

CHAPTER 1: GENERAL PROVISIONS

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CHAPTER 1: GENERAL PROVISIONS

Section 1.1

Section 1.1

TITLE

These Land Use Regulations shall be known as the Teller County Land Use Regulations, and referred to throughout as "these Regulations." They consolidate, reformat, amend, and replace in its entirety the existing Teller County Land Use Regulations dated November 21, 2005.

- A. **Related Codes.** Related codes include the most current editions of the Teller County Roadway Design and Construction Standards, Teller County Building Code, Teller County Sewage Disposal Regulations, Teller County Fire Code or other fire codes adopted in accordance with Colorado Revised Statutes (CRS) § 30-15-401.5(4); other Federal, State, or national codes the County may have been then adopted or be subject to; and other separate and specific regulations that the County may have adopted by Resolution of its Board of County Commissioners, including the Animal Control Ordinance (Ordinance 14, effective September 30, 2005), the Rubbish Ordinance (Ordinance 11, effective July 6, 2001), and provisions of the "Historic Preservation Resolution" (Resolution No. 06-06-02[43]).

Section 1.2

Section 1.2

PURPOSE

The general purpose of these Regulations is to promote the health, safety, convenience, order, prosperity, aesthetics, and general welfare of the present and future inhabitants of Teller County. These Regulations shall be administered and enforced with this intent in mind. Without limiting the generality of the above, more specific purposes include:

- A. **Expedite Development Review.** Avoid delay, expense, and paperwork, except as necessary and reasonable; and afford sufficient input and evidence by affected citizens and experts to allow for informed decisions by decision makers so that the general welfare of all Teller County citizens is considered.
1. **Acknowledge Rights.** Plan for and regulate the use of land and protection of the environment in a manner consistent with constitutional rights, recognizing the rights of the land owner, Applicant, the citizens, and the communities of Teller County.
- B. **Manage Land Use.** Regulate the use of all structures, lands, and waters; and classify land use, thereby distributing land development and use appropriately.

Section 1.2.B.1

1. **Implement Master Plans.** Implement the legislatively adopted Teller County Growth Management Plan and legislatively adopted or endorsed sub-area plans and maps, as each may advisory or regulatory, including: the Divide Regional Plan, the Florissant Regional Plan, the Four Mile Regional Action Plan, the Southeast Teller County Regional Plan, and the Woodland Park Master Plan; and the Teller County Parks, Trails and Open Space Master Plan.
 - a. **Planning Regions.** In its Growth Management Plan Teller County has identified six Planning Regions. The Cripple Creek, Divide, Florissant, Victor, and Woodland Park Planning Regions have designated **Growth Areas**. All areas outside of the designated Growth Areas of these five Planning Regions, and the entire Four Mile Planning Region, are considered **Conservation Areas**.
 - b. **Growth Areas.** Consistent with all of Teller County’s master plans, it is the intent of these Regulations to encourage development in Growth Areas.
 - c. **Conservation Areas.** Consistent with all of Teller County’s master plans, it is the intent of these Regulations to discourage development in Conservation Areas.
 2. **Distribute Density and Open Spaces.** Regulate the location of activities and developments which may result in substantial changes in population distribution and density; and regulate and restrict lot coverage and the size and location of structures in order to avoid undue population concentrations and maintain open spaces.
 3. **Conserve the Environment.** Further the appropriate use of land and conservation of natural resources so that the environment of Teller County may be preserved and enhanced.
 4. **Balance the Economy.** Foster agriculture and other industries.
- C. **Respect Critical Areas.** Regulate development in Teller County’s identified Critical Areas, which are those portions of the County where natural hazards exist, or where important natural, cultural, or historic resources are located.
1. **Natural Hazards.** Regulate development and activities in hazardous areas in order to protect Teller County from fire, flood, and other dangers; and help ensure that proposed developments adequately mitigate potential hazards so that the rights, health, safety, and well being of the citizens of Teller County are protected.

Section 1.2.C.2

2. **Natural Resources.** Help ensure that the natural resources valuable to the citizens, County, State, and nation are protected; and allow extraction or exploration of minerals in accordance with Federal, State, and local laws, rules, and regulations unless extraction or exploration would endanger the public health and safety.
 3. **Wildlife.** Help protect lands from activities which would cause immediate or foreseeable material danger to critical wildlife habitat and endanger a wildlife species.
 4. **Cultural or Historic Resources.** Help preserve buildings, sites, and areas of cultural, historical and archaeological importance.
- D. **Assure Good Site Design.** Encourage the planning of tracts of land consistent with the goals and objectives of the legislatively adopted Teller County Growth Management Plan and legislatively adopted or endorsed sub-area plans and maps. More specifically:
1. **Character.** Help further the appropriate use of land and the conservation of natural resources in order to preserve and enhance the environment of Teller County.
 2. **Health and Safety.** Help provide adequate light, air, sanitation, and drainage; and help prevent the accumulation and improper disposition of junk and rubbish because it is aesthetically displeasing and a potential health and safety hazard.
 3. **Surrounding Area.** Help ensure that new development is in harmony with the existing, immediately surrounding, and general vicinity uses and patterns of development; is integrated into its area or region; and reflects the stated purposes and intents of the legislatively adopted Teller County Growth Management Plan and the particular area's legislatively adopted or endorsed sub-area plan and map, as each may be advisory or regulatory.
 4. **Encourage Flexibility.** Help encourage innovative approaches to design and the sound application of proven design methods by use of Planned Unit Development (PUD); help provide flexibility in the application of these Land Use Regulations so as to maximize the opportunities for good site design; and help create the means by which a variety of private and public activities can co-exist harmoniously.
- E. **Minimize Impacts.** Regulate the use of land in order to minimize impacts on the community or surrounding areas; and help protect both urban and non-urban development in the following ways, among others:
1. **Conservation.** Help promote energy conservation.

Section 1.2.E.2

2. **Property Values.** Help stabilize and protect property values.
3. **Taxes and Public Expenditures.** Help protect the tax base, help ensure economy in governmental expenditures, and help ensure that proposed developments do not create an excessive burden on the County taxpayers.
4. **Traffic and Roads.** Help lessen congestion on roads and highways; help promote their safety and efficiency; and help minimize the miles of roadway required.
5. **Timing and Rate of Growth.** Regulate the timing and rate of new development in order to help ensure that infrastructure and services are available to it, and that adverse impacts to existing infrastructure and services are minimized.

