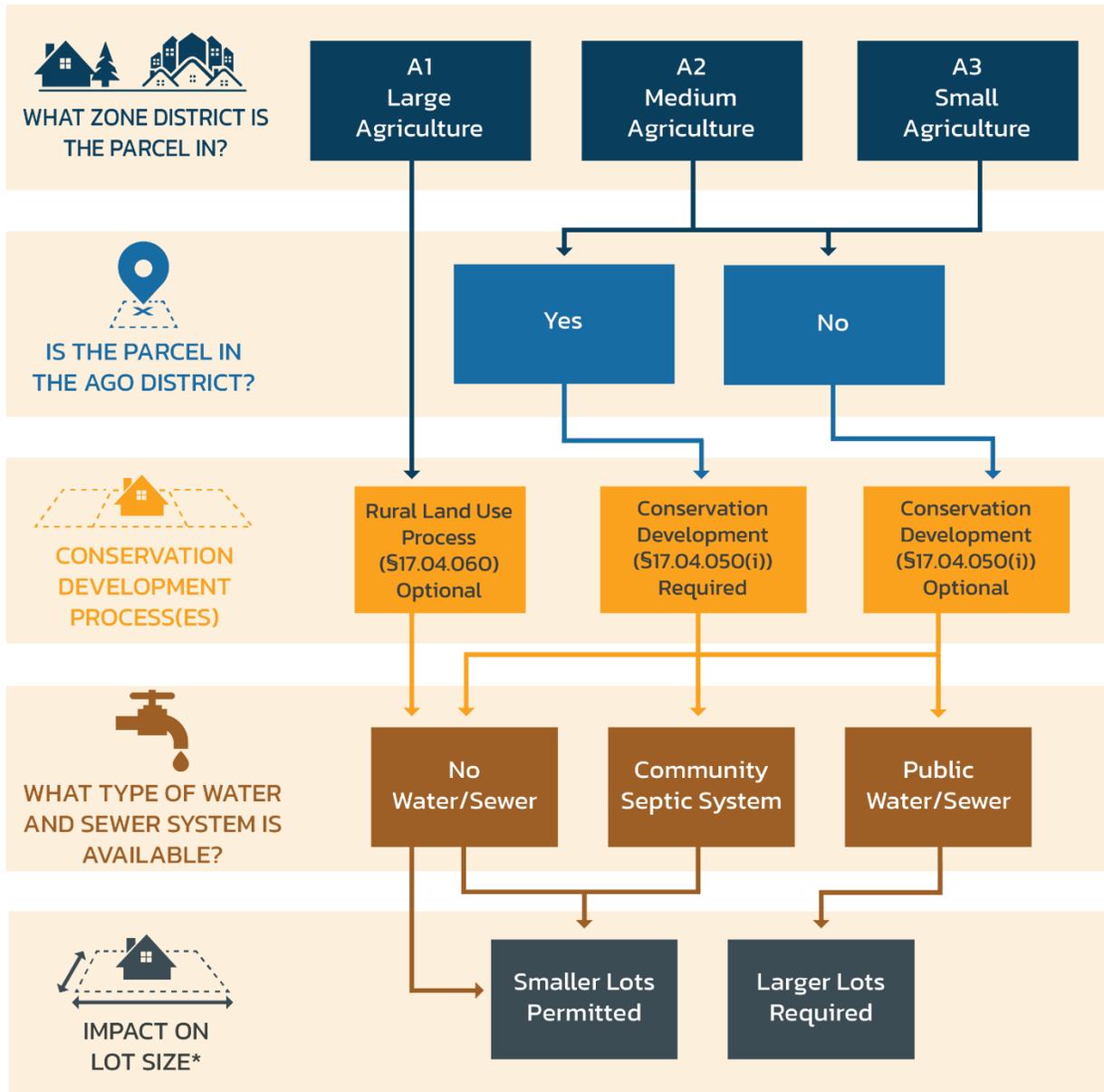


Figure 04.9: Agricultural Conservation Overlay (AGO)



*Lot sizes vary by zone district.

Figure 04.10: Conservation Development Applicability by Zone District

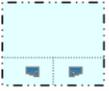
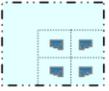
| CONSERVATION DEVELOPMENT | | | |
|--------------------------|--|---|--|
| Zone District | Base Density | Minimum Parcel Size for Conservation Development | Eligibility Requirements for Lot Size Reductions* |
| A2 |  1 du / 5 ac |  5 ac |  1.5 du / 5 ac with individual well and septic systems  Up to 2 du / 5 ac with a community septic system  Up to 4 du / 5 ac with public water and sewer (or a community septic system) |
| A3 |  1 du / 1 ac |  3 ac |  Up to 2 du / 1 ac with a community septic system  Up to 4 du / 1 ac with public water and sewer (or a community septic system)* <i>*Lot size may be reduced to 20 percent of base density (no smaller than 1/4 acre) subject to applicable well and septic spacing requirements.</i> |
| CLUSTER DEVELOPMENT | | | |
| A1 |  1 du / 35 ac |  35 ac |  Up to 2 du / 35 ac Total du may not exceed 1 du for each 17.5-acre increment <i>*Lot size may be reduced to 1-acre subject to minimum conservation area percentages and applicable well and septic spacing requirements</i> |

Figure O4.11: Conservation Development Size Thresholds and Eligibility Requirements by Zone District

(1) Purpose⁵⁷

Conservation development is intended to provide flexibility in subdivision layout and lot sizes to accomplish the following objectives:

- (i) Protect, preserve, and conserve Prime Agricultural Land, Prime Farmland, and Farmland within the Agricultural Conservation Overlay (AGO) (§17.02.100(d)), as well as rangeland, open space, water resources, wildlife habitat, wetlands, and other finite resources that contribute to Pueblo County’s economy, natural environment, and quality of life;

⁵⁷ While they apply in different contexts, conservation objectives for Conservation Development and the RLUP are the same.

- (ii) Protect the viability and productivity of existing and future agriculture and ranching operations in Pueblo County;
- (iii) Provide opportunities for compact, context-sensitive rural neighborhoods that minimize impacts on existing and future agricultural and ranching operations; and
- (iv) Reduce infrastructure costs and impacts by providing greater flexibility and efficiency in the siting and design of services and infrastructure.

(2) Applicability

(i) Conservation Development Required

- a. Conservation development is required for subdivisions of three or more lots in the A2 and A3 districts that fall within the AGO district and meet the following criteria:
 - 1. The parcel size is:
 - i. Five acres or more in the A2, Medium Agriculture District
 - ii. Two acres or more in the A3, Small Agriculture District
 - 2. At least 60 percent of the parcel is designated as Prime Farmland, Prime Agricultural Land, or Farmland; and
 - 3. The parcel is currently being used for agricultural production, or has been used for agricultural production within the prior three years, based on current site conditions or County tax records.
- b. Exceptions to the above requirement may be granted by the Director if the applicant can demonstrate that:
 - 1. The parcel has not been used for agricultural production in the prior three years, based on County tax records;
 - 2. At least 60 percent of the parcel is developed for non-agricultural uses;
 - 3. Water rights associated with the parcel for irrigation purposes were severed prior to January 1, 2024; and/or
 - 4. The siting of subdivision lots or driveways used to access subdivision lots will not limit the following on the subject property or adjacent agriculturally zoned properties:

- i. The function or maintenance of irrigation canals or other irrigation infrastructure.
- ii. Equipment or vehicular access necessary for agricultural production.
- iii. Viable use for agricultural production.

(ii) Conservation or Cluster Development Encouraged

- a. Conservation development is encouraged for subdivisions of three or more lots in the A2 and A3 districts that meet the following criteria:
 1. The site is located outside of the Agricultural Conservation Overlay.
- b. Cluster development is available in the A1 district as an alternative to rezoning or 35 acre land division through the Rural Land Use Process, in accordance with the domestic water and cluster development provisions of C.R.S. §30-28-401 et seq. and amendments to C.R.S. §37-92-602.

(iii) Exemptions

- a. Two lot subdivisions are exempt from conservation development requirements.

(3) Definitions⁵⁸

(i) Agricultural Conservation Overlay

The Agricultural Conservation Overlay.(§17.02.100(d)) identifies prime farmland, prime agricultural land, and farmland that is subject to conservation development standards in §17.04.050(i).

(ii) Conservation Development

A method of subdivision that allows for the creation of lots in the A2 and A3 districts smaller than would otherwise be allowed in exchange for the permanent dedication of a portion of the site as conservation areas. A conservation development is comprised of two parts: 1) a residential development cluster; and 2) the conservation areas. See also, cluster development.

⁵⁸ Definitions will be moved to §17.07.030, Definitions, for the consolidated draft.

(iii) Conservation Areas⁵⁹

Portion of a conservation development or cluster development that is set aside for agriculture, ranching, public or private open space, or other conservation purposes.

(iv) Residential Clusters⁶⁰

Residential development on lots that are smaller than otherwise allowed in the underlying zone district for the purposes of accommodating conservation development or cluster development objectives. Residential clusters are designed for single-family dwellings and associated accessory uses permitted by the underlying zone district.

(v) Cluster Development

Any division of land in the A1 district that: 1) is achieved through the Rural Land Use Process; 2) creates parcels containing less than 35 acres each in exchange for the reservation of at least two-thirds of the total area of the tract for the preservation of open space, agricultural land, or to protect wildlife or critical areas in perpetuity; and 3) does not exceed one residential unit for each 17 1/2 acre increment. See also, conservation development.

(vi) Rural Land Use Process

A planning process duly enacted and adopted by Pueblo County that is designed to offer cluster development in the A1 district as an alternative to traditional thirty-five acre divisions of land, as described in §17.04.070.

(vii) Prime Agricultural Land⁶¹

Land zoned for agricultural use that is generally unirrigated and used for rangeland, but that would be considered prime farmland if irrigated.

⁵⁹ Adapted from current RLUP definition to apply more broadly to conservation subdivisions outside of the A-1 district.

⁶⁰ Adapted from current RLUP definition to apply more broadly to conservation subdivisions outside of the A-1 district.

⁶¹ New. Derived from Regional Comprehensive Plan, Pueblo County Agricultural and Ranch Lands map.

(viii) Prime Farmland⁶²

Prime farmland is a designation assigned by the U.S. Department of Agriculture to land that has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In Pueblo County, prime farmland is concentrated within the St. Charles Mesa, Vineland, and Avondale communities and is irrigated by the Bessemer Ditch. Pueblo County’s prime farmland is considered to be nationally significant in its suitability for the long-term production of food and other crops.

(ix) Farmland⁶³

Land zoned for agricultural use that is generally irrigated and used for agricultural production, but is not considered to be prime farmland.

(4) Base Density with Conservation Development Allowances

The base density for conservation development allowances shall be determined by calculating the gross land area (in acres) of the entire parcel, divided by the number of dwelling units per acre, as set forth in subsections (i) and (ii) below. Where the total number of dwelling units calculated results in a fractional number, the subdivider shall round down the number of dwelling units to the nearest whole number. Further development of lots within a residential development cluster established as part of a conservation development shall go through the subdivision process and comply with underlying zoning.

(i) A2, Medium Agriculture District

- a. Base density one dwelling unit per 5-acres, in accordance with 17.02.050(c).
- b. Conservation development allowances:
 - 1. One and a half dwelling units per 5-acres with individual well and septic systems.
 - 2. Up to two dwelling units per 5-acres with a community septic system.
 - 3. Up to four dwelling units per 5-acres with access to public water and sewer (or a community septic system).

⁶² New. Derived from Regional Comprehensive Plan, Pueblo County Agricultural and Ranch Lands map.

⁶³ New. Derived from Regional Comprehensive Plan, Pueblo County Agricultural and Ranch Lands map.

- c. Lot size may be reduced to 10 percent of base density (no smaller than one-half of an acre), subject to applicable well and septic spacing requirements.

(ii) A3, Small Agriculture District

- a. Base density one dwelling unit per 1-acre, in accordance with 17.02.050(d).
- b. Conservation development allowances:
 - 1. Up to two dwelling units per 1-acre with a community septic system.
 - 2. Up to four dwelling units per 1-acre with access to public water and sewer (or a community septic system).
- c. Lot sizes may be reduced to 25 percent of base density (no smaller than one-fourth of an acre), subject to applicable well and septic spacing requirements.

(5) General Provisions

(i) Conservation Area(s)

a. Minimum Conservation Area

- 1. Minimum conservation areas shall be set aside as follows:
 - i. A1, Large Agriculture District. A minimum of 75 percent of the total area of a cluster development.
 - ii. A2, Medium Agriculture District. A minimum of 60 percent of the total area of a conservation development.
 - iii. A3, Medium Agriculture District. A minimum of 60 percent of the total area of a conservation development.
- 2. The calculation of the total conservation area shall exclude existing public open space.
- 3. The boundaries, total acreage, calculated percentage of the gross area, intended use, and final ownership of all conservation area(s) shall be delineated on the Conservation Development Plat or Rural Land Use Plan.
- 4. Conservation areas shall be contiguous to the maximum extent feasible.

b. Ownership of Conservation Areas

Ownership and maintenance of the conservation area(s) shall be by one or some combination of the following entities:

1. A homeowner's association established according to state statute and with the authority to collect a fee to maintain the open space.
2. An established land trust.
3. Public jurisdictions or agencies, subject to their acceptance.
4. Quasi-public organizations, subject to their acceptance.
5. The original landowner.
6. Shared, undivided interest by all property owners of the residential parcels.
7. Pueblo County, subject to acceptance by the Board of County Commissioners.

c. Management of Conservation Areas(s)

1. Unless otherwise agreed to by the County or unless the land is dedicated to the County, the cost and responsibility of maintaining and managing the conservation area(s) shall be borne by the owner, property owners association, conservation organization, or other owner entity as identified in subsection b, above.
2. For all conservation areas greater than 20 acres, the subdivider shall, at the time of the Conservation Development Plat submission, provide a Plan for Management of the Conservation Area(s) in accordance with the requirements of this subsection.

(ii) Water

- a. Water supply may be through individual wells or through any public or private entity. Common, joint, or shared water systems, where technically feasible and viable, may be used as an alternative to individual, independent wells. Where shared or public systems are proposed, augmentation plans, if required, must be submitted to, and approved by the State Engineer.

- b. A maximum of one well permit shall be issued by the State Engineer for every residential unit, as allowed by C.R.S. 30-28-404 pursuant to Sections 37-90-105 and 37-92-602, C.R.S., subject to the provisions of §16.04.040(2) of this UDC.
- c. Water consumption shall be metered and monitored as required by the State Engineer.
- d. Except in areas of the state where unappropriated water is available for withdrawal and the vested water rights of others will not be materially injured and except inside designated ground water basins, a water court-approved Rural Land Use Plan for augmentation shall be required and shall accompany any County-approved Rural Land Use Plan when the water usage in the cluster development would exceed an annual withdrawal rate of one acre-foot for each 35 acres within the cluster development. Nothing in this Section shall be construed to preclude the use of treated domestic water provided by any public or private entity.
- e. The use of xeric and/or native vegetation for landscaping is encouraged to minimize water consumption.

(iii) Sanitation

- a. Individual Sewage Disposal Systems shall comply with the Pueblo Department of Public Health and Environment regulations.
- b. Clustering of individual sewage disposal systems, where proposed, shall be pursuant to the Pueblo Department of Public Health and Environment regulations.
- c. No portion of an Individual Sewage Disposal System for the proposed lots shall be located within designated conservation area(s).
- d. Primary and alternative individual sewage disposal system locations shall be shown and identified within the building envelope on the Rural Land Use Plan. These systems shall be pursuant to the Pueblo Department of Public Health and Environment Regulations.

- e. Shared septic systems (community septic systems) may be permitted for the purposes of accommodating conservation development provided that the requirements of the Pueblo Department of Public Health and Environment are met, including appropriate provisions for legal obligations related to maintenance and replacement.⁶⁴

(iv) Maintenance of Common Facilities

Unless otherwise agreed to by the County, the cost and responsibility of maintaining common facilities (private roads, shared water and sewage disposal systems) shall be borne by the property owner or the homeowner’s association.

(6) Conservation and Cluster Subdivision Standards and Guidelines⁶⁵

(i) Applicability

The following standards and guidelines apply to all conservation subdivisions and cluster subdivisions, as authorized through the §17.04.070, Rural Land Use Process. Where standards conflict with §17.04.060, Subdivision Standards, these standards shall apply.

(ii) Residential Clusters

a. Siting of Residential Clusters

1. Standards

- i. Residential clusters shall be sited to avoid or minimize impacts on:
 - A. Known geologic hazards including floodplains, wetlands, or landslide/slip areas;
 - B. Environmental, cultural, or open space resources; and
 - C. Prime Farmland, Prime Agricultural land, and Farmland and associated infrastructure and facilities that enable the viable economic use of that land, including, but not limited to, irrigation canals, shared driveways, and access easements.

⁶⁴ Conservation development in areas like the St. Charles Mesa will likely require the use of community septic systems due to the already fragmented nature of the lots. The EPA and other organizations are encouraging broader acceptance and awareness of these systems to support conservation objectives across the country.

⁶⁵ Existing 17.104.080 with substantial updates and streamlining, and expanded applicability.

- ii. A subdivision may contain one or more residential clusters grouped to make efficient use of land resources and infrastructure.
- iii. All required parking shall be off-street parking.

2. Guidelines

- i. In rural areas, views from the public road abutting the development road toward the residential cluster should be minimized through the use of natural changes in topography or existing vegetation.
- ii. The use of shared driveways is encouraged to the maximum extent practicable.

b. Minimum Lot Size within Residential Clusters

1. Standards

The minimum size of a proposed lot in a residential cluster shall be determined by:

- i. The underlying zone district(s);
- ii. The nature and characteristics of the area, soil types, constraints on the lot, and
- iii. The letter of approval from the Pueblo Department of Public Health and Environment.

c. Building Siting within Residential Clusters

1. Guidelines

- i. Vary the placement of structures within building envelopes along the street frontage to minimize uniformity.
- ii. Group, mass, and design buildings such that privacy is provided among and between units.
- iii. Orient residences for maximum solar exposure and heat conservation in the winter and maximum shading in the summer.

(iii) Building Envelopes

a. Standards

- 1. All buildings or structures existing or built on the land reserved for development shall be contained within predetermined building

envelopes for lots one acre or less or as otherwise required. Building envelopes may not be required on lots greater than one acre.

2. Physical constraints, Individual Sewage Disposal System (ISDS) requirements, and well location, as examples, may dictate the necessity for building envelope locations. If building envelopes are not required, the buildings or structures shall have the following setbacks from property boundaries:

| Table 17.04.15: Setback Requirements for Properties without Building Envelopes | |
|---|-----------------|
| Front setback | Minimum 25 feet |
| Side and rear setbacks | Minimum 15 feet |

3. Only one single-family dwelling unit shall be permitted for each residential parcel proposed.

b. Guidelines

1. Building envelopes and/or no-build areas may be required to protect a site’s natural, historic, and/or cultural features. All such building envelopes and/or no-build areas must be depicted on the Rural Land Use Plan.

(iv) Site Design

a. Standards

1. Re-vegetate or enhance all earth disturbances (building cuts, graded areas) with indigenous vegetation. Technical assistance or advice for re-vegetation is available from the Colorado State Forest Service, the Natural Resources Conservation Service, and the Colorado State University Extension.
2. Install utilities and infrastructure in a manner that will minimize visible structures, power poles, overhead power lines, tree removal, and other site disturbances, as well as impacts on sensitive natural features. All site disturbances for installations shall be re-vegetated and graded to harmonize with the natural surroundings. Where possible, utilities should be located underground.

b. Guidelines

1. Minimize disturbances caused by the introduction of buildings and structures or by their construction by being sensitive to the topography and existing natural environment.
2. Locate, group, and design roads and driveways such that privacy is provided among and between residential units.
3. Orient roads to provide opportunities to maximize residential solar exposure and heat conservation in the winter and maximize shading in the summer.
4. If possible, have lots on one side of the road (i.e., single-loaded lots), in order that the maximum number of homes may enjoy views of conservation areas.
5. Re-vegetate or enhance all road cuts, grading, and other earth disturbances with indigenous vegetation.

(v) Stormwater and Drainage

a. Standards

1. Stormwater and drainage facilities shall be located such that they shall not adversely impact floodplains, watercourses, water bodies, or wetlands.
2. A drainage report shall be submitted to the Public Works Department for approval. All construction activities disturbing more than one acre will require a NPDES permit issued by the Colorado Department of Health, Water Quality Control division, Permits and Enforcement Section, which will require a storm water management plan. The storm water management plan will be reviewed by the Public Works Department.

b. Guidelines

1. Stormwater best management practices should be used to:
 - i. Retain natural drainage channels, wetlands, and depression areas in their natural state;
 - ii. Minimize erosion and protect riparian habitat; and
 - iii. Manage stormwater drainage.

2. Stormwater detention/retention basins should be sited, formed, and re-vegetated so that they harmonize with the natural surroundings and complement natural water flows.
3. Excessive grading, clearing, and alteration of the site should be avoided to minimize soil erosion.

(vi) Fencing

a. Standards

1. In rural areas, fencing shall be designed to conform to the topography of the site and be of a color that blends with the natural environment.

b. Guidelines

1. Avoid fences except as needed for wildlife corridors, domestic animal control or livestock containment. When fencing is proposed, it should be open in design so as not to restrict wildlife movement, it should conform to the topography, and should be of a color that integrates with the natural surrounding environment.
2. Privacy fencing may be used when the backs of lots are adjacent to a County road or state highway, or on individual lots to provide privacy or enclosure.

