

Zoning Regulations
Of
Mineral County

As Amended through September, 2019

Mineral County
Board of County Commissioners
Jesse Albright, Chairman

Mineral County
Planning Commission
Dana Brink, Chairman

Originally adopted – March 31st, 1976
Including all amendments from that date through
The 3rd day of September, 2019

Amendments 2015-9 to Article 2.9 on 8/27/15
Amended 2016-7 to Article 11.10
Amended 2016-7 to Article 11.10(a)
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Amended 2017-3 to Article 6
Complete Revision 2019-14

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ARTICLE 1
TITLE, PURPOSE AND GENERAL PROVISIONS

1.1 Title

These regulations shall be cited as the “Mineral County Zoning Regulations”. (While these regulations are in fact, Amended Regulations, use of the words “as Amended” is not necessary.)

1.2 Authority

It is the intention of the Mineral County Board of Commissioners in adoption of The Mineral County Zoning Regulations (the “Regulations” herein) and the Mineral County, Zoning Map as Amended (the “Zoning Map” herein) to fully exercise all relevant powers conferred by the laws of the State of Colorado, including but not limited to:

(A) Colorado Constitution

(B) Following State Legislation

1. C.R.S. 24-65.1 Areas and Activities of State Interest
2. C.R.S. 24-67 Planned Unit Development Act
3. C.R.S. 24-68 Vested Property Rights Act
4. C.R.S. 29-20 Local Government Land Use Control Enabling Act
5. C.R.S. 30-28 County Planning Act
6. C.R.S. 43-2 State, County, Municipal and Pubic Roads

1.3 Purpose

Pursuant to the authority conferred by Title 30, Article 28, of the Colorado Revised Statutes, the Board of County Commissioners (herein “Board”) enact these regulations for the purpose of protecting and promoting the health, safety, and general welfare of the residents of Mineral County; to ensure that the use of the land does not degrade or threatened the quality of the environment and environmental resources; to encourage economic diversity in the County and to protect and enhance Mineral County’s economic strength and well-being; to preserve and promote the value of property, to protect the tax base of the County and to respect the property rights of citizens; to protect and enhance agricultural uses and the rural characteristics of the County; and, to regulate the use of land based on impacts to the surround areas and the community and to eliminate, minimize or mitigate conflicts between different land uses.

(A) The Board with the recommendations of the Mineral County Planning Commission (the “Planning Commission” herein) declare that these Regulations are additionally adopted for the following specific purposes:

1. To promote coordinated and sound development, allowing for balanced and orderly growth patterns and the provision of efficient, phased government services to accommodate existing and future residents
2. To encourage innovation in residential development or renewal so that housing demands may be met by a greater variety of types and design of housing units.
3. To provide for higher quality in site and land planning, to conserve open space, and to provide more efficient and attractive use of open space and to simplify, expedite and provide uniform application of the land use planning and regulatory review process.

(B) Mineral County recognizes the Colorado Land Use Act. No provision of these regulations shall be constructed to prohibit or prevent the application of matters of statewide concern in the zoning process, on a case by case basis.

1.4 Jurisdiction

(A) These regulations, as well as all Mineral County Land Use Regulations, shall apply to and shall include all of the unincorporated land and buildings located within the limits of Mineral County, Colorado, excluding any lands owned and administered by the Federal Government.

(B) The Board reserves the right to adopt temporary and emergency regulations on specific subjects not known as of the date of addition of these regulations that will have the full force of the law. However temporary and emergency regulations will be published separately.

1.5 Interpretation and Application

(A) The provisions of these regulations may be regarded as the minimum requirements for the protection of public health, safety, comfort, convenience, prosperity and general welfare. These regulations are not intended to interfere with or abrogate or annul any easement, covenants or agreements between parties, provided however that wherever these regulations propose a greater restriction upon the use of buildings or land or upon the location or height of buildings, structures, or require larger open spaces surrounding structures than are impose or required by other laws, ordinances, resolutions, regulations, easements, covenants or agreements between parties, the provisions of these regulations shall govern. Wherever the provisions of any other laws, ordinances, resolutions, regulations, easements, covenants or agreements between parties purpose a greater restriction upon the use of the buildings or land, upon the location or height of buildings, structures, or require larger open spaces surrounding structures or require larger open space surrounding structures than is required by these Regulations, the more restrictive requirements shall govern.

- (B) No Structure or premises shall hereafter be used or occupied, and no structure or portion thereof shall be erected, moved, constructed, reconstructed, extended, enlarged or altered contrary to the provisions of these regulations except as herein provided. No portion of a lot area, open space, off-street parking space or yard required about or in connection with any building for the purposes of complying with these regulations may be included as a portion of a lot area, an open space, off-street parking area or yard similarly required for any other building or its use except as provided under Article 6, Planned Unit Development.
- (C) The absence of County regulations on a particular structure or use shall not relieve a property owner, tenant, occupant, contractor, or any other person or entity from complying with federal and state laws, rules and regulations applicable to any construction upon or use of any property, such as the installation of manufactured homes, the conversion of mobile homes to permanent improvements.
- (D) Any reference herein to any state statute by number shall, if re-codified, by the state to a different number but without substantive changes to the text of that statute, shall be interpreted as the same statute.
- (E) When a paragraph herein is cited, use of the word "Article: shall be unnecessary. Every such cited paragraph includes all subparagraphs of the cited paragraph.
- (F) If any provision of these regulations is declared invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that provision which is expressly declared invalid and shall not affect any other provision of these regulations.
- (G) If the application of these regulations to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, then the effect of such decision shall be limited to the tract of land involved. Such decision shall not affect these regulations or the application of any provision thereof to any other tract of land.

1.6 Classification of Districts

For the purpose of these regulations the County is divided into zoning districts designed as follows:

<u>Districts</u>	<u>Abbreviation</u>
Rural	RU
Alpine	ALP
Residential Estate	RE
Residential	R

Residential High Density	RH
Mobile Home Estate	MHE
Mobile Home	MH
Recreational Resort	RR
Commercial	C
Industrial	I

1.7 Zoning Map

- (A) The location and boundaries of the Districts designated in section 1.6 are hereby established as shown on the map entitled Zoning Map of Mineral County, signed by the Chairman of the Board and the Mineral County Clerk and Recorder (the "County Clerk" herein) and hereafter referred to as the Zoning Map, currently dated April 5, 1976 and amended January 3, 2012. The Zoning Map and all the notations thereon are hereby made a part of these regulations.
- (B) A signed copy of the Zoning Map showing the Districts designated at the time of the adoption of these regulations shall be maintained on the file with the County Administrator and are available for public inspection in the Administrator's office. Changes made in district boundaries or on other matters portrayed on the official Zoning Map shall be made in accordance with the resolution approving such change after the amendment has been approved by the Board, by an entry on the official Zoning Map.
- (C) Existing uses classified as Conditional Uses will be considered as approved Conditional Uses when these regulations were originally adopted.

1.8 Zoning Use Chart

- (A) IDENTIFIED. The Zoning Chart, as amended from time to time, is identified as Table A and is located at the end of this Article 1.
- (B) TYPES OF USES. The column on the left side of Table A identifies most of the potential types of uses of property in Mineral County currently anticipated by the Board. These uses are expressed as categories but are to be construed narrowly. A use that cannot be readily included in any category shall be considered a Conditional Use in all reasonably appropriate districts, as determined by the Board.
- (C) REGULATIONS SUPERSEDE ZONING USE CHART. In the event of any conflict between the plain language of these regulations and the entries appearing in Table A, these regulations shall prevail.

(D) DISTRICTS. The vertical columns in Table A are the ten (10) Districts created by these regulations in paragraph 1.6 above, shown on the Zoning Map by the abbreviations in paragraph 1.6 and described in Article 2 and throughout these regulations.

(E) SYMBOLS. The letter “P” in a box indicates that a specific use, as noted, within a specific District, as noted, is a Permitted Use. The letter “C” in a box indicates that a specific use, as noted, within a specific District, as noted, is a Conditional Use. A blank or empty box means that specific use in that specific District is prohibited. Each Article hereof dealing with each use and each District may contain other permitted, conditional or prohibited uses.

TABLE 1A
MINERAL COUNTY ZONING REGULATIONS
 Effective date, this table January 3, 2012

Districts	Abbreviation
Rural	RU
Alpine	ALP
Residential Estate	RE
Residential	R
Residential High Density	RH
Mobile Home Estate	MHE
Mobile Home	MH
Recreational Resort	RR
Commercial	C
Industrial	I
Uses	Abbreviation
Conditional	C
Permitted	P

TABLE 1A (continued)
MINERAL COUNTY ZONING REGULATIONS

Effective date, this table January 3, 2012

Districts	I	C	RR	MH	MHE	RH	R	RE	ALP	RU
General Farming and Ranching			P	P	P		P	P		P
Agricultural Products, Processing and Distribution										C
One Unit Farm and Ranch Dwelling										P
Bunkhouse, Seasonal Farm Labor Housing									C	C
Nursery Stock Production and Sales		P								
Feed lots, Dairies, Poultry & Eggs Production										C
Commercial Greenhouse		P								C
Commercial Fish Hatchery, Culture and Processing										C
Forestry Products, Production, Management, Harvesting			P				P	P		P
Wildlife Habitat Management										P
One Dwelling, Including Manufactures Homes			P	P	P		P	P	P	P
Guest House Not Exceeding 1000 sqft.							P	P	P	
Multi-Unit Dwellings						C	P	C		P
Apartments, Condominiums, Townhouses						C				
Individual Mobile Home				P	P					
Detached Garage	P	P	P	P	P	P	P	P	P	P
Fence not exceeding 40" High	P	P	P	P	P	P	P	P	P	P
Accessory Buildings and Uses	P	P	P	P	P	P	P	P	P	P
Rest, Nursing and Convalescent Homes		P		C	C	C	C	C		C
Group Homes For: Developmentally disabled, Aged(over 60) & Persons with mental illness										C
Short-Term Residential Rentals				P	P	P	P	P	P	P
Open Land Recreation Uses: Golf, Tennis, Riding Stables, etc.		C	P			P				
Non-Commercial Parks, Sports Fields, Recreation		P		P	P	P		P	P	P
Outdoor Sports Facilities and Activities						P			C	
Resort Accommodations with Outdoor Recreation			P							
Campgrounds			C							
Outdoor Amusement and Entertainment	C	P								
Miniature Golf, Outdoor Amusements (Except Drive-ins)		P				P				

Districts	I	C	RR	MH	MHE	RH	R	RE	ALP	RU
Drive-in Theatres		C								C
Vocational Schools, Colleges, Universities	C	P			C			C		C
Public and Private K-12 Schools		P		C	P	C	C	P		
Research Facilities (Except U.S. Telecommunications)	P	C								
Hospitals		P		C	C	C	C			C
Churches, Chapels, Synagogues, Temples, Mosques		P		C	C	C	C	P		C
Cemeteries										C
Mortuaries, Funeral Home, Chapels		P								
Kennels and Animal Hospitals	C	C								C
Medical and Dental Clinics		P			C			C		C
Other Professional Services	C	P								C
Business and Professional Offices	C	P			C			C		C
Administrative and Executive Offices	C									C
Financial Institutional and Membership Clubs		P								
Hotels, Motels, Restaurants, Bars		P	P							
Bed and Breakfast Establishment		P	P						C	C
Home Occupations				C	C	C	C	C		C
Indoor Amusement and Entertainment		P								
Retail Sales Establishment		P								
Car Wash	P	P								
Auto Parking Lot	P	P								
Gasoline Service Station	C	C								
Storage Units, Sales, and Rental	P	C								
Contractors Equipment Storage and Supplies	P	P								C
Equipment Sales, Service and Rental	P	P								
Cold Storage Lockers	P	P								
Printing Services	P	P								
Bulk Cleaning and Laundry (NO dry cleaning)	P	P								
Dry Cleaning		C								
Warehouses and Wholesale Facilities (Fully enclosed)	P	C								
Salvage Junk Yards	C									
Mining and Milling									P	
Sand, Grave, Quarry, Limestone, Extraction	C									C
Other Extractive Industries	C									
Hot Mix Plants, Rock Crushers , Etc.	C									
Fuel, Chemical, Hazardous Products Storage	C									

Districts	I	C	RR	MH	MHE	RH	R	RE	ALP	RU
Saw Mills, Planning Mills	C									
Cleaning, Manufacturing, Processing, Assembly	P	C								
Heavy Industry (Odor, Gas, Smoke, Noise, Vibrations, Etc.)	C	C								
Utility Installation (Gas, Phone, elec., cable TV)(Avt. 4)	C	C	C	C	C	C	C	C	C	C
Public Utility Facilities, Buildings, etc.	P	P		C	C	C	C	C		C
Water and Sewer Supply and Treatment Facilities			C	C	C	C	C	C		C
Solid Waste Disposal Facilities	P									
Radio, T.V. Microwave Towers or Stations	P									C
Public Buildings	P									C
Recycling centers	C	C								
Airports	C	C								C
Jails	C	C								
Light Duty Manufacturing	P	C								
Communication Towers	P	P								C

1.9 PLANNING COMMISSION

(A) INTENT. The purpose of the Planning Commission, hereby created, shall be to review all land use applications prior to submission of the same to the Board and to make formal recommendations based upon such review and on the provisions of the Mineral County Zoning and Subdivision Regulations, as well as any related Regulations or plans.

(B) POWERS OF THE PLANNING COMMISSION. The Planning Commission shall have the power, except as otherwise provided by the law:

1. To make and adopt a County Master Plan ("Plan"), if it considers such a plan to be appropriate. The content of the Plan may but need not extend to those permitted by Colorado state statutes. Until such plan is adopted by the Board as binding, such plan shall be advisory only. The Plan may be adopted in any number of stages. However, the Planning Commission must make and adopt such plan when requested to do so by the Board or required by the Colorado Department of Local Affairs.
2. To review and approve conceptual plans, when applicable.
3. To review and make recommendations to the Board for amendments to the Mineral County Zoning, Subdivision and other Land Use Regulations.
4. To review and make recommendations to the Board for the rezoning of land.
5. To review and make recommendations to the Board for preliminary and final subdivision and PUD plats and plans.
6. **To review and make recommendations to the Board regarding Conditional Use, Boundary Line Adjustments and Lot Consolidation applications.**
7. To review and make recommendations to the Board concerning any other matters which may be submitted to it by the Board.
8. To recommend standards governing the use of safety glazing materials for hazardous areas of the County.

(C) PLANNING COMMISSION – MEMBERSHIP, MEETINGS, PROCEDURES

1. The Board shall appoint a Planning Commission consisting of five (5) voting members. In addition, the Board shall appoint two associate members (alternates), either or both of whom may vote in the event of the absence or disqualification of a regular member. Each member of the Planning Commission shall be a resident of the County. The term of appointed members of the Planning Commission shall be three (3) years and until their respective successors have been appointed. The terms of office shall be staggered by making the appointments such that approximately one-third

(1/3) of the members' terms expire each year. A quorum shall consist of three (3) members.

2. Any member of the Planning Commission may be removed by the Board for non-performance of duty or misconduct. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.
3. The Planning Commission shall serve without compensation but each member and associate member attending a meeting shall receive per diem as fixed by the Board each year, to defray the expenses of attendance.
4. The Planning Commission shall elect from its members a chairperson and Vice-Chairperson whose terms shall be for one (1) year. Other positions may be created by the Planning Commission when needed.
5. The Planning Commission shall adopt such by-laws, rules and regulations governing its proceedings as it may consider necessary or advisable. Such rules and regulations shall be consistent with these regulations and appropriate Colorado Statutes. A majority of the voting members present is required for a recommendation or determination. In the event of a dissenting vote shall be one (1) or more members of the Planning Commission, or a roll call vote shall be recorded in the minutes of the meeting.
6. The Planning Commission shall meet at least once every month to review and process applications and other request submitted to the Planning Commission, unless no matters are pending. All meetings shall be continuously open to the public with the sole exception that, by majority vote, the members may utilize an executive session for the single purpose of debating the veracity of conflicting parties. An agenda of items shall be made available to the public at the County Administrator's office before the meeting.
7. The Planning Commission may call special meetings for special projects or other important topics for review, discussion or recommendation. Alternate hearing dates due to weather conditions or other scheduling difficulties may be considered by the Chairperson of the Planning Commission.
8. No meeting shall be called to order unless a quorum is present. In the absence of a quorum, the intended meeting shall be terminated by the presiding member within a reasonable time after gathering. The presiding member may also set a future date for a special meeting, if necessary.
9. A secretary to the Planning Commission shall be appointed by the County Administrator to be present at all regular meetings of the Planning Commission. The secretary need not be a member or associate member. The secretary shall take the regular minutes of the meetings in an appropriate manner approved by the Planning Commission. The County Administrator shall take the minutes of any executive session. The regular minutes shall be made a matter of public record within a practical amount of time after the official meeting of the Planning Commission. Anyone wishing to have a

transcript of the proceedings (not including executive sessions) may have a court reporter present at their own expense.

(D) REVIEW, RECOMMENDATION PROCEDURE AND BOARD ACTION

1. The Planning Commission shall review responses from referral agencies, staff comments and recommendations and the application submitted by any applicant on planning or zoning matters.
 - a) Approval of the application without conditions.
 - b) Conditional Approval of the application indicating for the record what condition(s) and whether the conditions are short term (to obtain final approval) or permanent (after final approval).
 - c) Denial of the application indicating for the record the reason(s) for the recommendation of denial.
 - d) Continuing the matter until a later regularly scheduled meeting in order to obtain more information and help clarify the application before them. No continuance shall exceed eleven (11) months.

2. Thereafter, the Board shall review the application, response from the referral agencies, staff comments and the Planning Commission recommendations and shall make one of the following decisions regarding the application:
 - a) Approval of the application without conditions.
 - b) Conditional Approval of the application indicating for the record any permanent condition(s).
 - c) Denial of the application indicating for the record the reason(s) for denial.
 - d) Continuing the application until a later regularly scheduled meeting in order to obtain more information and help clarify the application before them. No continuance shall exceed eleven (11) months.
 - e) The Board may also remand the matter to the Planning Commission for further review if the Board considers any substantial change in the application as submitted to the Board.

1.10 LAND USE OFFICE

(A) INTENT. The office of the Mineral County Administrator (the “County Administrator” herein and frequently referred to as the “county zoning official” or county “building inspector” in Colorado statutes), hereby created, shall be to review all land use applications for form, content and compliance with all applicable County regulations and Colorado statutes. The County Administrator shall reject any insufficient or illegal application and will give the applicant the reason(s) for such rejection. The applicant may then reform the application and resubmit it to the County Administrator for acceptance and filing. Applications, as used herein, include, but not by way of limitation, subdivision,

e-zoning, PUD, Land Use and Construction Consent, variances, Board of Adjustment matters and all other land use matters.

(B) POWERS. The County Administrator shall have the power to accepting for filling all land use applications except those that, pursuant to the County regulations or Colorado statute, must be filed with the County Clerk. In addition, the County Administrator has the power to:

1. Review and reject land use applications as insufficient or illegal.
2. Make recommendations to the Planning Commission and the Board on all land use applications and matters.
3. Issue septic permits, road access permits and all other permits related to land use matters, and approvals of Land Use and Construction Consent Applications.
4. Fulfill the duties of both the county zoning official and the county building inspectors as those titles are used in the Colorado statutes.
5. Give the ten (10) day written notice to correct violations, to violators, for violations of which the land use administrator has personal knowledge.
6. Make requests to the Mineral County Sheriff for the issuance of summons and complaints to violators who have failed to correct violations as provided in five above.

(C) The County Administrator shall serve at the pleasure of the Board for such compensation as shall be fixed by the Board.

(D) The County Administrator shall serve as advisor to the Planning Commission on all planning and zoning matters brought to their attention and shall be responsible for scheduling all Planning Commission meetings in accordance with the guidelines established by the Planning Commission. The County Administrator or his authorized representative shall represent the Planning Commission at official meetings at which the Planning Commission's recommendation(s) or opinions are solicited, inclusive of but not limited to, meeting before the Board, regional planning advisory meetings and at such other times as requested by the Planning Commission.

(E) The County Administrator shall conduct research, prepare reports and other tasks as requested by the Planning Commission and the board on land use matters or, with the approval of the Board, contract for the technical assistance in the preparation of information for use by the Planning Commission or the Board in the review and processing of land use and zoning request.

(F) The County Administrator shall serve as the administrative officer for the Planning Commission and be available for advising and assisting the Planning Commission.

(G) Unless directed to the contrary by the Board, the County Administrator shall have jurisdiction with respect to all Land Use Regulations.

ARTICLE 2
DISTRICT REGULATIONS

2.1 Rural Districts (RU)

The district is comprised of areas which are primarily in a natural state or areas utilized for growing crops, raising livestock, preservation and production of timber resources and other similar farming, ranching and resource conservation activities. The principle purposes of this district are the preservation and protection of irrigated croplands rangelands, watershed, and wildlife habitats in the county and open space.

(A) Permitted Uses

1. General farming and ranching included raising of grains, fruits, vegetables, grasses, hay and livestock (not including feed lots.)
2. Management, production and harvesting of forestry products.
3. Management of natural wildlife habitats and reserves, both public and private.
4. One (1) one-unit or multi-unit dwelling, including a modular home ~~but not or including~~ a manufactured (HUD) **home, (See definition of manufactured (HUD) home allowed, Section 12.2) but not including a mobile home.**
5. Short-term rentals of the one-unit dwelling **or accessory dwelling or one unit of multi-unit dwelling (only one STR unit allowed on a property).**
6. Noncommercial recreational such as parks, playfields and playgrounds not operated for profit.
7. Accessory buildings and uses.

(B) Conditional Uses

1. Agricultural products distribution and/or processing facilities.
2. Feed lots, dairies, poultry and egg production, hatcheries, rabbit farms and similar production activities. All of such activities shall be in compliance with Colorado statutes.
3. Commercial fish culture and/or processing.
4. Commercial greenhouses.
5. Cemeteries.
6. Contractors' equipment storage.
7. A second one-unit or multi-unit dwelling, including a modular home ~~but not including~~ **or** a manufactured (HUD) ~~but not a~~ mobile home. **(Not available for short-term rental).**
8. Housing for seasonal farm labor.

9. Public and private schools, Hospitals, rest homes, nursing homes and convalescent homes.
10. Churches, chapels, temples, and synagogues, mosques, etc.
11. Utility installations as defined.
12. Sewage disposal, water supply and treatment, and solid waste disposal facilities properly approved by the Board under Title 30, Article 20, Colorado Revised Statutes.
13. Public facilities, uses and buildings owned or operated by a public entity.
14. Vocational schools, colleges and universities.
15. Gun clubs and shooting ranges.
16. Kennels and animal hospitals.
17. Medical and dental clinics.
18. Business and professional offices.
19. Airports.
20. Extractive industries, but not limited to areas containing only sand, gravel, quarry aggregate or limestone for construction purposes.
21. Radio, television and microwave transmitting, receiving or relay stations or towers.
22. Home occupations.
23. Drive-in theatres.
24. Fuel, chemical or other hazardous products storage.
25. Bed & Breakfast.
26. Communication Towers.

(C) Lot Size

1. Minimum lot area for permitted uses: thirty-five (35) acres.
2. Minimum area for Conditional Uses: five (5) acres, except as noted in the Supplemental Regulations, Section 4.8 (B), regarding utility facilities.
3. Minimum lot width for permitted use is: six hundred (600) feet.
4. Minimum lot width for Conditional Uses: one hundred fifty (150) feet except as noted in the Supplemental Regulations, Section 4.8 (B), regarding utility facilities.

