

Teller County Land Use Regulations

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**Subdivision Regulations Originally Adopted August 17, 1972
Zoning Regulations Originally Adopted July 23, 1973
by Teller County Board of County Commissioners**

Planning Department

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TELLER COUNTY LAND USE REGULATIONS

AA-1 TITLE. This resolution is the Teller County Land Use Regulations, and is referred to throughout as "these Regulations." It consolidates and replaces the formerly separate regulations for zoning, subdivision, new communities, signs, and trash.

AA-2 ORGANIZATION OF THESE REGULATIONS. These Regulations consist of 2 parts. The first part consists of tables -- the first table identifies the uses allowed in each zoning district, and the remainder of the tables indicate the most frequently applicable requirements for approvals and permits. The second part consists of all other requirements and provisions of these Regulations -- the second part is organized in alphabetical order by major topic. These Regulations include the following tables:

AA-2-1 Table 1 : Allowable Uses. These Regulations divide Teller County into several areas, called zoning districts, intended for different types of land uses. Table 1, Uses, indicates the different types of uses allowed in each zoning district. Uses not listed or not shown as allowed in the zoning district are prohibited. The Zoning Map, and the Resolutions creating or amending the Zoning Map, indicate the location of the zoning districts.

AA-2-2 Table 2: Approvals and Permits. The Approvals and Permits table indicates when these Regulations require an approval or permit.

AA-2-3 Table 3: Review Process. The Review Process table summarizes the steps for reviewing each type of approval or permit. The "Review Process" section of the text describes the review process in more detail.

AA-2-4 Table 4: Review Agencies. The Review Agencies table indicates the agencies and County departments that review each type of approval or permit.

AA-2-5 Table 5: Submittal Requirements. The Submittal Requirements table indicates items an applicant shall submit with an application for each type of approval or permit.

AA-2-6 Table 6: Drawing Requirements. The Drawing Requirements table indicates the standards for a plan or plat drawing for each type of approval or permit.

AA-2-7 Table 7: Criteria. The Criteria table indicates the approval criteria for each type of approval or permit required by these Regulations.

AA-2-8 Table 8: Design Standards. The Design Standards table indicates the sections of text in these Regulations that define the minimum design standards for different uses, zone districts, locations, and types of approvals.

AB-10 ABANDONMENT - TELECOMMUNICATION FACILITIES. If a low power communication facility ceases operating for 6 consecutive months, the facility owner or operator shall remove it within 90 days, and any **conditional use permit** approving the communication facility shall expire. At any time, the Planning Director may request a letter from the applicant certifying that the facility is in use and the use has not been discontinued for 6 consecutive months. If the facility is not removed within 90 days, a letter will be sent to the land owner and/or the communication company providing 60 day notice that a lien will be filed on the property equal to the cost of removing the facility and associated clean up. Appeal of the Planning Director's determination may be made to the Planning Commission at any time within the 60 day notice period.

AB-20 ABSTRACT. A summary indicating the scope, timing, and need for a proposed development.

AC-10 ACCESS. See "Driveways and Access" section.

AC-20 ACCESSORY USE, STRUCTURE OR DWELLING UNIT

AC-20-10 ACCESSORY USE OR STRUCTURE. A use or detached structure subordinate to the principal use or structure located on the same lot, parcel, or tract and serving a purpose that is customarily incidental to the primary use, or the primary structure. An accessory use or structure may precede the primary use or structure. Examples without limitation are: a garage or guest house appurtenant to a single family dwelling unit; the barn, stable or shed appurtenant to a ranch. **[Effective 10-09-03(48)]**

AC-20-20 ACCESSORY DWELLING UNIT. A complete and separate dwelling constructed as an integral part of a primary single family dwelling unit; as part of a structure accessory to a single family dwelling unit, ranch, or farm ("accessory structure"); or as a free-standing building. (See also GU-60 GUEST HOUSE) **[Effective 10-09-03(48)]**

AC-20-20-1 MEASUREMENT OF ATTACHED UNITS. For the purposes of determining the habitable square footage of an attached Accessory Dwelling Unit, the area to be measured shall be the area within the exterior walls of the structure excluding decks and porches which are not enclosed and also excluding garages. All floor space on basement floors capable of being habitable space without structural changes shall be included. The fire separation wall between the Accessory Dwelling Unit and the primary dwelling unit or accessory structure shall be considered an exterior wall. **[Effective 10-09-03(48)]**

AC-20-20-2 ACCESS. Both detached and attached Accessory Dwelling Units must use the same entry point on to the public road system or the road system in the subdivision in which the primary dwelling unit lot, parcel or tract is located. **[Effective 10-09-03(48)]**

AC-20-20-3 VISUAL UNITY OF ATTACHED UNITS. No separate entrances or utility connections visible from a public road may be added to the structure containing an Accessory Dwelling Unit. The entire structure should appear as a whole and not as separate units. **[Effective 10-09-03(48)]**

AC-20-20-4 PARKING. At least two off-street parking spaces must be provided for each Accessory Dwelling Unit, in addition to the two off-street parking spaces required for the primary dwelling unit. **[Effective 10-09-03(48)]**

AC-20-20-5 WATER AND WASTEWATER DISPOSAL. No Accessory Dwelling Unit may be constructed on a lot, parcel, or tract with well and septic system without adequate evidence of a legal and dependable source of potable water, and without adequate evidence from the Teller County Department of Environmental Health that an adequately sized septic system exists. **[Effective 10-09-03(48)]**

AC-20-20-6 OTHER USES. An Accessory Dwelling Unit shall only be used for single family occupancy, with or without a No-impact Home Business (See: HO-10 HOME BUSINESS - NO IMPACT). **[Effective 10-09-03(48)]**

AC-20-20-7 A-1 ZONE DISTRICT RESTRICTIONS. For lots, parcels, or tracts of 35 acres or greater created on or after May 22, 2003 for which an agricultural tax assessment status can be demonstrated: One Accessory Dwelling Unit or guest house, but not both, plus one additional Accessory Dwelling Unit per each 35 acres (but not a fraction thereof) in excess of 35 acres, is permitted as a use-by-right. (2) For lots, parcels, or tracts of 35 acres or greater created on or after May 22, 2003 for which an agricultural tax assessment status can not be demonstrated: One Accessory Dwelling Unit or guest house, but not both, is permitted as a use by right regardless of the size of the lot, parcel, or tract. **[Effective 10-09-03(48)]**

AC-20-20-7-1 LEGAL NON-CONFORMING A-1 ZONED PROPERTIES. For the purposes of these Regulations, the date that the lot, parcel or tract was first created in its specifics shall determine the lot, parcel or tract's status under DE-20-3. **[Effective 10-09-03(48)]**

AC-20-20-7-2 EXPIRATION and EXEMPTIONS. For a lot, parcel or tract created prior to May 22, 2003, the provisions of DE-20-3 Density and Parcel Size - Zoning District Standards shall remain in effect until May 22, 2008 unless otherwise amended pursuant to the provisions of the Teller County Land Use Regulations for amending the Regulations. On or after May 22 2008 no lot, parcel or tract less than 35 acres, with or without central water and sewer, shall be permitted more than one dwelling unit; and all lots, parcels or tracts of 35 acres or greater, with or without central water and central sewer, shall be permitted one dwelling unit as a permitted use and one guest house or one or more Accessory Dwelling Units according to the provisions of AC-20-20-7 as if the lot, parcel or tract was created on or after May 22, 2003. **[Effective 10-09-03(48)]**

The provisions of **NO-10-2 NONCONFORMING USE OR STRUCTURE - DISCONTINUANCE** of these Regulations shall not apply to any legal non-conforming Accessory Dwelling Unit in existence prior to May 22,

2008. **[Effective 10-09-03(48)]**

The provisions of **NO-10-4 NONCONFORMING USE OR STRUCTURE - REPLACEMENT** of these Regulations shall not apply to any legal non-conforming Accessory Dwelling Unit in existence prior to May 22, 2008. [Effective 10-09-03(48)]

AC-20-20-8 NOT SEVERABLE. No Accessory Dwelling Unit or Guest House may be divided or any interest therein conveyed separately from the primary dwelling unit and the entire lot, parcel, or tract of which it is a part. [Effective 10-09-03(48)]

AD-10 ADDITIONAL INFORMATION. Such further information as may be requested by the Planning Director to determine that a mobile home park will comply with legal requirements.

AD-15 ADOPTED LEVEL OF SERVICE. Minimum standard adopted in these Regulations for the types of infrastructure defined in these Regulations.

AD-20 ADULT OR SEXUALLY ORIENTED BUSINESS. The purpose of regulating adult or sexually oriented businesses is to allow the reasonable location of sexually oriented businesses within the County in a manner which will protect property values, neighborhoods and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses such opportunity in appropriate areas within the County. It is not the intent of these Regulations to suppress any speech activities protected by the First Amendment of the United States Constitution but to impose content neutral regulations which address the adverse secondary effects sexually oriented businesses may have on adjoining properties.

_____ No sexually oriented business shall be located within 500 feet of another sexually oriented business, any of the following legal conforming uses: residential, church, day care center, park or educational institution (whether within or without the County), or residentially zoned property. The 500-foot separation measurement shall be made in a straight line between the respective property lines, without regard to intervening structures or objects.

AD-20-1. Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

AD-20-2. Adult Bookstore or Adult Video Store. A business having as a substantial or significant portion of its stock and trade, revenue, space, or advertising budget, resulting from the sale, rental or viewing of one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- Instruments, devices, or paraphernalia which are designed for specified sexual activities.

AD-20-3. Adult Cabaret. A nightclub, bar, restaurant, or similar business which regularly features:

- Persons who appear in a state of nudity; or
- Live performances which are characterized by the exposure of specified anatomical areas or by specified anatomical areas; or
- Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

AD-20-4. Adult motel. A hotel, motel or similar business which offers accommodations to the public for any form of consideration and provides patrons live performance or with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

AD-20-5. Adult motion picture theater. A business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

AD-20-6. Adult or Sexual encounter establishment. A business or commercial establishment, which as one of its primary business purposes, offers for any form of consideration, a place where 2 or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

AD-20-7. Adult or Sexually oriented business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

- The opening or commencement of any sexually oriented business as a new business;
- The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- The additions of any sexually oriented business to any other existing sexually oriented business;
- The relocation of any sexually oriented business; or
- The continuation of a sexually oriented business in existence on the effective date of this regulation.

AD-20-8. Adult theater. A theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

AG-10 AGENCY APPROVALS. Written approval as required from other involved agencies, such as the Colorado Department of Transportation and utility companies.

AI-10 AIRFIELDS AND RELATED FACILITIES. Nothing herein contained shall be construed to affect or regulate the operation of airports that have been given prior County approval. Such

airports shall have one year from the date of these Regulations to petition for the airport zone to apply to the airport's present boundaries, despite nonconformance with the regulations set forth herein. Such petition shall contain a diagram of existing runways giving their dimensions and locations as they relate to the legal boundaries of the area proposed to be zoned. However, should such presently existing airports extend existing runways or create new runways, full compliance with the terms of these Regulations shall be required. Failure to petition for such change shall render such airports subject to all the rules and regulations affecting nonconforming uses.

AI-10-1. Airfields and related facilities - Existing conditions. These Regulations shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as to the effective date of these Regulations, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these Regulations, and is diligently prosecuted.

Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Planning Commission to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner.

AI-10-2. Airfields and related facilities - Interference. Notwithstanding any other provisions of these Regulations, no use may be made of land within any zone established by these Regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

AI-10-3. Airfields and related facilities - Runway Requirements. The owner(s) or applicant(s) must control by ownership the ground surface area of the Primary Surface, and the area that is included under the Approach Clearance Surfaces, and the Transitional Surfaces as defined in these Regulations. If the owner(s) and applicant(s) does not control by ownership the areas described above, the signatures of the owners included within the ground surface area of the Airport Zone must accompany the zone application. This area shall be designated as the Airport Zone.

AI-10-4. Airfields and related facilities - Structures. The height of any structure or tree within the airport zone shall be limited to that defined in the primary surface, the approach clearance surfaces and the transitional surfaces described in these Regulations.

AI-10-5. Airfields and related facilities - Approach Clearance Surfaces - an inclined plane, symmetrical about the runway center line extended, beginning at each end of the primary surface at the center line elevation of the runway end and extending horizontally a distance of 3,000 feet. The slope of the approach clearance surface is 20

to 1 along the runway center line extended. The width of this surface is the same as the primary surface at its beginning, it flares uniformly, and the width at 3,000 feet from the end of the primary surface is 850 feet.

AI-10-6. Airfields and related facilities - Primary Surface - a surface located on the ground or water longitudinally centered on each runway extending 200 feet beyond each end of the runway. No structure or structures shall exceed the runway elevation unless used to assist the operational use of the runway, (re: runway lights) but in no event will be higher than 4 feet. The width of the primary surface for the runways under 7,000 feet shall be 250 feet.

AI-10-7. Airfields and related facilities - Transitional Surfaces - that surface extended a distance from the primary surface and approach clearance surfaces at a slope of 7 to 1 outward and upward at right angles to the runway center line to an elevation of 150 feet above the established airport elevation. Such horizontal distance is 1,175 feet parallel from the runway center line. At a point perpendicular from the end of the primary surface, it shall be extended 3,000 feet on the center line to a point 425 feet either side of the center line.

AL-10 ALLEY A minor access way used primarily for vehicular and utility service to the back or the side of properties otherwise abutting on a street.

AL-20 ALLOWABLE USES. See "Uses" Table.

AM-10 AMENDMENTS TO AN APPROVAL OR PERMIT. An amendment to an approved plan, plat, permit or agreement is subject to review according to the requirements for a new permit or approval under these Regulations.

AM-10-1. Amendments to PBC Zoning. A change to the concept statement or plan must be requested in writing. The Planning Commission may approve the change or may refer it to the Board of County Commissioners.

AM-10-2. Amendments to PUD Zoning. The Planning Director may approve minor modifications in the location, sizing, and height of buildings and structures if required by engineering or other circumstance not foreseen at the time the Planned Unit Development Plan was approved, so long as the modification does not result in:

1. An increase of more than 5% in the gross residential density;
2. An increase of more than 5% in the floor area proposed for non-residential use of a commercial or industrial nature;
3. An increase of more than 5% in the total ground area covered by building except in single family residential areas; and
4. A reduction of more than 3% in the area set aside for common open space.

Minor modifications in the location of streets and underground utilities may be approved under this section.

AN-10 ANIMALS - CLASSIFICATION.

Domestic, noncommercial use of poultry or fowl shall include but not be limited to, chickens, turkeys, pigeons, small birds and ducks. The following fowl are excluded from

this definition due to noise generating characteristics: roosters, peafowl and any other fowl whose calls are audible over similar distances.

Non-commercial, domestic hoofed livestock shall include, but not be limited to, horses, cattle, mules, sheep, goats, and swine.

Pet animals shall include dogs, cats, birds, rabbits, guinea pigs, hamsters, mice, snakes, iguanas, turtles, or any other species of animal customarily sold for the purpose of being kept as a household animal.

Small livestock shall include but not be limited to rabbits, chinchillas or similar animals.

AN-20 ANIMALS - DOMESTIC HOOFED LIVESTOCK STANDARDS.

AN-20-1 Minimum property size in R1, R1M and R2 zones. Domestic hoofed livestock are prohibited on residential properties of less than one acre. This prohibition does not apply to public roadways.

AN-20-2 Maximum density in RR, R1, R1M and R2 zones. The maximum allowable density is one animal per ½ acre, with a minimum of 1 acre required. Young animals under 6 months of age may be kept until weaned without counting toward the allowable limit.

AN-20-3 Shelter in RR zone. When there are 2 animals on a parcel of land, a barn or shelter shall be required to be constructed.

AN-20-4 Containment area in RR, R1, R1M and R2 zones. Although the entire lot may be fenced, a containment area (corral) must be provided where the animals will normally be penned and supplementary fed. All corrals, stalls, and barns shall be at least 50 feet from any residence, domestic well and property lines.

AN-20-5 Containment area size in RR zone. The containment area (corral) should be adequate in size for the number of animals involved and shall not exceed 10% of the gross lot acreage or ½ acre whichever is least.

AN-20-6 Animal Waste in RR, R1, R1M and R2 zones. Regular removal or spreading of manure is required so that it does not become unsightly or a public nuisance. The possession of animals will not be allowed to create health hazards to the surrounding properties.

AN-20-7 Drainage in RR, R1, R1M and R2 zones. Adequate drainage facilities or improvements shall be provided by the property owner and constructed so as to protect any adjacent properties from runoff containing contaminants such as sediment or organic wastes.

AN-30 ANIMALS - DOMESTIC SMALL LIVESTOCK, POULTRY, AND FOWL STANDARDS.

AN-30-1 Number allowed in RR zone. None are allowed if the lot size is smaller than 2.0 acres.

On lots from 2.0 to 5.99 acres in size, a maximum number of 15 poultry, fowl and rabbits is permitted. A containment area for the poultry or fowl shall be required and not

be closer than 50 feet to any property line. Small livestock must be properly housed (i.e. rabbit hutches) and not be located closer to any property line than the zone district setback allows.

On lots that are greater than 5.99 acres in size, there shall not be a limit on the number of poultry, fowl or small livestock allowed except when the keeping of such is not for domestic, consumptive, hobby, or pet uses by the residents of the parcel.

AN-30-2 Number allowed in R1, R1M and R2 zones. On lots less than 1 acre in size, a maximum number of 4 poultry, fowl and rabbits is permitted.

On lots from 1.1 to 2.00 acres in size, a maximum number of 10 poultry, fowl and rabbits is permitted.

On lots from 2.10 to 5.99 acres in size, a maximum number of 15 poultry, fowl and rabbits is permitted.

On lots that are greater than 5.99 acres in size, there shall not be a limit on the number of poultry, fowl or small livestock allowed except when the keeping of such is not for domestic, consumptive, hobby, or pet uses by the residents of the parcel.

AN-30-3 Containment area in R1, R1M and R2 zones. A containment area for the poultry, fowl and small livestock shall be required.

AN-35 ANIMALS - KENNELS

AN-35-1 KENNEL. A breeding kennel, a boarding kennel, or a cattery, or any combination thereof and includes animal pounds and shelters, containing animals over 4 months of age.

AN-35-2 KENNEL, COMMERCIAL. Any place or premises used in whole or in part for the purpose of breeding and/or boarding of dogs or cats, principally for compensation or profit.

AN-35-3 KENNEL, PRIVATE. Any place or premises used in whole or in part for the purpose of breeding and/or boarding of dogs or cats, for private enjoyment, in excess of 6 animals of a specific species, over 4 months of age.

AN-40 ANTENNA. A transmitting and/or receiving device used in communications that transmits or captures radio signals.

AP-10 APPEAL. A request for a review of the County's interpretation of any provision of these Regulations.

AP-10-1 Appeal of action by an administrative official. The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an Administrative Official in the enforcement of these Regulations. For other than building permits, Planning staff shall provide 10 day notice of denial and opportunity to appeal the decision by Planning staff.

Appeals may be made by any person aggrieved or by any officer, department, board, or bureau of the County, affected by any decision of an Administrative Official in administering these Regulations. Such appeal shall be filed within 10 days after the date of the decision by filing with the Planning Director a written notice of appeal specifying

the grounds thereof, and by paying a filing fee, as provided in the Fees section of these Regulations at the time the notice is filed. The Planning Director shall forthwith transmit to the Board of Adjustment certified copies of all the papers constituting the record of said matter, together with a copy of the ruling or order from which such appeal is taken.

AP-10-2 Appeal of action by the Board of Adjustment or by the Board of County Commissioners. An appeal from any action, decision, ruling, judgement, or order of the Board of Adjustment or County Commissioners may be taken by any person or persons, firm or corporation, jointly or separately, who have been aggrieved thereby, or by any taxpayer, or any officer, department, board or bureau of government to the District Court, as provided for by Colorado Statutes.

AP-10-3 Appeal of Action by the Planning Commission. Any decision of the Planning Commission granting, conditionally granting, or denying a Variance or Conditional Use Permit may be appealed by any officer, department, board, or official of Teller County, or by any Applicant or other person aggrieved by the said decision. Appeal shall be to the Board of Adjustment, and must be perfected by filing a written Notice of Appeal with the said Board of Adjustment, also with the appropriate appeal fee as prescribed in these Regulations. **All decisions of the Planning Commission shall become final and unappealable unless an appeal is perfected within 10 days from the entry thereof.** A perfected appeal to the Board of Adjustment stays all enforcement proceedings as set forth in these Regulations, until final decision of the Board of Adjustment.

AP-10-4 Appeal of a New Community Decision. Any person having standing may appeal a New Community decision of the Planning Commission to the Board of County Commissioners. The applicant, and any person who resides in or owns property within the impact area, have standing to appeal. The review shall be limited to a review of the record and shall not be a hearing de novo.

The appeal must be initiated within 30 days of the decision of the Planning Commission, and shall be initiated by filing with the Board of County Commissioners a notice of appeal, which need only state the date of the action taken by the Planning Commission, a brief description of the action taken, the name and address of the person appealing, and a statement showing that the person appealing has standing to do so.

The Board of County Commissioners shall then determine whether or not the person appealing has standing. If the Board determines that the person appealing has standing, it shall so notify said person, and then applicant, by first class mail. The person appealing shall then, at his or her expense, obtain a transcript of the record of the proceedings before the Planning Commission, and shall then submit the transcript to the Board of County Commissioners. Upon receipt of the transcript, the Board of County Commissioners shall notify by first class mail the person appealing and the applicant of the date, time and place at which the Board will hear arguments concerning the appeal. If the appeal is by the applicant, the Planning Director may argue in response to the appeal.

In considering the appeal, the Board of County Commissioners shall limit its deliberations to the question of whether there is evidence in the record to support the decision of the Planning Commission. If it finds such evidence in the record, it shall affirm the decision of the Planning Commission. If it does not find such evidence in the

record, it shall reverse the decision of the Planning Commission and shall then remand the matter to the Planning Commission with instructions to take action in accord with the decision of the Board.

AP-10-5 Appeal - Planned Industrial Center (PIC) Zone. In such cases where a Development Plan is denied for cause, or the applicant wishes to appeal any conditions imposed by the Planning Commission, the applicant shall have the right of appeal to the Board of County Commissioners. Said appeal shall be filed within 10 working days of the action by the Planning Commission and shall be filed with the Teller County Planning Department. The appeal shall state the grounds upon which the appeal is based upon. The Planning Department shall then schedule the appeal before the Board of County Commissioners at the next available meeting date of the Board. The Planning Department shall provide the Board all the material submitted for Development Plan which was provided to the Planning Commission.

AP-10-6 Appeal - Planning Commission Denial of Public Safety Communication Facility. Any appeals of a Planning Commission disapproval shall be in accordance with Colorado Revised Statutes Article 30-28-110.

AP-20 APPEAL PROCEDURE.

AP-20-1 Appeal Procedure - Public Notice. Publication as part of agenda of the Board hearing the appeal shall be deemed sufficient notice to the public.

AP-20-2 Appeal Procedure - Board Action. In exercising its powers, the Board may, in conformity with the provisions of these regulations and pertinent statutes, reverse or affirm, wholly or partly, or may modify the order, requirement, dedication, or determination as ought to be made, and to that end shall have all the powers of the officer of agency from whom the appeal is taken. The Board shall decide appeals and applications within 45 days after submission of the written appeal or request.

AP-20-3 Appeal Procedure - Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board hearing the appeal, after the notice of appeal shall have been filed with the Planning Director, that by reason of facts stated in the certificate a stay, in Planning Director's opinion, would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board hearing the appeal or by a court of record on application and notice to the officer from whom the appeal is taken and undue cause shown.

AP-30 APPLICABILITY OF THESE REGULATIONS. Except as here and after provided, or by variance granted, or by amendment, no building, structure or land shall be occupied, built or used or erected or moved or structurally altered unless in conformity with these Regulations, which apply to all unincorporated land in Teller County.

AP-40 APPLICANT. Any individual or entity, whether public or private, owning a property or having a legal interest in that property, may apply for an approval or permit for that property. Applicant includes the "applicant's representative", where the property owner designates the applicant's representative either on the application form or by a signed and notarized statement

provided to the Planning Department.

AP-50 APPLICATION FORM. Forms provided by the Planning Department, for submitting information that includes but is not limited to the following.

1. Name, address and telephone number of the fee owner(s) of the property involved;
2. General legal description of the total property involved including the County Assessors' tax parcel number;
3. Total acreage of the property involved;
4. Existing land use of the total property involved.
5. Existing land use of the adjacent properties.
6. Signatures of the fee owners(s) or the authorized agents.

AP-60 APPLICATION AND REVIEW PROCESS. See the Review Process Table and the "Review Process" section.

AP-70 APPROVALS AND PERMITS. See the Approvals and Permits Table.

AP-80 APPROVED. Approved by the governing authorities having jurisdictions, such as the State of Colorado and local government(s).

AU-10 AUDIT OF CONDITIONAL USE PERMITS. Each year beginning on January 1st, 10% of all Conditional Use Permits will be audited to insure compliance with the conditions imposed, or if no conditions were imposed to determine that the activities undertaken are as presented in the original Conditional Use Permit request. The permits to be audited will be chosen on a random basis for an on-site inspection.

AU-20 AUTHORITY. The State of Colorado authorizes or enables Teller County to:

1. establish zoning districts, control land use in those districts, and otherwise regulate the subdivision of land and building activities by Title 30, Article 28, Colorado Revised Statutes (CRS), 1973, as amended;
2. plan for and regulate various activities on, and use of, land by Title 29, Article 20, CRS 1973 as amended (also known as 1034 authority);
3. identify, designate and regulate areas and activities of state interest by Title 24, Article 65.1, CRS 1973 as amended (also known as 1041 authority);
4. regulate planned unit developments (PUD's) by Title 24, Article 67, CRS 1973 as amended;
5. regulate signs along State Highways by Title 43, Article 1, CRS 1973 as amended; and
6. regulate rubbish, including trash, junk, and garbage, by Title 30, Article 15, CRS 1973 as amended.

These Regulations also are adopted pursuant to any other authorizing legislation existing prior to, or enacted following, their adoption.

BA-12 BATCH PLANT (CONCRETE) ASSOCIATED WITH MINING is a cement batch plant that will (1) locate within the permit boundaries of a mining operation with a County-approved mining conditional use permit, (2) be part of the reclamation (including removal) activities of the mining operation, and (3) for aggregate, (except sand, pea gravels, and additives) be limited to materials excavated by the mining operation.

BE-10 BED AND BREAKFAST OPERATIONS. IN A1, R1, AND R2 ZONES. [Effective Res. 03-31-05(8)] No more than 5 guest rooms; the owner/operator must reside in the premises housing the bed and breakfast.

BL-20 BLOCK. An area of land within a subdivision which area is entirely bounded by streets, highways, or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

BO-10 BOARDING, AND/OR ROOMING HOUSE. A building other than a hotel or restaurant, where meals and/or lodging are regularly furnished for four or more persons, not members of the family, but not exceeding twelve persons, for compensation. This establishment is not open to transient customers.

BO-20 BOARDS AND OFFICIALS.

Board of Adjustment. The Board of Adjustment shall have the following powers and duties:

- To hear and decide appeals from the decision of an Administrative Official, including a decision to approve or deny a site plan for a building permit.
- To hear and decide appeals from applications for conditional use permits, subject to the conditional use permit provisions of these Regulations.
- To hear and decide appeals from applications for variances from the terms of these Regulations, subject to the variance provisions of these Regulations.

Code Enforcement Officer enforces these Regulations.

Planning Commission advises the Board of County Commissioners regarding planning, zoning, and subdivision matters and decides on variances and certain types of conditional use permits.

Planning Director administers these Regulations. The Planning Director may be known as the zoning officer for the purposes of these Regulations. Appeals from the decision of the zoning officer may be made to the Board of Adjustment as provided herein.

BO-30 BOARDS - PROCEDURES.

Board Chairman or Chairwoman. The Board shall annually elect its own chairman at the first meeting on or after January 1. Such chairman, or in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. There shall be a fixed place of meeting and all meetings shall be open to the public. The presence of 4 members shall be necessary to constitute a quorum.

Board Conflict of Interest. Any member of the Board who shall have a direct or indirect interest in any property or in the decision relating to such property, which shall be the subject matter of, or affected by, a decision of the board, shall be disqualified from participating in discussion, decision, or proceedings of the Board in connection therewith.

Board Members and Alternates. The Board of Adjustment shall consist of 5 and **Planning Commission shall consist of 7 members** appointed by the Board of County Commissioners. The Board members shall be appointed for a 3 year term with the initial

terms to be staggered so that the term of at least one (1) member shall expire each year.

A person may serve on only one of the following boards at the same time: the Teller County Board of Commissioners, the Planning Commission, and the Teller County Board of Adjustment. If a person participated as a member in a decision by one of these boards, that same person may not participate as a member of another board when that board hears an appeal of that decision by the first board.

Two (2) alternate members shall be appointed to the Board in the manner described above. Alternate members shall be appointed for a 3 year term. In the event of the absence of a member, the Chairman of the Board shall designate an alternate member to serve as, and fulfill the responsibilities of, the member during his absence.

Board Members and Alternates - Removal and Vacancy. A member or alternate member, once qualified, shall thereafter be removed during his term of office only for cause upon written charges, and after a hearing held before the Board of County Commissioners. In the event of the death, resignation, or removal of any member or alternate member before the expiration of this term, a successor shall be appointed in the manner described above for the unexpired portion of his term.

Board Rules of Procedure. The Board shall adopt rules of procedure consistent with these regulations and pertinent statutes.

Board Secretary and Records. The Planning Director shall serve as Secretary to the Board. In the absence of the Secretary, the Chairman of the Board may appoint one of the members of the Board to act as Secretary Pro-tem for the meeting. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, the minutes shall indicate such fact. The Board shall keep records of actions, which shall be on file in the office of the County Clerk as a public record.

Board Staff Support. The Boards shall have the power to call on any County department for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance as may reasonably be required. The Board of Adjustment shall also receive and consider recommendations submitted by the Planning Commission.

Board Voting - Board of Adjustment. The concurring vote of 4 members of Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer or to decide in favor of the applicant on any matter upon which it is required to pass under these Regulations, or to effect any variation of these Regulations.

BO-40 BOUNDARY SURVEY. A boundary survey completed by a State of Colorado Licensed surveyor will be required in the following situations:

1. The proposed structure is less than 5 feet from the required setback.
2. There is documented evidence of a dispute involving the location of a property line that will be impacted by the construction of the proposed structure.
3. When the topography of the property makes accurate determination of the property line location and setbacks difficult as judged by the Planning Department.
4. For variance requests to setback requirements, a boundary survey verifying the location of the existing structure shall be included with the application. When the variance is

requested for a proposed structure, a survey will be required at the time of building permit application to verify that the placement of the structure will comply with the variance granted.

For existing or proposed structures on properties over 35 acres, only the property line impacted by the variance request must be surveyed.

BU-10 BUFFERS. See "Screens, Fences, and Buffers" section.

BU-15 BUILDABLE or BUILDING SITE. Site on which a structure containing a permitted use can be constructed in compliance with these Regulations.

BU-20 BUILDING. Any structure having a roof supported by columns or walls, used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

BU-30 BUILDING AREA. The total area bounded by the exterior walls of the building at the floor levels, including garages, car parks, porches and breezeways.

BU-40 BUILDING DESIGN. The following standards are not intended to prohibit the clustering of structures, where the clustering provides either better pedestrian connections between buildings or better open space areas surrounding the buildings. The following standards, in requiring compatibility with adjoining uses and properties, are not intended to prohibit a higher quality of development based on the requirements of these Regulations.

BU-40-01 Building design - siting. The siting of a building shall fit the existing topography, relate to climatic conditions, and consider on-and-off-site structures, streets and pedestrian ways. Structures shall, to the extent possible, be placed on the site lower than ridgelines so that the building will blend into the landscape, rather than being a focal point. Building orientation and placement shall limit overall cut and fill depths to the minimum needed to make possible the construction of the building. The pattern of spaces between buildings of new construction shall be consistent with existing construction. Attention shall be given to preserving unique and/or special topographical features such as streams, outcroppings, wetlands, and unusual or scenic geological features.

BU-40-02 Building design - orientation. Building orientation shall, to the extent reasonably possible, face the street frontage, and preserve view corridors. Building heights of new structures shall, to the extent reasonably possible, not interfere with view corridors of existing structures. Buildings shall be carefully sited for climate control and to minimize shadows cast between 9 am and 3 pm during the winter onto structures on adjacent properties.

When integrating with existing neighborhoods and/or similar adjoining uses, buildings and other site plan elements shall, to the extent possible, be oriented on the lot in a manner which is consistent with similar uses on the adjoining properties. Where there is a predominant pattern of siting characteristics established on surrounding properties for similar uses, this pattern shall be continued on the subject property.

BU-40-03 Building design - massing, scale and proportion. The design of the building or buildings shall consider the building proportions, building mass and height

and the potential for grouping buildings together so as to be compatible with adjacent existing and proposed uses.

If the proposed building or buildings is to be larger than adjacent structures, architectural elements shall be incorporated into the design of the larger building such that the scale of the larger building's facade is compatible with the adjacent smaller buildings.

“Large” as used in this section means “at least twice as tall or at least twice as long as the facade of the adjacent building facing the same general direction”.

“Adjacent” as used in this section refers “whatever is the nearest building site, whether the building site is on an adjacent property or on the same property”.

Scale of the elements of the existing and proposed buildings, and existing rhythm of buildings along the street shall be considered. Landscaping shall be designed to integrate the structures into the surroundings.

A transition in scale, and appropriate quantities of open space and landscaping shall be utilized to create an attractive, compatible edge in areas where large scale buildings are sited next to smaller ones, such as office complexes next to single-family residences.

BU-40-04 Building design - architecture. When building groups or multiple structures are planned for a single project, they shall be designed in a unified architectural and spatial manner with reference to building placement, exterior finish, materials and design details.

BU-40-05 Building design - materials. Brick, sandstone, wood, stucco, colored and textured concrete masonry units for facing materials are encouraged. The use of prefabricated metal is allowed where the proposed development otherwise complies with the Building Design requirements of these Regulations. Panelized flat plywood and highly reflective materials for facing materials are prohibited as the predominant surface materials. The design of facades visible from the street shall include building materials that are similar or compatible with the surroundings and provide an appearance of quality and permanence.

BU-40-06 Building design - color. Colors which blend well with adjoining architectural styles and the natural surrounding environment shall be the predominant ones used on the exterior of the buildings, with bright colors used only for accents and detailing of the architecture.

BU-40-07 Building design - details. Surface and facade details to enrich the architectural character and enhance the streetscape shall be used. These may include, but are not limited to awnings, special entry details, lights, and bay or specially designed windows, cornices or molding details.

BU-40-08 Building design - walls. Blank building walls that are visible to the public shall, to the extent possible, be avoided. Blank walls shall be designed to be less oppressive through the use of interesting details, design patterns and features that diminish the scale of the structure. For an expansive wall, consideration shall be given to implementing a pattern on the wall with a different color or type of the same material, or creating an area of the wall that is a different texture, color and material. Jogging walls of the building shall be considered to break up large building facades.

BU-40-09 Building design - lighting, paving, and street furniture. Lighting, paving, and street furnishings such as benches and planters shall be integrated into the overall building concept and design.

BU-40-10 Building design - mechanical equipment. Mechanical equipment mounted on the building including but not limited to vents, flues, and flashing shall be painted to match the color of the building and/or screened with materials compatible with the architectural design of the building.

BU-40-11 Building design - retaining walls. Retaining walls shall consist of materials compatible with the architectural design of the building.

BU-40-12 Building and Site Design - Specific Uses and Zones.

BU-40-12-1 Building and Site Design - Campground (CG) Zone. Sites selected for campgrounds shall be well drained and free from topographical or geological hindrances, hazardous areas or other conditions unfavorable to proper enjoyment by users. Sites should not be located near swamps, marshes, or other breeding places for insects and rodents, or commercial and/or industrial zones with objectionable odors or noise. The availability of an adequate water supply and satisfactory means of sewage disposal are basic considerations in selecting a suitable site. Consideration should also be given to accessibility to main roadways.

BU-40-12-2 Building and Site Design - Communication Facilities. Design, materials, colors and location of a communication facility shall be compatible with the building it is mounted on and minimize adverse visual impacts. Wall mounting shall be as flush to the building wall as technically possible and shall not extend above the roof line of the building. Maximum area of panel antennas per building face shall not exceed 32 square feet per facility or an aggregate total of 100 square feet for all facilities per parcel. Roof mounting shall have a maximum of 4 whip antennas.

BU-40-12-3 Building and Site Design - Mobile Home Park (MHP) Zone. Any existing regulation concerning mobile home parks shall be considered prior to selection of the site for a mobile home park. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

The mobile home park shall be located on a well-drained site, and shall be so located that its drainage will not endanger any water supply. Park sites shall be in the areas free from marshes, swamps, or other potential breeding places for insects or rodents. Park sites shall not be subject to flooding, fire, or safety hazards, and shall not be exposed to chronic nuisances, such as noise, smoke, fumes, or odors. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

No mobile home shall be occupied in a mobile home park unless the mobile home is situated on a mobile home space. In addition, the mobile home space shall have an improved area for siting a mobile home. The mobile home site shall be improved to provide a base for the adequate support, placement and

tie-down of the mobile home. The base shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. Anchors or tie-downs, such as cast-in-place concrete "dead men", eyelets imbedded in concrete screw augers, or arrow head anchors shall be placed in accordance with the Teller County Building Code. This paragraph does not apply to mobile home parks existing on Exhibit A (section NO-30).

Skirting of mobile homes is permissible, but such skirting shall not provide a harborage for rodents, or create a fire hazard. Jacks or stabilizers may be placed under the frame of the home to prevent movement on the springs while the home is parked and occupied.

BU-40-12-4 Building and Site Design - Solid Waste Disposal Facilities. Solid waste disposal sites shall be located away from developed areas so as to reduce nuisance, have abundant soil available to cover disposed material with nonpermeable soil or material, be a well drained area with no free standing water, not contaminate groundwater, and comply with any other applicable health standards as may be established by Public Health Officials. All incinerators will meet the appropriate air quality standards with regard to fly ash, smoke, and ambient air standards.

BU-45 BUILDING DESIGN INFORMATION. Sufficient information for the Planning Official to determine compliance with the Building Design

BU-50 BUILDING HEIGHT. See "Height" section.

