

Chapters 103—105 RESERVED

Chapter 106 ZONING

ARTICLE I. IN GENERAL

Secs. 106-1—106-15. Reserved.

Secs. 106-16—106-110. Reserved.

ARTICLE III. ANIMAS VALLEY LAND USE PLAN DISTRICTS

DIVISION 1. GENERALLY

Sec. 106-111. Reserved.

Sec. 106-112. Animas Valley Land Use Plan.

- (a) *Use.* This article is to be used in conjunction with the Animas Valley Land Use Map.
- (b) *Basic plan provisions.* The basic plan provisions are as follows:
 - (1) Any preexisting, legal lot of record made nonconforming by this plan shall be entitled to one single-family residence, uses that are customarily secondary to a single-family residence, including accessory use, and other developments that do not require a land use permit as described in section 82-7 and other applicable provisions of this Code.
 - (2) Any preexisting dwelling unit made nonconforming in terms of density shall enjoy the right of replacement unless the entire site is being redeveloped, at which time the entire site shall be made to conform to the plan.
 - (3) Uses made legally nonconforming shall enjoy the right to regular maintenance, repair and to some extent replacement and expansion, as provided in subsection 82-20(4).
 - (4) No new subdivisions shall occur on steep slopes (30 percent or greater). One (1) dwelling unit is permitted on any preexisting, legal lot of record lying on steep slopes. This subsection shall in no way supersede the county's geologic hazards map regulations.
 - (5) Accessory uses shall be allowed in all Animas Valley Land Use Plan Districts so long as meeting the standards established in section 82-5 and/or permitted pursuant to section 82-5.
- (c) *Use permitted by right.* All developments listed as “uses permitted by right” for each of the districts shall not require land use permits.
- (c) *Special uses permit.* Special uses permits shall require class I land use permits meeting the standards identified in this chapter 106 and any other applicable standards, as determined by the planning director, within subpart B of this Code. only be approved through the class II land use permit procedures.
- (d) *Conformance.* Applications for development which are not in conformance with the Animas Valley Land Use Plan shall not be accepted by the planning department staff. To be submitted, the plan must first be amended to allow for the intended use or density. The process for amending considering amendments to the plan shall require be the full class II process, with a public hearing before the planning commission or, joint planning commission, and a subsequent hearing before or the board of county commissioners.

- (e) *Notification.* Any development requiring a public hearing shall require a notification of surrounding landowners. For purposes of this provision, surrounding landowners shall include those owners of property within one thousand (1,000) feet of the property line of the lot or parcel subject to the application for a land use permit.-

Sec. 106-113. Public policies for land development in the Animas Valley.

- (a) Open spaces required for clustered housing shall be encouraged to be dedicated as developer conservation easements, in addition to being platted as open space, to further guarantee perpetuity.
- (b) Specially designated pedestrian/cycling paths are endorsed along CR 203, Hwy 550, CR 252, and northern CR 250 rights-of-way.
- (c) Public access to the river is encouraged as a condition of approval for any commercial projects permitted by special use permit.
- (d) There shall be a general maximum building height of 30 feet for all nonagricultural structures, and a maximum of 35 feet for agricultural structures. Height measurements shall be taken based on the existing grade and from the lowest point along the foundation wall.
- (e) Any property split by a public road may, at the owner's request, be considered as two individual lots with regard to density allowances.
- (f) Areas deemed undevelopable due to steep slopes and River Corridor District designation shall be entitled to use 50 percent of those land areas for clustered housing calculations. In such cases, clustered development shall occur on the developable lands only.
- (g) All new development or redevelopment shall meet (at a minimum) the water and sewer service requirements as stated in the permit system, regardless of land use designation.
- (h) All structures shall maintain a minimum setback of 50 feet from the river bank, regardless of land use plan designation or location of the floodway.

Sec. 106-114. Animas Valley Land Use Plan Area.

Development within the Animas Valley Land Use Plan Area, as shown on the official development district map of the county and the Animas Valley Land Use Map, dated 1993, shall conform with the standards and requirements of such plan. Notwithstanding any language in this section to the contrary, compliance with the Animas Valley Land Use Plan shall be mandatory and a required standard including, but not limited to, density, lot size, allowable uses and any and all other specific standards contained within the plan. The Animas Valley Land Use Plan shall be amended prior to any application for development not in conformity therewith. The Animas Valley Land Use Plan also includes the neighborhood zoning districts as set forth in article IV of this chapter.

Sec. 106-115. Personal marijuana cultivation; marijuana facilities.

- (a) *Personal marijuana cultivation.* Personal marijuana cultivation shall only be permitted as either accessory uses ~~if meeting subject to~~ the standards and permitting requirements established in section 82-5 or as class II land uses subject to all applicable standards in subpart b of the La Plata County code including the general standards imposed by section 82-210.
- (b) *Marijuana facilities.* When proposed to be located in the Animas Valley Land Use Plan Area, marijuana facilities shall meet all applicable standards imposed by this article III as well as the general and additional standards imposed by sections 82-210 and 82-211. If the general and additional standards imposed by section 82-210 and 82-211 conflict with the applicable standards imposed by this article III and cannot be read harmoniously with such standards, the stricter standard shall control and apply.

Sec. 106-116. Telecommunications Facilities.

