

**HUERFANO COUNTY
 ZONING REGULATIONS
 SECTION 1.00**



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1.01 INTRODUCTION

The authority, scope, purpose and an overview of this zoning resolution and other portions of these regulations are included within authority use.

1.02 GENERAL PROVISIONS

1.02.01 Title

The title of this zoning resolution shall be the Huerfano County Zoning Regulations and Zoning Maps. Hereinafter, it shall be referred to as the Huerfano County zoning regulations.

1.02.02 Repeal

All zoning regulations, resolutions and amendments to such regulations and resolutions of Huerfano County in effect prior to the adoption of these zoning regulations are hereby repealed. This repeal shall not affect or prevent the prosecution or punishment for the violation of any resolution or regulation hereby repealed, for any offense committed prior to the repeal.

1.02.03 County Building Permits and Construction Codes

No building or other structure shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except in conformity with the regulations prescribed herein for the zoning district in which such building or land is located. No building permit shall be issued by Huerfano County unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all construction code provisions and zoning regulations then in effect.

1.02.04 Control Over Use

After the effective date of adoption of these zoning regulations herein, and subject to the appropriate sections of these regulations dealing with nonconforming uses and buildings, such as, any new building or other structure and any tract of land may be used, the use of any existing building, other structure or tract of land may be changed or extended and any existing building or other structure may be enlarged, reconstructed, structurally altered, converted or relocated for any purpose permitted or required by the regulations for the district in which such building or other structure or tract of land is located, and for no other purpose. Such use, change, extension, structural alteration, conversion or relocation shall be subject to all other regulations set forth or referred to in the regulations for that district and to all other applicable regulations contained in or referenced within these regulations.

1.02.05 Incorporation of Maps

The location and boundaries of the districts established herein are shown on the Zoning District Maps of Huerfano County, which are hereby incorporated into these regulations.

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1.02.06 Location of the Zoning District Maps of Huerfano County

The Board of County Commissioners shall maintain on file a certified copy of the Zoning District Maps of Huerfano County in the Office of the County Clerk and Recorder, which copy shall be available to the public, and in such other places as designated by the Board of County Commissioners.

1.02.07 Amendments to the Zoning District Maps of Huerfano County

Amendments made to the Zoning District Maps of Huerfano County in accordance with these regulations shall be recorded on the Zoning District Maps on file in the Office of the County Clerk and Recorder within 30 calendar days of the effective date of the adoption of the amendment(s).

1.02.08 Interpretation of District Boundaries

Unless otherwise noted, all district boundary lines shall be construed to lie on the centerline of streets, roads, alleyways and rights-of-way, on lot lines of platted subdivisions, on section lines, on boundaries of the County and of special districts and on the corporate limit lines of incorporated municipalities. Disputes or interpretations regarding the exact location of any district boundary line shall be decided by the Board of Adjustment.

1.03 ZONING DISTRICTS

1.03.01 Establishment of Zoning Districts

In order to carry out the purposes of these regulations and implement the goals, objectives and policies of Huerfano County, as contained herein, the unincorporated area of Huerfano County is hereby divided, or by amendment shall become re-divided, into the following zoning districts:

- A Agricultural District**
- RR Rural Residential District**
- UR Urbanizing Residential District**
- C Commercial-Service District**
- I Industrial District**
- APO Airport Protection Overlay District**
- WIND Commercial Wind Generation Overlay District**

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1.03.02 District Characteristics and Requirements

The districts enumerated in Section 1.03.01 shall have the following characteristics and specifications:

A Agricultural District

This district is created for the purpose of protecting the productive agricultural lands of Huerfano County and preserving the visual and cultural values, historical and archeological features and critical wildlife habitat associated with the scenic vistas, natural topography and agricultural lifestyles in rural, unincorporated areas of Huerfano County.

Minimum district size:	40 acres
Minimum lot area:	35 acres
Minimum lot width:	200 feet per dwelling unit
Front yard setback:	60 feet
Side yard setback:	25 feet
Rear yard setback:	30 feet
Maximum structure height:	Refer to Comprehensive plan, page 4, “Residential Use”
Minimum dwelling size:	600 square feet
Maximum lot coverage:	15 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

RR Rural Residential District

This district is created for the purpose of allowing the establishment of moderate density rural residential development in predominantly agricultural and rural areas of unincorporated Huerfano County without

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compromising or otherwise significantly changing the visual, scenic and other natural characteristics of the surrounding area and providing as necessary for the protection of critical wildlife habitat.

Minimum district size:	20 acres
Minimum lot area:	2 acres
Minimum lot width:	100 feet per dwelling unit
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum structure height:	40 feet (refer to Comprehensive plan, page 4, "Residential Use")
Minimum dwelling size:	600 square feet
Maximum lot coverage:	30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

UR Urbanizing Residential District

This district is created to accommodate the urbanizing areas of Huerfano County where relatively high density residential and associated commercial and service development has occurred, is occurring or is desired to occur.

Minimum district size:	10 acres
Minimum lot area:	½ acre
Minimum lot width:	50 feet
Front yard setback:	20 feet
Side yard setback:	10
Rear yard setback:	20 feet
Maximum structure height:	40 feet (refer to Comprehensive plan, page 4, "Residential Use")
Minimum dwelling size:	600 square feet
Maximum lot coverage:	30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

C Commercial-Service District

This district is created for the purpose of establishing medium to highly intensive use commercial and service areas at designated locations by major highways or in close proximity to urbanized and urbanizing areas within Huerfano County.

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Minimum district size:	5 acres
Minimum lot area:	½ acre
Minimum lot width:	50 feet
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum structure height:	40 feet (refer to Comprehensive plan, page 4, “Residential Use”)
Minimum dwelling size:	600 square feet
Maximum lot coverage:	30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

I Industrial District

This district is created for the purpose of establishing exclusive areas for the construction, fabrication, assembly, storage, shipping and other general and light industrial processing of goods and the extraction, transport and processing of natural resources at appropriate locations within Huerfano County as designated by these regulations.

Minimum district size:	5 acres
Minimum lot area:	½ acre
Minimum lot width:	50 feet
Front yard setback:	20 feet
Side yard setback:	10 feet
Rear yard setback:	20 feet
Maximum building height:	none, except in APO districts
Minimum dwelling size:	600 square feet
Maximum lot coverage:	30 percent

For uses allowed by right, conditional uses and prohibited uses see Section 1.05.

APO Airport Protection Overlay District

This overlay district, which is established as a supplemental district superimposed on part or all of an underlying district, is created for the purpose of providing for the safety and convenience of airport users

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and the general public by preventing the creation of incompatible land uses and the erection of obstructing structures in the vicinity of airports in Huerfano County.

Minimum district size:	none
Minimum lot area:	same as the underlying district
Minimum lot width:	same as the underlying district
Front yard setback:	same as the underlying district
Side yard setback:	same as the underlying district
Rear yard setback:	same as the underlying district
Maximum building height:	in no case may it exceed that of the underlying district
Minimum dwelling size:	same as the underlying district
Maximum lot coverage:	same as the underlying district

See Section 1.15 for additional provisions that apply in this overlay district.

WIND Commercial Wind Generation Overlay District

This overlay district is established as a supplemental district superimposed on part or all of an underlying district. The rationale of the district is to provide for the commercial production of renewable energy without compromising or otherwise significantly changing the visual, scenic and other natural characteristics of Huerfano County's mountainous areas.