(D) Setback Requirements

1. Front setback for all uses: fifty (50) feet, except for agricultural products distribution and/or processing facilities, which require one hundred (100) feet.
2. Side setback for permitted uses: 50 feet.
3. Side setback for Conditional Uses: 25 feet.
4. Rear setback for permitted uses: 50 feet.
5. Rear setback for Conditional Uses: 25 feet.

(E) Lot Coverage

The total coverage of all building shall not exceed ten (10) percent of the lot area for a permitted use and shall not exceed 50 percent of the lot area for Conditional Use.

(F) Height of buildings

Maximum heights for all uses: 45 feet.

(G) Building size

Minimum size for dwellings: must encompass no less than 500 sq. ft. footprint

2.2 Recreational Resort District (RR)

This district is comprised of open land recreational uses and resort type accommodations when associated with recreation or group-oriented activities which are largely seasonal in nature.

(A) Permitted Uses.

1. General farming and ranching including raising grains, fruits, vegetables, grasses, hay and livestock in compliance with the Supplemental Regulations, Section 4.17.A.
2. Management, production and harvest of forestry products.
3. Open land recreational uses such as riding stables, golf courses and tennis courts, including incidental commercial and service activities such as eating accommodations, sporting goods shops, gift shops, food shops and gasoline sales designed for the convenience of but not limited to, patrons of the primary use.
4. Resort type hotel, motel, cabin accommodations when associated with recreation or group-oriented activities including incidental commercial and service activities as specified in 2.2 (A)(3).
5. One-unit dwelling solely for the use of the owner or manager of any permitted or Conditional Use but not as part of that use. The dwelling may be a modular home ~~but not or~~ including a manufactured (HUD) home, (See definition of **manufactured (HUD) home allowed, Section 12.2**) but not a mobile home.
6. Bed and Breakfast.
7. Accessory Structures

(B) Conditional Uses

1. Winter sports areas.

2. Utility installations as defined.
3. Major sewage disposal, water supply and treatment facilities.
4. Campgrounds.

(C) Lot Size

1. Minimum lot area: 5 acres, except as noted in the Supplemental Regulations, Section 4.8 (B), regarding utility facilities.
2. Minimum lot width: 200 feet, except as noted in the Supplemental Regulations, Section 4.8 (B), regarding utility facilities.

(D) Setback Requirements

1. Minimum front yard: 35 feet.
2. Minimum side yard: 25 feet.
3. Minimum rear yard: 25 feet.

(E) Lot Coverage

The total coverage of all buildings shall not exceed 20 percent of the lot area.

(F) Height of Buildings

1. Maximum heights for uses: 45 feet.
2. Maximum heights for accessory uses: 45 feet.

2.3 Residential Estate District (RE)

This district is comprised of low-density, large lots, single family residential development and other necessary and compatible uses. This is intended to provide a purely residential environment and also to meet the need for estate type development.

(A) Permitted Uses.

1. General farming and ranching including raising grains, fruits, vegetables, grasses, hay and livestock in compliance with the Supplemental Regulations, Section 4.17.A.
2. Management, production and harvest of forestry products.
3. One-unit dwelling, including a modular home ~~but not including~~ or a manufactured (HUD) ~~home~~ **but not a** mobile home.
4. Short-term rentals of the one-unit dwelling or accessory dwelling (only one STR unit allowed on a property).

5. Noncommercial recreational facilities such as parks, playfields and playgrounds not operated for profit.
6. Public and private schools.
7. Churches, chapels, temples, and synagogues, mosques, etc.
8. Accessory buildings and uses.

(B) Conditional Use

1. Multi-unit dwelling, including a modular home ~~but not including~~ or a manufactured (HUD) home ~~but not a mobile home.~~
2. Hospitals, rest homes, nursing homes and convalescent homes.
3. Utility installations as defined.
4. Sewage disposal and water supply treatment facilities.
5. Public buildings owned or operated by a public entity.
6. Vocational schools.
7. Medical and dental clinics.
8. Business and professional offices.
9. Home occupations.

(C) Lot Size

1. Minimum lot area per dwelling unit: 5 acres, except as noted in the Supplemental Regulations, Section 4.8 (B), regarding utility facilities.
2. Minimum lot width: 200 feet, except as noted in the Supplemental Regulations, Section 4.8 (B), regarding utility facilities.
3. All lots that face a cul-de-sac turnaround or curve on a minor loop street shall have a minimum lot width of 150 feet.

(D) Setback Requirements

1. Minimum front yard: 35 feet.
2. Minimum side yard: 25 feet.
3. Minimum rear yard: 35 feet.

(E) Lot Coverage

The total coverage of all buildings shall not exceed 20 percent of the lot area.

(F) Height of Buildings

Maximum heights for all uses: 35 feet.

(G) Building size

Minimum size for dwellings: must encompass no less than 500 sq. ft. footprint

2.4 Residential District

This district is comprised of quiet, medium-density residential areas of the County plus certain open areas where similar residential development should occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children in many families and to prohibit activities of a commercial nature. To these ends, development is limited to one-unit or multi-unit dwellings.

(A) Permitted Uses.

1. General farming and ranching including raising grains, fruits, vegetables, grasses, hay and livestock in compliance with the Supplemental Regulations, Section 4.17.A.
2. Management, production and harvest of forestry products.
3. One (1) one-unit or multi-unit dwelling, including a modular home **but not or including a manufactured (HUD) home, (See definition of manufactured (HUD) home allowed, Section 12.2) but not including a mobile home.**
4. Short-term rentals of the one-unit dwelling **or accessory dwelling or one unit of the multi-unit dwelling (only one STR unit allowed on a property).**
5. Noncommercial recreational facilities such as parks, playfields and playgrounds not operated for profit.
6. Accessory buildings and uses.

(B) Conditional Uses

1. Public and private schools.
2. Churches, chapels, temples, and synagogues, mosques, etc.
3. Hospitals, rest homes, nursing homes and convalescent homes.
4. Utility installations as defined.
5. Major sewage disposal and water supply treatment facilities.
6. Public buildings owned or operated by a public entity.
7. Home Occupations.
8. **Additional Multi-unit dwelling, including a modular home but not including or a manufactured (HUD) but not a mobile home.**

(C) Lot Size

1. Minimum Lot Area: three (3) acres.

2. Minimum Lot Width: 150 feet.

(D) Setback Requirements

1. Minimum front setback:
 - (a) For all lots with an area of one-half (1/2) acre or larger, the minimum front setback shall be thirty (30) feet;
 - (b) For all lots with an area of less than one-half (1/2) acre, the minimum front setback shall be twenty-five (25) feet;
2. Minimum side setback: ten (10) feet on each side except that on corner lots, the setback shall be 25 feet on the side abutting the street.
3. Minimum rear setback: 25 feet.
4. The entrance side of a garage or carport shall be set back at least 25 feet from the access street, except that in the case of an alley, the entrance shall be set back at least (10) feet from the rear lot line.

(E) Lot Coverage

1. On all lots with an area of one-half (1/2) acre or larger, the total coverage of all buildings shall not exceed 20 percent of the lot area;
2. On all lots with an area of less than one-half (1/2) acre, the total coverage of all buildings shall not exceed 30 percent of the lot area;

(F) Height of Buildings

1. Maximum height for principle uses: 35 feet.
2. Maximum height for accessory uses: 20 feet.

(G) Building size

Minimum size for dwellings: must encompass no less than 500 sq. ft. footprint.

2.5 Residential High Density District (RH)

Resolution 2013-1 Residential High Density January 7, 2013

This district is comprised of high-density residential development in the form of residential apartment buildings and complexes, condominium buildings and complexes and townhome buildings and complexes. All of these building are Conditional Uses in the RH district primarily because of the issues of parking but all provisions of Article 3 – Conditional Use Review – will be permitted after Conditional Use approval. An application for Conditional Use review in this

district may include more than one building on a single parcel if the underlying parcel remains in single ownership but every building in this district must have Conditional Use approval before building permit will be issued for any building. A single owner may apply for a Conditional Use approval on more than one parcel in the same application, but each parcel will be treated as a separate application for purpose of review and approval. Subdivision or PUD approval will also be required if separate ownership of any portion of the parcel described in the Conditional Use application is to be permissible, regardless of type of building.

Because of the high density, each dwelling unit must be provided with two (2) off-street parking spaces for a single bedroom unit and one and one-half (1.5) off-street parking spaces for each additional bedroom in a multiple bedroom dwelling unit. Parking spaces may be attached to or must be in close proximity to each dwelling unit.

State approved central water and sewer facilities will always be required in this district. Commercial uses will be limited to retail sales and services intended to serve the residents of the district, but such uses are also Conditional Uses, must be clustered and cannot be located in any building a portion of which is to be residential. Since the three types of residential buildings described above are allowed only in this district, or in a PUD under Article 6, the necessary definitions of those buildings appear in this section 2.5 rather in Article 12. Residential buildings of any type, whether characterized as apartments, condominiums or town-homes, shall contain four or more dwelling units.

(A) Permitted Uses:

1. Long or short-term rental of dwellings units.
2. Noncommercial recreational facilities such as parks, playfields and playgrounds, tennis courts, swimming pools and golf courses not operated for profit.
3. Accessory buildings and uses, as necessary for any approved Conditional Use.

(B) Conditional Uses:

1. Apartment buildings and complexes, condominium buildings and complexes and townhome buildings and complexes and any combinations thereof.
2. Public and private schools.
3. Churches, chapels, temples, and synagogues, mosques, etc.
4. Hospitals, rest homes, nursing homes and convalescent homes.
5. Utility installations as necessary for any approved Conditional Use.
6. Major sewage disposal and water supply treatment facilities.
7. Public buildings owned or operated by a public entity.
8. Home occupations.

(C) Lot Size:

1. Minimum Lot Area: Variable, as determined by the county.
2. Minimum Lot Width: 150 feet.

(D) Setback Requirements:

1. Minimum front setback: 25 feet, without front parking, and 40 feet with front parking.
2. Minimum side setback: 10 feet, and 25 feet on a side abutting a street.
3. Minimum rear setback: 25 feet, without rear parking, and 40 feet with rear parking.
4. Minimum rear and side setbacks for accessory buildings: 8 feet.
5. The entrance side of a detached garage or carport shall be set back at least 10 feet from the edge of any road, street, alley or driveway that provides access to more than one dwelling unit.

(E) Lot Coverage

The total coverage of all building on any lot shall not exceed sixty percent (60%) of the total area of the lot.

(F) Height of Buildings:

1. The maximum height for principle uses: 45 feet.
2. The maximum height for accessory uses: 22 feet.
3. Either or both of these heights can be reduced by the Board of County Commissioners when the building is near the Airport Zone.

(G) Buildings approved for units in multiple ownership, must have an HOA/POA that adopts covenants that are recorded with approved by the County prior to Conditional Use.

(H) Buildings with more than three dwelling units in a row and approximately on the same elevation must stagger the roofs ridgeline or be wholly different design at least every three units.

(I) Multi-unit dwellings must have adequate trash disposal facilities including prevention of wind dispersal and view screening.

(J) Preliminary draft architectural plans shall accompany every Conditional Use approval by the Board, substantially similar final plans must accompany the application for a Land of Use and Construction Consent. The County may retain a Colorado licensed architect to review any plans, at the expense of the Applicant, estimated fees to be paid to the County in advance. The County Administrator may require a re-hearing if the final plans are not

substantially similar. All plans shall be signed by a Colorado licensed architect and will include this statement: "The undersigned has incorporated necessary elements contained in the 'Life Safety Code Handbook' of the National Fire Protection Association and in all standard requirements in Colorado hazard insurance coverage for buildings".

(J) Definitions

1. Apartment building: Four or more dwelling units in one building where the entire building is in single ownership and the only use is long and short term rentals.
2. Condominium building: Four or more dwelling units in one building where each unit is or may be in separate ownership. Specific common elements will always be owned in common by all unit owners. Colorado statutes supersede this definition.
3. Townhome building: Also known as a Townhouse building, this building, this building consists of four or more independent dwelling units, each unit being designed for one family and each unit having a separate outside door, electric meter and gas meter or tank. Every unit within a building is attached to another unit within that building by either one or two common walls (including floors and ceilings) but are designed to appear as detached or semi-detached single family residences. Each unit is or may be in separate ownership. There are no interior common elements except common walls.
4. Buildings: All of the Above.

2.6 Manufactured/Mobile Home Estate District (MHE)

This district is comprised of low density large lot, single-family residential development, including individual manufactured/mobile home as dwelling units, and other necessary and compatible uses. This is intended to provide a purely residential environment and also to meet the need for estate type development.

(A) Permitted Uses

1. General farming and ranching including raising grains, fruits, vegetables, grasses, hay and livestock in compliance with the Supplemental Regulations, Section 4.17.
2. Management, production and harvesting of forestry products.
3. One unit dwelling **or a multi-unit dwelling**, including **a manufactured(HUD) home and or a mobile homes.**
4. Short-term rentals of the one-unit dwelling **or accessory dwelling or one unit of the multi-unit dwelling (only one STR unit allowed on a property).**
5. Individual manufactured(HUD) home and mobile home.

6. Non-commercial recreational facilities such as parks, playfields, playgrounds, tennis courts, swimming pools and golf courses not operated for profit.
7. Public and private schools.
8. Accessory buildings and uses.

(B) Conditional Uses

1. Hospitals, rest homes, nursing homes and convalescent homes.
2. Utility installations as defined.
3. Major sewage disposal and water supply treatment facilities.
4. Public buildings owned or operated by a public entity.
5. Vocational schools.
6. Medical and dental clinics.
7. Business and professional offices.
8. Home occupations.
9. Churches, chapels, temples, and synagogues, mosques, etc.

(C) Lot Size

1. Minimum lot area per dwelling unit: 5 acres, except as noted in the Supplemental Regulations, Section 4.8 (B), regarding utility facilities.
2. Minimum lot width: 200 feet, except as noted in the Supplemental Regulations, Section 4.8 (B), regarding utility facilities.
3. All lots that face a cul-de-sac turnaround or curve on a minor loop street shall have a minimum lot width of 150 feet.

(D) Setback Requirements

1. Minimum front yard: 35 feet.
2. Minimum side yard: 25 feet.
3. Minimum rear yard: 35 feet.

(E) Lot Coverage

The total coverage of all buildings shall not exceed 20 percent of the lot area.

(F) Height of Buildings

Maximum heights for all uses: 35 feet.

(G) Building size

Minimum size for dwellings: must encompass no less than 500 sq. ft. footprint.

2.7 Mobile Home District (MH)

This district is comprised of medium density, single family residential areas in which manufactured/mobile homes will be allowed on individually owned lots and manufactured/mobile home parks will be accommodated as Conditional Uses. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage environment a suitable environment for family life and to prohibit activities of a commercial nature. To accomplish this, development is limited to one unit dwellings and manufactured or mobile homes.

(A) Permitted Uses

1. General farming and ranching including raising grains, fruits, vegetables, grasses, hay and livestock in compliance with the Supplemental Regulations, Section 4.17.
2. One unit dwelling **or a multi-unit dwelling**, including **a manufactured(HUD) home and or a mobile homes.**
3. Short-term rentals of the one-unit dwelling **or accessory dwelling (only one STR unit allowed on a property).**
4. Non-commercial recreational facilities such as parks, playfields, playgrounds, tennis courts, swimming pools and golf courses not operated for profit.
5. Accessory buildings and uses.

(B) Conditional Uses

1. Accessory buildings and uses.
2. Churches, chapels, temples, and synagogues, mosques, etc.
3. Mobile home park.
4. Mobile home park, Transient.
5. Hospitals, rest homes, nursing homes and convalescent homes.
6. Utility installations as defined.
7. Major sewage disposal and water supply treatment facilities.
8. Public buildings owned or operated by a public entity.
9. Home occupations.

(C) Lot Size:

1. Minimum Lot Area: one (1) acres.
2. Minimum Lot Width: 150 feet.

(D) Setback Requirements

1. Setbacks within manufactured/mobile home parks and transient manufactured/mobile home parks are subject to the County Manufactured/Mobile Home Regulations.
2. Minimum front setback:
 - (a) For all lots with an area of one-half (1/2) acre or larger, the minimum front setback shall be thirty (30) feet;
 - (b) For all lots with an area of less than one-half (1/2) acre, the minimum front setback shall be thirty (25) feet;
3. Minimum side setback: ten (10) feet on each side except that on corner lots, the setback shall be 25 feet.
4. Minimum rear setback: 25 feet.
5. The entrance side of a garage or carport shall be set back at least 25 feet from the access street, except that in the case of an alley, the entrance shall be set back at least (10) feet from the rear lot line.

(E) Lot Coverage

1. On all lots with an area of one-half (1/2) acre or larger, the total coverage of all buildings shall not exceed 20 percent of the lot area;
2. On all lots with an area of less than one-half (1/2) acre, the total coverage of all buildings shall not exceed 30 percent of the lot area;

(F) Height of Buildings

1. Maximum height for principle uses: 35 feet.
2. Maximum height for accessory uses: 20 feet.

(G) Building size

Minimum size for dwellings: must encompass no less than 500 sq. ft. footprint.

2.8 Commercial (C)

This district is comprised of a full range and variety of retail sales and services. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage environment a suitable environment for providing goods and services of all kinds to the general public and to prohibit non-commercial and industrial

activities. The regulations are designed to permit the development of commercial and business functions plus certain public facilities which are needed to serve the business within the district.

(A) Permitted Uses

1. Establishments for all commercial uses including the sale and rental of all legal goods and the provision of all legal services, of every kind and character. Specific examples follow but are not by way of limitation.
2. Mortuaries and funeral chapels.
3. Medical and dental clinics.
4. Business and professional offices.
5. Financial institutions.
6. Membership clubs.
7. Churches, chapels, temples, and synagogues, mosques, etc.
8. Greenhouses.
9. Hotels and motels, including restaurants and other incidental commercial uses inside the principle building.
10. Automobile parking lots.
11. Eating and drinking establishment.
12. Indoor amusement and entertainment establishments.
13. Miniature golf courses, outdoor amusement and entertainment establishments not including a drive in theatre.
14. Parks, playfields, and playgrounds.
15. Public utility uses, facilities, services and buildings.
16. Vocational, business, and private schools.
17. Car washes.
18. Accessory buildings associated with permitted and approved Conditional Uses.
19. Radio, television and microwave transmitting, receiving or relay stations or towers.
20. Lumber yards.
21. Nursery stock production & sales (not extended to feed lots, feeder lots or livestock of any kind).
22. Cold storage lockers.
23. Printing services.
24. Bulk cleaning & laundry facilities (not including dry cleaning).
25. Hospitals, fire stations, police stations, convalescent centers.
26. Nursing homes.
27. Professional services.
28. Administrative and executive offices.
29. Daycare services.
30. Outdoor eating establishments.
31. Library.

32. Communication Towers.
33. Equipment, Vehicle, sales, storage & supply rental, including but not limited to mobile homes, automobiles, boats, trucks, trailers, off-highway vehicles, agricultural implements, building contractors equipment, yard equipment.
34. Household equipment sales and appliance repair.
35. Storage Units.

(B) Conditional Uses

1. Gasoline service stations.
2. Drive-in Theatres.
3. Kennels and animal hospitals.
4. Utility installations, as defined.
5. Landscaping equipment and supply dealers.
6. Service garage.
7. Trucking services.
8. Disposal truck service.
9. Warehouse (fully enclosed).
10. Wholesale operations.
11. Dry cleaning.
12. General research facilities.
13. Airport related uses.
14. Open land recreational uses.
15. Gun clubs and indoor shooting ranges.
16. Light manufacturing, fabrication, processing and assembly.
17. Outdoor entertainment w/ electronic sound amplifier.
18. Jails.
19. Recycling centers.

(C) Lot size

1. Minimum lot area:
 - (a) For lots not provided with central sewer facilities, the minimum lot area shall be three (3) acres.
 - (b) For lots not designated retail but provided with central water and sewer facilities, the minimum lot area shall be ten thousand (10,000) square feet.
 - (c) For lots designated retail and provided with central water and sewer facilities, there is no minimum lot area.
2. Minimum lot width
 - (a) For lots one (1) acre or larger: one hundred fifty (150) feet.

- (b) For lots less than one (1) acre: twenty-five (25) feet.

(D) Setback Requirements

1. Minimum front setback:
 - (a) For lots with an area of one (1) acre or larger, the minimum front setback shall be twenty-five (25) feet.
 - (b) For lots with an area of less than one (1) acre, the minimum front setback shall be twenty-five (25) feet.
 - (c) For all lots designated retail with common walls, “to the sidewalk”.
2. Minimum side setback:
 - (a) For all lots not designated retail, ten (10) feet except that on corner lots, the minimum side setback is the same as the front setback.
 - (b) For all lots not designated retail, there is no minimum side setback.
3. Minimum rear setback: twenty (20) feet.

(E) Lot Coverage

The total coverage of all buildings shall not exceed 40 percent of the lot area.

(F) Height of Buildings

1. Maximum height for principle uses: 35 feet.
2. Maximum height for accessory uses: 20 feet.

(G) Use Limitations

1. No structure shall be used for a residential purpose except for the use of the owner or operator of the business located on the premises.
2. Exterior lighting fixtures shall be only downlighting to avoid casting light on any property located in a residential district, manufactured/mobile home district or on any public right of way.
3. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold on the premises where produced.
4. All business, service, repair or storage activities or merchandise displayed on property abutting a lot in a residential district shall be conducted or displayed wholly within an enclosed building unless screened from the residential district by permanently maintained sight-obscuring fences at least six (6) feet in height.

5. Openings to structures on sides adjacent to or visible from a residential district shall be prohibited if such access or openings will cause a glare, excessive noise or other adverse effects on residential properties.
6. Motor vehicle, boat or trailer rental or similar sales and rental lots shall be drained and surfaced with material suitable for all-weather use except in those portions of the lot maintained as landscaped areas.
7. A single residence is allowed as a secondary use in the same building used for the permitted or approved Conditional Use, for the use of the owner or manager.

2.9 Industrial District

This district is comprised of non-offensive industries, warehousing, processing and manufacturing facilities and activities. The regulations of the district are intended to provide intensity standards and standards of external effect compatible with the surrounding or abutting districts. However, any proposed use within this district that involves a business activity identified by the City of Creede ordinances as offensive or unwholesome or which may reasonably be anticipated to operate in an offensive or unwholesome manner, whether a permitted or Conditional Use, shall be referred to the Board of Trustees of the City of Creede for review and comment, if such business lies wholly or partially within one (1) mile of the corporate limits of Creede.

(A) Permitted Uses

1. Facilities for the manufacturing, fabrication, processing or assembly of products.
2. General research facilities.
3. Indoor eating and drinking establishments on the same lots as, or incidental to, any use allowed by right or any approved Conditional Use.
4. Automobile parking lots.
5. Sales, service, storage of manufactured/mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment and accessories for such vehicles, but not including salvage junk yards.
6. Commercial uses (excluding retail stores) including, but not limited to the following, lumber yards, nursery stock production and sales, yard equipment and supply dealers, firewood operations, building contractors and equipment, transportation centers, service garages, trucking services, disposal truck storage, warehouses, wholesale operations, household equipment and appliance repair, rental establishments, car washes, bulk cleaning and laundry plants, cold storage lockers, printing services, provided that adequate safe guards are taken to assure that adjoining properties are protected from objectionable or harmful substances, nuisances, conditions or operations and communication towers.
7. Public utility uses, facilities, services and buildings.
8. Accessory buildings and uses.

9. Extractive industries on land which has previously been used for extractive operations.
10. Railroads- Rail lines existing as of the date of adoption of these regulations but only within the ROW and such ROW shall be utilized only for railroad purposes. Such purposes do not include any use or activity that creates a public nuisance.