- (1) In the Animas Valley Land Use Plan Area, telecommunications facilities may only be constructed in the neighborhood commercial, general commercial, and industrial land use plan districts, except for the co-location of antennae on existing telecommunications towers or other types of structures in any district.
- (2) The construction of new telecommunication facilities or collocation of antennae as described above shall be subject to the permitting processes in chapter 82.
- (3) When proposed to be located in the Animas Valley Land Use Plan Area, telecommunication facilities shall meet all applicable standards imposed by this chapter as well as the general standards imposed by chapter 82, article II, division 5. If the general standards imposed by chapter 82, article II, division 5 conflict with the applicable standards imposed by this chapter and cannot be read harmoniously with such standards, the stricter standard shall control and apply.

Secs. 106-117—106-130. Reserved.

DIVISION 2. RIVER CORRIDOR DISTRICT

Sec. 106-131. Creation; rationale.

- (a) This document is written to further describe the reasons and rationale for the Animas Valley River Corridor District. The river corridor district is defined on the east side by the 100-year floodplain boundary, and on the west side by a 500-foot width from the river bank or the 100-year floodplain limit, whichever is closer to the river. Uses permitted within the river corridor district range from very low density residential and agricultural to offices and tourist-oriented recreational businesses.
- (b) The reasons for creating this linear district are manyfold:
 - (1) Reduce the private and public cost, property damage and safety threat of flooding by limiting the intensity and proximity of development near the river.
 - (2) Protect the unique riparian areas along the Animas River. The benefits from doing so include:
 - a. Stormwater runoff is significantly cleansed by providing a river buffer area, or vegetative strips, which act to slow and filter stormwater runoff. This effect has been documented by a study entitled, "Relating Land Use and Buffer Areas to In-Stream Water Quality: The Salt Fork Watershed in Illinois." The study found that buffer areas of 400 feet to 1,000 feet in width filtered 70 percent to 80 percent of the non-point-source pollutants, including nutrients and sediments.
 - b. By reducing the likelihood of encroachment, river bank stabilization is better assured. Erosion of stream banks is both a form of property loss and a major contributor to sediment loading.
 - c. The specially adapted flora and fauna association which is limited in its extent within this semiarid climate is preserved. River bank stabilization can also be enhanced by limiting encroachment near the river.
 - d. A wildlife corridor is provided for larger animals and birds as they move up and down the Animas Valley; the area is used by migrating birds and is designated as prime winter range for deer and elk. Habitat specialists warn of riparian areas too narrow to support foraging, nesting, migration and predator protection. This special habitat can be better protected if the number and types of development allowed within it are reasonable but limited.
 - (3) Preserve the scenic corridor within the Animas Valley by limiting building height, impervious cover and the type and intensity of land uses allowed for consideration. These same types of

controls are proposed for the river corridor district and throughout the study area in order to minimize the visual impact of development.

- (4) Due to residents' input, the width of the river corridor district is narrower on the west side than it is on the east side. Both sides, however, extend beyond the narrower floodway. Practically speaking, there is no development within the floodway because that is the part of the floodplain that experiences the greatest flood velocities. The Animas River's floodway width varies from 75 feet to 800 feet from the river bank; the average floodway width shows to be about 250 feet. For comparison purposes, the west side of the river corridor district is approximately twice the average width of the floodway, whereas, the east side is approximately four times the average floodway width.
- (5) The river corridor district is breaking new ground locally; however, there is some precedent for such a protective district within the state. Douglas County zoning regulations prohibit residences from being built within the entire 100-year floodplain for public safety reasons. Pitkin County permits no development within the 100-year floodplain, but does allow agricultural and recreational uses. Justifications include public safety and welfare, wildlife and riparian habitat preservation; authority comes from HB 1041. Last, the Comprehensive Plan for Ellicott Valley in El Paso County states that development should generally be oriented away from the floodplain.

Sec. 106-132. Purpose of river corridor district.

The purpose of this river corridor district is to provide a safety net for flood damage, protect river water quality with a filtering vegetative strip, protect the riparian habitat, provide a corridor for wildlife, and promote a scenic corridor in the valley. The river boundary generally respects a 500-foot setback from the bank on the west side, and the 100-year floodplain elevation on the east. The floodplain boundary used here was surveyed in 1977; therefore, it would be wise for a proposed development to resurvey for greater accuracy. The readjusted boundary could well be at a lower elevation than presently mapped. There shall be no net loss of wetlands in the Animas Valley Land Use Plan Area. If a development proposes to fill in an existing wetland, it must bond and construct another wetland of comparable size to the satisfaction of Colorado Parks and Wildlife, Soil Conservation Service, and the Army Corps of Engineers elsewhere in the study area.

Sec. 106-133. Uses permitted by right.

- (a) Uses permitted by right in the river corridor district include one dwelling unit per existing legal lot of record or per 35 acres, whichever is lesser, granny flats, commercial livestock and agriculture-related operations and accessory structures. No structure may locate within the floodway, and in no case within 50 feet of the river bank.
- (b) Existing, adjacent legal or legal nonconforming lots of record can be reconfigured through boundary adjustments with the following specifications:
 - (1) The resultant lots allow for no more dwelling units than originally allowed for on the two parcels.
 - (2) The resulting lots are no smaller than 12 acres.
 - (3) All boundary adjustments involving existing legal nonconforming lots of record must be accomplished by a plat meeting all requirements of section 102-22 of this Code.
 - (4) The plat shall designate minimum building setbacks of 50 feet from all property lines.
 - (5) It may be deemed necessary by the board of county commissioners to require specific building envelopes to be designated on the plat. Reasons for the requirement may include, but not be limited to: visual or other adverse impact on the river or road, adverse impact on wetlands, wildlife or agricultural operations.