Minimum lot area:	same as the underlying district
Minimum lot width:	same as the underlying district
Tower setback:	twice the blade height from project boundaries & County maintained roads
Front yard setback:	same as the underlying district
Side yard setback:	same as the underlying district
Rear yard setback:	same as the underlying district
Maximum building height:	same as the underlying district
Minimum dwelling size:	same as the underlying district
Maximum lot coverage:	same as the underlying district

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1.04 RELIEF PROVISIONS REFERENCE

Various types of relief from the provisions of this zoning regulation are available.

1.04.01 Variances

Variances from various provisions of this zoning regulation are heard by and decided by the Board of Adjustment. See Section 9.02.02.

1.04.02 Planned Unit Developments (PUDs)

All of the above standard zoning districts may be developed in accordance with planned unit development (PUD) concepts and procedures, which are intended to encourage creative planning, quality design, preservation of scenic vistas, historical and archeological features and critical wildlife habitat and clustering consistent with the goals, objectives, policies and other provisions. The overall density of a PUD may not exceed the density specified in the district(s) in which it is located and variances from the normal zoning and subdivision requirements, such as those governing set backs, shall be permitted when it can be demonstrated that such waivers would further the purpose of the PUD and be in compliance with the intent of the provisions of these regulations.

In addition PUD open space requirements may differ from those otherwise required in a given zoning district.

1.05 USES ALLOWED BY RIGHT, CONDITIONAL USES AND PROHIBITED USES IN ZONING DISTRICTS

Table 1 on the following pages indicates which land uses are allowed by right, which are conditional uses and which are prohibited uses in the zoning districts listed in Section 1.03.01 and described in Section 1.03.02. Uses not listed are considered to be conditional uses. See Section 1.06 on conditional use provisions and Section 1.07 on uses not itemized.

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Table 1
Uses allowed by Right. Conditional Uses and Prohibited Uses by Zoning District

R = Use Allowed by Right

C = Conditional Use

P = Use Prohibited

	<i>Zoning District</i>	<i>A</i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
.01	Single family dwelling on a single undivided parcel of land	R	R	R	R	C	1.06
.02	Additional dwellings; e.g., for rent, lease or sale, on any undivided parcel of land or lot	C	P	P	P	C	1.06
.02A	Addition dwellings on tracts of land that meet a 35:1 land/dwelling ratio.	R	C	C	C	C	1.06
.03	Two family dwelling	C	C	R	C	P	1.06
.04	Multiple family dwelling, co-housing facilities and single and multi-family condominiums	C	C	C	C	P	1.06
.05	Individual mobile homes and mobile home parks	P	P	P	P	P	N/A
.06	Manufactured home parks and manufactured home subdivisions (see also Section A 7)	C	C	C	C	P	1.06
.07	Boarding and rooming houses and bed & breakfast establishments	C	C	C	C	P	1.06
.08	Guest ranches and vacation lodge	C	C	C	P	P	1.06
.09	Rest, nursing, convalescent, retirement and assisted living facilities	C	C	C	C	P	1.06
.10	Jails, prisons, correctional institutes and youth facilities and work camps	C	P	P	C	C	1.06
.11	Hospitals	C	C	C	P	P	1.06

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.12	Hotels and motels	C	C	C	R	P	1.06
.13	Restaurants and eating places	C	C	C	R	C	1.06
.14	Public schools and educational institution	R	R	R	C	P	1.06
.15	Private schools, educational institutes and training centers	C	C	C	C	P	1.06
.16	Day care, child care and nursery schools and homes	C	C	C	C	P	1.06
.17	Churches and religious institutes	R	R	R	C	P	1.06
.18	Public airport	C	P	P	P	C	1.06
.18A	Private airports and heliports	C	C	C	C	C	1.06
.19	Public cemeteries	C	C	C	P	P	1.06
.20	Parks, playgrounds, golf courses or playing fields	R	C	C	C	C	1.06
.21	Essential public and government utility uses, facilities, services and buildings. Note that special H.B. 1041 regulations may also apply.	C	C	C	R	R	1.06 Or H.B.1041 Depending on Scale
.22	Other utility uses, facilities and services including electric transmission lines and pipelines and all appurtenant facilities, uses and structures thereto. Note that special H.B.1041 regulations may also apply.	C	C	C	C	C	H.B. 1041

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<i>Zoning District</i>	<i>A</i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
.23 Commercial radio and television transmitting and receiving stations, dishes and towers including telecommunications, microwave and cellular towers, antennae and dipoles (see height restrictions)	C	C	C	C	C	1.06
.24 Private antennas over 35 feet in height	R	P	P	C	C	1.06
.25 Sewage disposal areas, sludge, septage, landfills for non-hazardous substances and waste water treatment plants	C	C	C	C	C	1.06
.26 Landfills and disposal sites for toxic, radioactive and otherwise hazardous materials	P	P	P	P	P	N/A
.27 Agricultural crop production including orchards and accessory uses and buildings (agricultural property not associated with large lot subdivisions exempt from building permits)	R	R	R	R	R	N/A
.28 Recreational domestic animal husbandry including barns and shelters	R	R	C	C	C	1.06
.29 Animal production, including grazing and accessory uses and buildings but excluding commercial feedlots	R	R	C	C	C	1.06
.30 Commercial feedlots	See Item .31 (CAFO's)					1.06
.31 Confined Animal Feeding Operations (CAFO's)	C	P	P	P	C	1.06

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	<i>Zoning District</i>	<i>A</i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
.32	Stands for the sale of agricultural products	R	R	C	R	C	1.06
.33	Commercial riding stables	C	C	C	C	P	1.06
.34	Kennels and veterinary clinics	C	P	P	C	C	1.06
.35	Private and public zoos	C	C	C	C	C	1.06
.36	Camping areas and campgrounds	C	C	C	C	P	1.06
.37	Ski lifts and accessory structures and uses	C	C	C	C	P	1.06
.38	Outdoor amusement facilities	C	C	C	C	P	1.06
.39	Membership clubs and lodges	C	C	C	C	P	1.06
.40	Professional service and business offices for the delivery of health, legal, accounting, travel agencies, real estate, technology, office service and similar services	C	C	C	R	C	1.06
.41	Personal service outlets such as beauty and barber shops, laundromats, etc.	C	C	C	R	C	1.06
.42	Retail sales outlets except convenience outlets serving a neighborhood or local resident clientele, including repair and rental outlets	P	P	C	R	C	1.06
.43	Retail convenience outlets serving a neighborhood or local residents	C	C	C	R	P	1.06
.44	Wholesale sales and/or distribution with open storage of goods	C	P	P	C	R	1.06

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.45	Wholesale sales and/or distribution without open storage of goods	C	P	C	R	R	1.06
.46	Gasoline service stations	C	C	C	R	C	1.06
.47	Vehicle repair facilities including storage garages as a principal or an accessory use		P	C	R	C	1.06
.48	Motor vehicle parking lots	C	C	C	R	R	1.06
.49	Rental self-and mini-storage lockers	C	C	C	C	R	1.06
.50	Commercial lumber yards and sawmills (Exemption: Home occupations see Section 1.11)	C	P	P	C	R	1.06
.51	Manufacture or storage of gases or above ground storage of flammable liquids such as gasoline for other than residential or agricultural on-site use	C	C	C	C	C	1.06
.52	Railroad facilities including repair sheds and switch yards and trucking terminals, excluding trucks	C	P	P	C	R	1.06
.53	Junk, wrecking or vehicle storage yards, which shall be surrounded by an eight foot high solid fence or not visible from any public road (excluding agricultural equipment storage)	C	P	P	C	C	1.06
.54	Batch plants and hot mix plants and all appurtenant and accessible uses thereto	C	P	P	C	R	1.06