(vii) Signage

a. Standards

1. No signage, either temporary or permanent, is permitted except the following:
 - i. Gateway signs;
 - ii. Temporary sign(s) allowed with an active construction permit; and
 - iii. Road signs.
2. Road signs shall be required and be the responsibility of the subdivider.

b. Guidelines

Gateway signs should be:

1. Of a scale and character that is compatible with the development and surrounding environment; and

2. Sited and designed to minimize impacts on views of the natural landscape.

(viii) Conservation Areas

a. Standards

1. Conservation areas shall be used to protect environmental, cultural, and historic features within cluster and conservation developments, including, but not limited to:
 - i. Prime Agricultural Land and Prime Farmland.
 - ii. Ranch and rangeland.
 - iii. Significant wildlife habitat or migration routes.
 - iv. Sensitive, rare, endangered, or unusual vegetation or ecosystems.
 - v. Remarkable geologic features such as rock outcrops or formations.
 - vi. Streams, watercourses, wetlands, and other bodies of water.
 - vii. Trail corridors, such as existing trails, trail easements, or trail connections shown on an official plan.
 - viii. Designated historical or archaeological features.
 - ix. Unstable slopes and slopes greater than 30 percent.
 - x. Geologic and other hazard areas.
 - xi. Candidate lands identified by the Regional Comprehensive Plan.
2. Agricultural/ranch buildings and structures may be located in conservation areas provided they are contained within specified building envelopes.

b. Guidelines

1. Natural features in conservation areas should be maintained in their original condition to the greatest extent possible. Natural features may be modified to improve their function or overall condition provided a management plan and any subsequent changes have been approved or reviewed by Pueblo County. Permitted modifications may include reforestation, woodland management, meadow management, buffer area landscaping, stream bank protection, and wetlands management.

2. Configure the conservation area as a single lot unless an existing ditch or road, an existing physical feature or historic site, or sensitive wildlife habitat make this infeasible.
3. Where agricultural or ranching uses are proposed within the conservation area, a management plan should be submitted to Pueblo County for review. Technical advice for management plans is available from the Natural Resources Conservation Service and the Colorado State University Extension Service.
4. Allow wildlife movement corridors in a size, location, and character that will encourage their continued use and in contiguity with adjacent wildlife corridors.

(ix) Perimeter Buffers

a. Standards

1. Perimeter buffering shall be provided to minimize visual and noise impacts where adjacent land uses are of a different type (e.g., residential adjacent to commercial or industrial) or are of a substantially different residential density; or where the residential cluster is adjacent to a County road or state or federal highway or a railroad.
2. Where the residential cluster abuts a County road, state or federal highway, or a railroad, the buffer is measured from the edge of the existing right-of-way and must be of a width and design to reduce visual and noise impacts from the road, highway, or railroad.
3. A buffer area having a minimum depth of 50 feet shall be provided between any proposed structure within the cluster development and the perimeter of the cluster development area. Existing structures are not subject to this standard.
4. Whenever possible the natural vegetation shall be retained, or if required, vegetation shall be planted of sufficient size to shield the development from abutting properties. Buffer strips may include fences or berms, as well as shrubs and trees.

b. Guidelines

1. Buffering may be accomplished through the use of increased separation between land uses and/or by using native or drought resistant vegetation, fencing, walls, or a combination of these measures.
2. The traditional concept of using windbreak plantings around a farm may be desirable for the design of buffering between a residential cluster and agricultural uses.
3. Perimeter buffering of a residential cluster in mountainous areas should be designed to take into consideration the buffering effect provided by existing trees and topography.

17.04.060 Rural Land Use Process

(a) Purpose and Intent

The purpose of the Rural Land Use Process (RLUP) is to provide an alternative to platting, rezoning, or 35 acre land division in accordance with the domestic water and cluster development provisions of C.R.S. §30-28-401 et seq. and amendments to C.R.S. §37-92-602. The RLUP is intended to encourage cluster development as a means to:⁶⁶

- (1) Protect, preserve, and conserve open space, agricultural land, water resources, wildlife habitat, wetlands, and other finite resources that contribute to Pueblo County's economy, natural environment, and quality of life;
- (2) Protect the viability and productivity of existing and future agriculture and ranching operations in Pueblo County;
- (3) Provide opportunities for compact, context-sensitive rural neighborhoods that are accessible to open space amenities and have a strong community identity; and
- (4) Reduce infrastructure costs and impacts by providing greater flexibility and efficiency in the siting and design of services and infrastructure.

(b) Applicability⁶⁷

The Rural Land Use Process (RLUP) may be used for any parcel in the A1 district that meets the criteria listed below. Compliance with the qualification criteria does not guarantee that an optimal land division solution can be found or that the application will be approved.

- (1) The site shall be a legal parcel(s);
- (2) The site shall be a minimum of 70 contiguous acres in area (either in one parcel or in combination with several parcels; can be severed by public road right-of-way, railroad right-of-way, irrigation canal, or other similar feature) at the time of application submittal;
- (3) The landowner shall reserve at least two-thirds of the total area of the site as open space in perpetuity;

⁶⁶ Existing 17.104.020. Goals have been streamlined for clarity.

⁶⁷ Existing 17.104.030. Added reference to A-1 district.

- (4) The landowner shall protect wildlife, agricultural (farming/ranching) or critical areas by not permitting development of such in perpetuity;
- (5) The site for the RLUP shall only be considered in the areas outside the three mile annexation boundary as delineated on the City of Pueblo Three Mile Annexation Boundary Map;
- (6) The RLUP can be used only for single-family residential development; and
- (7) All ad valorem property taxes for years prior to that year in which approval is granted shall be paid for the site.

(c) Development Standards⁶⁸

The following standards are applicable to the development and review of Rural Land Use Process Subdivisions. In a case where the requirements of the base zone district conflict, these standards shall apply.

(1) Permitted Uses

(i) Cluster Dwelling Areas

The following uses are permitted in cluster dwelling areas.

- a. Detached single-family dwellings; and
- b. Accessory buildings and uses incidental to the residential use of the property. Mobile homes and railroad rolling stock cars are expressly prohibited as accessory buildings.

(ii) Conservation Areas

The area primarily remains in its undisturbed natural conditions.

(iii) Livestock Animals

Persons within the cluster dwelling area on lots with a minimum area of five acres shall be permitted to keep livestock animals. The type and number of livestock animals shall be identified on the Rural Land Use Plan and shall be reviewed by staff. If no livestock animals are allowed, a statement reflecting that restriction shall be placed on the Rural Land Use Plan as a notation.

⁶⁸ Existing 17.104.050 (Relationship to Zoning) with updates.

(2) Permitted Density

- (i) The maximum permitted residential density for a proposed Rural Land Use Process for cluster development shall be one single-family residential unit per each 17.5-acre increment of the total project acreage.
- (ii) In all cases, the subdivider is entitled to use the Rural Land Use Process one time at the maximum lot number capacity allowed by the state statutes for cluster development. Further development of existing lots within the Rural Land Use Process shall go through the subdivision process and comply with underlying zoning.

(3) Approval Requirements

Prior to Building Permit Authorization, the Rural Land Use Process per this UDC shall be approved by the Board of County Commissioners.

(4) Waiver and Variances

Waivers or variances to any standard contained in the Rural Land Use Process shall be requested by the landowner/subdivider. The waiver or variance is heard by the Board of County Commissioners at a public hearing for approval or denial. The waiver or variance is published as a legal notice; the legal notice is sent to property owners within a 300-foot perimeter of the rural land use plan property boundary, and a poster of the waiver or variance request is posted on the property.

(5) Other Permits or Requirements

Approval of a land division under the Rural Land Use Process shall not relieve the subdivider of the responsibility for securing other permits or approvals required by the Pueblo County Department of Planning and Development, Pueblo Regional Building Department, or any other department or agency of Pueblo County or other public agency.

(6) Public Improvements

- (i) As a condition for the approval of the land division, the Board of County Commissioners may require a performance guarantee and warranty for all public improvements proposed.
- (ii) The type and amount of the security and the duration of the guarantee and warranty shall be as outlined in the §17.04.050, Subdivision Standards, and shall

be specified in an Improvements Agreement to be submitted by the applicant prior to approval by the Board of County Commissioners.

(7) Notification to State Engineer

No later than ten days after approval of a cluster development pursuant to the County's Rural Land Use Process, the Board of County Commissioners shall notify the State Engineer of such approval and shall provide the State Engineer a copy of the approved Rural Land Use Plan that includes the cluster development.

17.04.070 Residential Adjacency Standards⁶⁹

Comments

The Residential Adjacency Standards outlined below are proposed to address a range of compatibility considerations that may arise when development in rural areas of the County abuts a rural community or other established residential uses. They are intended to supplement §17.04.030, Use-Specific Standards.

(a) Purpose

The purpose of this Section is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when higher-intensity development is located near residential zone districts, manufactured home parks, Rural Communities,⁷⁰ and established rural subdivisions or farmsteads.

(b) Applicability

The Residential Adjacency standards of this Section apply to nonresidential development within the A1 district, or a mixed-use, commercial, or industrial zone district that is adjacent to:

- (1) An A2, A3, or residential zone district;
- (2) An established rural subdivision or farmstead within the A1 district;
- (3) A Rural Community, as designated on the Future Land Use map in the Regional Comprehensive Plan, regardless of the zone district where such development is located; and

⁶⁹ New.

⁷⁰ Rural Communities (as defined in the Regional Comprehensive Plan) include the Beulah Valley and Avondale communities and the statutory towns of Rye, Boone, and Vineland.

(4) A manufactured home park, regardless of the zone district where such park is located.

(c) Exceptions

These standards shall not apply to development within the HI, Heavy Industrial or PP, PuebloPlex districts.

(d) Residential Adjacency Standards

(1) Use Limitations

- (i) Certain uses have distance separation requirements from residential development, as described in Chapter 17.03, Use Regulations. Those standards apply in addition to this Subsection d.
- (ii) The following uses are prohibited as primary or accessory uses within 200 feet of areas subject to Residential Adjacency standards. The Director may designate additional uses based on site-specific circumstances and potential impact on the residential use:
 - a. Airport or Heliport;
 - b. Campground or recreational vehicle park;
 - c. Composting facility;
 - d. Drive-thru lanes (unless separated by a primary building);
 - e. Kennel, breeding, and boarding;
 - f. Livestock sales and auction;
 - g. Outdoor recreation and entertainment;
 - h. Outdoor shooting range;
 - i. Outdoor storage; and
 - j. Public address systems.

(2) Grading

All grading shall:

- (i) Not place more than three feet of fill a minimum of five feet from a shared property line.
- (ii) Not place more than six feet of fill for a distance of 20 feet from a shared property line.

- (iii) Not place more than nine feet of fill for a distance of 50 feet from a shared property line.
- (iv) Where the finished grade along a shared property line is higher, the fill height shall be measured from the corresponding finished grade of the shared property line.

(3) Site and Building Orientation

(i) Rural Residential Transition

Residential development that abuts a RR district shall:

- a. Provide lots at least as large as the lots in the RR district they abut along any shared lot lines;
- b. Comply with the side or rear setbacks of the RR district along any shared lot lines; and
- c. Not exceed heights allowed in the RR district.

(ii) Orientation of Site Features

- a. Site features that generate high levels of noise or vehicular activity such as parking, loading and delivery areas, trash receptacles, outdoor seating areas, or similar shall not be sited within 50 feet of an adjacent residential district, unless no other feasible option is available.
- b. Where site limitations preclude the requirements of (3)(ii)(a), above, additional screening may be required. See also, §17.04.030, Screening Standards.

(iii) Building Orientation

- a. Non-residential buildings should be oriented to minimize impacts on adjacent residential uses or zone districts.

(4) Height Step Backs and Limits

- (i) For any portion of a building above 35 feet in height, a one-foot horizontal step back is required for each foot of height over 35 feet.

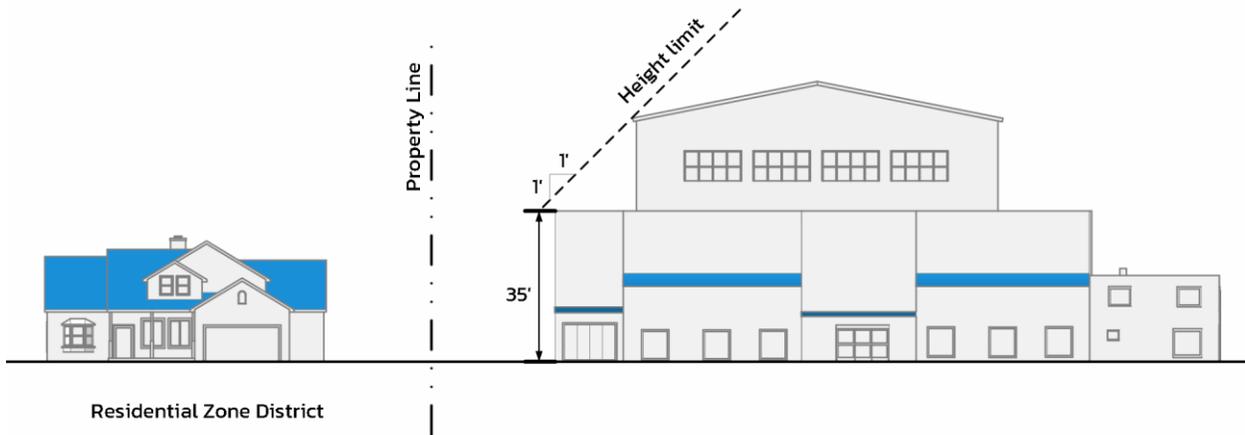


Figure 04.12: Residential Adjacency Horizontal Step Back Requirement

- (ii) No portion of a building shall exceed the following height limits:

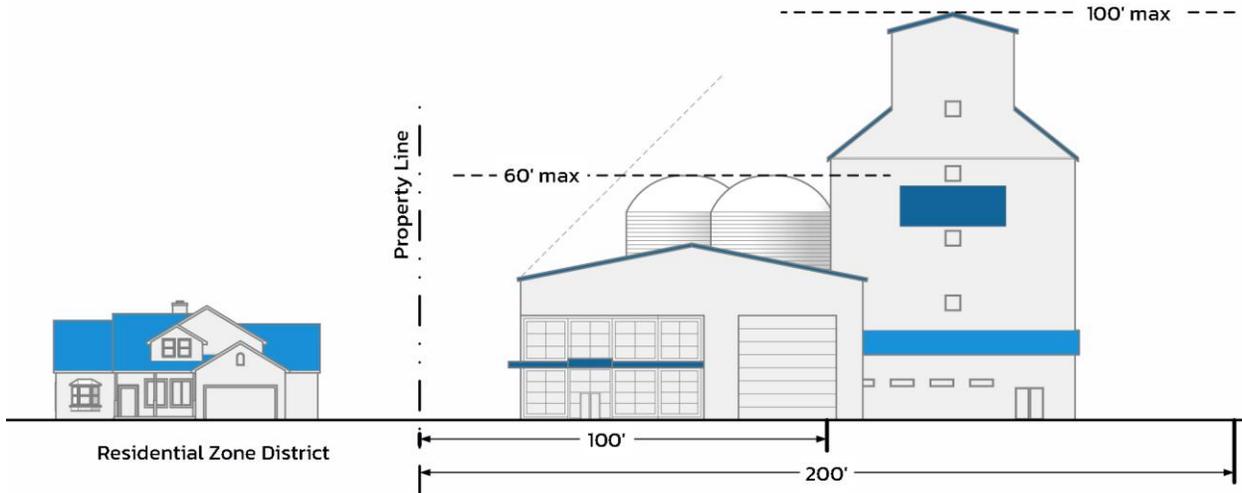


Figure 04.13: Residential Adjacency Height Limitations

- a. Sixty feet for buildings within 100 feet of a single-family dwelling or zone district, or Rural Community.

- b. One hundred feet for buildings within 200 feet of a single-family dwelling or zone district, or Rural Community.
- c. Building features allowed as exceptions to maximum height requirements per §17.02.040, Dimensional Standards Applicable to All Zone Districts, shall minimize visibility from adjacent residential districts and meet the height of the adjacent zone district to the maximum extent practicable.

(5) Spillover Lighting

In addition to the general standards in §17.04.040, Outdoor Lighting, development subject to Residential Adjacency shall limit the height of on-site lighting within 100 feet of any residential zone district to 18 feet in height.

(6) Signs Adjacent to Residential

- (i) Illuminated signs are prohibited on the rear or side of a building that faces an adjacent property in a residential district.
- (ii) Any sign located within 100 feet of an area subject to Residential Adjacency standards that is or will be visible from such property may not be internally or externally illuminated.

17.04.080 Site and Building Standards⁷¹

Comments

These baseline Site and Building Standards are proposed to address feedback regarding the desire for a (somewhat) higher level of scrutiny for development in established communities in Pueblo County, while still maintaining a high degree of flexibility and keeping design regulations to minimum. Additional community and stakeholder input is needed to determine whether they strike the right balance, should be expanded, or should be pared back.

(a) Purpose

The intent of this Section is to establish minimum site and building standards that protect and enhance the character and quality of established Metropolitan Districts, Rural Communities, and other areas of concentrated development in unincorporated areas of Pueblo County.

⁷¹ New.

(b) Applicability

Except as otherwise provided in this Section, these standards shall apply to new development:

- (1) Within the Pueblo West or Colorado City Overlay districts, as defined in § <>;
- (2) Within or adjacent to a Rural Community; and
- (3) Within or adjacent to an established subdivision of four or more lots.

(c) Exceptions

These standards shall not apply to development within the HI, Heavy Industrial or PP, PuebloPlex districts.

(d) Design Standards for Nonresidential and Mixed-Use Development

(1) Building Articulation

Ground floor facades that face public streets shall have arcades, display windows, defined public entrances, awnings, or other such features along at least 60 percent of their horizontal length.

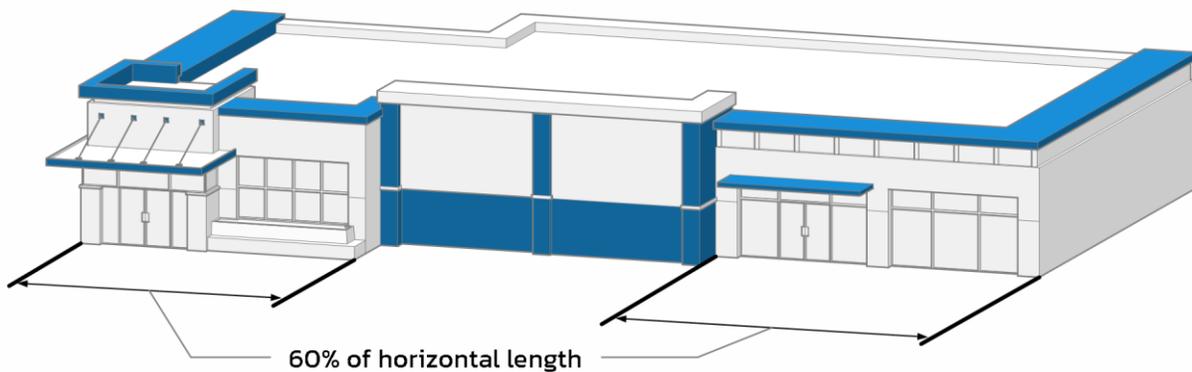


Figure 04.14: Building Articulation Requirement for Nonresidential and Mixed-Use Development

(2) Primary Entrance

Primary public entrances shall be clearly defined and articulated with architectural elements such as porches, columns, overhangs, awnings, or other comparable features.

(e) Design Standards for Residential Development

(1) Manufactured Home Regulations

(i) Age of Dwelling

The dwelling shall be manufactured within six years of the year in which it is affixed to the residential lot.

(ii) Permanent Foundation

Manufactured homes shall be permanently affixed to the residential lot.

(iii) Foundation Masking

Foundation or anchoring system shall be architecturally masked with the same exterior siding as on the building, or with masonry building material with a decorative finish. Masking shall extend to within six inches of grade.

(iv) Roof Pitch⁷²

Manufactured homes shall have a minimum roof pitch of 3/12.

(v) Covered Porch

Manufactured homes shall have a covered front porch a minimum of seven feet in depth.

(vi) Exceptions

The above provisions do not apply to manufactured homes within a manufactured home park.

⁷² Available as a standard feature. <https://www.skylinehomes.com/>

Chapter 17.05 Signs

Comments

This Chapter has been updated to meet legal content-neutrality requirements. The updated regulations are focused on sign size and type in three categories: permanent signs, billboards, and temporary signs. The on-premise/off-premise distinction has been eliminated to allow more effective enforcement in light of the content-neutrality requirement.

17.05.010 Purpose

(a) Purpose⁷³

The purpose of this Chapter is to:

- (1) Provide the public, property owners, and businesses with an opportunity for safe and effective means of communication;
- (2) Recognize free speech rights by regulating signs in a content-neutral manner;
- (3) Provide minimum standards in order to safeguard life, health, property, and public welfare, and promote traffic safety by following the established standards, including construction, illumination, size, location, and maintenance of sign and sign structures;
- (4) Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage cause by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
- (5) Reduce sign and visual clutter and protect and maintain the visual appearance and property values of the County;
- (6) Preserve the County's residents and visitor's ability to enjoy Pueblo County's scenic beauty; and
- (7) Adopt clear and understandable regulations that enable the fair and consistent enforcement of this article.