Section 1.3

**Section 1.3
AUTHORITY**

The State of Colorado authorizes or enables Teller County to, without limitation:

- A. Establish zoning districts, control land use in those districts, and otherwise regulate the subdivision of land and building activities by CRS Title 30, Article 28, 1973, as amended;
- B. Plan for and regulate various activities on, and use of, land by CRS Title 29, Article 20, 1973 as amended (also known as 1034 authority);
- C. Identify, designate and regulate areas and activities of State interest by CRS Title 24, Article 65.1, 1973 as amended (also known as 1041 authority);
- D. Regulate Planned Unit Developments (PUD) by CRS Title 24, Article 67, 1973 as amended;
- E. Regulate signs along State highways and County roads by CRS Title 43, Article 1 and Article 2, 1973 as amended;
- F. Regulate rubbish, including trash, junk, and garbage, by CRS Title 30, Article 15, 1973 as amended; and
- G. Provide for the preservation of the cultural, historic, and architectural history within the County by CRS § 30-11-107(bb).

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

Section 1.4

**Section 1.4
SEVERABILITY**

Should any section, subsection, or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of these Regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1.5

**Section 1.5
EFFECTIVE DATE**

These Regulations were adopted by the Board of County Commissioners on December 6, 2007 to take effect and be in force from and after January 1, 2008 (“effective date”).

- A. **Legally Existing Non-Conforming Uses or Structures.** All uses or structures legally established and legally existing on the effective date of these Land Use Regulations which do not comply with these Regulations, shall be considered legally pre-existing non-conforming uses or structures and shall be permitted to continue to the extent provided in, and subject to the provisions of, *Section 1.13 Non-conforming Use or Structure.*
- B. **Existing Building Permits, Flood Plain Development Permits, and Variances.** The provisions of these Regulations shall not affect the validity of any Building Permit, Flood Plain Development Permit, or Variance validly approved prior to the effective date of these Regulations. Proposed modifications to any such Building Permit, Flood Plain Development Permit, or Variance shall be approved, conditionally approved, or disapproved subject to the provisions of *Section 1.13 Non-conforming Use or Structure.*
- C. **Existing Conditional Use Permits.** The provisions of these Regulations shall not affect the validity of any Conditional Use Permit validly approved prior to the effective date of these Regulations, provided the development for which the permit was approved has commenced and been diligently pursued without unreasonable interruption, in good faith, and consistent with the time limitations and conditions, if any, set forth in the Permit. If the Permit does not include a time limit, and if development has not commenced and been diligently pursued without unreasonable interruption and in good faith, it shall be deemed to have had a time limit of two years commencing with the date of its approval.
 - 1. **Amendments.** Proposed amendments to any Conditional Use Permit issued prior to the effective date of these Regulations shall be in conformance with these Regulations.
- D. **Subdivisions, PBC (Planned Business Center), PIC (Planned Industrial Center), and PUDs**

Section 1.5.D.1

1. **Final Plat for Subdivision.** The provisions of these Regulations do not affect the validity of any subdivision Final Plat formally and validly approved by the Board of County Commissioners prior to the effective date of these Regulations. Also, the provisions of these Regulations do not apply to Final Plat development permit applications accepted by the Planning Director as complete and sufficient prior to the effective date of these Regulations but not yet approved by the Board of County Commissioners.
 2. **Subdivision, PBC, PIC, or PUD in Process.** Except as may otherwise be expressly provided in these Regulations or in an existing Development Agreement or other Agreement relating to any multi-phase development which has received approval for its first Final Plat, these Regulations shall not apply to the review for approval of any Subdivision, PBC, PIC, or PUD Sketch or Preliminary Plan development permit application accepted by the Planning Director as complete and sufficient prior to the Effective Date of these Regulations but without final determination.
 3. **Amendments.** Proposed amendments to (1) any approved Final Plat for Subdivision or application for of a Final Plat for Subdivision accepted by the Planning Director as complete and sufficient prior to the effective date of these Regulations; or (2) any Preliminary Plan for a Subdivision, PBC, or PIC subsequent to Sketch Plan approval but for which no Preliminary Plan development permit application has been accepted by the Planning Director as complete and sufficient; or (3) any Preliminary Plan for PUD subsequent to Sketch Plan approval but for which no Preliminary Plan development permit application has been accepted by the Planning Director as complete and sufficient; shall each be in conformance with these Regulations.
- E. All Other Applications.** The provisions of these Regulations do not apply to any other development permit application accepted by the Planning Director as complete and sufficient prior to the effective date of these Regulations. Thereafter, proposed material modifications or amendments to any such development permit application shall be in conformance with these Regulations except as otherwise required for subdivision and other plats, plans, or agreements pursuant to CRS § 30-28-133.5 as to review process only. Material modifications include changes in phasing, reductions in the amount of any required open space; changes affecting the standards of *Chapter 4 Infrastructure*, *Chapter 5 Site Development*, or *Chapter 6 Critical Areas*; increases in the number of lots or building square footage; or the addition to or deletion from the lands comprising the area of the original development permit application.
- F. Compliance with Conditions.** All development having received final approval and/or permit prior to the effective date of these Regulations shall be completed in accordance with the terms and conditions of approval,

Section 1.5.F

including all terms, conditions, and regulations governing the issuance of the approval and/or permit.

Section 1.6

**Section 1.6
REPEAL**

All existing Teller County Land Use Regulations, and parts of Teller County Land Use Regulations in conflict with these Regulations, are hereby repealed as of the effective date of these Regulations, except as they continue to apply to matters pursuant to *Section 1.5*, *Section 2.1*, or other provisions of these Regulations.

Section 1.7

**Section 1.7
RULES OF CONSTRUCTION FOR THESE REGULATIONS**

A. Conflicting Provisions. Where a requirement of these Regulations is in conflict with another section or subsection of these Regulations or with any other Teller County, State of Colorado, or Federal statute, ordinance, or regulation, or, subject to *Section 1.7.C* below, with any easement, covenant, or deed restriction, whichever imposes the more stringent restrictions shall control.

B. Interpretations. In interpreting and applying the provisions of these Regulations, they shall be held to be the **minimum requirements** for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare of Teller County and its citizens. In the interpretation and application of these Regulations all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State of Colorado statutes or laws.
4. In interpreting these Regulations, the legislative intent of the Board of County Commissioners should, to the extent allowed by law, control.