(B) Conditional Uses

1. Facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities are not detrimental to the public health, safety or general welfare and further provided that such facilities shall conform to the standards established by the Colorado Department of Public Health rules and regulations pertaining to smoke emissions, particulate matter, odor, gas, fumes, glare, vibration, radiation hazards, electrical disturbances, noise and water pollution.
2. Professional services.
3. Administrative and executive offices.
4. General business and professional offices.
5. Vocational schools.
6. Gasoline service stations.
7. Kennels and animal hospitals.
8. Outdoor amusement and entertainment establishments.
9. Extractive industries on land not previously used for extractive operations.
10. Salvage junkyards.
11. Hot mix plants, rock crushers and similar uses.
12. Saw mills and planing mills.
13. Utility installations, as defined.
14. Fuel, chemical and other hazardous products storage.
15. Railroads – New rail lines (rails not existing as of the date of the adoption of these regulations) may be limited in the resolution approving this Conditional Use, to activities more restrictive than those permitted by the National Surface Transportation Board. No use shall be approved other than the operation of a railroad within the ROW and no nuisance may be created by such operation.

(C) Lot Size:

1. Minimum Lot Area: three (3) acres.
2. Minimum Lot Width: 150 feet.

(D) Setback Requirements

1. Minimum front yard: 50 feet.

2. Minimum side yard: 10 feet.
3. Minimum rear yard: 20 feet.

(E) Lot Coverage

The total coverage of all buildings shall not exceed 50 percent of the lot area.

(F) Height of Buildings

Maximum heights for all uses: 60 feet.

(G) Use Limitations

1. All operations, activities and storage shall be conducted wholly inside of a building or buildings, unless the nearest point of such operation or activity is more than 200 feet from the boundary of any other zone district (other than I district) and except that storage may be maintained outside the building in the side and rear yards if such storage is separated from public streets and other property (except property located in I district) and screened by permanently maintained sight-obscuring fences of not less than six (6) feet in height.
2. No retail sales or services shall be permitted except incidental or accessory to a permitted or approved Conditional Use.
3. Servicing and maintenance of vehicles shall be permitted only when necessary to the conduct of a permitted or approved Conditional Use.
4. If a lot in an I District adjoins a residential district, screening by permanently maintained sight-obscuring fences shall be provided at the lot lines sufficient to protect, on a year round basis, the privacy of adjoining residential uses.
5. No structure shall be used for residential purposes except one unit for the owner or employees of the business located on the premises.
6. Exterior lighting fixtures shall be only downlighting to avoid casting light on any property located in a residential district, manufactured/mobile home district or on any public right of way.

2.10 Alpine Zone

The purpose of the Alpine district is to protect and preserve environmentally sensitive lands in Mineral County, the ecosystems of which are unable to withstand large scale development and subdivisions. These lands have been identified as all of those lands which lie within the boundaries of each privately owned parcel of land in Mineral County, the title to which is derived from a United States Patent based upon a mining claim (except those private lands lying south of Township 39 North) and any other environmentally sensitive lands in Mineral County which the Board may subsequently designate. Basic utilities, emergency services and county

road maintenance generally are unavailable in these locations, either seasonally or year around and will remain unavailable in the foreseeable future.

(A) Permitted Uses

1. Mining and milling, subject to all County, State and Federal laws rules and regulations and the provisions hereof.
2. One single-unit dwelling per parcel, a sewage disposal system installed and maintained in compliance with the laws, rules and regulations of Mineral County and the State of Colorado and one private drive which, if access is directly onto a county road, shall comply with the Mineral County Road Access Regulations including a road access permit. A single-unit dwelling, including garage and all accessory structures, in the Alpine and Sub-Alpine District shall:
 - a) Enclose not less than 500 square feet footprint.
 - b) Be constructed and maintained to blend into the surrounding environment with the use of natural looking materials and/or the use of earth tone colors. Encourage the use of fire resistant materials.
 - c) Be constructed and maintained without a reflective roof. Enamel colored metal roofs are permitted but must be colored to blend into the surrounding environment.
 - d) Can include a modular home ~~but not or including~~ a manufactured (HUD) home, (See definition of manufactured (HUD) home allowed, Section 12.2) but not include a mobile home.
3. A single-unit dwelling in the Alpine district may:
 - a) Include an attached garage or detached garage. However, the exterior surface of any type of garage shall match the exterior surface of the single-unit dwelling.
 - b) Include accessory buildings (such as a pump house). However, the exterior surface of any type of accessory buildings shall match the exterior surface of the single-unit dwelling.
 - c) Include fences 40" or less in height shall not encroach upon or cross any public way.
 - d) Include a satellite dish constructed and maintained in an inconspicuous location and in compliance with paragraph 2.9 (A)(2)(b), above.
4. Non-commercial outdoor recreational uses.
5. Short-term rentals of the one-unit dwelling or accessory dwelling or one unit of the multi unit dwelling (only one STR unit allowed on a property). (Amended August, 27, 2015)

(B) Conditional Uses

1. Any structure other than a single-unit dwelling, including but not limited to:
 - a) Bunkhouses and bed and breakfast establishments
 - b) Outdoor sports facilities and activities.
2. The keeping of livestock is a Conditional Use. The County will solicit non-binding recommendations from representatives of the Natural Resource Conservation services or other qualified personnel.

(C) Lot Size:

Minimum Lot Area: five (5) acres.

(D) Setback Requirements

1. In general, required set-backs from all parcel boundaries to the nearest point of any structure shall be twenty-five (25) feet.
2. The set-back from any public right-of-way shall be twenty-five (25) feet from the edge of the right-of-way if the right-of-way has been dedicated or deeded as at least sixty (60) feet in width and, if less than sixty (60) feet in width, whether created by deed, dedication, or otherwise, the setback shall be fifty (50) feet from the edge of the right-of-way.
3. The set-backs from the high water mark of any creek or stream shall be fifty (50) feet from the high water mark.
4. If mining or milling is being conducted or will be conducted on a parcel, the set-backs are as follows:
 - a) Minimum front set-back: 50 feet.
 - b) Minimum side set-back: 10 feet.
 - c) Minimum rear set-back: 20 feet.
5. All set-backs are subject to variances which may be granted if the parcel has a peculiar shape or other factors justifying a variance

(E) Height Limitations

1. The height limitation for any structure is thirty-five (35) feet, except mining and milling structures.
2. The height limitation for any mining and milling structure or building is forty-five (45) feet.
3. The height limitations for antennas of any kind is forty-five (45) feet (fifty-five (55) feet if on a mining or milling structure) or a maximum of ten (10) feet higher than the highest point of the roofline, whichever is less.

(F) Use Limitations

1. Mineral County has no obligation to maintain or keep open any specific County or public roads, including those above 9,400 feet and it is unlikely that such roads will be kept open.
2. In general, the number, the size, and density of patented mining claims in the Alpine district are such that exemptions from the Mineral County Subdivision Regulations should not be granted except in those situations where the claim is isolated from other claims or the claim is already physically divided by a significant natural or other feature.
3. Only one private vehicular access route to a home site is permitted. New private roads and driveways may not be constructed or created without the approval of the Board.
4. Public rights-of-way may not be fenced, gated, blocked, obstructed, restricted or diminished in any way.
5. Residential structures or accessory buildings on any parcel which can be viewed from any point on any public right-of-way as silhouetted in part above the horizon are to be discouraged.
6. The construction of a residential structure or accessory building above timberline is to be discouraged.
7. No natural vegetation in the Alpine district shall be removed or destroyed except as is essential for the construction and location of lawful improvements and defensible space, the construction and maintenance of private drives, the construction of a garden for the personal use of the owner of the property
8. Manufactured/Mobile homes and buses are prohibited. Unlicensed vehicles are prohibited except when used for private road maintenance, current construction or mining or milling conducted on the parcel. Occupancy, storage and other uses of unlicensed vehicles are not allowed.
9. One camper or one recreational vehicle may be parked or stored on a lot but may not be occupied at any time, in any manner, for any purpose whatsoever except under 4.4(B).
10. If mining or milling is conducted, servicing and maintenance of vehicles shall be permitted when necessary to the conduct of the business.
11. The following are also prohibited: Clothes lines must be out of view of every public right-of-way. Nonworking appliances, items in disrepair or out of use, unassembled or not fully assembled vehicles, equipment (except if mining or milling is conducted) or appliances, including any parts for each, must be concealed within a fully enclosed structure.
12. Fences over 40" in height are prohibited. (Amended August 27, 2015)

(G) Building Size and Lot Coverage

1. Lot coverage of all structures combined shall not exceed two percent (2%) of the total acreage of the lot. Building size is otherwise controlled only by paragraphs 2.9(A)(2)(a) and 2.9(E)(1)
2. If mining or milling is conducted on a lot, the total coverage of all structures combined shall not exceed fifty percent (50%) of the total acreage of the lot.

ARTICLE 3

~~CONDITIONAL USE REVIEW~~ **APPLICATION REVIEW PROCESS**

3.1 **Conditional Use** Purpose and Definition

Although each zone district is primarily intended for permitted uses (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of proposed use, character of surrounding development, soil suitability, traffic capacities of adjacent streets and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this Article to provide review of such uses so that the County is assured that they are compatible with their locations and surrounding land uses and will further the purposes of these regulations.

3.23.1.1 Application Process

- (A) An Application for approval of a Conditional Use may be filled by a person having an interest in the property for which the Conditional Use is requested and shall be made on a form provided by the County. The form shall not be altered or re-formatted to an applicant's computer version. Such application shall be filed in the office of the County Administrator. The County Administrator will distribute the application to the Planning and Zoning Commission, County Attorney, Land Use Officer and Board of County Commissioners. The application shall not exceed a folded size of 8 ½ inches by 14 inches so as to fit in a legal file folder. The application must include:
1. A reasonable non-refundable processing fee fixed by the Board shall be submitted with the application plus an assurance on the application that the applicant shall also pay the total actual costs of the review.
 2. A site plan drawn to approximate scale showing the major details for the proposed use consisting of the following, if applicable: location of buildings and structures; off-street parking areas; off-street loading areas; service and refuse areas; means of ingress and egress; major landscaping or screening proposals; signs; pedestrian areas; and pertinent dimensions.
 3. A time schedule for construction.
 4. Such other information as the planning Commission or Board shall require by written request.
 5. Any other information the applicant believe will support the request.

- (B) The applicant shall include with the application a list of owners of abutting properties and of the properties located within 300 feet of the subject property line along with the current addresses of all such owners. The Board will send notification to such owners by first class mail with a certificate of mailing that a Conditional Use application has been filed and that they may review the application during the regular office hours of the County Courthouse. Such written notice shall also advise such owners that a public meeting will be held before the Planning Commission and shall give the date, time and location of said meeting and that a public hearing will be held before the Board for which published notice is required.
- (C) Within ~~sixty (60)~~ **ninety (90)** days after the Planning Commission receives a completed application, The Planning Commission shall hold a public meeting to consider the application. The Planning Commission shall, within thirty (30) days of the public meeting or with in such time as is mutually agreed by the planning commission and the applicant, either recommend approval of the application in whole or in part, with or without modifications and conditions or recommend denial of the application by the Board. If conditions are recommended, the Planning Commission shall specify whether those conditions are temporary (such as construction conditions) or permanent (such as future uses of the property). Such written recommendation of the planning Commission shall be transmitted to the Board and the applicant.
- (D) The Board shall hold a public hearing on the application for a Conditional Use within forty-five (45) days after receiving the written recommendation from the Planning Commission. A notice of said hearing shall be published in the newspaper of general circulation within the County at least fourteen (14) days prior to the hearing date.
- (E) The Board shall, within thirty (30) days of the public hearing or within such time as is mutually agreed by the Board and the applicant, either grant the application in whole or in part, with or without modifications and conditions or recommend denial of the application by the Board. If conditions are recommended, the Planning Commission shall specify whether those conditions are temporary (such as construction conditions) or permanent (such as future uses of the property). Such written recommendation of the Planning Commission shall be transmitted to the Board and the applicant.
- (F) All approved site plans for Conditional Uses including modifications and conditions shall be certified by the Board and made a permanent part of the Zoning Map but not sooner than thirty-one (31) days following approval.
- ~~(G) Any person applying to the courts for judicial review of any decision made under the terms of this Article 3 shall apply for review within thirty (30) days of the date of the Board's written decision and shall be required to pay the cost of preparing a transcript and complete record of the proceedings. The application for review shall be in the nature~~

~~of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedures. The County shall be entitled to appeal any decision of the District Court made under said Rule 106 proceedings. (This will be moved to a different part of the regulation.)~~

3.33.1.2

General Criteria, Conditions and Modifications

- (A) No conditional application shall be approved unless the Board finds that the application:
1. Complies with all requirements imposed by this Article and with all applicable written rules.
 2. Is consistent with the objectives and purposes of these Zoning Regulations as declared in Sections 1.3 and 3.1.
 3. Is compatible with surrounding land uses and the areas of its location.
- (B) In considering an application for a Conditional Use, the board shall consider and may impose modifications or conditions concerning, by way of illustration and not by way of limitation, the following development features, to the extent such modifications or conditions (most of the examples set forth below are permanent conditions) are necessary to ensure compliance with the criteria of paragraph 3.3(A):
1. Size and location of site.
 2. Internal traffic circulation and access to adjoining public streets.
 3. Location and amount of off-street parking.
 4. Fencing, screening and landscaped separations including open spaces.
 5. Building bulk and location
 6. Signs and lighting.
 7. Noise, vibration, air pollution and other environmental influence.
- (C) No approved Conditional Use may be modified, structurally enlarged or expanded in ground area unless a new site plan is approved in accordance with the procedures applicable to the initial approval of a Conditional Use. Non-compliance with any conditions imposed by the Board in the resolution granting a Conditional Use, whether temporary or permanent may result in revocation of the Conditional Use.

3.43.1.3

Additional Regulations

- (A) For the purpose of providing a guide to its decision making, the board may by resolution promulgate additional specific written regulations for the following Conditional Uses which shall, insofar as possible, specify the criteria and standards under which these Conditional Uses are to be considered for approval. The absence of additional County regulations shall not relieve an applicant from complying with federal and state laws, rules and regulations applicable to the Conditional Use, such as the installation of

manufactured homes, the conversion of mobile homes to permanent improvements and the creation and use of feedlots.

1. Manufactured/Mobile home parks.
2. Transient manufactured/mobile home parks.
3. Gasoline service stations.
4. Extractive industries.
5. Campgrounds
6. Commercial feed lots.
7. Kennels and veterinary hospitals
8. Salvage yards

- (B) The Board may also, from time to time, promulgate additional written specific regulations not inconsistent with the provision of the Article relating to procedures and to criteria and relevant development futures of any other Conditional Uses.

3.2 Lot Consolidation (Amend Subdivision Plat) Purpose and Definition

Colorado Revised Statute 30-28-139 allows for the merger of two or more parcels of land for the purpose of eliminating interior lot lines, obsolete subdivisions, and other circumstances. Once lots are joined, through compliance to the application process described below, the newly formed parcel becomes permanent and can't be subdivided in the future.

3.2.1 Application Process

(A) An Application for approval of a Lot Consolidation may be completed by the legal owner of the lots being considered for consolidation and shall be made on a form provided by the County. The form shall not be altered or re-formatted to an applicant's computer version. Such application shall be filed in the office of the County Administrator. The County Administrator will distribute the application to the Planning and Zoning Commission, County Attorney, Land Use Officer and Board of County Commissioners. The application shall not exceed a folded size of 8 ½ inches by 14 inches so as to fit in a legal file folder. The application must include:

- 1. A reasonable non-refundable processing fee fixed by the Board shall be submitted with the application plus an assurance on the application that the applicant shall also pay the total actual costs of the review.***
- 2. A draft plat of the lots after joining showing all existing structures, accesses, etc.***
- 3. An Ownership and Encumbrance Report. If there is a Lienholder on any of the lots, a Lienholder signature is required.***
- 4. A Tax Certificate from the Mineral County Treasurer on all lots being considered for consolidation.***

5. *If appropriate, a written and signed statement from the Homeowners' Association addressing the permanent joining of lots and any Association agreement concerning association fees as well as sewer and tap fees.*
6. *Any other information the applicant believes will support the request.*

- (B)** *The applicant shall include with the application a list of owners of abutting properties and of the properties located within 300 feet of the subject property line along with the current addresses of all such owners. The Board will send notification to such owners by first class mail with a certificate of mailing that a Lot Consolidation application has been filed and that they may review the application during the regular office hours of the County Courthouse. Such written notice shall also advise such owners that a public meeting will be held before the Planning Commission and shall give the date, time and location of said meeting and that a public hearing will be held before the Board for which published notice is required.*
- (C)** *Within ninety (90) days after the Planning Commission receives a completed application, The Planning Commission shall hold a public hearing to consider the application. A notice of said hearing shall be published in the newspaper of general circulation within the County at least fourteen (14) days prior to the hearing date. The Planning Commission shall, within thirty (30) days of the public meeting or with in such time as is mutually agreed by the planning commission and the applicant, either recommend approval of the application in whole or in part, with or without modifications and conditions or recommend denial of the application by the Board. If conditions are recommended, the Planning Commission shall specify whether those conditions are temporary (such as construction conditions) or permanent (such as future uses of the property). Such written recommendation of the Planning Commission shall be transmitted to the Board and the applicant.*
- (D)** *The Board shall hold a public hearing on the application for Lot Consolidation within forty-five (45) days after receiving the written recommendation from the Planning Commission. A notice of said hearing shall be published in the newspaper of general circulation within the County at least fourteen (14) days prior to the hearing date.*
- (E)** *The Board shall, within thirty (30) days of the public hearing or within such time as is mutually agreed by the Board and the applicant, either grant the application in whole or in part, with or without modifications and conditions or recommend denial of the application by the Board. If conditions are recommended, the Planning Commission shall specify whether those conditions are temporary (such as construction conditions) or permanent (such as future uses of the property). Such written recommendation of the Planning Commission shall be transmitted to the Board and the applicant.*

(F) All approved Lot Consolidations shall be certified by the Board by resolution and upon the submittal of a final mylar plat shall be made a permanent part of the County's Plat Map.

3.3 Boundary Line Adjustment Purpose and Definition

A Boundary Line Adjustment refers to a minor transfer of land between two contiguous legally created lots within the same zoning district in order to correct property line or setback encroachments, or improve access without creating substandard lots or substandard yard or setback requirements and without creating additional lots. A Boundary Line Adjustment shall not greatly change the size, character or shape of any lot. A Boundary Line Adjustment cannot create a non-conforming setback for an existing structure.

3.3.1 Application Process

(A) An Application for approval of a Boundary Line Adjustment may be completed by the legal owners of the lots being considered and shall be made on a form provided by the County. The form shall not be altered or re-formatted to an applicant's computer version. Such application shall be filed in the office of the County Administrator. The County Administrator will distribute the application to the Planning and Zoning Commission, County Attorney, Land Use Officer and Board of County Commissioners. The application shall not exceed a folded size of 8 ½ inches by 14 inches so as to fit in a legal file folder. The application must include:

- 1. A reasonable non-refundable processing fee fixed by the Board shall be submitted with the application plus an assurance on the application that the applicant shall also pay the total actual costs of the review.**
- 2. An existing map and a draft plat of the adjustment being proposed. Draft plat also needs to show the existing acreage of both lots and the proposed acreage after adjustment. Indication of wells and sewer systems are required.**
- 3. Evidence of an agreement between the lot owners that the adjustment is mutually agreed upon.**
- 4. An explanation of the reason for the proposed adjustment.**
- 5. An Ownership and Encumbrance Report for all lots considered in the proposed adjustment. If there is a lien on any lot a signature of the Lienholder is required.**
- 6. A Tax Certificate from the Mineral County Treasurer on all lots being considered for consolidation.**
- 7. If appropriate, a written and signed statement from the Homeowners' Association addressing the permanent joining of lots and any Association agreement concerning association fees as well as sewer and tap fees.**
- 8. Any other information the applicant believes will support the request.**

- (B) The applicant shall include with the application a list of owners of abutting properties and of the properties located within 300 feet of the subject property line along with the current addresses of all such owners. The Board will send notification to such owners by first class mail with a certificate of mailing that a Boundary Line Adjustment application has been filed and that they may review the application during the regular office hours of the County Courthouse. Such written notice shall also advise such owners that a public meeting will be held before the Planning Commission and shall give the date, time and location of said meeting and that a public hearing will be held before the Board for which published notice is required.**
- (C) Within ninety (90) days after the Planning Commission receives a completed application, The Planning Commission shall hold a public hearing to consider the application. A notice of said hearing shall be published in the newspaper of general circulation within the County at least fourteen (14) days prior to the hearing date. The Planning Commission shall, within thirty (30) days of the public meeting or with in such time as is mutually agreed by the planning commission and the applicant, either recommend approval of the application in whole or in part, with or without modifications and conditions or recommend denial of the application by the Board. If conditions are recommended, the Planning Commission shall specify whether those conditions are temporary (such as construction conditions) or permanent (such as future uses of the property). Such written recommendation of the planning Commission shall be transmitted to the Board and the applicant.**
- (D) The Board shall hold a public hearing on the application for Boundary Line Adjustment within forty-five (45) days after receiving the written recommendation from the Planning Commission. A notice of said hearing shall be published in the newspaper of general circulation within the County at least fourteen (14) days prior to the hearing date.**
- (E) The Board shall, within thirty (30) days of the public hearing or within such time as is mutually agreed by the Board and the applicant, either grant the application in whole or in part, with or without modifications and conditions or recommend denial of the application by the Board. If conditions are recommended, the Planning Commission shall specify whether those conditions are temporary (such as construction conditions) or permanent (such as future uses of the property). Such written recommendation of the Planning Commission shall be transmitted to the Board and the applicant.**
- (F) All approved Boundary Line Adjustments shall be certified by the Board by resolution and upon the submittal of a final mylar plat shall be made a permanent part of the County's Plat Map.**

3.4 Appeal Process

(A) Landowners have the right to appeal decisions outlined in Article 3 to the Mineral County Board of Adjustments. Decisions made by the Board of Adjustments are final.

(B) Any person applying to the courts for judicial review of any decision made under the terms of this Article 3 shall apply for review within thirty (30) days of the date of the Board's written decision and shall be required to pay the cost of preparing a transcript and complete record of the proceedings. The application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedures. The County shall be entitled to appeal any decision of the District Court made under said Rule 106 proceedings. (Moved from another place.)

ARTICLE 4 SUPPLEMENTARY PROVISIONS

4.1 Permitted Uses and Conditional Uses

- (A) Conditional Uses established prior to the adoption of these Regulations shall be considered as approved Conditional Uses.

4.2 District Boundaries

Unless otherwise specified, district boundaries are lot lines or the centerlines of streets, alleys, railroad right-of-way or such line extended. Where a district boundary divides a land parcel under a single ownership into two districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of more than one-hundred (100) feet, the procedures for a zoning district amendment shall be followed. These Regulations set forth in this paragraph do not apply to the Alpine Zone District.

4.3 General Provisions Regarding Accessory Uses

Accessory uses shall comply with all requirements for the principle use except where specifically modified by these Regulations and all shall comply with the following limitations:

- (A) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales from the premises.