Sec. 106-134. Special Uses permitted by class I land special-use permit.

- (a) ~~Special Uses~~ permitted by ~~class I land special~~ use permit in the river corridor district include bed and breakfasts of no more than ten guestrooms, plant nurseries, greenhouses, public and quasipublic facilities, professional offices and low-intensity, tourist-oriented recreational uses. Such uses shall be designed so as to reflect the rural and scenic quality of the valley.
- (b) No property subdivided for a special use permit shall ~~create lots~~ be smaller than 12 acres. No structures shall locate within the floodway, and in no case shall a structure locate within 50 feet of the river bank. All outdoor storage shall be screened from view off site. Projects by special use permit that access Highway 550 shall be directed to consolidate and adequately improve selected intersections along the highway commensurate with development intensity. Providing an adequate means of internal circulation between sites shall also be encouraged so as to minimize turn movement conflicts along the highway. Parking shall be as required under section 106-111 of this chapter.

Secs. 106-135—106-150. Reserved.

DIVISION 3. FIFTEEN-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-151. Purpose of district.

The purpose of the 15-acre minimum single-family residential district is to provide a reasonable use of land that predominantly has no central water or sewer service, and which lies outside the river corridor district. Preserving the rural character is of prime importance in this area.

Sec. 106-152. Uses permitted by right.

Uses permitted by right in the 15-acre minimum single-family residential district include: single-family residential, granny flats, commercial livestock and agriculture-related operations and their accessory structures. Clustering is permitted for subdivisions that maintain a minimum five-acre lot for each dwelling unit and a minimum of 50 percent of the overall site as landscaped and dedicated open space. The calculated land area remaining between minimum lot sizes and required open space may be used for internal roads, greater lot sizes or more open space. This surplus land area may not be used to justify additional dwelling units.

Sec. 106-153. ~~Special Uses~~ permitted by ~~class I land special~~ use permit.

~~Special Uses~~ permitted by ~~class I land special~~ use permit in the 15-acre minimum single-family residential district include bed and breakfasts of no more than ten guestrooms, plant nurseries and greenhouses, day care centers, and public and quasipublic facilities. A minimum lot size when subdividing ~~in this district for a special use permit~~ shall be 15 acres. Highway 550 access points shall be consolidated and improved to the level commensurate with any approved development. Parking shall be as required under section 106-111 of this chapter.

Secs. 106-154—106-170. Reserved.

DIVISION 4. TEN-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-171. Purpose of district.

The purpose of the ten-acre minimum single-family residential district is to provide a reasonable use

of land that has no central sewer service, and that is located outside of the 100-year floodplain. Preserving the rural character is also of prime importance in this area.

Sec. 106-172. Uses permitted by right.

Uses permitted by right in the ten-acre minimum single-family residential district include single-family residential, granny flats, commercial livestock and agriculture-related operations and their accessory structures. Clustering is permitted for subdivisions that maintain a minimum three-acre lot for each dwelling unit and a minimum of 50 percent of the overall site as landscaped and dedicated open space. The calculated land area remaining between minimum lot sizes and required open space may be used for internal roads, greater lot sizes or more open space. This surplus land area may not be used to justify additional dwelling units.

Sec. 106-173. Special Uses permitted by class I land~~special~~ use permit.

Special Uses permitted by class I land~~special~~ use permit in the ten-acre minimum single-family residential district include bed and breakfasts of no more than ten guestrooms, plant nurseries and greenhouses, day care centers, public and quasipublic facilities, and low-intensity, tourist-oriented recreational uses. A minimum lot size when subdividing ~~in this district for a special use permit~~ shall be ten acres. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of the use. Parking shall be as required under section 106-111 of this chapter.

Secs. 106-174—106-190. Reserved.

DIVISION 5. FIVE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-191. Purpose of district.

The purpose of the five-acre minimum single-family residential district is to provide a reasonable use of land that predominantly has no central water or sewer service. Protecting surface water and near surface groundwater in an area that relies on individual well and septic systems are major considerations. Preserving the rural character is also of prime importance in this area. Impervious coverage of a lot shall not exceed 50 percent.

Sec. 106-192. Uses permitted by right.

Uses permitted by right in the five-acre minimum single-family residential district include single-family residential, granny flats, commercial livestock and agriculture-related operations and their accessory structures. Clustering shall be permitted for developments that set aside at least 30 percent open space. In no case shall any individual lot be smaller than three acres. The difference in land area between the lots and the open space may be used for internal roads, larger lot sizes or greater open space, but may not be used to justify additional dwelling units.

Sec. 106-193. Special Uses permitted by class I land~~special~~ use permit.