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<i>Zoning District</i>		<i>A</i>	<i>RR</i>	<i>UR</i>	<i>C</i>	<i>I</i>	<i>Regulatory Reference</i>
.55	Manufacture, fabrication or processing of all materials not otherwise listed and which will not cause excessive noise, heat, dust, fumes or other adverse consequences	C	P	P	C	R	1.06
.56	Manufacturing, production and other uses not otherwise listed that will cause excess noise, heat, dust, fumes or other adverse consequences	P	P	P	P	C	1.06
.57	Rock quarries, sand and gravel excavating pits, pipelines, strip and underground coal mines and all appurtenances and accessory uses thereto,	C	P	P	P	C	1.06
.58	Oil and gas wells	C	P	P	P	C	Section 6.00
.59	The exploration and mining of uranium or other radioactive substances or the disposal, storage or processing of such substances	C	P	P	P	C	
.60	Shipping containers for storage purposes (Staff approval)	C	P	P	C	R	Land-use office
.61	Medical Marijuana dispensaries	P	P	P	P	P	Section 18
.62	Commercial Medical Marijuana cultivation operations	C	P	P	C	C	Section 18
.63	Commercial Marijuana retail stores	P	P	P	P	P	Section 18
.64	Commercial Marijuana testing facilities	P	P	P	P	P	Section 18

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.65	Commercial Marijuana product manufacturing facilities	P	P	P	P	P	Section 18
.66	Commercial Marijuana cultivation facility	C	P	P	C	C	Section 18
.67	Marijuana cultivation for personal use, when growing twelve (12) or less plants on a tract of land, per occupied dwelling, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.	R	R	R	R	C	1.06
.68	Marijuana cultivation for personal use, when growing thirteen (13) or more plants on a tract of land, per occupied dwelling, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and is not made available for sale.	C	C	C	C	C	1.06

1.06 CONDITIONAL USE APPROVAL AND APPROVAL AMENDMENT PROVISIONS

Conditional uses may be allowed in an eligible zoning district upon review and recommendation by the Planning Commission and favorable action by the Huerfano County Board of County Commissioners. A public hearing may be required, upon a majority vote of the Planning Commission, before action is taken. Upon favorable action, a conditional use application approval or amendment of an existing approval shall be granted by the Board. Granting of a conditional use approval for a conditional use may be subject to such conditions and safeguards as the Board of County Commissioners may impose in order that the conditional use complies with the general intent and specific provisions of these regulations and be in harmony with the character of the surrounding area. Conditional uses shall be permitted for duration of time, up to indefinite, as specified by the Board of County Commissioners. Specific decision-making criteria on conditional use approvals are contained in Section 1.06.03.

Each conditional land use approval approved by the Board is subject to review at intervals that the Board of County

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Commissioners deems appropriate and reasonable. In addition, the Board may, at its discretion and for proper cause, revoke an approval for a conditional use.

See also Section 1.06.04 on review and revocation of a conditional use approval.

1.06.01 Submittal Requirements

Application for a conditional use approval for a conditional use shall require submission a) of an application on a form provided by Huerfano County, b) submission of a Letter of Intent and c), submission of a Site Plan. These submissions shall be made to the Planning Commission and it shall be by majority vote of the Planning Commission to determine as necessary that the submittal materials are complete, accurate and ready for formal review and processing.

1. The Letter of Intent shall include the following items:
 01. The current zoning of the property and of adjoining property.
 02. Proof of ownership, which may include, where appropriate, a current title policy and as appropriate, certification from the owner recognizing the authority of an owner's appointed representative to represent that owner.
 03. Description of the current land use(s) on the property, the characteristics of the land within the property boundaries, and the current land use on all adjoining property.
 04. A description of the proposed conditional use of the property and project activities, including all utility sources and supplies, needed to bring about that use.
 05. A statement of the impacts of the proposed use on items such as roads, traffic and public safety protection services on the features of the subject property and the neighboring environment including but not necessarily limited to flora, fauna, critical wildlife habitat, wildlife migration corridors and the quantity and quality of surface and ground water resources.
 06. A statement demonstrating that the proposed conditional use would be in compliance with the comprehensive plan.
 07. A listing of additional local, state or federal permits and approvals required to bring about the proposed land use and notation of which permits have been applied for and which, if any, have been granted.
 08. A list of the names and mailing addresses of all listed owners of record of all adjacent property.
2. The Site Plan shall include the following items:
 01. A legible sheet or map drawn to an appropriate scale, as accepted by the Planning Commission, showing the location, height and approximate dimensions or envelope location of each existing and proposed structure in the proposed conditional use area, the uses to be contained within the existing and/or proposed structures and the name, mailing address and phone number of the applicant and applicant representative(s), if any.

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02. The existing and proposed building setbacks and the building area with reference to property lines, highway, street or road rights-of-way, watercourses and other natural and historic features of the site.
03. The location, size, number of spaces and surfacing of any existing or proposed parking and loading areas.
04. The location of any existing and proposed roads, streets, footpaths, traffic devices, driveways and curb cuts with an indication of how pedestrian and vehicular movement will be controlled.
05. The dimensions, grade, right-of-way and roadway width of all proposed public and private roads and streets.
06. The location, if any, and pertinent characteristics of any existing or proposed signs, lighting fixtures and landscaping.
07. The location of any easements on the property.
08. The location of all water, sewage disposal, septage, electrical, telephone and other utilities and facilities needed to develop the proposed conditional use.
09. All grading, storm water runoff and re-vegetation plans needed to install the use.
10. A notation of the stages, if any, in which the project will be developed.
11. A vicinity map locating the proposed conditional use in relationship to the surrounding area within 500 feet of the boundaries of the proposed property and a description of any existing plats and improvements on this adjacent property.

The appropriate filing fees shall accompany the submission of these above materials. The Planning Commission, by majority vote, may waive any but not all of the above submission requirements in cases where provision of the specified items would prove unnecessarily burdensome or inappropriate. In special cases additional submittal items may be required in the Letter of Intent or on the Site Plan, as specified by majority vote of the Planning Commission.

1.06.02 Procedures for Referral, Review and Action on an Application for a Conditional Use Approval

1. Upon proper and adequate submission of the appropriate application form, fees and other submittal materials as specified in Section 1.06.01, the Planning Commission shall consider at a regular or special public meeting the conditional use application. When, as specified in Section 1.06 the Planning Commission determines by majority vote that a public hearing is required, the Board of County Commissioners and the Planning Commission shall conduct a joint public hearing on the application, with notice of such hearing published by the applicant in a newspaper of general circulation in Huerfano County at least ten (10) days prior to the scheduled hearing date. The applicant shall also mail notification of the hearing date and subject of the hearing to all listed owners of record of all adjacent property at least ten (10) days prior to the scheduled hearing date and provide at the public hearing proof of publication, proof of payment of

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publication and proof of notification of adjacent property owners. In addition, the applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least ten (10) days before the scheduled date of the hearing.

These public due process notification and proof of notification procedures shall apply to all joint public hearings conducted by Huerfano County for actions included within these regulations.

2. Following the conduct of the public meeting or the public hearing, the Planning Commission shall make recommendation on the application for a conditional use approval to the Board of County Commissioners, recommending approval, denial or conditional approval. The Planning Commission shall forward its recommendation and any records of the hearing to the Board within ten (10) working days of its action.

Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions. The Board of County Commissioners shall also provide the Planning Commission with notification of the action taken.

3. When in the judgment of the Planning Commission, as decided upon by majority vote, a conditional use application requires referral review and comment by any agency, organization, governmental entity or person or persons, the Planning Commission may so cause the application materials or any portion thereof to be submitted for referral review and comment. The referral review and comment period shall be for a period of time of up to thirty (30) days from the date that the Planning Commission so decides upon the need for such referral before the date of the conduct of the public meeting or public hearing.