BU-60 BUILDING - MAJOR. Any new or expanded building requiring a building permit, other than (1) agricultural buildings, or (2) up to 3 dwellings on a single lot or single parcel, or (3) residential accessory structures.

BU-65 BUILDING - MINOR. Any building or structure not included in the definition "building - major".

CA-10 CAMPING IN THE A1 AND RESIDENTIAL ZONE DISTRICTS. Camping is permitted when the following requirements are met:

1. Sewage shall be disposed of either at an off-site facility or an on-site disposal system, in each case to be approved by Teller County;
2. Compliance with all minimum setbacks for the zone;
3. Camping on property over 60 days, in one calendar year, will be considered permanent residence and will be in violation of these Regulations;
4. No more than 2 camping units, per lot, are allowed;

CA-20 CAPABILITY EVIDENCE. Evidence demonstrating the technical and administrative capability of the applicant to plan and develop a new community, including experience, successes and failures on other new community projects, and experience and expertise of applicant's personnel; and the financial plan of the applicant, including:

1. All anticipated costs of developing public and publicly financed services and facilities
2. The manner by which, and the sources from which, development costs will be met, including anticipated revenues from the development, financial resources of the developer, proposed borrowing, and special and other districts;

3. A procedure allowing for periodic updating of the financial plan to take into consideration changes in costs, revenues, market conditions, and other relevant changes affecting the development;
4. Marketing strategy for residential, commercial and industrial property.

CE-10 CEMETERY. A place designated for the burial or keeping of the remains of the dead, whether human or animal (excluding animals buried on the owner's property as permitted by law), including crematories, mausoleums, columbariums and funeral activities operated within the boundaries of the cemetery.

CH-10 CHANGES FROM ORIGINAL APPROVAL. Any change in the information submitted since the time the original permit was issued or the latest renewal granted.

CH-20 CHILD CARE CENTER. Facility which provides care for 5 to 12 children under the age of 16 years, more than 3 days per week, who are not related to the owner, operator, or manager of the facility, whether such facility is operated with or without compensation for such care. This term includes facilities commonly known as day care centers, day nurseries, nursery schools, and preschools meeting the following criteria:

1. Conducted by occupants of the dwelling and no more than two outside employees,
2. Meets all requirements of the State Department of Health and Department of Social Services,
3. Limited to 10 overnight stays by clients each month,
4. Hours of operation should be limited to 6:00 AM to 9:00 PM, except as provided in "3",
5. Meets parking requirements as defined in these Regulations.

CH-30 CHILD CARE CENTER - COMMERCIAL. Facility which provides care for over 12 children under the age is 16 years, more than 3 days per week, who are not related to the owner, operator, or manager of the facility, whether such facility is operated with or without compensation for such care.

CH-40 CHILD CARE CENTER - NO IMPACT. Facility which provides care of 4 or fewer children under the age of 16 years who are not related to the owner, operator, or manager of the facility, whether such facility is operated with or without compensation for such care.

CH-50 CHILD CARE - RESIDENTIAL FACILITY. A State licensed facility which provides 24 hour residential group care and treatment for children, between the ages of 3 and 16 years old and for children from sixteen to eighteen (16-18) years old and for those persons to 21 years old who are placed by court order prior to their eighteenth birthday. A residential child care facility shall offer opportunities for a variety of experiences through a group living program and specialized services that can be used selectively in accordance with an individual plan for each child. A residential child care facility is operated under private or nonprofit sponsorship.

CL-10 CLUB. Any membership organization including a lodge catering exclusively to the members and their guests and whose facilities are limited to meeting, eating, and recreational use and whose activities are not conducted principally for monetary gain.

CO-10 CO-LOCATION. Two or more low power communication service providers having joint use of sites and/or facilities.

CO-20 CO-LOCATION DOCUMENTATION. Written documentation of attempts to co-locate. Applicants for new facilities shall contact all telecommunication facilities within one mile of the proposed site. New sites will be approved only when written documentation demonstrates that co-location is not possible.

If co-location on an existing approved site is not possible, the applicant shall submit evaluation of whether the proposed site is capable of accommodating more than one communication service provider. The applicant's written evaluation shall include an analysis of available space, access, power, telephone, willingness of landowner, and relative visual/environmental impacts.

No facility owner, lessee, or employee thereof shall act to exclude or attempt to exclude any other provider from the same location. A facility owner, lessee, or employee thereof shall cooperate in good faith to achieve co-location of antennae with other providers.

CO-30 COMMISSION. "Planning Commission" means the "Teller County Planning Commission". "County Commissioners" means the "Teller County Board of County Commissioners".

CO-40 COMMISSIONERS. The County Commissioners or the Board of County Commissioners of Teller County.

CO-50 COMMON FACILITIES AND AREAS - RESPONSIBILITY. The developer shall establish adequate arrangements for the ownership and maintenance of the common open space upon termination of the developers interest in the same. In the event that the organization established to own and maintain common open space, or any successor organization, shall at anytime after establishment of the planned unit development fail to maintain the common open space in a reasonable order and condition in accordance with the plan, the Board of County Commissioners may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the Board of County Commissioners may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modification thereof are not cured within said 30 days or any extension thereof, Teller County, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners.

Before the expiration of the said year, the Board of County Commissioners shall, upon its initiative or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned unit development, to be held by the Board of County Commissioners, at which hearing, such organization or the residents of the planned unit development shall show cause why such maintenance by Teller County shall not, at the election of the Board of County Commissioners, continue for a succeeding year.

If the Board of County Commissioners shall determine that such organization is not

ready and able to maintain said common open space in a reasonable condition, Teller County may, at its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

The cost of such maintenance by Teller County shall be paid by the owners of the properties within the planned unit development that have a right to enjoyment of the common open space, and any unpaid assessment shall become a tax lien on said properties. Teller County shall file a notice of such lien in the office of the County Clerk and Recorder upon the properties effected by such lien within the planned unit development, and shall certify such unpaid assessments to the Teller County Treasurer for collection, enforcement, and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

CO-60 COMMON AREA STATEMENT. A general statement of the anticipated legal treatment of common ownership and maintenance of such areas.

CO-70 COMMUNICATION FACILITY.

CO-70-1 Communication facility - accessory equipment for low power. Equipment, including buildings and cabinets, used to protect and enable operation of radio switching equipment, back-up power and other devices, but not including antennas, that is necessary for the operation of a low power communication facility.

Accessory equipment shall be grouped as closely together as technically possible with a total footprint coverage area not larger than 350 square feet, per provider. No structure shall exceed 15 feet in height. Design, materials, and colors of all structures shall be compatible with structures and vegetation on the same parcel and adjacent parcels, and not reduce the required parking or landscaped area for other principal uses on the parcel.

CO-70-2 Communication facility - building roof mounted. A primary low power communication facility that is supported entirely on the roof of a legally existing building or structure other than a building or structure accessory to a communication facility.

CO-70-3 Communication facility - building wall mounted. A primary low power communication facility that is supported entirely on the wall of a legally existing building or structure other than a building or structure accessory to a communication facility.

CO-70-4 Communication facility - Commercial Mobile Radio Service (CMRS) - An unmanned facility, also known as a low power telecommunication facility.

CO-70-5 Communication facility - freestanding communication - A primary low power communication facility that consists of a stand-alone support structure, antennas, and accessory equipment.

CO-70-6 Communication facility - low power - An unmanned facility, also known as a **Commercial Mobile Radio Services (CMRS)** facility as defined by the Federal Communications Commission, consisting of equipment for the reception, switching or receiving of wireless communications operating at 1,000 watts or less effective radiated power, and utilizing frequencies authorized by the Federal Communications Commission for **cellular**, paging, enhanced specialized mobile radio, personal communications

systems telecommunication services, point-to-point microwave signals, signals through FM radio transmitters, and signals through FM boosters under ten watts effective radiated power.

CO-70-7 Communication facility - micro-cell - A low power communication facility used to provide increased capacity in areas of high communication demand or to improve coverage in areas of weak coverage. The facility communicates with the primary switch of a provider's service area via fiber optic cable, copper, T1, microwave, or other media.

CO-70-8 Communication facility - public safety - A facility owned and/or operated by a governmental agency or a volunteer public safety agency officially sanctioned by a government agency for that purpose, utilized for the transmission and reception of information for public safety communication uses.

CO-70-9 Communication facility - repeater - A low power communication facility that extends coverage to areas not covered by the originating primary facility.

CO-90 CONCEPT PLAN. A visual land use representation of the concept statement.

CO-100 CONCEPT STATEMENT. Shall include a description of the applicant's intent, types of approved uses, orientation, access, range of lot square footages, types of buildings and how the property will relate to surrounding properties.

CO-103 CONCRETE MATERIAL 'MIXER MOBILE' TYPE. Retail sale of concrete, where mixing of materials only takes place at the site at which the concrete will be placed.

CO-105 CONCURRENCY. The requirement that approval of a proposed development is subject to adequate infrastructure, both land and structure, being available at the same as (or concurrent with) the development. School and park concurrency requirements apply to residential development only.

CO-110 CONDITIONAL USES. **Uses of a special nature** as to make impractical their predetermination as a principal use in a district. Uses that may only be included on condition of the Planning Commission or, in some cases, Board of County Commissioners.

CO-120 CONFLICT WITH OTHER RULES AND REGULATIONS. These Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where a requirement of these Regulations is in conflict with another section of these Regulations or with any other County, State or Federal statute, ordinance or regulation, or with any easement, covenant, or deed restriction, whichever imposes the more stringent restrictions shall prevail.

CO-125 CONSERVATION AREAS. The areas outside of the designated growth areas. See also "growth areas".

CO-127 CONSTRUCTION STORAGE YARD is a heavy equipment and/or materials storage area for an establishment engaged in the business of constructing or demolishing buildings, site improvements, site features, roads, and/or other types of infrastructure. This includes the

maintenance and repair of heavy equipment stored at the site, when such equipment is owned by the business establishment.

CO-128 COST OF DEVELOPMENT includes the physical costs and paper or soft costs associated with any required or planned site improvements or site alterations including but not limited to (1) roads and walks, (2) utilities, (3) landscaping, and (4) any land needed to be acquired for the same, but excludes the costs of (5) any other land, (6) any already existing site improvements or infrastructure to be used by the development, and (7) any building structures to be constructed.

CO-130 COUNTY. The County of Teller.

CO-150 COVENANTS OR RESTRICTIVE COVENANTS A contractual agreement between the subdivider or landowner and the buyer of a piece of property that restricts the use of all or a portion of the property. The covenant will normally run with the land and will therefore apply to succeeding owners. The County does not enforce covenants, but it does enforce these Regulations even when these Regulations are different from the covenants.

CO-160 COVENANTS OUTLINE. An outline of proposed covenants, grants of easement or other restrictions to be imposed upon the use of the land, including common open areas, buildings and other structures within the development.

CR-10 CRITERIA OR CRITERIA FOR APPROVAL. See Criteria Table.

CR-20. CRITICAL AREAS. Critical areas include flood hazard areas, geologic or geological hazard areas, Historic Preservation (HP) Zone, mineral preservation areas, National Monument Protection (NP) Zone, wildfire hazard areas, and wildlife habitat impact areas.

CR-50 CRS. Colorado Revised Statutes.

CU-10 CUL-DE-SAC. A street open at one end only, providing at the other end special facilities for the turning around of vehicular traffic.

DE-05 DECISION DATE STATEMENT. After consulting with the planning official regarding the schedule of hearings, the applicant shall provide with the application a written and signed statement agreeing to a specific hearing, consistent with these Regulations. This section does not waive the applicant's option to request postponement as provided for elsewhere in these Regulations.

DE-10 DEFINITIONS IN THESE REGULATIONS. Words used in the present tense shall include the future; the singular number includes the plural and vice-versa; the word "shall" or "used" shall be construed to mean intended, arranged or designed to be occupied or used both in the future and present tenses. Unless specifically defined, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage and to give the regulation its most reasonable application.

DE-20 DENSITY AND PARCEL SIZE. **Gross residential density** is the average number of dwelling units or nonresidential floor area (in square feet) per acre for the entire area of the development. Maximum allowable density or **net density** is the maximum allowable number of

dwelling units or nonresidential floor area (in square feet) per acre of developable area. Developable area does not include any required common public and/or private open space, or hazardous area, or any other common uses and facilities including roadways and drainageways. Hazardous areas include floodplains, geological hazard areas, areas exceeding 30% slope, and wildfire hazard areas.

DE-20-1 Density and Parcel Size - Existing Lots. Lots platted prior to July 3, 1973 that do not comply with the area requirement of the district in which they are located may be used, provided that all yard requirements are met. The recognition of the legal existence of any lot, mining claim, acreage, or tract or exemption for portion thereof, by these Regulations, in no way implies or guarantees the granting of water well, septic system, building, or other required permits, or the existence of legal access. Each such lot, mining claim, acreage, and tract, or portion thereof, must still comply with all minimum size, setback and other requirements of these Regulations, and other applicable state and county laws and regulations.

DE-20-2 Density and Parcel Size - When Subdividing. Except in the A-1 zone where the minimum size for a new lot or parcel is 35 acres, when subdividing the minimum size for a new lot or parcel is 10 acres, when the lot or parcel is not served by both central water and central sewer. Where a lot or parcel is served by both central water and central sewer, the sentence preceding shall apply unless the Regulations for a specific zone district provide otherwise.

DE-20-3 Density and Parcel Size - Zoning District Standards.

A-1: For a lot, parcel or tract created prior to May 22, 2003 and served by both central water and central sewer: [Effective 10-09-03(48)]

10 Acres or Less	1 dwelling as a Permitted Use, plus 1 as a Conditional Use.
10.01 to 20 Acres	1 dwelling as a Permitted Use, plus 2 as Conditional Use.
20.01 to 35 Acres	2 dwellings as a Permitted Use, plus 1 as a Conditional Use.
35 Acres or More	3 dwellings as a Permitted Use.

Accessory Dwelling Unit (s) in addition to the above Permitted Use and Conditional Use dwellings are not permitted. On or after May 22, 2008, no lot, parcel or tract less than 35 acres served by central water and central sewer shall be permitted more than one dwelling unit; and all lots, parcels or tracts of 35 acres or greater shall be permitted one dwelling as a Permitted Use and one or more Accessory Dwelling Units according to the provisions of AC-20-20-7 as if the lot, parcel or tract was created on or after May 22, 2003. [Effective 10-09-03(48)]

For a lot, parcel or tract created prior to May 22, 2003 and not served by both central water and central sewer: [Effective 10-09-03(48)]

Less than 20 acres:	1 dwelling as a Permitted Use
20 acres to less than 35 acres:	2 dwellings as a Permitted Use
35 or more acres:	3 dwellings as a Permitted Use

Accessory Dwelling Unit (s) in addition to the above Permitted Use dwellings are not

permitted. On or after May 22, 2008, no lot, parcel or tract less than 35 acres not served by central water and central sewer shall be permitted more than one dwelling unit; and all lots, parcels or tracts of 35 acres or greater not served by central water and central sewer shall be permitted one dwelling as a Permitted Use and one or more Accessory Dwelling Units according to the provisions of AC-20-20-7 as if the lot, parcel or tract was created on or after May 22, 2003. **Effective 10-09-03(48)**

For a lot, parcel or tract of 35 acres or more created on or after May 22, 2003 whether or not served by both central water and central sewer: One dwelling as a Permitted Use and one or more Accessory Dwelling Units according to the provisions of AC-20-20-7, as if the lot, parcel or tract was created on or after May 22, 2003. **Effective 10-09-03(48)**

Minimum lot size: 35 acres
Minimum lot width: 500 feet

R-R: Minimum lot size: 2 acres - with central sewer and central water, if the slope is less than 30%
Minimum lot width: 150 feet

R-1: Single family minimum lot size:

2 acres - if the slope is 26% to 30%, with central sewer and central water
1 acre - if the slope is 21% to 25%, with central sewer and central water
½ acre - if the slope is 20% or less, with central sewer and central water

Duplex minimum lot size - 20,000 square feet, with central sewer and central water

R-1M: Same as R-1 zone

R-2: Applies solely to projects including 20 dwelling units or less.

Maximum density: - 10 units per acre with central sewer and central water
- 1 unit per 5 acres, where slopes exceed 29%, when served by central water and central sewer

Minimum lot size: - 1 unit per 5 acres, if the slope is greater than 29%, when served by central water and central sewer
- With central sewer and central water: ½ acre plus 3,000 square feet for each dwelling over 3

MHP: Maximum density: 15 mobile home spaces per net acre. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

The area of the mobile home park shall be large enough to accommodate the designated number of mobile home spaces, necessary streets and roadways, parking areas for motor vehicles, and recreation areas to meet the anticipated needs of the people the mobile home park is designed to serve.

CG: 20 campsites per gross acre

Each campsite - at least 900 square feet of space
- at least 15 feet of road frontage

C-1: Minimum lot size: 10,000 square feet
Minimum lot width: 100 feet

PBC: Minimum district size: 2 acres
Minimum lot size: ½ acre lot with central water or sewer, 1 acre otherwise

M-1: Minimum lot size: 15,000 square feet
Minimum lot width: 100 feet

PIC: Minimum district size: 1 acre
Minimum lot size: ½ acre with central water and central sewer, 1 acre otherwise

PUD: Residential density shall not exceed 15 units per gross acre. All lots and buildings within the PUD zone will be subject to the applicable provisions of these Regulations.

DE-20-4 Density and Parcel Size - Specific Uses.

Fuel Storage and Bulk Sales. Proposed tract is a minimum of 5 acres.

Outdoor Concerts. The tract is surrounded by A-1 zoned tracts.

Sawmill tract is surrounded by A-1 zoned tracts, is accessible to a public road, is a minimum of 35 acres in size, and the sawmill is located in the approximate center of the tract; or if all the above requirements are not met, that the proposed tract and sawmill operation provide the same reasonable safeguards for noise, fugitive dust, smoke, and vehicular traffic control as if all stated requirements were met.

DE-20-5 DUAL ZONING. For a parcel with dual R-1 and A-1 zoning created prior to May 22, 2003, the number of dwellings permitted on the portion zoned A-1 determines the number of dwellings permitted on the entire property (SEE DE-20).[Effective 10-09-03(48)]

For example:

- With water and sewer: 25 acres zoned A-1, 10 acres zoned R-1 permits 2 dwellings as a permitted use and one as a conditional use
- Without water and sewer: 15 acres zoned A-1, 40 acres zoned R-1 permits one dwelling as a permitted use. [Effective 10-09-03(48)]

In any case, when more than one dwelling may be constructed, only one dwelling may be constructed on the portion of the land zoned R-1. The limit on the number of dwellings applies to the entire property, i.e. if one dwelling is constructed on the portion

zoned R-1, in the first example, only one additional dwelling is permitted as a permitted use and may only be constructed on the portion of the land zoned A-1. [Effective 10-09-03(48)]

For a parcel with dual R-1 and A-1 zoning created on or after May 22, 2003, with or without central water and central sewer, the maximum number of dwelling units permitted on the entire property is one dwelling unit. [Effective 10-09-03(48)]

DE-30 DESIGN CAPACITY. The operating capacity for which a facility was (a) originally designed, or (b) subsequently redesigned.

DE-35 DESIGN INFORMATION FOR FUEL STORAGE AND BULK SALES. Design information sufficient to determine the proposed use complies with the building code and fire code. Information indicating the proposed use will comply with the building code and fire code.

DE-40 DESIGN STANDARDS OR DESIGN REQUIREMENTS. All requirements and regulations relating to design and layout of subdivisions as contained in these Regulations.

DE-50 DEVELOPMENT. Any proposed subdivision, rezoning, new community, or conditional use, or man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DE-60 DEVELOPMENT OR IMPROVEMENT AGREEMENT. The purpose of the development or improvement agreement is to clearly set out the conditions of approval and the waivers requested and approved by the reviewing and/or approving Board or Official. The development or improvement agreement shall be prepared by the Planning Official and shall be sent to the developer at least 30 days prior to the Planning Commission meeting at which it will be considered. The Planning Commission shall consider the development or improvement agreement within the time provided in the approval of the plat or plan, or if not is so provided, within any time frame as required by state law .

The developer shall supply the Planning Official with final versions of the covenants and means of establishing permanent care of the common areas in the development. In addition, the developer shall supply evidence of title insurance, a certificate of taxes due and paid, and a letter of credit, corporate surety bond or cash, in the amount of 125% of the proposed cost of development (excepting building structures) as prepared by a registered professional engineer or a licensed professional architect. This material shall be supplied at least 45 days in advance of the Planning Commission meeting at which the development or improvement agreement will be considered. If a final plat of a subdivision is due at the same time the above material may be submitted as part of the final plat procedure.

Planning Commission shall forward a recommendation for consideration and action at the public hearing to be held by the Board of County Commissioners.

DE-70 DEVELOPMENT PLAN. A site plan that includes information required for a subdivision preliminary plan.

DI-10 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.

DR-10 DRAINAGE. See Appendix G “Drainage Criteria” in the “Roadway Standards”.

DR-40 DRAINAGE REPORT AND PLAN. A drainage report by a qualified licensed engineer, where the proposed development would increase the amount of drainage onto adjacent properties or roadways above the historic runoff. For a zoning map amendment (rezoning), the applicant instead may provide a drainage plan concept statement by a qualified engineer -- an applicant shall provide the remaining information needed for drainage report at the time of an application for the next approval for that site requires a drainage report.

DR-60 DRAWINGS AND DRAWING REQUIREMENTS. See Drawing Table. A drawing is required where the proposed use or development will result in (a) a physical change to the site, or (b) a new or expanded structure. The table for drawing requirements includes standards for the following types of drawings.

1. **Plat drawing** for recording a subdivision of a property or property line adjustment, except for a lot line vacation or where the Planning Director determines a vacation notice may be substituted for a vacation plat.
2. **Development plan drawing** for use in determining the impact of any of the following types of proposed developments: (a) zoning change, (b) subdivision other than a vacation plat or exemption plat, (c) conditional use permit (CUP) including mining but not including a single family dwelling, (d) major building, and (e) new community.
3. **Improvement plan drawing** for a deck and small residential addition (50% or less increase in floor area), flood area permit, communication facility, sign, or variance (other than a plat variance).
4. **Site plan drawing** for a building permit, where neither the development plan nor the improvement plan requirement applies.

DR-60-5 DRIVEWAYS AND ACCESS - CONDITIONAL USES. Driveways serving a proposed conditional use, for any use other than an additional dwelling, must comply with the current standards of the **Roadway Design and Construction Standards**, including the requirements for a new shared driveway.

DR-70 DRIVEWAYS AND ACCESS. For detailed specifications of driveways, road and bridge drainage criteria, roadside improvements, mailboxes, street name signs, and utility installation, refer to the Roadway Standards, under separate cover.

DR-70-1 Driveways and Access - Campgrounds (CG) Zone. Safe and convenient ingress and egress to the campground and the campsites shall be constructed and maintained to Roadway Standards. Wherever possible pedestrian and vehicular traffic shall be separated. The entrance road(s) shall have a carriage-way of 24 feet. All collector streets shall have a carriage-way of 20 feet for two-way traffic. All minor roads shall have a carriage-way of 12 feet to accommodate one lane of traffic.

DR-70-2 Driveways and Access - Commercial (C1) Zone. No individual lots shall have individual access to a public road. Businesses shall cooperate among themselves to limit access points to 2 points for each physical group of buildings and establishments. |

DR-70-3 Driveways and Access - Concerts. The tract is accessible to the public

road; adequate provisions have been made by the Applicant for traffic control and safety on all affected public roads or highway.

DR-70-4 Driveways and Access - Mobile Home Park (MHP) Zone. The site shall have direct access to a public street or highway by a right-of-way at least 50 feet in width and a minimum length of 100 feet to permit the easy entrance and exit from the mobile home park. Service roads shall be provided to each mobile home space. Each service road shall provide for continuous forward movement, shall connect with a street or highway, and shall have a minimum clear width of 20 feet. All service roads within the park shall be hard surfaced. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

DW-10 DWELLING is either:

DW-10-1 A building unit, constructed to comply with County adopted building codes, designed or used as a residence, with one kitchen (excluding wet bar), living, sanitary, and sleeping facilities; or

DW-10-2 Manufactured homes and housing. A building unit, partially or entirely manufactured in a factory, designed or used as a residence, with one kitchen (excluding wet bar), living, sanitary, and sleeping facilities which is either:

DW-10-2-1 Manufactured Home - Is not less than 24 feet in width and 36 feet in length; Is installed on an engineered permanent foundation; Has brick, wood or cosmetically equivalent exterior siding and a pitched roof; Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974" as amended; And is built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 USC 5401, et seq.; or

DW-10-2-2 Factory Built Housing - Is built in multiple sections, each on a chassis which enables it to be transported to its occupancy site; Is constructed to the standards of the State of Colorado Factory Built Housing Construction Certification Code (8 CCR 1302-3) and must bear a certification insignia in compliance with those standards; Is installed on an engineered permanent foundation; Meets current County requirements for roof snow load; or

DW-10-2-3 Mobile Home. Any wheeled unit, exceeding either 8 feet in width or 40 feet in length, without motor power, built on a permanent chassis, and is capable of being drawn over public highways by a motor vehicle in a single section. Must be certified by Housing and Urban Development pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", as amended, effective June 15, 1976. If a mobile home meets the criteria for factory built housing or manufactured home, as defined in the definition of "Dwelling" it shall not be considered a mobile home.

DW-10-2-4 Each Manufactured Home, Factory Built House, or Mobile Home as it is manufactured by the factory, either under the applicable federal, State or Uniform Building Codes, is considered a separate dwelling unit. For

example, a multiple section Manufactured Home, although transported in more than one section, is one dwelling unit; conversely a single section mobile home is also considered one dwelling unit. Separate units may not be combined to create one dwelling unit, unless the addition is designed and manufactured (1) without a kitchen, (2) with specific intent to be attached to a dwelling unit, and (3) installed in accordance with written instructions and specifications from the manufacturer.

DW-10-3 Dwelling does not include boarding or lodging houses, motels, hotels, tents, **tepees**, lean-to's, temporary trailers including camping trailers, motor homes, or recreational vehicles.

EA-10 EASEMENTS, **Easements** are areas other than streets or alleys which are reserved, conveyed or dedicated for specialized or limited purpose. The construction of building structures shall be prohibited within utility easements, drainage easements, and/or easements dedicated for other public use. It is the responsibility of the landowner to identify any and all existing easements and current uses upon their property. When the location and use of an easement is not known, it shall be the responsibility of the landowner to locate it, and its uses, before the new construction is commenced. In PUD's all water, sewer and other utilities' easements will be subject to applicable provisions of these Regulations and Colorado State Law.

EA-10-1 Drainage Easements - When Subdividing. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both waterflow and maintenance operations.

EA-10-2 Utility Easements - When Subdividing. Utility easements on rear or side lot lines shall be provided where necessary and shall be a total of at least 20 feet wide. Terrain permitting, easements for other public utilities such as telephone, gas and electrical service shall be provided along the rear lot lines. Anchor easements shall also be provided where applicable. Wherever possible preference will be given to underground utilities.

In all cases, however, the design and location of easements shall be agreed upon by the subdivider, the appropriate utility company and the Planning Commission or Board of County Commissioners. As a matter of policy Teller County officials will not accept wholesale and total clearance of utility easement or road rights-of-way.

EA-10-3 Other Easements - When Subdividing. Easements may also be required by other public agencies for a variety of purposes. Whenever possible these easements shall be so established as to enhance the environment of the subdivision.

EA-20 EASEMENT WAIVERS. Letters from any companies or persons that have utility easements on the property stating whether there are objections to a proposed subdivision exemption.

EC-10 ECONOMIC PROFILE. Description of the economic profile of the proposed new community and its impact area, including the following:

1. Type of industry, commerce and other private enterprises contributing to the economic base of the proposed new community;
2. Analysis of employment characteristics and labor market of proposed new community

- and its impact area;
3. Description of potential economic effects of proposed new community on its impact area.

EF-10 EFFECTIVE DATE. These Regulations take effect and are in force from and after their adoption by the Board of County Commissioners.

EN-10 ENCLOSURE. **Enclosed storage area** is an area enclosed on all sides or roofed by a permanent structure, or natural feature, which blocks the view from affected property owners, including roadways.

EN-10-1 Enclosures - PBC and PIC Zones. All uses shall be conducted in a partially, or totally, enclosed area, depending upon site specific considerations, to screen the activity from view. Enclosed storage areas may be approved. In the PIC zone, activities which require outside display of goods shall indicate, in the Development Plan, the location of such display area(s) and shall demonstrate the need for the display area.

EN-20 ENFORCEMENT. (See also "Penalties" and "Violations" sections.) Whenever the zoning official has personal knowledge of a violation of the zoning provisions of these regulations, he shall give written notice to the violator to correct such violation within thirty days after the date of such notice. Should the violator fail to correct the violation within such thirty-day period, the zoning official may request that the sheriff issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. No additional notice is required for any subsequent violations of the same provision(s) of these regulations. The summons and complaint shall require that the violator appear in county court at a definite time and place stated therein to answer and defend the charge.

EN-20-1 Enforcement - Injunctive Relief. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used in violation of any provision of these Regulations, the Board of County Commissioners, District Attorney of Teller County or any owner of real estate within Teller County, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. If such action is necessary, the violator shall be responsible for all court costs and shall pay any reasonable attorney's fees which the Board of County Commissioners may incur in enforcing this provision.

EN-20-2 Enforcement - Injunctive Relief for New Community Regulation Violations. In addition to the procedures set forth for suspension or revocation of a permit, the Planning Commission may apply to the District Court for an order enjoining any person from engaging in a new community activity without a permit, and the County Attorney shall represent the Planning Commission in any such proceedings for an injunction.

EN-20-3 Enforcement - Sign Violations. Any off-premises Sign erected in violation of the terms of these Regulations shall be subject to an order from the Code Enforcement Officer to remove said Sign within 20 days of the date of a notice to remove issued by said officer. Said notice shall be served upon the owner of the property on

which the Sign is placed, as well as upon the business or enterprise advertised by said Sign. service shall be by certified mail. In the event the Sign is not removed with the time provided in said notice, the County Attorney may initiate an action in the District court for a permanent injunction requiring the removal of said Sign and in said action the County Attorney is also authorized to request that a bond be required of the owner of the land or the Sign, or both, in order to defray the County's costs in any further enforcement proceedings concerning said owner and these Regulations.

EN-20-4 Withholding of Building Permits. In addition to any other penalties that may be legally imposed, any violation of the Zoning or Subdivision provisions of these Regulations may be further enforced by means of withholding Building Permits.
[Effective Res. 06-03-04 (36)]

EN-30 ENVIRONMENTAL DESCRIPTION. A description, including maps at a scale acceptable to the Planning Commission, of the characteristics of the natural environment of the site and of the impact area, to include the following:

1. Topography;
2. Climatological conditions;
3. Geomorphology, geology, and soils by type and suitability;
4. Potential natural hazards;
5. Plant communities;
6. Wild animal communities and migration corridors;
7. All bodies of surface waters, including streams and rivers, all groundwater aquifers, and all groundwater recharge areas;
8. Air quality;
9. Archaeological and other historic sites;
10. Scenic corridors and other scenic elements.

EN-40 ENVIRONMENTAL IMPACT. Analysis of environmental impacts of the proposed new community on the following:

1. Quality of surface waters, groundwater aquifers and groundwater recharge areas;
2. Ambient air quality, including indirect sources;
3. Plant communities;
4. Wild animal communities and migration corridors;
5. Geomorphology, geology and soils;
6. Climate;
7. Scenic corridors and other scenic qualities;
8. Noise levels;
9. Archaeological and other historic resources.

ES-10 ESSENTIAL SERVICES. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage and accessories thereto, such as wires, mains, drains, vaults, culverts, sewers, pipes, catch basins, boxes, police call boxes, traffic signals, pumps, lift stations and hydrants.

Communications systems and accessories thereto, such as poles, towers and antennae, are not essential services.

EV-10 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.

Teller County Land Use Regulations November 21, 2005

EX-05 EXEMPTION PLAT. Either (1) relocates the boundary line between adjoining properties that have the same zoning, where no new building sites are created (2) creates a parcel for a public building or facility, (3) creates a parcel for use as a private common area where no buildings will be constructed, (4) combines 2 (or more) platted and/or unplatted parcels that have the same zoning and share a common boundary line at least 10 feet in length, (5) changes a right-of-way, or (6) vacates an easement, or tract.

EX-10 EXTERNAL EFFECTS. External effects include noise, dust, odor, blowing or flowing materials, heat, fumes, smoke, vibration including blasting, air pollution, and water pollution.

The tract for a proposed use shall be large enough and/or reasonable safeguards shall be provided, so that the external effects of the proposed use on adjoining properties, as measured at the property boundary or project boundary (whichever affords the greater level of protection to the adjoining property) shall not exceed standards contained in or referenced by the Colorado or Federal statutes, regulations, or ordinances, as they may be amended.

The standard to be applied shall be that for the adjoining parcel, as illustrated by the following example: if an industrial use is proposed to be located next to a Residential Property, the external effects of the industrial use shall not exceed the standards for a residential use at the boundary between the industrial use and the Residential Property. For the purpose of determining the external effect, an adjoining agricultural property shall be considered a Residential Property.

This section EX-10 does not apply to agricultural uses.

EX-10-10 External Effects Standards for Certain Uses

Waste transfer facilities. No materials shall be allowed to blow from the property, nor from vehicles delivering to the property, nor will blowing materials be allowed to accumulate along fence lines or vegetation.

EX-20 EXTERNAL EFFECTS INFORMATION. Sufficient information for the Planning Official to determine a proposed use complies with the External Effects requirements of these Regulations.

FA-10 FAMILY. One or more persons occupying a premises and living in a single housekeeping unit as distinguished from a group occupying a boarding or lodging house or a hotel.

FA-20 FAMILY FOSTER HOME. A State or County licensed facility for child care in a place of residence of a family, person(s), for the purpose of providing family care and training for a child or children, under the age of 18 years, who are not related to the head of such home. The term includes any home receiving a child or children for regular 24 hour care, and any home receiving a child or children from any State operated institution for child care, or from any child placement agency. The term "family care home" shall be further defined as one of the following 3 types of facilities:

1. **Family Foster Home** shall mean a family care home which receives one to four children for regular full-time care.
2. **Receiving Home** shall mean a family care home accommodating not more than 6 children up to 18 years of age in which children are not to remain in excess of 60 days.
3. **Specialized Group Home** shall mean a family care home which is established to

accommodate not more than 8 children ranging in age from 5 to 18 years wherein children are cared for whose special needs can best be met through the medium of a small group.

FA-40 FARM AND RANCH POLICY. Resolution 08-12-99(47) stating certain policies of Teller County promoting farming and ranching.

FA-50 FARM AND RANCH POLICY NOTICE. Whenever a subdivision, subdivision exemption plat, mobile home park, or other application which may result in a change of the boundaries of a property or additional development is required by the County is filed after the date hereof, the applicant shall be provided, by staff, along with the application, a copy of the Resolution concerning Teller County Right to Farm and Ranch Policy. The applicant shall be required to provide a copy to purchasers of such property. In addition, a note shall be included on any final plat resulting from the approval of such application which makes reference to Resolution 08-12-99(47) and the Right to Farm and Ranch Policy attached thereto, as they may be amended. The note shall read substantially as follows:

This development is subject to the Teller County Right to Farm and Ranch Policy, adopted as Resolution 08-12-99(47) by the Board of County Commissioners of Teller County on August 12, 1999, as they may be amended.

FC-10 FCC COMPLIANCE. Verification that the facility complies at all times with the current Federal Communications Commission (FCC) standards for cumulative field measurements or radio frequency power densities and electromagnetic fields and that the facility complies at all times with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts.

FE-10 FEES. The following fees shall be paid to the Planning Department upon the filing of any application and prior to the processing thereon. The Applicant is also responsible for any recording fee, special review fee, or third party review fee. **Effective 3-01-03 and 6-12-03(24)**

Amendment to a Regulation: \$566.00

Appeal to Board of Adjustment or Board of County Commissioners: \$566.00 plus the actual costs to produce and obtain a transcript of the hearing for the decision that is being appealed. The Planning Official shall estimate the cost of the transcripts and any overpayment shall be refunded to the appellant, and any underpayment shall be paid by the appellant.

The total cost of producing the transcripts, and one-half of the appeal fee, paid by the appellant shall be refunded to the appellant if the decision being appealed is overturned by the Board of Adjustment or the Board of County Commissioners.

Conditional Use - Single Family: \$396.00 For uses contained in a single family dwelling.

Conditional Use - Other: \$1,132.00

Continuance of postponement of a Public Hearing: \$566.00 when initiated by the applicant after public notice is mailed, or resulting from inadequate information or other delay caused by the applicant. Does not apply in cases where the delay is caused by staff or other parties.

Development Plan Review: \$566.00 plus \$11.00 for each unit (residential) or \$54.00

for each acre (commercial).

Floodplain Permit: \$227.00

Geological Survey Review: As defined by the Colorado Geological Survey

Legal Lot Determination: \$339.00. Does not apply to an administrative determination associated with a building permit or development application.

Lot line vacation: No application fee

Major Building Review - Residential: \$566.00 (base fee) plus \$54 per unit.

Major Building Review - Non-residential: \$566.00 (base fee) plus \$0.12 per square foot of building area.

Mining Conditional Use Request: Based on area to be included in permit

0 - 2 acres - \$1132.00

>2 - 10 acres - \$2,830.00

>10 - 50 acres - \$3,962.00

>50 acres - \$5,661.00

At the discretion of the County Planning Director, an independent contractor (Third Party Review) may be hired (after the County and the Applicant have agreed upon the selection of the contractor) to review the application and make a recommendation to the County Planning Staff. The Third Party Review will consider the applicant's submittal and the Review Criteria. Completion of the review and recommendation to the County Planning Staff shall be completed in a timely manner. All costs of the Third Party Review shall be paid by the Applicant.

New Community: At the time of presenting an application to engage in a new community activity, the applicant shall remit to the permit Authority in the form of a certified check, a permit fee which shall be in an amount equal to 1% of the total projected cost of the development, including cost of land, for any project for which costs total \$500,000.00 or less, 0.75% of said costs for any project for which said costs total \$500,000.00, or more, and less than \$1,000,000.00, and 0.50% of said costs for any project for which said costs are \$1,000,000.00 or more; provided, however, that the minimum application fee shall be \$500.00.

Research and reporting: \$57.00 per hour. Includes special requests for custom research, analysis, written responses, etc.