Special Uses permitted by class I land~~special~~ use permit in the five-acre minimum single-family residential district include bed and breakfasts of no more than six guestrooms, plant nurseries and greenhouses, family day care centers, public and quasipublic facilities, professional offices, research and development facilities, and low-intensity, tourist-oriented recreational uses. A minimum lot size when subdividing ~~in this district for a special use permit~~ shall be five acres. No outdoor storage of materials is permitted. Building and site design shall reflect the rural and scenic quality of the valley. Highway 550

access points shall be consolidated and improved to a level commensurate with any approved development. Developments shall provide for adequate internal circulation between properties in order to facilitate the sharing of highway intersections. Parking shall be as required under section 106-111 of this chapter.

Secs. 106-194—106-210. Reserved.

DIVISION 6. THREE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL, RESTRICTED

Sec. 106-211. Purpose of district.

The purpose of the three-acre minimum single-family residential, restricted district is to provide for large-lot residential development in an area that has no central sewer service. Preserving the existing rural character is also a goal. Impervious coverage of a lot shall not exceed 50 percent.

Sec. 106-212. Uses permitted by right.

Uses permitted by right in the three-acre minimum single-family residential, restricted district include single-family residential, agriculture-related operations and their accessory structures.

Sec. 106-213. Special Uses permitted by class I land~~special~~ use permit.

Special Uses permitted by class I land~~special~~ use permit in the three-acre minimum single-family residential, restricted district include: none.

Secs. 106-214—106-230. Reserved.

DIVISION 7. THREE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-231. Purpose of district.

The purpose of the three-acre minimum single-family residential district is to provide for large-lot residential development in areas that have direct frontage onto major arterial and collector roads, and which have no central sewer service. Preserving the rural character is also the goal. Impervious coverage of a lot shall not exceed 50 percent.

Sec. 106-232. Uses permitted by right.

Uses permitted by right in the three-acre minimum single-family residential district include single-family residential, granny flats and agriculture-related operations and their accessory structures. Where there is central water service, clustering is permitted for subdivisions that maintain a one-acre minimum lot size for each dwelling unit and at least 40 percent of the entire site as landscaped and dedicated open space. The difference in land area between the lots and the open space may be used for internal roads, larger lots sizes or greater open space, but may not be used to justify additional dwelling units.

Sec. 106-233. Special Uses permitted by class I land~~special~~ use permit.

Special uses permitted by class I land~~special~~ use permit in the three-acre minimum single-family

residential district include bed and breakfasts of no more than three guestrooms, plant nurseries, greenhouses, public and quasipublic facilities, and day care homes. A minimum lot size when subdividing ~~in this district for a special use permit~~ shall be three acres. Intersection improvements along public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required in section 106-111 of this chapter.

Secs. 106-234—106-250. Reserved.

DIVISION 8. TWO-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-251. Purpose of district.

The purpose of the two-acre minimum single-family residential district is to provide for a medium-density residential area within a rural environment, and to provide a step-down buffer between three-acre and one-acre districts. Preserving the existing rural character even where central water and sewer service is available is the goal. Impervious coverage of a lot shall not exceed 50 percent.

Sec. 106-252. Uses permitted by right.

Uses permitted by right in the two-acre minimum single-family residential district include single-family residential, granny flats and agriculture-related operations and their accessory structures. Clustering is permitted for subdivisions that maintain a one-acre minimum lot size for each dwelling unit and at least 30 percent of the entire site as landscaped and dedicated open space. The difference in land area between the lots and the open space may be used for internal roads, larger lots sizes or greater open space, but may not be used to justify additional dwelling units.

Sec. 106-253. ~~Special U~~ses permitted by ~~class I land~~special use permit.

~~Special U~~ses permitted by ~~class I land~~special use permit in the two-acre minimum single-family residential district include bed and breakfasts of no more than three guestrooms, public and quasipublic facilities, and day care homes. A minimum lot size when subdividing ~~in this district for a special use permit~~ shall be two acres. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required under section 106-111 of this chapter.

Secs. 106-254—106-270. Reserved.

DIVISION 9. ONE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL, RESTRICTED

Sec. 106-271. Purpose of district.

The purpose of the one-acre minimum single-family residential, restricted district is to provide for medium-density residential areas that lie outside the 100-year floodplain and that have central water and sewer service. Preserving the rural character while balancing the need for additional housing is the goal. Impervious coverage of a lot shall not exceed 50 percent.

Sec. 106-272. Uses permitted by right.

Uses permitted by right in the one-acre single-family residential, restricted district include single-

family residential and agriculture operations and their accessory structures. Clustering is not permitted in this one-acre restricted district.

Sec. 106-273. Special Uses permitted by class I land special use permit.

Special Uses permitted by class I land special use permit in the one-acre single-family residential, restricted district include bed and breakfasts of no more than three guestrooms, public and quasipublic facilities and day care homes. A minimum lot size when subdividing in this district for a special use permit shall be one acre. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required in section 106-111 of this chapter.

Secs. 106-274—106-290. Reserved.

DIVISION 10. ONE-ACRE MINIMUM SINGLE-FAMILY RESIDENTIAL

Sec. 106-291. Purpose of district.

The purpose of the one-acre minimum single-family residential district is to provide for medium-density residential areas that lie outside the 100-year floodplain and have central water and sewer service. Preserving the rural character while balancing the need for additional housing is the goal. Impervious coverage of a lot shall not exceed 50 percent.

Sec. 106-292. Uses permitted by right.