(b) Findings

Pueblo County finds that:

⁷³ New.

- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this Chapter, and the constitutionally-protected right to free expression.
- (2) The regulations set out in this Chapter are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
- (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Chapter is no greater than is essential to the furtherance of the County's important, substantial, and compelling interests.
- (4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing visual pollution.
- (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the public on the County's streets or sidewalks if they are not removed.
- (6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

(c) Conflicts with Other Provisions

- (1) Nothing in this Chapter shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances or applicable regulations shall comply with all such ordinances and regulations.
- (2) Where applicable, signs shall be permitted only when consistent with the Colorado "Outdoor Advertising Act" as set forth at CRS 43-1-401 et. seq.; the Colorado Division of Highways' Rules and Regulations Pertaining to Outdoor Advertising; the Federal "Highway Beautification Act of 1965", and the National policy for signs as set forth at 23 U.S.C. Sec. 131 and National standards and regulations promulgated pursuant to such provisions.⁷⁴

⁷⁴ Existing 17.116.010

(d) Severability⁷⁵

If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the County that such clause, section, or specific regulation be considered eliminated and not effecting the validity of the remaining clauses, section, or specific regulations that shall remain in full force and effect.

17.05.020 Applicability

(a) Applicability⁷⁶

The regulations of this Chapter shall apply to all signs in all zone districts including exempt signs that do not require a sign permit. For the purposes of applying this provision, the term "sign" includes any sign type defined in this UDC.

(b) Sign Permit Required

- (1) A sign permit is required for the construction or installation of any signs, or any repairs that also require a building permit unless specifically exempted below.
 - (i) A sign permit is required to convert a temporary sign to a permanent sign.
 - (ii) A sign permit is required to convert a non-EMD sign to an EMD sign, including where the EMD is replacing part of an existing or proposed non-EMD sign.
- (2) The following actions are exempt from this requirement:
 - (i) Changing or replacing sign copy without changes to the sign structure;
 - (ii) Changes to copy on changeable copy signs and EMD signs;
 - (iii) Change or replacement of window signs; and
 - (iv) Changes to temporary signs that are allowed without a permit.
- (3) Changes to nonconforming signs require a sign permit and are subject to §17.05.070, Nonconforming Signs.

⁷⁵ New.

⁷⁶ New.

- (4) Existing signs that were legally installed are not required to come into compliance with this Chapter unless changes to the sign are made in a manner regulated in § <>, Nonconformities. Existing signs are required to comply with maintenance requirements and are subject to abandonment per § <>, Installation and Maintenance.
- (5) When a sign permit is requested for a parcel where an illegal or prohibited sign(s) exists, the permit shall not be issued until any illegal or prohibited signs are removed or brought into conformance with this UDC. This provision does not apply when the applicant can demonstrate that an existing sign is legally nonconforming.
- (6) Sign permits shall lapse if any of the following conditions are met, and a sign otherwise in compliance with this UDC shall be in violation upon lapse of the permit authorizing it. The Director may approve one six-month extension of the original sign permit approval if requested prior to the permit lapsing.
 - (i) The sign contemplated in the permit is not fully constructed within six months of permit issuance,
 - (ii) The permitted sign is abandoned pursuant to § <>
 - (iii) Use of the sign is discontinued for a period of six months.

(c) Exemption⁷⁷

The following signs do not require a sign permit but shall be in compliance with the other requirements of this Chapter:

- (1) Public and government signs, including:
 - (i) Legal notices;
 - (ii) Signs erected or required by governmental bodies; and
 - (iii) Traffic and safety signs

⁷⁷ Existing 17.116.050

- (2) Internal and interpretive signs:
- (i) Freestanding or attached, and
 - (ii) Integral interpretive signs that are carved into stone or similar material that are integral to a building. The maximum sign area of integral interpretive signs shall not exceed three square feet in residential zone districts or 12 square feet in non-residential zone districts.

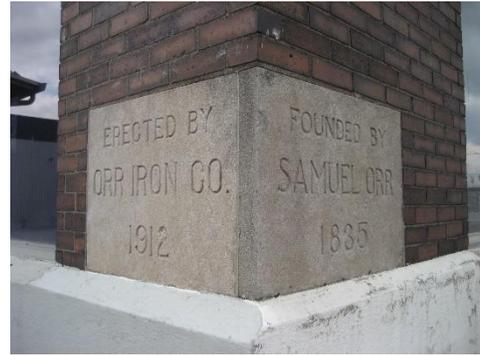


Figure 05.1: Example Integral Interpretative Sign

- (3) Incidental signs not exceeding a total sign area of two square feet, including signs affixed to machines, equipment, walls, gasoline pumps, utility cabinets, or recycling collection containers for public, charitable or nonprofit organizations.

- (4) Video or digital displays with a screen area of less than two square feet on a permitted primary structure, accessory structure, or piece of equipment, and designed to be viewed only by an individual obtaining services or goods at that location. This includes digital or video screens on ATM machines, fuel pumps, charging stations, car washes, and air filling stations.



Figure 05.2: Example Digital Displays on a Charging Station

- (5) Permanent and temporary signs or banners on fences and structures within a public arena, County park, recreational complex, or athletic field, provided such signs or banners face inward to the arena, park, recreational complex, or athletic field.
- (6) Signs less than two square feet in sign area that are displayed by local nonprofit organizations and community service clubs.
- (7) Flags affixed to a permanent ground or wall mounted flagpole.
- (8) Temporary seasonal or celebratory decorations or displays incidental to the use of the premises.
- (9) Window signs or displays.

(d) Prohibited Signs⁷⁸

The following signs and sign elements are prohibited in Pueblo County:

- (1) Signs that resemble or imitate an official traffic control device, safety sign, or railroad sign or signal.⁷⁹
- (2) Permanent or temporary portable signs, including portable readerboards, wheeled signs, or signs moved by trailer.
- (3) Vehicle signs, except for operable and licensed motorized vehicles and licensed trailers used in the pursuit of regular day-to-day business. Parking vehicles or trailers on a public right-of-way or public property or on private property so that it is visible from the public right-of-way for the sole purpose of providing advertisement is prohibited. The County will presume an advertising purpose in any of the following situations where a temporary sign(s) that is at least 1/3 the size of the side on which it is attached is affixed to a vehicle or trailer meeting this parking requirement:
 - (i) Unlicensed or inoperable vehicle,
 - (ii) Trailer or other similar transportation device is not attached to a licensed vehicle.
 - (iii) Vehicle or trailer that have not moved in a continuous seven-day period.
 - (iv) Payment to the vehicle or trailer owner for installation of a temporary sign.

⁷⁸ Existing 17.116.140

⁷⁹ Existing 17.116.020



Figure 05.3: Examples of Allowed Vehicle Sign (top) and Prohibited Vehicle Sign (bottom)



(4) EMD or other video display used as temporary signage.



Figure 05.4: Example Prohibited EMD Temporary Sign

(e) Prohibited Locations⁸⁰

- (1) Private signs shall not be located or otherwise encroach on public property, including road right-of-way. Public signs are permitted in a public right-of-way.
- (2) Private signs may not be attached to utility poles.
- (3) No signs shall be attached to trees, rocks, or other natural features.
- (4) Signs may not be placed on any property, whether public or private, without securing the consent of the owner or their tenant.
- (5) Signs and sign structures are prohibited from creating hazardous conditions in any of the following manners:
 - (i) By creating a conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.
 - (ii) By creating a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.
 - (iii) By creating a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.
 - (iv) By obstructing firefighting or fixed police surveillance via photographic or video technology.
 - (v) Through improper mounting or installation, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of both the sign and the mounting have been verified in writing by a structural engineer licensed to practice in Colorado.

⁸⁰ Existing 17.116.030

17.05.030 Permanent Sign Standards by Zoning District or Use Type

(a) Maximum Total Sign Area

- (1) **Error! Reference source not found.**, establishes the maximum cumulative sign area allowed for permanent signs by zone district. Individual sign types are also limited to a maximum sign size by zoning district.

| Table 17.05.1: Permanent Signs – Maximum Total Sign Area by Zoning District | | |
|--|---|--|
| Zone District | Freestanding Signs | Attached Signs |
| A1 – A3 | 64 sf per public roadway frontage | Max: 250 sf per wall where attached |
| RR – HR | 32 sf per public roadway frontage | Max: 64 sf per wall where attached |
| MN | 1 sf per 1 lineal foot of building frontage | 20% of total wall area where attached |
| MC – CC | 1.5 sf per 1 lineal foot of building frontage | 30% of total wall area where attached |
| LI – HI | 1 sf per 1 lineal foot of building frontage | Wall area up to 5,000 sf: 5% of wall area Wall area 5,000 sf or larger: 1% of wall area |
| PP | 1 sf per 1 lineal foot of building frontage | 20% of wall area where attached |
| PL – CF | Signs as allowed by S<>, Special Use Permit | |

- (2) Building frontage is the wall of the primary building that faces the street abutting the property. If the primary building is located on a corner lot, the frontage may be any wall of the primary building that faces a street. Public roadway frontage is the length of the property measured parallel to the abutting public street.
- (3) Accessory structures shall not be included in the calculation of maximum signage. Wall signs may be affixed to accessory structures; where this is done, the amount of signage used on the accessory structure shall be deducted from the total amount of signage permitted on the property.

(b) Agricultural Districts or Uses

(1) Maximum Total Sign Area Allowed

- (i) Identified in Table 17.05.1.

- (ii) Measurement instructions are provided in §17.05.080, Measurement and Calculation.

(2) Illumination

- (i) Internal and external illumination of permanent signs is allowed. All static interior or exterior sign lighting shall comply with §17.04.040, Outdoor Lighting.
- (ii) EMD signs are prohibited in Agricultural districts.

(c) Residential Districts or Uses

(1) Maximum Total Sign Area Allowed

- (i) Identified in Table 17.05.1.
- (ii) Measurement instructions are provided in §17.05.080, Measurement and Calculation.

(2) Illumination

- (i) Internal and external illumination of permanent signs is allowed. All static interior or exterior sign lighting shall comply with §17.04.040, Outdoor Lighting.
- (ii) EMD signs are prohibited in Residential districts.

(3) Permitted Signs

Error! Reference source not found., identifies the types of signs permitted in residential districts, and the regulations associated with each sign type. If a sign type is not included in **Error! Reference source not found.** or §17.05.020(c), Exemption, it is prohibited.

| Table 17.05.2: Permanent Signs in Residential Districts ⁸¹ | | | | | | | |
|---|---|------------------|-----------------|------------------|------------------------------|------------------|---------------------|
| Residential Districts: RR, SR1, SR2, LR, HR | | | | | | | |
| Zone District, Building Type, or Use | | Sign Type | Permit Required | Max No. of Signs | Max. Sign Area per Sign (sf) | Max. Height (ft) | Min. Clearance (ft) |
| Residential Structures and Uses | | | | | | | |
| RR, SR1, SR2 | 1 | Attached Sign | Yes | 2 per property | 32 | [1] | 10 |
| | 2 | Directional Sign | Yes | 1 per driveway | 32 | 6 | n/a |

⁸¹ Current maximum single sign area is 100 sf.

| Table 17.05.2: Permanent Signs in Residential Districts⁸¹ | | | | | | | |
|---|------------------|---|--|---|-------------------------------------|----------------------------------|----------------------------|
| Residential Districts: RR, SR1, SR2, LR, HR | | | | | | | |
| Zone District, Building Type, or Use | Sign Type | | Permit Required | Max No. of Signs | Max. Sign Area per Sign (sf) | Max. Height (ft) | Min. Clearance (ft) |
| LR, HR for Dwellings with 3 Units or more | 3 | Attached Sign | Yes | 1 per residential structure per street frontage | 32 | [1] | 10 |
| | 4 | Freestanding Sign | Yes | 1 per street frontage | 32 | 6 | n/a |
| All, Home Occupation | 5 | Attached Sign | Yes | 1 per property | 1 | [1] | 10 |
| Residential Complex | 6 | All signs allowed in Rows 3-5: Dwellings w/ 3 Units or more | Same standards as Rows 3-5: Dwellings with 3 Units or More | | | | |
| | 7 | Freestanding Sign | Yes | 1 total | 32 | 15 | n/a |
| Subdivision | 8 | Gateway | Yes | 1 per each side of entry roads | 32 | Attached: [1] Freestanding: 6 | 10 |
| Non-Residential Structures and Uses Permitted in Residential Districts | | | | | | | |
| All | 9 | Directional Sign | 1 per driveway | 2 | 6 | | n/a |
| | 10 | Attached Sign | Yes | 1 per street frontage; max. 2 per property | 32 | Top of wall | 10 |
| | 11 | Freestanding Sign | Yes | | 32 | M: 6, P: 15 | n/a |
| Notes: | | | | | | | |
| [1] Top of wall where located | | | | | | | |

(d) Mixed-Use and Commercial Districts

(1) Maximum Total Sign Area Allowed

- (i) Identified in Table 17.05.1.
- (ii) Measurement instructions are provided in §17.05.080, Measurement and Calculation.

(2) Illumination

- (i) Internal and external illumination of permanent signs is allowed. All static interior or exterior sign lighting shall comply with §17.04.040, Outdoor Lighting.
- (ii) EMD signs are allowed.

(3) Generally Applicable Standards

- (i) Maximum number of permanent freestanding signs, not including directional signs:
 - a. In all mixed-use and commercial districts, one freestanding sign is permitted per public street frontage for each primary structure.
 - b. Properties with street frontage of more than 300 lineal feet may have one freestanding sign per 300 feet, up to a maximum of three signs. Multiple freestanding signs on an individual property shall be separated by at least 150 feet.
- (ii) Multiple frontages: Where a developed parcel has frontage on more than one public right-of-way or street, excluding alleys, driveways, and service ways, the provisions of this subsection shall apply to each street frontage. Permitted signage may only be allocated to the frontage from where it is calculated; signage square footage cannot be “moved” from one frontage to another.
- (iii) Attached tenant signage in multitenant structures shall be allocated to each tenant unit based on the percentage of front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance only.
- (iv) Residential structures or uses in mixed-use districts shall comply with §17.05.030(b)(2)(ii).

(4) Permitted Signs

Error! Reference source not found. identifies the types of signs permitted in mixed-use and commercial districts, and the regulations associated with each sign type. If a sign type is not included in Table <> or §17.05.020(c), Exemption, it is prohibited.

| Table 17.05.3: Permanent Signs in Mixed-Use, Commercial, and Industrial Districts | | | | | | | |
|--|-------------------------------|--|---|------------------------------|---------------------------------|----------------------------|-----------------------|
| Mixed-Use, Commercial, and Industrial Districts: MN, MC, CC, LI, HI, PP | | | | | | | |
| Sign Type | Max. No. Signs | Max. Sign Area per Sign | Max. Height (ft) | Min. Setback (ft) [1] | Illumination | Min. Clearance (ft) | Max Projection |
| Attached Signs | | | | | | | |
| Projecting Sign | 1 per tenant | 6 sf | Top of wall where located | n/a | Internal and EMD [2] | 10 | 6 ft |
| Wall Sign | n/a | 25% of wall where located, up to max. 250 sf | Top of wall where located | n/a | Internal, External, and EMD [2] | 10 | 12 inches |
| Freestanding Signs | | | | | | | |
| Directional Sign | 1 per each vehicle exit/entry | 6 | 6 | n/a | Internal and External | n/a | n/a |
| Freeway Interchange [3,4] | 1 per parcel | 300 sf | 50 | n/a | Internal and EMD [2] | n/a | n/a |
| Gateway Sign [5] | 2 per vehicle entry | 64 | 6 for structure and sign, or higher as allowed by building permit | 10 | Internal or External | n/a | n/a |
| Monument Sign | | | | | | | |
| Single Tenant | 1 per street frontage | 100 sf in sign area [6] | 12, including sign base | Per zoning district | Internal, External, and EMD [2] | n/a | n/a |
| Multiple Tenants | | + 10 sf per tenant; max. sign area 200 sf | 12, including sign base | | | n/a | n/a |
| Pole Sign, Single or Multi-Tenant | 1 per street frontage | 200 sf | 30 | Per zoning district | Internal, External, and EMD [2] | Ped: 10 Veh: 14 | n/a |

Table 17.05.3: Permanent Signs in Mixed-Use, Commercial, and Industrial Districts

Mixed-Use, Commercial, and Industrial Districts: MN, MC, CC, LI, HI, PP

| Sign Type | Max. No. Signs | Max. Sign Area per Sign | Max. Height (ft) | Min. Setback (ft) [1] | Illumination | Min. Clearance (ft) | Max Projection |
|-----------|----------------|-------------------------|------------------|-----------------------|--------------|---------------------|----------------|
|-----------|----------------|-------------------------|------------------|-----------------------|--------------|---------------------|----------------|

Notes:

[1] Shall meet setbacks for accessory structures.

[2] EMD signs are not allowed in MN zoning districts.

[3] Only allowed on a parcel that is at least 10 acres in size with 300 feet frontage along right-of-way and located within 1,000 feet of the interchange.

[4] Shall apply with CDOT Rules Governing Outdoor Advertising where applicable.

[5] See also §17.05.050(a)

17.05.040 Billboards

(a) Where Allowed and Dimensions

Error! Reference source not found. identifies billboard allowances by zone district.

Table 17.05.4: Regulations for the Placement of Billboards

| Zone District | Not Allowed | Uses by Review | Single Sign Face Area (Max. SF) | Total Sign Area (Max. SF) | Height (Max. Ft.) | Single Dimension (Max. Ft.) | Illuminated | EMD |
|---------------|-------------|----------------|---------------------------------|---------------------------|-------------------|-----------------------------|-------------|-----|
| A1-A3 | | X | 300 | 600 | 35 | 25 | Yes | Yes |
| RR-HR | X | | | | | | | |
| MN- MC | | X | 300 | 600 | 35 | 25 | Yes | Yes |
| CC | | X | 720 | 1,440 | 35 | 50 | Yes | Yes |
| LI-HI | | X | 720 | 1,440 | 50 | 50 | Yes | Yes |
| PP | | X | 720 | 1,440 | 50 | 50 | Yes | Yes |

(b) Special Use Permit Required

- (1) A request for billboard approval in any Agricultural, Mixed-Use, Commercial, or Industrial district as well as for those billboards that require a special use permit in the PuebloPlex district shall be made to the Board of County Commissioners through a § <> Special Use Permit application.

- (2) The Board shall consider matters of public health, safety, and general welfare in its deliberations, specifically including an affirmative finding of the following:
 - (i) Ownership and liability, including the provision of liability insurance, are established;
 - (ii) Maintenance of the sign and sign site are provided; and
 - (iii) The proposed billboard sign does not significantly reduce the exposure of existing signs located on surrounding properties.

(c) Spacing

- (1) Billboards on the same side of a County or local roadway shall be spaced at least 500 feet apart. Nonconforming billboards and approved but unbuilt billboards with a valid building permit shall be included in measuring the spacing distance.
- (2) Billboards shall be located at least 300 feet from the property line of a residential zoning district or use and shall be oriented away from the residential district or use.
- (3) For the purpose of calculating spacing, a sign structure having back-to-back sign faces shall be interpreted as one sign.
- (4) All billboards shall meet any applicable CDOT and federal spacing requirements where applicable.

(d) Incorporation in Overall Sign

- (1) An EMD may only be used as part of a freestanding sign and shall not be displayed on its own.
- (2) The EMD shall not be larger than 50 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components.
- (3) For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.

17.05.050 Permanent Sign Standards



Figure 05.5: Example Gateway Sign

(a) Gateway Sign⁸²

- (1) Gateway signs may be either freestanding or attached to an entry wall.
- (2) When placed on subdivision entry wall structures, only the sign face shall be used to calculate the size of the sign.
- (3) EMD signs shall not be incorporated in gateway signs.
- (4) Proof of ownership and liability, including the provision of liability insurance, must be provided to the County. A plan for maintenance of the sign and sign site must also be provided.
- (5) Farms and ranches located in an Agriculture district are allowed one entrance sign at each public entrance, not to exceed 48 square feet in sign area or 32 feet in height.⁸³

⁸² Standards have been updated from existing standards in 17.116.100.

⁸³ This standard is subject to further revision.



Figure 05.6: Example Electronic Message Display (EMD) Sign

(b) Electronic Message Display (EMD) Signs⁸⁴

(1) Display

- (i) Signs shall contain static messages only and shall not have movement or the appearance or optical illusion of movement during the static display of any part of the sign.
- (ii) Each static message shall not include flashing or the varying of light intensity and shall not scroll.
- (iii) The sign shall be programmed to display a blank screen if a malfunction occurs.
- (iv) The sign shall not include audio, pyrotechnic, bluecasting (Bluetooth advertising), or other similar components.

(2) Display Time and Transitions

- (i) Display change shall be limited to once every 3 seconds.
- (ii) Display change shall be completed within one second.
- (iii) There shall be a direct change from one message to the next. All transition effects, such as motion, animation, fading, scrolling, or dissolving are prohibited

⁸⁴ These standards are subject to further revision.

except as provided below. An ambient light increase of 0.3 footcandles is permitted during display change.

(3) Sign Animation

Sign animation is prohibited.