Rezoning - Minor: \$566.00. (e.g. to combine adjacent lots)

Rezoning - Other: \$1,132.00

Sign Review: \$227.00 Includes exemptions, off-premise, and other special sign reviews not included in base development review fee.

Special District Review. Special districts include but are not limited to the following: CRS Title 32 Article 1 Districts; CRS Title 32 Districts that are not part of Article 1; non-CRS Title 32 districts including but not limited to county recreation districts, cemetery districts, local and public improvement districts (initiated by either public or private interests), and other special public project districts; and CRS Title 7 Corporations and Associations including but not limited to Water Users' Associations.

1. **Board May Waive Fees.** Both Application Processing and Special Review fees (if any) may be waived by the Board of County Commissioners if it determines that formation of a Special District will benefit a majority of the citizens of Teller County or is of defined regional importance.
2. Application Processing Fee - all applications: \$500.00.
3. Special Review Fee. If special review of the proposed special district is required, an additional Special Review Fee may be imposed in addition to the Application Processing Fee, in order to reimburse the County for its reasonable direct costs

related to such special review including without limitation the time, materials, and other resources required by regular County staff, contract service staff (including the County Attorney and County Engineer), or consultants, to perform the special review. If the cost of conducting public hearings and performing plan review is included in the costs used to determine this Special Review Fee, the \$500 minimum Application Processing Fee shall be credited. The Special Review Fees shall be the following:

- a. **Title 32 Article 1 Special Districts:** The Board of County Commissioners may impose the Special Review Fee at its discretion. Said fee shall be not more than one-hundredth of one percent (0.0001) of the total amount of **debt to be issued by the District** as described in the Service Plan, or ten-thousand dollars, whichever is less, but in no event shall the fee be less than \$500.00.
- b. **Non-Title 32 Article 1 Special Districts:** Cost recovery.
- c. **Modifications to an existing Special District:** Cost recovery.
- d. **Periodic Special District review:** Cost Recovery, or as set in the approved Service Plan. **[Effective Res.06-12-03(24)]**

Special review fee(s): Applicant is responsible for any review fee charged by any other reviewing agencies, including but not limited to the following. Applicants is responsible for determining the current review fee of any other reviewing agency. (e.g. Colorado Geological Survey, per its publication "Solving Land Use Problems"; Fire protection district; etc.)

Notes:

1. All fees prescribed in this section may be adjusted at the request of the Planning Official with the concurrence of the Board of County Commissioners, not more than once per year, based on the maximum local district annual percentage change in spending provided for under Article X, Section 20 of the State Constitution. Fees may also be adjusted Legislatively by the Board of County Commissioners at other times as deemed necessary.
2. Additional engineering review and inspection fees may apply. Refer to Teller County Roadway Design and Construction Standards.
3. **Cost Recovery.** Applicant shall pay the actual cost associated with the review of a specific application or other proposal. The actual cost may include without limitation the time, materials, and other resources required by regular County staff, contract service staff (including the County Attorney and County Engineer), or consultants, to perform the review.

Actual cost will be calculated on an hourly basis, accounting for the salary and benefits of the individuals performing the work, plus overhead and other expenses. The rates and charges for regular staff shall be calculated by the County. Rates and charges for contract staff and consultants shall be provided by them.

An estimate of the cost to perform the review will be provided to the Applicant prior to application (based on preliminary discussions) or after preliminary review, depending on the specific process. A fee in this amount will be paid by the

Applicant at the time of application or prior to proceeding with further review, depending on the process.

Any difference (i.e., shortfall) between the actual cost and the estimated cost will be paid by the Applicant prior to issuing a final approval for the specific application or review procedure. If the estimated cost exceeds the actual cost, the overage will be refunded to the Applicant by Teller County. (amended 6/12/03)

Subdivision Exemption Plat: \$339.00.

Subdivision Minor Plat: \$1132.00.

Subdivision Major Plat (Preliminary or Final): \$1,698.00 plus \$23.00 for each lot (residential or \$113.00 for each acre (commercial). The applicant shall also pay the entire cost of all state and local review agency fees, and the actual cost of all engineering review fees. These fees will be estimated and paid at the time of application. Any difference in the actual costs and the estimation will be paid by the applicant (or refunded to the applicant by the Planning Department) prior to application for final plat approval (for Preliminary Plans), or prior to signing and recording the Final Plat (for Final Plats).

Subdivision Sketch Plan: \$566.00

Subdivision Vacation Plats: See Subdivision Exemption.

Temporary Housing Inspection Fee: \$57.00

Third party review fee: See "Third Party Review".

Variance Request: \$227.00

Notes:

1. All fees prescribed in this section may be adjusted at the request of the Planning Official with the concurrence of the Board of County Commissioners, not more than once per year, based on the maximum local district annual percentage change in spending provided for under Article X, Section 20 of the State Constitution. Fees may also be adjusted Legislatively by the Board of County Commissioners at other times as deemed necessary.
2. Additional engineering review and inspection fees may apply. Refer to Teller County Roadway Design and Construction Standards.

FE-20 FENCES. See "Screens, Fences, and Buffers" section.

FI-05 FINAL PLAT. A map indicating the final design of the proposed subdivision supported by the necessary engineering data and legal documentation. It shall be prepared by a Colorado Registered Land Surveyor in accordance with the provisions of these Regulations and, if approved by the governing body of the area, the aforementioned plat shall be recorded at the County Clerk and Recorder's office.

FI-10 FIRE PROTECTION METHOD. If a fire hydrant is not within 500 feet of the site, indicate the method in which water will be provided on-site.

FI-20 FIRE SAFETY - MOBILE HOME PARKS. Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as prescribed by the local fire-prevention authority, or to satisfy reasonable fire regulation. This paragraph does not apply to mobile home parks listed in Exhibit

A (section NO-30).

FL-10 FLOOD HAZARD AREAS. A flood or flooding is a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters and/or; (2) the unusual and rapid accumulation or runoff of surface waters from any source. Base flood is the flood having a 1% chance of being equaled or exceeded in any given year. Area of Special Flood Hazard is the land in the floodplain within community subject to a 1% or greater chance of flooding in any given year.

The flood hazard areas of Teller County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

FL-10-1 Flood Hazard Areas - Applicability. These Flood Hazard Areas regulations shall apply to all areas of special flood hazards within the jurisdiction of Teller County. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these Flood Hazard Area regulations and other applicable regulations.

FL-10-2 Flood Hazard Areas - Locations. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Teller County," dated September 30, 1988, with an accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of these Flood Hazard Area regulations.

Flood insurance study is the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Flood insurance rate map (FIRM) is the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

The Flood Insurance Study and FIRM are on file at the County Offices, 540 Manor Court, Woodland Park, Colorado.

FL-10-3 Flood Hazard Area - Methods of Reducing Flood Losses. In order to accomplish its purposes, the Flood Hazard Area regulations include methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

FL-10-4 Flood Hazards Areas - Purpose of Regulations. It is the purpose of these Flood Hazard Areas regulations to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard;
8. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

FL-20 FLOOD HAZARD AREAS - PERMIT REVIEW. The Planning Director is hereby appointed as Floodplain Administrator to administer and implement these Flood Hazard Area regulations by granting or denying development permit applications in accordance with its provisions. Duties of the Planning Director shall include, but not be limited to:

1. Review all development permit applications to determine that the permit requirements of these Flood Hazard Area regulations have been satisfied.
2. Review all development permit applications to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.
3. Review all development permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Flood Hazard Area Standards for Floodways are met.
4. When base flood elevation data has not been provided in accordance with the Section on Flood Hazard Area Locations, the County shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source and criteria for requiring that new construction, substantial improvements, or other development in Zone A on a FEMA map (FIRM) are administered in accordance with Flood Hazard Area Standards for Areas with Base
5. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
6. For all new or substantially improved floodproofed structures: (a) verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed, and (b) maintain the floodproofing certifications required in Flood Hazard Area with Base Flood Elevation - Nonresidential Construction.
7. Notify adjacent communities and the Colorado Water Conservation Board prior to any

- alteration of relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
8. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

FL-30 FLOOD HAZARD AREA STANDARDS. In areas of special flood hazards, the following standards are required.

FL-30-1 Flood Hazard Area Standards - Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

FL-30-2 Flood Hazard Area Standards - Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

FL-30-3 Flood Hazard Area Standards - Floodways. Located within areas of special flood hazard established in these Flood Hazard Area regulations are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provision apply:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. If this standard is satisfied, all new construction and substantial improvements shall comply with all other applicable provisions of Flood Hazard Area Standards.

FL-30-4 Flood Hazard Area Standards - Manufactured homes. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.
2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.
3. All components of the anchoring system be capable of carrying a force of 4,800

pounds.

4. Any additions to the manufactured home be similarly anchored.
5. In areas with base flood elevation data, all manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

FL-30-5 Flood Hazard Area Standards - Nonresidential Construction in areas with base flood elevation data. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in section Floodproofing Certification.

FL-30-6 Flood Hazard Area Standards - Openings in Enclosures Below the Lowest Floor in areas with base flood elevation data. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

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

FL-30-7 Flood Hazard Area Standards - Residential Construction in areas with base flood elevation data. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

FL-30-8 Flood Hazard Area Standards - Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is

less).

FL-30-9 Flood Hazard Area Standards - Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

FL-40 FLOOD HAZARD AREA VARIANCE. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this regulation, when it is alleged there is an error in any requirement, decision, or determination made by the County Planner in the enforcement or administration of these Flood Hazard Area regulations.

Upon consideration of the criteria for a flood hazard area variance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with increased risk from the reduced lowest floor elevation.

Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the Fourth District Court.

The County Planner shall maintain the records of all appeal actions, including technical information, and report any variance to the Federal Emergency Management Agency.

FL-50 FLOOD HAZARD AREA VARIANCE - CRITERIA. In passing upon such applications, the Board of Adjustment shall consider:

1. The purposes of these Flood Hazard Area regulations.
2. All technical evaluations, all relevant factors, standards specified in other articles of this regulation.
3. The danger that materials may be swept onto other lands to the injury of others.
4. The danger to life and property due to flooding or erosion damage.
5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
6. The importance of the services provided by the proposed facility to the community.
7. The necessity to the facility of a waterfront location, where applicable.
8. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
9. The compatibility of the proposed use with the existing and anticipated development.
10. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
11. The safety of access to the property in times of flood for ordinary and emergency vehicles.
12. 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.
13. 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, streets and bridges.
14. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided the above criteria have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications for issuing the variance increase.

Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the remaining criteria.

15. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
16. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
17. 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 above criteria 1 through 13 or conflict with existing local laws or ordinances.

FL-60 FLOODPLAIN PLANS. Proposed treatment of potential flood plain areas including construction plans and all supporting data as required.

FL-70 FLOODPROOF CERTIFICATION. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing standards in these Regulations.

FL-80 FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FR-10 FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street line or right-of-way.

GA-10 GARAGE, COMMERCIAL. Any building or structure where automobiles, trucks, or commercial vehicles are stored, repaired, painted, equipped, or sold for remuneration.

GA-20 GARAGE, PRIVATE. A building used only for the housing of motor vehicles without their equipment for operation, repair, hire, or sale, in conjunction with residential land uses.

GA-30 GARBAGE. See "Junk" in these Regulations.

GE-10 GEOLOGIC HAZARD PRONE AREAS. The Planning Director shall keep on file and available for public inspection, a set of maps clearly showing all known and identified geologic hazard prone areas in Teller County. The County shall not approve any subdivision plan if the proposed subdivision is either in one of these identified geologic hazard prone areas, or pending

provision of maps, is in an area suspected by the County to be geologic hazard prone, unless the developer can submit adequate evidence prepared by a professional engineer or geologist that the proposed subdivision is not in a geologic hazard area or unless the property subdivision meets the following criteria:

GE-10-1 Geologic Hazards - Disclosure. Provision is made for disclosure, prior to sales of all geologic hazards and mitigation procedures undertaken and for attaching a delineation and description of the geologic hazard and mitigation measures to all deeds, titles, and recorded documents involving a transfer of ownership of the subject land.

GE-10-2 Geologic Hazards - Protection. Provision is made for the long-term health, welfare and safety of the public from geologic hazards to life, property, and associated investments.

GE-10-3 Geologic Hazards - Financial Burden. The proposed development will not create an undue financial burden on existing or future residents of the area or community.

GE-10-4 Geologic Hazards - Safety of Structures. Structures designed for human occupancy and sites designed for human use shall be constructed so as to prevent danger to human life or property.

GE-10-5 Geologic Hazards - Permitted Land Uses. Permitted land uses, including public facilities which serve such uses shall avoid or mitigate geologic hazards at the time of initial construction.

GE-10-6 Geologic Hazards - Impact of Man-made Changes. Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.

GE-10-7 Geologic Hazards - Professional Geologist Required. Any development either identified or suspected to be within a geologic hazard prone area must be designed or reviewed by a professional geologist.

GE-20 GEOLOGIC REPORT. A report concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on a proposed development. Geologic reports shall conform to the requirements of the Colorado Geological Survey (CGS) and the requirements contained in state law. A geologic report once approved is sufficient for subsequent applications, unless the development or information regarding the geology of the site has changed significantly since the approval of the original geology report.

GO-10 GOVERNMENT INFRASTRUCTURE. Description of governmental infrastructure in proposed new community site and its impact area, including the following:

1. Map at a scale acceptable to the Planning Commission describing existing and proposed governmental institutions, special and other districts and other jurisdictions, the services provided by each, and the proposed method of governance of each;
2. Proposed methods of generating public revenue through existing and proposed governmental jurisdictions;
3. Estimates of revenue generating capacity of each method described in the preceding

- paragraph and identify new sources of revenue created by the new community;
4. Estimates of operating revenue and expenditures of proposed new public and publicly funded services and facilities;
 5. Estimates of public debt expected as a result of development of new public and publicly funded services and facilities;
 6. Evaluation of existing public services to meet projected needs.

GO-20. GOVERNMENT LOT(S). A government lot is considered a separate parcel only if the parcel complies with the Subdivision definition in these Regulations.

GR-10 GRADING.

GR-10-1 Grading of Natural Features - When Subdividing. In the layout of streets and blocks, natural features such as drainage-ways, rock formations, soil, vegetation and topography shall be preserved as much as possible.

GR-10-2 Grading for Streets - in a PUD. All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm runoff erosion and shall be of such a character so as to cause the slope to blend with the surrounding terrain and development. The developer shall provide for the maintenance of the planting until growth is established.

GR-20 GREEN BELT. A buffer area of native vegetation, left substantially intact or supplemented by additional plant materials as well as walkways and rest areas.

GR-30 GROSS FLOOR AREA For the purposes of these Regulations, the sum of all the roofed over floor area of the building measured from its exterior walls including all accessory buildings on the same lot.

GR-33 GROWTH AND/OR CONSERVATION MAP. See "Growth Areas", "Conservation Areas", and "Maps".

GR-34 GROWTH AREA. See PU-60 Purpose.

GR-40 GROWTH MANAGEMENT PLAN. The Teller County Growth Management Plan.

GU-10 GUARANTEE. A signed and recorded agreement between the developer and Teller County stating all required improvements will be installed within 12 months, along with cash, a letter of credit (LOC), or corporate surety bond equal to 125% of the costs of said improvements, excluding buildings, which has been issued to Teller County.

GU-20 GUARANTEE - CUP PERFORMANCE BOND. The Board of County Commissioners, after consideration of the recommendation of the Planning Commission, may require a performance bond, letter of credit, certified funds, or other surety satisfactory to the Board to guaranty the performance by the Applicant of any condition required for the granting of a conditional use permit in any zone. The bond or other surety shall be in the amount of 125% of the estimated cost of performance of the condition by Teller County in the event of default by the Applicant, and such estimated cost shall be determined by the Board after considering all evidence thereof presented by the Applicant, Teller County, and any other interested persons.

GU-30 GUARANTEE FOR OUTDOOR CONCERTS. In the event that the proposed outdoor concert is to occur, or will make use of temporary buildings, then adequate provision must be made for the removal of the temporary buildings and the restoration of the tract to its original condition. A Conditional Use Permit Performance Bond as set forth in these Regulations may be required to assure compliance with any requirement of these Regulations.

GU-40 GUARANTEE - M1 CUP. Upon perusal of the facts, the Planning Commission may request additional information of the applicant and shall require that a bond be posted to cover the cost of improvements should the applicant default.

GU-50 GUARANTEE - MHP. In order to assure that the improvements in the mobile home park are completed in accordance with standards, herein indicated, all of the required improvements for the area to be occupied by the mobile homes shall be installed prior to the issuance of a mobile home park permit or the renting of a lot. In lieu of such prior construction, the Board of County Commissioners may require a surety bond or certified check sufficient to cover the estimated cost of all required improvements.

GU-60 GUEST HOUSE. A detached structure of habitable space, without cooking facilities but with or without bathroom facilities, solely as a sleeping area for non-paying guests or family members. (A Guest House is not a Dwelling. See DW-10 DWELLING) In the A-1 Zone District, a guest house in addition to the maximum number of permitted Accessory Dwelling Units is not permitted; however a legally existing guest house may be converted to an Accessory Dwelling Unit provided it complies with all requirements of these Regulations and the Teller County Building Code. [Effective 10-09-03(48)]

HE-10 HEALTH DEPARTMENT. The Teller County Health Department.

HE-20 HEARING. All hearings of the Board of Adjustment shall be open to the public. At the hearing, any party may appear in person or by agent or attorney.

HE-24 HEAVY SERVICE. See "Service - Heavy".

HE-30 HEIGHT OR BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished lot grade along the street yard face of the structure to the highest point of flat and mansard roofs, to the average height level between the eaves and ridges of gable roofs, gambrel roofs, hip roofs, and pitch roofs.

A: Maximum residential structure height: 30 feet
Maximum building height: 50 feet

RR: Maximum Building Height 35 feet

R1: Maximum building height: 30 feet

R1M: Same as R-1 zone

R2: Maximum building height: 50 feet

C1: Maximum building height: 35 feet

PBC: Maximum height of any building shall be 45 feet.

M1: Maximum Building Height: 45 feet

PIC: Maximum height of any building, and/or structure, and/or equipment - 45 feet.

PUD: All lots and buildings within the PUD zone will be subject to the applicable provisions of these Regulations.

Communication facility: A freestanding communication facility shall not exceed the maximum height restriction within the applicable zone district unless a height exception is approved by the Planning Commission. Roof mounted communication facilities shall not exceed the maximum structure height within the applicable zone district, or extend more than 5 feet above the highest point of the building, unless a height exception is approved by the Planning Commission.

HI-05 HIGHWAY OR PRINCIPAL STATE HIGHWAY. See "Road - highways".

HI-10 HISTORIC SITE. Historic or archaeological site, building or resource that is either (a) included in the state or national register of historic sites, or (b) designated by state statute.

HO-10 HOME BUSINESS - NO IMPACT. Any business conducted in a private residence meeting the following criteria:

1. Conducted entirely within the residence with no external evidence of the activity, operation shall be clearly incidental and secondary to the residential use of the building.
2. **No signage posted.**
3. No employees other than immediate family members living on site.
4. No customers or clients visiting the site, no deliveries of material or storage of material on the site.
5. No equipment used which creates noise, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
6. No more than one vehicle labeled to identify the business, with a gross weight rating (GVWR) of 10,000 pounds or less may be parked on the site.

HO-20 HOME OCCUPATION. Any business conducted out of a private residence, such uses shall be nonintrusive and not detract from the residential use and character of the property and neighborhood. A Home Occupation is an activity which meets the following criteria:

1. Conducted by the occupants of the dwelling and not more than one outside employee.
2. Conducted entirely within the principal building and shall be clearly incidental and secondary to the residential use of the dwelling.
3. The floor area used for the home occupation shall not exceed 30% of the total floor area of the dwelling unit.
4. No exterior evidence of the presence of a home occupation shall be permitted except as hereinafter provided, nor shall the presence of the home occupation change the exterior character of the dwelling.
5. There shall be no salesrooms or display windows. Any materials, supplies, storage, or equipment shall be entirely contained within the building housing the home occupation, or enclosed storage area.

6. Identification Sign limited to 4 square feet, unlighted, attached to the dwelling.
7. Adequate off-street parking shall be provided.
8. In addition to personal vehicles, one vehicle, labeled to identify the business, with a gross weight rating (GVWR) of 10,000 pounds or less may be parked on site.
9. Receipt or delivery of materials or supplies to the site limited to the United States mail, similar parcel delivery services, or private vehicle with a gross weight rating (GVWR) of 10,000 pounds or less.
10. Client visits and deliveries may be limited by the Planning Commission based on site specific considerations and road classification as determined by the Teller County Road Department.
11. No equipment shall be used which creates noise, glare, fumes, odors, or electrical interference detectable to the normal senses off the property.
12. Shall not involve the outside storage or use of construction equipment, heavy equipment or construction materials except for A-1 zoned property of 35 acres or more under the following conditions: storage or equipment is totally screened from adjoining properties and roadways, and all storage or equipment is located a minimum of 50 feet from the property lines.
13. Waivers of the above criteria may be granted, based upon specific site considerations.

The use of detached garages and/or outbuildings for Home Occupations while not prohibited is discouraged. Justification for the use of detached garages or outbuildings shall be provided with the application. Such use shall be limited to 30% of the floor area of the dwelling unit. Particular attention will be directed at the use of detached garages and/or outbuildings during the review and approval process to insure that such use does not detract from the character of the neighborhood in the aspect of architectural compatibility.

Such businesses may not include any of the following: activities which include work on automobiles, recreational vehicles or heavy equipment on the property, including repair, painting, cleaning or any other activity involving the use of this type of vehicle or equipment on the property; nor any activity using or storing hazardous or flammable materials in excess of amounts requiring a permit in the current edition of the Uniform Fire Code.

HO-30 HOMEOWNER ASSOCIATION DOCUMENTS. Legal documentation for any homeowners' association which may be involved in or pursuant to the development.

HO-40 HOSPICE CENTER. A residential facility for 8 individuals, plus staff, where lodging, meals, and continuous nursing care are provided to individuals diagnosed with terminal illness. The primary concern of the hospice is to deal with pain control and to maintain dignity of life. Counseling is available to the patient and the family members.

HO-50 HOTEL. A building containing sleeping rooms designed to be rented for short term occupancy and which may or may not have eating or drinking facilities as an accessory use.

IG-10 IGA. Intergovernmental agreement.

IM-10 IMPACT AREA. The area within 5 miles of the boundaries of the proposed new community, unless the Planning Commission, in its sole discretion, determines that a smaller or larger impact area is appropriate in any particular case.

IM-20 IMPACT STUDY. A general statement of the impacts of the development in the County

covering physiographic aspects of the development area including: Soil limitation (as per the National Cooperative Soil Survey), slope analysis (all areas 30% and over to be shaded), geology and geological hazards, flood plains, streams, lakes and wetland areas, vegetation and wildlife, means of sewage and solid waste disposal; the statement shall also outline the impact of the development on schools, roads, fire protection, police protection and other applicable County services. The study shall show the expected impact on the environment and the efforts that will be made to mitigate any adverse impacts and take advantage of positive impacts on environmental characteristics.

IM-30 IMPERVIOUS SURFACES. See "Open Space" section.

IM-40 IMPROVEMENTS. All facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose.

IM-50 IMPROVEMENTS, REQUIRED. Required improvements will vary according to the type of subdivision involved and the density of the proposed development. The standards and required improvements for commercial, industrial, and other types of subdivisions will be determined by the Board of County Commissioners on the recommendation of the Planning Commission with advice from the appropriate public officials. PUD improvements are required for subdivisions as specified in these Regulations. Improvements are required according to the Roadway Standards and the following schedule:

1. Monuments shall be placed at all block corners, angle points, points of curves in streets and intermediate points as shall be required by the County. Material to be approved by the County. (Iron rods, pipes, or pins, 1" or more in diameter, 18" or more below grade.
2. Lot pins at each corner of all lots with a plastic or metal cap indicating the lot number, block number, and filing number, if any.
3. Grading and centerline gradients as per plan and profiles approved by the county; and in conformance to design standards.
4. Storm drainage improvements, as per plans approved by the County, and in conformance with the Roadway Standards.
5. Central water and/or sewer depending on lot size. Installation shall be according to the Roadway Standards.
6. Street name signs at all intersections. Signs will be uniform in design and materials and constructed according to the Roadway Standards. Yellow diamond, black lettered signs shall be placed at the entrance of all dead end streets or cul-de-sacs.
7. Fire Hydrants shall be located in accordance with any edition of the Uniform Fire Code as adopted in the Teller County Building Code or any edition subsequently adopted separately as a Fire Code.

IN-02 INFILL SITE. An infill site is a single parcel that prior to January 1, 2000 was (1) zoned or designated (on a growth and conservation map) for a density greater than 1 dwelling unit per acre, and (2) located in a designated growth area.

IN-04 INFRASTRUCTURE. The local and regional road, drainage, parks, schools, fire protection, sheriff, water, sewer and other utilities facilities and services required for the use of a site. The Planning Director shall seek comment from the appropriate agencies concerning their analysis of the impact and their ability to deal with the impact. Community facilities and services shall be deemed to be available if they are (a) currently in place or are funded and will be in

place prior to approval of a final plat or issuance of a building permit, or (b) are guaranteed to be provided at or before the approval of a final plat or issuance of a building permit.

IN-04-010 Infrastructure - purpose. The infrastructure requirements of these Regulations have the following purposes: To insure that infrastructure needed to support new development meet or exceed the adopted level of service standards established by these Regulations; to ensure that development will not cause a reduction in the levels of service for any infrastructure below the adopted level of service established in these Regulations; to ensure that adequate infrastructure needed to support new development is available concurrent with the impacts of such development; to establish uniform procedures for the review of development applications subject to concurrency requirements; to facilitate implementation of goals and policies set forth in the Master Plan relating to adequate infrastructure, level of service standards and concurrency; and to ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

IN-04-020 Infrastructure - applicability of requirements. For applications subject to infrastructure requirements as indicated in the "Site Design" table, no application shall be approved unless the County has determined adequate infrastructure will be available concurrently with the proposed development.

IN-04-030 Infrastructure - database information. The planning official shall develop, maintain, and update a concurrency database which shall provide support to County officials and departments responsible for concurrency review, monitoring and planning for infrastructure. At a minimum the database shall include the following information:

- a. Existing dwelling units and non-residential development;
- b. Committed development;
- c. The capacity of existing infrastructure, based on adopted level of service; and
- d. The capacity created by the completion of infrastructure which is included in the Capital Improvements Plan.

IN-04-040 Infrastructure - database update. The Planning Director shall once a year prepare and submit to the Board of County Commissioners a Concurrency Annual Report. The report shall include: (a) Growth trends and projections; and (b) proposed changes to the concurrency requirements.

IN-04-050 Infrastructure - adequacy analysis. The planning official shall review the information provided as set forth herein and the comments provided by the service provider or other referral agency in order to ensure that the proposed development is in compliance with the adopted level-of-service standard. Entities responsible for facilities and services shall be asked to comment on each proposed application for development approval for the development approval for which a concurrency recommendation will be made. The planning official, and any board holding a hearing on the application, shall take such comments into consideration in acting upon an application for development approval. The board or official responsible for making the decision to approve an application may determine:

- 1) A positive concurrency determination
- 2) A negative concurrency determination
- 3) A conditionally positive concurrency determination. A conditionally positive

concurrency determination shall be subject to one or more of the following conditions: (a) Deferral of further approvals until all concurrency standards are met; (b) reduction of density or intensity of the proposed development, including phasing of development, consistent with the available capacity of infrastructure; and (c) provision by the applicant of the public facilities necessary to provide capacity to accommodate the proposed development at the adopted levels-of-service and at the time that the impact of the proposed development will occur.

Applicant may propose mitigation measures to overcome a failure to meet one or more concurrency standards.

If a concurrency standard is not currently met, but is likely to be met in the near future due to, for example, the construction of new public facilities, the County may consider approving the concurrency determination with the condition that the applicant cannot apply for any further approval until the concurrency standard is met.

IN-04-060 Infrastructure - availability of public facilities. Public facilities shall be deemed to be available within the applicable impact area for a proposed development if the facilities meet the following standards.

- a. The facilities are in place or will be in place when the approval is granted (water, sewer, fire, schools, parks, roads); or
- b. Provision of the facilities is a condition of approval, and the facilities are guaranteed to be provided at or before the approval of a final plat or issuance of a building permit on the subject property (water, sewer, fire, schools, parks, roads); or
- c. The facilities are under construction and will be available at the time that the impacts of the proposed development will occur (water, sewer, fire, schools, parks, roads); or
- d. The facilities are guaranteed by an enforceable development agreement which ensures that the facilities will be in place at the time that the impacts of the proposed development will occur (water, sewer, fire, schools, parks, roads); or
- e. The facilities are the subject of an enforceable written agreement or development agreement which provides for the commencement of construction of the required facilities (schools and parks only); or
- f. The facilities are planned capital improvements (schools and parks only); or
- g. Proposed residential development is located in a traffic impact area in which the streets or intersections needed to achieve the adopted level of service are included in the capital improvement program to be constructed by the County within 2 years, and the approving official or board makes the following specific findings (roads only):
 - 1) The streets identified in this subsection are financially feasible; and
 - 2) The capital improvements program provides for the construction of facilities or improvements to roads within the traffic impact area that are necessary to maintain the adopted level -of-service standards; and
 - 3) The capital improvements program contains a financially feasible funding system based on currently available revenue sources which are adequate to fund the streets required to serve the development authorized by the requested approval;
 - 4) The applicable provisions of the capital improvements program show (a) the estimated date of the commencement of construction, (b) the

- 5) estimated date of completion for needed roads; and the concurrency information data base includes sufficient data to ensure that the proposed developments approved subject to this subsection do not cause a reduction of the level of service below the adopted level of service.

IN-04-070 Infrastructure - adequacy of public facilities. Public facilities shall be deemed to be adequate if either (1) the agency responsible for the public facility informs the Planning Department that the facilities are adequate and available, or (2) it is demonstrated that the public facilities have available capacity to accommodate the demand generated by the proposed development in accordance with the following calculation, unless otherwise indicated herein:

- a. Calculate capacity for each public facility within its impact area consistent with the section concerning the availability of facilities; and
- b. Subtract the existing demand on each facility; and
- c. Subtract the demand for each facility created by the anticipated completion of already committed development; and
- d. Subtract the demand for each facility created by the anticipated completion of the proposed development under consideration for concurrency determination.

In making a determination regarding the adequacy of public facilities, the planning official will consider any alternative information provided by the applicant. An example of alternative information would be local water consumption rates, for similar development under similar conditions, that are different from typical standards of water consumption used by reviewing agencies. Land required for schools and parks shall be consistent with the provisions of the Colorado Revised Statutes.

IN-04-080 Infrastructure - potable water.

IN-04-080-10 Infrastructure - water submittal requirements. The applicant shall provide either (a) water resources report, or (b) a letter of ability and willingness to serve and a concurrency recommendation based on the adopted level of service by the applicable service provider.

IN-04-080-20 Infrastructure - water standard. Available capacity for water supply, storage, pumping, transmission facilities shall be based upon an annual water generation rate of ½ acre foot per equivalent residential unit (ERU) taking into account nonresidential and other facility and service demands. For purposes of this subsection, one single-family dwelling unit is presumed equal to one ERU.

IN-04-090 Infrastructure - wastewater.

IN-04-090-10 Infrastructure - wastewater submittal requirements. The applicant shall provide either (a) a letter of ability and willingness to serve and a concurrency recommendation based on the adopted level of service by the applicable service provider, or (b) a concurrency recommendation by the County Environmental Health Officer.

IN-04-090-20 Infrastructure - wastewater standard. Wastewater treatment,

collection, and pumping capacity shall be based upon 242 gallons per day (gpd) per ERU taking into account nonresidential and other facility and service demands. For purposes of this subsection, one single family dwelling unit equals one ERU, while a residential unit other than a single family dwelling unit equals 0.69 ERU.

IN-04-100 Infrastructure - fire protection.

IN-04-100-10 Infrastructure - fire protection submittal requirements. The applicant shall submit data pertaining to the proposed development which shall be reviewed by the fire district and verified by the planning official. This data shall, at a minimum, contain the following:

- a. The name of the fire protection district that will provide service to the proposed development.
- b. A description of the fire protection facilities that will provide service to the proposed development.
- c. The name and location of the closest fire station to the proposed development, the farthest point and the closest point from the proposed development to the closest fire station, and the response time from fire station to the closest and farthest point of the proposed development.
- d. Fire flow available at the site of the proposed development, in gallons per minute (gpm) and residual pressure in pounds per square inch (psi). Also, the water supply available in addition to the maximum daily usage.
- e. Water main sizes for the proposed development and the layout of the mains.
- f. Fire hydrant spacing and valve layout.

IN-04-100-20 Infrastructure - fire protection. The adopted level of service standard for fire protection facilities is as follows:

- a. Development with a municipal-type water system shall provide water flow and hydrants that comply with the requirements of the currently adopted Uniform Fire Code and appropriate Appendix.
- b. Development with individual wells and lot sizes of five (5) acres or larger shall comply with the requirements of NFPA Standard 1231 "Water Supplies for Suburban and Rural Fire Fighting".
- c. Sprinkler testing shall comply with the requirements of the currently adopted Uniform Fire Code and appropriate Appendix. This Appendix applies to sprinkler systems installed under the Uniform Fire Code Appendix or NFPA Standard 1231.
- d. A maximum distance of five miles from the nearest fire station to the farthest point to be served.

IN-04-110 Infrastructure - parks.

IN-04-110-10 Infrastructure - parks submittal requirements. The applicant shall indicate the neighborhood or community parks service area within which a proposed residential development lies.

IN-04-110-20 Infrastructure - parks standards. The adopted level of service (LOS) is measured in acres of combined neighborhood and community parks per one-thousand population. This LOS is 10 acres per one thousand population. The total estimated residential population of the proposed residential development shall be determined with the average household size of 3.02 persons per single-family dwelling and 2.10 persons per multi-family dwelling.

IN-04-110-30 Infrastructure - parks analysis. The planning official shall determine whether the combined neighborhood and community parks within the applicable park planning region have sufficient acreage to accommodate the demand generated by the proposed residential development at the adopted level of service. Available capacity shall be expressed in terms of population, in accordance with the following:

Formula #1: $CAC = ([EC \times 1000] / LOS) - (E + C)$
and

Formula #2: $FAC = ([EC + PC) \times 1000] / LOS) - (E + C)$

where:

- CAC = Current available capacity (in acres)
- FAC = Future available capacity (in acres)
- EC = Existing neighborhood and community parks within the County (in acres)
- PC = Planned capacity of neighborhood and community parks within the County (in acres)
- LOS = adopted level of service / 1000 population
- E = existing population within the unincorporated County
- C = population generated by committed development

- a. If current available capacity is equal or greater than 0 (Formula #1, above), adequate capacity exists to accommodate the population projected to be generated by the proposed residential development. If current available capacity less the demand generated by the proposed residential development is a negative number, adequate capacity does not currently exist to accommodate the population projected to be generated by the proposed residential development.
- b. If current available capacity is inadequate, Formula #2, above shall be applied and "PC" shall equal 2 years of planned capacity. If available capacity is greater than or equal to zero, the development may be approved, or approved with conditions, and the applicant will be permitted to proceed through the development approval process.
- c. If future available capacity pursuant to the preceding paragraph, above, is less than zero, Formula #2 above, shall be applied to and "PC" shall equal 5 years of planned capacity. If future available capacity is then greater than or equal to zero, the County shall only approve the concurrency determination with the condition that funding has been approved or acceptable project phasing conditions are set forth in a development agreement which provides the commencement of

construction of the required neighborhood and community parks.

- d. If future available capacity pursuant to the preceding paragraph above is less than zero, the application for development approval shall be given a negative concurrency recommendation, unless the applicant provides and/or guarantees mitigation measures sufficient to assure the County that adequate facilities will be available at the time of development. Mitigation measures may include, but are not limited to, the following.
- 1) Dedication of land for the facility needed.
 - 2) Construction of the facility needed.
 - 3) Payment of fees for the acquisition of land for, or construction of, a needed facility.
 - 4) Escrowing money, posting a performance bond, providing a surety, or otherwise guaranteeing the provision of the needed facility in a manner satisfactory to the County.
 - 5) Timing and phasing the build-out of the development so that the annual demand for neighborhood and community parks matches the annual demand created by the portion of the development to be permitted each year.
 - 6) Deferring the development until needed neighborhood and community parks are available to accommodate the population anticipated to be generated by the proposed residential development.

IN-04-120 Infrastructure - schools.

IN-04-120-10 Infrastructure - school submittal requirements. The applicant shall submit data pertaining to a proposed residential development which shall be verified by the planning official and which shall, at a minimum, contain the following:

- a. The high school, middle school, and elementary school feeder areas serving the proposed development.
- b. The total number of dwelling units in the proposed residential development, by dwelling unit type.
- c. The total estimated student enrollment generated by the proposed residential development consistent with the student generation rate.

IN-04-120-20 Infrastructure - school standards. The adopted level of service for public schools shall be the enrollment capacity as specified.

IN-04-120-30 Infrastructure - school analysis. The planning official shall determine whether the schools within the applicable impact area have sufficient acreage to accommodate the demand generated by the proposed residential development at the adopted level of service. Available capacity shall be expressed in terms of possible student enrollment, in accordance with the following:

Formula #1: $CAC = (EC) - (E + C)$
and

Formula #2: $FAC = (EC + PC) - (E + C)$

where:

- CAC = Current available capacity (in student)
- FAC = Future available capacity (in student enrollment)
- EC = Existing capacity in enrollment for elementary, middle school and high schools within the feeder area
- PC = Planned capacity, in enrollment, for funded but unbuilt elementary, middle and high schools within the high school feeder area based upon the five year facilities plan of the school district, based upon 2 years or 5 years consistent with subsections (b) and (c) below.
- E = current enrollment based upon the most recent enrollment counts per monthly membership report by the school district serving the area in which the development is proposed
- C = enrollment generated by committed development within the high school feeder area, excluding developments permitted by and within an incorporated municipality in the County

- a. If current available capacity is equal or greater than zero (Formula #1, above), adequate capacity exists to accommodate the population projected to be generated by the proposed residential development. If current available capacity for any school type is a negative number, adequate capacity does not currently exist to accommodate the population projected to be generated by the proposed residential development.
- b. If current available capacity is inadequate, Formula #2, above shall be applied and "PC" shall equal 2 years of planned capacity. If available capacity is greater than or equal to zero for all school types, the development may be approved, or approved with conditions, and the applicant will be permitted to proceed through the development approval process.
- c. If future available capacity pursuant to the preceding paragraph, above, is less than zero, Formula #2 above, shall be applied to and "PC" shall equal 5 years of planned capacity. If future available capacity is then greater than or equal to zero for all school types, the County shall only approve the concurrency determination with the condition that funding has been approved or acceptable project phasing conditions are set forth in a development agreement which provides the commencement of construction of the required public schools.
- d. An applicant may propose mitigation measures to overcome a failure to meet one or more school concurrency management standards, including, but not limited to, payment of a pro rata share of school facility capacity costs necessary to accommodate the demand generated by the proposed residential development.