Uses permitted by right in the one-acre minimum single-family residential district include single-family residential, granny flats and agriculture operations and their accessory structures. Clustering is permitted for subdivisions that provide a minimum of 30 percent of the site area as maintained and dedicated open space. The difference in land area between the lots and the open space may be used for internal roads, larger lots sizes or greater open space, but may not be used to justify additional dwelling units. While the individual lot sizes may be as small as 10,000 square feet, in no case shall the overall density be greater than one unit per acre.

Sec. 106-293. Special Uses permitted by class I land special use permit.

Special uses permitted by class I land special-use permit in the one-acre minimum single-family residential district include bed and breakfasts of no more than three guestrooms, public and quasipublic facilities, plant nurseries and day care homes. A minimum lot size when subdividing in this district for a special use permit shall be one acre. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required in section 106-111 of this chapter.

Secs. 106-294—106-310. Reserved.

DIVISION 11. HIGH-DENSITY, SINGLE-FAMILY RESIDENTIAL/PUD

Sec. 106-311. Purpose of district.

The purpose of the high-density, single-family residential/PUD district is to make existing high-

density, single-family residential areas and planned unit developments (PUDs) conforming. If such a development is permitted in the future, it shall be held to a higher standard for open space than those now existing. Impervious coverage of a lot shall not exceed 60 percent.

Sec. 106-312. Uses permitted by right.

Uses permitted by right in the high-density, single-family residential/PUD district include attached or detached single-family residential with a maximum density of one unit per 10,000 square feet, based on net area. Such a development shall dedicate 30 percent of the original site area as perpetual and landscaped open space.

Sec. 106-313. Special Uses permitted by class I landspecial use permit.

Special Uses permitted by class I landspecial use permit in the high-density, single-family residential/PUD district include golf courses and supporting facilities. Intersection improvements along the public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required under section 106-111 of this chapter.

Secs. 106-314—106-330. Reserved.

DIVISION 12. MULTIFAMILY RESIDENTIAL

Sec. 106-331. Purpose of district.

The purpose of the multifamily residential district is principally to make existing multifamily developments conforming in terms of use if not entirely in terms of density. This multifamily residential district also provides the opportunity for a redevelopment of existing multifamily projects, but with a compromised, downward adjustment in density.

Sec. 106-332. Uses permitted by right.

Uses permitted by right in the multifamily residential district include single-family residential on a minimum lot size of one acre.

Sec. 106-333. Special Uses permitted by class I landspecial use permit.

Special Uses permitted by class I landspecial use permit in the multifamily residential district include multifamily developments including apartments, condominiums, town homes and mobile home parks. Maximum density shall be six units per net acre, based on a 20 percent open space set aside. Existing multifamily developments may redevelop at 12 units per net acre with 20 percent of total site area dedicated as perpetual landscaped open space. Building and site design shall be compatible with the rural and scenic character of the valley. Intersection improvements along public right-of-way may be required commensurate with the requested intensity of use. Parking shall be as required in section 106-111 of this chapter.

Secs. 106-334—106-350. Reserved

DIVISION 13. NEIGHBORHOOD COMMERCIAL

Sec. 106-351. Purpose of district.

The purpose of the neighborhood commercial district is to provide specific and limited locations to supply simple day-to-day goods and services to the Animas Valley residents.

Sec. 106-352. Uses permitted by right.

There are no uses permitted by right in the neighborhood commercial district.

Sec. 106-353. Special Uses permitted by class I land~~special~~ use permit.

Special Uses permitted by class I land~~special~~ use permit in the neighborhood commercial district include neighborhood-oriented businesses, public and quasipublic facilities, single-family residential, multifamily residential (up to six units per net acre), general and professional offices not to exceed 2,500 square feet, mini-storage facilities, telecommunication facilities, bed and breakfasts of no more than six guestrooms, medical marijuana centers as defined in Section 16(2)(m) of Article XVIII of the Colorado Constitution, and retail marijuana stores as defined in Section 16(2)(n) of Article XVIII of the Colorado Constitution. Impervious coverage of a lot shall not exceed 50 percent. All outdoor storage shall be screened from view. New structures shall be designed, built and buffered to blend in with the rural and scenic character of the area. Intersections along public rights-of-way shall be consolidated and improved to a level commensurate with any approved development. Developments shall provide for adequate internal circulation between properties in order to facilitate the sharing of road intersections. Parking shall be as required in section 106-111 of this chapter. It is an objective of this plan to provide for high quality commercial development at locations so designated. Projects proposed within the neighborhood and general commercial districts should be designed in a comprehensive manner with regard to access, internal circulation, drainage, parking and landscaping. It is not the purpose of these commercial districts to promote small lot subdivisions that lead to a strip commercial development.

Secs. 106-354—106-370. Reserved.

DIVISION 14. GENERAL COMMERCIAL

Sec. 106-371. Purpose of district.

The purpose of the general commercial district is principally to make existing businesses conforming and, as well, to give appropriately located properties a reasonable use of the land.

Sec. 106-372. Uses permitted by right.

There are no uses permitted by right in the general commercial district.

Sec. 106-373. Special Uses permitted by class I land~~special~~ use permit.