- (B) A guesthouse may be maintained in any residential district or in the Alpine district accessory to a dwelling provided such guest house is used for the occasional housing (no more than 25% of the calendar year) of guest of the occupants of the principle dwelling, so as such guest house is not used for commercial purposes and no charge is made for

~~the use of such guesthouse.~~ **The total floor area of a guesthouse shall not exceed 1000 square feet including decks.**

- (C) When no alley exist, accessory structures shall set back five (5) feet from the rear lot line or easement boundary and when an alley exist, a ten (10) foot set-back shall be required, except in the Alpine District, all set-backs from property lines to the nearest part of any structure are a minimum of twenty-five (25) feet.
- (D) Accessory structures shall maintain a three (3) foot side yard (from property or easement boundary), except in the Alpine District and except that no part of any accessory building shall be located closer than ten (10) feet to any principle structure on an adjacent lot. In no case shall an accessory building be located less than the required front set-back of the applicable zone district. This paragraph applies to accessory structures built at a distance of 75' or greater from the corner. However, accessory structures built within 75' of the corner must be setback from the side street a distance of not less than that required for the main building. (Section 2.4 (D) (2), Section 2.5 (D) (2), and Section 2.7 (D) (3))
- (E) Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.

4.4 Temporary Uses Permitted

The following uses of land are permitted in each zoning district (unless restricted to particular zoning districts) subject to the specific regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted:

- (A) Christmas tree sales in any rural, commercial or industrial district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and set-back requirements of these regulations provided that no tree shall be displayed within thirty (30) feet of the intersection of the right-of-way line of any two streets.
- (B) Contractors' office, living quarters and equipment sheds accessory to a construction project, to continue only during the duration of such project.
- (C) Real estate offices incidental to a new housing development, to continue only until the sale or lease of all lots in the development but not exceeding one year, subject to extension at the discretion of the Boards.
- (D) Auctions, flea markets, carnivals, circuses, bazaars and other amusement activities provided they do not continue for more than ten (10) days and the landowner obtains any permits required by law.

4.5 Standards Governing Home occupations

Home occupations, if allowed as a Conditional Use, approved on or after 09/03/2019, shall be governed by the following regulations:

- (A) Home occupations must clearly be secondary to the use of the residence building and confined to the same lot as the primary residence and shall not occupy more than twenty percent (20%) of the total floor area of the residence building or, if located in an accessory building adjacent to the residence building, shall not occupy more than ten percent (10%) of the total lot area.
- (B) Approval to conduct a Home Occupation may not be transferred upon sale or lease of the subject property or sold to another person or business with the intent to operate in the existing location.
- (C) The home occupation shall not substantially increase traffic in the area and off-street parking must be provided to accommodate all needs created by the home occupation.
- (D) The home occupation shall not be objectionable due to odor, dust, smoke, noise, vibration, hazardous materials or other causes.
- (E) Home occupation signs – see Section 8.4(F)

4.6 Projections from Buildings

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than two (2) feet into a required setback or into open spaces as established by coverage and setback standards.

4.7 Maintenance of Minimum Requirements

No lot area setback, open space, required off-street parking area or loading area existing on or after the effective date of these Regulations shall be reduced in area, dimension or size below the minimum required by these Regulations. Additionally, no lot area, yard, open space, off-street parking, or loading area, which is required by these Regulations for one use, shall be used as the lot area, yard, open space or off-street parking or loading area requirement for any other use.

4.8 General Exceptions to Lot Size Requirements

- (A) If at the time of passage of these Regulations, a lot or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate

holdings may be occupied for any use permitted outright in the district subject to the other requirements of the districts provided that, if there is an area deficiency, a residential use shall be limited to a single-family residence.

- (B) The minimum lot requirements of the RU, RR, RE and MHE districts shall not apply to utility installations such as electric substations, electric generating stations, sewer lift stations, communication towers, telephone exchanges, gas regulators and major transmission lines (not including utility offices, repair, and storage or production facilities).

4.9 Exceptions to Setback Requirements

The following exception to the front setback requirements for a dwelling is authorized for a lot in any district except in the Alpine Zone District. If there are dwellings on abutting lots on both sides with front setbacks of less than the required depth for the district, the front setback for the lot need not exceed the average front setback of the abutting dwellings. If there is a dwelling on one abutting lot with a front setback of less than the required depth for the district, the front setback for the lot need not exceed a depth of half-way between the depth of the abutting lot and the required front setback depth.

4.10 General Exception to Building Heights

The following type of structures or structural parts are not subject to the building height limitations of these Regulations except in the Alpine Zone District: chimneys, storage tanks, water towers, church spires, belfries, domes, monuments, fire and hose towers, transmission towers, elevator shafts, mining mills, ranch and farm accessory uses, silos, outdoor movie screens and other similar projections.

4.11 Vision Clearance

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

- (A) In a residential district, the minimum distance shall be thirty (30) feet. At alley intersections in a residential district, the minimum distance shall be ten (10) feet.
- (B) In all other districts, the minimum distance shall be fifteen (15) feet or at intersections including an alley, ten (10) feet except that when the angle of intersection between streets is less than thirty degrees (30°), the distance shall be twenty-five (25) feet.
- (C) At any intersection where at least one of the intersecting streets is an arterial highway, the minimum distance shall be fifty (50) feet.

4.12 Screening

Salvage junkyards shall be screened with a minimum of an eight (8) foot high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.

4.13 Fences, Walls and Hedges

Fences, walls and hedges may be permitted in a required setback or along the edge of any setback within the following criteria:

- (A) No fence, wall or hedge shall be over three and one half (3 ½) feet in height within twenty-five (25) feet to a public right-of-way.
- (B) A fence of woven wire type, or at least eighty percent (80%) open may be erected closer than twenty-five (25) feet to any property line parallel or perpendicular to a public right-of-way.
- (C) Fences, walls and hedges shall not exceed seven (7) feet in height in residential districts.

4.14 Group Residences

In districts where permitted, the densities for the following uses shall be computed as follows:

- (A) Accommodations for three occupants in any fraternity, sorority or dormitory shall be considered to be one "dwelling units."
- (B) The rooming units or more in any hotel or motel shall be considered to be one "dwelling unit."
- (C) Six occupants in any residential institution such as a nursing home, retirement, home, convalescent home, rest home or children's home shall be considered one "dwelling unit." Other group homes as defined by Colorado Revised Statutes 30-28-115 are subject to regulation under the requirements of those statutory provisions.

4.15 Renting Rooms

The renting of rooms to any person not a member of the family residing in the same one-unit dwelling may be permitted as an accessory use provided the following conditions are met:

- (A) The total number of unrelated persons in any one dwelling unit must not exceed three, except for Group Homes as defined in Colorado Revised Statutes 30-28-115.
- (B) Quarters used by the roomers must not be more than one-third the total floor area of the dwelling unit.
- (C) The dwelling unit must have only one electric meter.

4.16 Extractive Industries, Salvage Junk Yards, kennels and Animal Hospitals

Principal surface activities of extractive industries salvage junk yards, kennels and animal hospitals shall be located a minimum 660 feet from any residential district.

4.17 Animals in Residential Districts

- (A) Livestock, poultry, or other fowl may be allowed in residential districts only on lots of one (1) acre or larger in size but under no circumstance shall they be allowed to create a health hazard or nuisance to surrounding properties. Under no circumstances shall they be kept for commercial purposes except that domestic rabbits may be kept on lots having an area of one-half (1/2) acre or larger.
- (B) The total number of all livestock (other than their young under 12 months) allowed on a lot shall be limited to one (1) such animal per acre of lot area.
- (C) The number of chickens, fowl and rabbits (over the age of six months) shall not exceed one for each 2000 square feet of lot area, provided that no crowing roosters shall be kept. The number of young chickens, fowl and rabbits (under the age of six months) allowed on the property at any one time shall not exceed three times (3x) the allowable number of chickens, fowl and rabbits over the age of six months.
- (D) Animal runs or barns and poultry or fowl pens shall be located on the rear half of the lot but not closer than seventy (70) feet from the front lot line nor closer than fifty (50) feet from any adjacent residence.
- (E) Animals, poultry and fowl shall be properly caged, fenced or housed and proper sanitation shall be maintained at all times. All grain and processed feed shall be stored in metal or other rodent-proof containers.

4.18 Animals in Rural Districts

- (A) Livestock, poultry, or other fowl will be allowed in rural districts on parcels of one (1) acre up to but not including thirty-five (35) acres but under no circumstance shall the number or type of such animals create a health hazard or nuisance to surrounding properties.
- (B) The total number of all livestock (other than their young under 12 months) allowed on a parcel less the thirty-five (35) acres shall be limited to one (1) such animal per acre if allowed to graze, if kept in an enclosure and fed hay/grain the number allowed is two (2) animals per acre.
- (C) The number of chickens, fowl and rabbits (over the age of six months) shall not exceed one for each 2000 square feet of lot area, provided that no crowing roosters shall be kept. The number of young chickens, fowl and rabbits (under the age of six months) allowed on the property at any one time shall not exceed three times (3x) the allowable number of chickens, fowl and rabbits over the age of six months.
- (D) Animal runs or barns and poultry or fowl pens shall not be located any closer than twenty-five (25) feet from any lot line.
- (E) Animals, poultry and fowl shall be properly caged, fenced or housed and exercise areas shall be properly fenced. Proper sanitation shall be maintained at all times. All grain and processed feed shall be stored in metal or other rodent-proof containers.

4.19 Swimming pools

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

- (A) No public or private pool may be located in any required front or side setback abutting a street.

4.20 Drive-in Facilities

Any use permitted in a zoning district which includes to conduct all or a portion of its business with persons who remain in their automobiles or which allows products to be consumed on the premises outside the principle building and which is not subject to the Conditional Use review provisions of Article 3 or is not part of a Planned Unit Development under Article 6, must submit a site plan for such a use, the Board must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

- (A) Traffic circulation shall be required such that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized.

- (B) Traffic circulation, ingress and egress shall be provided so as to avoid hazardous or adverse effects on adjacent sites and streets.

4.21 Storage and Parking of Recreational Vehicles, Camping Vehicles, and Commercial Vehicles

Commercial vehicle, camping units and other recreational vehicle shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential, *rural or Alpine* district, except in accordance with the following provisions:

- (A) Not more than one commercial vehicle shall be permitted and in no case shall a commercial vehicle that is used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
- (B) Camping units or other recreational vehicles shall not be parked or stored unless located behind the front setback lines. A camping unit or other recreational vehicle shall not be occupied permanently while it is parked or stored except in a manufacture/mobile home park or transient manufactures/mobile home park or campground as may be authorized under the Manufactured/Mobile Home Regulations of the County.
 - 1. No more than one unit will be permitted on a lot on which a single unit dwelling is located and not more than two units shall be permitted on a lot without a single unit dwelling.
 - 2. Encourage unobtrusive, inconspicuous storage in the smallest capacity or form possible.
- (C) A camping unit or other recreational vehicle may be parked and occupied on lots only during the period from May 1st through November 15th, with the following limitations:
 - 1. The unit is connected to an approved individual sewage disposal system or to a central sewage disposal system.
 - 2. The unit has an adequate water and supply system.
 - 3. No more than one unit will be permitted on a lot on which a single unit dwelling is located and not more than two units shall be permitted on a lot without a single unit dwelling.
 - 4. The unit or units shall be located within the required setback lines.

4.22 Unlisted Uses

A use which has not been listed or is not easily included into a category shall be considered a Conditional Use. The Planning Commission shall recommend approval or denial and the Board

shall make final approval or denial of unlisted uses by determining if the unlisted use is appropriate for and consistent with the intent of a zoned district.

4.23 Vested Property Rights

(A) The Regulations set forth in this section 4.23 relate to Planned Unit Developments (PUDs, Article 6 hereof) and to the Mineral County Subdivision Regulations.

(B) As used in this section 4.23, unless the context otherwise requires, the following words will have the following definitions:

1. Application- a substantially complete subdivision or PUD application for approval of a Site Specific Development Plan that has been submitted to the County in compliance with all regulations established by the County. An application includes an application for a planned unit development, for a subdivision, for a preliminary or general development plan, for Conditional Use plan, for a development agreement and for any similar land use approval designation as may be created by the County in the future and designated by the County as an Application under this Resolution. (For the purposes hereof, the phrase “subdivision or PUD refers to any of the foregoing, to the extent recognized by current County regulations or added in future County regulations). Any valid application, other than for zoning or rezoning of a subject property, shall be considered a valid application for a Site Specific Development Plan. Any such application that is not filed with the proper county official or that is not in substantial compliance with the then applicable county regulations or that is not accompanied by the then applicable filing fees is not a valid application and is not an application for purposes of this Resolution: An application for variance or for a Land Use and Construction Consent; a sketch plan, as defined in Colorado Statutes; a final architecture plan; a public utility filing; final construction drawings and related documents specifying materials and methods for construction and improvements.
2. Final Plat- the final plat of a subdivision or PUD that includes any final development plan, the subdivision improvements agreement and all documents required by the county regulation and by terms of the resolution granting preliminary approval of a Preliminary Plat. Approval of a Final Plat of a subdivision or of the Final Plan and plat of a PUD, and only such approval, can constitute approval of a Site Specific Development Plan and the Phrases “Final Plat Approval” and “approval of the Final Plat” shall include approval of a Site Specific Development Plan, to the extent not expressly limited in the Final Plat approval resolution.
3. Landowner-any owner of a legal or equitable interest in real property located in Mineral County and includes the heirs, successors and assigns of such ownership.

4. Property- all real property within Mineral County that is subject to land use regulations adopted by Mineral County.
5. Preliminary Plat- the preliminary plat accompanying as application for a subdivision or PUD and includes any preliminary plan and plat and all other documents necessary for approval of a preliminary plan and/or plat, whether such documents are required by county regulations or as a result of the specific application then pending before the county. Approval of a preliminary plat does not constitute approval of a Site Specific Development Plan.
6. Site Specific Development Plan- an application as defined above, submitted by a Landowner or by such Landowner's duly authorized representative, describing with reasonable certainty the desired type and intensity of use for the subject property. A Site Specific Development Plan is not approved until the final plat of the subject property has been approved by the Planning Commission and by the Board.
7. Subject Property- the specific property that is the subject of an application for a subdivision or PUD, as shown on the Preliminary Plat of the subdivision or PUD.
8. Vested Rights- those rights that pursuant C.R.S. 24-68-101, et seq., vests in the Landowner as a result of the county's approval of a Final Plat. Unless stated to the contrary in a resolution adopted by the Board granting preliminary approval of any application for a subdivision or PUD, a resolution granting such preliminary approval vests the following rights and only the following rights in the Landowner:
 - a) The right to present, to the Planning Commission and the Boards, a final development plan, final plat and such other documentation with respect to the application and the subject property as required in all applicable county regulations and in the resolution granting preliminary approval.
 - b) The right to plat the subject property into the number, shape, size and location of individual parcels as shown on the approved Preliminary Plat.
 - c) The right to plat and size all right-of-way as shown on the Preliminary Plat.
 - d) The right to rely upon the zoning and proposed use of each individual parcel as shown on the Preliminary Plat.
 - e) The right to rely upon the density of the entire subject property and of each individual parcel as shown on the approved Preliminary Plat.
 - f) The right to rely upon all height limitations as shown on the approved Preliminary Plat.
 - g) The right to rely upon those variances granted on the approved Preliminary Plat, but only as specifically approved and conditioned.

Such limited vested rights shall be deemed forfeited if the Final Plat is not presented prior to the deadline set forth in the preliminary approval resolution, unless such deadline is extended by the Board. Approval of the Final Plat vests in the Landowner the right to

undertake and complete the infrastructure of the subject property in accordance with the Final Plat, subject however to any limitations set forth in the resolution granting Final Plat, any limitations set forth in the subdivision improvements agreement (or development or similar agreements) and any limitations set forth in any other document accompanying any of the forgoing that have been approved by the Landowner and by the Board. Such limitations may include, by way of example, supplemental resolutions, plat restrictions, covenants, homeowner association controls, metropolitan district controls and any number of other limitations, restrictions and controls.

(C) Procedures

1. Upon the filling of an application for a subdivision or a PUD by a Landowner or the Landowners duly authorized representative with respect to a subject property, such application shall also be treated as an application for a Site Specific Development Plan. Such application shall be governed and processed in accordance with the Mineral County laws and regulations then in effect and governing such application. In addition, the approval, preliminary approval, conditional approval or denial of approval of the application shall be governed only by those laws and regulations. Subsequent amendments or additions to those laws and regulations shall not be applicable to the application, except as set forth herein. For purposes of this paragraph 1 and paragraph 2, "laws and regulations" includes any zoning law or regulation of general applicability adopted by the County and any zoning or development laws or regulations that had previously been adopted for the subject property and that remain in effect at the time of filing of the application.
2. Notwithstanding the limitations contained in paragraph 1 above, the county may adopt a new or amended law or regulation when necessary for the immediate preservation of the public health and safety and may enforce such law or regulation in relation to applications pending at the time such law or regulation is adopted.
3. No additional procedures, hearings or public notices shall be required in the processing of the application other than those procedures, hearings and public notices required by the applicable county regulations.
4. No additional procedures, hearings or public notices shall be required in the granting or denial of approval of the Preliminary Plat other than those procedures, hearings and public notices required by the applicable county regulations.
5. Upon approval of the Preliminary Plat, no additional procedures, hearings or other public notices shall be required from the date of such approval through the date of the submission of the Final Plat. The only rights that vest in the

Landowner as a result of the approval of the Preliminary Plat are those limited rights specifically identified in paragraph(B)(8) as vesting at the time of such preliminary approval.

6. The County may approve a Final Plat, thereby approving the Site Specific Development Plan effective the same date, upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. An unconditional approval shall result in the vesting of those property rights specifically identified in paragraph (B) (8) as rights vesting at the time of Final Plat approval. A conditional approval shall result in the vesting of those property rights specifically identified in paragraph (B)(8) but conditioned as set forth in the resolution or on the Final Plat and the failure to abide by the terms and conditions imposed by the Count in the Final Plat will result in a forfeiture of those vested property rights.
7. Final Plat approval shall be subject to judicial review except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication described in paragraph (C)(8) below.
8. No later than fourteen (14) days following approval of the Final Plat, the County shall cause a notice to be published in a newspaper of general circulation within the County, of the County's approval of the Final Plat, advising the general public of the simultaneous approval of the Site Specific Development Plan and the creation of the vested property rights created under the provisions of this Resolution.
9. A property right which has been vested as provided for in this Resolution shall remain vested for a period of three years. This vesting period shall not be extended by any amendments to the resolution granting Final Plat approval unless expressly authorized by the County.
10. Notwithstanding the provisions of paragraph (C)(9) above, the County reserves the right to enter into development agreements, developments plans, subdivision improvements and similar agreements with Landowners that provide that the vested property rights shall be vested for a period exceeding three (3) years where warranted, in light of all relevant circumstances including, but not limited to, the size and phrasing of the development, economic cycles and market conditions. Such agreements may be adopted at the time of Final Plat approval or at a later date.
11. Following approval or conditional approval of a Final Plat, nothing in this Resolution shall exempt such Final Plat from subsequent reviews and approvals by the County, to ensure compliance with the terms and conditions of the original Final Plat, if such reviews and approvals are not inconsistent with the original Final Plat approval.
12. A vested property right, once established as provided in this Resolution, precludes any zoning, PUD, subdivision or other land use action by the County, or similar action pursuant to an initiated measure, which would alter, impair,

prevent, diminish, impose a moratorium on the development of, or otherwise delay the development or use of the property as set forth in the Final Plat approval, except:

- a) With the consent of the affected Landowner.
- b) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of Final Plat approval, and which hazards, if uncorrected, would pose a serious threat to public health, safety, and welfare.
- c) To the extent that the affected Landowner receives just compensation as provided by the then applicable Colorado Statutes.

13. Notwithstanding anything to the contrary in this Resolution, the establishment of a vested property right shall not preclude the application of current and future ordinances and regulations which are general in nature and are applicable to all property. Building codes may be adopted that are not general in nature that apply solely to the subject property.

14. Nothing in this Resolution shall preclude judicial determinations, based on common law principles, that a specific vested property rights exist at a specific time in a specific case or that a compensable taking has occurred.

4.24 Telecommunications Research Facilities of the United States

Mineral County recognizes Title 30, Article 11, Part 6 of the Colorado Statutes. No provision of these regulations shall be construed to relieve the County from complying with the Colorado Statutes on Telecommunications Research Facilities of the United States.

4.25 Solid Waste Disposal Sites

Subject to budgetary limitations as determined by the Board, the County will endeavor to comply with the applicable provisions of CRS 30-20-101, et. Seq.

4.26 Telecommunication Facilities

4.26.1 Purpose and Legislative Intent.

The purpose of this Wireless Telecommunications Regulation is to ensure that residents, public safety operations and businesses in Mineral County have reliable access to wireless telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to Mineral County zoning, planning, and design standards. The Telecommunications Act of 1996 preserved, with certain limitations, local

government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities. To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable Federal laws and is consistent with Mineral County's land use policies, Mineral County adopts this single, comprehensive, wireless telecommunications regulation. This Regulation establishes parameters for the siting of Wireless Telecommunications Facilities. By enacting this Regulation it is Mineral County's intent to:

1. Ensure Mineral County has sufficient wireless infrastructure to support its public safety communications throughout Mineral County;
2. Ensure access to reliable wireless communications services throughout all areas of Mineral County;
3. Encourage the use of Existing Structures for the collocation of Telecommunications Facilities;
4. Encourage the location of Support Structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
5. Facilitate the responsible deployment of Telecommunications Facilities in residential areas to ensure comprehensive wireless services across Mineral County;
6. Minimize the potential adverse effects associated with the construction of Monopoles and Towers through the implementation of reasonable design, landscaping, and construction practices;
7. Ensure public health, safety, welfare, and convenience.
8. To help jurisdictions amend their regulations in light of federal legislative changes to zoning authority under the 1996 Telecommunications Act.

4.26.2 Definitions.

For the purposes of this Regulation, the following definitions apply:

Abandon - Occurs when an owner of a Support Structure intends to permanently and completely cease all business activity associated therewith.

Accessory Equipment - Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative Approval - Zoning approval that the County Administrator or designee is authorized to grant after Administrative Review.

Administrative Review - Non-discretionary evaluation of an application by the County Administrator or designee. This process is not subject to a public hearing.

Antenna - Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni directional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Carrier on Wheels or Cell on Wheels ("COW") - A portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

Collocation - The act of siting Telecommunications Facilities on an Existing Structure without the need to construct a new support structure and without a Substantial Increase in the size of a Existing Structure.

Concealed Telecommunications Facility - Any Telecommunications Facility that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent to a casual observer.

Existing Structure - Previously erected Support Structure or any other structure, including but not limited to, buildings and water tanks, to which Telecommunications Facilities can be attached.

Major Modifications - Improvements to existing Telecommunications Facilities or Support Structures that result in a Substantial Increase to the Existing Structure. Collocation of new Telecommunications Facilities to an existing Support Structure without Replacement of the structure shall not constitute a Major Modification.

Minor Modifications - Improvements to Existing Structures that result in some material change to the Facility or Support Structure but of level, quality or intensity that is less than a Substantial Increase. Minor Modifications include the Replacement of the structure.

Monopole -A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Regulation, a Monopole is not a Tower.

Ordinary Maintenance - Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a Support Structure's foundation or of the Support Structure itself.

Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Telecommunications Facility and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Minor and Major Modifications.

Replacement - Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing Support Structure in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.

Substantial Increase: Occurs when:

1. The mounting of the proposed antenna on an Existing Structure would increase the existing height of the Existing Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
2. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
3. The mounting of the proposed antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the Existing Structure more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
4. The mounting of the proposed antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or owned property surrounding the Existing Structure and any access or utility easements currently related to the site.

Support Structure(s) - A structure designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

Telecommunications Facility(ies) - Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more Antennas and Accessory Equipment or one base station.