- e. The applicant shall compute the enrollment generated by the proposed residential development. Projected enrollment from the proposed residential development and enrollment generated by committed development shall consist of the sum of all proposed single-family dwelling units multiplied by the student generation rate for single-family dwellings, plus all other dwellings multiplied by the student generation rate for all other dwellings.
- f. For purposes of computing existing capacity (EC), and planned capacity (PC), the following criteria may be considered:
 - 1) Conventional capacity shall be based upon the adopted level of service, as computed by the school district consistent with these Regulations.
 - 2) The additional capacity resulting from the application of a multi-track, year-round schedule.
 - 3) The additional capacity resulting from the application of any limited use or emergency capacity extension policies of the school district, may be measured for a period not exceeding 2 years from the beginning of the current school year.
- g. For the purposes of this subsection, the following terms shall have the following meanings.
 - 1) High school feeder area: a group of schools consisting of one or more high schools and one or more middle and elementary school.
 - 2) Limited use or emergency capacity extension: the use of mobile classrooms or increases in classroom size for a period of to 2 years to accommodate growth or inadequate capital funding, as determined by the school district
 - 3) Student generation rate: the figure to be multiplied by the number of proposed dwelling units, by type , in order to determine projected enrollment. The student generation rates for each district shall be recalculated each year for the following table.

Dwelling unit type	Elementary	Middle	High	Total
Single family	xxx	xxx	xxx	xxx
Other	xxx	xxx	xxx	xxx

IN-04-130 Infrastructure - roads.

IN-04-130-10 Infrastructure - road submittal requirements. For a development subject to the requirements of a traffic analysis by these Regulations, the applicant shall submit a traffic impact analysis prepared by a qualified traffic engineer who is a licensed engineer in the State of Colorado, containing the following information for all major roadways within the traffic impact area of the proposed development.:

- a. A detailed description and map of the roadway network within the traffic impact area including all major intersections, all proposed and existing ingress and egress locations, all existing road widths and rights-of-way, and all existing traffic signals and traffic-control devices.
- b. Planned capital improvements proposed by any governmental agency, including the specific items listed in the preceding paragraph, and any other proposed construction project that would alter the width or alignment of roads affected by the proposed development.
- c. Trip generation and pass-by trips estimates for the proposed residential development on all local and collector roads in the traffic impact area based upon the report entitled Trip Generation (5th Ed. 1991) by the Institute of Transportation Engineers, as the same may be amended from time to time.
- d. Trip length and trip distribution assumptions, which shall be determined jointly by the applicant and the County staff. The distribution of trips to major roadways within the traffic impact area shall be based upon a gravity model in conformity with accepted traffic engineering principles, taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding land uses, population and employment; and existing traffic conditions identified pursuant to the above paragraphs.
- e. A 24 hour traffic count conducted for a period of 5 weekdays (Monday - Friday) on all major roadways having direct access to the proposed development site. The existing average daily traffic volume and the highest average peak hour volume for any weekday hour between 3:00 p.m. and 6 p.m. shall be recorded. These traffic volumes shall be averaged to determine the average hourly peak traffic volume for the 5 days between Monday and Friday. Major roadway service volumes shall be calculated at the adopted level of service, based upon the Transportation Research Board "Highway Capacity Manual, Special Report 209" (Washington, D.C., National Research Council, 1985) as the same may be amended from time to time.

The calculation of the level of service shall take into consideration lane width, number of lanes, restricted lateral clearance, service volume-to-capacity ratio, percentage of site passing distance greater than 1,500 feet, percentages of truck, grade, and operating and average roadway speeds. The level of service calculation for each roadway link shall be based upon ideal conditions.

IN-04-130-20 Infrastructure - road standards. The adopted level for streets is "D" in urban areas and "C" in nonurban areas, as defined in the Roadway Standards adopted in a separate document by the County. The level of service

shall be based upon the "volume to capacity" (V/C) ratio as defined by the Transportation Research Board, "Highway Capacity Manual, Special Report 209" (Washington D.C., National Research Council, 1985) which is incorporated by reference as it set forth in full herein, and as further modified below:

<u>LOS</u>	<u>Volume-to-capacity (V/C) ratio</u>
A	≤ 0.59
B	≤ 0.69
C	≤ 0.79
D	≤ 0.89
E	≤ 0.99
F	≤ 1.00

IN-04-130-30 Infrastructure - road analysis. The County staff shall verify the proposed development will not cause a decline in the adopted level of service for streets within the traffic impact area.

- a. If existing capacity for all major roadway links and intersections less committed development and the proposed residential development results in a V/C ratio not exceeding the adopted level of service, adequate street capacity exists to accommodate the trips projected to be generated by the proposed development.
- b. If available capacity for all major roadway links and intersections (taking into consideration only those capital improvements under construction) results in a V/C ratio not exceeding the adopted level of service, adequate street capacity shall be deemed to exist to accommodate the trips projected to be generated by the proposed development.
- c. If available capacity (taking into consideration capital improvements under construction or projects, authorized and budget to be provided within 2 years, or included in a current 5 year transportation improvement program, based on existing funding projections and commitments made by the Board of County Commissioners) for all major roadway links and intersections results in a V/C ratio not exceeding the adopted level of service, the proposed development may be approved, or approved with conditions and the applicant will be permitted to proceed through the development approval process.
- d. If available capacity (taking into consideration the planned capital improvements set for above) for all major roadway links and intersections results in a V/C ratio not exceeding the adopted level of service, the County may approve the concurrency determination with the condition that the applicant cannot apply for the next approval until the public facilities needed to meet the adopted level of service meet the availability criteria contained in these Regulations.

- e. A applicant may propose mitigation measures to overcome a failure to meet road concurrence standards. In nonurban areas, all County roads from the proposed development to the nearest principal state highway shall be paved.

IN-06 INFRASTRUCTURE ADEQUACY - NEW COMMUNITY. The proposed development (1) provides transportation, waste disposal, schools, and other public services in a manner that will not overload existing facilities of existing communities of the County, (2) promotes efficient and economic use of public resources, (3) meets the existing and foreseeable needs for public services within the proposed development site and its area, (4) will not create increases in demand for public services beyond the capacity of the development and neighboring public entities to provide such services, and (5) existing and proposed governmental entities will be able to adequately govern and provide governmental services to the development. Construction or guarantee of improvements is required prior to sale of lots, consistent with the requirements contained in these Regulations.

IN-08 INFRASTRUCTURE ADEQUACY - FOR SUBDIVIDING OR REZONING INCLUDING PUD. The proposed development will not increase the demand on available infrastructure above their design capacity. Where a project is phased, adequate facilities shall be available for each phase of development. The applicant will be required to bear no more than its proportionate share of the costs of providing the facilities and services, based upon the impact of the development. Construction or guarantee of improvements is required prior to sale of lots, consistent with the requirements contained in these Regulations.

IN-10 INFRASTRUCTURE, APPROPRIATE. Appropriate infrastructure means that the proposed Planned Industrial Center (PIC) is served by a central water system, or has adequate water rights for the use(s) proposed, including fire fighting supply; that there is an approved means of sewage disposal for the use(s) proposed, either by a central sewer system, or engineered septic system; access to the site is from an approved location, as determined by either the Colorado Department of Transportation, Teller County, or other public agency responsible for transportation.

IN-20 INTENSITY OF USE. The levels of activity anticipated for any use of the given parcel of land.

IN-30 INTERPRETATIONS. In interpreting and applying the provisions of these Regulations, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this imposes a greater restriction upon the use of building or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, or regulations or by easements, covenants, or agreements, the provisions of this resolution shall govern. In the interpretation and application of this regulation, all provisions shall be:

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

JU-10 JUNK. Junk means all material that has been dropped or cast aside and left unused.

JU-20 JUNK VEHICLES. Any vehicle which is inoperable, which is wholly or partially dismantled, or which does not bear current license plates, (unless such vehicle would under no circumstances be licensable under Colorado statutes), and which is visible from roads or adjoining, adjacent or neighboring property. A junk vehicle covered by a tarp covering is "visible" within the meaning of this section.

JU-30 JUNK YARDS. A building, structure, parcel of land or portion thereof used for the collecting, storage, or sale of junk, waste paper, rags, scrap metal, discarded material, or two or more junk vehicles not wholly screened from view of roads or adjoining, adjacent, or neighboring properties; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials and including the sale of the whole or parts thereof.

JU-40 JUSTIFICATION STATEMENT. Document in which the applicant or applicant's representative (1) represents the accuracy of the information contained in the application, and (2) indicates how the application complies with each of the review criteria for the type of approval or permit.

KE-10 KENNEL. See "Animals - Kennels".

LA-10 LANDSCAPING.

LA-10-10 Landscaping - parking lot. All new and substantially improved parking areas including at least 9 parking spaces shall meet the standards provided in this section. Landscaped areas meeting the requirements of these Regulations may be counted towards the open space requirement.

LA-10-10-01 Landscaping - parking lot perimeter. A parking lot shall be separated from adjacent uses by a bufferyard (an open space or landscape area at least 8 feet wide). Where a residential use or zone abuts a nonresidential use or zone, visual screening shall be provided to prevent direct glare of vehicle headlights onto the residential property. Screening may be accomplished in a variety of ways, including, but not limited to existing vegetation, wall, fence, earthen berm, constructed planter, dense hedge, multiple rows of shrubs and trees, or a combination of these techniques.

LA-10-10-02 Landscaping - parking lot interior. All parking areas shall provide landscaped planting areas, or landscaped islands, within the interior of the parking area. No point within the parking lot shall be more than 75 feet from a landscaped area. A landscaped area shall be provided at each end of each parking row. Each landscaped area shall have a minimum dimension of 8 feet, a minimum area of 80 square feet, and at least one tree meeting the landscaping standards and specifications of these Regulations.

LA-10-10-03 Landscaping - parking lot and building perimeter. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entrance ways or walkways or loading areas, by a landscaped planting area at least 4 feet in width. Trees, shrubs and ground cover shall be planted within these areas.

LA-10-20 Landscaping - plan required. A landscape plan shall be submitted and approved which provides the location of all existing and proposed vegetation, landscaping and screening including diameter (measured 5 feet above grade) of all existing and proposed trees, location and dimensions of planting areas, street yards, parking areas, the number, location, and size of walls, berms and fences, and provisions for watering, soil stabilization, plant protection and maintenance access, and any limitations on the exterior use of water imposed by the Office of the State Engineer.

LA-10-30 Landscaping - planting and maintenance. Landscaping shall not be installed or maintained in any location which constitutes a hazard or infringement to the public health, safety and welfare.

Planting areas adjacent to parking or vehicular circulation areas shall be protected from vehicular intrusion or damage from excessive vehicular lubricant or fuels.

Landscaping shall be regularly maintained. Dead, diseased or missing plants must be replaced with the same type as provided in the approved landscape plan. Replacement must occur within the next planting season, not to exceed 12 months.

LA-10-40 Landscaping - standards and specifications. All landscaped materials must meet the following minimum standards at the time of planting:

<u>Material</u>	<u>Standard</u>
Deciduous trees	2.5" caliper - 1' above ground 10' in height
Evergreen trees	6' in height
Ornamental trees	1.5" caliper - 1' above ground
Shrubs	5 gallon size
Wood chip mulch	3" depth
Rock or stone mulch	2" size - 3" depth

LA-10-50 Landscaping - streetyards. A street landscape area, averaging 20 feet but not less than 15 feet measured from the proposed or existing curbline or edge of pavement, is required for all properties abutting a public or private street. Required pedestrian walkways, sidewalks, and bikeways are included in the streetyard measurement.

Deciduous shade trees, evergreen trees and ornamental trees shall be planted within the streetyard on an average of one tree for every 35 feet of street frontage. Shrubs and ground cover shall be installed in the street yard. While innovative design and clustering of plant materials is encouraged, proper spacing must be maintained for larger trees.

In order to avoid blocking motorist sight distance, no plant material greater than 24 inches in height may be located within 15 feet of any driveway curb cut.

LA-10-60 Landscaping in water restricted areas. For those areas where the above landscape requirements would exceed the limits by the Office of the State Engineer or by the special district having jurisdiction on the exterior use of water, the following alternatives may be used: existing vegetation, wall, fence, earthen berm, constructed planter, dense hedge, multiple rows of shrubs and trees, or a combination of these techniques.

LA-20 LAND USE IMPACTS. Description of the impacts of the proposed new community on existing land use patterns.

LA-30 LAND USE REGULATIONS AND RELATED CODES. Teller County's regulations for zoning, subdivision, new communities, signs, junk and rubbish, and the related codes: the Roadway Standards for public improvements, the building codes, the County health code for septic systems, County adopted fire code, and fire codes adopted by fire districts where the County has an intergovernmental agreement with the fire district.

LE-10 LEGAL DESCRIPTION. Complete and accurate legal descriptions of the parcel(s) which will result upon approval of the request.

LE-20 LETTER OF INTENT. A detailed description of the request and its purpose and benefits.

LI-10 LIABILITY. The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These Regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These Regulations shall not create liability on the part of Teller County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made thereunder.

LI-20 LIGHTING. Lighting requirements apply to the following types of exterior lighting: (1) fixed lighting including but not limited to lighting mounted on a building, pole or the ground, and (2) vehicle-mounted or other portable lighting used to illuminate a building exterior or exterior area, or to cast light into the sky (such as a search light or beam).

LI-20-10 Lighting - height. Building-mounted lighting shall not exceed the building height by more than 5 feet. Pole or ground mounted lighting shall not exceed 25 feet in height.

LI-20-20 Lighting - maximum level. Except where federal, state, or county safety regulations require otherwise, any exterior lighting shall (1) be downcast, (2) be shielded, and (3) not cast direct light onto an adjacent public road or onto adjacent Residential Property. This requirement is not intended to prohibit a sign that consists of one or two illuminated vertical surfaces.

LI-20-30 Lighting - minimum level. Between dusk and dawn, the following areas shall be lit to adequately protect the safety of persons using the areas: (1) nonresidential parking areas during hours of use by the public, and (2) all service roads and walkways

within a mobile home park. Among ways of meeting this requirement are (a) minimum illumination of at least 0.6 foot candles, or (b) 25 watt lamps spaced at intervals of not more than 100 feet.

LI-25 LIGHTING INFORMATION. Sufficient information for the Planning Official to determine compliance with the Lighting requirements of these Regulations.

LI-30 LIGHTING IMPACT STUDY. Information on the type and placement of lighting which is adequate to determine the impact of such lighting on adjacent properties.

LO-10 LOADING. See "Parking and Loading" section.

LO-20 LOADING AREA. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

LO-30 LOT. A portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development or for other purposes.

LO-30-1 Corner Lot. A single lot having its front and one side adjacent to 2 streets.

LO-30-2 Double Frontage Lot. A single lot having the front and the rear thereof adjacent to 2 streets and does not include a corner lot.

LO-30-3 Flag Lot. 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 part of the lot.

LO-40 LOT LENGTH. The mean distance from the street to the rear of the lot measured perpendicularly from the street line upon which the lot faces.

LO-50 LOT LINES AND AREA. The peripheral boundaries of a parcel of land and the total area lying within said boundaries.

LO-60 LOT STANDARDS FOR SUBDIVIDING. The shape and the orientation of lots should be appropriate for the location of the subdivision and for the type of development proposed. The governing factor should be the usability of the lot. The following general standards shall apply in the evaluation of a subdivision plat:

LO-60-1 Lot Area. The minimum area and the dimensions of lots shall conform to the requirements of these Regulations for the district in which the subdivision is located.

LO-60-2 Lot Dimensions. The minimum dimensions of lots for residential use shall normally be 50 feet in width at the property line, and 100 feet in depth. Flag lots will have at least a 40 feet frontage where the base of the stem abuts the property line.

LO-60-3 Width to Depth Ratio. The depth of a lot shall not be greater than 3 times its average width.

LO-60-4 Corner Lots. For residential use, corner lots shall be platted so as to permit

conformance with the street side yard requirements of these Regulations.

LO-60-5 Ingress and Egress. Each new or replatted lot in a minor or major new subdivision of an infill site shall abut and directly access a road that complies with the "Roadway Standards"; however, the Planning Director, with the written concurrence of the Transportation Director, may approve alternate standards for an "infill site", where the alternate standards meet the intent of the Land Use Regulations and Roadway Standards.

LO-60-6 Setbacks. Building setback lines shall conform to these Regulations.

LO-60-7 Commercial and Industrial Lots. Width and depth of commercial and industrial lots shall provide ample space for the required off-street parking and loading facilities and for the type of development.

LO-70 LOT WIDTH. The width of a parcel of land measured at the rear of the specified street yard.

LO-80 LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a buildings lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these Regulations.

MA-10 MANMADE ENVIRONMENT DESCRIPTION. Description, including maps at a scale acceptable to the Planning Commission, of existing and proposed features of the man-made environment of the proposed new community site and its impact area, including the following:

1. Housing of all types for all income groups;
2. Industrial facilities and sites, including mineral extraction and processing sites;
3. Commercial establishments and sites;
4. Recreation facilities and sites, and open space;
5. Transportation systems and facilities, including parking facilities;
6. Agricultural uses by classification;
7. Utility services, including water supply systems, sanitary sewage systems, storm drainage systems, solid waste disposal systems, natural gas services, electrical services and communication services;
8. Public institutions and structures including schools, government buildings and other public facilities;
9. Public lands;
10. Lands owned by mining companies.

MA-20 MANUFACTURED HOME IN A FLOOD HAZARD AREA. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

MA-30 MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

MA-40 MANUFACTURING - HEAVY. Any manufacturing or industrial processing which by nature of the material, equipment and process utilized produces objectionable levels of noise, fumes, light or smoke which may, or may not have hazardous effects.

MA-50 MANUFACTURING (OR INDUSTRY) - LIGHT. Any manufacturing or industrial processing which by nature of the materials, equipment and process utilized is to a considerable degree quiet, clean and free from any objectionable or hazardous element.

MA-55 MAPS. These Regulations include maps contained in appendices to these Regulations.

Where there is a discrepancy between the location of a boundary line as shown on a map and as described in the text of these Regulations, the text shall take precedence over the map.

Where there is a boundary discrepancy between a map for a larger area (such as the Divide Region) and a map for a smaller area (such as the Divide Town), the map for the smaller area shall take precedence.

Where there is a boundary discrepancy between a map contained in an appendix to these Regulations and the Official Map maintained at the Teller County Planning Department in accordance with these Regulations, the Official Map shall take precedence.

MA-60 MASTER PLAN. The Teller County Growth Management Plan (TCGMP) and the related regional action plans adopted by the Board of County Commissioners.

MI-10 MICROWAVE ANTENNA. A dish type antenna used to link communication sites together by wireless signal or data transmission.

MI-20 MINE - OPEN PIT. The mining of minerals by removing the overburden lying above such deposits and mining from the deposits thereby exposed. The term includes mining directly from those deposits when there is no overburden including the washing, crushing or processing of sand or gravel including the removal of previously mined material from one site to another. The term also includes leaching, milling or any other chemical or mechanical process for extraction or development of minerals.

MI-30 MINERAL RESOURCE AREA. The Planning Director shall keep on file and available for public inspection, a set of maps clearly showing all known and identified Potential Mineral Resource Areas in Teller County. The County shall not approve any subdivision plan if the proposed subdivision is either in one of these identified potential important mineral areas, or pending provision of maps, is in an area suspected by the County to be a mineral resource area, unless the developer can submit adequate evidence prepared by a professional geologist that the proposed subdivision is not in a potentially important mineral resource area, or unless the proposed subdivision meets the following criteria:

MI-30-1 Financial Burden. The burdens imposed upon local government services and facilities are sufficiently offset by increases in the tax base and local economy.

MI-30-2 Mitigation. Potential health and safety hazards are reasonably mitigated;

MI-30-3 Value of Development. Its development will exceed the value of the minerals

under the development.

MI-30-4 Impact of Man-Made Changes. Man-made changes shall not initiate or intensify hazardous conditions within a mineral resource area.

MI-40 MINING CLAIMS. An overlay, on mylar or other stable drafting material, at the same scale and specifications as the final plat, showing all mining and placer claims, patents and mineral rights, and their ownership by name and mineral survey or mining entry number.

MI-50 MINING INFORMATION.

MI-50-1 Mining drainage. A description of the extent and nature of flooding and on-site drainage patterns including location of ponds.

MI-50-2 Mining facilities. A description of the land use with a site plan showing the location of the physical plant and attendant structures.

MI-50-3 Mining fences and signs. A comprehensive description of fencing and Sign placement surrounding areas containing hazardous waste materials including storage ponds and tailing piles.

MI-50-4 Mining haulage. A written evaluation of the potential impact of haulage from mining operations on county roads including a description of public haul routes and anticipated traffic volume.

MI-50-5 Mining haulage and roads. Major haul routes (including egress and ingress to mining property) on public roads shall be clearly indicated so that potential impact on road maintenance requirements can be reviewed.

MI-50-6 Mining hazards and operations. A general description of the proposed operation and storing hazardous materials, disposal of hazardous material containers, pit planning and the estimated life of the operation.

MI-50-7 Mining hazardous materials. A description of methods of handling, storing, and transporting hazardous materials, including disposal of hazardous material and containers.

MI-50-8 Mining MLRB application. A copy of the Colorado Mined Land Reclamation Board Application complete with all pertinent maps, drawings and charts.

MI-50-9 Mining public infrastructure. Requests for new (or expansion of existing) mining operations shall demonstrate the adequacy of public facilities and utilities.

MI-50-10 Mining reclamation. The depth of all existing and proposed excavations and a thorough description of the proposed reclamation plan.

MI-50-11 Mining topography and roads. A topographic map of the area showing existing contours and displaying existing and proposed access roads.

MI-50-12 Mining water. The source, quantity and composition of water to be used.

Water quality information to show anticipated impacts to the water quality being discharged from the site.

MI-60 MINI-WAREHOUSES. Buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where there is no exterior storage, where no storage of flammable or hazardous materials in excess of amounts requiring a permit under the current edition of the Uniform Fire Code is allowed, where access to storage units is infrequent and where no utilities are provided except for the service of an office and for lighting of individual storage units.

MO-05 MOBILE HOME. See DW-10-2-3

MO-10 MOBILE HOME PARK Any lot or parcel used for the storage, or living purposes, of more than 3 mobile homes.

MO-30 MONOPOLE. A structure composed of a single pole used to support communications antennas.

MO-40 MONUMENTS. The actual points set on the ground to locate, delineate or describe tracts of land and/or the points set to define a legal description of a tract of land.

MO-40-1 Monuments - United States Land Survey. The points or corners established by the survey of public lands for the United States Government, also the re-establishment or restoration of said corners.

MO-40-2 Monuments - Surveyor Points or Corners. The points or corners set by a Colorado Registered Land Surveyor, in accordance with Colorado Revised Statutes, to define a legal description on the ground.

MO-50 MOTEL. A permanent building or group of buildings designed for the accommodation of transient guests and their automobiles. Included here are such things as auto courts, tourist courts, motor lodges, motor inns, motor hotels, and similar terms.

NA-10 NATURAL CHARACTER. The design and location of any structure or number of structures on any lot or lots should be in accordance with the physical setting of the surrounding area. Strict attention should be paid to the environmental considerations and topsoil should not be unduly disturbed, rock formations should be preserved as much as possible, and natural water courses should not be encroached upon. See also "Trees" section of these Regulations.

NA-20 NATURAL FEATURES REPORT. Reports concerning streams, lakes, topography, and vegetation.

NE-10 NEED DEMONSTRATION. A written evaluation documenting a demonstrated need for the proposed facility.

NE-20 NET RESIDENTIAL ACREAGE. The land area devoted to the carrying of residential land uses measured exclusive of streets, roads, alleys, and other public and private uses.

NE-30 NEW CONSTRUCTION. Structures for which the "start of construction" commenced on

or after the effective date of these Regulations.

NE-37 NEW COMMUNITY (1041). A new community is site selection and development that "establishes an urbanized growth center in an unincorporated area", and is hereby designated as an activity of state interest within the unincorporated areas of Teller County. A new community is:

- (1) Formation of CRS Title 32 Article 1 Metropolitan Districts, Park and Recreation Districts, Sanitation Districts, Water and Sanitation Districts, and Water Districts, and the formation of Water Users' Associations pursuant to Article 44 of Title 7 CRS, other than in growth areas.
- (2) Any proposed residential development within the unincorporated area of the County, except for proposed development that has one or more of the following characteristics:
 - (a) Is located within a designated growth area, defined for the purposes of the New Community regulations as:
 - Within one-half mile from the boundaries of any incorporated city.
 - Within the Divide Town Center, as it is defined in the 1998 Divide Regional Plan.
 - Within three-quarters of a mile from the center of the intersection of U.S. Highway 24 and Teller County Highway 1.
 - (b) Is for fewer than 5 residential units and is not more dense than 1 unit per 5 acres.
 - (c) Minor Subdivisions of 4 lots or less which are within, or adjacent to platted subdivisions, and are equal to, or lesser in density than the platted subdivision. Said Minor Subdivisions shall be limited to one every one-quarter mile around the perimeter of the subdivision for a period of 5 years.
- (3) Where the Board of County Commissioners enters into an intergovernmental agreement with an incorporated city within the County, and if said agreement provides for joint administration by the city and the County of unincorporated areas adjacent to the city, said agreement may also provide that these guidelines and regulations are suspended within the area of joint administration. The agreement may also provide that these guidelines and regulations apply within the area of joint administration, even if all or a portion of the area of joint administration is closer to the boundaries of the city than the areas excepted above. **[Effective Res. 06-12-03(24)]**

NO-10 NONCONFORMING USE OR STRUCTURE. Any structure, or land, lawfully used, occupied or erected at the time of effective date of this resolution or amendments hereto, which does not conform to the provisions of these Regulations. Any structure conforming in respect to use, but not in respect to frontage, area, height, parking, loading or distance requirement shall be termed a nonconforming structure, not a nonconforming use.

NO-10-1 Nonconforming Use or Structure - Continuation. Except as herein provided the lawful uses of land or structures existing at the time of adoption or amendment of these Regulations may be continued even though said use or structure does not conform to the provisions of these Regulations. Exemptions shall not extend to signs or billboards; obsolete and abandoned structures; obsolete, inoperative, or dismantled machinery, vehicles or implements that are parked, stored or located on any street, right-of-way, easement or required yard space.

NO-10-2 Nonconforming Use or Structure - Discontinuance. If a nonconforming use or structure is discontinued or unused for a period of 12 months, it shall be deemed ended and may not be resumed. **(See also AC-20-20-7-2 EXPIRATION and EXEMPTIONS) [Effective 10-09-03(48)]**

NO-10-3 Nonconforming Use or Structure - Enlargement or Alterations. Except as otherwise provided in this Section NO-10-3, no enlargement or exterior alteration of a nonconforming use or structure, other than regular periodic maintenance, shall take place. An enlargement or exterior alteration that complies with then current Land Use Regulations is allowed to a legal nonconforming structure used for a legal conforming use. Once a use or structure is made to conform to the provisions of these Regulations, it may not revert to nonconformance either in part or in whole.

NO-10-4 Nonconforming Use or Structure - Replacement. If a nonconforming use or structure is damaged to the extent of 75% or more of its true market value, as based on its current assessed value, it may not be rebuilt or repaired unless in conformance with these Regulations. The total lifetime structural repairs to a nonconforming use or structure shall not exceed 75% of its true market value, based on current assessed value, unless the use or structure is made to conform with the provisions of these Regulations. **(See also AC-20-20-7-2 EXPIRATION and EXEMPTIONS) [Effective 10-09-03(48)]**

NO-20 NONCONFORMING USE OR STRUCTURE - CAMPGROUNDS. Those campgrounds which presently exist and which, in the opinion of the Teller County Health Officer or Code Enforcement Officer, do not conform to the standards expressed herein shall be brought into conformance within 12 months of the effective date of these Regulations, after which the term may be extended upon written request providing the Health Officer or Code Enforcement Officer finds that the owner or operator is undertaking action reasonably calculated to make the existing campground conform fully to the complete plan within the extended period.

NO-30 NONCONFORMING USE OR STRUCTURE - MOBILE HOME PARKS. Those mobile home parks which are in existence as of January 1, 1984, as more particularly described in the attached Exhibit A by name of owner, name of park, and legal description, are declared to be non-conforming uses.

Where provisions of these Regulations contain reduced requirements for these mobile home parks, these mobile home parks shall comply with the reduced requirements. The provisions of these Regulations which pertain to the health and safety of the public must be satisfied by every mobile home park and no use may be non-conforming as to those provisions.

This section shall be applicable only to mobile home parks existing on January 1, 1984, and shall not apply to campgrounds. Any new mobile home parks or any expansion, alteration, or addition to existing parks must comply in all particulars with these Regulations.

EXHIBIT A: PRE-EXISTING MOBILE HOME PARKS

- Elk Park Mobile Home Park: NW1/4 NE1/4 Sec. 35, & NE1/4 NW1/4 Sec. 35, T12S, R69W
- Wishing Well Mobile Home Park: NE1/4 SE1/4 Sec. 31, T12S, R68W
- Moore's Mobile Home Park: SE1/4 SE1/4 Sec. 2, T12S, R69W
- Mountain Meadows Mobile Park: NE1/4 SW1/4 Sec. 30, T12S, R68 W

- Little Gem Mobile Home Park: NE1/4 NE1/4 Sec. 25, & SE1/4 SE1/4 Sec. 24 T12S, R69W
- Whispering Pines Mobile Park: SW1/4 SW1/4 Section 19, T12S, R68W
- Woodland Acres Mobile Home Park: NE1/4 SW1/4 Section 30, T12S, R68W
- Coachlight Mobile Home Park: SE1/4 SW1/4 Section 30, T12S, R68W Cripple Creek Travel Park: Lots 1-12, Block 15, Lots 9-12, Block 18, Pikes Peak Addition to the City of Cripple Creek
- Alpine Village Mobile Home Park: SW1/4 SE1/4 Section 2, T12S, R69W

NO-40 NOTICE.

NO-40-1 Published Notice. Notice of hearings shall be given by publication in an official County newspaper at least 10 days prior to the hearing. Said notice shall contain: (1) Legal description of the property and its street address of approximate location; (2) Present zoning classification of the property and the nature of the request; and (3) Date, time, and place of hearing.

For a new community (1041 permit), the notice shall contain the name of the applicant, the location and a brief description of the proposed development, and a statement that the applicant is seeking a permit to engage in the activity of site selection and development of a new community.

NO-40-2 Notice - Cost of Advertising and Notice. The required legal notice shall be drafted by the Planning Director, and published in an official County newspaper. The cost of administration and notices shall be paid from the application fees collected by the County.

NO-40-3 Notice to Adjoining Property Owners. The Planning Director shall mail a notice of hearing as required by Table 3: Review Process to each property owner whose property adjoins the site described in the application. The notice shall state that all interested persons may appear at the hearing or may submit a written comment on the application. The notice shall be mailed by first class mail at least 30 days prior to the hearing. Adjoining property includes property which would adjoin that of the applicant's, except for the existence of a public right-of-way.⁽¹¹⁻²⁷⁻⁹⁵⁽¹¹⁴⁾⁾

NO-40-4 Notice - Posted. The property shall be posted with a notice of hearings as required by Table 3: Review Process with posters provided by the Planning Department. Posting the property, and verifying that the poster remains in place for the required time frame, is the responsibility of the applicant. An affidavit verifying the posting of the property must be provided at the hearing. The poster shall identify the property for which the notice is being given, and be readable from the nearest publicly maintained road.

NO-50 NOTICE OF VACATION. See "Vacation Plat or Notice".

OF-04 OFFICE. A place of business for predominantly administrative, professional, or clerical operations.

OF-06 OFFICE - LOW IMPACT. Office use having all of the following characteristics.

1. The parcel and proposed offices are in a County-designated growth area;

2. 98% of the parcel is open space;
3. Access to the parcel is directly from a paved, publicly-maintained road;
4. The office use shall be conducted in and shall not exceed the gross floor area of structures legally constructed prior to 12/1/1999 and still existing on the parcel;
5. The parcel is adjacent at more than one point to a parcel on which "office" is a permitted use, provided however, an intervening public road will not be considered as interrupting adjacency; and
6. The parcel and the adjoining parcel (on which "office" is a permitted use) shall have at the time the conditional use permit is issued, and continue to have the same person(s) as owner and operator (of the uses).

OF-10 OFFICIAL MAP is a drawing prepared by the Planning Department with the notation "Official Map" and an effective date, which map the Board of County Commissioners has adopted as part of the Land Use Regulations according to the procedures for amending the Regulations.

OP-10 OPEN SPACE. No lot or parcel shall be so used or diminished that the required setbacks or other open spaces shall be smaller than required by these Regulations. No required setback shall have any building placed within it. No required setback or open space shall be considered as a parking area or as providing a setback or open space for any other building.

Required open space shall be usable, that is outdoor areas which provide separation and relief from buildings, or create outdoor recreational opportunities. These areas include: (1) undisturbed areas of rock or native vegetation, natural drainageways, and/or (2) walkways, pedestrian paths, open plazas and malls, terraces, private parks or playgrounds, rooftops improved for landscape or recreational purposes, and similar structures designed specifically for active and passive recreational use and which are not designed to be used by motor vehicles except for emergency and service purposes; and/or (3) landscaped areas including flower beds and planters. The above statement "relief from buildings" does not prohibit clustering buildings and/or open space.

Open space areas do not include: (1) Portions of property which are capable of being developed and which are specifically used for storage or reserved for future expansion, or outdoor areas which are developed for use as a storage area; or (2) areas designed to accommodate motor vehicle uses such as parking lots, open air showrooms, road right-of-ways, or service areas, at, above or below ground level. Landscaping, over underground parking or underground service areas, however, will be included.

OP-20 OPEN SPACE - CATEGORIES. There are 3 types of open space: (1) lot or parcel open space, (2) in a subdivision or PUD, common private open space, and (3) in a subdivision or PUD, land dedicated to the public for parks or other types of open space.

OP-20-10 Open space categories - lot or parcel. Open space, as defined in these Regulations, shall be provided (or preserved) and maintained on the following (or greater) percentage of the lot or parcel.

Single-family detached dwellings of any type: 50% usable open space.

Multiple family included any type of attached dwelling units: 25% minimum usable open space.

Mobile home parks listed in Exhibit A (section NO-30): This section OP-20-10 does not apply.

C-1: 20% minimum usable open space

PBC: 25% minimum usable open space

M1: 25% minimum usable open space

PIC: 25% minimum usable open space

OP-20-20 Open space categories - common private open space in a PUD (except the CCMOD) or subdivision. A separate parcel or parcels of land, an area of water, or a combination of land and water within the proposed development site, designed and intended and dedicated for the common private use and enjoyment of residents, occupants, and owners of the parcels included in the proposed development. Such common private open space may include undeveloped open space, which is an area left completely in its natural state or the same conditions in which it was found shall be considered undeveloped open space. (This does not preclude the reclaiming and rehabilitation of land to a natural state.) A minimum 25% of the total PUD or subdivision gross area shall be in tracts dedicated to common private and/or public usable open space. Land approved for either (a) dedication to the public for parks, trails, and open space, or (b) open space design in a major residential subdivision as defined in these Regulations, shall be counted toward the required 25% minimum.

OP-20-30 Open space categories - public land dedication. See "Public Land Dedication" and "Park Dedication" in these Regulations.

OP-30 OPEN SPACE DESIGN IN A RESIDENTIAL MAJOR SUBDIVISION. A major subdivision shall include open space designed as an overall system as part of an overall master plan approved for the development, with the following components: a central open space, corridor open space, and perimeter open space.

Perimeter open space, if forested the minimum width shall be at least 50 feet and average width at least 100 feet, if not forested the minimum width shall be at least 100 feet with an average width at least 200 feet.

Corridor open space at least 50 feet wide shall connect the perimeter open space to the central open space.

Central open space shall be provided that is spatially enclosed by buildings that front on the space or on the streets bounding the open space. No more than 25% of the central open space may be covered by structures, vehicle use areas, or impervious surfaces. Central open spaces shall be designed as an active gathering place for residents in both day and evening. Central open space shall be no less than 10,000 square feet. Sites shall be provided adjacent to the central open space for significant public structures or private structures, such as churches. The Board of County Commissioners may consider improvements by

the developer to the central open space (such as a community building) as an as in lieu of land dedication.

Multi-family lots and lots less than ½ acre in size shall abut open space. Once the number of contiguous lots, averaging less than ½ acre in size reaches 10, the lots shall be arranged in a cluster with open space on 3 sides of the cluster. The open space shall be at least 25 feet wide if forested, 50 feet wide if not forested.

OP-30-60 Infill sites. For an infill site, the required widths or areas for portions of the common private open space may be reduced so that the total required area for common private open space does not exceed 25% of the gross area of the site; however, for sites greater than 1 acre in size the minimum width of the perimeter open space shall not be reduced to less than the required building setback. Required open space may be shifted between common private open space and lot open space, so long as the combined required total of common private open and lot open space is not reduced.

OT-10 OTHER REGULATIONS.

OT-10-1 Other Regulations - Fuel Storage and Bulk Sales. The plan shall conform to all applicable fire and building codes.

OT-10-2 Other Regulations - Outdoor Concerts. All applicable statutes and regulations of the Colorado Department of Health will be met. Adequate law enforcement, medical, and other emergency service provisions and facilities will exist during the outdoor concert. The proposed outdoor concert will not result in an over-intensive use of the tract in question. The proposed outdoor concert will not substantially adversely affect the public health, safety, and welfare.

OU-10 OUTDOOR CONCERTS. A musical performance wherein either the audience or the performers are situated outside a permanent building or structure as defined by the Teller County Building Code.

OW-10 OWNER CONSENT. Written consent from all landowners whose properties are included within a proposed **Planned Unit Development.**

OW-20 OWNERSHIP PROOF. Copy of deed or other appropriate legal instrument by which the applicant(s) obtained interest in the property under consideration.