(4) Display Brightness

- (i) Sign luminance shall not exceed 0.3 footcandles over ambient lighting, with a maximum nighttime luminance not to exceed 300 nits. Unless otherwise defined in this article, nighttime shall mean between the periods of sunset to sunrise as calculated by the United States Naval Observatory.
 - a. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.
 - b. Each application for electronic message display approval shall include the manufacturer's specifications programmed to meet this requirement, along with a description of the proposed dimming method.
- (ii) EMD signs shall have an illumination curfew of one hour beyond operating hours or at a minimum between 12:00 a.m. and 5:00 a.m., except for signs situated on nonresidential lots that are open 24 hours.

(5) Display Technology

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates under the brightness limits above shall not require an ordinance change for approval.

(6) Incorporation in Monument, Pole, or Attached Signage

EMDs are only permitted as an integral element of a monument, pole, or attached sign, which enclose the message center component on all sides with a finish of brick, stone, stucco, powder coated, painted, or comparable finished metal, or the surface of the sign face. The enclosure shall extend not less than six inches from the electronic message center in any direction.

(7) Sign Permit Conditions

The following conditions apply to all EMD sign permits. Failure to comply shall result in a requirement that the sign cease operation until compliance occurs.

- (i) That the sign shall at all times be operated in accordance with County codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the County;
- (ii) That a County inspector may access the property upon 24 hours' notice to the owner, operator, or permittee so that the County may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator, or permittee may be required by the County inspector to manually reduce the brightness to a lower setting.
- (iii) That whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to County staff upon 24 hours' notice to the owner, operator, or permittee; and
- (iv) Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the condition set out in County code. The owner, operator, or permittee shall immediately provide proof of such conformance upon request of the County.

(c) Illumination for Non-EMD Signs⁸⁵

(1) Purpose

Illuminated signs, where permitted, shall be illuminated in a manner so that the light is not directed at adjacent properties or public ways, and the intensity is not obtrusive to adjacent properties or public ways.

(2) Standards

- (i) Illuminated signs adjacent to residential properties are subject to the Residential Adjacency standards of §17.04.070(d)(6).
- (ii) Light sources to illuminate signs shall not:
 - a. Be visible from any street right-of-way, nor

⁸⁵ Existing 17.116.120

- b. Cause glare that is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
- (iii) Externally illuminated signs, where permitted, shall be designed to avoid negative impacts on surrounding rights-of-way and properties, and:
 - a. Shall have a steady, stationary light source that is fully shielded and directed solely at the sign.
 - b. The light source must be static in color and the color temperature shall not exceed 3000 Kelvin.
- (iv) Internally illuminated signs, where permitted, including neon lighting, must be static in intensity and color.
- (v) Sign luminance shall not exceed 300 candelas per square meter, or nits, between the periods of sunset to sunrise as calculated by the United States Naval Observatory.
- (vi) Flashing or rotating lights are prohibited.

(d) Use-Specific Signs

(1) Home Occupation

One sign shall be permitted on a single parcel of land, subject to the following requirements:

- (i) The property owner/tenant has completed a Home Occupation Disclosure Form;
- (ii) The sign does not exceed a total sign area of one square foot and is mounted flat against the exterior wall of a principal or accessory structure or is located on/in a windowpane or door pane in such a manner that the sign is not illuminated or animated.

(2) Marijuana Establishments⁸⁶

- (i) This section shall apply to Marijuana Establishments defined in §17.08.030, Definitions.
- (ii) This section is in addition to, and not in lieu of, any other restrictions set forth in this Chapter.
- (iii) The following signs are prohibited:

⁸⁶ Current 17.116.105

- a. Billboards, sign-spinners, A-frames, sandwich boards, sidewalk signs, or curb signs;
 - b. Signs on motor vehicles or other moving signs;
 - c. Animated signs, neon signs, flashing signs, or electronically controlled signs;
 - d. Any sign that is not kept in good repair. Good repair means, at a minimum, that the sign is properly anchored, does not contain cracks, broken wood, missing letters or symbols and is protected from the elements and against decay and rust by the periodic application of a weather-coating material;
 - e. Streamers, balloons, flags, or inflatable displays;
 - f. Leaflets or flyers excluding bona-fide business cards;
 - g. Signs or displays outside of the premises that advertise potency, strain, character, class, or other statement that implies the effects of the consumption of marijuana; and
 - h. Advertisements that use numbers in relation to the price of marijuana (i.e., any prices, ½ off, free 1/8th).
- (iv) A marijuana establishment shall not use any neon or fluorescent paint that is luminescent or gives off visible light through fluorescence, phosphorescence, or radioluminescence in any advertisement located on the premise or building.
- (v) The prohibitions in this paragraph shall not apply to:
- a. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the County; or
 - b. Advertising which is purely incidental to sponsorship of a charitable event by a marijuana establishment.
- (vi) A retail marijuana establishment must display a green cross or a steel or wood circular sign containing the number "64" in order to designate the premises. This sign must be located on the exterior of the premises.
- (vii) All marijuana establishment signs shall meet all other requirements of this UDC.

17.05.060 Temporary Sign Standards

(a) Purpose

The purpose of these temporary sign regulations is to:

- (1) Enhance opportunities for visual communication, including promoting the legibility of such communications;
- (2) Create a more attractive economic and business climate within the County;
- (3) Enhance and protect the physical appearance of all areas of the County;
- (4) Identify permissible signage for temporary uses and temporary events;
- (5) Reduce the distractions, obstructions, and hazards to pedestrians and automobile traffic caused by the excessive number, size, or height, inappropriate means of illuminations or movement, indiscriminate placement, overconcentration, or unsafe construction of signs; and
- (6) Establish maintenance, abandonment, and removal requirements that limit the continued use of temporary signs that are in violation of this article.

(b) Permit and Display

Temporary signs shall comply with the following unless otherwise specified:

- (1) No temporary sign shall be erected, re-erected, or maintained for more than a cumulative 30 days per year, unless otherwise permitted in this Chapter or specified in the sign permit.
- (2) Temporary event signs, such as a Small Sales Event or Commercial Event, may be displayed on any private property provided the signs meet the following requirements:
 - (i) The sign conforms to all requirements of this section, including the maximum square footage of signage allowed on the property where placed;
 - (ii) The sign does not interfere with pedestrian or automobile traffic;
 - (iii) The sign is not placed in the public right-of-way or on public property;
 - (iv) The sign is placed with the express permission of the property owner; and
 - (v) The sign is not a public danger or nuisance during high winds or inclement weather.

(c) Generally Applicable Standards

(1) Location

- (i) Temporary signs are subject to the prohibited sign locations identified in S17.05.020(e).
- (ii) No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems.

(2) Temporary Sign Types

- (i) The total amount of temporary signage allowed on any lot may be allocated among any of the following temporary sign types, subject to the applicable standards of this article:
 - a. Banner sign
 - b. Door sign
 - c. Yard sign
- (ii) Wind driven signs, except for flags, and inflatable temporary signs are prohibited unless otherwise provided for in Table <>.

(3) Temporary Sign Size and Placement Limitations

The following temporary sign type, size, and placement limitations are generally applicable to temporary signs unless otherwise specified in this section.

(i) Temporary Sign Dimensions

The temporary sign dimensions in Table 17.05.5 are applicable when the Code refers to a specific temporary sign type, such as Large Temporary Sign:

| Table 17.05.5: Temporary Sign Dimensions | | | | | | | | |
|--|---------------------------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Temporary Sign Type | | | | | | | |
| | Extra Large ⁸⁷ | | Large | | Medium | | Small | |
| | Area (SF) | Height (FT) | Area (SF) | Height (FT) | Area (SF) | Height (FT) | Area (SF) | Height (FT) |
| Agricultural District | 48 | 8 | 32 | 6 | 8 | 6 | 4 | 3 |
| Residential District | 32 | 6 | 16 | 6 | 8 | 6 | 4 | 3 |

⁸⁷ Current 17.116.050 maximum sign areas: six (6) square feet in an agricultural or residential, except A-1, A-2, and R-6, zone districts, nor exceed ninety-six (96) square feet in an A-1, A-2, R-6 or other zone districts,

| Table 17.05.5: Temporary Sign Dimensions | | | | | | | | |
|--|---------------------------|-------------|-----------|-------------|-----------|-------------|-----------|-------------|
| | Temporary Sign Type | | | | | | | |
| | Extra Large ⁸⁷ | | Large | | Medium | | Small | |
| | Area (SF) | Height (FT) | Area (SF) | Height (FT) | Area (SF) | Height (FT) | Area (SF) | Height (FT) |
| Non-Residential Use in Residential District | 32 | 6 | 16 | 6 | 8 | 6 | 4 | 3 |
| Nonresidential District | 48 | 15 | 32 | 15 | 8 | 6 | 4 | 3 |

(ii) Dimensions and Measurement

The maximum sign area identified in Table 17.05.6 is for a single sign face. Temporary signs may be printed on both sides or two single-sided banners may be placed back-to-back. V-type configurations are prohibited.

(iii) Location

- a. Signs, except for door signs, shall be located a minimum of five feet behind all property lines on the parcel.
- b. Door signs shall be located within ten feet of a pedestrian entrance and shall be removed when the business is closed and during severe weather events.

(iv) Materials

- a. All temporary signs shall be made of durable materials.
- b. Balloons shall be made of biodegradable materials.
- c. Temporary signs shall not be illuminated.
- d. Temporary signs shall not contain any digital components including EMD, or a changeable message component or mechanism.

(v) Removal

- a. Unless specified otherwise in this section, temporary signs shall be removed at the end of the event for which the sign was permitted.
- b. If the County determines that a property has excess temporary signage, the County may require the removal of an appropriate amount of square footage of temporary signage to bring the property into compliance with this UDC.

(d) Temporary Signs Allowed Without a Permit

- (1) The temporary sign types listed in this section are named for the activity or use with which the sign permit is associated and are not intended to specify content requirements.
- (2) The types of temporary signs permitted without a permit are identified in Table 17.05.7. Sign dimensions are provided in Table 17.05.5.

| Table 17.05.6: Temporary Signs Allowed Without a Permit | | | | | |
|--|--|--------------|--|--------------|---|
| Activity, Use, or Event | Number of Signs Allowed | | | | Duration |
| | Extra Large | Large | Medium | Small | |
| Active Real Estate Listing | | | | | |
| Existing Residential | N/A | N/A | 1 per street frontage on the property listed | N/A | The sign may be placed when the real estate listing becomes active and shall be removed within 20 days of the sale or lease of the property or when the listing is deactivated. |
| Vacant Land | 1 per street frontage on the property listed | N/A | N/A | N/A | |
| Active Construction Permit | Larger temporary signs may be permitted according to the requirements of Sec. 17.05.060(e) | | 1 per property with active construction | N/A | The sign may be placed when the construction permit is issued and must be removed within one week of final inspection or completion of the project, whichever occurs first. |
| Door Sign, Nonresidential Use Only [1] | 1 sign, max. six square feet in area per side, per business | | | | Door signs are allowed to be used 365 days a year, are not subject to the 30-day duration limitation for temporary signs, and shall be taken in daily at the close of business. |
| Election Event | | | | | |
| Residential Districts⁸⁸ | N/A | N/A | Any number | Any number | The sign may be placed for a period of 90 days prior to the first scheduled primary of a state, local, or national election. Total signage in excess of the maximum amount allowed on the property during |
| Nonresidential Districts | N/A | Any number | Any number | Any number | |

⁸⁸ Current 17.116.050 has the following restrictions: In an A-1, Agricultural, A-2, Agricultural, Business, or Industrial Zone District, no sign face shall exceed thirty-two (32) square feet. In an A-3, Agricultural, an A-4, Agricultural, or any Residential Zone District, no sign face shall exceed six (6) square feet.

| Table 17.05.6: Temporary Signs Allowed Without a Permit | | | | | |
|---|-------------------------|-------|----------------|-----------------------|---|
| Activity, Use, or Event | Number of Signs Allowed | | | | Duration |
| | Extra Large | Large | Medium | Small | |
| | | | | | non-election periods must be removed within 20 days after the election event. |
| General Temporary Sign | N/A | N/A | Any number [2] | | See Sec. 17.05.060(c)(3)(v) |
| Home Occupation Retail Sales Event [3] | N/A | N/A | 1 per property | N/A | The sign may be placed 7 days before the event and shall be removed within 24 hours of the end of the retail sales event. |
| Small Sales Events (Estate/Garage/ Yard Sale)⁸⁹ | N/A | N/A | N/A | 1 per street frontage | The signs may be placed 1 day before the event and shall be removed immediately after the event. |
| Notes: | | | | | |
| [1] Door signs shall be placed within 15 feet of the primary business entrance and shall not impede pedestrian sidewalk circulation. Door signs are not permitted for home occupations. | | | | | |
| [2] The maximum total area of a medium temporary sign may be distributed across more than one sign face. | | | | | |
| [3] The sign shall be located on private property no farther from the subject parcel than the nearest arterial road. | | | | | |

(e) Temporary Signs that Require a Permit

The placement of temporary signs allowed in this section requires the issuance of a temporary sign permit. Each sign approved according to this section will have a removal date identified on the permit.

(1) Active Construction Permit

Temporary signage is permitted in association with active construction as measured by the duration of a construction permit as follows:

- (i) One large temporary sign shall be allowed per street frontage per property as follows:

⁸⁹ Current 17.116.050 has the following restrictions: 2. No sign face shall exceed six (6) square feet in an agricultural or residential, except R-6, zone district, nor exceed thirty-two (32) square feet in an R-6 or other zone district.

- a. The sign(s) must be removed within 30 days of the issuance of a Certificate of Occupancy.
 - b. One temporary sign is permitted in association with an active construction permit without a sign permit as set forth in §17.05.060(d), Temporary Signs Allowed Without a Permit. The total number of construction signs per property includes all temporary signs permitted in association with active construction whether they require a sign permit or not.
- (ii) One extra-large temporary sign per vehicle access point sign per entrance, with a maximum of two signs per project or phase of a project as indicated on the construction permit.
- a. Temporary access point signs shall be located within the development.
 - b. Signs shall be allowed to remain for no more than two years following issuance of the temporary sign permit.
- (iii) In addition to the sign(s) above, a temporary project sales office shall be entitled to one small temporary sign that may be indirectly lit.

(2) Noncommercial Public Event on Private Property

A noncommercial public event on private property may be permitted temporary signage as follows:

- (i) Any number of signs is allowed, subject to the following maximum size standards:
 - a. Residential District: medium temporary sign.
 - b. Nonresidential District: large temporary sign.
- (ii) Signs may not be placed more than 45 days prior to the event and must be removed within five days after the event.

(3) Commercial Event on Private Property

A commercial event on private property, such as a sidewalk sale or grand opening, in a nonresidential zone district may be permitted temporary signage as follows:

(i) Permitted Sign Types

- a. A banner or banners that do not cumulatively exceed 100 square feet in total sign area and which are mounted flush to a building wall.

- b. Balloons and other types of lighter than air objects which have no linear dimension greater than two feet.

(ii) Conditions and Timeframe

- a. The temporary sign permit may specify such conditions and limitations as are deemed necessary to protect adjoining properties and the public.
- b. The permit may not be approved for a time period that exceeds 30 consecutive days in any calendar year for each property, or each business in a multi-tenant center.

(iii) Temporary Sign Removal

- a. The applicant shall remove any temporary signs on or before the expiration date of the permit.
- b. If a person erects any temporary signs for a commercial event without receiving a permit as described in this UDC, the person shall be ineligible to receive a temporary sign permit for the remainder of the calendar year. Applicants will be asked to verify that commercial event signage was not placed prior to issuance of a temporary sign permit.
- c. If a temporary sign associated with a commercial event sign permit remains up for longer than 30 days, the sign will be considered a permanent sign, require a sign permit and all other regulations in this Chapter 17.05 apply.

17.05.070 Nonconforming Signs⁹⁰

(a) Limitations on Expanding or Altering Nonconforming Signs

A nonconforming sign shall not be:

- (1) Structurally or physically changed to another nonconforming sign, although the sign copy may be changed;
- (2) Structurally or physically altered in order to prolong the life of the sign, including a change from the original materials of the sign, except to meet safety requirements;
- (3) Structurally or physically altered to include an Electronic Message Display; or
- (4) Altered in a way that increases the degree of nonconformity of the sign.

⁹⁰ New.

(b) Bringing Signs into Conformance

All nonconforming signs on a property shall be brought into conformance with this UDC when:

- (1) A change of use, as defined in the Code, occurs on the property;
- (2) A new sign is added to the property; or
- (3) A change to any sign beyond routine maintenance and repairs, except in the content of a sign, occurs on the property.

17.05.080 Measurement and Calculation⁹¹

(a) Applicability

The following methods shall be used to calculate the total square footage of the sign area of any sign.

(b) Sign Area

For the purpose of this subsection, a sign structure having back-to-back sign faces shall be interpreted as one sign.

(1) Inclusion in Maximum Sign Area Calculation

- (i) Unless otherwise specified in this Chapter, all sign faces shall be counted separately and considered part of the maximum total sign area allowance.
- (ii) The sign area of attached signs shall not include structural elements used to attach or support the sign that do not contribute to the display.

(2) Measurement of Sign Area

Sign area shall be calculated as the entire area within a continuous perimeter drawn with not more than eight straight lines to create a geometric figure enclosing the extreme limits of the sign.

(i) Attached Signs

- a. Sign copy counted, affixed, or painted on a background panel or area is calculated as the entire area contained within the sum of the smallest geometric figure that will enclose all of the sign copy.

⁹¹ New.

- b. Signs with a frame or cabinet shall be calculated as the entire area contained within the smallest geometric figure that will enclose the outer edge of the frame or cabinet and encompass all sign copy.
- c. Signs that consist of individual letters that are mounted to a wall, or “race-way” type signs that consist of individual letters that are mounted to a base that is mounted to a wall, which utilize the building wall as the background, and freestanding individual letters that are mounted to a monument base shall be considered individual letter signs, The sign area of such signs shall be calculated as the entire area within a continuous geometric figure enclosing the extreme limits of the sign.

(ii) Freestanding Signs

- a. The measurement of the sign area of a freestanding sign shall include, in addition to the sign face area, any portion of the freestanding sign base which exceeds one and on-half times the area of the sign face.
- b. The base shall include any structural component of the sign, including raised landscape planter boxes.
- c. Freestanding signs with two or more faces that are aligned to each other at an angle greater than 90 degrees shall be considered a single sign face.

(iii) Three-Dimensional Signs

The area of a spherical, cubical, or polyhedral sign equals one-half the total surface area. See Figure 05.7 below.

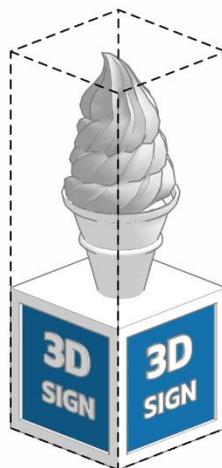


Figure 05.7: Example 3D Sign Measurement

(iv) Moveable Sign Elements

If elements of a sign are moveable or flexible, such as a flag or banner, or if the sign includes any permitted copy extensions, the measurement is taken when the elements or extensions are fully extended and parallel to the plane of view.

(c) Height and Clearance**(1) Height**

- (i) The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding, or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign including any architectural appurtenances. See Figure 05.8 below.



Figure 05.8: Example Sign Height Measurement

- (ii) For the purposes of this section, average finished grade shall be considered the lower of:
- a. The lowest elevation where the base of the sign meets ground level, or
 - b. The nearest public or private sidewalk within 25 feet of the sign.
- (iii) When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.

(2) Clearance

Clearance for pole and projecting signs shall be measured as the smallest vertical distance between the sign and the finished grade directly underneath the sign at the lowest point of the sign structure, including any framework or other structural elements. See Figure 05.9 below.

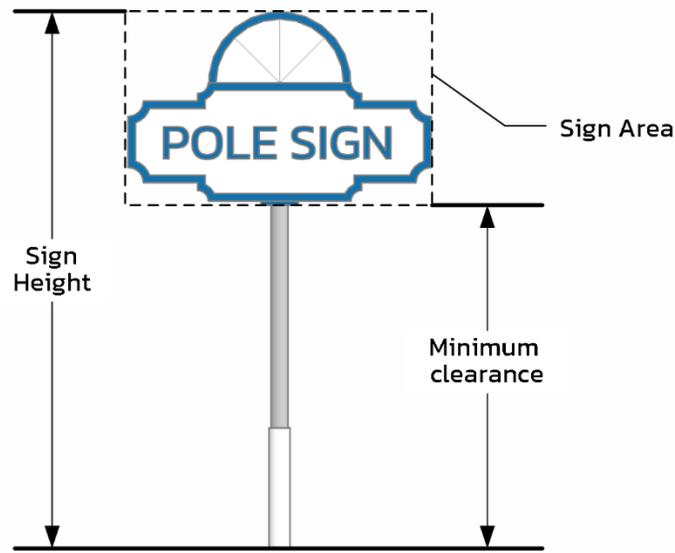


Figure 05.9: Example Clearance Measurement

(d) Separation

Sign separation shall be measured along the property lines from the center of the signs.

(e) Setbacks⁹²

The minimum required setback for signs is as follows and shall be measured from the closest structural component of the sign (including wheels, poles, frames, or lights) to the property line.

- (1) No sign shall encroach on the sight-distance triangle area.
- (2) No sign, including wall or projecting signs, may encroach into the public right-of-way without the approval of the Board of County Commissioners and issuance of a revocable encroachment permit, and no sign shall encroach on an adjacent parcel or lot of record without a written and recorded easement by the affected property owner(s).