Tower - A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

4.26.2 Permits Required

- (A) A Conditional Use Permit will be required to erect or replace towers or structures on a new site. The new site will have to be approved based on this regulation. Repairs to a site with changes in the aesthetics will also require a Conditional Use Permit.
 - 1. Building Permits must be taken out for all structures that on the site.
 - 2. The use tax will be calculated for the tower based on its actual value
- (B) Repairs and modifications with little aesthetic changes will not require a permit but must be approved by the Mineral County Land Use Office or the Mineral County Administrator.

4.26.3 Application for Conditional Use Permit

- (A) All applications for a Conditional Use Permit to authorize a telecommunications facility shall include such plans, pictures, drawings and specifications as may be necessary for the Mineral County Land Use Office or the Mineral County Administrator to determine that the application and the proposed facility is consistent with this regulation, the Mineral County Land Use Regulations, and all state and federal regulations governing such use, if any.
- (B) Conditional Use Application. Illustrations, maps, photographs, and textual descriptions that provide the following information:
 - 1. A written evaluation and report of the visual impact of the proposed facility, including color photographic simulations of the proposed site of the proposed Telecommunication Facility as it would appear from at least three different locations near the facility and legally accessible to the public. The Planning and Zoning Commission or Mineral County Board of County Commissioners may request additional simulations to assess the visual impact of the proposed facility. Applicants are encouraged to provide photographic examples of similar facilities and samples of proposed architectural colors and materials to allow the County and interested parties to understand the visual impact of the proposed Conditional Use. The report or evaluation shall include a landscape, screening, and fencing plan showing specific landscape materials and locations, fencing materials and colors, and other screening techniques together with illustrative drawings or photographic simulations showing the visual effect of the proposed landscaping and screening from at least three different locations near the facility and legally accessible to the public.
 - 2. Architectural elevation drawings of at least two sides of the proposed telecommunication facility.

3. A technological design plan for the proposed telecommunication facility. The design plan shall identify the type of telecommunication service to be provided by the telecommunication site, the frequency or bandwidths, a general description of the equipment types and models, and a graphic representation of the area to be provided service by the telecommunication facility.
4. A copy of any lease or other agreement(s) authorizing the use of the property for the proposed Telecommunication Facility. Applicants may excise or delete from such lease or agreement(s) information considered proprietary or pertaining to rental or lease payment amounts.
5. Description of the size, type, and visibility of any proposed illumination for the site, specifically including lighting attached to any tower.
6. Information sufficient to demonstrate that the telecommunications site is a necessary component of the Applicant's overall communication network and is integrated into a coordinated communication service plan for the community and for the area. Conformance with this requirement may be established by evidence presented to the County which demonstrates that the proposed site is necessary in order to:
 - a) provide appropriate signal coverage and quality to the area;
 - b) connect and to relay services between existing facilities;
 - c) connect and relay services between facilities that are reasonably likely to be constructed within one-hundred eighty (180) days of the application;
 - d) handle increased capacity due to customer demand;
 - e) overcome existing topography and/or structures in the surrounding area that preclude other preferred locations in the same area; or
 - f) overcome engineering and technical constraints which require the site to be in the desired location in relation to other existing sites and potential site locations.
7. Information sufficient to demonstrate location of the proposed antenna and facility upon towers or structures at other existing telecommunication sites and facilities has been thoroughly explored and is rendered impossible due to one or more of the following:
 - a) absence of other existing Telecommunication Sites within the area;
 - b) incompatibility of an engineering or technical nature between the Applicant's proposed Antenna and Telecommunication Service and existing Telecommunication Sites and Facilities;
 - c) lack of sufficient space on existing Telecommunication Sites to permit attachment of the Applicant's proposed Antenna or equipment;
 - d) inability to obtain a lease for or permission to use existing Telecommunication Sites despite the exercise of due diligence to do so.

8. Evidence that the Telecommunications Provider has obtained or secured a performance bond, letter of credit, or other surety (“performance guarantee”) acceptable to the County Attorney in an amount of one-hundred twenty percent (120%) of the estimated cost and expense of removing the telecommunication. All performance guarantees shall authorize the County to obtain the funds secured by the guarantee upon the County’s determination that the telecommunications facility has not been removed in accordance with this regulation or as otherwise required by law. The amount of such performance guarantee shall be based upon an estimate obtained by the telecommunications provider, which shall be subject to review and approval of the County. In the event that the County rejects an estimate as inaccurate, incomplete, or incorrect, the County may obtain, at its cost and expense, an estimate, which shall be used for purposes of determining the amount of the performance guarantee. The Telecommunications Provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Upon any renewal of the Conditional Use Permit or the modification of an approved telecommunication facility, the Mineral County Land Use Office or the Mineral County Administrator shall cause the performance guarantee to be reviewed, the appropriate amount of the guarantee reassessed, and a new guarantee shall be posted or secured by the service provider in accordance with this subsection. Expiration of a performance guarantee may, at the option of the County and notice to the telecommunications provider, result in the expiration of the Conditional Use Permit for the telecommunications facility.
9. Proof of insurance to insure the public against personal and property damage resulting from negligent installation and/or damages caused by or arising from the construction and maintenance of the Telecommunications Facility site.

4.26.4 Procedures for Review of Applications

- (A) Review Procedures and Requirements for Approval. All telecommunication facilities require approval of a Special Use Permit issued in accordance with this section. Unless otherwise expressly stated in the resolution approving any Conditional Use Permit for a telecommunication facility, all provisions of the Land Use Regulations shall govern the location, conduct, use, and operation of a telecommunication facility.
- (B) Pre-Application Meeting. A pre-application meeting is required. No application shall be accepted or processed by the County unless and until the required pre-application meeting is held.
 1. Prior to the formal submission of the application, the Applicant shall contact the Mineral County Administrator in writing to schedule and request an informal meeting. Following receipt of a request, the pre-application meeting shall be set for a date within ten (10) days of the date

- of the Applicant’s written request. The County Administrator shall advise the Applicant of the date and time of the pre-application meeting.
2. The Applicant shall attend the meeting at the designated date and time. The Applicant shall be prepared to discuss the proposed application and the proposed development. The Applicant shall be encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.
 3. The purpose of the pre-application meeting shall be to assist the Applicant and Owner in understanding the County’s Conditional Use permit process and to address any preliminary questions or concerns by the Applicant or the County Staff.
- (C) Application Completeness Determination. Within fifteen days following receipt of an application for a Conditional Use permit for a telecommunication facility, the Mineral County Land Use Office or the Mineral County Administrator shall administratively review the application and determine whether the application complies with the applicable application content requirements of this regulation.
1. Incomplete Application. The County shall not process or schedule the processing of any incomplete application. In the event the Mineral County Land Use Office or the Mineral County Administrator determines that the application is incomplete, the Mineral County Land Use Office or the Mineral County Administrator shall inform the Applicant in writing of the deficiencies in the application. No further processing of an incomplete application shall be undertaken until the Mineral County Land Use Office or the Mineral County Administrator determines that the Applicant has remedied the application’s deficiencies and the application is complete.
 2. Complete Application. In the event that the Mineral County Land Use Office or the Mineral County Administrator determines that the application complies with the applicable requirements, the Mineral County Land Use Office or the Mineral County Administrator shall notify the applicant in writing and pass the application on to the Mineral County Planning and Zoning Board. The Mineral County Planning and Zoning Board will either recommend to the Mineral County Board of County Commissioners to approve or deny the application. If the application is denied the Mineral County Land Use Office will inform the applicant in writing of the reasons why the application was denied. If approved by the Mineral County Board of County Commissioners the Mineral County Land Use Office will issue the Conditional Use Permit.

4.27 ALTERNATIVE ENERGY SYSTEMS

4.27.1 Purpose

This regulation was prepared to assist Mineral County in establishing reasonable standards to facilitate development of alternative energy systems. These systems include but not limited to wind turbines, hydroelectric, and solar panels, both ground-mounted and roof-mounted.

Alternative Energy System- a form of energy derived from a natural source, and includes all but not limited to, solar, wind and hydro power. Ground mounted, free standing solar arrays should not exceed 500 sq ft, and all alternative energy systems shall meet the setbacks for each zoning district, unless there are more strict setback standards (setback for wind turbines equal height of tower).

(A) Permitted Uses:

All alternative energy systems will be a permitted use in all zoning districts in Mineral County within the definition of alternative energy systems.

(B) Administrative review:

1. If the system does not fit into the definition of alternative energy systems, the applicant may ask for an administrative review of the plan by the Mineral County Land Use Office or the Mineral County Administrator.

- (a) The Mineral County Land Use Office and/or the Mineral County Administrator will review the application and either recommend approval, denial, or ask that the plan go through the Conditional Use permit process.

(C) Permitting:

1. All structures that are built to support the alternative energy sources will be required to be permitted if they meet the criteria to be a structure per Mineral County Regulation.
2. All federal regulations must be met to get approval for installation of any alternative energy systems in Mineral County.

4.28 Lighting

- (A) All exterior lights that are on after midnight shall be shaded or downlit so as to illuminate the owner's property only

(B) Exclusions:

1. Motion activated lights
2. Existing lights grandfathered in until serviced (replacements have to be compliant with these regulations)

ARTICLE 5
OFF-STREET PARKING AND LOADING

5.1 Off-Street Parking

At the time of erection of a new structure or at any time of enlargement or change in use of an existing structure within any district in the County, off-street parking spaces shall be provided as required in this Article 5. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated, if elimination would result in less space than is required by this Article. Where square feet are specified, the area measured shall be in floor area primary to the functioning of the particular use of the property and shall exclude stairwell, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment and space devoted to off-street parking or loading. The number of employees of a new or expanding business shall be estimated in a manner approved by the board and the number of employees of an established business shall be determined from an examination of payroll.

(A) Residential Uses

Use	Minimum Standards
One unit Dwellings	Two (2) spaces per dwelling unit.
Multi-family dwellings (containing two or more dwelling units)	One and one-half (1 ½) spaces per dwelling unit
Housing restricted to aged, disabled, etc.	One space per dwelling unit
Dormitories and other lodging facilities and rooms for unmarried students	A total number of spaces equal to 75% of the designed occupancy

(B) Commercial Uses

Use	Minimum Standards
Motel or Hotel	One (1) space per guest room or suite plus one (1) additional space for owner or manager.
Club or Lodge	Spaces to meet the combined requirements of the uses being conducted.

(B) Institutions

Use	Minimum Standards
Rest homes, nursing homes or homes for the aged	A total number of spaces equal to 50% of the designed occupancy
Hospitals	Three (3) spaces per two (2) beds

(D) Places of Public Assembly

Use	Minimum Standards
Church	One (1) space per four (4) seats or per eight (8) feet of bench length in the main auditorium.
Library or reading room	One (1) space per four hundred (400) square feet of floor area plus one space per employee.
Preschool, Nursery, day care school or kindergarten	Two (2) spaces per employee
Elementary, Intermediate, or Junior high school	One (1) space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or per eight feet of bench length in the auditorium or assembly room, whichever is greater.
Vocational, commercial or high school	One (1) space per four (4) seats in classrooms
Other auditoriums or meeting rooms	One (1) space per four (4) seats or per eight (8) feet of bench length.

(C) Commercial Amusements

Use	Minimum Standards
Stadium, arena or theatre	One (1) space per four (4) seats or per eight (8) feet of bench length.
Bowling alley	Five (5) per alley plus one (1) per employee.
Dance hall or skating rink	One (1) space per one hundred (100) square feet of floor area, plus one (1) space per employee.

(F) Commercial

Use	Minimum Standards
Retail store (except as provided in Section 5.1(F)(2))	One and one-half (1 ½) spaces per three (300) square feet of patron area.
Service or repair shop; retail store handling exclusively bulk merchandise such as automobile or furniture.	One (1) space per three hundred (300) square feet.
Offices (except medical and dental)	One (1) space per three hundred (300) square feet of floor area, plus one (1) space per employee.

Medical and dental clinics	One (1) space per two hundred (200) square feet of floor area, plus one (1) space per employee.
Eating and/or drinking establishments	One (1) space per one hundred (100) square feet of floor area.
Mortuaries	One (1) space per four (4) seats or per eight (8) feet of bench length in chapels

(G) Industrial

Use	Minimum Standards
Storage warehouse, manufacturing establishment, air, rail or trucking freight terminal	One (1) space per employee.
Wholesale establishment	One (1) space per employee plus one (1) space per seven hundred (700) square feet.

5.2 Off-Street Parking

- (A) Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having the capacity greater than twenty five (25) students.
- (B) Merchandise, material or supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of a particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of these Regulations shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

5.3 General Provisions – Off-Street Parking and Loading

- (A) The provisions and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No Land Use and Construction Consent or other permit shall be issued until plans are presented that show adequate areas set aside and that will remain available for exclusive use as off-street parking and loading spaces. The subsequent use of property for which the Land Use and Construction Consent is issued shall be conditioned upon the unqualified continuance and availability of the amount of parking and loading space required by these Regulations. Use of property in violation

hereof shall be a violation of these Regulations. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of these Regulations to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are satisfied.

- (B) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- (C) Owners of two or more uses, structures or parcels of land may agree to jointly utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the building inspector in the form of deeds, leases, or contracts to establish the joint use.
- (D) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not further than three hundred (300) feet from the building or use they are required to serve, measured in a straight line from the subject property.
- (E) Requires parking spaces shall be continuously available for the parking of operable passenger automobiles of residents, customers, patron and employees and shall not be utilized for storage of vehicles or materials or for the parking of trucks used in conducting the business or use or utilized in any way that diminishes the available parking spaces.
- (F) Unless otherwise provided, required parking and loading spaces shall not be located in a required front setback but may be located within a required side or rear setback.
- (G) A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for Land Use and Construction Consent. The Plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:
 - 1. Delineation of individual parking and loading spaces.
 - 2. Circulation area necessary to serve spaces.
 - 3. Access to streets and property to be served.
 - 4. Curb cuts.
 - 5. Dimensions, continuity and details of screening.
 - 6. Grading, drainage, surfacing, and subgrading details.
 - 7. Delineation of obstacles to parking and circulation in finished parking areas.
 - 8. Specifications as to signs and bumper guards.
 - 9. Other pertinent details.

(H) Designs Requirements for Parking Lots

1. Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks where provided.
2. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four (4) inches high or by a bumper rail and setback a minimum four (4) feet from the property line.
3. Artificial lighting shall be provided when deemed necessary by the Board and shall be so deflected as not to shine or create glare in any residential district, on any adjacent dwelling or on any public right-of-way.
4. Access aisles shall be of sufficient width for vehicle turning and maneuvering.
5. Parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
6. Access drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrians and vehicular traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Access drives shall not be more than thirty (30) feet nor less than twenty four (24) feet in width and shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers on frontage not occupied by access drives. In the case of a corner lot, access drives shall be located not closer than thirty (30) feet to the intersection street line. Access drives shall be located not closer than ten (10) feet to a side lot line, except that a common access drive to two adjacent properties with width not exceeding thirty (30) feet may be provided at the common lot line.
7. Access drives shall have vision clearance area formed by the intersection or the driveway center line, the street right-of-way line and a straight line adjoining said lines through points thirty (30) feet from their intersection.

- (I) Completion time for parking lots. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector. An extension of time may be granted by the building inspector provided a performance bond, or its equivalent, is posted equal to the cost to complete the improvements as estimated by the building inspector and provided that the parking spaces are not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the County. In all PUDs, the Subdivision Improvements Agreement and the security posted to guarantee completion shall include the cost of construction of all parking lots.

ARTICLE 6 PLANNED UNIT DEVELOPMENT (PUD)

Planned Unit Developments (“PUD’s” herein) are encouraged in order to accommodate innovative approaches to residential, commercial, industrial and recreational land uses, creative design of land uses, energy conservation, efficient use of open space, preservation of environmental conditions and compatibility with overall County objectives. Accordingly, these PUD regulations permit specific variations from the requirements set forth in the other Articles of these Zoning Regulations.

6.1 GENERAL PROVISIONS

Planned Unit Developments are authorized by state statute at Title 24, Article 67, C.R.S.

6.1.1 Allowed Uses. All uses that are allowed in the underlying zone district where the PUD is located, and any other uses that are consistent with the all planning efforts of Mineral County and compatible with the site’s physical and environmental characteristics may be allowed in a PUD.

6.1.2 Waiver or Modification of Requirements. The Board of County Commissioners may waive or modify specifications, standards and requirements such as density, setbacks, height restrictions, land dedications, improvement standards and related requirements that would be otherwise applicable to a particular land use, if such waiver or modification furthers the objectives of these PUD regulations.

6.1.3 Relationship to Zoning and Subdivision. The PUD is a type of customized zoning district. If a PUD consists of individual lots, subdivision plat or exemption plat approval also will be required.

6.2 PLANNED UNIT DEVELOPMENT REVIEW PROCESS

Outline of Procedure. The PUD Review Process shall consist of the following procedures.

- A. Pre-Application Conference
- B. Preliminary PUD Plan Review
- C. Final PUD Plan Review
- D. Recordation

6.2.1 Review Procedures.

- (A) Pre-application Conference. A Pre-Application Conference shall be held with the Land Use Office and other appropriate staff as necessary within fourteen (14) calendar days of

formal request by Applicant. At that time the Applicant will present the Concept Narrative.

1. Concept Narrative. The applicant shall present a Concept Narrative of the proposed PUD in sufficient detail to accurately convey the general concept of the proposal. Detail shall include:
 - a) Concept Description. Location of property; existing zoning, use and density; proposed zoning, use, densities and lot sizes; existing zoning and use of surrounding property, including densities; existing and proposed access; existing and proposed source of water; existing and proposed wastewater treatment system; phasing if entire project is not being done at one time; unique features on the site which might enhance the site and proposed use; a discussion of the anticipated impacts, including socio-economic, if any, and proposed mitigation.
 - b) Additional Information Required. At the request of the Land Use Office, the applicant shall provide any reasonable additional conceptual information as needed to help clarify the proposal being made.
- (B) Anticipated Review Process. Within ten (10) calendar days the Land Use Office will prepare a written summary describing the review process and anticipated time frames. The summary will also set forth any concerns of conflicts raised by the Applicant's proposal. This information remains valid for six (6) months from the date of the summary.
- (C) Preliminary PUD Plan Review. The following procedures shall apply to the Preliminary PUD Plan Review. The Land Use Office may allow combined review of the Preliminary PUD Plan and the Final PUD Plan.
1. Application. The application materials required for Preliminary PUD Plan Review are set forth in Section 6.3.2 A1-3. The application is valid for six (9) months from the date of submission.
 2. Determination of Completeness. The Land Use Office has fifteen (15) calendar days to determine if the application is complete. The County Administrator will certify completeness and stamp with a date of certification. If the application is deemed not complete, written notice outlining the deficiencies in the application will be submitted to Applicant. Applicant will have up to an additional 30 calendar days to correct deficiencies. The application will be considered null and void if the deficiencies are not corrected in the additional time frame.
 3. Evaluation by Director/Staff Review. Upon determination of completeness, the Land Use office shall review the application for compliance with the applicable standards set forth in Section 6.2.2.
 - a) Staff Report. A staff report shall be prepared seven (7) calendar days prior to the Public Hearing by the Planning and Zoning Commission. The report shall discuss whether the standards have been satisfied, any issues raised through staff and referral review, mitigation requirements and recommended conditions for approval.

- b) Review by Referral Agencies. The Land Use Office evaluation of the application shall include comment by referral agencies.
 - i. Referral Agencies shall have twenty-one (21) calendar days from the date the application is certified complete to comment on the application. Responses not received in a timely manner will be considered no comment.
 - ii. A Referral Agency may impose a fee for review that will be passed on to Applicant.
 - iii. Referral agencies can include but are not limited to:
 - County Attorney
 - Neighboring county or municipality
 - Appropriate school districts
 - Utility, local improvement or Service District or Ditch Company
 - County, District Health Departments or CDPHE
 - State Engineer
 - Colorado State Forest Service
 - United States Forest Service
 - Conservation District Board
 - Colorado Geologic Survey
 - Colorado Division of Water Resources
 - Colorado Parks and Wildlife
 - United States Fish and Wildlife Service
 - Appropriate Fire Protection District, Law Enforcement Office, Ambulance Districts
 - Colorado Department of Transportation
4. Schedule First Public Hearing. Upon a determination of completeness, the Land Use Office shall schedule the Preliminary PUD Plan for consideration by the Planning and Zoning Commission.
 - a) Public hearing by the Planning and Zoning Commission shall be held within sixty (60) calendar days of the date of determination of completeness.
 - b) Public notice of the hearing shall be made at least fourteen (14) calendar days prior to the hearing date. Notice shall be posted in the newspaper of record, on public boards and websites belonging to the County and will be sent to owners of property adjacent to proposed PUD location.
5. Review and Recommendation by the Planning and Zoning Commission. An application for Preliminary PUD Plan shall be considered by the Planning and Zoning Commission at a public hearing.
 - a) Recommendation by Planning and Zoning Commission. The Planning and Zoning Commission shall review the application based upon compliance with the standards set forth in Section 6.2.2.

- i. Recommendation of Approval. If the application satisfies the applicable standards, the Planning and Zoning Commission shall recommend that the application be approved;
 - ii. Recommendation of Denial. If the application fails to satisfy the applicable standards the Planning and Zoning Commission may recommend that the application be denied, or
 - iii. Recommendation of Conditional Approval. The Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.

- 6. Schedule of Second Public Hearing. The Land Use Office shall schedule the application for consideration by the Board of County Commissioners.
 - a) Public hearing by the Board of County Commissioners shall be held within forty-five (45) calendar days of the date of the Planning and Zoning Commission recommendation.
 - b) Public notice of the hearing shall be made at least thirty (30) days prior to the hearing date. Notice shall be posted in the newspaper of record, on public boards and websites belonging to the County and will be sent to owners of property adjacent to proposed PUD location.

- 7. Review and Action by the Board of County Commissioners. The final decision to approve, approve with conditions or deny an application for Preliminary PUD Plan shall be made by the Board of County Commissioners at a public hearing.
 - a) Decision by Board. Following a public hearing the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the standards set forth in Section 6.2.2.
 - i. Approval of Application. If the application satisfies the applicable standards, the application shall be approved;
 - ii. Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied, or
 - iii. Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.

- (D) Final PUD Plan Review. The following review procedures shall apply to Final PUD Plan Review.

1. Application. The application materials required for PUD Final Plan Review are set forth in Section 6.3.2 A4. Must be submitted within (6) months of Preliminary Plan Approval. Application is valid for (9) months from date of submittal.
2. Determination of Completeness. The Land Use Office has fifteen (15) calendar days to determine if the application is complete. The Land Use Administrator will certify completeness and stamp with a date of certification. If the application is deemed not complete, written notice outlining the deficiencies in the application will be submitted to Applicant. Applicant will have up to an additional 30 calendar days to correct deficiencies. The application will be considered null and void if the deficiencies are not corrected in the additional time frame.
3. Schedule Third Public Hearing. Upon a determination of completeness, the Land Use Office shall schedule the Final PUD Plan for consideration by the Board of County Commissioners.
 - a) Public hearing by the Board of County Commissioners shall be held within forty-five (45) calendar days of the date of determination of completeness.
 - b) Public notice of the hearing shall be made of the hearing shall be made at least thirty (30) days prior to the hearing date. Notice shall be posted in the newspaper of record, on public boards and websites belonging to the County.
4. Evaluation by Director/Staff Review. Upon determination of completeness, the Land Use Office shall review the application for compliance with the standards set forth in Section 6.2.3 and prepare a staff report.
 - a) Staff Report. A staff report shall be prepared seven (7) calendar days prior to the Final PUD Plan Public Hearing by the Board of County Commissioners. The report shall discuss whether the standards have been satisfied, any issues raised through staff and referral review, mitigation requirements and recommended conditions for approval.
5. Review and Action by the Board of County Commissioners. The final decision to approve, approve with conditions or deny an application for Final PUD Plan shall be made by the Board of County Commissioners at a public hearing.
 - a) Decision by Board. Following a public hearing the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the standards set forth in Section 6.2.3.
 - i. Approval of Application. If the application satisfies the applicable standards, the application shall be approved;
 - ii. Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied, or

6. Revisions to Zoning District Maps. Approval of a PUD Final Plan shall be recorded on the Official Zoning Maps filed in the Land Use Office as soon as practicable after the PUD becomes effective.