Special Uses permitted by class I land~~special~~ use permit in the general commercial district include low-intensity, tourist-oriented recreational uses, motels, restaurants, outdoor entertainment, professional office buildings, plant nurseries, sale of goods hand-produced or hand-assembled on site, neighborhood-oriented businesses, public and quasi-public facilities, telecommunications facilities, and marijuana facilities as defined in section 62-1. In all cases, outdoor storage shall be screened, and lighting shall be

minimal. Noise levels shall be maintained so as to minimize the nuisance for nearby residents. Intersections along public rights-of-way shall be consolidated where appropriate and improved to a level commensurate with any approved development. Developments shall be encouraged to provide for adequate internal circulation between properties in order to facilitate the sharing of road intersections. Parking shall be as required under section 106-111. It is an objective of this plan to provide for high quality commercial development at locations so designated. Projects proposed within the neighborhood and general commercial districts should be designed in a comprehensive manner with regard to access, internal circulation, drainage, parking and landscaping. It is not the purpose of these commercial districts to promote small lot subdivisions that lead to a strip commercial development.

Secs. 106-374—106-390. Reserved.

DIVISION 15. INDUSTRIAL

Sec. 106-391. Purpose of district.

The purpose of the industrial district is to make existing industrial uses conforming while not encouraging new ones, as well as to give appropriately located properties a reasonable use of the land.

Sec. 106-392. Uses permitted by right.

There are no uses permitted by right in the industrial district.

Sec. 106-393. Special Uses permitted by class I land~~special~~ use permit.

Special Uses permitted by class I land~~special~~ use permit in the industrial district are sand and gravel operations, asphalt plants, public and quasi-public facilities, telecommunications facilities, and marijuana facilities as defined in section 62-1. The location of sand and gravel type industrial properties indicated on the Animas Valley Land Use Plan Map are based on the permitted areas map provided by the state division of minerals and geology. If there is any question of land use map accuracy, the records of the state division of minerals and geology shall prevail.

Secs. 106-394—106-410. Reserved.

ARTICLE IV. NEIGHBORHOOD OVERLAY DISTRICTS

DIVISION 1. GENERALLY

Sec. 106-411. Administration.

- (a) Applications for land use permits or subdivisions within neighborhood overlay districts shall follow the processes described in Chapters 82, 102 and 106 of this code.
- (b) All county regulations, not in conflict with neighborhood zoning district standards and regulations, shall apply within such districts, it being the intent of this article that the most restrictive standards and regulations shall apply.
- (c) The standards and regulations of the neighborhood zoning districts shall be required standards for

development within such respective district.

Sec. 106-412. Neighborhood planning areas; general regulations.

Neighborhood planning areas are planned areas within the county, defined by adopted maps, where special regulations apply. Adopted neighborhood planning area regulations are set forth in article VI of this chapter, incorporated in this section by this reference. The regulations of this section have been adopted with the cooperation, guidance and assistance of these neighborhoods. The neighborhood planning areas are adopted pursuant to C.R.S. §§ 29-20-101 et seq. and 30-28-101 et seq., and the general authority of county government otherwise set forth in the Colorado Revised Statutes. Neighborhood planning areas are separate and distinct from neighborhood zoning districts adopted pursuant to C.R.S. § 30-28-119.

- (1) *Required standards.* The regulations, standards and requirements, as adopted for each such neighborhood planning area, shall be required and mandatory standards for development within that area as that term is intended in sections 82-94 and 82-127(1), unless otherwise so provided in the applicable planning area regulations.
- (2) *Application of subpart B of this Code.* The intent of neighborhood planning areas is to provide for special and more stringent requirements within such areas. Subpart B of this Code shall be applicable to all such areas. The most stringent requirements shall apply. Applications for development within neighborhood planning areas shall be processed in accordance with, and subject to, the requirements and procedure of subpart B of this Code.
- (3) *Special uses ~~s-permit~~.* Where neighborhood planning area regulations provide for special uses, such special uses shall require class I a-land use by special-use permits, and shall meet all requirements generally applicable to other developments requiring a class I land use permit, such permit shall be processed as a class II application in addition to any other plat, plan or procedure required by this chapter 106.
- (4) *Additions and deletions to neighborhood planning areas.* Addition and deletion petitions shall generally follow the procedures for additions or deletions to zoning districts as contained in C.R.S. § 30-28-119. The criteria for additions and deletions shall, in addition, include the effect that such additions or deletions shall have on the purposes and integrity of the planning area. Determination by the board of county commissioners, in its sole discretion, of the effect of addition or deletion may include, but shall not be limited to, consideration of the factors set forth in C.R.S. § 30-28-106, similarities and differences of property to be added or deleted to the properties within the planning area, contiguity and the perspectives of the neighborhood planning area. The procedures set forth in this subsection (4) shall only apply to neighborhood planning areas under this section and article VI of this chapter.
- (5) *Neighborhood planning areas.* The following neighborhood planning areas have been adopted:
 - a. Crowbar Creek (see division 2 of article VI of this chapter); and
 - b. (Reserved).

Secs. 106-413—106-430. Reserved.

DIVISION 2. HERMOSA CREEK NEIGHBORHOOD ZONING DISTRICT

Sec. 106-431. Purpose of district.

Pursuant to the authority conferred by C.R.S. § 30-28-119, this division is enacted for the purpose of promoting the health, convenience, order, prosperity and welfare of the present and future inhabitants of the Hermosa Creek Neighborhood Zoning District by avoiding undue congestion by population, by

distributing land development and utilization, by preventing the overcrowding of land and buildings, and by maintaining the traditional rural quality of the area.