⁹² Existing 17.116.130. Add a graphic to illustrate.

- (3) Attached signs shall meet the setback requirements for the structure to which they are attached.
- (4) Access point and incidental signs may have a setback up to zero feet or as otherwise required by the Director of Planning and Development.
- (5) The setback requirements for gateway signs shall be established by the Pueblo County Planning Commission.
- (6) Freestanding and projecting signs shall meet the setbacks required of accessory structures; except where the accessory structure setbacks are less than the following, then the following shall be the minimum setbacks:

| Table 17.05.7: Setback Requirements for Free Standing and Projecting Signs | |
|---|-----|
| Front yard | 15' |
| Side yard | 5' |
| Rear yard | 15' |

17.05.090 Overall Sign Program (OSP)

(a) Applicability

- (1) An applicant may request approval of an Overall Sign Program to authorize signage that does not strictly conform to the criteria established in this Chapter but that meets the purpose and requirements of this Chapter.
- (2) The Overall Sign Program is not the exclusive way in which an applicant may seek a modification of this Chapter. Depending on the circumstances of the site and application, an applicant may also seek a S <>, Administrative Adjustment,⁹³ or a S <>, Variance⁹⁴ for changes to the standards in this Chapter.

(b) Purpose

An Overall Sign Program is intended to provide opportunities for signage that, while not in strict conformance with the standards of this Chapter, provides compensating benefits without injury to the purpose and intent of the sign regulations. Benefits may include, but are not necessarily limited to, enhanced public safety, enhanced visual interest, improved

⁹³ Will be included in Module 3

⁹⁴ Will be included in Module 3

aesthetics, improved place identification, or superior visual integration of signs and related buildings. Overall Sign Programs may be used to encourage creative, unusual, innovative, or unique design, architecture, construction, or materials, in contrast to conventional or formulaic signage. An approved Overall Sign Program establishes the standards by which subsequent sign permit applications shall be evaluated.

(c) Procedure

- (1) A request for an Overall Sign Program may be reviewed as a stand-alone application or processed concurrently with other development applications for the site (e.g., rezoning, special use permit).
- (2) An Overall Sign Program application submitted without any concurrent applications shall be reviewed and decided on by the Director.
- (3) Where the application is processed concurrently with other applications, the deciding body for the concurrent application shall also make a final determination about the Overall Sign Program.

(d) Submission Requirements

The Overall Sign Program application shall include, at a minimum:

- (1) An accurate site plan of the lot, drawn to scale, indicating the location of buildings, parking lots, driveways, and landscaped areas on the lot;
- (2) A color rendering or similar graphic depiction of all proposed signs;
- (3) Plans, elevations, and other documents as necessary to indicate the following information for all proposed signs and any existing signs that will remain on site:
 - (i) Location;
 - (ii) Size;
 - (iii) Height;
 - (iv) Number; and
 - (v) Relationship to related buildings and other nearby buildings, signs, and travel ways.
- (4) Where existing signs will be modified, identification of dimensional, design, or structural changes that will be made to those signs; and
- (5) Proposed standards for temporary signage if different from § <>.

(e) Standards**(1) Required Standards**

A proposed Overall Sign Program may be approved only if the reviewing body finds that, considered as a whole and in comparison to the signage achievable through compliance with this Chapter, the Overall Sign Program results in a substantially improved, comprehensive, and unified proposal that meets the following standards:

(i) Architectural Criteria

- a. Compatible with the architectural characteristics and spatial relationships of the buildings on which the signs are attached, and the placement of freestanding signs on the site, when considered in terms of location, scale, proportion, color, materials, and illumination.
- b. Utilize or enhance the architectural elements of the building.
- c. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the façade.

(ii) Design Quality

- a. Creative in the use of two- and three-dimensional forms, iconographic representations, illumination, and graphic design, including the use of color, pattern, typography, and materials.
- b. Constitute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area.
- c. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit.

(iii) Community Context

Reflect current or historic character of the County.

(2) Modifications

The following modifications may be approved as part of an Overall Sign Program:

- (i) Applicable setbacks may be reduced by up to 20 percent.
- (ii) The standards regulating height, maximum sign area, and spacing of signs may be modified by up to 20 percent from the requirements of the applicable zone district, based on the following factors:

- a. The overall size of the development and the scale of the use, or uses, located, or anticipated to be located there (larger land areas and scales of use tend to favor larger signs or more signs);
 - b. The relationship between the building setback and sign location (higher visibility signage may be appropriate for buildings with lower visibility);
 - c. The property frontage (larger property frontages may justify more or larger signs, particularly if the length of the property frontage tends to prevent visual pollution by allowing additional spacing between signs);
 - d. Access and visibility to the property (limitations on access or visibility may justify relocation or resizing of signs according to an Overall Sign Program);
 - e. Intended traffic circulation pattern;
 - f. Creation of a more obvious hierarchy of signage;
 - g. Improvement of the relationship of signage between the property and adjacent properties or land uses;
 - h. Proximity of the property to elevated streets and highways; and
 - i. Consistency with the objectives and design policies of the regional comprehensive plan, special area plans, and any applicable land use plans, approved by the County for the area in which the Overall Sign Program is proposed.
- (iii) Existing nonconforming signs may be made conforming by approval of a modification through the Overall Sign Program.
- (iv) The reviewing body may also require removal or modification of any existing signs that reduce the application's level of compliance with the approval criteria as a condition of approval of an Overall Sign Program.

(f) Conditions of Approval

The reviewing body may impose reasonable conditions on the Overall Sign Program in order to ensure continuing compliance with the approved Overall Sign Program and any other applicable standards. Approval conditions may not be related to the content or viewpoint of the signs, or the nature of the sign users. If an applicant does not agree to the conditions, the applicant may terminate the Overall Sign Program by notifying the planning and development director in writing, provided that either:

- (1) No signs have been installed pursuant to the Overall Sign Program; or

- (2) The termination of the Overall Sign Program does not result in the presence of nonconforming signs on the applicant’s property.

(g) Issuance of Permits

After approval of an Overall Sign Program, the Director shall issue sign permits for individual signs within such program upon request of the applicant in accordance with S <>, Sign Permit.⁹⁵

(h) Term of Approved Overall Sign Program

- (1) An Overall Sign Program approval shall be valid for one year after the date of approval, or such longer period as may be provided in the approval. Overall Sign Programs that are processed concurrently with a Final PD Development Plan, Final Subdivision Plat, or Site Plan approval shall be valid for the term of the associated development approval (i.e., if an associated Final PD Development Plan, Final Subdivision Plat, or Site Plan approval lapses, then the Overall Sign Program will simultaneously lapse).
- (2) If a sign permit is issued according to the Overall Sign Program within the period during which the Overall Sign Program is valid, and the sign is thereafter timely constructed, then the Overall Sign Program shall remain effective until the applicant requests amendment or termination.

Definitions

Comments

Sign definitions are provided here for quick reference. They will be relocated to Chapter 17.08 as part of the consolidated draft.

Banner Sign⁹⁶

A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind.

⁹⁵ Will be included in Module 3.

⁹⁶ New.

Billboard

A sign with at least one sign face that is greater than 70 square feet and is supported by one or more uprights and braces in the ground.

Changeable Copy Sign

A sign for which the informational content can be changed or altered by manual means. A changeable copy sign with copy that is changed electronically is referred to as an electronic message display (EMD) sign.

Chasing Sign

A sign having a change in its visible advertisement by rotation or by the sequential presentation of words and/or phrases.

Directional Sign

A sign located at a vehicular access point to a property.

Door Sign⁹⁷

A manual changeable copy sign typically located near the entrance of a business and intended to be seen from the street, such as menu boards, sandwich boards, or A-Frame signs.

Durable

A nonbiodegradable material with a proven serviceable lifespan of 25 years or more that withstands degradation from the elements.

Electronic Message Display (EMD)⁹⁸

A sign with a display surface composed of light-emitting diodes (LEDs) or similar light sources that is capable of displaying varying words, symbols, figures, or images that can be electronically or mechanically changes by remote or automatic means.

Flag

A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

⁹⁷ New.

⁹⁸ New.

Flashing Sign

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

Fluttering Sign

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

Free Standing Sign

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

Freeway Sign

A freestanding sign located within 500 feet of I-25.

Gateway Sign

A sign which is established to denote entrance into a predominately residential neighborhood.

Illuminated Sign

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

Incidental Sign

"Incidental sign" means a small sign that is primarily oriented to pedestrians and intended for up-close viewing.

Inflatable Sign

A large balloon or balloon-like object greater than 18 inches in any dimension that uses blown air or a gas to remain inflated.

Interior Sign

Any sign that is "interior" to a property or development that is not intended for view or readily legible from the public right-of-way.

Interpretive sign

A sign associated with historic buildings or sites where important events occurred or which serve educational, cultural, historical, or scientific purposes.

Light Projection Sign

Any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall, window, or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the property.

Monument Sign⁹⁹

A freestanding sign where the base of the sign structure is on the ground.



Figure 05.10: Example Monument Sign

Off-Premise Sign¹⁰⁰

A sign which is used or intended for use to advertise, identify, direct, or attract attention to a business, institution, product, organization, event, or location offered or existing elsewhere than upon the same property where the sign is displayed.

Pennant

A piece of fabric, plastic, or other flexible medium that may be in the shape of a triangle, rectangle, or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity, and spaced along the cord or rope.

Pole Sign¹⁰¹

A self-supported sign permanently attached directly to the ground supported by upright poles or braces placed on or in the ground. Pole signs may be mounted on more than one pole and pylon signs are included in the term pole sign.



Figure 05.11: Example Pole Sign

⁹⁹ New.

¹⁰⁰ New.

¹⁰¹ New.

Portable Readerboard

A sign supported by feet or wheels that is not permanently affixed to the ground, structure, or building but is mounted on an easel, trailer, or other movable equipment and that typically displays a changing message using manual changeable copy or EMD.



Figure 05.12: Example Portable Readerboard Sign

Projecting Sign¹⁰²

A sign that is attached directly to the building wall that may extend upwards and above the façade and/or outwards and over the walkway or parking area.



Figure 05.13: Example Projecting Sign

Projection

The distance by which a sign extends away from the structure on which it is located.

Roof Sign

A sign erected upon or above a roof or parapet wall or a building or structure.

Sign

Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. The term sign shall not include the following:

1. Art that does not include commercial speech, or
2. Products, merchandise, or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise, or materials.

Sign Area

The total area of a sign visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, or framework that contains no written copy

Sign Face

That portion of the sign visible to the public right-of-way for the purpose of advertising.

¹⁰² Updated.

Sign Structure

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structural Canopy Sign¹⁰³

A sign attached to a permanent, freestanding canopy, such as a service station or ATM canopy.

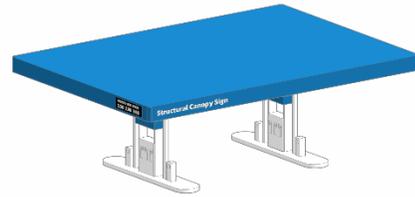


Figure 05.14: Example Structural Canopy Sign

Temporary Sign¹⁰⁴

A sign which, due to the materials used or the method, manner, or locations of display; is suited only for brief display.

Wall Sign

A sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall and extending not more than fifteen inches from the face of the wall.



Figure 05.15: Example Wall Sign

Yard Sign

A type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal, or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

Chapter 17.06 Areas and Activities of State and Local Interest

[To be drafted in Module 3: Administration and Procedures.]

Chapter 17.07 Administration & Procedures

[To be drafted for Module 3: Administration and Procedures]

¹⁰³ New.

¹⁰⁴ New.

Chapter 17.08 Measurements & Definitions

17.08.010 Rules of Construction¹⁰⁵

(a) Meanings and Intent

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by definition under the definitions section of this UDC, by legislative declaration or otherwise, shall be construed accordingly. The particular controls the general.

(b) Mandatory and Discretionary Terms

Mandatory requirements use the words "shall," "must" or "will" and are sometimes labeled Standards. Recommendations use the words "may" or "should" and are sometimes labeled Guidelines.

(c) Tenses, Plurals, and Gender

Words used in the present tense include the future, unless the context clearly indicates otherwise. Words indicating a specific gender apply to all persons and things unless the context clearly indicates otherwise.

(d) Conjunctions

Unless the context clearly indicates otherwise, the word "and" indicates all connected words or provisions apply. The word "or" indicates connected words or provisions may apply singly or in any combination. The words "either ... or" indicate the connected words or provisions apply singly but not in combination.

(e) Computation of Time

A reference to days is to calendar days unless otherwise specified in this UDC or state statute. If a deadline falls on a weekend or county holiday, the deadline extends to the next working day. When computing a period of days, the first day is excluded and the last day is included. If the last day falls on a weekend or county holiday, the last day is the next working day.

¹⁰⁵ New.

(f) Delegation of Authority

Whenever a provision requires the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

(g) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this UDC and any heading, caption, figure, illustration, table, or map, the text shall control. Section and subsection headings are for convenience only. They do not govern, limit, or modify the scope, meaning or intent of this UDC.

17.08.020 Rules of Measurement

(a) Purpose¹⁰⁶

This section provides uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDC.

(b) Density¹⁰⁷

Density shall be calculated by the number of dwelling units per acre within a proposed development site, excluding public and private streets and rights-of-way, natural bodies of water, and public access easements that restrict the surface use of the property.

- (1) The density calculation shall be adjusted for conservation subdivisions as provided in S <>.

(c) Lot Dimensions¹⁰⁸

- (1) New lots created, developed, used, or occupied shall meet the minimum lot dimensions for the applicable zone district unless otherwise established in this UDC.
- (2) No land needed to comply with minimum lot dimensions or other standards in this UDC shall be sold or leased away from a lot.
- (3) Minimum lot area, for lots created by the land division process, may not include any portion of an adjacent road.

¹⁰⁶ New.

¹⁰⁷ New.

¹⁰⁸ New.

- (4) Lot width is measured at the required front building setback line, or in the case of an irregularly shaped lot, the front building line.

(d) Setbacks

(1) Setback Measurement¹⁰⁹

Setbacks shall be measured from the lot line to any building or structure on the lot.

(2) Setbacks for Attached Buildings¹¹⁰

For buildings where multiple dwellings or businesses share a common wall, only the outside walls of the end units shall comply with applicable setback requirements.

(3) Double-Frontage Parcel¹¹¹

In the case of double-frontage parcels, front setbacks shall apply to all frontages.

(4) Through parcel¹¹²

On a through parcel, the front setback requirements of the district in which the parcel is located shall apply to both street frontages.

(5) Corner parcel¹¹³

On corner parcels, a required side setback with street frontage shall be at least 15 feet wide, and the other setback requirements shall be the same as for other parcels in the same zone district.

(6) Front Setbacks for Developed Areas¹¹⁴

Except as provided in § <> [Setback Projections and Encroachments], where three or more parcels comprising more than 50 percent of a single street frontage of a block are improved with buildings at the time of passage of this UDC, every building hereafter erected shall provide a front yard of not less than the average depth of the front yards of existing buildings, or the required front yards of existing buildings, or the required front setback, whichever is less.

¹⁰⁹ From the definition of "setback".

¹¹⁰ New.

¹¹¹ New.

¹¹² Existing Section 17.120.060

¹¹³ Existing Section 17.120.070

¹¹⁴ Existing Section 17.120.050

(e) Building Coverage¹¹⁵

That portion of the parcel shielded from the sky by building and/or structures, as measured along the outside wall at ground level.

(f) Building Height¹¹⁶

Generally, the height of a building or structure shall be measured from the established street grade to the highest point of the coping of a flat roof, or to the center height between the eaves and ridge for pitched roofs. For buildings set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building, provided the distance from the street line is not less than the height of the finished grade above the established street grade.

¹¹⁵ New.

¹¹⁶ From the definition of "Building, height of".

17.08.030 Definitions

Comments

The majority of definitions provided in this section come from S17.04.040 of the County's current Code. Changes to existing definitions, as well as the addition of new definitions related to topics covered in Module 2, have been noted. Additional definitions will be added in conjunction with Module 3 as necessary.

A

Accessory Outdoor Commercial Storage¹¹⁷

An outdoor area used for the long-term deposit (more than 48 hours) of any goods, material, merchandise, or vehicles as an accessory use to and associated with a principal use on the property.

Accessory Vehicle Storage¹¹⁸

The storage of vehicles on a lot outside of a structure such as a storage building or garage.

Adult Uses

Any facility used for an adult amusement or entertainment business. This includes an adult bookstore, adult photography studio, adult theater, adult movie arcade, adult restaurant, bar or nightclub, adult tanning salon and other adult businesses characterized by offering patrons activities or material depicting, exhibiting, describing, or relating to specified sexual activities or specified anatomical areas for observation, amusement, enjoyment, satisfaction, or gratification, whether for a fee or not. The uses contemplated by this definition customarily, although not always, offer adult amusement or entertainment activities or materials as a principal, significant or emphasized part of their enterprise and, customarily, although not always, exclude minors under 18.

Aerospace Activity, Manufacturing, and Fabrication

A use pertaining to the development, production, maintenance and support of aircraft and spacecraft, including but not limited to, research and development, testing and manufacturing of aircraft and spacecraft components and systems, simulator, and ground support equipment; and the maintenance, repair and overhaul of aircraft and spacecraft systems.

Agricultural and Animal Uses¹¹⁹

Uses in this category include limited, commercially oriented agricultural activities, greenhouses, nurseries, and facilities for selling agricultural products. This category also includes animal-related uses

¹¹⁷ New.

¹¹⁸ Replaces current definition for "Vehicle Storage."

¹¹⁹ New.

include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Agricultural Custom Contractor

The provision of services necessary and customary to farming or ranching operations, requiring special knowledge, expertise or equipment, including the parking, servicing, repairing or maintenance of vehicles designed for on-road hauling of livestock or agricultural products, and including vehicles and machinery designed for the harvesting, planting, cultivating or processing of crops.

Agricultural Fencing¹²⁰

Any fence in the A1, A2, or A3 zone districts used to control, confine, or coral livestock, deter wildlife from crops, or indicate the borders of a lot that maintains any agriculture use as listed in Table <> [Table of Allowed Uses].

Agricultural Implement, Sale and Repair¹²¹

A commercial enterprise for the repair of equipment normally or routinely used for agricultural uses, and related parts, tools, and accessories. This use includes sale of associated materials.

Agricultural Processing¹²²

The processing and/or packaging of agricultural products, excluding the processing of fish, meat, or game. Examples include but are not limited to the making of alfalfa pellets, herbal products, food products, wreaths, woolen products, cheese, and candles. Agricultural processing may include the sales of agricultural products grown on the site or agricultural products produced on the site.

Agricultural Tourism¹²³

Activities conducted on a parcel with a primary agricultural use and offered to the public for the purpose of recreation, education, or active tourism related involvement in the agricultural use. These activities shall be incidental to the primary agricultural use on the site or related to natural resources present on the property. This term includes guest ranches site tours, hayrides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. Agricultural tourism does not include accommodation uses or retail sales.

Agriculture

See "Farming" or "Ranching."

¹²⁰ New.

¹²¹ New.

¹²² New.

¹²³ New.

Airport or Heliport

A place on land or water where aircraft may land to discharge or receive cargo and passengers, make repairs, or take on fuel.

Alcohol Sales

The retail sale of alcoholic beverages for off-site consumption.

Alley

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

Alter

Any structural change in the supporting or load bearing members of a building, such as bearing walls, columns, beams, girders, or floor joists.

Antique

A fine art object, artifact, implement or household furnishing, over fifty years old, which is characteristic of a specified area or country, or which has other historical and artistic significance.

Appropriate

Belonging peculiarly, or specially suitable.

Appurtenant Facilities

Any building, structure, or other property which is incidental to, and customarily found in connection with, major facilities of public utilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers, or visitors of such major facilities.

Aquaponics

A system that combines hydroponics (cultivating plants in water) with aquaculture (raising of fish and other aquatic animals) in a symbiotic relationship.

Aquifer Recharge Area

Any area where surface waters may infiltrate to a water bearing structure of permeable rock, sand, or gravel. This definition also includes areas affected by wells used for disposal of wastewater or other toxic pollutants.

Assembly

The joining together of completely fabricated parts to create a product.

Assembly, Religious or Secular¹²⁴

Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, worship, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, and concessions.

Associations, Clubs, and Lodges¹²⁵

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

Atmospheric Light Pollution

General sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see and enjoy the natural night sky.

Auction Hall¹²⁶

A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Autonomous Vehicle Test Site

A proving ground for the safe testing and operations of automated vehicle technologies.

Aviary

A place for keeping birds confined for the purposes of breeding, raising, or selling.

B

Bar or Tavern¹²⁷

An establishment where the primary business is providing or dispensing by the drink for on-site consumption of fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, in which the sale of food products such as sandwiches and light snacks is secondary, and where music, live entertainment and/or dancing may be provided. This use does not include any adult use.

¹²⁴ New.

¹²⁵ Replaced "Club".

¹²⁶ New.

¹²⁷ New.

Battery Energy Storage Facilities

One or more battery cells for storing electrical energy stored in a Battery Energy Storage System (“BESS”) with a Battery Management System (“BMS”).

Battery Energy Storage System (BESS)

A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Battery Management System (BMS)

An electronic regulator that manages a battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and being able to shut down the system before operating outside safe parameters.