1.06.03 Criteria for Action on a Conditional Use Application

All actions by the Planning Commission in reviewing and making recommendations on a conditional use application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the following criteria:

1. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. That the proposed conditional use is consistent with the goals, objectives and policies of Huerfano County, as contained in the County comprehensive plan.
3. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.
4. That the proposed conditional land use will not result in overly intensive use of the land relative to current use of the surrounding land.
5. That the proposed conditional use will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic and its roads will meet the requirements of Subdivision County Road Standards and Specifications.

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6. That the proposed conditional use not unnecessarily scar the land on which such use would be located and that the proposed use provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views and existing cultural and historical resources.

7. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of County residents nor cause hardship for neighboring persons.

1.06.04 Review and Revocation of a Conditional Use Approval

At such intervals as it may have specified in its decision granting a conditional use approval or by its own initiative or upon request by the Planning Commission or the Zoning Enforcement Officer, the Board of County Commissioners shall request the Planning Commission to review the terms, conditions or other provisions of conditional use approvals issued by the Board. Upon review of the approval provisions, the Planning Commission may specify time periods in which any violations of the terms or conditions shall be corrected and request the Zoning Enforcement Officer to report upon the action(s) taken to remedy the specified deficiencies.

If the Planning Commission recommends revocation of the conditional use approval, such recommendation and the reasons for it shall be forwarded to the Huerfano County Board of County Commissioners. Within ten (10) working days of receiving that recommendation the Board of County Commissioners shall schedule a public hearing by the Board, as specified in Section 1.06.02. Following the conduct of the public hearing, as specified in Section 1.06.02, the Board shall act to revoke, not to revoke or to impose additional or amended conditions or sanctions on the conditional use approval holder. Failure of the approval holder to comply within the stipulated time periods with any of the original conditions under which the permit was issued or to comply with any amended conditional use application provisions shall be adequate reason for revocation of a conditional use permit without additional hearings or administrative remedies.

1.07 ADDITIONS TO USES NOT ITEMIZED

Upon petition by any individual or organization or by its own initiative, the Board of County Commissioners may, by resolution, following review and recommendation by the Planning Commission add to the itemized list of uses in Table 1, Section 1.05, any additional uses which conform to the following criteria:

1. That the use by right or conditional use conforms to the basic characteristics and purposes of the district(s) to which it would be added. Uses not conforming to the basic characteristics and purposes of a district shall be added as prohibited in that zoning district.
2. That if there are zoning districts to which the additional use would be equally or more appropriate, such use shall also be added to those districts. Before adopting any such resolution, the Board of County Commissioners shall hold a public hearing upon the matter, giving at least ten (10) days notice of the time, place and subject matter of such hearing in a newspaper of general circulation in the County.

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1.08 OFF-STREET PARKING AND LOADING REQUIREMENTS

1.08.01 General Requirements for Off-Street Parking

For every building hereafter erected or structurally altered, off-street parking spaces shall be provided. Each space shall measure at least eight (8) feet by eighteen (18) feet and shall be paved or gravel surfaced.

Areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking space requirements. Parking spaces shall be arranged in such a manner that vehicles will not back directly from an off-street parking space into a public right-of-way.

Each off-street parking area containing more than 50 parking spaces shall provide one (1) or more landscaped areas dispersed within the parking area and which shall be a portion of the overall site landscaping requirement and shown on an appropriate landscaping plan.

Residential off-street parking spaces shall be located on the same lot as the dwelling(s) they serve. All other required parking spaces located more than two hundred (200) feet from the building or structure they serve measured in a straight line from the nearest corner of the building must first be approved by the Board of Adjustment as a variance.

Off-street parking in planned unit developments shall comply with the requirements of this section except when a separate development plan incorporating alternate off-street parking provisions reviewed by the Planning Commission and approved by the Board of County Commissioners.

Parking requirements shall apply to all zoning districts. When more than one use is conducted on a single lot or parcel, parking shall be required for all uses, even though one is accessory to another.

1.08.02 Specific Off-Street Parking Space Requirements

The following types of uses shall require the following number of off-street parking spaces, as a minimum requirement, for both principal and accessory uses:

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**Table 2
 Off-Street Parking Requirements**

Use	Number of Spaces
1. Single-family dwellings:	2
2. Multiple family dwellings, studio or one bedroom:	1
3. Multiple family dwellings, more than one bedroom:	1
4. Lodgings, space per rental unit:	1
5. Retail and service facilities per thousand square feet of gross leaseable area (GLA):	5
6. Shopping centers per thousand square feet of GLA:	5
7. General and professional offices per thousand square feet of GLA:	4
8. Restaurants and taverns per every three persons designed seating capacity, plus employee parking:	1
9. Auditoriums and public assembly facilities, per hundred square feet of floor area used for assembly or seating:	1
10. Bowling alleys, per alley, plus employee parking:	5
11. Industrial facilities per thousand square feet of manufacturing floor area:	1.5
12. Industrial facilities per thousand square feet of floor area for a wholesale establishment, warehouse, or rail or truck terminal:	.5
13. Compliance of handicap accessibility:	ICC/ANSI A117.1

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Requirements for types of buildings and uses not specifically enumerated herein shall be determined by the Board of County Commissioners upon review and recommendation from the Planning Commission, based upon the requirements of comparable uses listed above.

In adding to deleting from or otherwise amending the above enumeration of off-street parking space requirements, the Planning Commission and the Board of County Commissioners shall follow the procedures described in Section 1.07, Uses Not Itemized.

1.08.03 Off-street Loading Requirements

For the purpose of providing off-the-street loading and unloading of goods, buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by truck shall provide and maintain off-street loading berths in sufficient number and size to accommodate the needs of the particular use.

The minimum number of berths required, if the gross floor area of the building is less than ten thousand (10,000) square feet, shall be one (1) berth; if greater than ten thousand square feet, the number of berths provided shall be one for each additional fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area over and above the first ten thousand square feet.

A loading berth shall contain, at a minimum, a space ten (10) feet wide, thirty-five (35) feet in length and maintain a vertical clearance of at least fourteen (14) feet. Where vehicles routinely used for loading or unloading exceed these dimensions, the Planning Commission may increase the required size of loading berths correspondingly.

1.09 MAXIMUM BUILDING HEIGHT AND YARD SETBACK REQUIREMENTS

The following uses may be exempted from the maximum height requirements (see Sections 1.03.02 and 1.05, Table 1), provided that written approval is granted by the Board of County Commissioners following a review and recommendation by the Planning Commission. Favorable review and approval shall be granted when it is found that the proposed use would not injure the use of or prevent the proper access of light and air to adjacent properties, nor would be out character with the area's present and intended future uses and is consistent with the purpose, intent and provisions of the comprehensive plan. Uses which may be so treated include public utility poles, towers and wires, church towers, water tanks, elevators and storage facilities, parapets, monuments, wind and solar power generating devices including windmills, and chimneys.

Note, however, that all such over-height structures shall be subject to special review procedures when their proposed location is in an APO zoning district.

In computing the maximum height and minimum yard setback requirements, the following architectural features shall not be considered: unroofed terraces, porches and patios, cornices, sills, cupolas, belt courses, eaves and similar features, open fire escapes projecting up to a distance of four (4) feet from the face of a building, walls, rails or fences up to a height of six (6) feet and temporary awnings and other shade devices. In UR Urbanizing Residential

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and C Commercial-Service zoning districts, such architectural features shall not, however, encroach upon the five (5) foot side yard setback requirements contained in Section 1.03.02.