C. Agreements. Teller County shall not be responsible for monitoring or enforcing agreements to which it is not a party, including easements, covenants, deed restrictions, or other agreements between parties. The County shall apply the applicable regulation, statute or ordinance, regardless of any more restrictive or more permissive agreement to which it is not a party. [*am.* BOCC 07-22-10(36)]

Notwithstanding the foregoing, no Building Permit shall be issued for, and no building or structure that requires a Building Permit shall be erected,

Section 1.7.C

placed upon, or extended over or into any area subject to an easement unless approved in writing by the agency(ies) and all holders of rights having jurisdiction over such easement. [*am.* BOCC 07-22-10(36)]

D. Text Versus Figure, Table, Illustration, Graphic Depiction or Caption.

These Regulations include certain figures, tables, illustrations, and graphic depictions such, unless stated otherwise, are solely supplementary to these Regulations, intended as summaries or examples for the sake of convenience or by way of explication only. If a conflict or overlap arises between the provisions of the text of these Regulations and any table, illustration, graphic depiction or the captions for any section or subsection, the provisions of the text shall control.

E. Word Usage

1. **Tense.** Words used in the past or present tense include the future, as well as the past or present.
2. **Singular/Plural.** A word importing the singular number may extend and be applied to several persons and things as well as to one person or thing. The use of the plural number shall include any single person or thing, unless the context clearly indicates the contrary.
3. **Masculine/Feminine.** The masculine gender shall include the feminine; and the feminine gender shall include the masculine.
4. **Must/Should/Will/May/Should.** The words “must,” “shall” and “will” mean mandatory; “may” means permissive; and “should” means preferred.
5. **Include/To Include/Including.** The words “include,” “to include,” and “including” shall be interpreted in their meaning of merely specifying particular parts of an unrestricted general whole, not as words of comprehensiveness, limitation, or expansion, and shall be further interpreted to mean “without limitation.”
6. **Such as/For example.** The words “such as” and “for example” shall be interpreted in their meaning of merely serving as a representative or model case(s) or instance(s) within a set of similar cases or instances serving to illustrate a rule or precept, or acting as an exercise in the application of a rule, and shall be further interpreted as including “by way of example only.”
7. **Conjunctions.** Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows: “and” means that all connected items, conditions, provisions, or events apply; “or” means that one or more of the connected items, conditions, provisions, or events apply.

Section 1.7.E.8

- 8. **Common/Technical Terms.** Words and phrases shall be construed according to the common and approved usage of the term unless otherwise defined in *Chapter 12 General Definitions* or elsewhere in these Regulations. Technical words and phrases which have acquired a particular meaning shall be understood according to such meaning.
 - 9. **Citations.** References to and citations of specific Federal, State, or local statutes, laws, codes, resolutions, ordinances, regulations, as well as references to and citations of specific plans, maps, and other documents, are to that specific authority or its successors, or matter as it may be amended, supplemented, or replaced from time to time.
- F. Computation of Time.** In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday, or legal holiday, in which case the last day shall be the next day that is not a Saturday, Sunday, or legal holiday.

Section 1.8

**Section 1.8
APPLICABILITY**

Except as hereinafter provided, or by Variance granted, or by amendment, no building, structure or land shall be occupied, built or used or erected or moved or structurally altered unless in conformity with these Regulations, which apply to all unincorporated land in Teller County.

Section 1.9

**Section 1.9
TELLER COUNTY MAPS**

These Regulations are supported by the maps listed in *Section 1.9.A* below. Particularly where a subdivision is involved, the boundaries as they appear on the maps may not correspond with the actual boundaries as depicted on the recorded plat of the subdivision. A subdivision’s platted boundaries shall be considered its actual zone district boundaries; parcels labeled “Out Parcel” or “Not a Part of this Subdivision” may be zoned differently. Where uncertainty exists regarding actual subdivision or zone district boundaries, the following rules apply:

- 1. The center line of roads or alleys shall be construed as boundaries;
- 2. Property lot lines shall be construed as boundaries;
- 3. Railroad or State or public utility rights-of-ways shall be construed as boundaries; and
- 4. A section line is a boundary line of a parcel only if the parcel complies with the definition of Subdivision in these Regulations.

Section 1.9.A

A. Types of Maps

1. **Official Map.** A drawing prepared by the Teller County Planning Department with the notation “Official Map” and an effective date, which has been approved by the Board of County Commissioners.
2. **Planning Regions, Growth and Conservation Areas.** Those maps legislatively endorsed or adopted as integral parts of Teller County’s master plans and *Appendix B* of these Regulations that depict Teller County’s Planning Regions and Growth and Conservation Areas.
3. **Flood Insurance Rate Maps (FIRM).** The official maps on which the Federal Emergency Management Agency (FEMA) has delineated both areas of special flood hazards and applicable risk premium zones. The Teller County Planning Department shall keep such maps and the related Flood Insurance Study on file and available for public inspection.
4. **Geologic Hazard Prone Areas.** A set of maps showing all known and identified geologic hazard prone areas in Teller County. The Teller County Planning Department shall keep such maps on file and available for public inspection.
5. **Mineral Resource Areas.** A set of maps prepared by the Colorado Geologic Survey showing all known and identified potential mineral resource areas in Teller County. The Teller County Planning Department shall keep such maps on file and available for public inspection.
6. **Wildfire Hazard Prone Areas.** A map or set of maps prepared by Teller County and contained in the Community Wildfire Protection Plan adopted by the Board of County Commissioners on June 2, 2005 showing all known and identified wildfire hazard prone areas in Teller County. The Teller County Planning Department shall keep such map or maps on file and available for public inspection.
7. **Wildlife Maps.** A set of maps and check-lists prepared by the Colorado Division of Wildlife showing all known and identified habitats for the key species of wildlife occurring in Teller County, and identifying Teller County’s composite Low, Moderately Low, Moderate, High, and Very High potential wildlife habitat impact areas. The Teller County Planning Department shall keep such maps on file and available for public inspection. The location and boundaries of any wildlife area required to be delineated pursuant to these Regulations shall be as they appear on these maps or as otherwise approved in writing by the Colorado Division of Wildlife.

Section 1.9.A.8

8. Zoning Map. The Official Zone District Map of Teller County depicting the location, extent, and designated zoning for all property in unincorporated Teller County. It shall be considered as a part of these Regulations. The Teller County Planning Department shall keep the Official Zone District Map on file and available for public inspection.