Bed and Breakfast¹²⁸

A single-family dwelling, or portion thereof, where short-term lodging rooms and meals are provided for a maximum of 30 days and where the operator of the house lives on the premises or in adjacent premises.

Beekeeping

The raising or producing of bees, beeswax, honey, and by-products.

Bicycle Parking Device

A rack to which the bicycle frame and at least one wheel can be secured with a user-provided U-lock or padlock and cable.

Bioengineering Facility

A facility involved in the application of engineering principles, practices, and technologies to the fields of medicine and biology especially in solving problems and improving care as in the design of medical devices and diagnostic equipment or the creation of biomaterials and pharmaceuticals.

Biofuel Energy Development Facility

A facility involved in the development of fuels derived from organic matter, for example, ethanol produced from corn, sugarcane, or other plants, using agricultural processes or by micro-organisms in oxygen-free tanks (anaerobic digestion).

¹²⁸ New.

Block

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

Board

The Board of County Commissioners of Pueblo County.

Boarding or Rooming House¹²⁹

A residential structure that is the operator’s personal primary dwelling where lodging is provided, with or without meals, for compensation. A boarding house is not a bed and breakfast or short-term rental.

Brownfield

A former industrial or commercial site typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Buffer

An area of land to separate visibly one use from another or which acts as a separation between two land uses of different intensity.

Buildable Area

That portion of a lot or parcel that can be occupied by a building or structure.

Building

A roofed structure for the support, shelter or enclosure of persons, animals, or chattels. See "Structure."

Building and Landscape Materials Sales

A retail establishment selling hardware, lumber and other large building materials such as paint, wallpaper, glass and fixtures, plant materials, and other landscaping material.

Building Area

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

Building Height

The vertical distance at the center of a building’s principal front measured from the established street grade to the highest point of the coping of a flat roof, or to the center height between the eaves and

¹²⁹ New.

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

Building Line

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

Building, Attached

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

Building, Principal

A building in which is conducted the main or principal use of the lot or parcel on which the building is situated, and including attached structures such as garages, carports, or storage sheds. On farms, the house shall be considered the principal structure.

Building, Semi-Attached

A building attached to another building by a common wall (the wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension less than eight feet. See "Building, attached."

Bulk Plant

That portion of a property where flammable liquids are received by tank vessel, pipeline, tank car, or tank vehicles, and are stored or blended in bulk for the purpose of distributing those liquids by tank vessel, pipeline, tank car, tank vehicle, or container.

Bus Shelter¹³⁰

A roofed structure to provide temporary protection for people waiting to use or ride public transportation.

¹³⁰ New.

C

Car Wash¹³¹

A facility for the cleansing of automobiles and other vehicles providing either self-serve facilities, automated machines, or employees to perform washing operations.

Carnival or Circus¹³²

A temporary festival typically offering amusement rides, variety shows, or other entertainment.

Carport

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

Cemetery, Crematory and/or Mausoleum

A public or private facility for interment of the deceased. This use shall include mausoleum and crematory, which is an incinerator, furnace, retort, oven, or chemical system used for the purpose of cremation of human or animal remains.

3. A public cemetery is one which is operated as a business for commercial gain.
4. A private cemetery is one in which its use is intended solely for the owner of the property and immediate family. After approval by (PCPC) and appropriate proof shown.

Center Line

See "Street, center line of."

City

Pueblo, Colorado, a municipal corporation.

Clinic, Medical or Dental¹³³

An ambulatory health facility where patients are admitted for outpatient examination and treatment by a group of licensed health care practitioners in practice together. This use includes facilities providing support to the medical profession and patients medical and dental laboratories, blood banks and various types of medical supplies and services. This definition includes facilities such as blood donor stations, chiropractor offices and clinics, optometrist offices and clinics; osteopathic physician offices and clinics, outpatient drug treatment clinics, and other specialized treatment clinics.

¹³¹ New.

¹³² New.

¹³³ New.

Cogeneration Facility

A facility that uses a heat engine or power station to generate electricity and useful heat at the same time.

Collector Sewer Line

A sewage treatment system's pipe, conduit, ditch natural water course, or combination thereof which is designed to accept and transport wastewater from privately owned service lines from individual structures and properties to the system's treatment plant. A collector sewer line for the purpose of this regulation includes common lateral sewers and interceptor sewers. Not included in this definition are privately owned individual on-site sewage disposal system lines and privately-owned service lines.

College or University¹³⁴

An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

Color rendering index (CRI)

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

Commercial

Of, or pertaining to, or engaged in the buying, selling, renting or leasing of goods, services or property.

Commercial Vehicle

Commercial vehicles include truck-tractors, trailers, semi-trailers, motor trucks, straight trucks, bobtails, dromedaries, drays, trailer coaches, well-boring rigs, gantry trucks and logging trucks, but shall not include recreational vehicles as defined in this UDC.

Common Open Space

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

¹³⁴ New.

Community and Cultural Facilities¹³⁵

Uses in this category include buildings, structures, or facilities that provide services to the public and generally provide public access. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Community Center

A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for meetings, parties, receptions, and dances.

Compact Car¹³⁶

A vehicle which has a maximum wheelbase of 106 inches.

Composite and Steel Manufacturing

The manufacturing of steel or composites from raw materials.

Composting Facility

A facility where organic matter that is derived primarily from offsite is to be processed by composting and/or is processed for commercial purposes. The use may include collection, transportation, composting, curing, storage, marketing, or use of compost. Any Composting Facility is subject to regulation by the Colorado Department of Public Health and Environment's Hazardous Materials and Waste Management Division, under 6 CCR 1007-2, Regulations Pertaining to Solid Waste Sites and Facilities, Section 14 Composting, as now enacted or amended.

Comprehensive Plan

The sum of the policies, proposals, programs, maps and reports adopted and identified by the Planning Commission as components of the comprehensive plan.

Concealed Light Source

An artificial light intended to illuminate the face of a sign, building, structure or area, which light is shielded from the public view and from the adjoining properties.

Concession Stand¹³⁷

A place where patrons can purchase snacks or other items which is accessory to the primary use of the facility.

¹³⁵ New.

¹³⁶ New.

¹³⁷ New.

Conference Center

One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Conservation Standards

Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Pueblo County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Construction

The utilization of labor and/or materials on the footings, foundations, walls, roofs and other portions of the building or structure.

Contractor's Yard

Property used partially or exclusively to park or store construction vehicles or equipment used by a building or construction trades contractor licensed by or registered with the appropriate Pueblo County governmental agency. The contractor's business office is considered an accessory use to a contractor's yard. Vehicles and equipment may be repaired or maintained in a contractor's yard provided the work is done in an enclosed building or structure.

Convenience Store

A type of general retail store which carries a range of merchandise oriented to convenience and/or travelers' shopping needs.

Court

An uncovered space, other than a yard, on the same parcel as the building and bounded on three or more sides by buildings, walls, or fences.

Covered

Roofed, trellised, or otherwise shielded from the sky except for ground cover material.

Craft Alcohol Facility¹³⁸

A small brewery, winery, meadery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, mead or liquor is sold for consumption onsite or

¹³⁸ Replaced "Brewery" and "Winery".

off the premises and is not sold to other drinking establishments, restaurants, or wholesalers. Accessory uses include tasting rooms at which product tasting occurs.

Crosswalk

A right-of-way dedicated to public use to facilitate pedestrian access through a subdivision block. Also known as a “walkway”.

Cultural Facility¹³⁹

A public or non-profit institution displaying or preserving objects of interest in one or more of the arts or sciences, including libraries, museums, and theaters.

D

Day Care Center, Adult¹⁴⁰

A nonresidential, protective facility specializing in providing activities and socialization for the elderly and/or disabled adults. Care is generally provided during daytime hours, but less than a 24-hour consecutive period, with a variety of planned program activities.

Day Care Center, Child¹⁴¹

A facility that is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for mentally retarded children and those facilities which give 24-hour care for dependent and neglected children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

Decommissioning and Reclamation Plan

A plan to disconnect, remove, and properly dispose of equipment, facilities, or devices and reclaim the site.

¹³⁹ New.

¹⁴⁰ New.

¹⁴¹ New.

Designation

The legal procedure specified by C.R.S. §24-65.1--101, et seq., as amended, and carried out by the Board of County Commissioners.

Determination

The Director's decision whether a project qualifies for a Finding of No Significant Impact (FONSI) or requires a permit, as the project relates to § <> [Areas and Activities of State and Local Interest].

Development

Any construction and/or activity which in any way changes or modifies the basic character or use of the land on which the activity occurs.

Development Plan

A Site Plan prepared to scale pursuant to the requirements of Chapter 17.90.070, showing all of the uses (existing and proposed) for a specific project and including all information necessary to clearly define the intended use and development details of the project.

Director¹⁴²

The Director of the Pueblo County Department of Planning and Development and their staff or designees.

Display Gallery

An establishment that displays and may sell art, but that does not derive more than fifty percent (50%) of its income from the display and sale of art objects.

Disposition

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

District Park

A park with specialized facilities such as a swimming pool, tennis complex, recreation center, regulation size playing fields, an outdoor theater, restrooms, large grass and tree areas, and off-street parking. The park should be located within ten minutes' driving time of all residents within the area intended to be served.

¹⁴² Replaced "Administrator".

District, Zone

A land area or land areas as defined by the zoning map within which the zoning regulations are uniform.

Domestic Water and Sewage Treatment System

A wastewater treatment plant, water treatment plant, or water supply system, including systems whose service area is, or will be, outside the unincorporated area of Pueblo County. Return flow means a sewage treatment system's pipe, conduit, ditch, natural water course, or combination thereof, which is designed to transport wastewater, commonly known as effluent, from the system's treatment plant to a point of discharge. A point of discharge includes a natural water course, ditch, groundwater recharge area, injection well, evaporation basin, or water supply system's transmission line

Domesticated Pot-Bellied Pig

A domesticated porcine animal of the species *Sus Scrofa bittatus*.

Dormitory

A structure specifically designed for a long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be included.

Dwelling¹⁴³

A building or portion of a building containing one or more dwelling units.

Dwelling, Accessory

A residential unit that is located on the same lot as a principal dwelling unit and is either internal to or attached to the unit or located in a detached structure. Accessory Dwelling does not include mobile homes, recreational vehicles, or travel trailers.

Dwelling, Attached¹⁴⁴

A structure divided into separate dwelling units, usually arranged in a row and joined by party walls. This use includes row homes and townhomes.

Dwelling, Cottage Court¹⁴⁵

A residential development that combines a group of small individually owned single-family dwelling units on a single parcel of land that are oriented around a shared open space for communal use by the residents of the development and may include a shared parking area and/or a shared community

¹⁴³ New.

¹⁴⁴ New.

¹⁴⁵ Renamed from "Housing, grouped".

building. This definition shall not include any use meeting the definition of a manufactured housing park.

Dwelling, Farmstead Accessory

An accessory dwelling on a farm or ranch intended for the housing of persons (and their families) employed on the farm or ranch. Farmstead accessory dwellings may not be used for short-term rentals.

Dwelling, Guest House

Living quarters within a semi-attached or detached accessory building located on the same premises as the principal building for use by temporary guests of the occupants of the premises, and not rented or otherwise used as separate dwelling unit.

Dwelling, Live/Work

A building which contains a dwelling located above the ground floor of a directly associated institutional, civic, office, commercial or retail use.

Dwelling, Multi-Family¹⁴⁶

One or more buildings or portion of buildings on a single lot or tract that contains five or more individual dwelling units, where each unit is living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway.

Dwelling, Single-Family¹⁴⁷

A single-detached structure containing one dwelling unit. See also "Manufactured Home".

Dwelling, Tiny Home¹⁴⁸

A structure that:

1. Is permanently constructed on a vehicle chassis;
2. Is designed for long-term residency;
3. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
4. Is not self-propelled; and
5. Has a square footage of not more than 400 square feet.

¹⁴⁶ New.

¹⁴⁷ Updated to include manufactured homes as a type of single-family dwelling.

¹⁴⁸ New.

In order to meet this definition, a tiny home must be built to the International Residential Code as adopted by the Building Codes & Standards program within the Division of Housing. Colorado tiny homes will receive a metal plate insignia that certifies the tiny home is built to the codes and standards of the program. This use does not include manufactured homes, recreational park trailers, or recreational vehicles.

Dwelling, Tiny House

See "Dwelling, Single-Family."

Dwelling, Two-Family

A building or semi-attached building containing two dwelling units.

Dwelling Unit¹⁴⁹

One or more rooms connected together, but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy by humans, with facilities for sleeping, cooking, and eating, and with sanitary facilities

E

Easement

A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, including colleges and college campuses. Accessory uses commonly include play areas, cafeterias, recreation areas, auditoriums, and day care facilities.

Efficient Utilization of Water

The employment of methods, procedures, techniques, and controls to encourage use of water that will yield the greatest possible benefits including social, economic, environmental, aesthetic, agricultural, commercial, and recreational benefits, and that will promote, where feasible and appropriate, the conservation of water in particular uses, and that emphasizes, to the extent permissible under law, the recycling and reuse of water.

Electric Power Plant

A facility designed and operated for the generation and distribution of electricity for the primary purpose of selling electricity generated to the electric power grid, including facilities which use fossil fuels, solar energy, hydroelectric energy, geothermal energy, biomass energy or wind energy as a

¹⁴⁹ New.

resource. This definition does not apply to on-site generation equipment when the use is an accessory use.

Electronics Manufacturing

Uses including the design, manufacture, testing, distribution, and provision of return/repair services for electronic components and assemblies.

Emergency Facility

A permanent facility from which care or relief from a situation or occurrence of a serious nature, and demanding immediate action, is directed. This term shall include training facilities for first-responders, fire departments, ambulance headquarters but shall not include hospitals.

Employee

A person employed permanently; this shall not mean temporary or seasonal employees.

Employee, Off-Site

An employee of a home occupation whose services are provided off-site, and any on-premise activity is incidental. This definition includes permanent, temporary, and seasonal employees.

Enclosed

Surrounded by walls and/or fences and a roof. See "Unenclosed."

Equestrian Operation, Commercial¹⁵⁰

An area where activities involving horseback riding are conducted for practice, competition or entertainment. Activities include, but are not limited to a rodeo, a charreada, calf roping, riding, bulldogging and barrel racing. A commercial equestrian operation is any equestrian operation which is not a personal equestrian operation. A commercial equestrian operation may offer goods and services as are normal and incidental to the activities conducted. A commercial equestrian operation shall be developed and used in accordance with development and operating plan approved with the special use permit. The development plan shall include, but is not limited to, an accurately drawn map, which shows activity areas and improvements, access, driveways and parking areas. The operating plan shall include, but is not limited to, the methods proposed for control of dust, erosion, odor, noise, glare, waste (manure) disposal, and congestion; and the methods to provide potable water and wastewater treatment.

¹⁵⁰ Renamed from "Equestrian Arena, Commercial/club".

Equestrian Operation, Private¹⁵¹

An area where activities involving horseback riding are conducted for practice, competition or entertainment. Activities include, but are not limited to a rodeo, a charreada, calf roping, riding, bulldogging and barrel racing. A private equestrian operation shall meet the following:

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

Evidence

Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

Exhibition Center

A building or group of buildings used for trade, consumer and recreational shows and expositions, which feature a regularly changing collection of information booths, display stations, and/or presentation areas, with or without food and live entertainment on an incidental basis, where events are intended to inform, educate, promote, sell or otherwise bring together people to participate in a given market activity; or used to conduct formal ceremonies, meetings, conferences, banquets, and live entertainment events, concerts, or similar events. This use excludes activities related to Adult Uses.

Explosive

A substance that causes a sudden rapid release of mechanical, chemical, or nuclear energy from a confined region.

¹⁵¹ Renamed from "Equestrian arena, personal".

Extractor

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

F

Fabrication

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

Family

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

Farmers' Market¹⁵²

A structure or place where agricultural products are brought for the purpose of retail sales. A farmers' market differs from a roadside sale stand in that there may be more than one seller allowed per parcel of land and the structure from which produce is sold at a farmers' market need not be portable or capable of being dismantled or removed from the site.

Farming or Ranching¹⁵³

The agricultural or horticultural crops, composting, aquaponics, aquaculture, hydroponics, the keeping of livestock and/or poultry, or a combination of these activities. This definition does not include feedlot or kennels.

Feed Lots¹⁵⁴

Any lot, tract, or parcel of ground upon which five or more head of feeder livestock, including cattle, horses, sheep, goats, and swine are gathered, kept or closely confined and especially fed for gain prior to sale or slaughter.

Fence

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

¹⁵² New.

¹⁵³ New.

¹⁵⁴ Added examples of livestock types.

Fence, Open

A fence which permits direct vision through at least seventy-five (75) percent of the fence surface area as calculated within any and all one (1) square foot area.

Fence, Solid

A fence which is not an "open fence."

Fixture

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

Flea Market¹⁵⁵

A facility where stalls or sales areas are set aside and rented or otherwise provided and intended for use by various individuals to sell articles that are homemade, homegrown, handcrafted, old, obsolete, or antique. It may also include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This use does not include farmer's markets and garage or yard sales which operate a total of less than seven days per calendar year.

Flex Office

A one-story building with an open configuration designed to accommodate a variety of uses that can be combined in the building as needed and over time such as office, warehouse and industrial uses.

Flood-Related Definitions

100-Year Flood

A flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood". The term does not imply that the flood will necessarily happen once every 100 years.

100-Year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-Year Flood

A flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every 500 years.

¹⁵⁵ New.

500-Year Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Addition

Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial Fan Flooding

A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of Shallow Flooding

A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement

Any area of a building having its floor sub-grade (below ground level) on all sides.

Channel

The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization

The artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR)

The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Community

Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR)

FEMA's Comments on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility

A structure or related infrastructure, but not the land on which it is situated, as specified in §17.108.190 H, 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. See §17.108.190 H.

Critical Feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development

Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM Database

Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM)

FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building

A non-basement building

1. built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and
2. adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park

A 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 before the effective date of the floodplain management regulations adopted by a community.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Expansion to an Existing Manufactured Home Park

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Register

The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA

Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Control Structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)

The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Flood, Intermediate Regional

A type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one percent flood or hundred 100-year flood.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator

The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit

A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this management Chapter.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations

Zoning and subdivision regulations, building codes, health regulations, special purpose regulations (such as a floodplain regulation, grading regulation and erosion control regulation) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing

Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Profile

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

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be six inches. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater

than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR)

FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F)

FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee

A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee System

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home

A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Manufactured Home Park

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Material Safety Data Sheet (MSDS)

A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

Mean Sea Level

For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP)

FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New Construction

Structures for which the "start of construction" commenced on or after the effective date of this UDC.

New Manufactured Home Park

A 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 floodplain management regulations adopted by a community.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

No-Rise Certification

A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR)

FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational Vehicle

A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Rural Communities

Rural Communities include the Beulah Valley and Avondale communities and the statutory towns of Rye, Boone, and Vineland, based on the boundaries established in the Regional Comprehensive Plan.

Special Flood Hazard Area

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of Construction

The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or

footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

This definition is for use in the Flood Hazard Area Regulations and is not to be used in other Pueblo County land use regulations (e.g., zoning) without the expressed determination of the Director of Planning and Development.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Threshold Planning Quantity (TPQ)

A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Variance

A grant of relief to a person from the requirement of § <> when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by § <>. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Floor Area, Gross

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

Floor Area, Net

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

FONSI

A Finding of No Significant Impact, as it related to § <> [Areas and Activities of State and Local Interest].

Food and Beverage¹⁵⁶

Uses in this category include establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

Food Truck

A licensed mobile and motorized vehicle food unit that is temporarily utilized on a privately-owned piece of property where food items are being sold to the general public.

Foot-candle

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

Freight Depot¹⁵⁷

Land and buildings used as a relay station for the transfer of a load of freight from one vehicle to another or from one party to another. Long-term or accessory storage is not permitted in a freight depot.

Frontage

That portion of a lot, parcel, tract or block abutting upon a street. See "Yard, front."

Full Cut Off Fixtures

A luminaire or light fixture that, by design of the fixture housing, does not allow any light dispersion or direct glare to shine above a ninety-degree, horizontal plane from the base of the fixture.

G

Game Preserve, Developed

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

1. Wetlands development that is extensive enough to require a 404 Permit from the U.S. Army Corps of Engineers;

¹⁵⁶ New.

¹⁵⁷ New.

2. Introduction of native or exotic game animals (excluding fish), resulting in expenditures of more than one thousand dollars (\$1,000.00) per year to raise and/or purchase the animals; or
3. Construction of a lodge or clubhouse for the use of hunters.

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

Game Preserve, Undeveloped

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

Game Refuge

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

Garage, Private

An accessory building or an accessory portion of a main building, designed or used for the shelter or storage of motor vehicles owned or operated by the occupants of the main building.

Garbage

Animal and vegetable waste resulting from the handling, preparation, cooking and/or consumption of food.

Garden Supply Center¹⁵⁸

A facility for the sale of feed, grain, fertilizers, pesticides, garden tools, equipment and supplies that includes the sale of plant materials grown on the premises.

Gardening

The cultivation of fruits, vegetables, flowers or other plant materials.

Gasoline Service Station

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

¹⁵⁸ New.

Geologic Hazard Area

An area which contains or is directly affected by a geologic hazard. The following definitions are related to geologic hazard areas:

Avalanche

A mass of snow, a mass of snow or ice and other material which may become incorporated as such mass moves rapidly down a mountain slope.