PA-10 PANEL ANTENNAS. An array of antennas, rectangular in shape, used singularly or in arrays to transmit and receive communication signals.

PA-20 PARCEL. A single continuous area of land and/or water fully enclosed by a continuous boundary line with no overlapping points.

PA-22 PARCEL SIZE. See "Density and Parcel Size" section.

PA-30 PARK DEDICATION.

1. The park land to be dedicated will be deeded to the County. The land may be leased to

a homeowners organization for park development and maintenance, however, the County will review all park development plans. These plans must be approved by the County Board of Commissioners. The Parks Advisory Board will make a recommendation to the Board of County Commissioners, who will have the final approval before park development is started.

2. The development may offer a combination of land, improvements, or financial compensation as park dedication.
3. The Parks Advisory Board may ask for fees-in-lieu of land. The Parks Advisory Board will make a recommendation to the Board of County Commissioners, who will have the final determination on this issue.
4. All park dedications will be reviewed by the Parks Advisory Board, which will in turn make a recommendation to the Board of County Commissioners, for approval, before the subdivision receives preliminary plat approval. The Parks Advisory Board shall make their recommendation within 45 days after the submittal of preliminary plat, unless an extension is granted by the Board of County Commissioners.
5. All recommendations by the Parks Advisory Board will be reviewed by the Board of County Commissioners, who will have final plat approval.

PA-40 PARK DESIGN STANDARDS. The dedicated land will be suitable for park development.

1. The park will have access from a dedicated County road.
2. It will be on a contiguous piece of property, unless the subdivision is large enough to accommodate the type of park facilities needed for the area.
3. The park land will be placed in such a manner to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
4. The property will not contain areas that would be hazardous to the public safety and welfare of the park user.
5. The property will allow for the ease of maintenance by the County, or property owner's association.
6. The property should not have slopes of 10% or greater, over 20% of the area, unless a special use is designated by the Parks Advisory Board, that requires some degree of slope.
7. The Parks Advisory Board will carefully examine the size, shape, topography, geology, the presence and condition of ground cover and timber, the condition of soil, drainage, location, access and availability of water to lands proposed for park land, recreation and open spaces.
8. The Parks Advisory Board will consider open space as an acceptable land dedication, on a site-specific basis.
9. The Parks Advisory Board will strive to protect natural and historic features, scenic vistas, watersheds, timber and wildlife.
10. The following park designations will be used as a guide in the development and planning of park land in Teller County:
 - a. Playground/Pocket Park: a park of small acreage used either for active or passive recreation;
 - b. Neighborhood Park: a parks of 1-10 acres, designed to satisfy the recreational and open space needs of the surrounding neighborhood.
 - c. Regional Park: a park of 10+ acres, designed to satisfy the recreational and open space needs of the County as a whole.

PA-50 PARKING AND LOADING. In all zones and in connection with every use, there shall be provided at the time any use or building is erected, enlarged or increased, off-street parking stalls for all vehicles in accordance with the following.

PA-50-1 Parking - Access. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one and two family dwellings and a minimum of 24 feet for all other uses.

PA-50-2 Parking - Campground (CG) Zone. Adequate parking spaces shall be provided within at least 200 feet of the campsite or on the site itself. If parking is provided at the campsite, a minimum of 900 square feet shall be dedicated to the campsite, in addition to the required parking area of 300 square feet. Parking spaces shall be a minimum of 10 feet by 20 feet and shall be properly surfaced and drained. A minimum of 1.5 parking spaces per campsite shall be provided in the campground.

PA-50-3 Parking - Lighting. All off-street parking areas containing spaces for more than 2 vehicle shall be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.

PA-50-4 Parking - Loading Requirements. In all non-residential districts adequate loading, maneuvering, or unloading areas shall be provided completely off the public ways and so that all vehicles need not back onto any public way.

PA-50-5 Parking - location. Location to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway except in residential zones shall be closer than 25 feet to a residential zone lot line or a street line opposite a residential district.

PA-50-6 Parking - Mobile Home Park (MHP) Zone. Parking spaces shall be provided to accommodate motor vehicles. 2 parking spaces shall be provided for each developed pad. On-street parking spaces shall not be used to fulfill this requirement and should be discouraged.

At least 1 parking space shall be provided for each 5 developed lots to accommodate motor boats, recreational vehicles, motorcycles, trailers, and snowmobiles. This shall be a fenced security area located within park boundaries. This area may also be designed to allow temporary storage of vacant mobile homes; however, not more than 5 mobile homes may be stored at any one time. This paragraph does not apply to mobile home parks listed Exhibit A (section NO-30).

PA-50-7 Parking - number of spaces required. See Uses Table. In the case of structures or uses not listed, the provision for a use which is similar shall apply. Combination of any of the uses shall provide the total of the number of spaces required for each individual use.

PA-50-8 Parking - Planting and Landscaping. See "Landscaping".

PA-50-9 Parking - PUD. It shall be the responsibility of the owners of the land uses to provide and maintain adequate unobstructed off-street parking and loading spaces in accordance with the provisions of these Regulations. No access to an off-street parking

or loading area shall be within 35 feet of an intersection of two or more public streets and unobstructed visual clearance of at least 35 feet shall be provided for access points.

PA-50-10 Parking - screening. All off-street parking associated with non-residential uses or structures shall be screened when the parking spaces or area abuts a residential use or structure.

PA-50-11 Parking - space size. Size of each parking space shall be not less than 200 square feet exclusive of the space required for ingress and egress. Said space shall measure at least 20 feet by 10 feet.

PA-50-12 Parking - surfacing. All off-street parking areas shall be graded and surfaced so as to control dust, and provide proper drainage. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

PA-60 PARKING AREA. An open space or an enclosed structure used exclusively for the temporary storage of automobiles, such space having a graded and surfaced area of not less than 200 square feet, that is 10 feet by 20 feet, and, having adequate ingress or egress to a public street or alley and measured exclusively of drives and other entrance or exit ways.

PA-70 PARKING - COMMERCIAL. A parcel, lot, acreage, or mining claim, which is used, on a paying basis, by the public for parking or vehicles. Such a facility may provide an office for the management, including restrooms and waiting area for the patrons. No other uses may be allowed.

PE-10 PENALTIES. (Also see "Enforcement" and "Violations" sections.)

PE-10-1 Penalties - use or structure violations. Any person, firm, or corporation violating any provisions of these Regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100.00 or imprisoned for not more than 10 days, or both.

PE-10-2 Penalties - subdivision and PUD violations. Any individual or person acting as a subdivider or as an agent for a subdivider who is found guilty of violating any of the provisions of these Regulations, shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or both, at the discretion of the Court. The sale of each and every lot sold in violation of these regulations shall be considered a separate violation. These penalties shall be in addition to any others that may be imposed.

PE-10-3 Penalties - Mobile Home Park violations. Any person who violates any provision of these Regulations shall be punished by a fine of not less than \$5.00 nor more than \$300.00; and each day's failure of compliance will any such provision shall constitute a separate violation.

PE-20 PERMIT AUTHORITY. The Planning Commission is the Permit Authority for permits to engage in the activity of site selection and development of new communities.

PE-30 PERMITS. See Approvals and Permits Table.

PE-40 PERSON. An individual, proprietorship, partnership, corporation, association, or other legal entity, whether public or private.

PE-50 PERSONAL CARE BOARDING HOME. State Licensed residential facility where lodging, meals and supervision are provided for persons 60 years of age or older, developmentally disabled persons or persons with mental illness. This term does not include Family Care Home or Nursing Home (CRS 26-4-103(11)).

Small Personal Care Boarding Home	8 or fewer clients
Large Personal Care Boarding Home	9 or more clients

PE-50 PETITION FOR THE REQUEST. States the reasons for the request, the location, a description of the proposed sign, the size, the ownership of the sign, and the ownership of the land upon which the sign is to be placed. The petition shall be signed by the appropriate individual requesting approval, and the property owner, if different than the applicant.

PH-10 PHASES. Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development. Once a development schedule has been approved, any changes thereto shall be approved by the Planning Commission and the Board of County Commissioners.

PH-20 PHASING INFORMATION. If the project is not a single family residential PUD, a general indication of the scheduling of development including: (1) approximate starting date, (2) staging of the project, and (3) the common grounds that will be provided by stages.

PL-10 PLAN. See the name of the particular type of plan or plat.

PL-20 PLANNED UNIT DEVELOPMENT (PUD). The provisions for development of a PUD which may include, but need not be limited to, easements, covenants, and restrictions relating to use; location, and bulk of buildings and other structures; intensity of use or density of development; utilities; private and public streets, ways, and roads, pedestrian areas and parking facilities; common open space and other public facilities. The written and graphic materials for the preceding.

Planned Unit Development means an area of land, controlled by one or more land owners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type or use, density, lot coverage, open space, or other restriction in the applicable sections of these Regulations.

PL-30 PLANNING AREA WIDE DESCRIPTION. Description of area-wide planning and development, and explanation of the relationship of the new community plan with the following:

1. Local master plans, state or regional plans, federal programs and plans and plans of neighboring local government jurisdictions, as all of said plans relate to the proposed new community site and its impact area;
2. Approved and proposed public projects;
3. Capital improvement programs of jurisdictions neighboring the proposed new community site and its impact area.

PL-35 PLANNING OFFICIAL is the Planning Director or other staff member of the Teller County Planning Department handling an application and having authority.

PL-37 PLANNING REGIONS AND GROWTH AREAS MAP. See “growth areas” and “maps”.

PL-40 PLAN OF A MOBILE HOME PARK. A complete plan of the mobile home park, showing compliance with all applicable provisions of these Regulations.

PL-50 PLANS AND SPECIFICATIONS. Plans and specifications of all buildings, utilities, and other improvements constructed or to be constructed within the mobile home park.

PL-60 PLANS - DETAILED SET. Every application for a building permit shall be accompanied by a detailed set of plans showing the size and use of the proposed structure, and an accurate site plan including all information required by the policies of the Planning Department. The site plan must be signed by the property owner, and the general contractor (if any) verifying the accuracy of the information, and acknowledging that improper placement of a structure will not be considered grounds for the issuance of a variance.

PL-65 PLAT. A map and supporting materials of certain described land prepared in accordance with these Regulations as an instrument for recording real estate interests with the County Clerk and Recorder.

PL-70 PLAT COPY TO ASSESSOR'S SPECIFICATIONS. One copy shall be submitted at whatever scale is most suitable to the Teller County Assessor for use in maintaining Land Parcel Maps, and may be a photographic enlargement or reduction of the original.

PO-10 POWER OF ATTORNEY. Where an authorized legal agent signs the application for the fee owner(s), a letter granting power of attorney to the agent from the property owner(s) must be provided.

PR-05 PRELIMINARY PLAN. A map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of these regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

PR-10 PROFESSIONAL HOME OFFICES. Residences of doctors or medicine, dentists, clergymen, architects, landscape architects, professional engineers, city or regional planners, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions, used to conduct their professional activities where the office does not exceed one-half the area of one floor of the residence, and only one non-resident person is employed.

PR-20 PROOF OF PLATTING. For properties smaller than 35 acres - Written proof that the parcel was platted prior to May 1, 1972, approval of the parcel by the Board of County Commissioners, or other evidence of legal subdivision.

PR-30 PROPERTY LINES. Those imaginary lines outlining the boundaries of properties on lots for the purpose of description in sale, lease, building development or other separate use of property.

PR-40 PROPERTY RIGHTS. See “Vested Rights” section.

PU-10 PUBLIC IMPROVEMENTS. Description of proposed public improvements to be dedicated, and governmental jurisdiction proposed to receive the dedications.

1. List of proposed public improvements to be dedicated, and governmental jurisdiction proposed to receive the dedications.
2. Proposed terms of performance guarantees.
3. Description of maintenance programs.
4. Phasing of dedications.

PU-20 PUBLIC LAND DEDICATION. (See also "Park Dedication" section.)

PU-20-1 Dedication of Parks, Open Space, School Lands, and Public Sites. 4% of the total land area being subdivided shall be dedicated for public purposes. In addition, a fee of \$100.00 per dwelling unit shall be paid, prior to final plat approval, for site development purposes. If fees-in-lieu of land are to be paid, \$200.00 per dwelling shall be paid. The final determination of land dedication or fees-in-lieu of dedication shall be made by the Board of County Commissioners, upon the recommendation by the Parks Advisory Board.

PU-20-2 Acceptance of Any Dedication. The approval of any plats or plans by the Planning Commission shall not be deemed acceptance of any proposed dedication by the public. Such acceptance, if any, shall be given by the Board of County Commissioners. The owners and purchasers of any lots within a subdivision shall be presumed to have notice of public plans, maps, and reports of the Planning Commission affecting such property within its jurisdiction.

PU-30 PUBLIC SAFETY REPORT. A duplicate copy of the complete application shall be filed with the Teller County Sheriff for his review and comment on matters pertaining to traffic control, public safety, and on and off-site security. No conditional use permit shall be granted unless the applicant demonstrates that the available resources of the Teller County Sheriff's Department, and other available local certified law enforcement personnel, and certified law enforcement personnel provided by the applicant, are sufficient to provide adequate traffic control, public safety, and on and off site security when considered in relation to the anticipated maximum number of persons attending the proposed music festival. The application shall be accompanied by a fire prevention and control plan, showing the location and composition of all temporary and permanent buildings existing or to be constructed on the site; the maximum number and location of people on the site; the type and location of all flammable materials located or anticipated to be located on the site; the type and location of all fire prevention and control devices on the site; and all other factors relevant to fire prevention and control. A copy of the fire prevention and control plan shall also be filed with the Teller County Fire Marshal for his review.

PU-40 PUBLIC USES. Any building open to the general use, participation or enjoyment of the public and owner by the town, county, state, or federal government, or by public utility corporation.

PU-50 PUBLIC UTILITY. For the purposes of these Regulations a public utility is an electricity substation, a gas regulator station, a telephone exchange, a water or sewer dump station, or water reservoir, and the accessories used to provide the service.

PU-55 PUBLIC UTILITY SERVICE. Evidence that provision has been made for public utility facility sites, easements, and rights of access for electrical, phone, and natural gas utility service to ensure reliable and adequate electric, phone, and natural gas service for the proposed subdivision. Submission of a letter of agreement between the subdivider and the public utility serving the site shall be deemed sufficient to establish that adequate provision for electric, phone and, if applicable, natural gas service to a proposed subdivision has been made.

PU-60 PURPOSE. The general purpose of these Regulations is to promote the health, safety, convenience, order, prosperity, esthetics, and general welfare of present and future inhabitants of Teller County, and shall be administered and enforced with this intent in mind. Following are the more specific purposes.

1. **Review:** To avoid delay, expense, and paperwork, except as necessary and reasonable; and to afford sufficient input and evidence by affected citizens and experts to allow for informed decisions by the Board of County Commissioners so that it may protect all of the citizens of Teller County.
 - **Master Plan:** To implement the master plan and its component parts.
 - **Rights:** To plan for and regulate the use of land and protection of the environment in a manner consistent with constitutional rights, recognizing the rights of the developer, the citizens and the communities.

2. **Land Use:** To regulate and restrict the use of all structures, lands and waters; to classify land use, and distribute land development and utilization.
 - **Density and open space:** To regulate density and to avoid undue population concentration; to regulate and restrict lot coverage, population distribution and density, and the size and location of all structures.
 - **Environment:** To further the appropriate use of land and conservation of natural resources so that the environment of Teller County shall be preserved and enhanced.
 - **Economy:** To foster agriculture and other industries.
 - **Location:** To regulate the location of activities and developments which may result in significant changes in population density.

Teller County includes 6 planning regions. The five regions in and around Cripple Creek, Divide, Florissant, Victor and Woodland Park each designate a growth area in and around its city or town; the Four Mile region does not include a city, town or growth area. Areas outside growth areas are referred to as conservation areas.

Growth areas serve the surrounding region by providing goods and services, places of employment including offices and light industry, and a range of housing. Rezoning or subdividing of land can be done more easily in growth areas. Growth areas are served by central water, central sewer, direct access to a state highway, parks and open space, schools and other community facilities.

In conservation areas, continuation of the existing rural uses and character is encouraged. Major economic activities include ranching, outdoor recreation, development of natural resources, and homebuilding on existing unplatted parcels and lots. Reduced density is encouraged in conservation areas.

3. **Critical areas:** To regulate development in critical areas, which are lands either within

or impacted by natural hazards, or which contain resources of major importance including water.

- **Hazards:** To regulate development and activities in hazardous areas, to secure safety from fire and flood and other dangers; and to ensure that proposed developments adequately mitigate potential hazards to protect the rights, health, safety, and well being of the citizens of Teller County;
- **History:** To preserve areas of historical and archaeological importance.
- **Resources:** To ensure that valuable resources whose anticipated value to the citizens, county, state, and nation exceeds the value of the proposed development are protected, and to allow extraction or exploration of minerals unless extraction and/or exploration would cause significant danger to the public health and safety.
- **Wildlife:** To protect lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species.

4. **Site design:** To encourage the total planning of land tracts consistent with the goals and objectives of the master plan.

- **Character:** To further the appropriate use of land and conservation of natural resources so that the environment of Teller County shall be preserved and enhanced, and the beautification of the community will proceed apace.
- **Flexibility with a Planned unit development (PUD):** To encourage innovative approaches to design and the sound application of proven design methods; to provide flexibility in the application of land use regulations so as to maximize the opportunities to utilize good design; and to provide a basic flexible framework in which a variety of private and public activities can co-exist harmoniously.
- **Health and safety:** To provide adequate light, air, sanitation, and drainage; to prevent the accumulation and improper disposition of junk and rubbish because it is aesthetically displeasing and a potential health and safety hazard.
- **Surrounding area:** To provide for the integration of a development into the total fabric which makes up a community.

5. **Impact:** To regulate the use of land on the basis of its impact on the community or surrounding areas, and to protect both urban and non-urban development.

- **Conservation:** To promote energy conservation.
- **Infrastructure:** To facilitate the adequate provision of, and provide for the phased development of, public facilities and utilities.
- **Property values:** To stabilize and protect property values.
- **Taxes and public expenditures:** To protect the tax base, to secure economy in governmental expenditures, and to ensure that any proposed development does not create an excessive burden on the county taxpayers.
- **Traffic and roads:** To lessen congestion in, and promote the safety and efficiency of, the streets and highways; and to reduce the waste of excessive mileage of roads.

RA-10 RADIAL. A line forming right angles with the tangent of any given arc.

RA-20 RADIATION HAZARD EVALUATION. In areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.

RE-10 REAR YARD. The yard opposite the street yard and extending across the full width of the lot, immediately behind the principal structure wall.

RE-20 RECLAMATION PLAN. Shows in detail the present boundaries of the proposed site; the affected portion thereof; present soil and vegetation cover; any actual water courses; and the proposed method and cost of restoration of the site to its original condition, along with proposed commencement and completion dates.

RE-30 RECREATIONAL ACTIVITIES.

RE-30-1 Recreational Activities - Private. Includes golf courses, tennis courts, swimming pools, country clubs, shooting clubs, recreational facilities for fraternal organizations, hunting and fishing clubs, and the like, all of which are owned and operated by nonprofit organizations with a limited membership.

RE-30-2 Recreational Activities - Public. Means public parks, zoos, swimming pools, golf courses, shooting ranges, and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which fall within the definition of Public Uses.

RE-40 RECREATIONAL FACILITIES - COMMERCIAL. Includes recreation camps, resorts, ski areas, swimming pools, tennis courts, shooting facilities, country clubs, summer camps, hunting and fishing clubs, and the like, operated on a commercial basis for use by the paying public.

RE-50 RECREATION CAMPS, SUMMER CAMPS, AND RESORTS. Areas and land improved with buildings (or other habitations) and with sanitary facilities, generally used for more or less extended occupancy, often provided with lodges with dining rooms and/or accessory shops and designated chiefly for rest or recreation. The term "lodges" when used in connection with Recreation Camps, Summer Camps and Resorts shall mean a hotel or similar establishment providing sleeping rooms or apartments in a main building and with or without accessory cabins or other sleeping or living accommodations.

RE-60 REFUSE. All material that has been dropped or cast aside and left unused.

RE-70 REGIONAL LAND USE PLAN. The plan, and any functional elements to the plan as adopted, that was created through the efforts of the City of Colorado Springs, El Paso County, Teller County, the Pikes Peak Area Council of Governments and the other member jurisdictions thereof, and which was finally adopted as the Pikes Peak Regional Land Use Plan 1990. The Comprehensive Land Use Plan for Teller County and its functional elements are considered as part of the Regional Land Use Plan.

RE-80 REPEAL. All existing land use regulations and parts of land use regulations in conflict with these Regulations are hereby repealed.

RE-90 REPORTS AND STUDIES PREVIOUSLY PREPARED. A report prepared for the same site for other or earlier approvals by the County or other regulatory agencies may be used, where the appropriate qualified professional (1) updates the report to address any

significant change in conditions and (2) supplements the original report to provide required information or analysis not included in the original study or report.

RE-95 RESIDENTIAL PROPERTY. A parcel that (1) has a residential use, or (2) is zoned residential, or (3) is shown as residential on a Growth and/or Conservation map in these Regulations.

RE-100 REVIEW AGENCIES. See also Review Agencies Table.

- Planning Commission Staff
- Fire Protection District
- County Health Department
- Appropriate gas, electric, telephone, cable and other utility companies
- State Engineer, when applicable, for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence. The State Engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells.
- Local Improvement or Service District
- Colorado Geological Survey
- Soil Conservation District
- Municipality or Quasi/Municipality, and County within a 2 mile radius
- Ditch and Irrigation Companies
- Regional Planning Commission
- Appropriate School District
- U.S. Forest Service Ranger (as applicable)
- Colorado State Forest Service (as applicable)
- Bureau of Land Management (as applicable)
- Colorado Division of Parks and Outdoor Recreation (as applicable)
- Colorado Division of Wildlife (as applicable)

RE-110 REVIEW PROCESS. See also Table 3 "Review Process". The process for review and approval of any plat or other plan required by these Regulations and for any agreement required by these Regulations or for plans for extensions, betterments, or additions to buildings, structures or plant or other equipment of a public utility under these Regulations, shall be conducted pursuant to duly adopted County resolutions, ordinances, or regulations that are available to the applicant prior to commencement of such process. The denial of a plan, plat, or agreement shall be supported by written findings specifying the provisions that the plan, plat, or agreement failed to address or satisfy. The denial of any plat, plan, or agreement shall be based on either: (1) A failure to conform to the requirements of such adopted resolution, ordinance, regulation, or an approved variance or an approved PUD modification of a regulation, or (2) a finding of an unresolved issue between the owner of the surface estate and the owner or lessee of the underlying mineral estate. Any requirement set forth in this paragraph may be waived in writing by the applicant.

RE-110-1 Review Process - Prior Actions and Approvals.

Building permit. Issuance of a building permit by the Building Department is subject to (a) complying with Building Department requirements, (b) obtaining any other permit or approval required by these Regulations, and (c) complying

with the conditions attached to any required permit or approval.

Dividing property is subject to approval of a sketch plan, a preliminary plan, and a final plat. The applicant may request the County to consider the sketch plan either before or at the same time as the preliminary plan. -County acceptance of an application for a final plat is subject to prior approval of the preliminary plan, except for a minor subdivision where the applicant may request the County to consider the final plat and a combined sketch plan and preliminary plan at the same time.

Roads. The applicant shall provide road plans and profiles to the Road & Bridge Department Director prior to construction or final plat approval, whichever occurs first. All proposed roads are subject to review and approval by the Road & Bridge Department Director. All roads shall meet the criteria for construction, and acceptance, as specified in the Roadway Standards.

New Community 1041. Consideration of any application received by any agency of the County for rezoning, a building permit, a road access permit, a road cut permit, or approval of a subdivision plat, shall, if such agency determines that the request is in connection with a new community as defined in these Regulations, be held in abeyance until such time as the applicant obtains a new community permit pursuant to these Regulations.

RE-110-2 Review Process - Pre- Submittal Meeting. The applicant for a new community, rezoning, subdivision, or other type of development plan subject to a public hearing shall meet with the planning official to become familiar with these Regulations, the Master Plan, and other official plans or public improvements related to the proposed development.

RE-110-3 Review Process - Submittal. Except for a building permit application, the applicant shall submit the application to the Planning Department. See Table 3 for the application deadline. The planning official will not distribute for review or schedule a hearing for an incomplete application.

For an application subject to a public hearing, the planning official has 14 calendar days to determine and advise the applicant whether the application has been accepted as complete or rejected as incomplete. If the planning official rejects the application as incomplete, the planning official shall specify what is needed to complete the application. If the planning official does not comment within the 14 day period, the application is deemed to be complete and accepted.

If the planning official determines the application is complete, the planning official shall schedule the application for the earliest hearing date for which the requirements for public notice and review by other departments and agencies can be met.

RE-110-4 Review Process - Staff and Agency Review. For an application subject to administrative approval, the planning official shall review the application within 7 days of application, except for applications subject to third party review.

When the planning official has determined an application subject to public hearing is complete, the planning official notify or furnish the reviewing agencies with a copy of the application for review and comment, as indicated in Table 4 "Review Agencies".

During the administrative review of any plat, plan, or agreement, the County shall make every effort to apprise the applicant of any deficiency or nonconformity in the plat, plan, or agreement prior to any required public hearing. A technical dispute between a licensed or registered professional of the applicant and the county may be referred, at the applicant's request, to a qualified employee in the appropriate state department for a recommendation to facilitate a resolution of the dispute. Any requirement set forth in this paragraph may be waived in writing by the applicant.

RE-110-5 Review Process - Delay or postponement. Any required public hearing on any plat, plan, or agreement shall be conducted expeditiously and concluded when all those present and wishing to testify have done so. No public hearing shall continue for more than 40 days from the date of commencement without the written consent of the applicant. Any continuation of a public hearing shall be to a date certain. Any requirement set forth in this paragraph may be waived in writing by the applicant.

Unless withdrawn by the applicant, any plat, plan, or agreement that has been neither approved, conditionally approved, nor denied within a time certain mutually agreed by the County and the applicant at the time of filing shall be deemed approved under these Regulations. Such time period may be extended by the County to receive a recommendation from any agency to which a plat or plan or agreement was referred pursuant to these Regulations, but such extension shall not exceed 30 days unless the agency has notified the County that it will require additional time to complete its recommendation. Any requirement set forth in this paragraph may be waived in writing by the applicant.

The planning official will honor two requests for postponement by the applicant, where the request for postponement is submitted in writing to the planning official no later than one week prior to the scheduled hearing date. It shall be the responsibility of the applicant to post a notice of the postponement on the subject property, in the same manner as the original notice.

Requests for postponement later than one week before the hearing, must be considered by the board conducting the hearing. Consideration will be given to requests based upon the need for more time to gather information, inability of experts or consultants to attend the meeting, or personal reasons.

The board conducting the hearing may postpone an item, either at the request of the applicant or any member of the board but subject to concurrence by the applicant, to a specified meeting, for further information from the applicant, staff, or other agencies. A motion to postpone may be considered at any time during the hearing.

Staff may request that a scheduled agenda item be postponed to a later meeting pending submittal of further information. Staff may not postpone an item without either (a) the agreement of the applicant prior to the hearing, or (b) at the hearing, approval by the board conducting the hearing, with the agreement of the applicant.

Each postponement requested by the applicant shall not exceed 100 days. Postponement for more than 1 month will require re-notification of adjoining property owners, re-posting of public notice, and re-publication of the request. If an application is still pending one year after the original date of submittal, the Planning Director may require a new application.

RE-110-6 Review - Staff Report and Recommendation. Agency comments received by the Planning Department and any staff comments shall be summarized and sent to the board hearing the application and to the applicant at least 2 days prior to the hearing.

The board conducting the hearing may consider late comments.

RE-110-7 Review Process - Published Notice. For an application or request subject to a hearing by the Planning Commission or the Board of Adjustment, the planning official shall submit a notice to a newspaper of general circulation in the County, for publication as indicated in Table 3 "Review process".

For an exemption plat, notice shall be published at least 10 days prior to the hearing by the Board of County Commissioners.

For a regulation change or rezoning (including a PUD), notice shall be published prior to the hearing by Board of County Commissioners hearing as indicated in Table 3 "Review process" -- this publication is in addition to the above required publication prior to the Planning Commission hearing.

RE-110-8 Review - Posted Notice. For applications subject to a public hearing, the planning official shall provide the applicant the sign(s) for posting the property. The applicant is responsible for posting the notice for the period indicated in Table 3 "Review Process". Any proposed regulation change which affects only one or a small number of specific tracts of real property shall require the posting of notices upon said property for at least 10 days prior to the Planning Commission hearing.

RE-110-9 Review Process - Mailed Notice. Notice shall be mailed as indicated in Table 3 "Review Process".

RE-110-10 Review Process - Planning Commission review. The Planning Commission shall receive a proposed rezoning (including PUD) or regulation change prior to the Board of County Commissioner's hearing as indicated in Table 3 "Review process".

RE-110- 11 Review - Planning Commission hearing. The applicant, or the applicant's agent, whose agreement, permit, plat or plan is before the Planning Commission, shall be present at the meeting. At the hearing on the application, the Planning Commission shall first hear the report of staff. The applicant shall then make the applicant's presentation. Anyone from the audience may then address comments to the Planning Commission. The applicant shall then have an opportunity to respond to any comments from the public.

New Community 1041 - impact area hearing. If the planning official has determined to recommend either a larger or a smaller impact area, that question shall be determined at a the same hearing at which the application is considered. The Planning Commission shall hear the evidence and arguments of staff as to why such change should be made, and shall then hear the evidence and arguments of the applicant as to why such change should not be made. Applicant may choose to stipulate to the larger or smaller impact area recommended by staff, in which event no hearing shall be required on the question.

RE-110-12 Review Process - Planning Commission recommendation. For an application subject to Planning Commission recommendation and Board of County Commissioners approval, as indicated in Table 3 "Review process", the Planning

Commission shall make a recommendation and report to the Board of County Commissioners.

The Planning Commission shall consider the application and the comments of the other agencies before reaching its decision to recommend to approve, conditionally approve, or disapprove the agreement, permit, plat or plan according to the provisions of these Regulations. Within 10 days after the hearing, the planning official shall notify the applicant of the recommendation.

If the agreement, permit, plat or plan is recommended to be conditionally approved or disapproved, the reasons shall be noted in writing, and if possible, recommendations made whereby approval might be recommended.

In making a recommendation, the Planning Commission may suggest such requirements and conditions, in addition to those expressly stipulated in these regulations for the particular use, which the Planning Commission may deem necessary for the protection of adjacent properties and the public interest.

RE-110-13 Review Process - Planning Commission Decision. For matters on which the Planning Commission makes a decision, the Planning Commission shall consider the application and shall grant or deny the application. In granting an application, the Planning Commission shall make written findings certifying that the application complies with such pertinent, individual conditions of use specified in the granting of the approval, permit or variance, are compatible with the general provisions of these Regulations, as well as provisions for the district in which such use is permitted, and that satisfactory provisions and arrangements have been made concerning the criteria for approval. In granting an application, the Planning Commission may impose such requirements and conditions, in addition to those expressly stipulated in these Regulations, as the Planning Commission may deem necessary for the protection of adjacent properties and the public interest.

The County Planning Commission may request redesign of all or any portion of a plat or plan submitted for approval, but any such request shall be based on specific, objective criteria. If the applicant redesigns the plat or plan in accordance with the request, no further redesign shall be required unless necessary to comply with a duly adopted county resolution, ordinance, or regulation. Any requirement set forth in this paragraph may be waived in writing by the applicant.

RE-110-14 Review Process - Board of Adjustment Hearing. (Same as stated above in "Planning Commission Hearing" section, but refer to the Board of Adjustment.) For an appeal of a decision by an official or board, see the "Appeal" sections of these Regulations.

RE-110-15 Review Process - Board of Adjustment Decision. (Same as stated above in "Planning Commission Decision" section, but refer to the Board of Adjustment.) For an appeal of a decision by an official or board, see the "Appeal" sections of these Regulations.

RE-110-16 Review Process - County Commissioners Hearing. When these Regulations require a recommendation by the Planning Commission, the Board of County Commissioners shall consider the Planning Commission's recommendation at a hearing for which the required notice has been provided. At a hearing on an application, the Board shall first hear the report of staff. The applicant shall then make the

applicant's presentation. Anyone from the audience may then address comments to the Board. The applicant shall then have an opportunity to respond to any comments from the public.

RE-110-17 Review Process - County Commissioners Decision. The Board of County Commissioners may request redesign of all or any portion of a plat or plan submitted for approval, but any such request shall be based on specific, objective criteria. If the applicant redesigns the plat or plan in accordance with the request, no further redesign shall be required unless necessary to comply with a duly adopted county resolution, ordinance, or regulation. Any requirement set forth in this paragraph may be waived in writing by the applicant.

For any regulation change the Board of County Commissioners may amend, supplement, change, or modify the recommendations of the Planning Commission. The Board or County Commissioners shall allow the Planning Commission 30 days to review any substantive changes to the Planning Commission's recommendations, as provided in CRS 30-28-112.

For any agreement, permit, plan or plat the Board of County Commissioners shall either approve, approve with conditions, or deny the request. The Board of County Commissioners shall make written findings, based upon evidence presented during the hearing, on whether the application meets the criteria for approval. If the request is conditionally approved or disapproved, the Board of County Commissioners shall note conditions and reasons, and, if possible recommend changes whereby the agreement, plan, plat or permit might gain approval. The planning official shall notify in writing the applicant of the Board's decision within 10 days.

For a conditional use permit, the Board of County Commissioners may request additional information. In granting an application for a conditional use permit, the Board of County Commissioners may require that a bond be posted to cover the cost of improvements should the applicant default, and may impose such requirements and conditions, in addition to those expressly stipulated in these Regulations for the particular use, as the Board of County Commissioners may deem necessary for the protection of adjacent properties and the public interest.

For a Subdivision Preliminary Plan, approval of the Preliminary Plat shall be for an unlimited time. Any design change, by the developer, or design criteria change by Teller County, shall be addressed prior to any submittal for final plat approval.

RE-110-18 Review Process - Recording documents. If the Board of County

Commissioners approves a plat or rezoning plan, the applicant shall submit to the Planning Department the original mylar drawing(s), corrected as approved and signed, for recording. If the Board of County Commissioners approves an agreement, the applicant shall submit to the Planning Department the original agreement, corrected as approved and signed, for recording. In either case the applicant shall also submit to the Planning Department the recording fee required by the Clerk and Recorder.

RE-110-19 Review Process - Subsequent Approvals or Actions Prior to Start of Work. Once an approval or permit is obtained, work shall not commence until the applicant has obtained any other approval or permit required by local, state or federal agencies.

RE-110-20 Review Process - Selling lots or parcels. The Subdivider may proceed with the subdivision upon recording of the final plat with all required signatures. However, no lot(s) or tracts shall be sold until all required conditions have been complied with and the letter of credit, or other security acceptable to the County, for all required improvements has been received and recorded.

RE-110-21 Review Process - Amendments to an approval or permit . See the "Amendments" section of these Regulations.

RE-120 REVOCAION OR SUSPENSION OF A PERMIT OR APPROVAL.

1. This section is in addition to an other remedies and enforcement provisions provided elsewhere in the laws and regulations of the County of Teller and the State of Colorado.
2. The violation of any applicable requirement or standard of these Regulations, or of any condition, safeguard or commitments of record of the approved conditional use shall constitute sufficient grounds for suspension or revocation of the conditional use permit by the Teller County Planning Commission, or of the mining conditional use permit by the Board of County Commissioners, after a public hearing at which the holder of the permit shall be afforded the opportunity to be heard.
3. Notice of the public hearing on the suspension or revocation of a conditional use permit shall be given by conspicuously posting the same on the conditional use site for a period of at least 10 days prior to the public hearing, and by mailing a copy of the written notice to the holder of the conditional use permit as well as to any complaining party at least 10 days prior to the public hearing.
4. In determining whether suspension or revocation is warranted, the Planning Commission, or for a mining conditional use permit the Board of County Commissioners, shall consider, among other factors, the nature and magnitude of the Violations found to exist; the impact of such Violations on the health, safety and welfare of adjacent property owners and surrounding communities; and any other evidence presented in aggravation or mitigation of the Violations committed. No suspension shall be for a period longer than 6 months.
5. For a mining conditional permit only, where approval of a mining operation is required by the State of Colorado, Division of Minerals and Geology, the conditional use permit shall be automatically suspended upon revocation or termination of the State approval.

RE-130 REVOCAION OR SUSPENSION HEARINGS - NEW COMMUNITY. In the event that it comes to the attention of staff of the Planning Commission that any person is engaging in the activity of site selection and development of a new community without the permit required by

these guidelines and regulations, or that any person having such a person is in violation of the terms of said permit, the Planning Director shall cause notice to be issued to the applicant, directing him to appear before the Planning Commission for a hearing at which time the question of whether or not the permit should be revoked or suspended shall be considered.

In the event that the Planning Director determines that such violation exists and that such violation is potentially harmful to the public health, safety, and welfare, he may issue a stop work order which shall have the same effect as a suspension of the permit. Such stop work order which shall be effective for 15 days from its issuance, during which time the Planning Commission shall convene and consider whether to continue or lift said work orders, shall be mailed to the applicant, at the address given in his application unless the applicant has provided the Planning Commission with notice of a changed address, by first class mail.

The Planning Director may, but need not, personally deliver a copy of a stop work order to the applicant, or to applicant's personnel at the site of the development. If a permit is revoked, the applicant shall not be eligible to apply for a new permit in Teller County for a period of 2 years following the date of the revocation.

RI-10 RIGHT-OF-WAY. The entire dedicated tract or strip of land that is to be used by the public for circulation and service. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-of-way, as hereinafter established.

RI-20 RIGHT TO FARM AND RANCH POLICY. See "Farm and Ranch Policy".

RO-10 ROAD (OR STREET). A public right-of-way which provides vehicular and pedestrian access to adjacent properties. For different kinds of streets see the Roadway Standards. Stub streets are designed to permit continuation of the street pattern in adjoining subdivisions. Every stub street shall end in a cul-de-sac.

RO-20 ROAD ADEQUACY. The proposed development is served by roads that (1) comply with all applicable state and county road regulations, (2) have adequate geometry and construction section for traffic and traffic volume reasonably expected to be generated by the development around the site and in the immediate neighborhood.