Sec. 106-432. Reserved.

Sec. 106-433. Minimum lot area.

The minimum lot area per single-family dwelling shall be three acres.

Sec. 106-434. Use regulations.

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses. Any use not specifically included in this list is excluded from use in the Hermosa Creek Zoning District:

- (1) Single-family dwellings:
 - a. All the allowable manufactured housing shall have skirting of the same or similar material as the siding.
 - b. No lot shall provide dwellings for more than two households or families.
- (2) Accessory buildings.
- (3) Gardening or truck gardens: This includes truck gardening, nursery, a noncommercial conservatory for plants and flowers, farming (but not fur farming and not including stock raising or dairying except as provided in subsection (4) of this section).
- (4) Livestock:
 - a. The type of animal, by its nature, shall be able to be kept without undue detriment to neighboring uses.
 - b. The animals shall be housed and located on the property in a manner to minimize any obnoxious influence upon other properties. To this end, the following shall be complied with:
 1. The animals shall be fenced or otherwise constrained to the property.
 2. Manure shall be managed in a manner so as to minimize the effect of smell and insects to adjacent properties.
 3. Animals shall not be kept in areas that could adversely affect domestic water systems.
 - c. Private poultry houses containing not more than 400 square feet of ground floor area; private rabbit and chinchilla hutches containing not more than 100 square feet of ground floor area.

Sec. 106-435. Nonconforming uses.

Certain uses for land and buildings may be in existence upon the enactment of the zoning resolution from which this chapter is derived which may not comply with this division. It is the purpose of this division to allow for continuance of such uses and buildings and to provide criteria by which they may be maintained.

- (1) *Continuance of nonconforming uses.*
 - a. Facilities and structures shall be kept in good repair.
 - b. The use shall be of a continuous nature. If the use is of a seasonal nature, it shall be

operated annually.

- (2) *Discontinuance of nonconforming uses.* Nonconforming uses shall be deemed discontinued pursuant to subsection 82-20(4).
- (3) *Nonconforming lot size.* A structure that is damaged or destroyed on a lot less than three acres may be repaired or replaced when such repair or replacement is commenced within 12 months of the occurrence of the damage.

Sec. 106-436. Enforcement.

Pursuant to C.R.S. § 30-28-114, it shall be the duty of the county building inspector to enforce the provisions of this division. Hereafter, it shall be unlawful to erect, construct, reconstruct, structurally alter, change the use of any building or other structure, or use any vacant land except for agriculture, without first obtaining from the building inspector a written permit; and, the building inspector shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning regulations then in effect. No oversight or dereliction on the part of the county building inspector or his authorized assistants, or on the part of any official or employee of the county shall legalize, authorize or excuse the violation of any of the provisions of this division. The county building inspector shall enforce such division regulations as are necessary as to the maintenance of the premises and the condition of operations to ensure against unnecessary odors, smoke or noise of any permitted use.

Sec. 106-437. Severability.

Should any section, clause, sentence or part of this division be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the division as a whole or any part thereof, other than the part so declared to be invalid.

Secs. 106-438—106-450. Reserved.

DIVISION 3. BRUCE LANE NEIGHBORHOOD ZONING DISTRICT

Sec. 106-451. Purpose of division.

Pursuant to the authority conferred by C.R.S. § 30-28-119, the regulations of this division are enacted for the purpose of promoting the welfare of the present and future inhabitants of the Bruce Lane Zoning District by preventing high density development and maintaining the traditional rural quality of the area.

Sec. 106-452. Zoning regulations.

Zoning regulations for the Bruce Lane Zoning District are as follows:

- (1) *Minimum lot size.*
 - a. The minimum lot area shall be three acres.
 - b. Any existing lot smaller than the minimum lot area at the time of formation of the Bruce Lane Zoning District is an existing nonconforming use. It is the purpose of this section to allow continuance of such existing nonconforming lot size, but to prevent further subdivision of such lots and further construction thereon.
- (2) *Residences per lot.*

- a. No lot may contain more than two single-family residences; provided, however, that the lot meets the minimum lot size of three acres.
 - b. For those lots smaller than three acres with an existing residence, no additional residences shall be permitted. However, a structure that is damaged or destroyed on a lot of less than three acres may be repaired or replaced.
- (3) *Applicability of county regulations.* It is the intent of this division that all county regulations not in conflict with the specific regulations of this division shall apply within this Bruce Lane Zoning District.

Secs. 106-453—106-470. Reserved.

DIVISION 4. HERMOSA/ANIMAS NEIGHBORHOOD ZONING DISTRICT

Sec. 106-471. Purpose of division.

Pursuant to the authority conferred by C.R.S. § 30-28-119, this division is enacted for the purpose of promoting the welfare and independence of the present and future inhabitants of the Hermosa/Animas Valley Zoning District by preventing high density housing development and maintaining the traditional rural quality of the area as it currently exists.

Sec. 106-472. Zoning regulations.

The Animas Valley Land Use Plan and Map are hereby adopted by this section as the land use regulations for this Hermosa/Animas Valley Zoning District, with the following specific exception that granny flats shall be allowed as special uses requiring a class I land use permit. ~~where allowed, shall be reviewed as a special use permit.~~

Sec. 106-473. Applicability of county regulations.