1.10 REQUIREMENTS FOR SOLAR ENERGY ACCESS

When considering whether to approve, recommend approval of or issue a permit for the construction, reconstruction or alteration of any structure, the Board of County Commissioners, the Planning Commission and the County Zoning Enforcement Officer shall take into consideration whether the location, height, yard setbacks, bulk or other characteristics of the proposed structure or proposed structural alteration(s) would significantly reduce access to sunlight for any solar energy device installed on or in or under construction on or in any neighboring buildings or other structures. Evidence that the proposed structure or structural alteration would in fact significantly reduce or limit access to sunlight for such solar energy devices is hereby declared to be sufficient reason to disapprove, to recommend the disapproval of or to deny the issuance of a permit for the proposed structure or structural alteration.

No plan, plat, plot map or other instrument requiring a written or graphic description of the location of easements on a given lot, parcel or property shall be submitted to Huerfano County for consideration in any land use changes or other actions enabled by these regulations unless the instrument in question notes the location and terms, conditions, provisions and restrictions of any solar easements established on or adjacent to that lot, parcel or property.

In addition, any covenant, restriction, or condition contained in any deed, contract, security instrument or other instrument affecting the transfer or sale of, or any interest in, real property solely on the basis of aesthetic considerations which effectively prohibits or restricts the installation or use of a solar energy device is hereby declared to be void and unenforceable. However, this provision shall not apply to aesthetic provisions which impose reasonable restrictions on solar energy devices and which do not significantly increase the cost of the device, nor shall this provision be construed as exempting solar energy devices from the requirements and special regulations that apply in an established zoning district.

In determining whether difficulties to, or hardship upon, the owner of a lot, parcel or other property exists, the Board of Adjustment shall properly consider the adequacy of access to sunlight for solar energy devices installed on or after January 1, 1980. See also Section 9.02.02 on the Board of Adjustment. Moreover, the addition of a solar energy device to a building or other structure shall not necessarily be considered a structural alteration for the purpose of determining whether that building or other structure represents a nonconforming use as defined by these regulations. (See also Section 1.16.01 on nonconformance).

1.11 ACCESSORY BUILDINGS AND USES

An accessory building or use is a subordinate use of a building, other structure or tract of land or a subordinate building or other structure a) which is clearly incidental to the use of the principal building, other structure or use of land, b) which is customary in connection with the principal building, other structure or use of land or c) which

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is ordinarily located on the same lot with the principal building, other structure or use of land. Accessory buildings and uses may include but need not be limited to the following items:

1. Home occupations
2. Outdoor signs
3. Off-street parking areas (see Section 1.08)
4. Controlled burning units.
5. The storage of merchandise in commercial and industrial districts and the storage of maintenance equipment in any district.

The following uses are permitted in the following zoning districts, provided that they are incidental to and on the same premises as a permitted or conditional use:

A Agricultural District

1. Garages for the storage of automobiles and/or commercial vehicles, including the maintenance of those vehicles.
2. Automobile parking and vehicle loading space.
3. Home occupations or professional offices, only when operated by residents living on the premises and not exceeding thirty (30) percent or three hundred (300) square feet of the gross floor area, whichever is greater. Such use shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof nor generate traffic which significantly or adversely affects the residential character of the area. Such uses shall specifically exclude beauty parlors, clinics, nursing and tourist homes, restaurants, welding shops and like uses.
4. Controlled burning units incidental to residential and agricultural use.
5. Accessory buildings, structures or uses normally required in addition to or in conjunction with any use by right or approved conditional use in the district.

RR Rural Residential District

1. Garages for the storage and owner maintenance of automobiles, light trucks and recreational vehicles.
2. Automobile parking and loading space.
3. Home occupations as permitted in Agricultural districts except that in addition there shall be no exterior storage on the premises of material or equipment used as part of the home occupation and there shall be no noise, vibration, smoke, dust, odors, heat, glare or other effects noticeable at or beyond the property line and there shall be no exterior advertising other than identification of the home occupation.
4. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

UR Urbanizing Residential District

1. Garages as allowed in the Rural Residential district.

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2. Vehicle parking and loading space.
3. Home occupations as allowed in the Rural Residential district.
4. Any accessory buildings, structures, or uses required in addition to and in conjunction with any use by right or approved conditional use.

C Commercial-Service District

1. Garages for the storage and maintenance of cars, trucks and service vehicles.
2. Vehicle parking and loading.
3. Home occupations as allowed in the Agricultural district
4. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

I Industrial District

1. Garages as allowed in the Commercial-Service district.
2. Vehicle parking and loading.
3. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

1.11.01 General Notes and Statements

No additional accessory uses are permitted in any overlay districts. Household pets, private greenhouses, swimming pools and fallout shelters for personal uses are allowable accessory uses in all zoning districts so long as such accessory uses pose no threat to human health, safety and welfare to owners, users or adjacent residents and so long as they meet all applicable building, electrical and plumbing codes and have received all required local, regional and state permits and related approvals.

Dogs at large are hereby declared not to be a legal accessory use in any zoning district; pursuant to CRS 35-43-126 any dog found running, worrying, or injuring sheep, cattle, or other livestock may be killed, and the owner or harbinger of such dog shall be liable for all damages done by it.

Fences or walls which are not over six (6) feet in height shall be considered permitted accessory uses in all districts. Taller fences are a permitted accessory use upon inspection by the County Zoning Enforcement Officer, who shall issue a permit for such fences upon determination that they would not block light, sun, air, vision or otherwise pose a health or safety hazard or a nuisance. No fence, wall, shrubs, trees, signs or any other obstruction over three (3) feet in height, as measured from the surface of the lowest roadway of the intersection streets or roads, shall be permitted in any setback area if it obstructs the sight of drivers at any intersection.

It is hereby declared to be illegal and not an allowable accessory use to store, keep or maintain on a residential premises any motor vehicle which is unlicensed or is being junked, dismantled or is wrecked, unless such vehicle is located within an enclosed building. However, this regulation does not apply to agricultural vehicles and unlicensed vehicles being actively maintained for racing or competitive purposes.

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1.12 TEMPORARY BUILDINGS AND USES

1.12.01 Temporary Building and Uses Approved by Staff

Upon application to the Huerfano County Code Enforcement Officer a temporary use permit may be issued for the following uses, as shown in Table 3, below, in the following zoning districts and for the following periods of time. Such permits shall be valid only for the period of time specified and no more than two renewals of the temporary permit shall be issued by the County Code Enforcement Officer.

**Table 3
 Temporary Building and Uses**

<i>Use</i>	<i>Allowed Districts</i>	<i>Period</i>
1. Residences including mobile homes	A, RR, UR, C and I	12 months

A temporary residence permit shall be issued for utilizing a temporary structure on the premises only after obtaining a building permit for a permanent residence.

2. Construction office and yards	All districts	9 months
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These temporary structures for office space and the storage of construction materials and equipment shall be used for the management of construction projects so long as they are not used for living quarters.

3. Temporary sales offices	All districts	6 months
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Temporary sales offices for the sale of residential, commercial, industrial or other units of space shall be located within the area of a recorded final plat and sales shall be limited to those units within the platted subdivision in which the sales office is located.