RO-25 ROAD - CAPACITY. The number of vehicles that can be accommodated by a given major roadway during a specified time period under prevailing roadway, traffic and control conditions at the adopted level of service.

RO-30 ROADS - DESIGN STANDARDS. Street Design Standards shall be those standards as required in the Roadway Standards.

RO-30-01 Roads - Access Point to a Parcel. See the Roadway Standards for the design of access point where a driveway connects to a road.

RO-30-02 Roads - Adjacent to Arterial Street. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of through and local traffic.

RO-30-03 Roads - Alleys. Alleys shall be provided in commercial and industrial districts except where other definite and assured provision is made for service access. Dead-end alleys are prohibited. Alleys shall be a minimum of 20 feet wide.

RO-30-04 Roads - Blocks. Blocks in residential subdivisions shall be not less than 600 feet long and not more than 1,500 feet long, except where topography and other conditions justify variations. When blocks exceed 1,000 feet in length, a mid-block walkway and/or pedestrian crosswalks, not less than 10 feet wide, may be required to provide access to community and other facilities.

RO-30-05 Roads - Connections. If the proposed subdivision abuts upon, or is within 60 feet from, an existing and accepted public street or road; and if access to the proposed subdivision will be obtained therefrom, with a resulting increase in the traffic or other usage of the existing street or road; and if the right-of-way width of the existing street or road does not conform to these Regulations, then the Plat shall provide for and dedicate the additional right-of-way width as is required to bring that portion of the existing street or road which abuts the proposed subdivision into conformance with these regulations.

However, if the proposed subdivision abuts on one side only; and if topographical, zoning, and existing and projected land uses cause the Board of County Commissioners to find that it is likely that one-half of the additional required right-of-way width will be available upon subdivision of the tract adjoining on the opposite side of the existing street or road, then the proposed subdivision shall be required to provide for and dedicate only one-half (½) of the additional required right-of-way, with the same being measured from the centerline of the existing street or road.

RO-30-06 Roads - Cul-de-Sacs. Cul-de-sacs shall not normally exceed 1,500 feet in length, and shall be designed according to Roadway Standards.

RO-30-07 Roads - Half Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.

RO-30-08 Roads - Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. More than 4 approaches to any intersection shall be prohibited.

RO-30-09 Roads - Maintenance. Streets shall be maintained in accordance with these Regulations by the subdivider, until a resolution accepting the streets for maintenance has been adopted by the Board of County Commissioners and recorded in the office of the County Clerk and Recorder.

RO-30-10 Roads - Master Plan. The arrangement of major streets shall conform to the major thoroughfare plan of Teller County. Streets in a proposed subdivision shall connect with those already dedicated in adjoining subdivisions. Streets in the subdivision shall also connect with public roads which have been accepted for maintenance by the state, county, or other governmental unit. When adjoining land has not been platted, appropriate provisions shall be made to continue the street pattern in the future.

RO-30-11 Roads - PUD. All streets within the PUD zone will be subject to the applicable provisions of these Regulations concerning streets. Standards of design and construction for roadways, both public and private, may be modified as deemed appropriate by the Planning Commission and County Commissioners. Right-of-way width and street roadway widths may be reduced as deemed appropriate, especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

RO-30-12 Roads - Reservation of Land. The Board of County Commissioners is empowered, after it shall have adopted a major street plan of the territory within its subdivision jurisdiction or any major section or district thereof, to make, or cause to be made, surveys for the exact location of the lines of a street or streets in any portion of such territory and to make a plat of the area or district thus surveyed, showing the land which it recommends to be reserved for future acquisition for public streets.

RO-30-13 Roads - Right-of-way. Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than 150 feet. Roadways shall normally be located in the center of the right-of-way. All parts of the right-of-way that are used for roadway, ditches or back-slopes, shall be cut, cleared, grubbed, trimmed, the logs decked off all easements, and the trash adequately disposed of.

RO-33 ROAD - HIGHWAYS. State highways 24 and 67 in Teller County.

RO-37 ROAD - MAJOR ROADWAYS. All County owned and maintained roads including minor and major collectors, minor and major arterials, traffic signals and ancillary facilities pursuant to the County's adopted plans and regulations. Major roadways do not include the principal state highways.

RO-40 ROAD NAMES. The names of streets shall not be duplicate, either phonetically or alphabetically, any existing street name. Names shall be approved by the Board of County Commissioners. Any street which is a continuation of an existing street or which approximates said continuation shall bear the name of the existing street. Street Name designation shall be as follows:

Boulevard or Parkway shall be reserved for roadways designated on the Major Street Plan having a median divider of sufficient size to allow for landscaping.

Avenue or Road shall be reserved for streets of substantial continuity such as major residential streets.

Street or Drive shall be reserved for streets of less continuity such as minor residential streets.

Court, Place, Circle, Way, or Terrace shall be reserved for streets with no continuity whatsoever, such as public or private streets or to render access to limited development.

View, Grove, Heights, or Point shall be reserved for private roads not maintained by the County.

RO-50 ROADS ON FEDERALLY-ADMINISTERED LAND. See C.R.S. 29-20-104(d).

RO-52 ROAD PLANS. Road or intersection plans where modifications or additions or connections to the public road system are proposed.

RO-55 ROAD - PREVAILING ROADWAY, TRAFFIC AND CONTROL CONDITIONS. The maximum traffic volume during the peak hour at the adopted level of service.

RO-60 ROAD PROFILE. A drawing reflecting a proposed or existing vertical section of road, street or alley for which right-of-way is to be or has been conveyed to the County for road purposes. It may be a true or exaggerated profile, and may reflect either a centerline and/or both flow lines of a road, street or alley, and shall be certified to by a registered engineer or land surveyor.

RO-90 ROADWAY STANDARDS. The short title for the "Teller County Roadway Design and Construction Standards" administered by the Teller County Road & Bridge Department.

RO-97 ROW OR R.O.W. Right-of-way.

RU-10 RUBBISH OR GARBAGE. All inorganic refuse, rejected matter and material, whether animal, vegetable or mineral, manufactured or natural, and all trash and garbage including but not limited to rejected or waste household food, offal, swill, ash, yard clippings, sawdust, branches and leaves (including all residue from trees and shrubbery). See "Junk" in these Regulations.

SC-10 SCENIC AND WILDLIFE VIEWING ROADWAYS. The following roads are, for the purposes of these Regulations, designated as scenic roadways:

1. All of US Highway 24 in the unincorporated area of the County.
2. All of State Highway 67 in the unincorporated area of the County.
3. All of Teller County Road 61, also known as the Four-Mile Road.
4. All of Teller County Road 81, also known as the Lazy S Road.
5. All of Teller County Road 46, also known as Blue Mountain Road.
6. All of Teller County Road 111, also known as the Slater Creek Road.
7. All of Teller County Road 112, also known as Guffey Road.
8. All of Teller County Road 8, also known as the Gold Camp Road.

The following roads are, for the purposes of these Regulations, designated as wildlife viewing roadways:

9. All of Teller County Road 1.
10. All of Teller County Road 421, also known as Upper Twin Rock Road.
11. All of Teller County Road 42, also known as Lower Twin Rock Road.
12. All of Teller County Road 51, also known as Cedar Mountain Road.

SC-20 SCHEDULE. Description of the proposed development schedule, including:

1. Detailed schedule of proposed development;
2. Proposed phasing of development;
3. Relationship of timing of construction to operation of public facilities to serve new population.

SC-30 SCREENING, FENCES AND BUFFERS. The intent of these Regulations is that a proposed site for use that cannot be screened in compliance with these Regulations is an inappropriate location for the proposed use.

SC-30-1 Screening - Animal hospitals in the A1 zone. Adequate buffer or screen

protection is provided.

SC-30-2 Screening - Communication Facilities. Freestanding communication facilities, as a permitted use or conditional use, shall use existing land forms, vegetation, and structures to screen the facility from view or blending the facility in with the surrounding built and natural environment. Design, materials, and colors of antennas, and their support structures, shall be compatible with the surrounding environment, and, wherever technically appropriate, monopole support structures shall taper from the base to the tip.

SC-30-3 Screening - Construction equipment business in the PIC Zone. The use shall be entirely contained within a building or yard which is enclosed on all sides by a wall or solid type of fence at least 6 feet high, with said walls or fence being kept in good repair at all times.

SC-30-4 Screening - Construction Storage Yards and Rental Storage Yards in the A zone. Visual screening is provided which is adequate to reduce the impact upon adjacent properties. Such screening shall be of a solid nature so as to prevent views into the facility.

SC-30-5 Screening - Educational institutions and recreational facilities with attendant clubhouses in the RR and R1 zones. Appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood.

SC-30-6 Screening - Waste Transfer Facilities. The use shall be fully contained and fully screened, naturally or artificially, from view from adjacent roads or properties; in the PBC zone or within 200 feet of any Residential Property waste materials shall be located in a fully enclosed building. All screening shall be neutral earth tones.

SC-30-7 Screening - Junk yards, scrap metals processing yards, automobile storage yards, towing service and automobile dismantling yards in the PIC Zone. The operation is conducted entirely within a building, or yard which is enclosed on all sides by a wall or solid type fence at least 6 feet high. Any salvage or other parts or any materials shall not be stored or kept in said yards at a level higher than the surrounding fence, with said wall or fence being kept in good repair at all times.

SC-30-8 Screening - MHP Zone. The mobile home park shall be buffered by a greenbelt planting strip, or other suitable means. The type of screening used in the buffer zone is subject to the approval of the Planning Commission. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

SC-30-9 Screening - Rezoning to C2. Screening of the activity may be required. Screening shall be of a solid nature so as to prevent views into the facility.

SC-30-10 Screening - Manufacturing and Heavy Service uses. Prior to operation, all equipment and storage areas associated with Manufacturing and Heavy Services shall be fully screened from view from (1) any adjacent Residential Property, and from (2) any "Scenic or Wildlife Viewing Roadway". Screening shall be accomplished by either

(a) enclosure in a building structure, (b) existing vegetation, (c) topography, (d) wall or fencing, (e) densely planted landscaping, (f) berm of native materials at least 10 feet high (applies only to a concrete batch plant associated with mining for a County conditional use permit has been approved, or (g) a combination of the above.

Where densely planted landscaping is used, 6 foot high solid fencing shall also be used. Landscaping shall include trees that, at the time of planting, are at least one half the height of the equipment or materials to be screened. The number of such trees shall be 1 tree for every 20 linear feet of required fencing.

SC-40 SCREENING INFORMATION - CONSTRUCTION STORAGE YARDS AND RENTAL STORAGE YARDS IN THE A ZONE. Information provided to allow the ability to determine what type, and amount, of screening is needed. This information may be topographic maps, aerial photography, or information similar to that required above; a description of the impacts to county and/or city roads is provided; the nature and placement of lighting; a description of the operation adequate to determine the amount of traffic to be generated. After a review of the application, the Planning Commission may return the application to the applicant for further revision.

SC-50 SCREENING INFORMATION - REZONING TO C2. If, due to the topography of the site, or the activity on the site, screening is needed to prevent views into the site, information must be provided to allow the Planning Commission the ability to determine what type, and amount, of screening is needed. This information may be topographic maps, aerial photography, or similar information.

SE-05 SECTION LINE. A section line is considered to be a boundary line of a parcel only if the parcel complies with the Subdivision definition in these Regulations.

SE-10 SERVICE BUILDINGS.

SE-10-1 Service Buildings in Mobile Home Parks. This section does not apply to mobile home parks existing on January 1, 1984. Every mobile home park that accommodates mobile homes must provide sanitary facilities for emergency use in a service building or office building. These facilities, shall consist of at least 1 flush-type toilet and one lavatory for each sex. Business sales in a mobile home park are subject to applicable PUD requirements. Service Buildings shall:

- Be located 30 feet or more from any mobile home space;
- Be of permanent construction, and be adequately lighted;
- Be of moisture-resistant material, to permit frequent washing and cleaning;
- Have adequate heating facilities during cold weather, and to supply adequate hot water during time of peak hour demands;
- Have all rooms well ventilated, with all openings effectively screened;
- Provide separate compartments for each bathtub or shower and flush-toilet, and a sound resistant wall to separate male and female toilet facilities.

SE-10-2 Service Buildings - Campgrounds. A central service building must be provided in a travel trailer park or campground that provides parking spaces for units without the necessary sanitary facilities. The service building should be located conveniently and provide the necessary facilities compatible with the type of travel trailer park or campground proposed. No permanent or semi-permanent structures other than

primitive cabins, and a two-units dwelling for the owner/employee, and a service building erected by the management, shall be allowed. All structures shall be at least 30 feet from the property line.

SE-15 SERVICE - HEAVY. Any service which by nature of the material, equipment, or operations which produces levels of external effects which may or may not be hazardous, which may be detected on an adjoining property without the aid of instruments. Heavy Services include but are not limited to batch plants, waste transfer facilities, towing or vehicle storage yards, and construction storage yards.

SE-20 SETBACK INFORMATION. If structures are proposed, what is the required setback for the zoning classification currently in place and what are the proposed setbacks, if less than those required.

SE-30 SETBACKS. No lot or parcel area shall be so used or diminished that the yards or other open spaces shall be smaller than prescribed by these Regulations. No required front yard shall have any building placed within it and no required yard or open space shall be considered as a parking area or as providing yard or open space for any other building.

Front setback applies to all sides or portions of the boundary abutting a road or road right-of-way.

Rear setback applies to the side opposite the front line. If there is more than one front side, the rear is the side opposite the front used for the address of the property. Where more than one boundary line of a lot or parcel may be considered a rear line, the selection of the rear boundary shall follow the pattern already established in the surrounding area.

Side setback applies to any side of a lot or parcel that is not a front or a rear side.

SE-30-1 Minimum Setbacks - for each Zoning District.

A:	Minimum yard:	50 feet	
	Setbacks:	50 feet on all sides	
RR:	Street Yard Setback	50 feet	
	Side Yard Setback	25 feet	
	Rear Yard Setback	30 feet	
R1:	Street Yard	25 feet	
	Side Yard	15 feet	
	Rear Yard	30 feet	
R1M:	Same as R-1 zone		
R2:	Street Yard:	25 feet	
	Side Yard:	15 feet	
	Rear Yard:	30 feet	
	Interior separation between dwellings:	15 feet	

MHP: Setback distance. Each mobile home space shall be clearly defined. Mobile homes shall be parked in such spaces so that there will be a minimum of 20 feet between mobile homes and so that each mobile home will be at least 30 feet from the exterior boundary of the mobile home park. Mobile homes parked end-

to-end shall have an end-to-end clearance of not less than 10 feet. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

Encroachments. No mobile home shall be parked in less than the minimum front yard as prescribed by these Regulations, or so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

Additions. Porches, cabanas, or awnings, open in the front and on at least one side, may be added to mobile homes. No enclosed addition shall be built onto, nor become a part of any mobile home, without a building permit. Enclosed additions shall be considered a part of the mobile home in measuring required yard distance. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

Nonconforming Mobile Home Parks Listed in Exhibit A (Section NO-30).

Each mobile home space shall abut on a driveway or other clear area with unobstructed access to a public street. Such space shall be clearly defined. Mobile homes shall be parked in such spaces so that there will be a minimum of 10 feet between mobile homes and so that each mobile home will be at least 10 feet from the exterior boundary of the mobile home park. Mobile homes parked end-to-end shall have a clearance of not less than 10 feet. These minimum 10 foot clearances shall be open space and no temporary or permanent structures or obstructions in the open space shall be permitted. Awning, porches, steps or any other attachments to the mobile home shall be considered a part of the mobile home in measuring minimum clearances. No mobile home shall be parked in less than the minimum front yard as prescribed by these Regulations, or so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.

C1: ~~Minimum street yard: 50 feet~~ **[Effective Res. 03-31-05(8)]**
Street Yard Setback: 10 feet
Rear Yard Setback: 20 feet

PBC:	<u>District</u>	Front yard: 50 feet	<u>Any Lot</u>	Front yard: 25 feet
		Side yard: 30 feet		Side yard: 15 feet
		Rear yard: 50 feet		Rear Yard: 35 feet

The minimum distance of structures from an existing residential zone shall be 100 feet. Lot yard dimensions are assumed to be within the district and will not replace the overall district yard dimensions. There shall be no structures, parking, or internal driveways within the yard dimensions.

M1: ~~Minimum Street Yard: 25 feet~~ **[Effective Res. 03-31-05(8)]**
Minimum Side Yard: 20 feet
Street Yard Setback: 10 feet
Rear Yard Setback: 20 feet

PIC: District 50 foot front yard
Any Lot 25 foot front yard 15 foot side yard 30 foot rear yard

The minimum distance of structures and storage areas from an existing residential zone or an existing residence shall be 100 feet, as measured from the property line. Lot yard dimensions are assumed to be within the district and will not replace the overall district yard dimensions.

PUD: All lots and buildings within the PUD zone will be subject to the applicable provisions of these Regulations.

SE-30-2 Setbacks for certain uses.

Animal hospitals in the A zone: the principal structures or uses are not less than 100 feet from any residential district.

Batch plants. Any fixed stationary equipment shall be no less than 200 feet from any adjoining Residential Property; in this context Residential Property shall not include a property where the primary existing use of the property is nonresidential. No part of the use, other than the access drive, utilities, and required open space, shall be located within the setbacks for the zone district.

Communications Facilities (freestanding) shall meet the greater of the following: (1) the setback for a structure for the particular zone district; or (2) the facility height, including antennas. Building wall mounted facility that is mounted on a legally existing building or structure may encroach into the required setback a maximum of 2.5 feet, but shall not extend over property line.

Corrals, stalls, and barns shall be at least 50 feet from any residence, domestic well and property lines.

Educational institutions and recreational facilities with attendant clubhouses: a frontage of 100 feet in the R1 and 200 feet in the RR will be necessary, and there will be 50 feet between the principal structure and the neighboring lot line.

Fuel Storage and Bulk Sales in the A zone: The storage site is at least 1,000 feet from any occupied structure or any residential zone; and the site is at least 1,000 feet from any well (except for an on-site well). The minimum setback for any yard is 200 feet.

Hospitals, nursing homes and extended care facilities in R2 zone: all buildings are located at least one hundred feet from any property line

Parking - Commercial Lot or Facility. A 50 foot setback for the parking area is required.

Public and private schools in the R2 zone: all buildings are located at least 100 feet from any property line

Public parks, playgrounds, and other public recreation areas in the RR zone: all buildings are located at least 50 feet from all property lines.

Recreational facilities and public parks with attendant clubhouses in the R2 zone: all buildings are located at least 100 feet from any property line.

Recreation Facilities with Attendant Clubhouses in the A zone: the principal structure or uses are not less than 100 feet from any residential district.

Towing or storage yards for up to 8 vehicles. Any part of the operation, other than the access drive, shall be no less than 200 feet from any adjoining Residential Property.

Waste transfer facilities. No part of the use, other than the access drive, utilities, and required open space, shall be located within the setbacks for the zone district.

SE-30-3 Setbacks for properties with dual zoning. Setbacks for properties with dual zoning will be determined by the zoning of the portion of the property where the structure will be constructed, and not just along the line dividing the two different zoning districts.

SE-40 SEVERABILITY. Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of these Regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SE-45 SEWAGE INFORMATION. Proposed method of approved sewage disposal.

SE-50 SEWAGE STANDARDS. Septic tank systems standards established by the State Health Department shall be followed when individual lot septic or other waste water disposal systems are to be installed. A permit for the installation of said system shall be obtained from the Teller County Health Department prior to the installation of any individual system.

SE-50-1 Sewage - Bed and Breakfast Operations, Receiving Homes, Specialized Group Home, Hospice Center, Large Personal Care Boarding Home, Residential Child Care Facility, Specialized Group Home. In the A, RR, R1, R1M, and R2 zone districts, sewage disposal must be adequate, i.e. septic system or central sewer.

SE-50-2 Sewage - Campgrounds (CG Zone). An adequate and safe sewage system must be provided in all campgrounds and travel trailer parks for conveying and disposing of sewage from sanitary stations, service buildings, and other accessory facilities.

The sewage system should be designed, constructed, and maintained in accordance with all applicable regulations and requirements of the Teller County Health Department. The source and distribution system must be satisfactorily constructed and approved by the Teller County Health Officer.

The sewage system of a campground or travel trailer park must be connected, where feasible, to an approved public sewage system. If a central sewer system is not accessible within a reasonable distance of the site, adequate treatment facilities must be designed and installed to the approval of the Teller County Health Department.

The design of the sewage treatment facility for a campground should be based on the maximum number of spaces to be provided and a sewage flow of at least 100

gallons per space per day for spaces with individual water and sewer connections.

Sanitary disposal stations must be provided in each travel park or campground for the proper disposal of liquid wastes from sewage holding tanks. At least one station must be provided for every 100 spaces in the campground, and must be approved by the Teller County Health Department.

Liquid wastes from kitchen sinks in campers, trailers, or motor homes shall not be discharged onto or allowed to accumulate on the ground surface. Provisions shall be made so wastes can be discharged into the sewage system through individual sewer connections or into the units' sewage holding tank, except where individual sewer connections are not available at the space, or sewage holding tanks are not provided, the sink wastes can be discharged into a suitable container which can be emptied into the sewage disposal facility at the service building or sanitary station.

SE-50-3 Sewage - Duplexes. In the R1 zone, 2 family dwellings (duplex) shall have central sewer.

SE-50-4 Sewage - in a PUD. All sewer facilities will be subject to the applicable provisions of these Regulations and Colorado State Law.

SE-50-5 Sewage - When Subdividing. Where a central sanitary sewer is located within 1000 feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not within 1000 feet of the final plat, but where plans for the installation of central sanitary sewers within such proximity to the plat have been prepared and construction will commence within 12 months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.

Notwithstanding the above 1000 feet maximum, when a subdivision is located within a proposed service area, as designated on the Regional Sewer Plan, or other Municipal/County Plan, provisions shall be made for connection to the central sewer system. It will not be mandatory to connect to the system until domestic lines will be emplaced.

If a central sewer supply system is installed, a plan of said system, drawn on mylar or other stable material, at a legible scale, in ink, shall be filed with the County Clerk and Recorder.

SE-60 SEWER STUDY. (Reserved).

SE-70 SEXUAL. - See "Adult" sections.

SH-10 SHELTER FOR THE HOMELESS. A residential facility which provides temporary group lodging and meals to individuals, or families, in need.

SI-10 SIDE YARD. A yard extending from the street yard to the rear yard of a lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure or use.

SI-20 SIGN DEFINITIONS. Any stationary object, device, symbol, or part thereof which can be seen from a public road or highway, and is used to advertise or identify an object, person, institution, organization, business, product, service, or event by any means, including, but not

limited to, words, letters, figures, designs, symbols, logos, fixtures, color, motion, illumination, or projected images.

Off-premises Sign. Any Sign placed other than on the parcel of land or premises wherein or upon which the business or activity advertised is located.

Political Sign. Any Sign pertaining to any candidate, party or issue in an upcoming local, state or national election.

Real estate Sign. Any Sign advertising for sale, rental or lease the particular structure or land upon which the Sign is placed.

Temporary Sign. Any Sign other than a real estate Sign which is issued for a period of less than 14 consecutive days during any consecutive 120 days. Temporary signs are used only to advertise a particular event, not an on-going activity or enterprise.

Official Sign. Any Sign required or authorized by law and/or Teller County, to meet the needs of public information, health, safety and welfare.

Directional Sign. Any Sign erected by the owner or operator or a private business which is located more than 1,000 feet off a public road or highway, which is placed on property owned by another. Directional signs are placed on either side of the private road or drive leading to the business advertised, are within 150 feet of said private road or drive, and do not exceed 20 square feet.

SI-30 SIGN STANDARDS.

SI-30-1 Off-premises signs prohibited. Off-premises signs other than political signs, temporary signs, official signs and directional signs, are prohibited within the unincorporated areas of the County. Political signs are permitted, however, no political signs shall be erected and/or placed within the unincorporated areas of the County, 45 days prior to a local, state, or national election. Political signs must be removed within 10 days after said election. Political signs shall not exceed 32 square feet.

SI-30-2 Non-conforming signs. Any off-premises signs existing within the unincorporated area of the County prior to June 20, 1991, and which would be prohibited if erected after the adoption of the off-premise Sign regulations, are non-conforming signs.

Non-conforming signs may be maintained and kept in repair; however, in the event that a non-conforming Sign is destroyed, it shall not be replaced. If a non-conforming Sign falls to the ground, is broken into 2 or more pieces, or is illegible, it shall be deemed to have been destroyed. Should a Sign be vandalized, it may be repaired and/or replaced to the original condition.

It is the affirmative duty of the owner of any non-conforming Sign to register said Sign with the County Planning Department within 90 days of the adoption of these Regulations. Registration shall be accomplished by the completion of a registration statement, on a form furnished by the County Planning Department, to which shall be attached a clear and legible photograph of the Sign, which photograph shall be no smaller than four by five inches. The registration statement shall contain the name and address of the owner of the property, a description of the materials used in the construction of the Sign and the date the Sign was erected. There shall be no fee charged for filing any such registration statement with the County Planning Department.

Failure to register a non-conforming Sign with the County Planning Department within the period above set forth, other than for good cause shown to the satisfaction of the Board of County Commissioners, shall result in any such Sign being deemed to be in

violation of these Regulations.

SI-30-3 Tourist Oriented Directional Signs (TODS). Tourist Oriented Directional Signs (TODS) shall be defined as off premise signs erected on any State road. All TODS must comply with the State of Colorado regulations. The height, color, location, and size of TODS shall be approved by the Board of County Commissioners at a regular meeting of the Board in a form as described by the State Department of Transportation Regulations.

SI-30-4 Trailblazing signs shall be defined as off premise signs with the purpose of providing directions from the State Highway TODS Sign to the advertised business. Trailblazing signs may only carry the name of the business, direction to the business, and mileage from the Sign location to the business. The height, location, and size of all Trailblazing signs shall be approved by the Board of County Commissioners at a regular meeting of the Board. In no case shall Trailblazing signs be over 6 square feet. Trailblazing signs shall be blue with white lettering to conform to the State standards.

SI-30-5 Approval and Placement of TODS and Trailblazing Signs. The approval and placement of TODS and Trailblazing signs within the County will be subject to the requirements for off-premise signs. The Board of County Commissioners hereby designate the Planning Director as the initial contact, having the authority to process individual applications for the placement of TODS or Trailblazing Signs and to bring the applications to the Board for action. The requirements for TODS and Trailblazing signs may be repealed by the Board of County Commissioners at any time. In the event of such repeal, the Colorado Department of Transportation shall be immediately notified.

SI-30-6 Signs for Bed and Breakfast Operations, Receiving Homes, Specialized Group Home, Hospice Center, Large Personal Care Boarding Home, Residential Child Care Facility, Specialized Group Home. Maximum size 3 square feet and may not be lighted.

SI-30-7 Signs in the Historic Preservation Zone. Within a distance of 100 yards from any designated historic site, signs and billboards are prohibited, with the exception of an appropriate site marker.

SI-40 SIGN INFORMATION. Size and location of any proposed signage to be placed on-site.

SI-50 SITE DESIGN. See Table 8 "Site Design".

SI-60 SITE LOCATION ANALYSIS. A site location analysis of the total area proposed for the development, including:

1. Criteria, data assumption, conditions used in determining the site location;
2. The natural and man-made features, conditions, trends, and hazards which influenced the selection of the proposed site; and
3. Comparison of alternative potential sites and feasibility of including any which may be suggested by the Planning Commission.

SK-10 SKETCH PLAN. A map of a proposed subdivision drawn and submitted in accordance with the requirements herein, to evaluate the feasibility and design characteristics at an early

stage in the planning; and also, a land use plan or map which indicate the desired future physical development of any portions of Teller County. Such plan is submitted by the developer and is intended as a general summary of the proposal for development.

SL-10 SLOPE.

A Zone. Any construction in the A-1 zone, on slopes that are 30% or greater, will require a conditional use permit from the Planning Commission.

RR, R1, R1M, R2 Zones. When slopes exceed 29%, no development is permitted except in Planned Unit Developments where individual building and waste disposal sites plus safe, convenient, and smooth access by conventional vehicle can be provided. In cases where the slopes exceed 29%, the maximum overall density shall be one unit per 5 acres. When the slopes vary, the minimum required lot size shall be determined by the average slope.

CG Zone. Each site shall have a suitably prepared space for camping which shall be well drained with a slope not exceeding 5%.

Solid waste disposal sites shall have a minimum slope of 1% on filled areas to permit even runoff.

SO-10 SOCIAL ENVIRONMENT DESCRIPTION. Description, including maps at a scale acceptable to the Planning Commission, of the proposed social environment of the proposed new community on the current social environment in the new community site and the impact area. The description and analysis shall include the following:

1. Demography: Current population, Proposed population, Past trends, Forecasts.
2. Housing: Existing housing, types of housing proposed to meet needs of new population, including low and moderate income housing; price range of housing types; density; and housing market conditions.
3. Community facilities: Existing facilities, planned community programs, diversity of facilities and programs to meet needs of the new population, current services.
4. Education: Expected enrollments, Distances of schools from neighborhoods, Transportation of students, New facilities required, Existing facilities.
5. Existing and proposed health services: Hospitals and clinics, emergency health care services, including ambulance services, and medical personnel.
6. Public safety services: Police, fire, and rescue.
7. Social services.
8. Recreation: Facilities; present and future adequacy and needs; present and future open space acquisitions; and, open space and accessibility to open space.

SO-20 SOIL REPORT. Maps and tables concerning the suitability of types of soil in the proposed subdivision, in accordance with the National Cooperative Soil Survey.

SO-30 SOLID WASTE. Useless, unwanted, or discarded material with insufficient liquid content to be free flowing. Solid waste may be generated by a variety of land uses including agricultural, commercial, industrial, residential, etc. uses.

SO-40 SOLID WASTE DISPOSAL. The storage, collection, and disposal of solid waste in a mobile home park shall be so managed as to create no health hazards. Methods of storage, collection, and disposal are subject to approval of the Health Officer.

SO-50 SOLID WASTE DISPOSAL SITE. Includes, but is not limited to, dumps, landfills, and incinerators.

SP-05 SPECIAL DISTRICT. See Table 2 "Review and Permits" for County actions regarding creation or modification of special and other districts.

SP-10 SPECIFIED ANATOMICAL AREAS. Either less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the aureole; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

SP-20 SPECIFIED SEXUAL ACTIVITIES. Acts, simulated acts, exhibitions, representations, depictions or descriptions of:

- Human genitals in a state of sexual stimulation or arousal.
- Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- Intrusion, however slight, actual or simulated, by 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.
- Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated.
- Flagellation, mutilation or torture, actual or simulated, in a sexual context.

ST-10 STABLE, COMMERCIAL Any building designed, arranged, used, or intended to be used for housing horses for the use of any person, for compensation.

ST-20 STABLE, PRIVATE. Any building which is designed, arranged, used or intended to be used for housing livestock, not for compensation.

ST-30 START OF CONSTRUCTION. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, and/or walkways; nor does it include excavation for a basement, footing, 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.

ST-40 STREET. See "Road (or Street)".

ST-50 STREET YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto to the nearest point of the principal structure.

ST-60 STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure

such as foundations, bearing walls, columns, beams, or girders.

ST-70 STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. A walled and roofed building or manufactured home that is principally above ground.

SU-10 SUBDIVIDER. Any person, 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.

SU-20 SUBDIVISION. "Subdivision" or "subdivided land" means any parcel of land in the county which is to be used for condominiums, apartments, or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of these Regulations with substantially the same density, or which is divided into 2 or more parcels, separate interests, or interests in common, unless exempted hereunder. As used in this section, "interests" includes any and all interests in the surface of the land but excludes easements, rights-of-way, and any and all subsurface interests. Unless the method of disposition is adopted for the purpose of evading these Regulations, the terms "subdivision" and "subdivided land" shall not apply to:

SU-20-1 Any division of land which creates parcels of land each of which comprises 35 or more acres of land and none of which is intended for use by multiple owners.

SU-20-2 Any division of land which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interest;

SU-20-3 Any division of land which could be created by any court in this state pursuant to the law of eminent domain, or by operation of the law, or by order of any court in this state if the Board of County Commissioners is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this Section SU-20 prior to entry of the court order; and if, the board does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed before the court;

SU-20-4 Any division of land which is created by a lien, mortgage, deed of trust, or any other security instrument;

SU-20-5 Any division of land which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;

SU-20-6 Any division of land which creates cemetery lots;

SU-20-7 Any division of land which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property;

SU-20-8 Any division of land which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or and tenants in common, and any such interest shall be deemed for purposes of this subsection SU-20 as only one interest;

SU-20-9 Any division of land which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than 35 acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than 35 acres in land, such land area, divided by the number of interests in the resulting parcel, must result in 35 or more acres per interest;

SU-20-10 Any lot, tract or parcel in a recorded subdivision platted and recorded prior to May 5, 1972, or the unplatted portion of a legally existing parcel created by such platting prior to May 5, 1972, or thereafter in compliance with subsection SU-20-11, of a portion of a legally existing parcel;

SU-20-11 Any lot, tract or parcel in a recorded subdivision platted and/or recorded after May 5, 1972 and approved, of record in writing, by the Teller County Board of County Commissioners;

SU-20-12 Any mining claim with a patent ("Claim") granted by the United States of America, as and to the extent specifically limited by the wording of such patent. A Claim with a lower patent number has priority over Claims with higher patent numbers. Any division of any Claim by a Claim with a lower patent number is exempted from the definition of subdivision and the entire separate portions of the higher patent numbered divided Claim on each side of the lower numbered dividing Claim may be conveyed individually. Claims with a lower patent number are not and cannot be divided by overlapping higher patent number Claims. Each entire separate portion of Claims created by overlapping Claims with the same patent number, including the portion common to the Claims with the same patent number, may be conveyed individually. The patent number is found on the original patent and is not the mineral survey number;

SU-20-13 A parcel described by metes and bounds description in a deed, conveyance, installment land contract or similar document effective prior to May 5, 1972;

SU-20-14 Any Government Lot created by patent from the Federal Government issued prior to January 1, 2000 or in compliance with this Section SU-20;

SU-20-15 Any tract of parcel entirely surrounded by patented mining claims or Government Lots, if such mining claims or Government Lots are created in compliance with this Section SU-20;

SU-20-16 As to any lot, mining claim, parcel, or tract created prior to May 5, 1972 a division thereof by the existence of a public road, is hereby exempted from the definition of "subdivision"; and the entire separate portions of the divided mining claim, lot, parcel, or tract lying on each side, or to the middle, of the public road, may be conveyed individually.

SU-25 **SUBDIVISION - MAJOR**. A subdivision that is subject to preliminary plan approval prior to consideration of a final plat.

SU-27 SUBDIVISION - MINOR. Subdivision resulting in no more than 4 parcels, where the preliminary plan and final plat may be considered at the same time.

SU-30 SUBMITTAL REQUIREMENTS. See Submittal Requirements Table.

SU-40 SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started, or, (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or, (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SU-50 SUMMARY STATEMENT. A summary statement prepared by a qualified individual, including the following information:

1. Total development area;
2. Total number of proposed dwelling units;
3. Total number of square feet of proposed nonresidential floor space;
4. Total number of proposed off-street parking spaces, excluding those associated with single family residential development;
5. Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
6. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed;
7. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the developer by the County.

SU-60 SURVEYOR'S CERTIFICATION. Certification by a registered land surveyor to the effect that the layout represents a survey made by him, that the monuments thereon actually exist as located and that all dimensional and other details are correct.

TA-05 TAKINGS STUDY. Any applicant who objects to any property dedication or money payment requirement contained in these Regulations on the basis that the Requirement is illegal as not being roughly proportional to the impact caused by the proposed development, shall immediately, and in any event prior to the hearing on the application, notify the Planning Official in writing and provide an independent consultant study by a Colorado licensed engineer on what the applicant believes would be the maximum legally supportable requirement.

TA-10 TAX CERTIFICATE. Certificate of taxes due showing all taxes due have been paid.

TE-10 TEMPORARY HOUSING. The property owner may live on their property during the construction of a dwelling on the same property, with a valid temporary housing permit. The Planning Official may approve a permit for temporary housing so long as the property owner

demonstrates that the following conditions are met. The permit for temporary housing will be in effect as long as the following conditions continue to be met:

- a. Approved water supply, sewage disposal systems and electrical service must be installed on the property and connected to the temporary housing.
- b. The permanent dwelling building permit must be issued by the Building Department and remain active, and no more than 180 days elapse between required inspections by the Building Department in accordance with the Teller County Building Code.
- c. The temporary housing must be a currently Colorado licensed trailer, motor home, RV or similar unit. On-site constructed units will be required to meet Building Code requirements for a Dwelling or Efficiency Dwelling Unit (as defined by the Uniform Building Code) and will not be considered temporary housing. Mobile Homes and Manufactured Homes meeting the definition of Dwelling in the Land Use Regulations will not be considered temporary housing.
- d. Compliance with all minimum setbacks for the zone.

The temporary housing unit must be vacated within 30 days of the issuance of the certificate of occupancy for the permanent dwelling unit.

These Regulations do not permit the use of campers, trailers, lean-to's, tents, motor homes, recreational vehicles, or any other such property as a permanent living residence.

TH-10 THESE REGULATIONS. The Teller County Land Use Regulations which include zoning, subdivision, new community, Sign, and trash regulations.

TH-20 THIRD PARTY REVIEW. Where a study or report concerning roads, drainage, water or sewer is required by these Regulations, the Planning Director has the discretion to require the hiring of an independent contractor to conduct a third party review. The Applicant and Planning Director shall agree upon the selection of the contractor, cost, scope of work, and schedule. Scope of work is limited to checking for compliance with regulations and codes for the accuracy of the calculations, and adequacy and completeness of the study. Completion of the review and recommendation to the Planning Director shall be completed in a timely manner. All agreed upon costs of the Third Party Review shall be paid by the applicant.

TI-10 TIME LIMIT.

TI-10-1 Time Limit - Conditional Use Permit (CUP). An approved conditional use permit shall be deemed abandoned, and of no further force and effect, if the use for which the permit was granted has not been substantially implemented upon the approved site within two years of the issuance of the permit, or, if implemented, has been discontinued for a period of two consecutive years. For purposes of this provision, a conditional use shall be deemed discontinued if the use has not been actively and regularly conducted on the approved conditional use site.

Prior to the expiration of the above two year period, an extension not to exceed one year may be granted administratively by the County Planning Director, upon written request and for good cause shown. It shall be in the discretion of the County Planning Director to determine whether or not good cause has been shown.