(E) Recordation.

1. Completion of Conditions of Approval. The Applicant must complete all conditions of Final PUD Plan approval prior to recording the Final PUD Plan and associated documents.
2. Approval of PUD Development Guide. The Final PUD Plan may not be filed for recording until the Board has approved a PUD Development Guide.
3. Effective Upon Recording. The Final PUD Plan does not become effective until it is properly filed for recording with the County Clerk and Recorder.
4. Public Sale of Lots. A PUD becomes complete and eligible for public sale of lots and development only after the Final PUD Plan and associated documents, including as-built drawings of infrastructure, are recorded, and infrastructure is in place.

6.2.2 PUD Approval Standards. The following approval standards shall apply to PUD applications.

- (A) Conformity with all planning efforts of Mineral County and Intergovernmental Agreements. The PUD shall conform to the all of the County's planning documents and applicable intergovernmental agreements. The Board of County Commissioners reserves the right to require any PUD applicant to conform to any of the standards and requirements of the Mineral County Subdivision Regulations if any such requirements are not addressed in this regulation.
- (B) Relationship to Surrounding Area. The PUD will not have an adverse impact on the surrounding area. The PUD is compatible with the scale, intensity and type of uses located on adjacent property.
- (C) Visual Impacts. The layout and design of the PUD shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design shall be compatible with the surrounding natural environment.
- (D) Street Circulation System. The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, and separation from living areas, convenience and access. Private internal streets may be allowed, provided that adequate access for police and fire protection is maintained. Fire Protection or Sheriff may require two (2) points of egress. Bicycle traffic shall be provided for when the site is used for residential purposes.
- (E) Pedestrian Circulation. The PUD shall provide pedestrian ways throughout the PUD that allow residents to walk safely and conveniently among areas of the PUD.

- (F) Open Space. The PUD shall preserve at least twenty-five (25) percent of the area as open space unless the use is predominately commercial or industrial, in which case common areas such as pedestrian plazas, gathering areas, fountains and similar features may be included in lieu of open space.
- (G) Housing Variety. The PUD will be encouraged to provide for variety in housing types, price and ownership forms.
- (H) Affordable Housing. All applications for Planned Unit Development proposing residential density exceeding the underlying zoning provisions (1 dwelling per 5 acres) are strongly encouraged to consider affordable housing options as part of their Development Plan.
- (I) Fire Hazards. Fire hazards will not be created or increased;
- (J) Recreation Amenities. The PUD will be encouraged to provide recreational opportunities and amenities to residents of the PUD.
- (K) Compliance with Preliminary PUD Plan Approvals. The Final PUD Plan complies with all conditions of Preliminary PUD Plan approval.
- (L) Adequacy of Supporting Materials. The Final PUD Plan meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
- (M) Taxes. All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

6.3 PLANNED UNIT DEVELOPMENT SUBMITTAL REQUIREMENTS

6.3.1 Basic Requirements. All materials shall be prepared by qualified professionals.

- (A) Civil Engineer. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils grading, road, structures, wastewater treatment and other civil engineering required to satisfy the development standards of these Regulations shall be prepared and certified by a professional engineer qualified in the specific discipline and licensed by the State of Colorado.
- (B) Surveyor. All documents containing land survey descriptions shall be prepared and certified by a certified Colorado Professional Land Surveyor.
- (C) Geologist. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists or a member of the Association of Engineering Geologists.

(D) Other. Other professionals retained by the applicant to provide studies and analyses required by these Regulations shall demonstrate qualification in the specific field, to the satisfaction of the reviewing body.

6.3.2 Application Materials.

(A) Submittal Requirements. Following are the application materials required for a PUD. The Land Use Office may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

1. Application Form and Fees
2. Vicinity Map

3. Preliminary PUD Plan
 - a) Site Plan
 - b) Written Description
 - c) Land Suitability Analysis
 - d) Impact Analysis
 - e) Erosion Control and Drainage Report
 - f) PUD Development Guide

4. Final PUD Plan
 - a) Site Plan
 - b) Street/Road Plans and Profiles
 - c) Covenants, Conditions, Restrictions
 - d) Proof of establishment of non-profit for common facilities
 - e) PUD Development Guide, approved

(B) Description of Submittal Requirements.

1. Application Form. Application forms for a land use change application proposing PUD development shall be obtained from the Land Use Office. Completed application forms and accompanying materials shall be submitted to the Land Use Office by the owner, or any other person having a recognized fee title interest in the land for which a land use change is proposed, or their authorized agent.
 - a) Applicant is not the owner. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
 - b) Applicant is not the sole owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners or an association representing the owners consenting to or joining in the application.

2. Fees. The application must be accompanied by the appropriate fees. A schedule of fees is available through the Land Use Office.

- a) Payment of Consultant Fees. The cost of consultant and referral agency review are the responsibility of the applicant.
 - i. The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs, at the time of application and in addition to the application fees.
 - ii. The County may suspend the application review process pending payment of consultant costs.
3. Basic Requirements for Maps and Plans. The following are basic requirements for the maps and plans submitted under these application and review procedures.
- a) Name or identifying title of the proposed development or use.
 - b) Total area of the site, in acres.
 - c) If phasing is anticipated, a phasing plan that includes, but not limited to, portion of proposed development that will be phased, triggers for phasing, details of any ownership change affecting phasing, etc. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded Development Plan and any approved phasing plan.
 - d) Name, address and telephone number of the applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the applicant.
 - e) Date of preparation, revision box, written scale, graphic scale, and north arrow.
4. Vicinity Map. An 8 ½ x 11 vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, and all property within a 3-mile radius of the subject property.
5. Site Plan, Preliminary PUD Plan. The site plan for a Preliminary PUD Plan shall include the following information.
- a) Prepared on standard 24 x 36 sheets.
 - b) Adjacent land owned by the applicant that is not part of the proposed request and the current and intended use of the land.
 - c) Topography at ten-foot contours, with delineation of areas having slopes twenty percent or more and other significant topographic conditions at more defined contours.
 - d) Public access to site, and internal circulation. The widths, lines, and names of all existing and proposed streets, drives, alleys and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown.
 - e) All road easement must be at least forty (40) feet in width. Until such road meets the county road standard (60 feet wide) it will not be

- considered for acceptance by the county for maintenance, construction or any other matter pertaining to or affecting said roads or rights of way.
- f) Existing land uses and zoning on adjoining properties.
 - g) Public or private sources of utility services and facilities.
 - h) Areas for landscaping.
 - i) Location of all land uses and proposed densities, where applicable.
 - j) Proposed use and gross square footage of structures and anticipated number of employees if commercial or industrial uses.
 - k) Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred year flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corps of Engineers or another recognized source.
 - l) Land to be held in common, open space devoted to community use, and land to be dedicated to County.
 - m) Water supply plan approved by the State Division of Water Resources.
 - n) Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff.
 - o) Signature block.

6.3.3 Guarantee of Completion of Public Improvements

- (A) No final plat shall be recorded until the applicant has completed and the Boards of County Commissioners has approved, one or a combination of the following (CRS 30-28-137):
- 1. A subdivision improvements agreement on a form to be provided by the county agreeing to construct any required public improvements shown in the final plat documents together with collateral which is sufficient, based on a supplied estimated improvements cost, in the judgment of the Board of County Commissioners, to make reasonable provisions for the completion of said improvements in accordance with design and time specifications or;
 - 2. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of the Board of County Commissioners, will make reasonable provisions for completion of said improvements in accordance with design and time specifications.
- (B) As improvements are completed, the applicant may apply to the Board of County Commissioners for a release of part or all of the collateral deposited with said board. Upon inspection and approval, the board shall release said collateral. If the board determines that any such improvements are not constructed in substantial compliance with specifications, it shall furnish the applicant a list of specifications deficiencies and shall be entitled to withhold collateral sufficient to insure such substantial compliance. If the Board of County Commissioners Determine that the applicant will not construct any or all improvements in accordance with all of the specifications, the Board of County Commissioners may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

6.4 Final PUD Plan. The Final PUD Plan shall include:

- (A) Location or vicinity map to scale.
- (B) Drawing at a scale of 1 inch equals 100 feet or a scale approved by the County Administrator which clearly shows the entire proposal. Photo Mylar shall be used with outer dimensions of 24 x 36.
- (C) Legal description.
- (D) Primary control points, or descriptions and “ties” to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (E) Location and description of monuments.
- (F) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all curves.
- (G) Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility.
- (H) Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
- (I) Statement by owner dedicating streets, rights-of-way, and any sites for public use.
- (J) Number to identify each lot or site, such as lot and block numbers.
- (K) Purposes of sites other than residential lots that are dedicated or reserved.
- (L) Gross and net acreage of individual lots or sites, calculated to two decimal places.
- (M) Flood plains and building envelopes.
- (N) Certification of title showing the applicant is the land owner or option-holder.
- (O) Certification by the project surveyor certifying to the accuracy of the survey and plat.
- (P) Certification of Planning Department.
- (Q) Certification for approval of the Board of County Commissioners.
- (R) Certification for the County Clerk and Recorder.
- (S) Additional Materials.

1. Streets/roads plans and profiles.
2. Covenants, Conditions, Restrictions, Complete utility construction plans, including water, sewer, electric, gas and communication.
3. Estimated construction costs 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 applicant by the County.
4. The applicant shall establish a non-profit organization or quasi-governmental entity for the ownership and maintenance of roads, open space, parks, utility systems and other common facilities within the PUD. Such organizations shall not be dissolved except in accordance with federal and state law. Neither shall it convey any common facility or other asset except to another non-profit organization created to maintain such common facilities and then, only with consent of the County. Upon completion of construction all common facilities shall thereafter be conveyed to the non-profit or a quasi-governmental entity at no cost of any kind whatsoever to such entity.
5. Development Guide.
6. Erosion control and drainage report.
7. Mechanism for maintaining and preserving open space and common areas.
8. Certification of taxes paid.

6.5 PUD Written Description. A written description of the proposal shall include the following information.

- (A) The names and addresses of owner, applicant and representative.
- (B) General project concept and purpose of the request.
- (C) Relationship of the proposed PUD development to the existing land uses and adjacent property land uses.
- (D) The staging and timing for the proposed development.
- (E) Compliance with all planning efforts of Mineral County.
- (F) Source of and legal right to water. Written confirmation of service availability from a water and sanitation district if the property lies within the district boundaries.
- (G) OWTS's must meet Regulation 43. PUD's that contain 1 acre lots or greater may be serviced by an individual OWTS, PUD's with lots less than 1 acre shall be serviced by some type of central sewage system.
- (H) Type or method of fire protection that meets standard of Fire Protection District or ISO standards if not included in a Fire Protection District.

- (I) The names and addresses of mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners.
- (J) Description of natural and manmade hazards.
- (K) Discussion of impacts on services, including but not limited to County services, town services and schools.
- (L) Discussion of impacts on existing flora and fauna, air quality, wildlife, historical lands or sites, drainage or mineral extraction.

6.6 PUD Development Guide. Any PUD must submit a PUD Development Guide prior to approval of the PUD. The Development Guide may also be incorporated into any development agreement.

- (A) The PUD Development Guide shall comply with goals and policies of all planning efforts of Mineral County and any intergovernmental agreement affecting land use or development.
- (B) The PUD Development Guide shall contain landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways and all other land held in common.
- (C) The PUD Development Guide shall propose development and site design standards and requirements for the PUD development. Appropriateness of standards and requirements for development shall be evaluated on the basis of the environmental and impact assessment, referral agency response, professional and academic reports and studies, adjacent land uses and natural environment, locations and other information available to the County. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded PUD Plan.

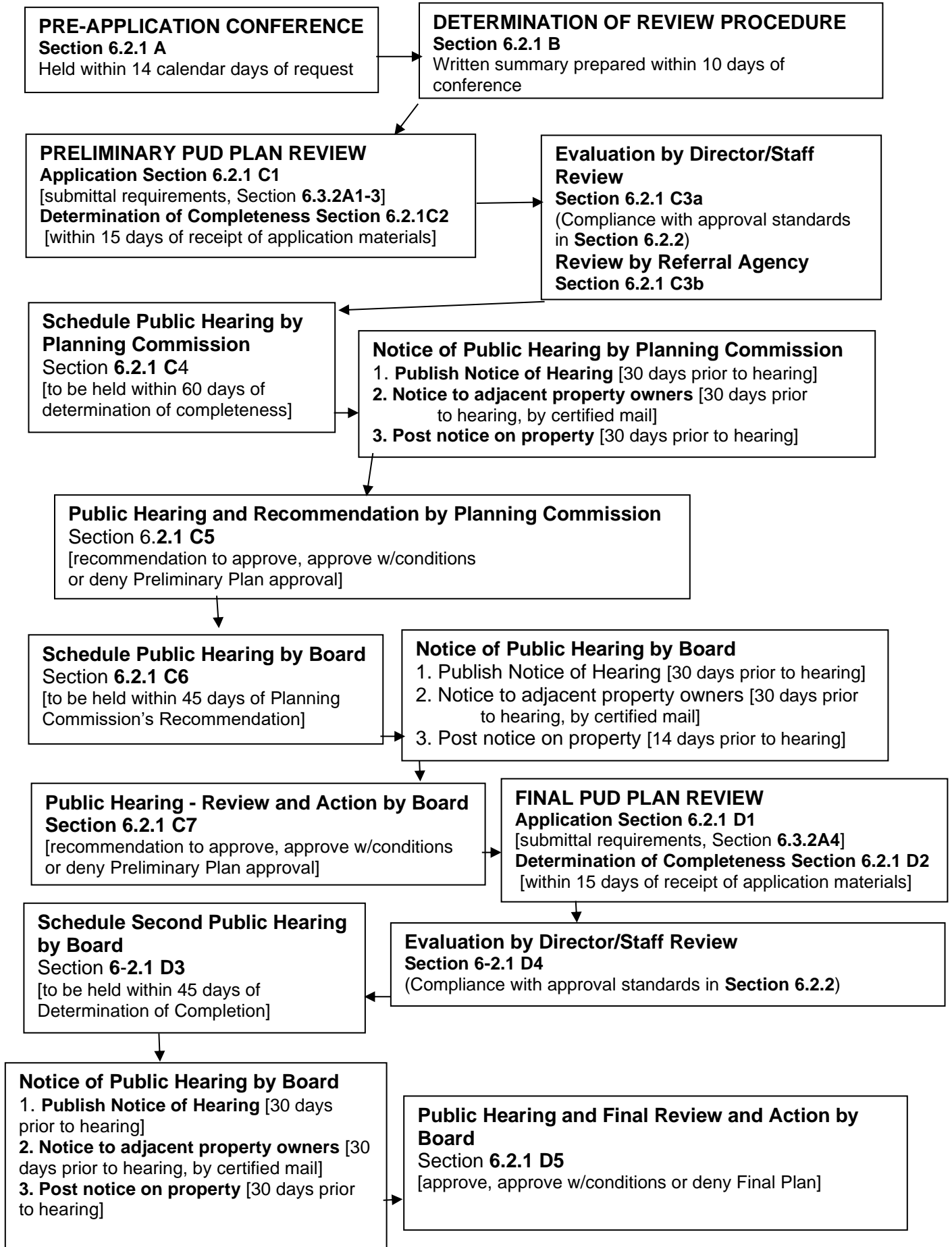
6.7 Impact Analysis. The Impact Analysis shall provide a description of the impacts that the proposed land use change may cause, based upon the standards that the proposed use must satisfy. The Impact Analysis shall include a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.

6.8 Land Suitability Analysis. The Land Suitability Analysis is a written analysis of conditions on-site and off-site which have an influence on the proposed use of the land. The Land Suitability Analysis shall include the following information.

- (A) Site Features. A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, vegetative cover, climatology, and other significant natural and man-made features.
- (B) Drainage Features. A description of the existing drainages and impoundments, natural and manmade.

- (C) Soil Characteristics. A description of soil characteristics of the site.
- (D) Geology and Hazard. A description of the geologic characteristics of the area including any potential natural or man-made hazards.
- (E) Topography and Slope. A description of the topography and the slope determination.
- (F) Existing Water Supply and Adequacy of Supply for Existing and Future Requirements. A description of the source of water supply, the existing and future domestic and agricultural requirements, and the capacity of the source of water supply to meet existing and future requirements. The description shall include detail of historic irrigation, tailwater issues, and water demands.
- (G) Groundwater and Aquifer Recharge Areas. A description of the relationship of the subject parcel to floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land, the effect of sewage effluents, and the pollution of surface runoff, stream flow and groundwater.
- (H) Floodplain. A description of the Floodplain and Flood Fringe designations affecting the subject property.
- (I) Environmental Conditions. A description of the existing environmental conditions.
 - a) Existing flora and fauna habitat, wetlands, migration routes.
 - b) Significant archaeological, cultural, paleontological, and historic resource areas.
 - c) Potential radiation hazard that may have been identified by the state or related Public Health Department.
- (J) Use of Adjacent Property. A description of the existing and historic use of adjacent property and neighboring properties within a one mile radius.
- (K) Easements. A description of all easements defining, limiting or allowing use types and access.
- (L) Access.
 - a) Public Access to Site. A description of historic public access to or through the site.
 - b) Access to Adjoining Roadways. A description of access to adjoining roads and site distance and intersection constraints.

6.9 PUD Review Process Flowchart



ARTICLE 7 BOARD OF ADJUSTMENTS

7.1 Establishment of Procedure

The Board of Adjustments (the "B of A" herein) is hereby established, the members of which shall be appointed by the Board of County Commissioners. The B of A shall consist of five (5) members of which not more than two (2) may be current members of the Planning Commission. One (1) member of the B of A shall be appointed for one (1) year, two (2) members should be appointed for appointed for two years and two (2) members shall be appointed for three (3) years. In addition to the regular members of the B of A, the Board of County Commissioners may appoint two (2) associate members for staggered three (3) year terms. In the event that any regular member is temporarily unable to act due to absence from the County, illness, interest in a case before the B of A or any other case, his or her place may be taken, during such temporary disability, by an associate member who shall enjoy full voting privileges. Vacancies which may occur from time to time on the B of A shall be fulfilled by the Board of County Commissioners.

Any member of the B of A may be removed, before the end of their term, for a cause by the Board of County Commissioners upon written charges and after a public hearing.

7.2 Proceedings of the Board of Adjustment

(A) The B of A shall adopt rules necessary to the conduct of its affairs and in keeping with the provision of these regulations. The meetings shall be held at the call of the Chairman or, in his or her absence, the acting Chairman. The Chairman may administer oaths and compel the attendance of witness by application to the district court to the district court. The court, upon proper showing, may issue subpoenas and enforce obedience by contempt proceedings. All meetings shall be open to the public, but the B of A may go into executive sessions, by majority vote, solely for the purpose of debating the veracity of conflicting witnesses.

(B) The B and A shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be a public record and immediately filed in the office of the Board of County Commissioners.

7.3 Hearings, Appeals and Notices

(A) Appeals to the B of A may be taken by any person aggrieved by the inability to obtain a Land Use and Construction Consent or by any administrative decision based upon or made

in the course of the administration or enforcement of the provisions of these Zoning Regulations. The time within which such an appeal must be made and the form or other procedures relating thereto shall be as specified in the supplemental rules of procedures adopted by the B of A.

- (B) The person appealing an administrative action shall file, with the B of A, a notice of appeal, specifying the grounds therefore and the record of the action upon which the appeal was taken will be immediately forwarded to the B of A. The person appealing shall file, with the notice of appeal, a reasonable nonrefundable processing fee fixed by the Board of County Commissioners and an assurance that he or she will also pay the total actual County costs of the preparation of the record and the appeal.
- (C) Upon receipt of the notice of appeal and record, the B of A shall fix a time for hearing of the appeal. A notice of said hearing shall be published in a newspaper of general circulation within the County at least fourteen (14) days prior to the hearing date and written notice shall be sent by first class mail to the appealing party and all parties given written notice in the original proceeding.
- (D) At the hearing, any part may appear in person or by agent or attorney. The B of A may affirm, reverse (wholly or partly) or may modify the order, requirement, decision or determination of the County Administrator or the Board of the County Commissioners upon the concurring vote of four (4) of the five (5) members of the B of A.

7.4 Proceedings for Appeal from the board of Adjustment

- (A) Any person applying to the courts for a review of any decision made under the terms of this Article 7 shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing the record and a transcript of the B of A proceedings, and the application for review shall be in nature or certiorari under Rules 106(a) (4) of the Colorado Rules of Civil Procedures. Mineral County may elect to appeal any adverse decision of the District Court.
- (B) An appeal stays all proceedings unless the County Administrator or other county officials from whom the appeal was taken certifies to the B of A that by reason of facts stated in the appeal , the stay would, in his opinion, cause imminent peril to life or property . In such case, proceeding shall not be stayed, other than by restraining order which may be granted by the B of A or by a court of record, with notice to the agency from whom the appeal was taken.

7.5 Powers of the Board of Adjustments

The B of A shall have the following powers:

- (A) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision of refusal made by an administrative official or agency. Based on or made in the enforcement of these Zoning Regulations.
- (B) To grant or deny variances from the provisions of these Zoning Regulations when the strict application of these Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, so long as the difficulties or hardships were not created or caused by the owner or his or her predecessors in the title. The B of A may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Regulations. However, the B of A may not grant variances from the provision of these Zoning regulations covering the use, development or density of land or the provisions governing the PUDs. In granting any variances, the B of A may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Regulations. The B of A may grant a variance only if it makes findings that all of the following requirements, insofar as applicable, have been satisfied:
 - 1. That there are unique physical circumstances or conditions such as exceptional irregularity, narrowness or shallowness of a specific piece of property at the time of the enactment of these Regulations, or exceptional topographical, other physical conditions or other extraordinary and exceptional situation or conditions or other extraordinary and exceptional situation or condition peculiar to the affected property.
 - 2. That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.
 - 3. That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of these Zoning Regulations.
 - 4. That such unnecessary difficulty or hardship has not been created by the applicant.
 - 5. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use of development of adjacent property.
 - 6. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the application of the Zoning Regulations that are in question.

- (C) To hear and decide such other special questions not inconsistent with these Regulations as authorized by resolution of the Board of County Commissioners.

ARTICLE 8 SIGNS

8.1 Purpose

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

8.2 Sign Permits

- (A) No sign, except for signs listed in section 8.4 shall be altered, constructed, erected, remodeled or expanded until a permit for such sign has been obtained. An application for a sign permit shall be submitted with reasonable nonrefundable processing fee fixed by the Board. A sign permit for all permitted signs shall be in force as long as the sign is maintained in reasonable repair.

8.3 General Standards

- (A) Gross surface area of sign

The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between and adjacent elements of the same. Such perimeter shall not include and structural elements lying outside the limits of such sign which do not form an integral part of the display. The gross area of a sign shall be measured only on one side of such sign unless both sides are utilized as assign. When two or more signs are located o a zoned lot, the gross surface area of all signs on the lot shall not exceed the maximum district regulations. For computing the area of any wall sign which consist of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can enclose all of the letters.