B. Map Boundary Disputes

1. General

- a. Where there is a discrepancy between the location of a boundary line as shown on a map and as described in the text of these Regulations, the text shall take precedence over the map.
- b. Where there is a boundary discrepancy between a map for a larger area and a detail map for a smaller area within the larger area, the map for the smaller area shall take precedence.
- c. Where there is a boundary discrepancy between a map contained in an Appendix to these Regulations and an Official Map maintained at the Teller County Planning Department, the Official Map shall take precedence.

2. Wildlife Map Boundaries. Decisions regarding wildlife map boundary disputes shall be made by the Board of County Commissioners, with recommendation from the Planning Commission, based upon technical information furnished by the Colorado Division of Wildlife and disputant.

Section 1.10

Section 1.10

TELLER COUNTY OFFICIALS

A Teller County Official may be a salaried or hourly employee of Teller County or its specifically authorized agent; a contractor retained by Teller County to perform the services and duties of the Official; or an Official otherwise elected or appointed pursuant to CRS.

A. Code Enforcement Officer. In addition to any other jurisdiction, authority and duties which may be conferred upon the Teller County Code Enforcement Officer by other provisions of any County Ordinance or Resolution, by Colorado statutes, or by the Board of County Commissioners, the Code Enforcement Officer has the authority to inspect for violations of these Regulations, and assist the Board of County Commissioners and the County Attorney in their enforcement of them.

Section 1.10.B

B. Environmental Health Officer. In addition to any other jurisdiction, authority and duties which may be conferred upon the Teller County Environmental Health Officer by other provisions of any County Ordinance or Resolution, by Colorado statutes, or by the Board of County Commissioners, the Environmental Health Officer acts for Teller County and the Board of Health, and administers and enforces County, State, and Federal environmental and health regulations.

C. Planning Director. The Planning Director is also known as the Zoning Official for the purposes of these Regulations. In addition to any other jurisdiction, authority and duties which may be conferred upon the Teller County Planning Director by other provisions of any County Ordinance or Resolution, by Colorado statutes, by the Teller County Planning Commission, or by the Board of County Commissioners, the Planning Director shall:

1. **Interpret.** Review, consider and render general interpretations of the text of these Regulations or the Official Zone District Map.
2. **Administer Day to Day.** Undertake and oversee the day to day administration of these Land Use Regulations.
3. **Process Applications.** Receive development permit applications for processing pursuant to the terms of these Regulations.
4. **Ensure Adequate Public Notice.** Ensure that adequate public notice is provided for applications for development permits pursuant to the terms of these Regulations.
5. **Undertake Comprehensive Planning.** Undertake and oversee the current and long range comprehensive planning responsibilities of the County.
6. **Coordination.** Coordinate other local, regional, State, and Federal planning and permitting processes affecting development in the unincorporated County, and serve as liaison to local, regional, State, and Federal planning agencies having jurisdiction over development in the unincorporated County.

The Board of County Commissioners may appoint other or additional Zoning Officials; and the Planning Director may specifically delegate certain of his/her specific duties to other Teller County Staff.

D. County Attorney. In addition to the jurisdiction, authority and duties which may be conferred upon the County Attorney by other provisions of any County Ordinance or Resolution, by Colorado statute, or by the Board of County Commissioners, the County Attorney may, with Board of County Commissioners' authorization, and as requested:

1. **Review Written Findings of Fact and Resolutions.** Review as

Section.1.10.D.1

to form all written findings of fact, resolutions and ordinances drafted by the Planning Director, the Code Enforcement Officer, the Environmental Health Officer, the Planning Commission, the Board of Adjustment, or the Board of County Commissioners, in connection with any requirement of these Regulations.

2. **Review All Legal Instruments.** Review as to form all Improvements Agreements/Subdivision Improvements Agreements, Development Agreements, Planned Unit Development (PUD) documents, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of these Regulations; and
3. **Advise County Officials and Boards.** Advise the Planning Director, the Code Enforcement Officer, the Environmental Health Officer, the Planning Commission, the Board of Adjustment, and the Board of County Commissioners in regard to the legal issues which may arise during implementation of the legislatively adopted Teller County Growth Management Plan and legislatively adopted or endorsed sub-area plans and maps and these Regulations.

The Board of County Commissioners may appoint other additional or Deputy County Attorneys.

- E. County Engineer.** In addition to the jurisdiction, authority and duties which may be conferred upon the County Engineer by other provisions of any County Ordinance or Resolution, by Colorado statutes, or by the Board of County Commissioners, the County Engineer may, as requested:
1. **Review Development Permit Applications.** Assist the Planning Director in the review of development permit applications; and
 2. **Review Modifications of Infrastructure Standards.** Assist the Planning Director in the review of development permit applications for modifications of *Chapter 4 Infrastructure* standards.
- F. County Surveyor.** In addition to the jurisdiction, authority and duties which may be conferred upon the County Surveyor by other provisions of any County Ordinance or Resolution, by Colorado statutes, or by the Board of County Commissioners, the County Surveyor may as requested:
1. **Plats.** Assist the Planning Director in the review of development permit plat applications.

Section 1.11

Section 1.11

TELLER COUNTY BOARDS AND COMMISSIONS

Section 1.11.A

A. Board of County Commissioners. The Board of County Commissioners of Teller County, known otherwise as the “County Commissioners,” or “the Board.” In addition to any authority, powers and duties granted by general or special law, it shall have the following powers and duties:

1. Initiate, hear, consider, and approve or disapprove development permit applications to amend the text of these Regulations, or an Official Map.
2. Hear, review, consider, and approve, approve with conditions, or disapprove development permit applications for Sketch Plan, Preliminary Plan, and Final Plat for Subdivision, and Sketch Plan and Preliminary Plan for PUD.
3. Hear, review, consider, and approve, approve with conditions, or disapprove development permit applications for Vacation of roads or lands, plat amendments, unplatted boundary adjustments, and Special Exemption Plats.
4. Hear, review, consider, and approve, approve with conditions, or disapprove development permit applications for Special Use Permits.
5. Hear, review, consider, and approve or disapprove development permit applications for Sign Exemptions and Off-Premises Sign Permits.
6. Take such other action not delegated to the Planning Commission, the Board of Adjustment, or heads of County departments, or as specifically directed in these Regulations, or as it may deem desirable and necessary to implement any provisions of the legislatively adopted Teller County Growth Management Plan and legislatively adopted or endorsed sub-area plans and maps, as each may be advisory or regulatory, and these Regulations.