Expansive Soils and Rocks

Any mineral, clay, rock or other type of geologic deposit having the property of absorbing water with an accompanying swelling to several times its original volume.

Geologic Hazard

A geologic phenomenon, which is so averse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to avalanches, landslides, rock falls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity, and ground subsidence.

Initial Control Area

An area suspected, but not finally determined, to be a natural hazard area or a mineral resource area.

Ground Subsidence

A process characterized by the downward displacement of surface material caused by natural phenomena such as removal or underground fluids, natural consolidation or dissolution of underground minerals, or man-made phenomena such as underground mining.

Landslide

A mass movement where there is a distinct surface of rupture, or zone of weakness, which separates the slide material from more stable underlying material.

Mudflow

A flowing mass of predominately fine-grained earth material possessing a high degree of fluid during movement.

Radioactivity

A condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits or rocks, soils, and water.

Rock Fall

The rapid free-falling, bounding, sliding, or rolling of large masses of rock or individual rocks.

Seismic Effects

Direct and indirect effects caused by a natural earthquake or a man-made phenomenon.

Unstable or Potentially Unstable Slope

An area susceptible to a landslide, mudflow, rock fall, or accelerated creep of slope-forming materials.

Geothermal Facility

A facility that collects heat from the earth through wells to convert to electricity.

Glare

The direct light emitting from a luminaire that causes reduced vision or momentary blindness.

Golf Course

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

Grade, Building

That elevation which is the average of the highest and lowest elevation of the ground along the facade of the building or structure which is nearest the street.

Grade, Street

That elevation at the crown of the street on a line perpendicular to midpoint of the front property line of the lot, parcel, or tract.

Grazing

Feeding or growing grasses or herbage.

Greenhouse, Accessory¹⁵⁹

An enclosed structure used for cultivating plants in a controlled climate, as accessory to a principal residential use.

¹⁵⁹ New.

Grocery Store

A store selling foodstuffs and household supplies.

Group Home, FHAA¹⁶⁰

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of residents protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado, including but not limited to facilities providing housing for persons with disabilities, persons with mental health conditions, or persons with developmental disabilities.

1. A "Group Home, FHAA Large" is a facility designed for and occupied by nine or more residents living together.
2. A "Group Home, FHAA Small" is a facility designed for and occupied by no more than eight residents living together.

Group Living

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a living unit. Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

Group Residential Facility¹⁶¹

A dwelling other than a group home that provides a community living environment for persons requiring custodial care, medical treatment, or specialized social services, but that does not meet the definition of an FHAA Group Home. This definition includes but is not limited to correctional diversion program housing, post-incarceration program housing, and domestic violence shelters.

1. A "Group Residential Facility, Large" is a facility designed for and occupied by nine or more residents living together.
2. A "Group Residential Facility, Small" is a facility designed for and occupied by no more than eight residents living together.

¹⁶⁰ New.

¹⁶¹ New.

Guest Ranch

A destination resort offering overnight accommodations and activities typical of Western ranches.

Guest Room

A room in a hotel or motel offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

H

Hazardous Material

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

Hazardous Storage¹⁶²

Bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. This use includes the storage and application of domestic septage.

Hazardous Waste

See definition in [Section 25-15-101 \(6\) \(a\), C.R.S.](#)

Hazardous Waste Facility¹⁶³

A facility primarily devoted to hazardous waste analysis for compatibility with chemical and physical properties and the research and development of technology relating to the disposal, recovery, treatment, storage or transportation of hazardous waste. The facility shall not be used for commercial disposal, recovery, treatment, storage or transportation of hazardous waste.

Hazardous Waste Incinerator or Processor

A facility with a furnace designed for burning hazardous waste in a combustion chamber.

Health and Fitness Facility

A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis; basketball, handball, racquetball and/or other sport courts; archery and shooting ranges; weight training facilities; swimming pools; exercise pools; meeting rooms and related facilities; and which would provide on-site as well as outreach community activities such

¹⁶² New.

¹⁶³ New based on the definitions of "hazardous waste research and development facility" and "hazardous waste testing laboratory".

as, but not limited to, day camps, educational assistance programs, swimming instruction and/or other fitness programs. This facility excludes adult entertainment businesses.

Health Department

The Pueblo Department of Public Health and Environment.

Healthcare Facilities

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of employees in the firm or building.

Hedge

Closely planted rows of landscape materials such as shrubs planted and maintained so as to create a visual barrier.

Heliport

A place, on land and/or water, and/or structures where rotorcraft may land and/ or take off.

Hemp Establishment

1. Any Establishment which has been issued a Research and Development (R & D) Industrial Hemp Registration or Commercial Industrial Hemp Registration by the Colorado Department of Agriculture, pursuant to the Industrial Hemp Regulatory Program Act, Title 35, Article 61, C.R.S., including outdoor farming, greenhouse farming and indoor (building; excludes residential structures) farming; greenhouse and building shall be permitted by Pueblo Regional Building Department and obtain zoning authorization from Pueblo County Department of Planning and Development;
2. Any Establishment which processes hemp, which is the refinement of Industrial Hemp to create products derived from hemp. Hemp processing shall only be conducted in a greenhouse and/or building, excluding residential structures, that are permitted by Pueblo Regional Building Department and Pueblo Department of Public Health and Environment and have obtained zoning authorization from Pueblo County Department of Planning and Development.

Hemp Establishments shall follow and abide by rules and regulations issued by Department of Agriculture in accordance with the Industrial Hemp Regulatory Program Act and shall also follow and abide by Pueblo County’s regulations regarding Industrial Hemp.

Hemp, Industrial

A plant of the genus Cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than three-tenths of one percent (0.3%) on a dry weight basis. Delta-9 tetrahydrocannabinols has the same meaning as “tetrahydrocannabinols” as set forth in Section 27-80-203(24), C.R.S.

Home Occupation

An accessory use clearly incidental and subordinate to an established principal dwelling unit (a.k.a., dwelling) that is conducted within a dwelling unit, accessory building, or private recreation area (e.g., swimming pool, tennis court, riding arena, etc.). See § <>.

Homeowner’s Association

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

Horizontal Illuminance

The measurement of brightness from a light source, usually measured in foot-candles or lumens, which is taken through a light meter’s sensor at a horizontal position.

Hospital¹⁶⁴

An institution providing health services for inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training and central services facilities and staff offices.

Hospital, Veterinary

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

Hotel or Motel

A structure containing five or more guest rooms with access usually from a common hallway.

House, Boarding or Rooming

A building or structure containing guest rooms in which lodging for five or more persons is provided with or without meals for permanent guests.

¹⁶⁴ New.

House, Fraternity or Sorority

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

Household Living

Uses in this category are characterized by residential occupancy of a building by a living unit and is not occupied by the living unit for less than 31 continuous days. This category does not include hotels, motels, boarding/rooming houses, resort cottages, or lodges.

I

IESNA

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

Improvements Agreement

An agreement guaranteeing the construction of any required public improvements together with collateral which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of the improvements in accordance with design and time specifications.

Industrial Laboratory Facility

A facility for the testing or analysis of environmental, industrial, or similar products or materials.

Industrial Sales and Services¹⁶⁵

Establishments engaged in the sale or repair of agricultural, industrial, business or consumer machinery, excluding vehicles, or that provide services of an industrial nature. Examples include but are not limited to: wood working and welding shops; tool repair; repair of scientific or professional instruments; laundry services and cloth bleaching; blue printing; firearms servicing; and fumigating or exterminating.

Industry

The commercial production and wholesale of goods and services.

Industry, Light

Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process which is not noxious or offensive by reasons of the emission of odor, dust, smoke, gas, fumes, noise or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly to adjoining property owners or to the public

¹⁶⁵ New.

generally, and which operates independent of: railroad sidings, extensive loading docks, and steam generation as prime power.

Initial Commercial Operating Date of the Solar Facility

The date upon which all equipment and portions of the facility necessary to put the facility into operation have been tested and commissioned and are both legally authorized and able to operate and deliver energy to the electric power grid. Should a portion of the facility achieve such operational capability, being able to operate and deliver energy to the electric grid, the initial commercial operating date of the solar facility shall be the date upon which the first portion of the facility achieves such capability.

Integrated Photovoltaics

Photovoltaics incorporated into building materials, such as shingles.

J

Junk

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

Junked Vehicle

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

Junkyard

Any lot, parcel or tract used for the storage, keeping, sale or abandonment of junk and/or for the dismantling, demolition or abandonment of automobiles, or other junk or parts thereof.

K

Kennel, Breeding and Boarding¹⁶⁶

Any lot or premises, or portion of a lot or premises, on which five or more dogs, cats, and other household domestic animals are maintained, harbored, possessed, boarded, bred, or cared for in return for compensation or are offered for sale.

Kitchen

Any area intended and equipped for the preparation of food.

L

Laboratory, Analytical and Research Facility

A building or part of a building devoted to testing and analysis of any material or substance.

Lamp

The light-producing source installed in the bulb portion of a luminaire.

Land Use Plan

See "Comprehensive plan."

Landscaping Materials

Items such as, but not limited to decorative rock, mulch, sand, topsoil, flagstone, weed barrier, edging, fill dirt, paverstone type products, sod, nursery products, and decorative concrete products. Landscaping materials shall not include stockpile storage of organic fertilizer (animal manure or sludge).

Lateral Sewer

A sewer which discharges into another sewer and has only building sewer tributary to it.

Laundromat

An establishment providing washing, drying, ironing or dry-cleaning machines for hire to be used by customers on the premises.

Law Enforcement Training Facility, Outdoor

An open area for cognitive and physical skills training including driving skills, equipment training and firearm training for law enforcement.

¹⁶⁶ New.

Legal Description

Any description from which it is possible to locate accurately on the ground the boundaries of the land being described.

Light Trespass

Any form of artificial illuminance emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

Line, Center

See "Street, center line of."

Line, Property

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

Livestock Sales and Auction¹⁶⁷

An area or facility at which livestock are offered for sale through retail sales or an auction.

Loading Space

A space within the main building or on the same lot, parcel or tract providing for the standing, loading or unloading of trucks and/or semi-trailers.

Lodger

A person who rents a room in a bed and breakfast for fewer than 30 consecutive days.

Lodging Facility¹⁶⁸

Uses in this category provide lodging services for a defined period with the incidental food, drink, and other sales and services intended for the convenience of guests.

Lot

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

Lot Area

The total horizontal area, expressed as square footage or acreage, calculated within the interior boundary of a lot, tract, or parcel. Lot area shall not include land which has been dedicated, deeded, or otherwise legally acquired as public right-of-way. Portions of sections may be used to establish lot area

¹⁶⁷ New.

¹⁶⁸ New.

for purposes of zoning compliance; however, legal descriptions may not include land which has been dedicated, deeded, or acquired as public right-of-way.

Lot Coverage

That portion of the lot, parcel or tract shielded from the sky by building and/or structures.

Lot Line

The perimeter or outer boundary of a lot, parcel, or tract.

Lot Line, Front

The line separating a lot, parcel, or tract from any public street right-of-way.

Lot Line, Rear

The line, which is opposite and most distant from a front line or, on an irregular or triangular lot, a line at least ten feet long entirely within the lot, parallel to and furthest distance from the front lot line.

Lot Line, Side

A line connecting a front lot line with a rear lot line.

Lot Width

The distance between the side lot lines measured at the required front building setback line or in the case of an irregularly shaped lot the front building line.

Lot, Corner

A lot situated at the junction of two or more streets.

Lot, Double Frontage

A lot which fronts on one public street and back on another.

Lot, Flag

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

Lot, Interior

A lot other than a corner lot.

Lot, Through

An interior lot having frontage upon two parallel or nearly parallel streets.

Luminaire

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

M

Machine shop

A structure containing machinery for the manufacture, modification or repair of metal goods and equipment.

Major Facilities of a Public Utility

Transmission lines, power plants, substations, pipelines, and storage areas of utilities as herein separately defined.

Manufacture

The creation of a finished or semi-finished product.

Manufactured Home

A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a single dwelling unit with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.), as amended. This does not include travel trailers or recreation vehicles.

Manufactured Home Park

A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes for single-family dwelling purposes. Accessory uses shall include manufactured home park facilities, and vehicle parking for residents and staff.

Manufactured Home Park Support Facilities

Supportive facilities (e.g., swimming pool, club house, sauna, laundry room, restroom, recreation center, recreational vehicle storage areas, and common open space) which supplement the recreational or service needs of the manufactured home park residents but are not available for use by the general public.

Manufactured Home Space

A plot of ground within a manufactured home park designed for the accommodation of one manufactured home, its accessory structures, parking spaces and required yard areas.

Manufacturing and Fabrication Additive

The process of joining materials to make objects from 3D model data, usually layer upon layer.

Manufacturing, Assembly, or Processing

Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of finished parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of products and materials. Manufacturing and assembly uses may be conducted entirely outdoors and have moderate to significant off-site impacts, including visual impacts. Uses involving radioactive or highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process are included in this classification. This use classification includes, but is not limited to, steel fabrication, concrete block manufacturing, and truss plants. Products require shipping by semi-trucks or rail.

Manufacturing, Heavy¹⁶⁹

An establishment or business that uses hazardous inputs or creates hazardous byproducts in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. Examples include but are not limited to: asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, and explosives manufacturing.

Manufacturing, Light¹⁷⁰

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, or processing of goods or products, using parts previously developed from raw material. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where assembly, fabrication, or processing take place.

Masonry or Equal

Eight inches or more of exterior masonry material or exterior material equivalent in fire retardant characteristics.

¹⁶⁹ New.

¹⁷⁰ New.

Master Plan

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

Material Change

Any change in a project as approved by the Board of County Commissioners which significantly changes the nature of impacts considered by the Board in approval of the original permit or in the case of a development not previously issued a permit, a structural modification, change of use, change of operation, change of user, which significantly changes the nature of the development and its associated impacts.

Matter of State and Local Interest

An area of State or local interest or an activity of State and local interest or both.

Mineral

Any naturally occurring, homogeneous inorganic substance having a definite chemical composition and characteristic crystalline structure, color, and hardness.

Mineral Resource Area

An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes, but is not limited to, any significant mining activity in the past, significant mining activity in the present, mining development planned or in progress, or mineral rights held by mineral patent or valid mining claims with the intention of mining. The term also includes an area of oil and gas or geothermal resource development if such area has been identified by the State Oil and Gas Conservation Commission for designation.

Commercial Mineral Deposit

A natural mineral deposit for which extraction by an extractor is or will be commercially feasible and which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation.

Mineral

An inanimate constituent of the earth in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, metallic compound, chemical, energy source, raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural, or industrial purposes, nor does it include geothermal resources.

Mining

The process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools, or other concentrations in the earth's crust. This term also includes the preliminary treatment building stone.

Open Mining

The mining of natural mineral deposits by removing any amount of overburden lying above such deposits, and mining directly from the deposits thereby exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying, and dredging.

Reclamation

The rehabilitation of affected land by means of replanting, soil stabilization, water resource protection, and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Mining Operation and Processing

The development or extraction of a commercial mineral deposit from its natural occurrences on affected land. The term includes, but is not limited to, open mining, surface operation and surface clearing (rock picking) of individual stones and stone boulders. The term also includes transportation and processing operations on affected land. The term does not include: Oil and/or Gas Operations; the concentrating, milling, evaporation, cleaning, preparation, transportation, and other off-site operations not conducted on affected land.

Mini-Warehouse

A building or portion thereof divided into separate compartments, which are individually rented or leased for the purpose of storing the renter's or lease holder's property. Goods stored within the warehouse shall not be offered or displayed for sale at the warehouse.

Mitigation

Avoiding an impact; minimizing impacts by limiting the degree or magnitude of the action or its implementation; rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility

or service; or compensation for the impact by replacing or providing for the replacement of biological or physical conditions, services or facilities.

Mixed-Use¹⁷¹

The development of a lot, tract or parcel of land, building or structure with two or more different uses including, but not limited to: residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed Use Structure, Horizontal¹⁷²

A building or structure containing both nonresidential and residential uses distributed horizontally throughout the structure.

Mixed Use Structure, Vertical¹⁷³

A building or structure, a minimum of two stories in height, containing both nonresidential and residential uses distributed vertically throughout the structure.

Mobile Home

Any vehicle or similar portable structure having no foundation other than wheels or jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Mobile home includes any structure that otherwise meets this description, but that was not subject to the National Manufactured Home Construction and Safety Standards (generally known as the HUD Code), established in 1976 pursuant to 42 U.S.C. Sec. 5403, at the time it was manufactured.

Motor Vehicle

An automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails.

Multi-modal Loading and Unloading Facility

A facility for the purpose of loading and unloading of materials between different modes of transportation such as truck and rail.

Municipal and Industrial Water Project

A water supply system and all related components through which a water supply from either surface or subsurface sources is derived for municipal or industrial uses or both. A water supply system includes wells, diversion facilities, pumps, conduits, canals, pipes, ditches, reservoirs, or other impoundments, through which a water supply is obtained directly or by trade, substitution, augmentation, or exchange, and also includes those components for returning unconsumed flows back to the stream system. The

¹⁷¹ New.

¹⁷² New.

¹⁷³ New.

filing of an application in court to adjudicate the use of water and obtaining a decree, in and of itself, shall not constitute the development of a water project.

Municipality

An incorporated city or town.

N

National Cooperative Soil Survey

The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

Natural Deposits Extraction

The physical withdrawal of minerals and natural resources.

Natural Grade

The historic grade or the finished grade necessary for drainage control, but does not include optional or ornamental (e.g., berms) alterations to grade.

Natural Resource Extraction¹⁷⁴

This use type includes removal of resources from the ground.

Neighborhood Park

A park providing the primary source of recreational open space for the residents of its service area. The neighborhood park usually provides such facilities as structured and unstructured play areas, paved multipurpose area, playing field, open grassed area, picnic facilities, shaded sitting area, and a shelter. The park should be located within one-half mile or less of walking distance from any point in its service area.

Nuclear Power Facility

A thermal power station in which the heat source is a nuclear reactor.

Nursery¹⁷⁵

An area used to raise trees, shrubs, plants, and other horticultural and floricultural products, for transplanting or for use as stocks for budding and grafting. This use may be conducted within or without an enclosed building.

¹⁷⁴ New.

¹⁷⁵ Modified existing definitions of "Greenhouse" and "Nursery".

Nursing Home

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

O

Occupancy

The use of land and/or building or portions thereof.

Off-Street Parking Space

The space required to park one passenger vehicle.

Office¹⁷⁶

An establishment primarily used for conducting the affairs of a business, profession, service, or industry, or similar activity, that may include ancillary uses such as restaurants, coffee shop, and limited retail sales.

Open

Not roofed.

Outdoor Display and Sales¹⁷⁷

The placement of products or materials for sale outside the enclosed business space of a retail or wholesale sales establishment as an accessory use to that establishment.

Outdoor Storage¹⁷⁸

A principal use where goods and equipment, such as recreational vehicles, boats, and other large items, are stored outside of a building.

Owner

Any person who, alone or jointly or severally with others, shall have legal title to any land or structure, or contract of purchase, with or without accompanying actual possession thereof; or shall have charge, care or control of any land or structure as owner or agent of the owner; or as executor, administrator, conservator, trustee, or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with this UDC to the same extent as if they were the owner.

¹⁷⁶ New.

¹⁷⁷ New.

¹⁷⁸ New.

P

Parapet Wall

A low wall extending above a roof.

Parcel

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

Parcel, Nonconforming

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

Parking

The assembling or standing of motor vehicles for relatively temporary periods of time.

Parking Lot¹⁷⁹

A lot, parcel, or tract for the parking of motor vehicles as a principal use where motor vehicles may be stored for purposes of temporary, daily, or overnight, off street parking.

Parking Space

The area required by the provisions of this division for the parking of one motor vehicle.

Parking Structure¹⁸⁰

A garage, carport or other structure for the parking of motor vehicles as a principal use where motor vehicles may be stored for purposes of temporary, daily, or overnight, off street parking.

Parking, Off-Street

Parking of motor vehicles off the public rights-of-way.

Parks and Open Space¹⁸¹

Uses in this category are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include maintenance facilities, restrooms and dressing rooms, concessions, and parking.

¹⁷⁹ New.

¹⁸⁰ New.

¹⁸¹ New.

Parks and Playgrounds¹⁸²

A parcel of land designated and used by the public for passive and active recreation. It may include a variety of facilities, including equipment for younger children as well as court and field games.

Passenger Terminal

A premises used for the boarding or discharge of people being transported.

Patio

An outdoor living area usually hard surfaced and frequently fenced or covered.

Permanent

Continuing or enduring in the same state, place, or the like without marked change.

Permanent Monument

Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Permanent Occupancy

The use of land and/or structures or portions thereof for a period of thirty (30) consecutive days or longer.

Person

Any individual, partnership, corporation, association, company or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality or corporation of the State.

Personal Service

A business that provides personal services directly to customers at the site of the business, or which received goods from or returns goods to the customer which have been treated or processed at another location. Personal service establishments include, but are not limited to, travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

Pet

Aa domestic animal kept for pleasure rather than utility. The keeping of pets shall be considered as an accessory use in residential and agricultural zone districts. If an animal is raised for the purpose of sale

¹⁸² New.

and/or food, it shall be conclusively presumed not to be a pet. For the purposes of this resolution, hogs, pigs, swine, sheep, horses, cattle, emus, rheas, ostriches, llamas, pea fowl, guinea hens or goats may be kept upon land zoned for agricultural use, as an activity of farming or ranching. Not more than one domesticated pot-bellied pig, as herein defined, may be kept or maintained as a pet. It is prohibited to keep or maintain in the County any wild animals, poisonous snakes, or constricting snakes over four feet in length.