- (B) Height of Signs

Sign height shall be measured from grade at the base of or below the sign to the highest element of the sign.

(C) Building and Electrical Codes Applicable

All signs must conform to the regulations and design standards of the county. Wiring of all electrical signs must conform to the state electrical code.

(D) Illuminated Signs

Signs shall be shielded or shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon and public street or park. Any illuminated signs located on a lot adjacent to or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. except for no-vacancy signs.

(E) Flashing, Blinking and Animated Signs

No flashing signs, rotating or moving signs, animated signs, signs with blinking or moving lights or signs which fluctuate or create the illusion of movement shall be permitted. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every ten (10) seconds.

(F) Access Way or Window

No sign shall block any required access way or window.

(G) Signs on Trees or Utility poles

No sign shall be attached to a tree or utility pole on public property.

(H) Corner or Double-Frontage Lots

On corner and double-frontage lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and double frontage lots, restrictions that are phased in terms of "signs for each permitted use" shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.

(I) Traffic Safety

1. No sign shall be maintained at any location where by reason of its position, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with

the view of or be confused with any traffic control signs, signal, or device or where it may interfere with, mislead or confuse traffic.

2. No sign shall be located in any vision clearance area (see section 4.11)

(J) Outdoor General Advertising Signs

1. Outdoor general advertising signs, not exceeding 32 square feet in area will be permitted in any zone district except RE, R, MHE or MH.
2. No outdoor general advertising sign shall be painted on or attached to any natural physical feature or any public property.

(K) Political Signs may be erected and maintained provided that such signs:

1. Shall be removed within fifteen (15) days following the election to which the sign relates.
2. Shall be limited to a maximum height of twenty five (25) feet.
3. Shall not be animated
4. Shall not flash, blink or fluctuate.
5. May be illuminated but only from a concealed light source.

(L) Acreage or Lots for Subdividing

One (1) sign not more than fifty (50) square feet in an area announcing the sale of acreage, or the sale of lots in a subdivision may be located on the subject property or on such development. Said sign shall be removed at the end of two (2) years; a twelve (12) months extension may be granted at the option of the Board of County Commissioners. The subdivider shall post a performance bond with the County at the time a sign permit is issued in the amount of not less than two hundred (\$200) dollars or in such amount determined by the Board.

8.4 Exemptions

The following signs shall comply with all provisions of this Article but may be erected and maintained in all districts without a permit except in the Alpine Zone District. In the Alpine Zone District, the signs described in paragraphs (B), (C), (P) and (Q) and shall require a permit.

(A) Address Numerals

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

(B) Agricultural Signs

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

(C) Bulletin Boards

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

(D) Contractor Signs

Not more than twenty (20) square feet in area naming the contractors engaged in the construction on the property where the sign is located.

(E) Flags and Emblems

Flags and Emblems of a government or of political, civic, philanthropic, educational or religious organization.

(F) Home Occupation Signs on the Location of the Home

One (1) home occupation sign shall be allowed on the lot, shall be setback at least twenty five (25) feet from the property line, shall not exceed sixteen (16) square feet in sign area and shall be flat, single faced.

(G) Holiday Decorations

Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year; may be of any type, number, area, location, illumination or animation.

(H) Identification Signs

Identification signs not exceeding fifteen (15) square feet in gross surface area accessory to a multiple-unit dwelling.

(I) Memorial Signs

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

(J) Nameplate Signs

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

(K) Occupant Signs

Signs limited in content to the name and address of the occupant and signs of danger or of a cautionary nature are limited to:

1. Wall and ground signs.
2. No more than two (2) per street front.
3. No more than four (4) square feet per sign in area.
4. No more than ten (10) feet in height above grade.
5. Signs which may be illuminated only from a concealed light source which does not flash, blink, or fluctuate.
6. Signs which are not animated.

(L) On-Site Informational Signs

Signs commonly associated with and limited to information and directions relating to the Permitted Use on the lot on which the sign is located, provided that each such sign is only for the convenience of the public and is limited to:

1. Wall, window and ground signs.
2. Not more than five (5) square feet per sign in area.
3. Not more than ten (10) feet in height above grade.
4. May be illuminated only from a concealed light source which does not flash, blink, or fluctuate.
5. Shall not be animated except that gauges and dials may be animated to the extent necessary to display correct measurement.

(M) Professional Signs

Nameplate signs not exceeding two (2) square feet in area of a wall or window type.

(N) Public Signs

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

(O) Real Estate Signs

Signs not extending outside the property line and not more than sixteen (16) square feet per face in area which advertise the sale, rental or lease of the premises upon which said signs are located, except for those controlled by Section 8.3(k).

(P) Scoreboards

Scoreboards in athletic stadiums.

(Q) Signs in a display window

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

(R) Signs within buildings

Any signs placed inside a building may be erected without a permit but subject to safety considerations.

8.5 RU, RR, C, and I Districts

(A) Permitted contents of signs

Identification by letter, numeral, symbol or design of the permitted or approved Conditional Use by name, use, hours of operation, service and products offered, events and prices of products and services.

(B) Permitted sign Types

Wall, window, ground and arcade signs.

(C) Permitted maximum Number of signs

Each permitted use may have the greater number of the following:

1. Three signs.
2. Two signs for each street frontage of the lot on which the permitted use is located.

(D) Permitted Maximum Sign Area

One (1) square foot for each two (2) lineal feet of street frontage, provided no single sign of any use shall exceed a gross surface area of two hundred (200) square feet.

(E) Permitted Maximum Height above Ground

Eighteen (18) feet.

(F) Permitted Location of Signs

- (1) Wall and window signs shall be set back from the boundary lines of the lot on which the sign is located; the same distance as the structure containing the principle uses, provided that wall signs may project into the required setback space twelve (12) inches.
- (2) Ground signs shall be set back ten (10) feet from the boundary lines of the lot on which the sign is located provided that any required vision clearance area shall be maintained as required.

(G) Illumination of Signs

Illuminated signs shall be permitted provided that no direct illumination shall be permitted to shine on any residential district or public park or right-of-way and no sign shall flash, blink or fluctuate.

ARTICLE 9
NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

9.1 Continuation of Nonconforming Use or Structure

Subject to the provisions of this Article 9, a nonconforming structure or use may be continued but must be maintained in reasonable repair.

9.2 Nonconforming Structure

(A) A structure conforming as to use but nonconforming as to height, setback or coverage may be altered or expanded provided the alteration or expansion does not result in a violation of these Regulations.

(B) A manufactured/mobile home may be replaced with a new manufactured/mobile home. The new home must be in place within ten (10) days of removal of the old home.

9.3 Discontinuance of a Nonconforming Use

If a nonconforming use is discontinued for a period of one year, future use of the property shall be conforming.

9.4 Termination of Nonconforming Uses

(A) A nonconforming use may be continued and maintained in reasonable repair and may be altered or expanded provided the alteration or expansion does not result in further violation of these Regulations.

(B) A use which is nonconforming with respect to provisions for screening shall provide screening within a period of five (5) years from the date of adoption of these Regulations.

9.5 Change of Nonconforming Uses

If a nonconforming use is changed, it shall be changed to a use conforming to the current zoning district regulations and, after such change, it shall not revert to any nonconforming use.

9.6 Destruction of a Nonconforming Use

(A) If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, flood, wind, explosion or act of god to an extent exceeding fifty percent (50%) of

the cost of replacement of the total structure using new materials, a future structure or use on the property shall conform to the provisions of these regulations.

- (B) If destruction is determined to be less than fifty percent (50%), restoration must commence within twelve (12) months of such destruction and completed within twenty four (24) months of the commencement of restoration.

9.7 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, Sections 9.1 through 9.7 shall also apply to any nonconforming uses already existing therein or created by such change of district classification.

9.8 Nonconforming Lots of Record

- (A) In any district in which one-unit dwellings are permitted, a single-family residence and customary accessory buildings may be erected on any single lot of record which exists as such at the time of adoption of these Regulations, to wit, March 31, 1976. Such a lot must have been in separate ownership and not abutting other lots under the same ownership. This provision shall apply even though such lots fails to meet the requirements of the district in which it is located for area, width or both, provided that the requirements of the district for minimum setback dimensions shall be met unless a variance to said requirements has been granted by the Board of Adjustment.
- (B) Of two or more abutting lots or combinations of abutting lots or portions of lots with continuous frontage are in the same ownership at the same time of the adoption or amendment of these Regulations and part or all of said lots do not meet the Requirements of the district in which they are located as to minimum area or frontage or both, these lots shall be an undivided parcel and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by these Regulations.

9.9 Nonconforming Signs

- (A) No such sign may be enlarged or altered in such manner as to increase its nonconformity; however, any sign or portion thereof may be altered to decrease its nonconformity.
- (B) If any such sign or nonconforming portion thereof is damaged to an extent of more than fifty percent (50%) of its total replacement cost at the time of said damage, it shall not be reconstructed except in conformity with the applicable provisions of these Regulations.

- (C) If any such sign should for any reason be removed from its location, it shall conform to the provisions of the district in which it is located.
- (D) The right to operate and maintain a nonconforming sign shall terminate three (3) years following the adoption of these Regulations.

ARTICLE 10 AMENDMENTS TO THE ZONING REGULATIONS

10.1 Authorization to Initiate Amendments

Any amendment to the text of these Regulations or amendments to the Zoning Map may be initiated by the Board, by the Planning Commission or by application of a property owner or his authorization agent but only at regularly scheduled meetings of the Planning Commission.

10.2 General Procedure

Amendments to these regulations shall be in accordance with Colorado Revised Statutes 30-28-116 which require the following action before adoption of any such amendment:

- (A) Study and recommendations on the proposed amendments by the Planning Commission.
- (B) Completion of a public hearing before the Board after at least fourteen (14) days' notice of the time and place of such a hearing shall have been given in at least one publication in a newspaper of general circulation within the County.
- (C) Correction of clerical or complication errors (examples: spelling, page numbers, paragraph numbers) may be made by the Board at any regular Board meeting without publication of notice.

10.3 Zoning Amendment Procedures

- (A) An application for an amendment of the Zoning Regulation or Zoning Map may be filed by an owner of property within the county and shall be made on a form provided by the County. An application for amendment of the Zoning Maps must be accompanied by the following:
 - 1. A reasonable nonrefundable processing fee fixed by the Board shall be submitted with an application for amendment of Zoning Maps with an assurance on the application that the applicant shall also pay the total actual cost of the review.
 - 2. A list of owners of abutting properties and properties located within three hundred (300) feet of the boundary of the subject property, along with the current addresses of all such owners as on file with the County Assessor. Notice shall be sent to all of such owners.
 - 3. A list of names and addresses of all persons or entities holding recorded liens against the subject property. The Applicant may rely upon a licensed Colorado attorney or a Colorado title company. Notice shall be sent to all such lien holders.

4. A list of names and addresses of all persons owning any portions of the mineral estate in any portion is severed from the fee title to the property. The Applicant may rely upon a licensed Colorado attorney, the records of the Mineral County Court Clerk and Recorder, Assessor and Treasure or upon a professional landman certified by the American Association of Professional Landman in developing such list. Notice shall be sent to all of such mineral estate owners. (This requirement does not apply to applications regarding electric lines, or natural gas, steam, water or other pipelines and applications involving no surface development or Land Use and Construction Consent.)
 5. Failure to provide accurate information required by this Article 10 and by established administrative procedure shall invalidate the application.
- (B) The Planning Commission shall conduct a public meeting with in ninety (90) days after receipt of the proposed amendment with the following special conditions required:
1. A notice of said meeting shall be published in a newspaper of general circulation within the County at least fourteen (14) days prior to the meeting date or the property shall be posted at least fourteen (14) days prior to the meeting.
 2. A written notice of said meeting shall be sent by first class mail with a certificate of mailing at least fourteen (14) days prior to the hearing date to the subject property lien holders, holders of mineral interest on or under the subject property and owners of abutting properties and properties within 300 feet of the boundary of the subject property.
- (C) The Planning Commission shall, within thirty (30) days of the conclusion of the public meeting or within such greater time as is mutually agreed by the Planning Commission and the applicant, either recommend approval of the application in whole or in part, with or without modifications and conditions, or recommend denial of the application to the Board. The recommendation of the Planning Commission shall be transmitted to the Board and to the applicant. The Planning Commission may recess a public meeting in order to obtain additional information pertaining to the amendment but shall set a reasonable date and time to reopen said meeting before recessing.
- (D) The Board shall hold a public hearing on all proposed zoning amendments within sixty (60) days after receiving the written recommendation of the Planning Commission. A notice of said hearing shall be published in a newspaper of general circulation within the County at least fourteen (14) days prior to hearing date.
- (E) The Board shall, within thirty (30) days of the conclusion of the public hearing or within such greater time as is mutually agreed by the Board and the applicant, either grant the application in whole or in part, with or without modifications and conditions, or deny the

application. The decision of the Board shall be transmitted in writing to the Planning Commission and to the applicant.

- (F) All approved amendments to the Zoning map shall be made a permanent part of said map thirty five (35) days following the adoption of the resolution approving such amendment or, if judicial appeal is filed, thirty five (35) days following the final decision on appeal.
- (G) Any person applying to the courts for the review of any decision made under the terms of this Article 10 shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of the proceedings and the application for review shall be in nature of certiorari under Rule 106(a) (4) of the Colorado Rules of Civil Procedure. The County may appeal any decision of the District Court under said Rule 106 proceedings.

10.4 Exceptions for General Revisions

When the Zoning Maps are in any way to be changed or amended incidental to or as part of a general revision of the Zoning Regulations, whether such revision be made by repeal of the existing Zoning Regulations and enactment of new Zoning Regulations or otherwise, neither posting nor notice shall be required.

10.5 Declaration of Policy for Rezoning

For the purpose of establishing and maintaining sound, stable and desirable development within the County, the rezoning of land is to be discouraged. Rezoning should only be considered if:

- (A) The land to be rezoned was zoned in error and as presently zoned, is inconstant with the land use policies and goals of the County.
- (B) The area for which rezoning is requested has changed or is changing to such a degree that is in the public interest to encourage a redevelopment of the area.
- (A) The proposed rezoning is necessary in order to provide land for community-related use which was not anticipated at the time of the adoption of the Zonings Maps and such rezoning will be consistent with the land use policies and goals of the County.

10.6 Minimum Parcel Size

No amendment changing the zoning classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract has a minimum of one hundred fifty (150) feet of frontage on a public street or a minimum of one (1) acre of area or abuts on a lot, parcel or tract of land

that has the same zoning classification as that which is proposed for the property which is the subject of the proposed amendment.

10.7 Approval of amendment to Zoning Maps

In granting an amendment to the Zonings Maps upon application by a property owner or his authorized agent, the Boards may require the dedication of additional streets right-of-way where an officially adopted street plan indicates a need for increased width or where the nature of the proposed development warrants increased street width and the Board may require permanent screening or other devices to minimize conflict with residential land use.

10.8 Records of Amendments

The County Administrator shall maintain a record of amendments to the text and of these Regulations and the Zoning Maps in a form convenient for the use of the public.

ARTICLE 11 ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

11.1 Enforcement

The Board shall have the power and duty to enforce the provisions of the Regulations and all Land Use Regulations. An appeal from any administrative ruling shall be made to the Board of Adjustment.

11.2 Form of Petitions, Applications and Appeals

All permits, petition, applications and appeals provided for in these Regulations shall be made on forms provided for the purpose or as otherwise prescribed by the Board, the Planning Commission or Board of Adjustment, in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. All applications for Land Use and Construction Consent shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be used and/or built upon; the exact sizes and locations on the lot of the buildings and other structure, or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine conformance with the provisions of these and all other County Regulations.

11.3 Temporary Permits

The Board may issue temporary permits for storage buildings to be constructed and used incidental to construction of buildings on the property and signs advertising a subdivision or tract of land or the lots thereon.

11.4 Time Limit on a Permit for Variance

An approved Land use and Construction Consent for a use involving a variance shall be void after one (1) year from the day of issuance if no substantial construction has taken place.

11.5 Interpretation

The provisions of these Regulations shall be held to be minimum requirements fulfilling their objectives. Where the conditions imposed by any provision of these Regulations are less than restrictive than comparable conditions imposed by any other provisions which are most restrictive shall govern.

11.6 Severability

It is hereby declared to be the legislative intent that the provisions of these Regulations shall be severable in accordance with the provisions set forth below:

- (A) If any provision of these Regulations or of any Land Use Regulation is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - 1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid.
 - 2. Such decision shall not affect, impair or nullify these Regulations as a whole or any part thereof, but the rest of these Regulations shall continue in full force and effect.

- (B) If the application of any provision of the Regulations or of any Land Use Regulation to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - 1. The effect of such decision shall be limited to that tract of land immediately involved in the controversy; action or proceeding in which the judgment or decree of invalidity was rendered.
 - 2. Such decision shall not affect, impair or nullify these or other Land Use Regulations as a whole or the application of any provisions thereof to any other tract of land.

11.7 Penalty

- (A) It is unlawful to erect, construct, reconstruct or alter any building or structure in violation of any regulation in, or of any provisions of, zoning, subdivision, mobile home, park and campground or septic regulation of Mineral County (collectively, "Land Use Regulations" including sets of regulations adopted after this Zoning Regulations with a different title from the foregoing but identified as Land Use Regulations) or any amendment thereof, enacted or adopted by the Board under the authority of Colorado statutes. Any person, firm, or corporation violating any such regulation, provision or amendment thereof, or any provision of CRS 30-28-124 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine of not more than one thousand dollars or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, construction, or alteration continues shall be deemed a separate offense.

(B)

1. It is unlawful to use any building, structure, or land in violation of these or any other Land Use Regulation in, or of any provision of any zoning or other land use resolution, or any amendment thereto, enacted or adopted by the Board under the authority of Colorado statutes. Any person, firm, or corporation violating any such regulation, provision, or amendment thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, construction, or alteration continues shall be deemed a separate offense.
2. Whenever the County Administrator has personal knowledge of any violation of any Zoning or Land Use Regulation, he/she shall give written notice by personal service or United States mail to the violator to correct such violation within ten (10) days after the date of such notice. Should the violator fail to correct the violation within such ten (10) day period, the County Administrator may request that the county 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. The summons and complaint shall require that the violator appear in the County Court at a definite time and place stated therein to answer and defend the charge. One copy each shall be retained by the County Sheriff and the County Administrator and one copy shall be transmitted by the County Sheriff, to the Clerk of the County Court.
3. It is the responsibility of the County Attorney to enforce these and all Land Use Regulations. In the event that there is no county attorney the 12th Judicial Court shall perform such enforcement duties in lieu of the County Attorney.

(C) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used or any land is or is proposed to be used, in violation of any Regulation or provision of these Zoning or other Land Use Resolution or amendment thereto, enacted or adopted by the Board under the authority granted by Colorado statutes, the County Attorney, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use. In the event that there is no county attorney the 12th Judicial Court shall perform such enforcement duties in lieu of the County Attorney.

(D) Civil Penalties for Zoning Violations.

1. It is unlawful to use any building, structure, or land in violation of these or any other Land Use Regulation in, or of any provision of any zoning or other land use

resolution, or any amendment thereto, enacted or adopted by the Board under the authority of Colorado statutes. In addition to any penalties imposed pursuant to 11.7(A),(B) and (C), any person, firm, or corporation violating any such regulation, provision, or amendment thereof may be subject to the imposition, by order of the County Court, of a civil penalty in the amount of not less than five hundred (\$500) dollars nor more than one thousand (\$1000) dollars. It is within the discretion of the County Attorney to determine whether to pursue the civil penalties set forth in this section, the remedies set forth in 11.7(A), (B) and (C) or both. Each day after the issuance of the order of the County Court during which such unlawful activity continues shall be deemed a separate violation and shall, in accordance with the subsequent provisions of this section, be the subject of a continuing penalty in an amount not to exceed one hundred (\$100) dollars for each such day. Until paid, any civil penalty ordered by the County Court and assessed under this paragraph 11.7 (D)(1) shall as of recording in the Office of The Clerk and Recorder in the form of a lien, be a lien against the property on which the violation has been found to exist. Written notice of such lien shall be sent to the violator. If the assessment is not paid within thirty (30) days of such recording, it may be certified by the County Attorney to the County Treasurer, who shall collect the civil penalty, together with an additional ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. Colorado laws for assessment and collection of general taxes, including laws for the sale and redemption of property taxes, shall apply to the collection of these civil penalties and penalty interest.

2.

- a) The County Attorney, in addition to other remedies provided by law, may commence a civil action in the County Court seeking the imposition of a civil penalty in accordance with the provisions of this section.
- b) The County Administrator shall, upon personal information and belief that a violation of any Regulation or provision of this Zoning or any other Land Use Regulation has occurred, shall give written notice to the violator to correct such violation within ten (10) days after the date of such notice. If the violator fails to correct the violation within such ten (10) day period, the County Administrator may request that the County Attorney file a civil action in the County Court pursuant to this section. The County Sheriff shall 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.
- c) One copy of the summons and complaint issued pursuant to paragraph (b) of this subsection (2) shall be served upon the violator in the manner provided by law for the service of a county court civil summons and complaint in accordance with the Colorado Rules of County Court Civil Procedure. The summons and complaint shall also be filed with the Clerk

of the County Court and thereafter the action shall proceed in accordance with the Colorado Rules of County Court Civil Procedure.

- d) If the Court finds, by a preponderance of the evidence, that a violation of any Regulation or provision of these Zoning Regulations or any other Land Use Regulation or amendment thereto, as enacted and adopted by the Board has occurred, the Court shall order the violator to pay a civil penalty in an amount allowed pursuant to subsection (1) of this section. Such penalty shall be payable immediately by the violator to the County Treasurer. In the event that the alleged violation has been cured or otherwise removed and the violator has notified the County Administrator of the cure or removal of at least five (5) business days prior to the appearance date in the summons, the County Administrator shall so advise the County Attorney and he or she shall so inform the Court and request that the action be dismissed without fine or appearance of the defendant.
3. Upon filing with the Court of a receipt issued by the County Treasurer showing payment in full of a civil penalty assessed pursuant to this Article 11 and upon the filing of an affidavit by the County Administrator that the violation has been cured, removed, or corrected, the County Court shall dismiss the action and issue a satisfaction in full of the judgment so entered. The Court may also dismiss the action upon a motion of the County Attorney indicating that the matter has been otherwise resolved.
4. If a receipt showing full payment of the civil penalty or the affidavit or the motion by the County Attorney required by paragraph (3) above is not filed, the action shall continue and the County Court shall retain jurisdiction to impose an additional penalty against the violator in the amount specified in paragraph (D)(1) above. Such additional penalty shall be imposed by the County Court upon a motion filed by the County and proof that the violation has not been cured, removed or corrected. Thereafter, the action shall continue until the filing with the County Court of a receipt issued by the County Treasurer showing payment in full of the civil penalty and any additional penalties so assessed and the filing of an affidavit of the County Administrator that the violation has been cured, removed or corrected or until a motion by the County Attorney to dismiss the action is granted by the County Court.

11.8 No Liability for Damages

Neither these Zoning Regulations nor any Land Use Regulation shall be construed to hold the County or its authorized representatives, officers, employees, agents, the Board, the Planning Commission, the B of A or any member thereof, the County Administrator or the County Attorney, as officers or individuals, responsible for any damage to persons or property by reason of the enforcement or lack of enforcement of any provision of these Zoning or any other Land

Use Regulations or any activity of any kind or character associated with any of those Regulations, including inspections or re-inspections authorized herein or failure to inspect or re-inspect of by reason of issuing a Land Use and Construction Consent as herein provided.