It is the intent of this division that all county regulations not in conflict with the specific regulations of this division shall apply within this Hermosa/Animas Valley Zoning District.

Secs. 106-474—106-490. Reserved.

DIVISION 5. HERMOSA WEST NEIGHBORHOOD ZONING DISTRICT

Secs. 106-491—106-510. Reserved.

DIVISION 6. CENTRAL ANIMAS VALLEY NEIGHBORHOOD ZONING DISTRICT

Secs. 106-511—106-530. Reserved.

ARTICLE V. BUSINESS/INDUSTRIAL PARK OVERLAY DISTRICT

Sec. 106-531. Intent and purpose of district.

The intent and purpose of the business/industrial park overlay district is to provide for administrative land use permits ~~an expedited administrative permitting process~~ for business and industrial projects in appropriate areas of the county ~~that otherwise would require class II land use permits, provided that such projects shall meet all applicable substantive standards of this article.~~

Sec. 106-532. Creation of district.

The board ~~of county commissioners~~ shall determine, by resolution, specific districts of the county which are appropriate for designation as business/industrial park overlay districts.

Sec. 106-533. Process; Application requirements; standards ~~for expedited administrative review.~~

In a district designated pursuant to this article, an application for an administrative land use permit ~~expedited administrative review of an eligible project~~ may be made to the planning director ~~and shall follow the process established for administrative land use permits pursuant to sections 82-78(a).~~ The application requirements and standards for an administrative land use permit submitted pursuant to this division 6 shall be consistent with those requirement and standards that apply to developments requiring a class II land use permit, except that the compatibility assessment pursuant to sections 82-191 through 193 shall not apply. ~~Applications shall be in the form as prescribed by the director. The director may utilize any procedure identified in this chapter as appropriate for review of the project under this article. Such procedure shall, at a minimum, provide notice to adjacent landowners, together with an opportunity to be heard, and ensure adequate water, sewer, access and compliance with this chapter.~~

Sec. 106-534. Qualifying developments ~~Review.~~

If proposed in a business/industrial park overlay district, the following developments that otherwise require a class II land use permit pursuant to section 82-4 instead qualify for an administrative land use permit pursuant to this division 6:

- (1) Section 82-4(a)(1), commercial development or redevelopment;
 - (2) Section 82-4(a)(2), industrial development or redevelopment;
 - (3) Section 82-4(a)(6), mixed use development;
 - (4) Section 82-4(a)(7), commercial storage or parking of equipment, machines, tools, products, raw materials, cars and/or trucks, including salvage/junk yards;
 - (5) Section 82-4(a)(8), large child care centers as defined and regulated by the state department of human services;
 - (6) Section 82-4(a)(17), agricultural-related commercial and industrial operations for the processing or manufacturing of crops, forage or livestock including, but not limited to, dairies, poultry processing, meat packing plants, breweries and wineries; and
 - (7) Section 82-4(a)(22), accessory uses pursuant to section 82-5(e).
- ~~(a) The director shall review the proposed project for compliance with this chapter. If the project complies with all of the regulations of this chapter, the director may issue the permit. The director of the planning department may also condition such permit where necessary to achieve compliance with this chapter, or to mitigate any adverse impacts arising from such business or industrial project.~~
- ~~(b) Where, in the discretion of the director, there appear to be outstanding issues pertaining to compliance with this chapter, the public health, safety and welfare, or compatibility, the director may refer such project to the planning commission and/or board of county commissioners for further review and consideration.~~

~~(c) The director shall deny all applications which do not meet the substantive standards of this chapter. The director shall not have the authority to grant variances or special exceptions to this chapter, nor to authorize the subdivision or any other division of land, boundary adjustment or lot consolidation.~~

~~Sec. 106-535. Appeals.~~

~~Appeals by an aggrieved party under this article may be brought pursuant to section 66-22(1) of subpart B of this Code. Aggrieved parties, for purposes of this article, shall be limited to the applicant and/or adjacent landowners.~~

Sec. 106-53~~6~~⁵. Established districts enumerated.

The following business/industrial park overlay districts have been established:

- (1) Gem Village (Resolution No. 1995-35).

Secs. 106-53~~6~~⁷—106-550. Reserved.

ARTICLE VI. NEIGHBORHOOD PLANNING AREAS

DIVISION 1. GENERALLY

Secs. 106-551—106-570. Reserved.

DIVISION 2. CROWBAR CREEK

Sec. 106-571. Intent of division.

It is the intent of the Crowbar Creek Planning Area to ensure its rural character, yet retain a reasonable level of flexibility and simplicity in its governing regulations. Crowbar Creek Planning Area residents desire that development proposals receive a substantial amount of neighborhood support in order to be approved. Affordable housing is encouraged.

Sec. 106-572. Density.

In the Crowbar Creek Planning Area a maximum of two dwelling units per 35 acres, or the existing legal lot of record as of the effective date of these regulations, that meet minimum water, sewer and access requirements shall be allowed.

Sec. 106-573. Minimum lot size.

Minimum lot size in the Crowbar Creek Planning Area shall be 35 acres for any newly created lot.

Sec. 106-574. Building setbacks.

The front yard building setback in the Crowbar Creek Planning Area shall be a minimum of 20 feet. Side yard and rear yard building setbacks shall be a minimum of ten feet each.