B. Planning Commission. The Teller County Planning Commission. In addition to any other authority, powers or duties granted by general or special law, ordinance, resolution, or regulation it shall have the following powers and duties:

1. Make and adopt by Resolution the Teller County master plan and Teller County sub-area master plans for the physical development of the unincorporated territory of the County, or any elements or portions thereof, or any amendments thereto.
2. Prepare, or cause to be prepared for adoption by Resolution of the Board of County Commissioners, proposed Teller County Land Use Regulations and any amendments thereto, in order to legislatively implement the legislatively adopted Teller County Growth Management Plan and legislatively adopted sub-area plans and maps.

Section 1.11.B.3

3. Initiate, hear, review, consider, and make recommendations to the Board of County Commissioners to approve or disapprove amendments to the text of these Regulations or to an Official Map.
4. Hear, review, consider and make recommendation to the Board of County Commissioners to approve, approve with conditions, or disapprove development permit applications for Subdivision and PUD Sketch Plan and Preliminary Plan.
5. Hear, review, consider and make recommendation to the Board of County Commissioners to approve, approve with conditions, or disapprove development permit applications for Sign Exemptions, and Off-Premises Sign Permits.
6. Hear, review, consider and make recommendation to the Board of County Commissioners to approve, approve with conditions, or disapprove development applications for Special Use Permit.
7. Hear, review, consider and, as applicable, make recommendation to the Board of County Commissioners to approve, approve with conditions, or disapprove development permit applications for modification of the infrastructure standards of these Regulations.
8. Hear, review, consider, and approve or disapprove development permit applications for Conditional Use Permits and development in the Historic Preservation and National Monument Protection Overlay Zone Districts.
9. Hear, review, consider, and approve or disapprove development permit applications for New Communities (1041).
10. Hear, review, consider, and approve or disapprove applications for the Location and Extent of public facilities pursuant to CRS § 30-28-110(1)(a) and (d).
11. Take such other action not delegated to the Board of County Commissioners, Board of Adjustment, or heads of County departments, or as specifically directed in these Regulations, or as the Board of County Commissioners may deem desirable and necessary to implement any provisions of the legislatively adopted Teller County Growth Management Plan and legislatively adopted or endorsed sub-area plans and maps, as each may be advisory or regulatory, and these Land Use Regulations.

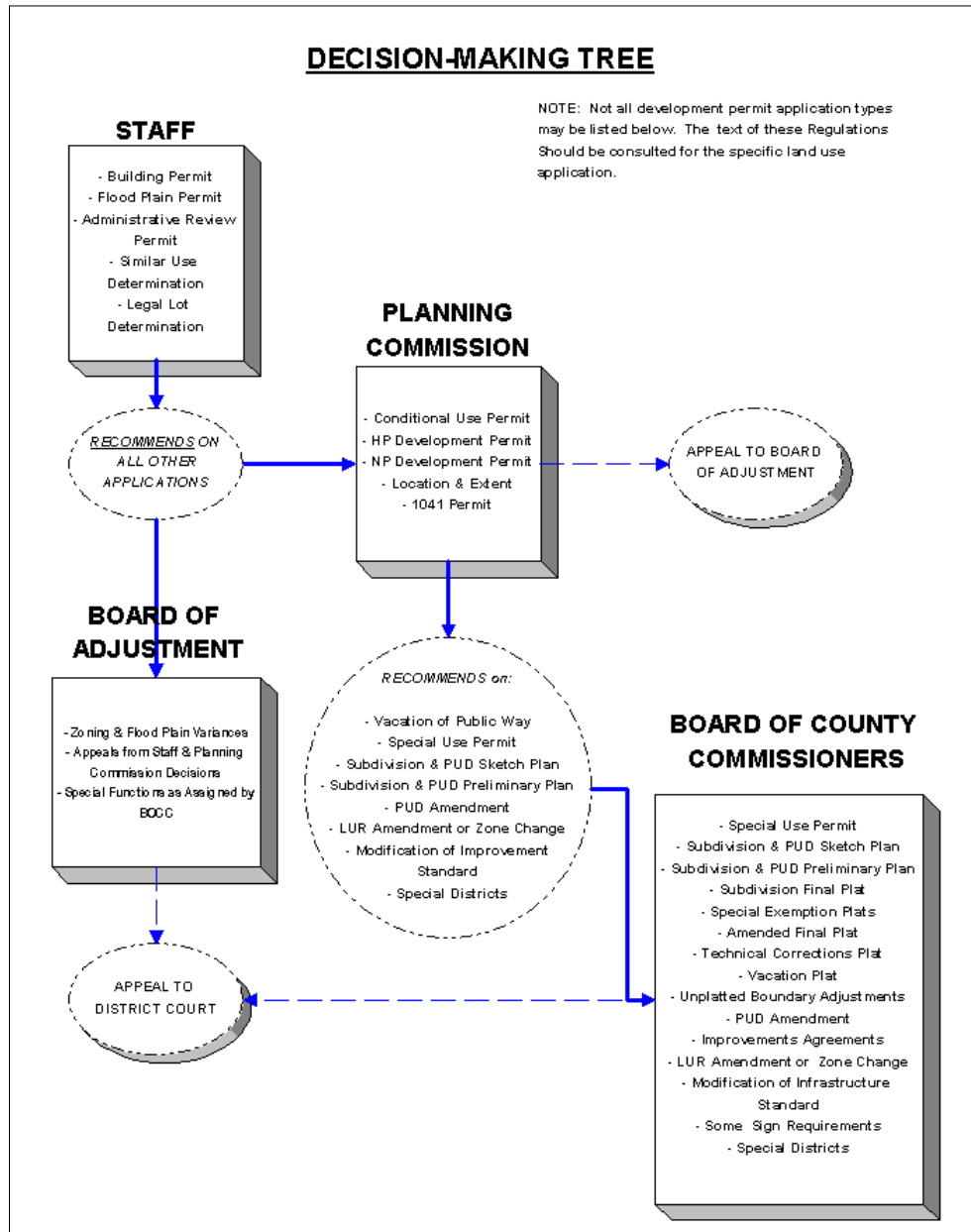
C. Board of Adjustment. The Teller County Board of Adjustment. In addition to any authority, powers and duties granted by general or special law, it shall have the following powers and duties:

Section 1.11.C.1

1. To hear and decide, in accordance with the provisions of these Regulations, Appeals from the order, requirement, decision, or refusal of an Administrative Official or agency based on, or made in the enforcement of, the zoning regulations, including a decision to approve or deny a Building Permit or Floodplain Development Permit. Upon Appeal, the Board of Adjustment may authorize a Variance from the strict application of any zoning regulation.
2. To hear and decide, in accordance with the provisions of these Regulations, requests for special exceptions to the terms of the zoning regulations and *Section 6.3 Flood Hazard Areas* regulations; specific requests for interpretation of the Official Zone District Map; disputed questions of lot lines or district boundary lines or similar questions as they may arise in the administration of the zoning regulations; and other special questions upon which the Board of Adjustment is authorized to pass by these Regulations.
3. To hear and decide Appeals from Planning Commission decisions on development permit applications for Conditional Use Permits, development in the Historic Preservation and National Monument Protection Overlay Zone Districts, and applications for New Communities (1041).
4. To perform other duties not inconsistent with CRS § 30-28-117 *et seq.*, or function in other capacities as authorized or provided for by the Board of County Commissioners.
5. Take such other action not delegated to the Board of County Commissioners, Planning Commission, or heads of County departments, or as specifically directed in these Regulations, or as the Board of County Commissioners may deem desirable and necessary to implement any provisions of the legislatively adopted Teller County Growth Management Plan and legislatively adopted or endorsed sub-area plans and maps, as each may be advisory or regulatory, and these Regulations.
6. Receive Recommendations. In its deliberations, the Board of Adjustment may also request, receive, and consider recommendations from the Planning Commission.
7. Reverse. The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of an Administrative Official or agency, or to decide in favor of the Applicant on any matter upon which it is required to pass under these Regulations.

DECISION-MAKING TREE

NOTE: Not all development permit application types may be listed below. The text of these Regulations should be consulted for the specific land use application.



Section 1.12

Section 1.12 BOARD AND COMMISSION PROCEDURES

- A. Conflict of Interest.** Any member of the Planning Commission or the Board of Adjustment having a direct or indirect interest in any property, or in the decision relating to such property, which is the subject of or affected by a decision of the board or commission, shall be disqualified from participating in its discussion, decision, or proceedings in connection therewith.

Section 1.12.B

B. Members and Alternates. The Board of Adjustment shall consist of five members, and the Planning Commission of seven members, each appointed by the Board of County Commissioners for a three year term. The initial terms of the Board of Adjustment shall be staggered so that the term of at least one member will expire each year. The initial terms of the Planning Commission shall be staggered so that approximately one-third of its membership will expire each year.

Up to two alternate members shall be appointed to each board or commission for a three year term in the manner described above. In the event of the absence of a member, the Chairperson of the board or commission shall designate an alternate member to serve as, and fulfill the responsibilities of, the absent member.

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

1. Removal and Vacancy. A board or commission member or alternate member, once qualified, shall thereafter be removed during his or her term of office only for cause upon written charges, and after a hearing held before the Board of County Commissioners. In the event of the death, resignation, or removal of any member or alternate member before the expiration of his or her term, a successor shall be appointed by the Board of County Commissioners for the unexpired portion of the term.

2. Officers and Staff

a. Chairperson. Each board or commission shall annually elect its own Chairperson and Vice-Chairperson at the first meeting on or after January 1. Such Chairperson, or in his or her absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. There shall be a fixed place of meeting and all meetings shall be open to the public. A simple majority of members shall constitute a quorum.

b. Secretary and Records. The Planning Director, or delegated Staff member, shall serve as Secretary to the Planning Commission and the Board of Adjustment. In the absence of a Secretary, the Chairperson of the Commission or Board may appoint one of its members to act a Secretary Pro-tem for the meeting. The Secretary shall keep minutes of the proceedings, showing the vote of

**Section
1.12.B.2.b**

each member upon each question. If a member is absent or fails to vote, the minutes shall indicate such fact. The Planning Commission and Board of Adjustment shall keep records of actions, which shall be on file with the Planning Department as a public record.

- c. **Staff Support.** Each board or commission shall have the power to call on any County department for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance as may reasonably be required.

- 3. **Rules of Procedure.** The Planning Commission and Board of Adjustment shall adopt rules of procedure consistent with these Regulations and pertinent statutes.

Section 1.13

**Section 1.13
NON-CONFORMING USE OR STRUCTURE**

Any structure or land lawfully used, occupied, or erected as of the effective date of these Regulations which does not conform to the provisions of these Regulations is a legal non-conforming use or structure. Any structure conforming with respect to use, but not with respect to frontage, area, height, parking, loading or setback requirement is termed a legal non-conforming structure, not a legal non-conforming use. Legal conforming uses within a legal non-conforming structure may change as long as the use does not increase the nonconformity of that structure. Legal conforming uses are those uses allowed within the zone district in compliance with *Chapter 2 Zoning*.

- A. **Continuation.** Except as herein provided, the lawful uses of land or structures legally existing as of the effective date of these Regulations may be continued even though said use or structure does not conform to the provisions of these Regulations. Such continuation shall not apply to obsolete and abandoned structures; or obsolete, inoperative, or dismantled machinery, vehicles or implements that are parked, stored or located on any street, road, road right-of-way, easement or required setback.
- B. **Discontinuance.** If a legal non-conforming use or structure is discontinued or unused for a period of 12 months, it shall be deemed ended and may not be resumed. (See also *Subsection 2.5.B.7.b [Accessory Dwelling Units] Expiration and Exemptions.*)
- C. **Enlargement or Alterations.** No enlargement or exterior alteration of a legal non-conforming use or structure, other than regular periodic maintenance, shall take place. Any enlargement or exterior alteration complying with the Land Use Regulations in effect at the time of enlargement or alteration is allowed to continue as a legal non-conforming use or structure used for a legal conforming use. Once a use or structure is

Section 1.13.C

made to conform to the provisions of these Regulations, it may not revert to nonconformance either in part or in whole.

