

# Proposed Text Changes to the Teller County Land Use Regulations

Amend Section 4.5 and insert new paragraphs so that it reads as follows:

## Section 4.5.C

C. **Scenic and Wildlife Viewing Roadways.** The following roads are, for the purposes of these Regulations, designated as **Scenic Roadways**:

1. All of US Highway 24 in the unincorporated area of the County.
2. All of State Highway 67 in the unincorporated area of the County.
3. All of Teller County Road 61, also known as the Four-Mile Road.
4. All of Teller County Road 81, also known as the Lazy S Road.
5. All of Teller County Road 46, also known as Blue Mountain Road.
6. All of Teller County Road 111, also known as the Slater Creek Road.
7. All of Teller County Road 112, also known as Guffey Road.
8. All of Teller County Road 8, also known as the Gold Camp Road.
9. All of Teller County Road 11, also known as High Park Road
10. All of Teller County Road 86, also known as Phantom Canyon Rd.
11. All of Teller County Road 88, also known as Shelf Road.

The following roads are, for the purposes of these Regulations, designated as **Wildlife Viewing Roadways**:

12. All of Teller County Road 1.
13. All of Teller County Road 421, also known as Upper Twin Rock Road.
14. All of Teller County Road 42, also known as Lower Twin Rock Road.
15. All of Teller County Road 51, also known as Cedar Mountain Road.

Development along State of Colorado or Federally designated scenic roadways may be conditioned by the policies contained in special local, State, or Federal master plans or other documents. Applicant is advised to consult with the Teller County Department of Transportation and Teller County Parks Division, and also review such master plans and documents, if any, prior to submitting a development permit application to Teller County. **Any proposed development along a scenic roadway or wildlife-viewing roadway shall have a landscape plan submitted along with the required site plan pursuant to Chapter 7, Table 7-1.**

Chapter 5, Sections 5.3 External Effects, 5.4 Landscaping, and 5.8 Signs, to include the use of screening, natural materials, vegetation, earth tone neutral colors and rural-type (agricultural) building design shall characterize any development along these scenic roadways. The Building Department shall approve and issue the sign permit.

Amend Section 2.4 and insert new paragraphs so that it reads as follows:

## Section 2.4

### CAMPING AND TEMPORARY HOUSING IN ~~RESIDENTIAL~~ ALL ZONE DISTRICTS

A. ~~Camping. Camping on a residential lot is permitted only when the following requirements are met:~~

- ~~1. Sewage shall be disposed of either at an off-site facility or by means of an on-site disposal system. In either case, the facility or system must be one currently permitted and approved by Teller County.~~
- ~~2. Compliance with all minimum setbacks for the zone district.~~
- ~~3. Camping on any property over 60 days in any continuous 12-month period will be considered a permanent residence and will be in violation of these Regulations.~~
- ~~4. No more than two camping units, per lot, are allowed.~~

A. Vacant Property.

1. Property Owners shall be limited to camp on their property for up to 60 days in any continuous 12-month period.
2. Camping shall only be permitted in a recreational vehicle (R/V), camp trailer, 5<sup>th</sup> wheel or tent.
3. The property owner shall complete a Camping Agreement and provide a narrative detailing the method for obtaining potable water supply, wastewater treatment, and trash removal. Sewage shall be disposed of at an off-site facility and approved by the Teller County Environmental Health Department or by means of a permitted on site disposal system. Copies of dump receipts shall be provided to the Teller County Environmental Health Department (*upon request*).
4. Compliance with all minimum setbacks for the zone district.
5. No more than two camping units per lot, parcel, tract, or mining claim are allowed.
6. The recreational vehicle (RV), camp trailer, or 5<sup>th</sup> wheel shall have current licensing and registration and be in an operable road worthy condition.
7. Trash shall be managed on-site, and removed from the site regularly during camping and upon completion of camping.
8. The lot, Parcel, tract, or mining claim on which camping occurs shall be maintained in a safe, clean and sanitary manner, and shall not be a nuisance or create adverse impacts to surrounding property, land or land uses.
9. The property address must be visible from the road.
10. Obtain a Camping/RV agreement from the Planning Department

B. Improved Properties.

Property owners that have improved their property to include a permanent residence with a permanent water supply and wastewater treatment system shall be permitted to allow non-paying guests and family members to camp on their property as long as there is no commercial activity associated with the camping.