11.9 Safety Clause

The Board hereby finds, determines and declares that these Zoning Regulations and all other Land Use Regulations are necessary for the preservation of the public peace, health and safety of the people of Mineral County.

11.10 Land Use and Construction Consent

- (A) It shall be unlawful to erect, construct, reconstruct or alter any building or structure without obtaining a Land Use and Construction Consent if the cost thereof is in excess of Five Hundred Dollars (\$500.00); or unless the building/structure is classified as a portable structure. Any addition to an existing structure will require a Land Use and Construction Consent. The provisions of this paragraph 11.10 shall not apply to the interior alteration of any single unit dwelling or to the construction of fences or accessory buildings for agricultural purposes. Other rules and regulations related to Land Use and Construction Consent appear in separate resolutions of the Board enacted and adopted before or after the date of these Regulations.
- (B) A Land Use and Construction Consent is valid for two (2) years from the date of approval. A landowner/contractor will be allowed to extend a Land Use and Construction Consent one time for a mutually agreed upon amount of time (by Building Department official and landowner/contractor) by filling out an extension and paying a fee of \$10. If an extension request or final inspection is not completed within thirty (30) days of the stated completion date, a fine of \$75 will be assessed automatically and a new Land Use and Construction Consent will have to be issued. Any structure that is 50% complete or greater at the end of the (2) year time frame will be valued for property tax purposes.
- (C) On all new home builds the Land Use Office will issue a Certificate of Occupancy (CO). Homes cannot be occupied until this CO is issued upon final inspection. The final inspection will include the verification of the State's final inspection approval of electric, plumbing and gas installations as well as compliance with County Zoning, OWTS and setback regulations.
- (D) Upon final inspection, if it is determined that the structure has been built in excess of the square footage stated on the building permit application and approval was not obtained for the additional build, a fee (determined annually by the Board) will be assessed in

addition to the building permit fee and use tax that will be assessed for the additional square footage.

- 11.11 Upon the adoption of these Zoning Regulations, other Land Use regulations, amendments to any such Regulations and any Zoning Map or amendment thereto, the County Administrator shall file a certified copy of the same in the office of the Clerk and Recorder who shall index the same as nearly as possible in the same manner as he or she indexes instruments pertaining to the title of land.
- 11.12 The Board may appropriate out of the County General Fund such moneys, otherwise unappropriated, as it may deem fit to finance the work of the Planning Commission and of the B of A and to enforce these Zoning and other Land Use Regulations and to accept grants of money and service for these purposes and other purposes, from either private or public sources, state and federal.
- 11.13 None of the provisions of these Zoning Regulations shall apply to any existing building, structure, or plant or other equipment owned or used by any public utility. Future extensions, betterments, or addition to buildings, structures, or plant or other equipment of any public utility shall only be made in conformity with these regulations unless, after public hearing first had, the public utilities commission orders that such extension, betterments or additions, or plant or other equipment are reasonable and that such extensions, betterments or additions may be made even though they conflict with these Zoning Regulations

ARTICLE 12 DEFINITIONS

12.1 General Interpretation

The words and terms used, defined, interpreted or further described in these Regulations may be constructed as follows:

- (A) The particular controls the general.
- (B) The word “shall” is always mandatory and not directory. The word “may” is permissive.
- (C) Words used in the present tense include the future unless the context clearly indicates to the contrary.
- (D) Words used in the singular include the plural and words used in the plural include the singular unless the context clearly indicates to the contrary.
- (E) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- (F) In case of any difference of meaning or implication between the text of these Regulations and the captions of each section, the text shall control.

12.2 Words and Terms

The following specific words and terms are defined as follows:

ACCESSORY STRUCTURE OR USE – A structure or use incidental or subordinate to the principle use of the property including a hoe occupation which is located on the same lot (or a contagious lot in the same ownership) with the principle use.

ALLEY – A minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back side or properties otherwise abutting a street and which may be used for public utility purposes.

BED AND BREAKFAST – A building designed as and for a single family residences providing temporary lodging transients: (1) for less than thirty days; (2) in four or fewer separate bedrooms; (3) in breakfast is provided to every guest every morning as a part of the nightly rent; (4) a manager resides within the residence.

BOARDING HOUSE OR ROOMING HOUSE - A building designed as and for a single family residences providing temporary or long term lodging to persons: (1) for any period of time; (2) in four or fewer separate bedrooms; (3) in which one or more meals are provided to every resident every day as a part of the nightly rent and; (4) a manager resides within the residence.

BOUNDARY LINE ADJUSTMENT - a minor transfer of land between two contiguous legally created lots within the same zoning district in order to correct property line or setback encroachments, or improve access without creating substandard lots or substandard yard or setback requirements, and without creating additional lots.

BUILDING – A structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences.

BUILDING COVERAGE- Any area or portion of lot which is covered by all buildings on that lot.

BUILDING HEIGHT- The vertical distance measured from the lowest point of finished grade on the lot within twenty five (25) feet of the building to uppermost point of the roof.

BUSINESS AND PROFESSIONAL OFFICE- The office of an engineer, planner, dentist, doctor, attorney, real-estate broker, insurance broker, architect or other similar professional persons and any office use primarily for accounting, correspondence research, editing, or administration.

CAMPGROUND- Any plot of improved property utilized for parking of camping units as herein defined.

CAMPING UNIT- Any pick-up camper, travel trailer, tent trailer or similar mobile unit, including tiny homes, not exceeding either eight feet, six inches (8'6") in body width or fifty-three (53) feet in body length and designed specifically for residential occupancy or recreational and vacation purposes.

COMMERCIAL- Viewed with regard to profit, designed for profit.

COMMON OPEN SPACE- A parcel of land or an area of water or a combination of both land and water within any site designated as a Planned Unit Development. Common open space does not include streets alleys, parks, off-street parking and loading areas, public open space or other facilities dedicated by the developer for public use. Common open space shall be substantially free of structures but may contain such improvements that are approved as part of the PUD and are appropriate for the recreation of residents of the PUD.

COMPREHENSIVE PLAN- The comprehensive plan for the County if such exist, or in its absence, the comprehensive plan for the San Luis Valley Planning Region of Colorado, which has been

officially adopted to provide long-range development policies for the area and which includes, among other things, the plan for land use, land subdivision, circulation and public facilities.

CORNER LOTS- A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed 135 degrees.

COUNTY – The County of Mineral, Colorado.

COUNTY OFFICIALS- The Board of County Commissioners of Mineral County is referred to herein as the “Board”. The Mineral County Planning Commission is referred to as the “Planning Commission”. The Mineral County Board of Adjustments is referred to as the “B of A”. The Mineral County Land Use Administrator is referred to “County Administrator”. The Mineral County Land Use Officer is referred to “County Land Use Officer”. The Mineral County Court is referred to as the “County Court”. The Mineral County Treasurer is referred to as the “County Treasurer”. The Mineral County Assessor is referred to as the “County Assessor”. The Mineral County Sheriff is referred to as the “County Sheriff”. The Mineral County Attorney is referred to as the “County Attorney”.

DENSITY- The number of dwelling units per acre of land devoted to housing and usable open space.

DEVELOPER- Any owner or lawful representative of an owner who acts as an applicant for a subdivision or a PUD.

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

DISTRICT- An area or areas within the unincorporated part of the County for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

DRIVE-IN ESTABLISHMENT- An establishment which is designed to provide, wholly or in part, services to customers while they remain in their automobiles parked on the premises.

DWELLING, FARM AND RANCH- Residential dwellings including mobile homes appurtenant to agricultural operations and including living quarters for persons employed on the premises (but not including labor camps or dwellings for transient labor), and guesthouse not rented or otherwise conducted as a business.

DWELLING, MULTI-UNIT- A building used by two or more families living independently of each other in separate dwelling units but not including hotels, motels, or resorts.

DWELLING, SINGLE-UNIT- A detached principle building other than a mobile home designed for or used as a dwelling exclusively by one family as an independent living unit.

DWELLING UNIT- One or more rooms designed to function as a single living facility and containing only one kitchen plus living, sanitary and sleeping facilities.

EASEMENT- Authorization by a property owner for the use by the public, a corporation, or persons, of any designated part of his or her property for a specific purpose.

EMPLOYEES- All persons, including proprietors, working on the premises during the largest shift at peak season.

ENGINEER OR LICENSED PROFESIONAL ENGINEERS- A person licensed as a professional engineer by the State of Colorado.

FEED LOTS- A tract of land devoted to concentrated and intensive feeding of livestock for gain, usually involving the feeding of processed foods to animals within more or less permanent corrals, pens, or yards; except transient populations of animals used to glean fields or any available forage.

FENCE- A free-standing structure of metal, masonry, composition or wood or any combination thereof resting on or a partially buried in the ground and rising above ground level used for confinement, screening, or partition purposes.

FLOOR AREA- The area included within the outside walls of a building or portion thereof including habitable tenant houses and attic space

FOOTPRINT – The total area under roof/cover when referring to a building.

FRONTAGE- That portion of a lot, parcel or tract or block abutting upon a street.

GARAGE, PRIVATE- An accessory building or accessory portion of the main building designed for the shelter or storage of motor vehicles owned or operated by occupants of the main building only.

GARAGE, PUBLIC- A garage, other than a private garage, used for the housing or care of motor vehicles where such vehicles are equipped for operation, repaired or kept for remuneration, hire, or sale.

GRADE (GROUND LEVEL) - The average of the finished ground level at the center of all walls of the building or at the center of the structure.

GUEST ROOM- A room in a hotel, motel, bed and breakfast, boarding house or rooming house offered to the public for compensation in which there is no provision is made for cooking and which room is used only for human occupancy.

HOME OCCUPATION- An occupation carried on in a dwelling or accessory building by members of the family occupying the dwelling provided the residential character of the building is maintained and the occupation is conducted in such a manner as to keep the right of neighboring residents to enjoy a quiet and peaceful occupancy of their homes.

HOSPITAL- Any building or portion thereof used for diagnosis and treatment and care of human ailments including medical clinics.

HOTEL/MOTEL- An establishment that provides temporary lodging in guest rooms in which meals, entertainment and various personnel services for the public may or may not be provided and an automobile parking area.

JUNK YARD/SALVAGE YARD- A building, structure, or parcel of land used for the collecting, storage, dismantling, salvage, recycling, demolition or sale of material that is unfit for its original intended use, discarded, worn out, dismantled, or deteriorated in such condition that it is not useable or not safe or fit for human use or habitation.

KENNEL- A lot or building in which four (4) or more household pets at least six (6) months of age or older are kept commercially for board, propagation or sale.

LOT- A parcel of land, as platted in the County Assessor's office.

LOT AREA- Total area of platted lot.

LOT CONSOLIDATION - legal incorporation of two or more existing parcels of land to form a single, larger parcel, aka (Amend Subdivision Plat)

LOT, CORNER- See definition of Corner Lot

LOT, DOUBLE FRONTAGE- A lot which runs through a block from street to street and which has two nonintersecting sides abutting on two or more streets

LOT DEPTH- The average horizontal distance between front and rear lot lines.

LOT, INTERIOR- A lot other than a corner lot.

LOT LINE- The property line bounding a lot.

LOT LINE, FRONT- The property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line.

LOT LINE, REAR- The property line opposite the front lot line.

LOT LINE, SIDE- Any lot line other than the front or rear lot line.

LOT, SINGLE TIER- A lot which backs up to an arterial highway, a major street, a railroad, a physical barrier or a nonresidential use and to which vehicular access from the rear is usually prohibited.

LOT WIDTH- The distance on a horizontal plane between the side lots lines of a lot measured at right angles to the line establishing the lot depth at the established building setback lines.

MANUFACTURED (HUD) HOME. A single family dwelling, which: (1) Is partially or entirely manufactured in a factory under a federal building code administered by the U.S. Department of Housing and urban Development (HUD); (2) Is not less than twenty-four feet in width and thirty-six feet in length; (3) Is installed on a poured, permanent foundation or engineered equivalent (foundation design stamped by a certified engineer); (4) Has brick, wood, or cosmetically equivalent exterior siding and a minimum 4/12 pitched roof; and (5) Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", U.S.C. 540 et seq., as amended; **and (6) is no older than 5 years and not previously owned.** Such a structure is built on a chassis and retains the chassis on which it was built, ~~whether or not such structure is placed on a permanent foundation.~~ Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating, and electrical facilities. ~~In districts that prohibit mobile homes, such prohibition will remain even if the mobile home is placed on a permanent foundation.~~

MOBILE HOME- A structure designed to be transported after fabrication and exceeding either eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built, whether or not such structure is placed on a permanent foundation. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating, and electrical facilities. In districts that prohibited mobile homes, such prohibition will remain even if the mobile home is placed on a permanent foundation. "Mobile Home" shall not include any camping unit such as a travel, trailers, campers, RV's or self-contained "motor homes".

MOBILE HOME PARK- Any plot of ground upon which two or more mobile homes, occupied or intended to be occupied for dwelling or sleeping purposes, are located for periods of longer than ninety (90) days regardless of whether or not a charge is made for such accommodation such as regulated in the Mineral County Mobile Home Park and Campground Regulations.

MOBILE HOME PARK, TRANSIENT- Any plot of ground upon which two or more mobile homes and /or camping units, occupied or intended to be occupied for dwelling or sleeping purposes, are located for periods of less than ninety (90) days regardless of whether or not a charge is made for such accommodation such as regulated in the Mineral County Mobile Home Park and Campground Regulations.

MODULAR HOME- A structure designed to be transported after fabrication and located as a permanent addition to, and becoming a part of, the real property. Such a structure must meet minimum construction requirements of the Uniform Building Code or similar requirements as accepted by the Federal Housing Administration or the Veteran's Administration. Such structure must be set on a permanent foundation and is subject to all building, zoning, electrical and plumbing laws and regulations. Any such manufactured/modular home meeting the requirements herein defined is not considered a manufactured/mobile home.

MULTI-UNIT DWELLING – A structure that contains up to three (3) separate dwelling units. Does not include motels, fraternity houses and sorority houses and similar group accommodations.

NONCONFORMING STRUCTURE OR USE- A lawful structure or use in place on March 31, 1976 or at any time that any amendments to these Zoning Regulations become effective.

NURSING HOMES – Any building referred to as a rest home, convalescent home, nursing home or retirement home.

PARKING, OFF-STREET- Parking of motor vehicles off the public right-of-way

PARKING SPACE-A rectangular area of 9' x 18' in size or 8' x 15' in size (designated small car) for parking a single vehicle.

PERSON- Any individual, firm, partnership, corporation, joint venture, company, association, or other legal entity.

PLAN, SKETCH- A map of a proposed subdivision or Planned Unit Development, drawn and submitted in accordance with the requirements of these Regulations, to evaluate feasibility and design characteristics at an early stage in the planning.

PLAT, FINAL- A map and supporting materials of certain described land prepared in accordance with the Subdivision Regulations as an instrument for recording of real estate interest with the County Clerk and Recorder.

PLAT, PRELIMINARY-The map or maps of a proposed subdivision or PUD and supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

PORTABLE STRUCTURE – Any structure that is less than 400 square feet in coverage and does not have plumbing and does not have a permanent foundation (except fabric buildings) and is not habitable (except yurts.) Any structure that does not constitute a portable structure under the above definition necessitates a building permit as such structure will be considered a permanent improvement.

PREMISES- A general term meaning part or all of any lot, parcel or tract or part or all of any building or structure or group of buildings or structures located thereon.

PROPERTY LINE- The boundary of any lot, parcel or tract as the same is described in conveyance to the owner and shall not include the streets or alleys upon which the said lot, parcel or tract may abut.

PUBLIC HEARING- A hearing called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions.

PUBLIC MEETING- A meeting of the Planning Commission, whether or not for a specific purpose or general purpose, for which public notice is usually required and which is held in a place in which the general public may participate

RV- Any mobile, self-contained, or motorized vehicle consisting of one (1) single family living unit, no wider than eight and one-half (8 ½) feet in its transit state and not more than fifty three (53) feet in length, suitable for living, recreation and vacation purposes.

RETAIL- Sale to the ultimate consumer for direct consumption and/or use and not for resale.

RIGHT-OF-WAY, PUBLIC- All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public as a matter of right, for the purpose of vehicular or pedestrian travel.

SALVAGE YARD- See definition of Junk yard.

SCREENING- Decorative fencing, evergreen vegetation or earth berms maintained for the purpose of concealing from view the area behind such screening. Screening shall be not be less than six (6) feet nor more than eight (8) feet in height.

SERVICE STATION- A building or premises on or in which the principle use is the retail sale of oil, gasoline, diesel or other fuel for motor vehicles or the re-charging of electric vehicles. This may include, as incidental uses only, facilities used for polishing, greasing, washing, or otherwise cleaning or light servicing of motor vehicles, but may not include liquefied petroleum gas distribution facilities or facilities for major repairs for motor vehicles.

SETBACK- A line or lines designating the area outside of which buildings may not be erected, as measured from the property lines.

SHORT-TERM RENTAL- The rental of an entire one-unit dwelling for less than 30 consecutive days.

SIGN- A sign is any object or device or part thereof situated outdoors or indoors and used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business products, service, event or location by any means including words, letters, figures, design, symbols, fixture, colors, motion, illumination or projected images. Signs do not include the following:

1. Flags of nations or an organization of nations, states, and cities, fraternal, religious and civic organizations.
2. Merchandise, pictures or models of products or services incorporated in a window display.
3. Time and temperature devices not related to a product.
4. National, state, religious, fraternal, professional and civic symbols or crests.
5. Works of art which in no way identify a product.
6. Scoreboards located on athletic fields.

If for any reason it cannot be readily determined whether or not an object is a sign, the County Administrator shall make such a determination.

SIGN, ANIMATED- Any sign or part of a sign which changes physical position by any movement or rotation.

SIGN, ARCADE- A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

SIGN, BUSINESS- A sign which directs attention to a business or profession conducted, a commodity or service sold, offered or manufactured or an entertainment offered, on the premises where the sign is located or to which it is affixed.

SIGN, FLASHING- Any directly or indirectly illuminated signs either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, GROUND- A sign supported by poles, uprights or braces extending from the ground but not attached to any part of any building.

SIGN, ILLUMINATED- A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.

SIGN, JOINT IDENTIFICATION- A sign which serves as a common or collective identification for two or more businesses or industrial uses on the same lot.

SIGN, MARQUEE- A sign attached to, painted on, erected against or extending from a marquee.

SIGN, OUTDOOR GENERAL ADVERTISING- A sign relating to products, services or uses not on the same lot.

SIGN, PORTABLE- Any sign that is not permanently affixed to a building, structure, or the ground.

SIGN, PROJECTING- A sign other than a wall sign which projects from a wall and is supported by wall.

SIGN, ROOF- A sign which projects above the roofline or is located on the roof of a building or structure.

SIGN, TEMPORARY- Any sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material intended to be displayed for a short period of time.

SIGN, WALL- A sign attached to, painted on or erected against a wall of a building which extends no more than twelve (12) inches from the wall surface to which it is attached and whose display surface is parallel to the surface of the building to which the sign is attached.

SIGN, WINDOW- A sign which is applied or attached to or located within three feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

SIGN, WIND- Any sign in the nature of a series of two or more banners, flags, pennants or other objects or material which call attention to a product or service, fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

SIGN WITH BACKING- Any sign that is displayed upon, against, or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

SIGN WITHOUT BACKING- Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in or otherwise made part of any larger display area.

STREET- The term "street" means a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place or however otherwise designated. Some such designations useful in evaluating these regulations are:

1. ARTERIAL HIGHWAY- Right-of-way used primarily for fast or heavy traffic volumes for long distances and usually is or would be designated as a state highway.
2. MAJOR THOROUGHFARE- Right-of-way which generally carries traffic throughout the county or across urban communities.
3. COLLECTOR- Right-of-way which collects traffic from minor streets and serves as the most direct route to a major street or community facility.
4. MINOR STREET- Right-of-way with the primary purpose of which is to provide access to adjacent properties, and which is designed so that its use is arterial traffic will be discouraged.
5. CUL-DE-SAC- A minor street having one end open to vehicular traffic and have one closed and terminated in a turnaround.
6. FRONTAGE STREET OR ROAD- A minor street auxiliary to and located on the side of major thoroughfare or arterial highway for providing and controlling access to abutting properties and adjacent areas.

STRUCTURE- Anything constructed or erected with a fixed location from the ground above grade but not including fences posted, poles, lines, cables or other transmission or other distribution facilities of public utilities.

STRUCTURAL ALTERATION- Any change to the supporting members of a structure including foundations, bearing walls, bearing partitions, columns, beams, girders, or any structural change in the roof.

SUBDIVISION- "subdivision" or "subdivided land" means any parcel or land which is divided into two or more parcels, separate interest or interest in common. The terms "subdivision" or "subdivided land" shall not apply to any division of land which creates parcels of land each of which comprise thirty five (35) acres or more of land, none of which is intended for use by multiple owners. The Board of County Commissioners, may, pursuant to resolution, exempt from this definition any division of land if the Board of County Commissioners determines that such division is not within the purposes of any Land Use Regulations.

SUBDIVISION IMPROVEMENTS AGREEMENT- one or more security arrangements which may be accepted by the County to secure the construction of such public improvements as are required

by the Subdivision Regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments or receivables, liens on property, deposit of certified funds, letters of credit or other similar surety agreement.

USE- The purpose for which land or a structure is designed, arranged or intended or for which is occupied or maintained.

USE, ACCESSORY- A subordinate use which is customarily incidental to the principle building or to the principal use of that lot

USE, CONDITIONAL- A use which may be permitted in a zone district upon proper application and favorable action by the Board of County Commissioners.

USE, NONCONFORMING- A use lawfully within a building or upon land at the time these regulations became effective and which does not now conform with the use regulations in the zone district in which it is located.

USE, PERMITTED- A use allowed by right in conformance with Article 2.

USE, PRICIPAL- The principle use of land or a structure as distinguished from subordinate or accessory use.

USE, TEMPORARY- A use which, by nature and intent, exist for a short time only.

USABLE OPEN SPACE- Land including outdoor recreation areas, driveways that do not serve three or more parking spaces, and underground facilities, that is free of buildings, structures and other substantial improvements, but excluding public or private rights-of-way for streets or highways or roofs, open parking areas, parking garages and slopes in excess of twenty five (25%) percent.

UTILITY INSTALLATIONS- Such installations may be public or private, may be located within or without public ways and provide services to the public that are usually of an essential nature. They include electric substations, electric generating stations, sewer lift stations, telephone exchanges, gas regulators, and transmission and distribution wire, lines, and pipes of every kind but not including utility offices or utility repair, storage or reproduction facilities.

VARIANCE- A minimum easing of the terms of these Regulations where such easing will not be contrary to the public interest to the intent and purpose of these Regulations and where, owing to condition peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship, and the condition or situation is not of so general or recurrent a nature as to make reasonable and

practical the formulation of an amendment containing a general regulation for such condition or situation.

VISION CLEARANCE AREA- A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these Regulations. The third side of the triangle is a line across the corner of the lot adjoining the ends of the two other sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point on intersection. The vision clearance area shall contain no plantings, walls, structures or temporary or permanent obstructions exceeding three and one-half (3 ½) feet in height measured from the top of the curb or existing grade.

YARD- An open space on a lot which is unobstructed from the ground upward except as otherwise provided in these Regulations

YARD, FRONT- A yard extending the full width of the lot and situated between the front lot line and the required front setback line.

YARD, REAR- A yard extending the full width of the lot and situated between the rear lot line and the required rear setback line.

YARD, SIDE- A yard extending between the required side setback line and the adjacent sideline of the lot and extending from the required side setback line and the adjacent sideline of the lot and extending from the required side setback line to the required rear setback line.