- D. Replacement.** Except as otherwise provided in these Regulations for legally conforming structures, structures in floodplains, and local, State, or Federal registered historic structures, if a legal non-conforming use or structure is damaged to the extent that 75% or more of its true market value based on its current assessed value is lost, it may not be rebuilt or repaired unless in conformance with these Regulations. The total lifetime structural repairs to a legal non-conforming use or structure shall not exceed 75% of its true market value, based on current assessed value, unless the use or structure is made to conform with the provisions of these Regulations. (See also *Section 6.3.2.PP Substantial Damage [Flood Hazard Area]*; *Chapter 12 General Definitions: Substantial Improvement*, and *Section 2.5.B.7.b Expiration and Exemptions [Accessory Dwelling Units.]*)

Section 1.14

Section 1.14

APPEAL OR REQUEST FOR REVIEW

- A. Appeal of Zoning Action by an Administrative Official.** All decisions or interpretations of an Administrative Official shall become final and unappealable unless an Appeal to the Board of Adjustment is perfected within 15 days of the date of the decision. Appeals may be made by any officer, department, board, or official of Teller County, or by any Applicant or other person aggrieved or affected by any decision or interpretation of an Administrative Official in administering the zoning regulations. For other than Building Permits, within five days of the decision the Planning Director shall provide to the aggrieved or affected party a notice of disapproval and opportunity to appeal the decision or interpretation. Such Appeal, specifying the grounds thereof, shall be made and perfected by filing with the Planning Director a Written Notice of Appeal, and submitting therewith the filing fee specified in the most current fee schedule established by Resolution of the Board of County Commissioners. The Planning Director shall forthwith transmit to the Board of Adjustment certified copies of all evidence constituting the record of said matter, together with a copy of the ruling or order from which such Appeal is taken.
- B. Appeal of Action by the Planning Commission.** All decisions of the Planning Commission made in its capacity as a decision-making authority shall become final and unappealable unless an Appeal is perfected within 10 days of the date of the decision. Unless Appeal authority is specified otherwise in these Regulations, Appeals may be made to the Board of Adjustment by any officer, department, board, or official of Teller County, or by any Applicant or other person aggrieved by the decision of the Planning Commission. Such Appeal, specifying the grounds thereof, shall be made and perfected by filing with the Planning Director a Written

Section 1.14.B

Notice of Appeal, and submitting therewith the filing fee and cost of providing a transcript or transcripts of the Planning Commission hearing or hearings as specified and provided in the most current fee schedule established by Resolution of the Board of County Commissioners. The Planning Director shall forthwith transmit to the Board of Adjustment certified copies of all evidence constituting the record of said matter, together with a copy of the ruling or order from which such Appeal is taken.

C. Appeal of Action by the Board of Adjustment or by the Board of County Commissioners. An Appeal from any action, decision, ruling, judgement, or order of the Board of Adjustment or the Board of County Commissioners may be made by any person or persons, firm or corporation, jointly or separately, who have been aggrieved thereby, or by any taxpayer, or any officer, department, board or bureau of government to the District Court, as provided for by Colorado statutes or laws.

D. Appeal Procedure

1. **Public Notice.** Publication as part of the agenda of the board hearing the Appeal shall be deemed sufficient notice to the public.
2. **Public Hearing.** All Appeal hearings shall be open to the public. At the public hearing, any party may appear in person or by agent or attorney.
3. **On the Record.** All Appeal hearings shall be *de novo* hearings, based on the record.
4. **Board Action.** In exercising its powers, the board hearing the Appeal may, in conformity with the provisions of these Regulations and pertinent statutes, reverse or affirm, wholly or partly, or may modify the order, requirement, dedication, or determination as ought to be made, and to that end shall have all the powers of the officer or agency from whom the Appeal is taken. The board shall decide Appeal applications within 45 days of submission of the Written Notice of Appeal.
5. **Stay of Proceedings.** A perfected Appeal stays all further proceedings under these Regulations unless the Planning Director, after the Written Notice of Appeal has been filed, certifies to the board hearing the Appeal that, by reason of facts stated in the Appeal, such a stay would, in the Planning Director's opinion, cause imminent peril to life or property. In such cases, the proceedings shall not be stayed except by a restraining order granted by the board hearing the Appeal, or by a court of record, or by decision of the Planning Director upon application and notice to the Planning Director, with due cause shown.

Section 1.15

Section 1.15

VIOLATIONS OF THESE LAND USE REGULATIONS

- A. Subdivision Violations.** No plat, plan, or replat of any subdivision or PUD subject to these Regulations shall be entitled to be filed or recorded or have any validity unless and until such plat, plan or replat of any subdivision or PUD has been prepared, approved and acknowledged in the manner prescribed by these Regulations. It shall be unlawful to sell, trade, transfer, or otherwise convey legal or equitable title to any lot or parcel of land as a part of, or in conformity with, any plat, plan, or replat of any subdivision or PUD subject to these Regulations unless and until said plat, plan, or replat of any subdivision or PUD has been approved as prescribed herein and filed and recorded.
- 1. Action to Enjoin.** The Board of County Commissioners has the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by said Board.
 - 2. Penalties.** In addition to any other penalties that may be legally imposed, any person, individual, firm, corporation, partnership, or other entity acting as a developer or subdivider or as an agent for a developer or subdivider found guilty of violating any applicable subdivision or PUD provision of these Regulations is guilty of a misdemeanor, and shall upon conviction thereof be punished by such fine or imprisonment as is set by law, or both, at the discretion of the Court. The sale of each and every lot or parcel of land sold in violation of any applicable subdivision or PUD provision of these Regulations shall be considered a separate violation. Subdivision regulations may be further enforced by means of withholding Building Permits.
- B. Zoning Violations.** It is unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or use any parcel of land, in violation of the zoning regulations or any other applicable zoning provision of these Regulations or any amendment thereto. Whenever the Zoning Official has personal knowledge of a violation of the zoning provisions of these Regulations, the Zoning Official shall send written notice by certified mail to the violator to correct such violation within 10 days of the date of such notice. Should the violator fail to correct the violation within such 10 day period, the Zoning Official may request that the Sheriff issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. The summons and complaint shall require that the violator appear in County Court at a definite time and place stated therein to answer and defend the charge.
- 1. Penalties.** In addition to any other penalties that may be legally imposed, any person, individual, firm, corporation, partnership, or

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other entity violating any zoning provisions of these Regulations is guilty of a misdemeanor and shall upon conviction thereof be punished by such fine or imprisonment as is set by law, or both, at the discretion of the Court. Zoning regulations may be further enforced by means of withholding Building Permits.