4. Non-commercial batch plants	A, C or I	6 months
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5. Carnivals, circuses, bazaars, fairs, concerts, rendezvous and related gatherings (non-public gatherings are exempt) A, RR, UR and C 2 weeks

6. See also Section 1.16.02 on tents, campers and recreational vehicles as temporary uses.

1.12.02 General Requirements for a Temporary Use Permit Approved by Staff

Application for a temporary use permit is made to and approved or denied by the County Zoning Enforcement Officer or the Planning Commission for minor or major review. All applications for a temporary use permit shall be accompanied by: (applicable for gatherings of 499 people or less)

1. The appropriate filing fee
2. An application on the appropriate form issued by Huerfano County
3. A plot plan showing at an appropriate scale and in legible fashion:
 - The location of the proposed structure(s) where the temporary use would occur
 - The setbacks from the property lines
 - The owners of the adjacent parcels, existing roadways on and adjacent to the property, when the proposed temporary use would occur, the zoning district(s) within which the proposed temporary use and adjacent parcels lie
 - The current land use(s) on the property in question and adjacent parcels.

All requests for renewal of a temporary use permit shall be submitted in writing to the County Zoning Enforcement Officer at least 10 (ten) working days prior to the expiration date of the permit. The County Zoning Enforcement Officer may, at his discretion.

1.13 TEMPORARY ASSEMBLY PERMITS

See Section 1.12: Temporary Uses and Assembly on the Huerfano County website under Land Use-General Land Use Regulations and Procedures.

1.14 MANUFACTURED HOME AND NON-QUALIFIED MANUFACTURED HOME REQUIREMENTS AND PROVISIONS

1.14.01 Treatment of Non-Qualified Manufactured Homes

Home built prior to 1993 HUD standards are considered non-qualified homes and are prohibited in all zoning districts. Such housing, for habitation or for storage, may not be installed or erected on any land

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within unincorporated Huerfano County, including, but not limited to a manufactured home park upon the date of adoption of these regulations. However, non-qualified manufactured homes lawfully located in the County prior to the date of adoption of these regulations shall be treated as legal non-conforming uses under Section 1.16.01.

1.14.02 Treatment of Double-wide Manufactured Homes

A double-wide manufactured home, as defined in these regulations, are treated as a "single family dwelling" for all purposes. A double-wide manufactured home is a permitted use in any zoning district where a single family dwelling is a permitted use. A double-wide manufactured home is a prohibited use in those zoning districts in which a single family dwelling is a prohibited use. The placement, erection or installation of a double-wide manufactured home requires a conditional use approval in those zone districts where a conditional use approval is required for a single family dwelling. A double-wide manufactured home which is placed, erected or installed in the County must comply with all applicable provisions including, but not limited to, applicable HUD or ICC regulations, set back requirements, minimum dwelling size and minimum lot size requirements. All double-wide manufactured housing shall be installed according to the Colorado Division of Housing, Manufactured Home Installation Program.

1.15 AIRPORT PROTECTION OVERLAY DISTRICT REQUIREMENTS AND PROVISIONS

1.15.01 Intent

The Airport Protection Overlay District (see Section 1.03.02) is a supplemental district that may overlay any standard zoning district. Any use by right or conditional use approved in the underlying district is also permitted in an APO district so long as that use meets the special conditions required in an APO district.

The APO district is established to minimize exposure of residential and other sensitive land uses to aircraft noise areas, to avoid danger from aircraft accidents, to reduce the possibility of such accidents, to discourage traffic congestion within the area of the district and to restrict non-compatible land uses in proximity to and within airport influence areas.

This zoning district shall be applied in the vicinity of all general aviation airports and public heliports (see, however, Section 1.15.05) which would be significantly affected by air traffic, noise or any hazard related to the establishment, operation or maintenance of an airport or heliport facility.

The degree of protection provided by this overlay district is considered reasonable and prudent for land use regulatory purposes and is based on established parameters of control. Establishment of this district, however, does not imply that areas outside of the district will be totally free from airport and aircraft related hazards nor that all hazards within the district will be completely mitigated. Establishment of this district shall not create a liability on the part of or cause any action against Huerfano County or any officer, employee or contractor thereof for any damages that may result directly or indirectly from reliance on the provisions contained herein.

1.15.02 Permitted uses within an APO District

No building or land shall be used and no building or other structure shall hereafter be erected, converted or structurally altered except as provided for herein and the following use provisions shall apply within an APO district:

1. No use may be made of land within the district in such a manner as to create electrical interference with radio communication between an airport or heliport and aircraft or make it difficult for pilots to distinguish

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between airport or heliport lights and other lights, cause glare in the eyes of pilots using the airport or heliport, impair visibility in the vicinity of the airport or heliport or otherwise endanger the taking off or the maneuvering of aircraft in the vicinity of the airport or heliport. Noise attenuation in building design shall be encouraged and may be required for structures to be erected within the district.

2. Nothing contained within this district regulation shall be construed to require the removal, lowering or other change or alteration of any structure or object of natural growth not conforming to the provisions contained herein or otherwise interfere with the continuance of any nonconforming use, except as specifically stated.

3. Nothing contained within this district regulation 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 adoption of these regulations and is diligently prosecuted; provided, however, that when the nonconforming structure or nonconforming use is destroyed or damaged to the extent of over fifty (50) percent of the appraised value of the nonconforming structure or use, any reuse, reconstruction or replacement shall be deemed a new use and shall be subject to the applicable provisions contained herein.

4. The owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation or maintenance thereon of such markers or lights as shall be deemed necessary by the Board of County Commissioners by majority vote or any other appropriate authority to indicate to the operators of aircraft in the vicinity of the airport or heliport the presence of such nonconforming structures or objects of natural growth. Such markers and lights shall be installed, operated and maintained at the expense of the owners and/or operators.

Aviation easements may be required, at the discretion of the Board of County Commissioners, within a designated APO district.

1.15.03 Limitations Within an APO District

1. Height Limitations.

Height limitations within an APO district, except as otherwise provided for herein, are subject to the limitations of the district within which the property is located. No structure or object of natural growth shall be constructed, erected, altered, or allowed to grow or to be maintained in excess of height limits and zones herein established.

A notice and approval from the Federal Aviation Administration shall be required for the construction or alteration of any structure two hundred (200) feet or higher located within twenty thousand (20,000) feet of the end of any runway.

2. Surface Limitations.

Surface limitations within an APO district include all land and air space within the district that would be hazardous to air navigation if infringed upon. Surface limitations include areas above imaginary surfaces and in the clear zone and are established to regulate the height of structures and natural objects in the vicinity of an airport or heliport. These surface limitations are set forth by the Federal Aviation Administration in the Federal Aviation Regulations, Part 77, which are hereby adopted by reference.

In addition, before any structure or natural object is permitted to be erected, altered, maintained or allowed to grow above the imaginary surfaces established herein, a Notice of Construction or Alteration shall be filed with the Federal Aviation Administration for a determination of hazardous or non-hazardous

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conditions and of effect on the airport rules and regulations. The Board of County Commissioners shall not approve any such development until after receiving and considering the Federal Aviation Administration recommendation on the matter.

Airport height zones, as determined by imaginary surfaces, shall include, but need not be limited to the following zones:

01. The utility runway visual approach zone, which slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extends to a horizontal distance of five thousand (5,000) feet along the extended runway centerline, with a lateral width of 1,250 feet.
02. The utility runway non-precision instrument approach zone, which exhibits the same configuration as the zone described immediately above in item 01.
03. The horizontal zone, which extends one hundred and fifty (150) feet above the airport elevation above mean sea level.
04. The Short Take Off and Landing (STOL) approach zone, which slopes upward fifteen (15) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a distance of ten thousand (10,000) feet along the extended runway centerline.
05. The transitional zone, which slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones and extending to a height one hundred and fifty (150) feet above the airport elevation above mean sea level. In addition, there are hereby established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect with the conical surface.
06. The STOL transitional zone, which slopes upward and outward four (4) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and a portion of the sides of the approach surface and extends to an elevation of one hundred (100) feet above the primary surface.
07. The heliport Visual Flight Rule (VFR) approach zone, which slopes upward eight (8) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a distance of four thousand (4,000) feet along the primary surface centerline.
08. The heliport Instrument Flight (IF) approach zone, which slopes upward fifteen (15) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a distance of ten thousand (10,000) feet along the primary surface centerline.
09. The heliport VFR transitional zone, which slopes upward and outward two (2) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach surfaces and extending a distance of one hundred and fifty (150) feet measured horizontally from and at ninety (90) degree angles to the primary surface centerline and extended centerline.