All conditional use permits issued prior to the date of the adoption of this resolution shall, for the sole purpose of computing time to determine whether or not the use has been abandoned, be deemed to have been issued as of October 18, 1990.

TI-10-2 Time Limit - Mining Conditional Use Permit (CUP). Any mining conditional use permit will not exceed a period of 3 years unless the following conditions are met: The applicant must submit to the County a copy of the annual report and map required by the Colorado Mined Land Reclamation Board. Once received by the County, the applicant's annual report will serve as the basis for a continuation of the applicant's existing conditional use permit which will remain in effect as long as the applicant continues to file the annual Colorado Mined Land Reclamation Board report.

TI-10-3 Time Limit - New Community Duration of Permit. Upon issuance, the permit shall be valid for a period of 12 months. If the applicant fails to take substantial steps to initiate the permitted development within said twelve months, or if, after having initiated the permitted development, the applicant fails to take substantial action during any twelve month period to continue the permitted development, the Teller County Planning Director shall cause notice to be issued to the applicant to appear before the Planning Commission to show cause why the permit should not be deemed to have expired. Said notice shall be mailed to the applicant at the address given in the application, by first class mail. At the hearing before the Planning Commission, the only issue to be considered is whether or not the applicant took substantial steps to initiate or continue the permitted development within said twelve months.

Once a permit has expired, it may not be extended. If the applicant wishes to renew the formerly permitted development, he shall first obtain a new permit from the Planning Commission.

TI-10-4 Time Limit - PUD's Other than for Single Family Residential. If no construction has begun or no use established in the PUD within 3 years from the date of approval of the PUD plan, the Board of County Commissioners may require the landowner to present evidence substantiating that he has not abandoned the project and possesses the willingness and ability to continue its development. In the event the Board finds that conditions in support of the granting of approval of the PUD plan have changed so as to raise reasonable questions regarding the landowner's ability to continue with the plan it may withdraw its approval of the plan.

TI-20 TITLE INFORMATION. A current title opinion by an attorney qualified to practice law in the State of Colorado; or a current title commitment or policy issued to Teller County, Colorado, showing the condition of the title and all parties in interest as to the entire property shown on the plat, and insuring Teller County's interest in the streets and roads and any other publicly dedicated property in an amount equal to the reasonable value thereof, and in no event less than \$5,000 per one-half (½) mile, or fraction thereof, of linear road footage.

TO-10 TOWING SERVICE AS AN ACCESSORY USE. No more than 8 vehicles towed to the property on the property at any one time.

TR-10 TRAFFIC STUDY. A traffic study by a qualified licensed engineer, where if the proposed development would increase the number of trips generated on the site by more than 50 vehicle trips per day, as determined by the standards adopted by the Institute for Traffic Engineering (ITE).

TR-20 TRAFFIC STUDY - REZONING TO C2. A description of the impacts to county and/or city roads is provided. A description of the operation adequate to determine the amount of

traffic to be generated which would impact the surrounding neighborhood.

TR-30 TRAFFIC STUDY - REZONING TO PIC. A traffic impact study shall be required if traffic increases more than 25% over the existing traffic accessing the property under consideration for rezoning to PIC. Said traffic impact study shall be developed by qualified individuals.

TR-40 TRAILER. A vehicle without motive power, used or adaptable for use as living, sleeping, business, storage or other quarters which has been transported to the site on wheels, dollies, flatbeds or other devices and which occupies said site temporarily. The primary use of a trailer is as other than permanent living quarters. The term "trailer" shall include camp car, house car, and camper.

TR-45 TRAILS. See also "Walks and Trails" section. A trail not required by these Regulations does not require approval under these Regulations.

TR-50 TREES. Except as otherwise recommended by the Colorado State Forest Service, healthy existing significant trees, of at least 6" diameter measured 5 feet above grade, shall be preserved to the extent reasonably feasible on all development sites, and may be used to satisfy landscaping and open space requirements as provided herein. Such trees shall be retained and protected on the site in accordance with all applicable provisions of this section. All sites shall be designed to maximize the retention of existing healthy trees.

When required, landscape plans shall identify the location, species, size, and condition of all significant trees or stands of trees, as well as the applicant's intent to preserve, transplant or protect.

_____Where the fire protection district has designated an area as wildland, wildland/urban interface, or wildland/urban intermix, a proposed development shall comply with Chapter 3 "Fuel Modification Planning" of the National Fire Protection Association Standard for Protection of Life and Property from Wildfire (NFPA 299, 1991 edition). See Appendix WI-10-01 "1991 NFPA Standard 299 Chapter 3" in these Regulations.

TR-50-01 Trees - retention priority areas. Site development shall minimize the disturbance of trees in the following areas:

- Trees located in sensitive environmental areas including floodplains, stream corridors, wetlands, areas exceeding 30% slope, and natural drainage features.
- Where these Regulations require a wildlife habitat review, trees determined by that review to be part of a high or moderate impact area as defined in these Regulations.
- Outstanding tree specimens due to size, species, form or appearance identified in review comments by the Colorado State Forest Service.
- Trees located in proposed streetyards or along property perimeters that will serve as natural landscape, buffer, open space, screening or transition areas.
- Trees located within proposed parking areas that will provide shade and wind protection, or aesthetic value for the proposed use.

TR-50-02 Trees - retention exemptions. Trees that meet one or more of the following criteria shall be exempt from the requirements of this section.

- Trees within the building envelope
- Dead, dying or naturally fallen trees, or trees found by the County to be a threat to the public health, safety and welfare.

- Trees determined by the County to obstruct clear site distance visibility at driveways and intersections.
- Trees that constitute a public nuisance or threat to adjacent woodlands due to species, location, disease, infestation, fire hazard or overcrowding.
- Trees located within recreation areas, utility easements, on-site septic systems, roadways, or other special feature areas as designated on approved site plans or approved subdivision development plans.

TR-50- 03 Trees - Multi-Family/Commercial/Industrial. The following standards shall apply specifically to multi-family, commercial, and industrial developments, unless otherwise approved during the plan review process: Removal of trees from a development site may occur within the building envelope and vehicle accommodation areas such as parking and loading. Removal of trees (a) within the retention priority areas is prohibited; and (b) outside of the retention priority area shall be limited to the removal of the minimum number of trees that will make possible the reasonable use of the land or structure. Acceptable standards for tree spacing, pruning and tree maintenance must be met on all sites.

TR-50- 04 Trees - Single Family Residential. The following standards shall apply to any proposed single family residential developments, where rezoning or subdivision approval was granted after January 1, 1999, unless otherwise approved during the plan approval process:

TR-50-04-01 Residential lots shall retain a lot coverage, other than tree removal as allowed by these Regulations, whereby no more than 10% of the existing trees can be removed, providing acceptable standards for tree spacing, pruning and tree maintenance are met.

TR-50-04-02 Tree removal may occur within the building envelope. Additional tree removal shall be (a) prohibited in the retention priority areas, and (b) permitted up to 10% of the total lot coverage, provided acceptable standards for tree spacing, pruning and tree maintenance are met.

TR-50- 04-03 On all other undeveloped or unplatted residentially zoned parcels, tree removal is prohibited except in accordance with all applicable standards of these Regulations.

TR-50-05 Trees - protection standards. The following standards shall be used to the maximum extent feasible for all projects during construction:

TR-50-05-01 Trees - marking the location. Prior to and during construction, all protected trees shall be marked with surveyor's ribbon and protected by barriers. Said barriers shall be orange fencing a minimum of 4 feet in height, secured with metal t-posts, no closer than 6 feet to the trunk or at the outer drip line of the tree, whichever is greater. Large areas containing protected trees and separated from construction or land clearing areas may be designated by only surveyor's ribbon and metal t-post rather than the protective barriers described above.

TR-50-05-02 Trees - within the dripline. Within the dripline of any protected tree, there shall be no cut or fill over a 4 foot depth unless a qualified arborist or forester has evaluated and approved the disturbance. There shall be (a) no operation of equipment, (b) no cleaning of equipment or storage and (c) no disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material that is harmful to the life of a tree, as determined by the Colorado Forest Service, including causing damage to the roots of the tree.

TR-60 TRASH. See "Junk" in these Regulations.

UT-10 UTILITIES. (See also "Easements", "Sewer", and "Water" sections.)

UT-10-1 Utilities - Mobile Home Parks (MHP Zone). It is desirable that the site be accessible to public utilities, including water, sewer, electricity, and natural gas. This paragraph does not apply to mobile home parks listed in Exhibit A (section NO-30).

Mobile home parks shall be served either by a public sewer or private sewer system. The development of a private disposal system to serve a mobile home park shall be made only after plans and specifications for the disposal system have been approved by the County Health Officer and the State Department of Health. A permit will be obtained from the Teller County Building Department for mobile home connections. The mobile home will be connected to the utilities only after inspection and approval from the Building Department. All plumbing in the mobile home park shall comply with state and local plumbing laws and regulations of the Uniform Plumbing Code.

VA-10 VACATION PLAT OR NOTICE. A map indicating a proposed vacation of a dedicated street, road or easement, or the vacation of a subdivision. It shall be prepared by a Colorado Registered Land Surveyor in accordance with the provisions of these regulations. After presentation of the appropriate petition and resolution to the Board of County Commissioners, if approved, a vacation plat shall be recorded in the office of the County Clerk and Recorder.

The Notice of Vacation describes the real property as originally platted, contains the original recording information (vacation plat only and not lot line vacations), the property to be vacated, and any remaining platted property, in a manner which is clear and accurate and meets all legal title and assessment standards. The Notice of Vacation, or Vacation Plat, shall contain the dated and verified signature of all persons with any ownership interest, and shall otherwise meet all standards and requirements for recording.

VA-15 VACATIONS. An entire town may be abandoned through the office of the Secretary of State per CRS 31-3-201.

Roads must be vacated by resolution of the Board of County Commissioners, there is no application fee.

If the property owner wants to vacate the lots only (but not any rights-of-way or easements), that may be done on a block by block basis under the lot line vacation procedure, which may be approved administratively (that is, no hearing required). There is no application fee, but the County Clerk's recording fee must be paid.

If the property owner wants to vacate the lots as a single group, that may be done by a vacation plat (no application fee or hearing, except a hearing is required to vacate a road or alley) or by a subdivision exemption plat (\$100 application fee and hearing by the Board of County Commissioners). Plats must be prepared by a licensed surveyor and proof of ownership must be provided (such as a title policy or commitment).

If the property owner wants to vacate easements (in conjunction with one of the above approvals done through the County), the property owner must provide written approval from the easement holder(s) with the application for approval.

VA-20 VARIANCE. A legal modification or variation of provisions of these Regulations as applied to a specific piece of property.

VA-30 VARIANCE STATEMENT. A written application for a variance demonstrating:

1. That there exist special conditions and circumstances of the type specified in criteria for a variance, which are peculiar to the land, structure, or building involved and which are not applicable to other lands or structures in the same district;
2. That said special conditions and circumstances do not result from the actions of the applicant;
3. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands or structures in the same district.

VE-10 VESTED PROPERTY RIGHTS. For the purpose of vesting property rights, approval of the following are the only types of site specific development plans that will cause property rights to vest, and that no other rights shall vest under these Regulations as a site specific development plan under Colorado Statutes: minor plat, final plat, and limited vesting for a Planned Unit Development (PUD). Vesting of a PUD shall be limited to those matters specifically approved in the PUD as vesting. An amendment to a site specific development plan does not start the vesting period all over again. From and after the effective date hereof, no approvals shall be given, subsequent to approval of a sketch plan and preliminary plat plan, for any proposed subdivision in the County until such time as the County Planning Commission provides a recommendation and the Board of County Commissioners approves a Development Agreement for said proposed subdivision, and said agreement is signed by all parties thereto.

VE-10-1 Vesting - When Vesting Occurs. Vesting of the property rights shall occur upon the recommendation by the Planning Commission and the approval of the Board of the Development Agreement described in these Regulations. However, if such Agreement is not signed within 30 days of approval by this Board, such approval shall then be void and the vested property rights shall automatically divest.

VE-10-2 Vesting - Transfer of the Development Agreement. All provisions of the Development Agreement shall run with the land and be binding upon all subsequent owners of the property.

VE-10-3 Vesting - Failure to Comply with the Development Agreement. Upon determination by the Board that the owner of the property, after notice to the owner and an opportunity to be heard, has failed to comply with all conditions of the Development Agreement, any vested rights created by approval of the Development Agreement shall, immediately upon such determination, automatically dissolve and divest.

VE-10-04 Vested rights - infrastructure. Nothing in the infrastructure requirements of

these Regulations shall limit or modify the rights of an applicant to complete any development authorized by the later of (a) a final plat for a period of 3 years following adoption of the infrastructure requirements in these Regulations, or (b) the expiration date set forth in the approval of the final plat. If a applicant has, by the applicant's actions in reliance on prior regulations, obtained vested rights that by law would have prevented the County from changing those regulations in a manner adverse to the applicant's interest, nothing in these concurrency requirements authorizes the County or any official thereof to abridge those rights.

VE-20 VESTING. See "Vested Property Rights".

VI-10 VIOLATIONS. It shall be unlawful to erect, construct, reconstruct, alter or maintain or use any building or structure or use any parcel of land in violation of these Regulations or any amendment thereto. No plat of any subdivision or PUD area within the application of these Regulations shall be entitled to be filed or recorded or have any validity until such plat has been prepared, approved and acknowledged in the manner prescribed by these Regulations. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plat, plan, or replat of any subdivision or PUD zone within the area subject to application of these Regulations unless said plan, plat, or replat shall have been approved as prescribed herein and filed and recorded. Each day during which illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

WA-10 WAIVER JUSTIFICATION. Requests and justification of any waivers from existing regulations.

WA-20 WAIVER - PIC REZONING. Waivers of the criteria shall only be approved upon written application, justifying the reasons the specific criteria should be waived.

WA-30 WAIVER - PUD REZONING. The minimum standards for development are those shown in these Regulations. Waiver of these standards may be granted by the Board of County Commissioners, on the recommendation of the Planning Commission, on written notice and justification by the developer and/or builder.

WA-40 WALKS AND TRAILS. A walkway is required between the building or parking lot to the walkway or bike path in any adjoining public right-of-way. The minimum width of an on-site walkway is 5 feet unless head-in parking is permitted adjacent to the walkway, in which case the walkway shall have a minimum width of 7 feet.

On-site walkways designed to accommodate bicycles shall be referred to as bike/pedestrian paths and shall have a minimum width of 8 feet. If head-in parking is permitted adjacent to bike/pedestrian paths, then two feet additional shall be required for vehicle overhang on each side where head-in parking is allowed.

WA-45 WASTE. See "Junk" in these Regulations.

WA-47 WASTE TRANSFER FACILITY. A facility at which refuse, junk, rubbish, garbage and/or materials for recycling are collected awaiting transportation to a permanent disposal site, including, but not limited to, garbage service companies.

WA-50 WATER.

WA-50-10 Water - Bed and Breakfast Operations, Receiving Homes, Specialized Group Home, Hospice Center, Large Personal Care Boarding Home, Residential Child Care Facility, Specialized Group Home.

In the A, RR, R1, R1M, and R2 zone districts, an adequate supply of water must be available prior to submission of an application, i.e. central system or approval from the Division of Water Resources.

WA-50-20 Water - Campground. An adequate supply of water must be provided in every campground to serve service buildings, watering stations, drinking fountains, fire hydrants, individual water connections and other accessory facilities. The proposed water supply system should provide adequate quality and quantity of water at all times for domestic and fire fighting purposes. The water system of a campground or travel trailer park must be connected, where feasible, to an approved central system. Where central water supply systems are not available within a reasonable distance for extension to the campground, the best available source should be developed and constructed in accordance with plans approved by the Health Department.

The source should be capable of supplying at least 50 gallons per space per day for all spaces lacking individual water connections and 100 gallons per space per day for all spaces provided with individual water connections.

Each campground should provide easily accessible water supply outlets for filling water storage tanks. One outlet per every 100 spaces must be provided.

WA-50-25 Water - Combining Parcels. The combination of several parcels each less than 35 acres in size into one (or more) parcel(s each of) which is 35 acres in size, is considered to create one (or more) resulting parcels each with adequate water.

WA-50-30 Water - Duplexes. In the R1 zone, 2 family dwellings (duplex) shall have central water.

WA-50-40 Water - in a PUD. All water and sewer facilities will be subject to the applicable provisions of these Regulations and Colorado State Law.

WA-50-50 Water - When Subdividing. Where an adequate central water supply is within 400 feet of a proposed subdivision, the subdivider shall install, or have installed, connections to each lot prior to the surfacing of the street. Where an adequate central water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof in accordance with the lot standards in these Regulations. The design of any such system shall be subject to the approval of the appropriate State or County Health Officers.

In the absence of a working hydrant system, adequate water storage facilities, for fire fighting purposes, shall be supplied in each subdivision.

If a central water supply system is installed, a plan of said system, drawn on mylar or other stable material, at a legible scale, in ink, shall be filed with the County Clerk and Recorder.

WA-60 WATER AND SEWER INFORMATION. If an attendant is on-site, methods for sanitation and water supply. At a minimum, all provisions of the adopted Uniform Building Code and Health Codes must be complied with.

WA-70 WATER FEATURES. Streams, washes, canals, private irrigation ditches and laterals, culverts, and lakes.

WA-80 WATER RESOURCES REPORT. A water resources report shall include adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:

1. Evidence of ownership or right of acquisition of or use of existing and proposed water rights;
2. Amenability of existing rights to a change in use;
3. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;
4. Evidence concerning the potability of the proposed water supply for the subdivision;
5. If the proposed development is to be served by individual domestic wells, then the cumulative effect of all wells as senior vested water rights will be analyzed.
6. Analysis sufficient to determine whether a proposed water system meets the requirements of the Uniform Fire Code, including fire flow and pressure -- the analysis shall be done by a licensed engineer qualified to practice in this area of engineering, or as approved by the governing fire district. This regulation does not require a central water system where it is not required elsewhere by the Regulations and related codes.

WA-90 WATER STUDY. Evidence of adequate and legal water supply for proposed use in terms of quantity, quality and dependability.

WA-95 WATER USERS' ASSOCIATIONS. See Table 2 "Review and Permits for County actions regarding creation or modification of water users' associations.

WH-10 WHIP ANTENNA. A single antenna that is cylindrical in shape, 3" or less in diameter, and transmits or receives communications signals in a 360 degree pattern.

WI-10 WILDFIRE HAZARD PRONE AREAS. The Planning Director shall keep on file and available for public inspection, a set of maps clearly showing all known and identified wildfire hazard prone areas in Teller County. The County shall not approve any subdivision plan if the proposed subdivision is either in one of these identified Wildfire Hazard Prone Areas, or pending provision of maps, is in an area suspected by the County to be Wildfire Hazard Prone, unless the developer can submit adequate evidence prepared by a professional forester that the proposed subdivision is not in a Wildfire Hazard Area, or unless the proposed subdivision meets the following criteria.

WI-10-1 Wildfire - Minimize Hazards. Any development in which residential activity is to take place will be designed so as to minimize significant hazards to public health and safety or to property.

WI-10-2 Wildfire - Adequate Roads and Firebreaks. Any authorized developments will have adequate roads for service by fire trucks, fire fighting personnel and other safety equipment, such developments will also have firebreaks and other means of reducing conditions conducive to fires.

WI-10-3 Wildfire - Time of Initial Development. All precautions required to reduce or eliminate wildfire hazards will be provided for at the time of initial development.

WI-10-4 Wildfire - Forest Service Guidelines and Criteria. The development will adhere to the Guidelines and Criteria for Wildfire Hazard Areas promulgated by Colorado State Forest Service.

WI-10-5 Wildfire - Forest Service Recommendation. The County has considered the recommendations of the Colorado State Forest Service upon review of a proposed development in a Wildfire Hazard Area.

WI-20 WILDLIFE HABITAT AREA. Geographical area containing those elements of food, water, cover, space, and general welfare in combination and in quantities adequate to support a species for at least a portion of the year. A particular area need not be occupied by a particular wildlife species in order to be considered habitat for that species. Wildlife habitat may include those areas which were historically occupied and are still suitable for occupancy.

WI-20-1 WILDLIFE HABITAT AREA - CONCENTRATION AREA. Areas of high density wildlife species at certain times of the year.

WI-20-2 WILDLIFE HABITAT AREA - HIGHWAY CROSSING. That portion of the overall range in the highway right-of-way that is consistently used by a wildlife population for travel. Many of these crossings or corridors offer the only means for wildlife movements.

WI-20-3 WILDLIFE HABITAT AREA - OVERALL DISTRIBUTION. The geographical area that a species population actively occupies, or is capable of occupying.

WI-20-4 WILDLIFE HABITAT AREA - PRODUCTION AREA. That portion of the overall range that is used each year by wildlife in giving birth to their young, including calving areas, lambing areas, spawning beds, nesting places, etc.

WI-20-5 WILDLIFE HABITAT AREA - RIPARIAN ZONE. The geographical area corresponding to the bank and the associated vegetation of rivers, streams, lakes, ponds or other bodies of water.

WI-20-6 WILDLIFE HABITAT AREA - SEVERE WINTER RANGE. That portion of the winter range to which a wildlife species is confined during periods of the heaviest snow cover or for reasons of social behavior, (for example, Habitual winter grounds of Bighorn Sheep).

WI-20-7 WILDLIFE HABITAT AREA - WINTER RANGE. That portion of the overall range that is available to and used by a wildlife species through all or nearly all of the winter season.

WI-30 WILDLIFE IMPACT REVIEW. A Wildlife Impact Review, as required in these Regulations, shall be obtained from the Colorado Division of Wildlife, in the event that the Planning Department determines that the property under consideration is located within a

Moderate or High Impact Area, as delineated on maps developed by the Colorado Division of Wildlife. Copies of said maps shall be available for public inspection at the offices of the Teller County Planning Department.

The Planning Department shall submit an applicant's plan to the Colorado Division of Wildlife for review and comment prior to a public hearing or an administrative decision concerning approval. The Division of Wildlife shall serve in an advisory capacity providing its services and expertise. The Planning Commission may make a recommendation to the Board of County Commissioners. The Board of County Commissioners may approve any application to develop within a designated high or moderate wildlife habitat area if the proposed development complies with the intent of these Regulations and if the maps are acceptable to the Board.

WI-30-1 Wildlife Low or No Impact Area. If a proposed development is shown to occur within an area designated as low or non-existent impact on the 16 key wildlife species, the following information shall accompany the application for preliminary plat approval:

- a. A map showing the location of a proposed development site, to include a complete and accurate legal description.
- b. A short narrative explaining the relationship of wildlife impacts to the development, as shown by the maps.

WI-30-2 Wildlife Moderate or High Impact Area. If a proposed development's potential impact has been determined to be high or moderate for any of the 16 key wildlife species, the following information shall accompany the application for preliminary plat approval: Wildlife Impact Map(s) and Wildlife Impact Report

WI-30-3 Wildlife Impact Map(s). A map(s) prepared at an easily readable scale showing:

- The location of the proposed development site, with complete and accurate legal description.
- The relationship of the site to surrounding topographic and land use features.
- The nature and density of the proposed development or land use change.
- Proposed building locations and arrangements.
- A legend which includes:
- A complete and accurate legal description of the proposed development. The description shall include the total acreage of the parcel.
- Title, scale, and north arrows.
- Date, including revision dates if applicable.
- Existing structures and landscape features including the name and location of all water courses, ponds, and other bodies of water.
- Such additional information as may be required by the Board of County Commissioners, in order to determine if the intent and purpose of this resolution has been fulfilled.

WI-30-4 Wildlife Impact Report. A report which contains:

- A description of the nature, density and intensity of the proposed development in sufficient detail to allow analysis of such land use change upon identified wildlife habitat.
- The applicant's analysis of the effect of the proposed development activity of land

- use change upon those wildlife species identified.
- A plan by the applicant which shall explain how the applicant will mitigate any adverse impacts to wildlife habitats created by the proposed development.
- A map or other pertinent information to illustrate the impact upon wildlife of the subdivision.

WI-30-5 Wildlife Impact Mitigation. To meet the intent of these Regulations, mitigating measures must be targeted to the specific wildlife impact brought about by a particular development. For example, destruction of deer winter range by development cannot be mitigated by constructing brush piles for rabbits; however, this impact might possibly be mitigated by placing the development in clusters near the periphery of the deer winter range - being careful not to isolate such habitat from the deer by encircling it with buildings. Similar techniques might be advisable to keep an elk or deer migration route open. Whereas, development impact on small habitat may be mitigated by constructing brush piles, leaving standing snags, planting shrubs, and other such measures in order to enhance the remaining habitat. Another mitigating measure that may be advisable in many cases would be to prohibit dogs in a new development.

WI-40 WILDLIFE MAPS. The Teller County Planning Department shall keep on file and available to the public a set of maps and check-lists clearly showing all known and identified habitats for the 16 key species of wildlife occurring in Teller County. The location and boundaries of any area delineated pursuant to these Regulations shall be as they appear on the maps described above.

Decisions regarding minor boundary disputes, and requests for deviations from the guidelines as established shall be made by the Planning Commission, based upon recommendations from the Teller County Land Use Administrator with technical information furnished by the Colorado Division of Wildlife. The Planning Commission decision may be appealed to the Board of County Commissioners.

Major mapping disputes may be resolved by the Board of County Commissioners. In such cases, the applicant must submit technical evidence to support his case. Such evidence shall consist of the appropriate items as designated by the Planning Director.

YA-10 YARD. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation. The street and rear yard extend the full width of the lot.

ZO-10 ZONING DISTRICTS. Provisions of these Regulations shall apply within the unincorporated territory of the Teller County, Colorado, as now or hereafter fixed. For the purposes of these Regulations, Teller County is divided into land use zones to be know as follows:

- A-1: Agricultural
- A-2 : Airport
- C-1 : Commercial
- CCMOD: Cripple Creek Mining Overlay District
- EHO: Environmental Health Overlay
- HP : Historic Preservation
- M-1: Industrial
- NP : National Monument Protection

PBC: Planned Business Center
PUD: Planned Unit Development, for all purposes
R-1: Residential
R-1M: Residential/Mobile
R-2 : Multi-Family Residential
RR : Rural Residential
MHP: Mobile Home Park
CG : Campground
C-2: Commercial Overlay
PIC: Planned Industrial Center

District boundaries are shown on a map, titled Official Zoning Map of the County of Teller, Colorado. Said map shall be considered as part of these Regulations. Where uncertainty exists as to boundaries the following rules shall apply: (1) The center line of streets or alleys shall be construed as boundaries; (2) Property lot lines shall be construed as boundaries; and (3) Railroad or State or public utility rights-of-ways shall be construed as boundaries.

Zoning maps adopted by the Board of County Commissioners are "representative" of the zoning boundaries. Particularly where subdivision is involved, the boundaries as they appear on the maps consistently do not correspond with the actual boundaries of the subdivision.

The boundaries of the subdivisions, as platted, should be considered the actual boundaries of the zoning. Areas excluded from the recorded subdivision plat, should not be considered zoned the same as the subdivision based only upon the boundaries as they appear on the 1976 zoning map.

ZO-10-10 Zoning District - Airport (A2). This zone shall not apply to those individuals, having FAA sanction, who own, operate and maintain a landing strip for the sole purpose of their own convenience and use. The airport standards of these Regulations apply to non-instrument runways less than 7,000 feet in length.

ZO-10-20 Zoning District - Campground (CG). These regulations apply to campgrounds in Teller County including, but not limited to, those intended for use by tents, primitive cabins (cabins that are permanent/nonpermanent, with or without electricity, water, heat), trailers, and recreation vehicles. These regulations do not cover mobile home parks as defined.

ZO-10-30 Zoning District Commercial Overlay (C-2). The Commercial (C-2) Overlay Zone is intended to provide a zoning classification for non-intensive commercial land uses which do not need a water supply or a means of sewage disposal due to the nature of the activity. The zone is intended to allow a commercial use of land without the human activities normally associated with a commercial land use, while still allowing a review of the activity to determine the impact, and mitigation measures needed to reduce the potential impact on surrounding properties and the natural landscape. This zone shall be considered as an overlay zone, within the following areas:

1. Within one-quarter mile from the boundaries of any incorporated city, i.e. Woodland Park, Cripple Creek, Victor.
2. Is within the business area of the Divide Town Center as defined in the 1998 Divide Regional Plan.
3. Within three-quarters of a mile from the center of the intersection

of U.S. Highway 24 and Teller County Highway 1.

ZO-10-32 Zoning District Cripple Creek Overlay District (CCMOD). It is the intent of this overlay district to identify and regulate a special area of significance where mining has historically occurred and will most likely continue to occur. A map depicting the boundaries of this district, along with specific regulations governing the permitting of mining activities within this district, are provided in Appendix CC-10.

ZO-10-35 Zoning District - Environmental Health Overlay (EHO). For the purpose of addressing an area-wide environmental health problem, the Teller County Environmental Health Officer (or Health Officer) may request approval of an overlay zone. In the EHO zone, for any dwelling unit within the EHO zone located within the required building setback of the underlying zone district, a bathroom addition may be constructed within the building setback to a point no closer to the property line than the existing structure. However, this zone does not waive setback or other requirements of the Building Code as adopted by Teller County.

ZO-10-40 Zoning District - Historic Preservation Overlay (HP). It is the intent of this zone to protect those existing land uses which constitute, when concentrated, parts of the historical background of Teller County. This zone shall be considered a blanket zone, which covers the area designated HP on the Official Teller County Zoning Map, in addition to the specific zoning of the area which may be A-1, R-1, C-1, etc. In the area designated HP, permitted uses, conditional uses, parking, signs and billboards, and other requirements shall be the same as in the specific zone.

ZO-10-50 Zoning District - National Monument Protective Overlay (NP). It is the intent of this zone to prevent encroachment on the Florissant Fossil Beds National Monument, to protect the views from and to the Monument, and to create a visually pleasant environment.

This zone shall be considered as a blanket zone, which covers the area noted below, in addition to the specific zoning of the area which may be A-1, R-1, C-1, etc. In the area designated NP permitted uses, conditional uses, lot sizes and dimensions, structures, parking, signs and billboards, and any other requirements shall be the same as in the specific zone. This zone shall apply to any road entering the Monument area for a distance of 1/4 mile along said roads from the Monument boundary, and to a depth of 200 yards on either side of the road right-of-way line.

ZO-10-60 Zoning District - New Community 1041 Overlay. That aspect of site selection and development of new communities referred to as "the establishment of urbanized growth centers in unincorporated areas" is hereby designated as an activity of state interest within the unincorporated areas of Teller County. Formation of Title 32, Article 1 Metropolitan Districts, Park and Recreation Districts, Sanitation Districts, Water and Sanitation Districts, and Water Districts within the unincorporated areas of the County, other than in growth areas, is considered an urbanizing new community activity and is hereby designated as an activity of state interest. Formation of Water Users' Associations within the unincorporated areas of the County, other than in growth areas, is considered an urbanizing new community activity and is hereby designated as an activity of state interest.

The term "establishment of urbanized growth centers in unincorporated areas,"

as that term is used in Teller County, is hereby further defined to mean: any proposed residential development within the unincorporated area of the County, except for proposed residential development that has one or more of the following characteristics:

1. Is less than one-half mile from the boundaries of any incorporated city.
2. Is within the Divide Town Center as defined in the 1998 Divide Regional Plan.
3. Is less than three-quarters of a mile from the center of the intersection of U.S. Highway 24 and Teller County Highway 1.
4. Is for fewer than 5 residential units and is not more dense than 1 unit per 5 acres.
5. Minor Subdivisions of 4 lots or less which are within, or adjacent to platted subdivisions, and are equal to, or lesser in density than the platted subdivision. Said Minor Subdivisions shall be limited to one every one-quarter mile around the perimeter of the subdivision for a period of 5 years.

This designation, and these guidelines and regulations, apply to the formation of Title 32, Article 1 Metropolitan Districts, Park and Recreation Districts, Sanitation Districts, Water and Sanitation Districts, and Water Districts and Water Users' Associations, as above described, anywhere within the unincorporated areas of the County, other than in growth areas, and to site selection and development of residences as stated above; provided, however, that if the Board of County Commissioners enters into an intergovernmental agreement with an incorporated city within the County, and if said agreement provides for joint administration by the city and the County of unincorporated areas adjacent to the city, said agreement may also provide that these guidelines and regulations are suspended within the area of joint administration. The agreement may also provide that these guidelines and regulations apply within the area of joint administration, even if all or a portion of the area of joint administration is closer to the boundaries of the city than the areas excepted above.

To the extent that the foregoing designation differs from the designation set forth in Resolution 4-23-92 (32), adopted by the Board of County Commissioners on April 23, 1992, the designation herein set forth supersedes the resolution of April 23, 1992.

[Effective 06-12-03(24)]

ZO-10-70 Zoning District - Planned Business Center (PBC). The Planned Business Center (PBC) Zone is designed to provide an overall planning approach and to establish design criteria for multi-structure commercial/light industrial projects. The zone provides both flexibility of design and development plan review by County officials. The purpose is to provide for clean industry and retail/wholesale Sales activities in designated areas while maintaining environmental integrity, rural identification, and the natural beauty of Teller County.

A PBC zone may be established on any tract of land, herein called "district", which meets the requirements of these Regulations for a PBC zone district and which is held in single ownership or under unified control. Should ownership or control become diversified after zoning, these regulations shall continue to apply to the entire PBC district as a unit. Diversification shall not be deemed a valid justification for a variance of an amendment to a previously approved concept or development plan. All development in the PBC zone shall be in conformance with an approved concept and development plan.

ZO-10-80 ZONING DISTRICT - Planned Industrial Center (PIC). The Planned Industrial Center (PIC) Zone is designed to provide an overall planning approach and to establish design criteria for multi-structure light and heavy industrial projects. The zone

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provides both flexibility of design and development plan review by County officials. The purpose is to provide for industrial activities in designated areas while maintaining environmental integrity, rural identification, and the natural beauty of Teller County. A PIC zone may be established on any tract of land, herein called "district", which:

1. Is less than one-half mile from the boundaries of any incorporated city;
2. Is within the business area of the Divide Town Center as defined in the 1998 Divide Regional Plan;
3. Is less than three-quarters of a mile from the center of the intersection of U.S. Highway 24 and Teller County Highway 1; and which is held in single ownership or under unified control, and which is in substantial compliance with the policies contained within the Teller County Action Plan, of the Teller County Growth Management Plan. Should ownership or control become diversified after zoning, these regulations shall continue to apply to the entire PIC district as a unit. Diversification shall not be deemed a valid justification for a variance of an amendment to a previously approved concept or development plan. All development in the PIC zone shall be in conformance with an approved concept and development plan.

ZO-10-90 Zoning District - Planned Unit Development (PUD). The minimum standards for development in Teller County are those shown in these Regulations. Waiver of these standards may be granted by the Board of County Commissioners, on the recommendation of the Planning Commission, on written notice and justification by the developer and/or builder.

ZO-10-100 Zoning District - Residential, Mobile Home Park (MHP). For the purpose of allowing flexibility in design in the operation of this resolution and in the use of land and for the purpose of encouraging excellence in design and enhancement of the environment, a planned use may be recommended by the Planning Commission on a tract of land in unified ownership.

ZO-10-110 Zoning District - Residential, Multi-Family (R-2). The multi-family residential zone, (R-2), shall apply solely to projects including 20 dwelling units or less.

ZO-10-120 Zoning District - Residential, Rural (RR). The intent of this zone is to provide guidelines and regulations for the keeping of non-commercial animals and livestock on private property. These regulations are also for the maintenance of a healthy environment for humans and animals and for the protection of the ground and vegetation of the property.

Appendix CC-10: Cripple Creek Mining Overlay District

Section 1. GENERAL PROVISIONS

- 1.1 Purpose. It is the intent of this overlay district to identify and regulate a special area of significance where mining has historically occurred and will most likely continue to occur. No mining activity shall be established within the defined Cripple Creek Mining Overlay District (CCMOD) until the Teller County Board of County Commissioners grants approval of the proposed activity through the Planned Unit Development (PUD) process, according to the special conditions and approval procedures described herein. Each specific proposal for conducting additional mining operations that have not previously been approved by Teller County within the Overlay District shall be subject to a separate review and permitting process.
- 1.2 Relationship to other Land Use Regulations. These regulations have been developed to address certain aspects of large-scale mining operations that may be less adequately addressed through the general PUD process or other regulatory mechanisms provided for in the Teller County Land Use Regulations. It is intended for these regulations to be comprehensive, and that they supersede other standards and requirements contained in the Land Use Regulations for mining PUDs within the CCMOD. However, in the event that these specific regulations do not adequately address circumstances or matters that may arise for mining PUDs proposed within the CCMOD, the more general provisions contained in the Land Use Regulations will govern. No additional criteria, standards or submittal requirements are intended to be incorporated by this paragraph, but other general provisions of the Land Use Regulations are.
- 1.3 Previous approvals. Any prior approvals under existing and valid Conditional Use Permits (at the date of adoption of the CCMOD) are not modified by the CCMOD Regulations, unless and until they are incorporated into a CCMOD approval in the future.

Section 2. USES

- 2.1 Permitted uses:
 - 2.1.1. Permitted uses in the underlying zone in compliance with the Teller County Land Use Regulations.
 - 2.1.2. Mining-related Operations, when specifically described in the approved PUD and associated with an approved PUD, consist of:
 - a. Prospecting - includes but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work.
 - b. Exploration - airborne surveys and photographs, use of instruments or devices which are hand carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not prospecting.

- c. Small-scale surface excavation - any single activity which results in the disturbance of a single block of land totaling one thousand six hundred square feet or less of the land's surface, not to exceed two such disturbances per acre; except that the cumulative total of such disturbances will not exceed five acres.
- d. Timber harvesting, shrub and tree removal or transplanting, plant growth material salvage or use, soil material storage, vegetation nursery, management of vegetation debris, re-vegetation, vegetation management, habitat management, vegetation experiments, application of fertilizer or other soil or overburden amendments, measurements or monitoring. Sludge drying (for fertilizer) operations.
- e. Monitoring - Air, water, land, and general environmental monitoring and sampling, management operations such as storm-water management, analytical facilities, treatment facilities, watershed management.

2.2 Conditional uses:

2.2.1 Conditional Uses in the underlying zone in compliance with Teller County Land Use Regulations with the exception of mining operations. All mining operations which are not Permitted Uses shall meet the requirements of the CCMOD.

2.3 Uses in the CCMOD subject to review and approval through the PUD process, with the specific requirements as defined herein.