2. **Duration.** Each day during which illegal erection, construction, reconstruction, alteration, maintenance, or use continues is deemed a separate offense.
3. **Relief.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used in violation of any applicable zoning provision of these Regulations, the Board of County Commissioners, County Attorney, District Attorney of Teller County, or any owner of real estate within Teller County, in addition to other remedies provided herein and by law, and without the requirement of giving any violation notice, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. If such action is filed, the violator is responsible for all court costs and shall pay any reasonable attorney's fees which the Board of County Commissioners may incur in enforcing this provision.
4. **Civil Penalties.** In addition to any other penalties that may be legally imposed, any person, individual, firm, corporation, partnership, or other entity violating any zoning provisions of these Regulations is subject to the imposition, by order of the County Court, of civil penalties provided and set forth in Section 30-28-124.5 of the Colorado Revised Statutes.
5. **Sign Violations.** Except as specifically exempted, any sign erected in the public right-of-way is illegal under State law, is a hazard to the public health and safety, and may be removed by Teller County without notice. In addition, any sign erected in violation of the terms of these Regulations is subject to the remedies provided for in *Section 1.15.B Zoning Violations*.
 - a. **Subsequent Replacement.** Any sign removed pursuant to *Section 1.15.B Zoning Violations* and subsequently replaced either by the original sign or one sufficiently similar as to be construed to be identical or nearly identical to the original sign is considered by Teller County to be a continuation in intent of the original violation, and said sign is subject to removal by Teller County without further notice, in addition to all other remedies available for sign violations.

Section 1.15.C

C. Permit Violations. This *Section 1.15.C Permit Violations* is in addition to other remedies and enforcement provisions provided elsewhere herein regarding zoning violations, and in the laws and regulations of the County of Teller and the State of Colorado, including injunctive relief.

1. Revocation or Suspension of an Existing Permit. The violation of any applicable requirement or criterion of these Regulations, or of any term, condition, safeguard or commitments of record of a Special or Conditional Use Permit, or Permit for a New Community (1041), constitutes sufficient grounds for suspension or revocation of the Permit by the issuing body, after a public hearing at which the holder of the Permit shall be afforded the opportunity to be heard. Upon notice of a meeting with the Planning Director given pursuant to *Section 1.15.C.1.a Notice*, and the opportunity to provide evidence to the Planning Director why an Administrative Review Use Permit should not be revoked or suspended, the Planning Director may administratively revoke or suspend the Permit upon violation of any applicable requirement or criterion of these Regulations, or of any condition, safeguard or commitments of record of the approved Permit. The holder of a Permit may appeal a determination of the Planning Commission, or the Planning Director to the Teller County Board of Adjustment pursuant to the appropriate provisions of *Section 1.14 Appeal or Request for Review*. Any appeal of a determination of the Board of County Commissioners or the Board of Adjustment may be made to the District Court.

a. Notice. Notice of the public hearing on the suspension or revocation of a Special Review Use Permit or Permit for A New Community (1041) shall be given by conspicuously posting the same on the Permit site for a period of at least 10 days prior to the public hearing, and by mailing a copy of the written notice to the holder of the Permit by certified mail, as well as to any complaining party, at least 10 days prior to the public hearing.

b. Suspension or Revocation Determination. In determining whether suspension or revocation of a Special Review Use Permit or Permit for a New Community (1041) is warranted, the issuing body shall consider, among other factors, the nature and magnitude of the violations found to exist; the impact of such violations on the health, safety and welfare of adjoining, adjacent, and nearby property owners and surrounding communities; and any other evidence presented in aggravation or mitigation of the violations committed. No suspension shall be for a period longer than six months.

c. Prerequisite Authorization. In addition to any other

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1.15.C.1.c**

penalties that may be legally imposed for violation of a Special Review Use Permit required under these Regulations, when any prerequisite authorization, including required permits, licenses, or plans has also been issued, revocation or termination of said authorization shall automatically revoke and terminate the Teller County Special Review Use Permit for that use.

- d. **New Community (1041) Permit.** If an existing Permit for a New Community is revoked, the person, individual, firm, corporation, partnership, or other entity causing the revocation, whether as an individual, partnership, corporation, or other legally recognized form of entity, shall not be eligible to apply for a new Permit for a New Community in Teller County for a period of two years following the date of the revocation.

2. **Lack of Required Permit.** In the event that any development activity occurs without a Permit required by these Regulations, it is considered a violation of the Teller County Land Use Regulations, subject to enforcement pursuant to *Section 1.15.B Zoning Violations*, and any other means legally available to Teller County. In addition to the procedures set forth for suspension or revocation of a Permit for a New Community (1041), the remedies provided for in *Section 1.15.B Zoning Violations* are available if any person, individual, firm, corporation, partnership, or other entity is engaging in a New Community activity without a permit.
3. **Duration.** Each day during which a Permit violation continues is deemed a separate offense.

D. Stop Work or Use Order. Should the Zoning Official determine that any activity is in apparent violation of these Regulations or any issued or required Permit, and is potentially harmful to the public health, safety, and/or welfare, the Zoning Official may issue a Stop Work or Use Order. Such Order (1) shall be effective for 45 days from its date of issuance unless extended by the Zoning Official; and (2) shall have the same effect as the suspension of an existing Permit. During the period of the Stop Work or Use Order the authority, if the matter involves an existing Conditional Use Permit or Special Use Permit, otherwise the Board of Adjustment, shall hold a public hearing to determine whether the Order should be lifted; whether a further hearing should be held to determine whether an existing Permit should be suspended or revoked; or whether a Building Permit, Special Review Use Permit, Permit for A New Community, or other development permit application pursuant to these Regulations should be required.

1. **Delivery of Notice.** A copy of a Stop Work or Use Order shall be hand-delivered to the person, individual, firm, corporation,

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partnership, or other entity responsible for incurring the action, or to the highest ranking personnel at the site of the activity, or if none is present, conspicuously posted at the worksite. In addition to any hand-delivery, the Stop Work or Use Order shall also be sent by certified mail to such person, individual, firm, corporation, partnership, or other entity (when known) at the most recent address Teller County may have, if any, and/or to the owner of the property according to the most recent *ad valorem* tax rolls when the person, individual, firm, corporation, partnership, or other entity is not the property owner or is otherwise unknown.

Section 1.16

Section 1.16

LEGISLATIVE VS. QUASI-JUDICIAL ACTIONS

- A. **Legislative Action.** When regulations, ordinances, standards, or other documents having a general and uniform operation and application are adopted or amended by elected officials such as the Board of County Commissioners, a legislative action takes place.

- B. **Quasi-Judicial Action.** When the rights, duties, privileges, or benefits relating to a specific property or property owner are determined, a quasi-judicial action takes place. Such determinations are predicated on specific evidence and findings based on the evidence.