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3. Land Use Limitations.

Within APO districts in the vicinity of airports and heliports, land use patterns will be encouraged that separate uncontrolled noise sources from residential and other noise-sensitive areas and that avoid danger to public health and safety or to property due to aircraft operations.

In areas subject to flight hazards, uses such as schools, churches, hospitals and libraries are not encouraged. Open space recreational and agricultural uses shall be encouraged and applicants proposing such uses may petition for waiver of the special submittal requirements (see Section 1.15.04). Any other use proposed shall be accompanied by written evidence that the proposed development poses no significant threat to public health and safety or to property. Approval may be contingent on the applicant granting an aviation easement.

1.15.04 Submittal Requirements in an APO District

In addition to the submission requirements otherwise contained within these regulations, the Planning Commission may, at its discretion, require additional materials regarding any proposed land use change or development project in an APO district. These additional materials may include, but need not be limited to, any or all of the following items:

1. A map or graphic description of existing and proposed airport facilities including towers, lights, terminals, hangars, aprons, parking areas, taxiways and runways.
2. A map showing the height of all existing and proposed structures within the contemplated development and the relationship of these structures to the zones described in Section 1.15.03 and elsewhere in Federal Aviation Rule (FAR) Part 77.
3. Evidence of the elevation and pattern of aircraft flights over the proposed site.
4. Information relating to noise levels on the proposed site and written statements regarding sound mitigation measures, if any, that will be used to attenuate existing or projected noise levels.

1.15.05 Private Landing Strips and Heliports

Compliance with the provisions of an APO district is not required for private noncommercial landing strips and heliports provided that they meet the following provisions and requirements:

1. The applicant shall apply for and be granted a conditional use approval for the proposed use.
2. The applicant shall own a minimum of thirty-five (35) contiguous acres of land on which the landing strip would be located or five (5) contiguous acres of land on which the heliport site would be located.
3. No residential dwelling units, other than one (1) dwelling unit owned by the applicant or an immediate member of the applicant's family, shall be located within one half mile of either end of any runway.
4. Runways will be so oriented that fixed-wing aircraft takeoffs and landings will not pass within one thousand (1,000) feet of any school, dwelling unit or place of public assembly.
5. The applicant shall provide evidence that the Federal Aviation Administration has been sent an application for approval of airspace.
6. The applicant shall, at the discretion of the Board of County Commissioners, grant an aviation easement to Huerfano County or other appropriate public body.

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1.16 OTHER ZONING AND RELATED PROVISIONS, REQUIREMENTS AND REGULATIONS

1.16.01 Non-conforming Uses, Lots and Buildings

1. Meaning and Intent.

A non-conforming use, lot or building shall be any use or lot or building that lawfully existed at the date of adoption of these zoning regulations, and has been maintained following such adoption, but is prohibited by the provisions contained within these regulations and not otherwise exempt from non-conforming status.

It is the intent of these zoning regulations to allow for the continuation of such non-conforming uses, lots and buildings, so long as they meet the provisions contained herein. But it is not the intent of these regulations to allow their enlargement nor to allow their continuation should they be discontinued for a period of 180 days or substantially damaged by fire or other cause.

2. Abandonment of Use.

If active and continuous operations are not carried on as a nonconforming use during a continuous period of two (2) years, the building, other structure or land where such non-conforming use previously existed shall thereafter be used and occupied only for conforming uses. A non-conforming use or building or lot, if changed to be a conforming use, building or lot, shall not thereafter be changed back to a non-conforming state.

3. Restoration.

Any non-conforming building or other structure may be restored to the use of such structure unless such non-conforming structure is damaged or destroyed by fire or other cause to the extent of more than fifty (50) percent of its replacement cost at the time of the destruction. In cases, however, where the destruction was due to causes beyond the control of the owner and the destruction was less than total, the Board of Adjustment may by issuance of a variance, allow restoration upon a finding of exceptional and undue hardship.

4. Enlargement of a Non-conforming Use or Building.

No non-conforming building or use shall be structurally altered or expanded in any way that would increase the degree or area of nonconformance. In matters pertaining to the restoration of non-conforming buildings, the provisions of the Dangerous Buildings Code and other such building, fire, plumbing, mechanical and other codes as Huerfano County has adopted at that time shall apply, in which case the provisions contained herein shall prevail.

5. Alteration of Non-conforming Buildings.

Non-conforming buildings may be altered. Upon the order of the County Building Inspector or other authorized County official to make that building conform to established safety requirements, maintenance repairs may be undertaken to keep the building in sound condition and alterations are permitted which would reduce the degree of nonconformance or change the use to one of conformance.

6. Structures Under Construction.

Any non-conforming use or structure for which a valid building permit has been issued before the use or structure became non-conforming may be completed and occupied in accordance with the provisions of the

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building permit that was previously issued, subject to the other provisions of this section and such use or structure shall be deemed to be conforming.

7. Title Default.

If the title to any non-conforming lot or parcel shall change by reason of tax delinquency and such property is not redeemed as provided by law, the future use of such property shall be in conformity with the then adopted and amended zoning regulations of the County.

8. Use of Conforming and Non-conforming Lots.

01. Lots and parcels of record that were non-conforming prior to the day of adoption of this zoning regulation may be built upon or used provided that: a) the setback, floor area and bulk requirements and other provisions for the zoning district within which the lot is located are adhered to, b) the lot was not created by private conveyance or in violation of the County subdivision regulations and c) approval in the form of a variance is granted by the Board of Adjustment.

02. Lots and parcels of record that were conforming prior to the day of adoption of this zoning regulation are hereby declared to be conforming and shall henceforth continue to be legal conforming lots and parcels of record.

03. No lot which was conforming in size on the day of adoption of this zoning regulation may be subdivided according to the subdivision procedures contained herein in such a manner that it would become non-conforming nor cause any structure or use to become nonconforming.

9. Upon the adoption of this zoning regulation, no non-conforming structures shall be erected in Huerfano County except upon the issuance of a variance by the Board of Adjustment.

1.16.02 Tents, Camper and Recreational Vehicles as Temporary Residences

Tents, campers and recreational vehicles, when employed as temporary residences for human occupation, are hereby declared to be a temporary use as defined within these regulations. This section shall not apply to parcels with an existing permitted primary use, campgrounds (see Section 1.05.36), and parcels with an active building permit subject to Section 1.12. The foregoing activities by the landowner or someone with the landowner's written permission

.01 Parcels larger than 2 acres in size in an Agricultural or Rural Residential zoning district for maximum period of up to four (4) months in any one calendar year if the applicant demonstrates to the Land Use Department's satisfaction that sanitary and water provisions have been made along with approval of an application for a camping permit and payment of associated fees. For the purposes of this regulation, septic tanks without a complete septic system and on site dumping are not considered acceptable sanitary provisions. The Land Use Department reserves the right to require County Health Department approval of any permit application as it deems necessary. An up to four (4) month camping permit may be renewed once in a calendar year by the Land Use Department, or may be varied by the Board of County Commissioners on a case by case basis.