Pharmacy

A building or a part of a building used exclusively for the compounding and/or dispensing of medicines.

Photometry

The quantitative measurement of light level and distribution.

Photovoltaics (PV)

Materials and devices that absorb sunlight and convert it directly into electricity.

Pipelines

Any pipeline and appurtenant facilities designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives of ten inches or more in diameter which creates a hoop stress of 20 percent or more at their specified minimum yield strength.

Planning Commission

Pueblo County Planning Commission.

Plat

A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Playground

An improved area that is designed, equipped, and set aside for children’s play.

Porch

A roofed or unroofed unenclosed portion of a building projecting from the front, side or rear wall of the building.

Power Plant

A power plant may be any of the following:

1. Any fossil fuel, biofuel, or similar electrical energy generating facility with a generating capacity of 100 megawatts or more, and any appurtenant facilities, or any addition or series of additions increasing the existing design capacity of the facility by 100 megawatts or more.

2. Any wind electrical energy generating facility with a generating capacity in excess of two megawatts and any appurtenant facilities, or any addition or series of additions increasing the existing design capacity of the facility in excess of two megawatts.
3. Any solar electrical energy generating facility with a generating capacity one megawatt or greater and any associated facilities, or any addition or series of additions increasing the existing design capacity of the facility to one megawatt or greater.
4. Any nuclear or hydropower electrical generating facility.

Preliminary Plan

The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

Premises

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

Prime Agricultural Land¹⁸³

Land zoned for agricultural use that is generally unirrigated and used for rangeland. See the map in S17.02.100(d), Agricultural Conservation Overlay (AGO), for more details.

Prime Farmland¹⁸⁴

Land zoned for agricultural use that is generally irrigated. See the map in S17.02.100(d), Agricultural Conservation Overlay (AGO), for more details.

Processing, Food

Preparing, treating, converting or packaging food.

Processing, Minerals

Any activities associated with the preparation of commercial mineral deposit for use. These activities include, but are not limited to: on-site transport, waste products from air emissions control and water treatment, crushing, screening, washing, slabbing, polishing, grinding, concrete or asphalt mixing (does not include concrete batch plant and hot mix plant) or other action exclusive of extraction.

¹⁸³ New.

¹⁸⁴ New.

Professional office

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

Professional Services

An office of a member of a recognized profession maintained for the conduct of that profession.

Property Line

See "Line, property."

Public Hearing

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

Public Safety Facility

A facility, including ambulance dispatch facilities, fire stations, other fire prevention and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Public Utilities

Those utilities defined by 39-4-101, C.R.S. 1973.

Pueblo Region

An area in Pueblo County, Colorado, defined by resolutions of the Board of County Commissioners of Pueblo County and the City Council of the City of Pueblo, Colorado.

Q

[Reserved]

R

Racetrack

A course on which races are run.

Railroad Mainline

A railroad track handling long-distance, through traffic.

Rated Capacity

The maximum capacity of a solar facility based on the sum of each photovoltaic system's nameplate capacity reported as Watts Direct Current (Wdc) or Walls Alternating Current (Wac).

Receipt of Application

The acceptance by the Board of County Commissioners of an application as complete.

Reclamation

The employment, during and after an operation, of procedures reasonably designed to minimize as much as practicable the disruption from an operation and provide for the establishment of plant cover, stabilization of soil, protection of water resources, or other measures appropriate to the subsequent beneficial use of the affected lands. Reclamation shall comply with all State and Federal regulations related to air quality, water quality and water law, and stormwater.

Recreation and Entertainment¹⁸⁵

Uses in this category include indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Recreation and Entertainment, Indoor¹⁸⁶

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, teen clubs, escape rooms, archery and axe-throwing, trampolines, and similar indoor activities taking place inside an enclosed building.

Recreation and Entertainment, Outdoor¹⁸⁷

Commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Activities include, but are not limited to ball parks (baseball, football, soccer, tennis), water park, batting cages, miniature golf, go-cart tracks, amusement parks, golf driving ranges, swimming pools, and other similar uses.

Recreation Camp

A place used for vacationing or other recreational purposes consisting of permanent structures, which may contain cooking facilities, and used for temporary occupancy. This term shall not be interpreted to include hotels, motels, restaurants, theaters, or recreational vehicle parks.

Recreational Vehicle

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

¹⁸⁵ New.

¹⁸⁶ New.

¹⁸⁷ New.

Recreational Vehicle Park

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

Recreational Vehicle Site

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

Recycling Collection center

A drop-off facility accepting recyclable waste material from normal household operations. The recyclable material is limited to aluminum, glass, plastic, paper, and paper products that are intended for recycling. Recyclable materials do not include junk, refuse, electronics, or hazardous materials. The facility shall not involve on-site processing of the recyclable materials. No commercial recyclers (i.e., waste disposal companies or the like) shall be permitted to utilize the facility for drop off of recyclable materials.

Recycling Processing Center

A center for the collection and processing of recyclable materials. Processing may include powered or unpowered preparation of material for efficient shipment, or to an end-user's specifications, by baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Research and Development Facility

A facility for research and development of products, including but not limited to technology-intensive fields such as chemical, biological, pharmaceutical, electronics and genetic research.

Rest Stop

A roadside area with restrooms and other facilities for the use of motorists.

Restaurant¹⁸⁸

An establishment where food and beverages are prepared, served, and consumed within the principal building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. Accessory uses may include an outdoor dining area.

¹⁸⁸ New.

Resubdivision

The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

Retail Sales¹⁸⁹

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of goods.

Retail Sales, Small

A facility or establishment with up to 5,000 square feet of gross floor area.

Retail Sales, Medium

A facility or establishment with between 5,001 and 10,000 square feet of gross floor area.

Retail Sales, Large

A facility or establishment with between 10,001 and 60,000 square feet of gross floor area

Riding Trails and Fields¹⁹⁰

An area providing for the riding of non-motorized vehicles, such as horses and bicycles.

Right-of-Way, Public

All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

Road maintained

A public road that has been accepted by a governmental agency for maintenance.

Road, Private

A right-of-way or easement for purposes of access which is in private ownership and which has not been dedicated to or accepted for maintenance by a public entity.

Roadside Sale Stand¹⁹¹

A temporary or permanent structure and/or area for the display and retail sale of agricultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool. Normal and incidental accessory uses for those agricultural products for sale at a roadside sale stand are: packaging, sorting, cleaning, drying, roasting and popcorn popping.

¹⁸⁹ New.

¹⁹⁰ New.

¹⁹¹ Revised description of agricultural products.

Roadway

That portion of the street right-of-way designed for vehicular traffic.

Rotorcraft

Any aircraft deriving its principal lift or support in the air from one or more rotors or from the vertical component of the force produced by rotating airfoils.

Runway

The hard surface of the airport landing area used primarily for the landing and takeoff of aircraft.

Instrument runway

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

Non-instrument runway

A runway other than an instrument runway.

Rural Community¹⁹²

Rural Communities include the census designated places of the Beulah Valley and Avondale communities and the statutory towns of Rye, Boone, and Vineland.

Rural Land Use Process

A planning process duly enacted and adopted by Pueblo County which is designed to offer a land use option for single-family residential purposes that differ from traditional 35 acre divisions of land.

S

Saddle Shop

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

Sanitary Landfill¹⁹³

A planned and approved method or system of waste disposal in which the waste is disposed or buried in layers, compacted by earth or other approved methods, or a facility where solid waste is burned prior to disposal.

¹⁹² New.

¹⁹³ New.

Sawmill

A mill or machine for sawing logs.

School, Private¹⁹⁴

A school organized and maintained by a recognized religious or independent association performing an academic function including parochial and independent schools which provide education to children of compulsory school age.

School, Trade¹⁹⁵

A secondary school offering instruction in a professional, vocational, or technical field.

Seasonal Sales¹⁹⁶

The temporary sale of goods or products associated with the season or a cultural event, including but not limited to the sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, tree stands, pumpkins, fireworks, and seasonal produce.

Secretary

The secretary to the Planning Commission or the Zoning Board of Appeals or may be a designated employee.

Setback

The distance from the lot line to any building or structure on the lot.

Shielding

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

Shooting Range, Indoor

A facility designed or used for shooting at targets with rifles, pistols, or shotguns and which is completely enclosed within a building or structure.

Shooting Range, Outdoor

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

¹⁹⁴ New.

¹⁹⁵ New.

¹⁹⁶ New.

Shopping Center

A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

Short-Term Rental¹⁹⁷

A principal dwelling rented to transient guests who are part of one party for short-term lodging (30 days or less) when not occupied by the owner/operator. The term "party" as used in this definition shall mean one or more persons who stay at a short-term rental as a single group pursuant to a single reservation and payment.

Sight-Distance Triangle

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

Sketch Plan

A map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early state in the planning.

Small Wind Energy Facility¹⁹⁸

A facility which is used for the production of electrical energy from energy supplied by the wind, including any transmission lines, and developed for the purposes of supplying or distributing electrical energy to a customer or customers, and in which there are no more than three wind generator towers and the hub height of the wind towers does not exceed 80 feet.

Social Service Organization Facility

An establishment for public or quasi-public organizations providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services and the otherwise disadvantaged. Examples of this land use include counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement

¹⁹⁷ New.

¹⁹⁸ New.

and neighborhood development. Does not include day-care services, emergency shelters and transitional housing, residential care, or soup kitchens.

Solar Facility, Medium-Scale

A solar facility between one acre and ten acres. This size is approximately equivalent to a rated capacity of about 250 kW to one megawatt (MW) alternating current. Facilities are generally generating electricity from sunlight primarily to reduce onsite consumption of utility power for commercial and industrial applications.

Solar Facility, Small-Scale

A solar facility of less than one acre. This size is approximately equivalent to a rated capacity of about ten kilowatts (kW) to 250 kW alternating current. Facilities are generally generating electricity from sunlight primarily to reduce onsite consumption of utility power for residential, agricultural, commercial, and industrial applications.

Solar Facility, Utility-Scale

A solar facility of more than ten acres. This size is approximately equivalent to a rated capacity of about one MW alternating current or greater. Facilities are generally generating electricity from sunlight to provide electricity to a utility provider.

Solar PV Panel Coverage

The total acres covered by blocks of photovoltaic panels including spaces between panels but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features.

Solid Waste Disposal Site and Facility

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

Solid Waste Transfer Station

A facility at which refuse awaiting transportation to a disposal site is transferred from one type of collecting vehicle and placed into another.

Solid Wastes

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

Space Port Facility

A site at which spacecraft are tested, launched, sheltered, and/or maintained.

Special Event

A temporary commercial, promotional, or festive activity, at a specific location that is open to the public and is planned for or expected to attract a large assembly of persons.

A Special Event Permit is not required for the following: Parades; Wedding and funeral ceremonies; Events or gatherings that attract or are intended to attract less than 500 people; Election activities and political rallies; and Farming and harvest related events (e.g., corn mazes, pumpkin patches, and similar) which are held on a working farm.

Specialized group facilities

A residential structure, established and supervised by the Pueblo County Department of Social Services or a licensed child placement agency, which provides 24-hour care for five to twelve children from the ages of three years old to eighteen years old and those persons twenty-one years old who are placed by court order prior to their eighteenth birthday whose special needs may be met through the medium of the small group. Children in care are from different family households and are not related to the caregiver. Caregivers are required to be licensed by the State of Colorado and/or the Pueblo County Department of Social Services. The definition of "Specialized Group Facilities" includes a "Specialized Group Home" and a "Specialized Group Center" as defined by the State of Colorado, Department of Human Services, Division of Child Care.

Specified Anatomical Areas

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

Specified sexual activities

Acts, simulated acts, exhibitions, representations, depictions or descriptions through any medium of:

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

Spotlight or Floodlight

Any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Stable

A building for the purpose of housing and feeding of horses and for the storage of equipment relating to the care, maintenance and operation of the horses.

Stadium

An outdoor sports arena with tiers of seats for spectators.

Storage and Application of Domestic Septage¹⁹⁹

The storage and application of the liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III Marine Sanitation Device, or a similar system that receives only domestic septage (household, non-commercial, non-industrial sewage).

Storage, Warehousing and Wholesaling²⁰⁰

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present.

Street

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

Street Right-of-Way

That portion of land dedicated to public use for street and utility purposes.

Street width

The horizontal distance between right-of-way lines.

Street, Center Line of

The true center line of a dedicated public right-of-way as determined by the Commissioner of Roads. Where public right-of-way is curved, offset, angular or any other question arises, the Commissioner of Roads shall determine the alignment of the center line.

Street, Private

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

¹⁹⁹ Updated to match use.

²⁰⁰ New.

Structural Alteration

Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Structure

Anything constructed or erected and having a permanent location on the ground. (Does not include fences.)

Structure, Accessory²⁰¹

A structure, usually subordinate in size to the principal structure, located on a lot and designed for a permitted accessory use in the zoning district applicable to the lot.

Structure, Nonconforming

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

Structure, Permitted

A structure meeting all the requirements established by these zoning regulations for the district in which the structure is located.

Structure, Principal

See "Building, principal."

Studio

A place, where an art is taught or studied; an artist's or photographer's establishment.

Subdivider

Any person, developer, firm partnership, joint venture, association or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision

A division, subdivision or resubdivision of a lot, tract or parcel of land into two or more lots, tracts or parcels of land.

²⁰¹ New.

Subdivision Improvements Agreement

One or more security arrangements which may be accepted by a county to secure the construction of such public improvements as are required by county subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

Substation

Any facility designed to provide switching, voltage transmission, or voltage control required for the transmission of electricity at 115 kilovolts or more but does not have as a primary purpose the transformation of voltage to 50 kilovolts or less for distribution purposes.

T

Technical Laboratory Facility

A building or group of buildings in which facilities for environmental, industrial, medical or scientific research, investigation, testing or experimentation are located.

Telecommunication Tower(s)

Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna clusters, microwave dishes and/or a combination thereof for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. Equipment shelters and support facilities constructed in conjunction with the tower shall be considered accessory structures but must be constructed within the specifically leased area.

Temporary

Use of land and/or structure or portion thereof which continues for a period of less than thirty consecutive days.

Terrace

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

Theater

A building used primarily for the presentation of live stage productions, performances, or motion pictures, excluding adult entertainment.

Tract

An area, parcel, site, piece of land, or property that is the subject of a development proposal and applications.

Transitional Housing²⁰²

A facility that provides housing and supportive services to persons experiencing homelessness and whose primary purpose is to enable those individuals or families to move into independent living and permanent housing. The length of stay in transitional housing may be specified.

Transmission Lines

Any electric transmission line and appurtenant facilities which transmit electricity at 115 kilovolts or more.

Transportation²⁰³

Uses in this category are primarily associated with bus, train, and aircraft facilities.

Travel Trailer

A temporary portable housing unit on wheels that is eight feet or less in width and thirty-two feet or less in length, excluding towing gear and bumpers which is designed for short-term occupancy while being used for travel, recreation and vacation.

Truck-Tractor

A motor vehicle designed and used primarily for drawing other vehicles (trailer) and not so constructed as to carry a load other than a part of the weight of the vehicle (trailer) and load so drawn.

U

Unenclosed

May be roofed but may not be enclosed on more than two sides by walls or fences. See "Enclosed."

Uplighting

Any light source that distributes illumination above a 90-degree horizontal plane.

Urban Agriculture²⁰⁴

The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture, hydroponics, beekeeping and/or poultry keeping. This definition includes gardens, container gardens, edible landscapes, residential greenhouses, hoopouses, apiaries, chicken coops, and other similar activities.

²⁰² New.

²⁰³ New.

²⁰⁴ New.

Use

Any activity taking place upon land and/or in structures.

Use by Right

A use which may be permitted in a zone district upon issuance of a permit by the Director of Planning and Development.

Use, Accessory²⁰⁵

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Use, Principal²⁰⁶

The primary use of a lot, tract, or parcel.

Use, Special

A use which may be permitted in a zone district upon favorable action by the Planning Commission.

Utilities²⁰⁷

A water, irrigation, sewer, gas, electric, telephone, bus, taxi, ambulance or railroad system or installation which serves five or more customers whether or not to be franchised or organized as a corporation or district.

V

Vehicle

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

Vehicle Equipment²⁰⁸

Establishments related to the sale, lease, or rental of new or used parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same premises that sells, leases, or rents vehicles.

²⁰⁵ New.

²⁰⁶ Updated.

²⁰⁷ Existing definition from 17.120.130 for "public utility".

²⁰⁸ New.

Vehicle Repair, Major²⁰⁹

A shop or place of business where heavy maintenance activities such as engine overhauls, automobile/truck painting, body and fender work, welding, and the like are conducted. This use shall not include the sale of fuel, gasoline or petroleum products.

Vehicle Repair, Minor²¹⁰

A shop or place of business where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing and the like are conducted. This use shall not include the sale of fuel, gasoline, or petroleum products.

Vehicle Sales, Rental, and Leasing, Heavy²¹¹

A facility consisting of buildings and yards used for the display, sales, or rental of heavy trucks, recreational vehicles, boats, trailers, tractors, construction equipment, agricultural implements, manufactured homes, or similar heavy equipment including incidental storage, maintenance, and servicing. This use includes but is not limited to recreational, boat, and trailer dealerships, truck dealerships, construction equipment dealerships, and manufactured home sale establishments.

Vehicle Sales, Rental, and Leasing, Light²¹²

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

Vehicle Service Station²¹³

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas, or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. Accessory use may include restaurants, and convenience food and beverage sales.

Visible

Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.

²⁰⁹ New.

²¹⁰ New.

²¹¹ New.

²¹² Replaced "Automobile and trailer sales area".

²¹³ New.

W

Wall

An obscuring structure constructed of masonry, brick, concrete, metal, wood, or similar materials that prevents the passage of light, air and vision.

Warehouse

A facility or portion thereof used and appropriated by the occupant:

1. For the deposit and safekeeping or selling of their own goods at wholesale or by mail order; or
2. Not for the deposit and safekeeping or selling of their own goods but for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

Waste and Salvage²¹⁴

Waste and Salvage Uses receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage Uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

Wastewater Treatment Plant

The facility or group of units used or treatment of wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes.

Waste-to-Energy Plant

A facility that generates energy in the form of electricity and/or heat from the primary treatment of waste that excludes hazardous or recyclable materials.

Water Distribution Line

A water supply system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to transport water of a potable or non-potable quality, commonly referred to as treated or raw water, and having the characteristic that it allows customer service taps. A water distribution line for the purpose of this regulation is a line having a vertical cross-sectional area equal to or greater than a 12 inch diameter pipe or its equivalent.

²¹⁴ New.

Water Recharge Area

A natural area in which water enters an aquifer. In a recharge area, surface water or precipitation percolates through relatively porous, unconsolidated, or fractured materials, such as sand, moraine deposits, or cracked basalt, that lie over a water bearing, or aquifer, formation.

Water Supply Facility

The real property and the plants, structures, and interconnections between machinery and equipment for the collecting, impounding, storing, improving, treating, filtering, conserving, or transmitting of water for the purpose of making available a supply of water.

Water Supply System

The system of pipes, structures, and facilities through which a water supply is obtained, treated, and sold or distributed for human consumption or household use, including systems whose service area is, or will be, outside the unincorporated area of Pueblo County.

Water Transmission Line

A water supply system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to transport water of a potable or non-potable quality, commonly referred to as treated or raw water, and having the characteristic that it does not allow customer service tap. A water transmission line for the purpose of this regulation is a line having a vertical cross-sectional area equal to or greater than a 12 inch diameter pipe or its equivalent.

Water Treatment Plant

The facility or facilities within the water supply system, which can alter the physical chemical, or bacteriological quality of the water.

Wholesale Sales²¹⁵

An establishment engaged in enclosed wholesale of manufactured products, supplies, and equipment, including accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. Other accessory uses may include product repair, parking, minor fabrication services, and repackaging of goods.

Wild Animal

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

²¹⁵ New.

Wildfire Hazard Area

The following terms are associated with wildfire hazard areas:

Wildfire

An uncontrolled fire burning in vegetation, structures, or other improvements.

Wildfire Behavior

The predictable action of a wildfire under given conditions of fuels, weather, and topography.

Wildfire Hazard

A wildfire phenomenon which is so averse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

Wind Turbine for Residential Purposes²¹⁶

A facility that is used for the production of electrical energy from energy supplied by the wind including any transmission lines, and developed for the purposes of supplying or distributing electrical energy to a customer or customers, and in which there are no more than three wind generator towers and the hub height of the wind towers does not exceed 80 feet.

X

[Reserved]

Y

Yard

An existing or required space not occupied or not to be occupied by a principal use or building on the same lot, parcel or tract with a principal use or building.

Yard, Front

A yard extending the full width of the lot and situated between the street line and the required front setback line.

Yard, Rear

A yard extending the full width of the lot and situated between the rear line of the lot and the required rear setback line.

²¹⁶ New.

Yard, Side

A yard extending between the required side setback line and the adjacent side line of the lot and extending from the required front setback line to the required rear setback line.

Z

[Reserved]