1.3.1 Mining Operations, when associated with an approved PUD and are either (1) necessary for or accessory to mining operations or (2) those that are compatible with the long-term mining of the area, consist of:

- a. Drilling, blasting, storage of drilling supplies, storage of blasting supplies, monitoring of blasting, testing of blasting patterns and agents.
- b. Mining including excavation, grading, loading, hauling, dumping, and other earth-moving operations, including overburden placement. Aggregate extraction, screening, blending, storage, loading, hauling, dumping, placement.
- c. Comminution (crushing, grinding), screening, storing, blending, loading, conveying, slurring, hauling, dumping, or otherwise moving earth materials and associated materials such as lime, cement, process bacteria, beneficiation and process chemicals, used in the course of preparing mined materials for subsequent operations.
- d. Maintenance of equipment associated with mining operations and accessory operations (including motor vehicle, excavation, drilling, comminution, pumping, material conveyance equipment maintenance) and maintenance of structures.
- e. Mineral beneficiation or processing, leaching, chemical extraction, heating, roasting, bacterial treatment, associated material management (e.g., spent ore management, ore stockpiles, byproduct management), and associated structures, reclamation of disturbed areas, and demolition of mining-related structures. Structures to house such facilities. Mining-related laboratory facilities for testing, pilot studies, and analyses.
- f. Support operations of offices, laydown areas, warehousing, recycle facilities, supply storage, byproduct and product storage, loading facilities, and transportation facilities serving the mining operations.

Section 3. REVIEW PROCESS for a PUD in the CCMOD for mining.

- 3.1 Pre-application meeting - At least 20 calendar days prior to the planned submission of an application for approval of a PUD, the application will be outlined and discussed with the Teller County Planning Department in a manner to enable the Department to identify the materials that the County will need to review in order to review the submittal for compliance under these regulations. No later than at this meeting, the applicant shall provide a description of the proposed mineral extraction and recovery technology that allows the County to identify any substantial differences in technology that are planned to be included in the new PUD for which additional information is desired.
- 3.2 Submittal deadline is 60 calendar days prior to the Planning Commission hearing.
- 3.3 Staff will notify the applicant of the completeness of the application within 14 calendar days of submittal. The standard used to judge completeness is one of whether the information submitted provides a basis for Teller County to judge adequacy and future compliance. If the application is deemed not complete, Teller County will inform the applicant of the missing information. Completeness does not mean adequacy and does not mean that additional information may not be required after the application is deemed complete. The application will not be scheduled for hearings until the application is deemed complete.
- 3.4 Staff sends notice of application to review agencies, listed in Table 4 of the Land Use Regulations, at least 30 calendar days prior to Planning Commission hearing.
- 3.5 Property posted 30 calendar days before hearing by the applicant with posters provided by the Planning Department.
- 3.6 Notice mailed to adjoining property owners at least 14 calendar days before Planning Commission hearing by Teller County.
- 3.7 Public Notice - Public notices of *the* Planning Commission *Work Session and* Hearing on *the* proposed PUD will be published, by Teller County in the official County newspaper (as designated by the Board of County Commissioners) at least 10 calendar days prior to hearing.
- 3.8 Planning Commission Work Session - The application will be presented to the Planning Commission at a public work session prior to the public hearing on the request. The purpose of the work session is to identify any areas in the PUD where additional information or clarification is desired.
- 3.9 Planning Commission conducts public hearing and makes recommendation to the Board of County Commissioners.
- 3.10 Board of County Commissioners conduct public hearing and make decision.
- 3.11 Applicant may request up to two hearing postponements, but to no later than 6 months

after submitting the complete application. If application is pending one year after submittal, Planning Official may require a new application.

- 3.12 Annual Reports - The applicant must submit to the County a copy of the annual report required by the DMG. The PUD will remain in effect as long as the annual reports are filed with the County. The PUD and its approval will expire if any annual report is not filed with the County within 6 months of the due date. The Planning Department shall send a notice when the annual report has not been filed. The applicant shall be given 30 calendar days to provide the report to the Planning Department.
- 3.13 Amendments to the PUD
- 3.13.1 Minor amendment. The Planning Director may administratively approve a PUD Minor Amendment, with the exception of changes to setback requirements, to allow a CCMOD use satisfying the following conditions: the use (1) is a part of the approved PUD and (2) primarily serves the surrounding planning region, and (3) the Planning Director has determined the proposed use as presented, or with conditions to be imposed, does not increase, or adequately mitigates any increase of, the off-site impacts of the already approved PUD. Such impacts are those for which the Land Use Regulations include a criterion for approval.
- Minor Amendments are amendments to the PUD that have the demonstrated potential to increase one or more of the following, with respect to the original approval:
- a. Noise outside the boundaries of the CCMOD (but no greater than the standard of section 7.2.4);
 - b. Use of County roads for commuting or conveyance of supplies to or from the operations by less than 10 percent of the existing annual traffic volume;
 - c. Use of County provided water, sewer, wastewater treatment, solid waste disposal services by less than 10 percent;
 - d. Off-site peak flow of surface water by less than 10 percent;
 - e. Demand for County provided emergency services of less than 10 percent;
 - f. Demand for County provided public safety services of less than 10 percent;
 - g. Waste water treatment having a discharge to ground or surface water of less than 10 percent.
- 3.14 Permits. Any PUD in the CCMOD approved by the Board of County Commissioners shall be expressly conditioned on the issuance of a valid mining permit by the MLRB.
- 3.15 Change in state or federal regulations. Where there is state and/or federal oversight currently existing on a particular matter, and if such oversight is removed, materially reduced (by statutory rule, regulation, change, funding cuts, or in actual practice), or as to which authority is delegated to the local level, the conditions of approval may be appropriately modified to allow local review and approval on that issue, to the extent the County has legal regulatory and/or authority to so and has satisfied any legal requirements to do so by the adoption of regulations or otherwise.
- 3.16 Notice of permit. The applicant shall inform the County of any required permit or

approval, amendment or technical revision, (by way of example, those listed in Section 5.0) from a regulatory authority other than the County that has been granted, denied, revoked or suspended, within 30 days of such action, where the action concerns a matter relevant to these Regulations for Mining in the CCMOD. Operation is conditional upon receiving all required permits. Operation expressly authorized by the specific and affected permit is prohibited while a required permit, relevant to an approval under these Regulations, is suspended or revoked.

Section 4. REVIEW AGENCIES - refer to Table 4 of the Teller County Land Use Regulations for notification requirements for a PUD approval.

Section 5. SUBMITTAL REQUIREMENTS - For a PUD in the CCMOD for mining.

These requirements may be included as part of the OMLR application. The location in the OMLR application must be indicated in the portion of the submittal addressing Teller County requirements. Such references shall be specific and facilitate location of information by reviewers.

- 5.1 Application form (completed) - including the following
 - 5.1.1 Applicant. Source of the applicant's legal rights to enter and to mine on the land affected by the PUD; owner(s) of record of affected land and owners of substance to be mined, and address of the general office and the local address or addresses of the applicant. List of all adjoining property owners.
 - 5.1.2 Office of Mined Land Reclamation application. A copy of the application including any amendments and supplemental information provided after initial submittal (complete with all pertinent maps, drawings, and charts) made to the Colorado Department of Natural Resources to comply with the Colorado Mined Land Reclamation Act (CMLRA) unless the Teller County Planning Department agrees that sufficient information to consider a mining application is otherwise supplied by the applicant.
- 5.2 Character of development - including the following
 - 5.2.1 Building Design- Information. A plan showing locations of *any* new or expanded buildings, subject to Teller County building permit requirements, that are visible from beyond the boundaries of the CCMOD from public roads and showing the elevations with identification of the materials proposed for external construction, including the color of materials, and a description of the measures proposed to reduce contrast for buildings, or otherwise make the building complimentary to the area. Use of colors that approximate earth and vegetation tones to the degree feasible and effective will satisfy this requirement. Expanded buildings are those buildings that are proposed to be increased in exterior dimensions by more than 25% of the dimensions as approved in the original PUD. Any expansions of less than 25% shall be in keeping with the existing building.
 - 5.2.2 PUD Plan. The following information may be referenced from the OMLR permit application. The purpose of requiring this information is to provide the County an understanding of the proposed operation for which a PUD has been requested.

- a. Complete legal description of the permit area and pertinent mineral rights supplemented by geographic descriptions of the location of separate permit activity areas, haul roads, utilities, limit of mining district, improvements, and major equipment within the permit area. A reasonably accurate map may be submitted to satisfy this requirement.
- b. Description of the overall operation to include all relevant aspects including, but not limited to, site preparation, vegetation and soil removal, mining excavation methods, crushing and screening activities, milling, processing, tailing management, overburden management, ore management, method(s) of product recovery, any storage and stockpiling of materials, hauling and conveying plan and dust control activities, and grading plan for areas of completed mining activity.
- c. Description of the overall estimated period of operation.
- d. Description of seasons, days and times of operations for specified activities such as blasting, hauling, crushing, or screening.
- e. Description of the maximum number of employees and/or contractors and independent haulers estimated to be on site during various phases of operations.
- f. Description of available potable water and sanitation facilities to be used.
- g. Description of emergency services facilities and plans to include fire and protection, available emergency medical facilities, and an emergency response plan. (See also Public Safety Fire Protection and Emergency Response Information, Section 5.9.8)
- h. Plans for site safety of the public not authorized to access the site. (See also Public Safety Physical Hazards Information, Section 5.9.9)
- i. List of all major equipment and equipment location to be used on site.
- j. Description of environmental monitoring which will be conducted on or off the site to comply with regulatory requirements.
- k. Description of procedures to log and address complaints related to the operation and to the applicable Teller County Land Use Regulations.
- l. Modifications to the mining operations reclamation plan which may be made to satisfy County standards.
- m. As applicable, any calculations related to water balance which address any beneficiation or process solution containment facilities.

5.3 Copies of the application - The applicant shall consult with the Planning Department to determine the number copies of the application materials will be required to be submitted.

5.4 Decision date statement - After consulting with the planning official regarding the schedule of hearings, the applicant shall provide with the application a written and signed statement agreeing to a specific hearing, consistent with these Regulations. This section does not waive the applicant's option to request postponement as provided for elsewhere in these Regulations.

5.5 Development Agreement - Prepared by the Planning Department to clearly set out the conditions of approval and the waivers requested and approved by the Board of County Commissioners. The Planning Commission shall consider the development or

improvement agreement within the time provided in the approval of the plat or plan, or if not is so provided, within any time frame as required by state law .

Planning Commission shall forward a recommendation to the Board of County Commissioners.

- 5.6 Drainage. Drainage report and plan (signed by a drainage engineer) that includes (1) map(s) showing the location of the existing and proposed mine facilities, the locations of streams, rivers, reservoirs, springs, or other surface water features within the permit area., (2) analysis of on and off-site drainage impacts, (3) a drainage plan showing the surface water management system including the routes of water directed off the proposal area which could affect receiving waters outside the proposal area, (4) wells addressed in state discharge permits or storm-water runoff management plans, and (5) copies of applicable water quality discharge permits issued or applications submitted for the proposed development or operations.
- 5.7 Drawing - See the requirements of Section 6
- 5.8 Fee - Refer to FE-10
- 5.9 Impact Study - including the following information
 - 5.9.1 Air Quality - Information. A copy of applicable air quality permits, including pertinent permit applications for authorizations applied for but not yet received that are applicable to the proposed activities. If permits or applications are not yet available and new or revised permits are required for the proposed activities, the submittal shall include the time-schedule for obtaining the requisite authorizations.

The application shall include also (1) a map showing the location of the facilities and which depicts the general location of existing and proposed activities that are considered areal or point air emission sources for which Air Pollution Emission Notices are required from the Colorado Department of Public Health and Environment CDPHE-Air Pollution Control Division, or successor agencies , (2) how potentials for off-site impacts from air quality are managed or controlled to protect public health, and (3) the location of air monitoring station(s) used to provide monitoring data to the State or federal regulatory agencies on the map provided to Teller County. These showings may be satisfied by the submission of applications for, or permits drafted or issued for, the proposed new releases of air emissions, when subject to regulation, from the proposed mining operations.
 - 5.9.2 External Effects - Information. Analysis of potential impacts including a description of off-site impacts generated as a result of the operation, including light or glare, noise, vibration, blowing or flowing material from the site, trucks or haul roads, as well as the proposed methods to mitigate these impacts.
 - 5.9.3 Hazardous Substances - Information. (1) list all commercially-supplied Section 313 (EPCRA; 42 U.S.C. 11023) chemicals anticipated to be delivered to the site along transportation routes within Teller County, all Section 313 chemicals stored on site, and all Section 313 chemicals used on site, and (2) provide a copy to the Teller County Emergency Preparedness Coordinating entity ("Teller County Office for Emergency Preparedness" or equivalent) these chemical lists and an emergency response plan that depicts and appropriately addresses the locations

and storage facilities for hazardous materials as well as contingencies for control of the substances. This information will be updated and submitted to the Coordinating entity annually. Public Safety - Fire Protection and Emergency Response Information, Section 5.9.8)

- 5.9.4 Historic Resources - Information. The applicant shall provide the County with a list of all existing buildings and structures that will be demolished, moved, or otherwise impacted by the proposed Mining Operation. The list shall include a general description of the structure, approximate date of construction (if known), and approximate location.
- It is not necessarily the intent of this provision to prevent these buildings or structures, which are privately owned and which may or may not be of historic significance, from being impacted. Consistent with plan policies intended to preserve historic resources, the intent is simply to provide notice to private individuals or organizations that might be interested in negotiating with the applicant to acquire structures, which they consider to be of value.
- 5.9.5 Lighting and Glare - Information. Lighting plan with a drawing that shows all new locations of stationary lights (e.g., external lights on new buildings and light poles), lists the purposes of each new light (such as "work area safety" or "public safety"), and which shows an example of the type of light fixture with the mechanism that reduces or limits glare and directs the light downward. Light fixtures shall be those best-equipped for the site specific conditions to manage, reduce, control, or limit to the extent possible, lighting directed onto or at other than the working surfaces that should be illuminated.
- 5.9.6 Noise - Information. Noise monitoring plan which shall include: (1) estimated maximum noise levels at the permit boundary, *or* CCMOD boundary (if different), whichever location is farthest from the operation, (2) sound controls to be used to control noise-generating equipment that, without controls, would exceed levels referenced in section 7.2.4, and (3) the appropriate monitoring program including locations.
- 5.9.7 Parking and Loading - Information. A description of provisions for the designated parking, loading, and unloading areas.
- 5.9.8 Public Safety - Fire Protection and Emergency Response Information. The applicant shall consult with the offices for the Sheriff and for emergency preparedness to identify any services that might be needed by the proposal. The application shall include a Fire Protection Plan and an Emergency Response Plan.

Documentation that assistance in cases of emergencies will be adequate and available if it might be needed. If adequate services are not available, the applicant shall demonstrate that the services will be upgraded prior to commencing operation to provide timely response of an adequate service capacity, as determined by the Teller County Sheriff and Office for Emergency Preparedness.

The Fire Protection and Emergency Response Plans shall explain the fire and emergency response resources that will be depended upon, sources of materials and water for fire fighting, chemical and hazards that could be encountered by those off-site personnel supplying on-site assistance during emergencies, and other specific matters related to the project that are necessary for the safety of those responding to emergencies or are necessary for the

provision of the safety and emergency services. These plans, or other documents provided with the application, shall identify the numbers of employees and visitors on site at most times. Proof of updating this information and delivering it to the appropriate emergency response units for the site on an annual frequency shall be provided to the Teller County Planning Department.

- 5.9.9 Public Safety - Physical Hazards Information. Description of the criteria for placement of signs, fences and other appropriate measures that will be undertaken to protect, warn and/or preclude access of the public from physical hazards. "Physical hazards" include but are not limited to sudden and precipitous changes in topographic elevations, chemical hazards, explosives, fluid impoundments, geologic hazards, physical hazards or risks related to the mining operation, and moving equipment.
- 5.9.10 Reclamation Information. (1) a description of the ultimate land use for the property following completion of the mining operation, which will reflect and be consistent with the reclamation plan prepared in accordance with Colorado Revised Statutes 34-32-116(7)(j), (2) a grading and vegetation plan for the proposed site upon completion of the reclamation, and (3) illustration of the timing of site restoration for each area, including revegetation, recontouring, and grading.
- 5.9.11 Road Information. The roadways used to access the property shall be identified on a map that clearly shows existing and proposed topography and the public roads that are planned for use within Teller County. Identification shall include the description and depiction of functional classification, capacity, condition, and maintenance responsibility for all roads. The information shall include specific consideration of traffic, noise or dust related impacts, as well as a description of plans to mitigate vehicular and pedestrian traffic impacts. This information shall address whether the existing and planned Teller County roads to be used are designed and maintained to provide the capacity and safety required by the Teller County Roadway Standards for any additional transportation demands created by the proposal. Traffic generation shall be described and depicted by average and maximum hourly, daily and monthly vehicle mix by specific vehicle type. The submittal shall address changes in demands compared to existing demands. The categories of use denoted on the map are: (1) Employee Commuting to and from the site; (2) Delivery of Operating Supplies; (3) Delivery, Mobilization, Demobilization for Major Component Construction; (4) Movement of Mining Equipment During Operations; (5) Visitors; and (6) Transport of mined materials.

For any proposal that adds over 50 vehicle average daily trips (ADT) on County Roads, a traffic engineer shall prepare a traffic study to identify those improvements necessary to achieve the capacity and provide safety for the additional vehicle trips, based on the Roadway Standards capacity and safety criteria.

If Teller County roads do not have the capacity for a projected increase in use, the applicant will develop a plan, acceptable to the Teller County Department of Transportation and consistent with the Teller County Roadway Standards to provide adequate capacity and safety.

If State Highways within Teller County are planned to be used, crossed, or otherwise affected in a manner that required or requires CDOT permit or

approval, the road submittal shall include a description of the nature of the activities that require CDOT permits and, if existing permits are involved, describe the activities proposed and the time-schedule for obtaining the requisite authorizations.

- 5.9.12 Vibrations and Blasting - Information. Test or monitoring information demonstrating that vibrations from operations will not exceed the threshold(s) set by the State mining agency (DNR-DMG-OMLR or other agency with authority and expertise) to protect structures occupied or suitable for occupancy, located outside the permit area and not under the applicant's control, from damage attributable to the applicant's operations. The applicant shall provide detailed information (including address and photograph) of any structure, not under the applicant's control (ownership), proposed to be excluded from the preceding requirement.

The test or monitoring data shall be that used to develop "scaled distances" for the mined areas that will comply with the off-site thresholds as is satisfactory to the State mining agency under the Colorado Mined Land Reclamation Act (CMLRA). The applicant shall describe the program already in effect, or proposed to be instituted, as necessary, for the applicant's response to vibration inquiries including claims of damage. Such program, when applicable, shall contain a combination of monitoring, photo-documentation, structure investigation, compensation should damage from the applicant's vibrations be found, and mitigation procedures if operating, vibration, or blasting damage occurs, unless such a program is shown by the applicant to be unnecessary based on the risk of blast-vibration-damage being acceptably low, as determined by DMG or its successor agency.

- 5.9.13 Visual Character - Information. When mining plan includes new surface mining activities that extend operations into areas that have not been previously surface mined; extension of leaching areas, either into new locations or increase in height above previous approvals; and/or expansion of overburden storage into areas that have not been previously surface mined, the applicant shall submit renditions of before, during and after views of representative viewpoints determined by the Planning Department in consultation with the Applicant.

- 5.10 Owner consent - Written consent from all landowners whose properties are included within the proposed PUD.
- 5.11 Sewage information - Applicant shall comply with local, state, and federal standards and submittal requirements for sewer and septic systems.
- 5.12 Takings study - If the applicant objects to any property dedication or money payment requirement contained in these Regulations on the basis that the Requirement is illegal as not being roughly proportional to the impact caused by the proposed development, the applicant shall, within 30 calendar days of receipt of notice of the dedication requirement, and in any event prior to the hearing on the application, notify the Planning Official in writing and provide an independent consultant study by a Colorado licensed engineer on what the applicant believes would be the maximum legally supportable requirement.

- 5.13 Third party review - The Planning Director may require third party review and special review fee for any item submitted as part of the application for which the County lacks (a) expertise on staff and (b) has regulatory and/or review authority. The Applicant and Planning Director shall agree upon the selection of the third party, cost, scope of work, and schedule. Scope of work is limited to checking for compliance with regulations and codes for accuracy of the calculations, adequacy and completeness of the information submitted, and review of the preparation under generally accepted professional practices. All agreed upon costs of the third party review shall be paid by the applicant.
- 5.14 Waiver - The minimum standards for development are those shown in these Regulations. Waiver of the non-PUD standards may be granted by the Board of County Commissioners, on the recommendation of the Planning Commission, on written notice and justification by the developer and/or builder.
- 5.15 Water information
- 5.15.1 Ground Water Information. An assessment of the effect of the proposed mining operations on ground water quality with emphasis on the potential for, and the management or control of, adverse impacts on ground water quality. This analysis may be an updated report based on prior assessments of the ground water system in the Cripple Creek Mining Overlay District or a new evaluation. The applicant shall provide any reports on projections or evaluations of the area-wide ground water quality prepared and submitted to State agencies. Information shall include a map showing ground water monitoring wells that are incorporated into State discharge or other permits.
- 5.15.2 Water Service - Information. Describe the source (supplier) of water anticipated to be used for the proposal and any additional (above those currently used) amounts of water anticipated to be required for the proposal.
- 5.15.3 Surface Water Information. A copy of applicable water quality permits, including pertinent permit applications for authorizations applied for but not yet received applicable to the proposed activities. If permits or applications are not yet available and new or revised permits are required for the proposed activities, provide the time-schedule for obtaining the requisite authorizations. The requisite authorizations must be obtained prior to initiation of operations to which the authorizations apply and Teller County shall be notified when authorizations are received or denied.
- The submission shall describe how potentials for off-site impacts to surface water supply or quality are managed or controlled. This may be satisfied by the submission of applications for, or permits drafted or issued for, the proposed new releases of surface water, subject to federal, state or local regulation, from the proposed mining operations. The submittal shall locate water discharges, on a map provided to Teller County, the monitoring station(s) used to provide monitoring data to the State or federal regulatory agencies with regulatory authority over the proposed operations.
- 5.16 Wildlife impact review - Updated survey of plants and animals in and within the CCMOD on lands (1) owned by the applicant and those related to the applicant, and (2) on lands owned by others (if land-owner approval for the inventory is received). The expressed purpose is to confirm the absence or presence of listed threatened or endangered plant

or animal species (listed pursuant to the Federal Endangered Species Act 16 U.S.C. 1531-1543). This survey may be an update of past inventories and shall be sufficiently current to apply to the proposed activities.

Section 6. DRAWING REQUIREMENTS for a PUD in the CCMOD for mining.

- 6.1 General. A Development Plan drawing (DR-60 (2)) is required for all PUD proposals, including mining PUDs proposed within the CCMOD. The specific information to be included on a Development Plan drawing is described in Table 6 of the Teller County Land Use Regulations.

Consistent with other submittal requirements described herein, some Development Plan drawing requirements may be satisfied by referencing drawings and other documentation submitted in conjunction with an OMLR application. However, in order to provide some form of drawing for public record, a Development Plan drawing containing at least schematic information (defined below) depicting the proposed mining operation must be submitted in conjunction with the Teller County PUD application.

6.2 Minimum Drawing Requirements.

6.2.1. General. A drawing entitled "Development Plan" shall be prepared and submitted in conjunction with the PUD application. Consistent with the requirements of Table 6, this drawing shall be an original, drawn in ink on Mylar sheet(s) 24" x 36" including ½" border on 3 sides and 2" border on left side.

6.2.2. Standard drawing information. The following standard information shall be included on the Development Plan drawing (See Table 6 for explanation): Address; Certifications; Date of Preparation; Legend; Location or vicinity map; Name of Project; Name and address of owner and applicant; Owners of adjacent properties; Designer, surveyor, and engineer; Person preparing the plan; North arrow; Scale; Signature blocks; Zoning.

6.2.3. Boundaries. Depict boundary of proposed PUD and its relationship to the CCMOD boundary. PUD boundary need not coincide with OMLR permit boundary. Any development activity outside the PUD boundary is subject to other applicable County permitting processes.

6.2.4. Existing topographical features. Topography within the boundary of the proposed PUD and surrounding area within 200 feet.

6.2.5. Existing development. Structures and other existing development (including but not limited to roadways, other infrastructure, and easements) within the boundary of the proposed PUD and surrounding area within 200 feet.

6.2.6. Proposed modifications to existing topography. May be depicted schematically with appropriate references to equivalent OMLR documentation.

6.2.7. Proposed structures and other development (including but not limited to roadways, other infrastructure, and easements) within the boundary of the proposed PUD and surrounding area within 200 feet.

- 6.3 Other Drawing Requirements. The minimum drawing requirements are outlined above. All other applicable requirements of Table 6 must also be met, unless they can be satisfied by way of reference to equivalent documentation in the OMLR application. Such

references shall be specific and facilitate the location of information by reviewers. These references shall be grouped together as a separate section entitled "Drawing Requirements" within the PUD proposal submitted to Teller County. Include narrative and explanatory notes sufficient to demonstrate compliance with Development Plan drawing requirements. Such references shall also be included in the form of notes on the Development Plan drawing (may require multiple sheets).

- 6.4 Drawing requirements that may not be applicable. As with any specific development proposal, some of the drawing requirements included in Table 6 may not be applicable to a specific PUD mining proposal. It is the responsibility of the applicant to demonstrate that a given requirement is not applicable.

Section 7. CRITERIA FOR APPROVAL in addition to the Criteria of Table 7 of the Teller County Land Use Regulations for a PUD the following criteria for a PUD in the CCMOD for mining must be met.

- 7.1 Application is complete - The application must be determined to be complete.
- 7.2 Critical areas. The proposal will not adversely impact any critical areas.
- 7.2.1 Historic Sites standard. The applicant may consult with and consider on a voluntary basis the recommendations of the City of Victor and City of Cripple Creek and the State Historic Preservation Officer (SHPO) with the objective of evaluation of relocating historic structures that may be impacted by the proposed operations. The County may consider "provisional historic status" for existing operating mining structures to remain rather than being removed as part of reclamation of a site.
- 7.2.2 Wildlife Habitat standard. Where threatened or endangered species habitat is identified, compliance with applicable federal regulations shall be demonstrated to the satisfaction of the Teller County Planning Department (CDOW or USFWS affirmation of the compliance is a suitable demonstration).
- 7.2.3 External Effects and Environmental Quality shall comply with local, state, and federal standards. "External effects" include noise, dust, fumes, odors, blowing or flowing materials, glare, heat, and vibration (including but not limited to that caused by blasting). External effects shall not exceed standards established in state or federal law and incorporated in the PUD approved by Teller County.
- 7.2.4 Noise standard. The operations shall comply with applicable State and federal standards. Noise levels other than those caused by equipment required for safety shall not exceed at the DNR permit boundaries and at CCMOD boundaries the maximum levels contained in State law (See Colorado Revised Statutes 25-12-103 et. seq.) Maximum level shall be based on the use or zoning on the adjoining property, whichever provides the greater level of protection to the adjoining property. For the purpose of determining the maximum allowable level, adjoining agricultural land shall meet the standard for residential use or zoning, whichever provides the greater level of protection for the adjoining property, unless the property owner(s) of any such property located outside the Mining Area agrees to a less stringent limit, in which case the modified limit applies on that landowner's property. Where state law allows higher noise levels

for construction, such higher levels for construction related-noise shall be limited to those activities for which a building permit is required and has been obtained. Monitoring of noise levels may be required. Such monitoring will be conducted in accordance with accepted professional practices and procedures, and records shall be available on-site to the County for inspection and copies.

- 7.2.5 Air Quality standard. Air quality standards are established, reviewed, and enforced by authorized State and federal agencies. The operations shall comply with applicable State and federal air quality standards.
 - 7.2.6 Lighting and Glare. In addition to the general requirement for lighting in the Teller County Land Use Regulations (LI-20, Lighting), permanent or semi-permanent fixed-position lighting for new operations shall be provided by equipment that is designed, installed, and operated to direct the light downward. For personal safety, permanent fixed base welding equipment and similar sources of intense light shall be shielded from neighboring properties or public ways. Temporary portable/ mobile light plants shall be downcast, and shielded from adjacent residential areas, and public roadways, to the greatest extent possible. The operations shall comply with applicable State and federal standards.
 - 7.2.7 Vibrations and Blasting standard. Vibration and blasting standards for mining operations are established, reviewed, and enforced by authorized State and federal agencies, where such standards exist. The operations shall comply with applicable State and federal standards.
 - 7.2.8 Hazardous Substances standard. Applicable hazardous substances management requirements are established, reviewed, and enforced by appropriate State and federal agencies.
 - 7.2.9 Water - Surface Water standard. Applicable water quality standards are established, reviewed, and enforced by authorized State and federal agencies. The operations shall comply with applicable State and federal water quality standards.
 - 7.2.10 Water - Ground Water standard. Ground water impact shall comply with applicable state and federal requirements.
- 7.3 Infrastructure is, or will be, adequate and available.
- 7.3.1 Infrastructure requirements of the Teller County Land Use Regulations (IN-04, Infrastructure) concerning Roads, Water Service, Sewer Service, Public Safety, and Fire must be met.
 - 7.3.2 Drainage standard - Modifications affecting the runoff characteristics of established drainage basins shall not adversely impact downstream properties. Impacts of concern are erosion, sedimentation, and flooding. Other water quality or quantity impacts may be subject to separate State or federal regulations. The County may refer concerns regarding other impacts to agencies enforcing such regulations.

Consistent with the standards established in the Teller County Land Use Regulations, the evaluation of these impacts, and design of appropriate mitigation measures, shall be documented in the form of a Drainage Report and Plan prepared by a qualified professional engineer (DR-40, Drainage Report and Plan). A storm water management plan submitted in conjunction with State of Colorado permitting requirements may, subject to the determination of the

County Engineer, satisfy this requirement.

It is recognized that the interpretation of an “adverse” impact, and the prescribed method of mitigation, varies depending on site-specific circumstances. It is the responsibility of the applicant to demonstrate to the reasonable satisfaction of the County that off-site impacts are either not adverse, or that they have been adequately mitigated in accordance with generally accepted engineering practices. Mitigation may also be satisfied through innovative methods, including the establishment of agreements with downstream landowners who could be impacted by an increase in water surface elevation (provided erosion and sedimentation concerns are also adequately mitigated).

- 7.3.3 Reclamation. The reclamation plan is consistent with the County’s long-term growth and conservation plans for the area.
- 7.3.4 Visual Character. Site will be developed with minimum disruption of the natural character of the surrounding area.
Site disturbances must be reclaimed in accordance with an approved reclamation plan approved by the DNR, with the exception of mining structures approved for “provisional historic status.”
- 7.3.5 Highways. Impacts to highways shall comply with applicable State and federal requirements.

Section 8. SITE DESIGN REQUIREMENTS - the following Site Design requirements must be met for a PUD in the CCMOD for mining.

- 8.1 Building design. New or expanded buildings and structures that are visible from beyond the boundaries of the CCMOD shall be constructed of materials and color that blend into the surroundings so as to reduce contrast, considering the function and readily available options for construction materials.
- 8.2 Driveway and access. In accordance with the Roadway Design and Construction Standards, where County roads are involved and in accordance with State and federal regulations where other highways are involved.
- 8.3 Easements. In accordance with the Teller County Land Use Regulations, EA-10, Easements.
- 8.4 Height (of structures) - Consistent with standards established for the underlying Agricultural (A-1) zone, the height limitation for buildings or other structures within the CCMOD is 50 feet. Exception to this standard is made in the following circumstances:
 - (1) Buildings or structures that are not visible from beyond the boundaries of the CCMOD may exceed 50' in height.
 - (2) Buildings or structures that are visible from beyond the boundaries of the CCMOD may exceed 50' in height provided:
 - (a) such structures are directly associated with primary mining operations (defined below);
 - (b) to the extent to which such structures exceed 50' is the minimum necessary to accommodate said operations in a manner consistent with generally accepted industry practices; and

- (c) the applicant can demonstrate that alternative locations have been considered and that no other suitable location exists within the PUD boundary, not visible from beyond the boundaries of the CCMOD, where such structures could be located.

Structures considered to be directly associated with primary mining operations include crushers, truck shops, equipment storage, hoists, head frames, mill buildings, oxygen plants, silos and other storage tanks, dispersion stacks on mill or other structures, power line poles, and other similar structures.

Structures not considered to be directly associated with primary mining operations include ancillary administrative and personnel-services buildings, communication towers, laboratories, and other similar structures.

It is the responsibility of the applicant to demonstrate in the application that such structures exceeding 50' in height satisfy these criteria.

- 8.5 Parking and loading. Must be adequate so as not to interfere with (block or restrict normal traffic flow) County roadways when entering, loading, or departing. Permanent and temporary parking areas shall not encroach on County roadways or rights-of-way, unless specifically permitted in writing by the Director of the County Department of Transportation.
- 8.6 Setbacks (for buildings) - 50 feet to boundary of the CCMOD

SECTION 9. DEFINITIONS

- 9.1 Building - Any structure used or intended for supporting or sheltering any use or occupancy and for which a building permit is required pursuant to Teller County requirements.
- 9.2 CDOT. Colorado Department of Transportation.
- 9.3 CDOW. Colorado Division of Wildlife.
- 9.4 County Engineer - Engineer employed directly by Teller County or a consulting engineer (or engineering firm) retained by Teller County.
- 9.5 Drainage Engineer. A Colorado-licensed engineer specializing in the area of drainage.
- 9.6 DNR - Colorado Department of Natural Resources
- 9.7 DMG - Division of Minerals and Geology of the DNR
- 9.8 EPRCA - Emergency Planning and Community Right to Know Act; 42 U.S.C. 11001, et seq.
- 9.9 Height - The vertical distance measured from the lowest point along the grade of the structure to the highest point of the structure, to the highest point of flat and mansard roofs, or to the average height level between the eaves and ridges of gable roofs,

gambrel roofs, hip roofs, and pitch roofs.

- 9.10 Major amendment. Any amendment, technical revision, or similar change to a final plan or development agreement for mining that does not qualify as a Minor Amendment (see Section 3.6.1), in the CCMOD shall be subject to the same procedure as a new final plan or development agreement.
- 9.11 OMLR - Office of Mined Land Reclamation of the DMG
- 9.12 Provisional Historical Status - Formal Board of County Commissioner approval of post-mining retention of the structure based on the future need for the structure to depict the mining history.
- 9.13 Structure - that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and for which a building permit is required pursuant to Teller County Requirements.
- 9.14 Traffic Engineer. A Colorado-licensed engineer specializing in the area of traffic.
- 9.15 USFWS. United States Fish and Wildlife Service

Appendix MA-55:Maps Planning Regions, Growth and Conservation Areas

- PLANNING REGIONS AND GROWTH AREAS MAP
- DIVIDE REGION GROWTH AND CONSERVATION MAP
- DIVIDE TOWN GROWTH AND CONSERVATION MAP
- FOUR MILE REGION CONSERVATION MAP
- WOODLAND PARK REGION GROWTH AND CONSERVATION MAP

Appendix WI-10-01: 1991 NFPA Standard 299 Chapter 3

Chapter 3: Fuel Modification Planning

- 3.1 General.** This chapter will provide guidance in the mitigation of measures associated with fuel hazards and special hazard conditions. Fuel modification shall be the primary mitigation measure.
- 3.2 Evaluation Factors.** As prescribed in Chapter 2 of this standard, a comprehensive assessment of the fuel hazard shall be made. Factors that shall be considered in the assessment and designated on the maps include:
- (a) Fuel-type identification
 - (b) Fuel loading (volume)
 - (c) Size of fuel bed (acres)
 - (d) Slopes and aspect
- 3.2.1 Fuel-Type Identification.** All fuel, natural vegetation, as well as other flammable materials existing within one area shall be identified and rated as to its potential to increase the hazard. The ease of ignition and ability to assist in the spread of fire are important factors.
- 3.2.2 Fuel Loading.** The volume of fuels, both presently existing and likely to be present under expected development, shall be estimated and included on maps.
- 3.2.3 Slope.** Percent of slope and aspect shall be determined and indicated on maps.
- 3.2.4* Fuel Modification.** The purpose of the fuel modification effort shall be to develop defensible space to protect structures from approaching wildfire as well as to reduce the potential for a structure fire spreading to the wildland. The defensible space shall be initially provided by the developer and shall be maintained by the property owner.
- 3.3* Fuel Modification Plan.** [See Appendix A, Figures A-3-3(a)-(d)]
- 3.3.1* Modification of Fuel Types.** Where consistent with ecological factors, less fire-prone vegetation shall be encouraged.
- 3.3.2 Reduction of Fuel Loading.** Trees and brush shall be cleared away from structures for a distance that is determined to prevent ignition of either the structure or the vegetation, should the other burn. Vegetation existing away from the immediate area of the structure shall be thinned and pruned to prevent a fire from being carried toward or away from the structure. Annual grasses within 30 ft. (9.1m) of structures shall be mowed to 4 in. (101.6 mm) or less. Ground litter shall be removed annually. Over-mature, dead, and dying trees shall be

evaluated as to their potential to ignite and to carry fire. All trees determined to contain such potential shall be removed.

3.3.3 Mitigation of Slope and Aspect Impact. Slope and aspect greatly affect the potential for carrying fire, and very little opportunity exists to modify them directly. Where degree of slope or aspect are determined to affect the hazards, greenbelts or fuel break shall be provided.

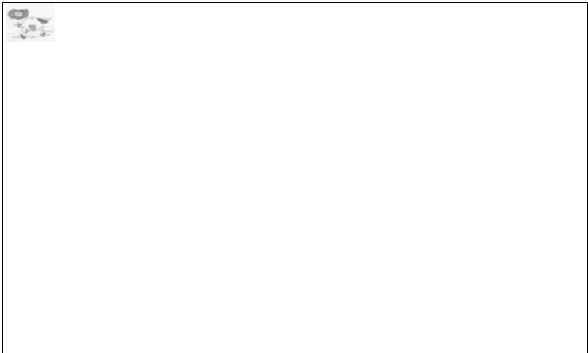


Figure 3.2.4(a) Defensible Space (level)



Figure 3.2.4(b) Defensible Space (Slope)

Structures at the top of slopes will require 100' or more of fuel modification to mitigate increased exposure due to convective or radiant heat transfers.