.02 Parcels of any size in any zoning district for maximum period of seven (7) consecutive days and a total of thirty (30) days in any one calendar year without a permit.

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1.17 RE-HEARINGS IN REZONING AND CONDITIONAL USE APPROVAL CASES

1.17.01 Re-submittal of Denied Application Prohibited: Exception

An application for a rezoning or a conditional use approval which has been denied by the Board of County Commissioners shall not be resubmitted nor accepted for consideration for a period of two (2) years following the date of denial of such application by the Board of County Commissioners; provided, however, that within such two (2) year time period the applicant may petition the Board of County Commissioners for a rehearing.

1.17.02 Petition For Rehearing

1. Within two (2) years of the date of the denial of an application for a rezoning or a conditional use approval the applicant may petition the Board of County Commissioners for a rehearing on its application. Said petition shall consist of (i) a petition signed by the applicant alleging that the amended application submitted therewith constitutes a substantial change to the application which was denied and specifying what changes have been made from the prior application, (ii) an amended application complete in all respects and containing all information required in connection with the original application, (iii) an updated list of all adjacent property owners as required in connection with the original application and (iv) such other information as the applicant shall desire to have considered by the Board in its determination of the petition. A petition for rehearing shall be both comprehensive and concise in delineating all proposed changes to the application which was denied.

2. In connection with a petition for rehearing the burden of proof shall be on the applicant to demonstrate that there has been a substantial change to the application which was denied. For purposes of this Section the term "substantial change" shall mean a change in the applicant's plans or the conditions of the proposed project as presented in the petition which significantly affects one or more of the reasons for the original denial of the application.

3. Upon receipt of a petition for rehearing the Board of County Commissioners shall review the petition and within sixty (60) days of the Board's receipt of the petition either (i) summarily deny the petition without a hearing if it appears to the Board, based upon the contents of the petition and any accompanying information supplied by the applicant in connection therewith, that the applicant has not carried its burden of demonstrating a substantial change to the application, or (ii) set a substantial change hearing before the Board to consider the petition. If a hearing is set, such hearing shall be conducted within one hundred and twenty (120) days of the Board's receipt of the petition.

4. Notice of a substantial change hearing shall be given by publication one (1) time in a newspaper of general circulation in Huerfano County at least thirty (30) days prior the hearing. Notice of the hearing shall also be mailed at least 15 days prior to the hearing to all listed owners of record of all adjacent property as supplied by the applicant. In addition the applicant shall cause to have posted on the subject property, in a conspicuous location, a sign supplied by Huerfano County, stating the time, date, location and subject of the hearing. Such sign shall be posted on the subject property at least fifteen (15) days prior to the hearing.

5. The decision whether to grant a petition for rehearing shall be within the sound discretion of the Board; provided, however, that the Board may grant a petition for rehearing only where the Board determines, based upon the petition and evidence presented at the substantial change hearing, that an applicant has demonstrated substantial change. The decision of the Board to deny a petition for rehearing shall be within

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the sound discretion of the Board; provided, however, that the Board shall deny a petition for rehearing where the Board determines, based upon the petition and evidence presented at the substantial change hearing, that an applicant has failed to demonstrate substantial change.

6. When the Board of County Commissioners grants a petition for rehearing, the amended application submitted with the petition shall be considered as a new application and processed by the Board of County Commissioners and Planning Commission in accordance with the applicable provisions of these regulations. A new submittal fee shall be required in connection with such new application. The decision of the Board to approve, conditionally approve or deny the amended application shall be governed by the standards set forth in these regulations with respect to new applications for a rezoning or a conditional use approval, whichever is applicable.

7. The decision of the Board to grant or deny an application for a petition for rehearing under this Section shall be reviewable only pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

8. No petition for rehearing may be granted during the pendency of any appeal or legal action contesting the decision of the Board of County Commissioners upon the rezoning or conditional use application.

1.18 RE-ZONINGS

1.18.01 General Information

Applications to rezone or change the zoning classification of a parcel or parcels of land shall be treated as proposed amendments to this zoning regulation and such applications also shall comply with the common procedures described in these regulations. Applications for rezoning shall be accompanied by an application form provided by Huerfano County, by the appropriate submittal materials and by the necessary filing fees. Changes to the text of the zoning regulations are addressed in, The Amendment Process.

1.18.02 Special Rezoning Requirements and Provisions

At least thirty (30) days prior to a public hearing scheduled before the Planning Commission or the Board of County Commissioners to consider a rezoning application, a notice of public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment to the Planning Commission before said hearing may take place.

In addition, the applicant shall also post notice on the property for which the rezoning is requested at least thirty (30) days prior to a public hearing scheduled before the Planning Commission or the Board of County Commissioners. Such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way. Such signs shall measure at least three (3) feet by four (4) feet, the size of all letters shall be at least two (2) inches high and the signs shall be erected on posts no less than four (4) feet nor more than six (6) feet above ground level.

The applicant shall also mail a written notice of said hearing(s) by registered mail, return receipt requested, at least fifteen (15) days prior to a Planning Commission or Board of County Commissioners hearing date to owners of record of all property adjacent to the property proposed for rezoning. The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the

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proposed land use change along with announcement of the date, time and location of the scheduled hearing.

Rezoning applications may be initiated by:

1. The Board of County Commissioners.
2. The Huerfano County Planning Commission.
3. Any citizen or group of citizens, association, partnership or corporation owning or leasing property or residing in Huerfano County or by a representative or agent with written power of attorney from one of the above parties to initiate the application.

1.18.03 Submittal Requirements

Applications for rezoning shall include a Letter of Intent and a Site Plan providing the information required in Section 1.06.01 for a conditional use review. In addition, applicants shall supply the following supplemental information and such additional information and documentary material as the Planning Commission shall reasonably stipulate by majority vote:

1. The source and quantity of water required for the proposed use(s) within the area to be rezoned.
2. The method of wastewater treatment and anticipated quantity of wastewater generated.
3. When water or wastewater service would be provided by a municipality or a water or sanitation or water and sanitation district or other public entity, written confirmation that the public entity in question is willing and able to provide the service in question.
4. A description of any natural or man-made hazard within or in the vicinity of the land proposed for rezoning and a statement describing how the anticipated impact of such hazards will be mitigated.
5. A legal description of the property to be rezoned.
6. A vicinity map showing to scale the proposed area to be rezoned in relationship to the surrounding area within a distance of two (2) miles from the boundaries of the proposed rezoning.
7. A graphic description of all natural and manmade water courses, retention areas, streams, lakes and known one hundred (100) year flood plains on or adjacent to the property along with all areas in the proposed rezoning with a slope of twenty (20) percent or greater.
8. A description of any critical wildlife habitat and migration corridors and unique natural features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.

1.18.04 Reserved

1.18.05 Criteria for Action on a Rezoning Application

All actions by the Planning Commission in reviewing and making recommendations on a rezoning application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the criteria contained in Section 1.06.03, Criteria for Action on a Conditional Use Application, and also on the following additional criteria:

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan.

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2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.

3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.

In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

1.19 VIOLATIONS

Whenever the County Code Enforcement Officer shall find or have personal knowledge of a violation or apparent violation of any of the provisions of these zoning regulations or any other zoning-related provisions of these regulations under his jurisdiction.

1.20 COMPLAINTS

Any person(s) aggrieved by a violation or alleged violation of any provision of this zoning regulation may file a written complaint with the County Code Enforcement Officer, who shall promptly investigate such complaint and take the appropriate administrative and/or legal action.