Camping shall be limited to fifteen (15) consecutive days, and no more than thirty (30) days in any six (6) months period.

Camping, outside of a campground approved by a development permit, is only permitted on property owned by the camper or the camper's family.

**B. C. Temporary Housing.** The property owner may live on his or her property during the construction of a permanent dwelling on the same property, with a valid Temporary Housing Permit.

1. **Standards and Duration.** Upon payment of the required inspection fee and review of the proposed temporary housing permit application, the Planning Director may approve a permit for temporary housing so long as the property owner has demonstrated that the following conditions are, and continue to be, met:
  - a. An approved water supply, sewage disposal system and electrical service are installed on the property and connected to the temporary housing.
  - b. The permanent dwelling Building Permit has been issued by the Building Department and remains active, and no more than 180 days has elapsed between inspections required by the Building Department in accordance with the Teller County Building Code.
  - c. The temporary housing is a currently Colorado-licensed trailer, motor home, RV, or similar unit. On-site constructed units as defined by the Teller County Building Code for a Dwelling or Efficiency Dwelling Unit (as defined by the Teller County Building Code), are not considered temporary housing. Mobile Homes that meet the standards for a Manufactured Home or Factory Built Housing as defined in *Chapter 12 Definitions: Dwelling* will not be considered temporary housing. These Regulations do not permit the use of campers, trailers, lean-tos, tents, motor homes, recreational vehicles, or any other such property as a permanent residence or allowable dwelling unit.
  - d. All minimum setbacks for the zone district are met.
2. **Vacation of Temporary Housing.** The temporary housing unit must be vacated within 30 days of the issuance of the Certificate of Occupancy for the permanent dwelling unit
3. **Violations.** Violators of this section will be subject to Ordinance 20 *Camping*.

Amend Section 4.5.B and insert new paragraphs so that it reads as

- B. Road Names.** Whenever new roads names are proposed, a list of the proposed names shall be provided with the initial development permit application, or, in the case of road name change requests, at the time the request is made. **The request shall be submitted by the property owner(s) to the Teller County Planning Department.** Using the following criteria, established by the El Paso - Teller County Enhanced 911 Authority Board (E-911), will **expedite process** new road name approval by E-911 and the Board of County Commissioners:
1. Except for continuation of an existing named street or road, names are unique, and do not duplicate, either phonetically or alphabetically, any other existing street or road name anywhere in Teller County. Street names that closely approximate the spelling of, or phonetically sound similar to, another street or road will not be approved.
  2. **Teller County will not process requests for road names or property addresses without proof of legal access, to include access from an entity other than Teller County (BLM, USFS, CDOT or private easement). Requests will only be accepted from the property owner. Pursuant to Section 13.1 Access Requirements and Criteria for Roadway Design and Construction Standards, if an access permit is required from an entity other than Teller County, the Applicant shall submit a copy of that approved access permit/document with the request for a Teller County driveway/access permit.**
  3. All street or road names have standard English spellings, and do not contain any punctuation or special characters. Street or road names that are correctly spelled but difficult to pronounce may not be approved. At the discretion of the E-911 data base coordinator, overly used common names may be rejected.

Amend Section 2.3 and insert new paragraphs so that it reads as follows:

### Section 2.3

#### ANIMALS IN RESIDENTIAL ZONE DISTRICTS AND A-1 ZONE 5 ACRES OR LESS

Unless otherwise regulated under a Special Review Use Permit for Kennel (*Section 8.3.S Kennel*), the following applies:

- A. **Animals Excluded from the Intent of These Restrictions.** Pet animals, as may be limited in number, including dogs, cats, birds, rabbits, guinea pigs, hamsters, mice, snakes, iguanas, turtles, or any other species of animal customarily sold for the purpose of being kept as a household pet.
- B. **Animals in the R-2 Zone District.** Only pet animals as described above are allowed.
- C. **Domestic Hoofed Livestock**
  - 1. **Definition.** The term domestic hoofed livestock includes horses, cattle, mules, sheep, goats, llamas, and swine kept for non-commercial purposes.
  - 2. **Standards**
    - a. **Minimum Lot Size in the R-1 and R-1M Zone Districts.** Domestic hoofed livestock are prohibited on residential properties of less than one acre.
    - b. **Maximum Density in the RR, R-1, R-1M and A-1 Zone Districts.** The maximum allowable density on lots one acre or greater is one animal per one-half acre. Animals under six months of age may be kept until weaned without counting toward the allowable limit.
    - c. **Shelter.** When there are two or more animals on a parcel of land, a barn or shelter for their use is required to be constructed.
    - d. **Containment Area in the RR, R-1, and R-1M Zone Districts.** Although the entire lot may be fenced, a containment area (corral) must be provided where the animals will normally be penned and supplementary fed. All corrals, stalls, and barns shall be at least 50 feet from any property line.
      - (1) **Containment area size in RR Zone District.** The containment area (corral) shall be adequate in size for the number of animals but in no event exceed 10% of the gross lot acreage or one-half (.) acre whichever is least.
    - e. **Animal Waste in RR, R-1, and R-1M Zone Districts.** Regular removal or spreading of manure is required so that it does not become unsightly or emit odor beyond the property boundary, or become a public nuisance. The possession of animals will not be allowed to create health hazards to the surrounding properties.
    - f. **Drainage in RR, R-1, and R-1M Zone Districts.** Adequate drainage facilities or improvements shall be provided by the property owner and constructed so as to

protect any adjoining and adjacent properties from runoff containing contaminants, including sediment or organic wastes.

**D. Domestic Small Livestock, Poultry, and Fowl**

1. **Definition.** The term **domestic small livestock, poultry, and fowl** includes rabbits, chinchillas or similar animals; chickens, turkeys, pigeons, and small birds and ducks kept for non-commercial purposes. The following fowl are not allowed in the RR, R-1, and R-1M zone districts: roosters, peafowl and any other fowl whose calls are audible over similar distances.

2. **Standards**

a. **Number allowed in RR Zone District.** None are allowed if the lot size is smaller than two acres.

On lots from two to 5.99 acres in size, a total of no more than 15 poultry, and/or fowl, and/or domestic small livestock are permitted.

On lots that are greater than 5.99 acres in size, there is no limit on the number of non-commercial poultry, and/or fowl, and/or domestic small livestock allowed.

b. **Number allowed in R-1 and R-1M Zone Districts.** On lots less than one acre in size, a total of no more than four poultry, and/or fowl, and/or domestic small livestock are permitted.

On lots from 1.1 to two acres in size, a total of no more than 10 poultry, and/or fowl, and/or domestic small livestock are permitted.

On lots from 2.01 to 5.99 acres in size, a total of no more than 15 poultry, and/or fowl, and/or domestic small livestock are permitted.

On lots that are greater than 5.99 acres in size, there is no limit on the number of non-commercial poultry, and/or fowl, and/or domestic small livestock allowed.

c. **Containment area in R-1 and R-1M Zone Districts.** A containment area for the poultry, fowl and domestic small livestock, is required. The containment area for poultry and fowl shall **be not be located closer to any property line than the zone district setback allows. ~~no closer than 50 feet to any property line.~~**

Domestic small livestock must be properly housed (by way of example only: rabbits in rabbit hutches) and shall not be located closer to any property line than the zone district setback allows.

d. **A-1 Parcels 5 acres or less.** Effective as of the Approval date of this Amendment for property owners transferring or purchasing A-1 zoned property the following applies:

On A-1 zoned properties of less than one acre domestic hoofed live stock are prohibited.

The maximum allowable density on lots one acre or greater is one domestic hoofed livestock animal per half acre. Animals under six months of age may be kept until weaned without counting toward the allowable limit.

The maximum allowable density on lots one acre to five acres is one domestic hoofed livestock animal per one half acre.

When there are two or more domestic hoofed livestock animals on a parcel of land, a barn or shelter is required to be constructed.

Although the entire lot may be fenced, a containment area (corral) must be provided where the domestic hoofed livestock animals will normally be penned and supplementary fed. All corrals, stalls, barns and shelters will be at least 50 feet from any property line.

Regular removal or spreading of manure is required so that it does not become unsightly or emit odor beyond the property boundary, or become a public nuisance. The possession of domestic hoofed livestock animals will not be allowed to create health hazards to the surrounding properties. All provisions of Ordinance # 11 apply and must be adhered to.

Adequate drainage facilities or improvements shall be provided by the property owner and constructed so as to protect any adjoining and adjacent properties from runoff containing contaminants, including sediment or organic wastes.

No Domestic Small Livestock, poultry and fowl are allowed if the lot, parcel, tract or mining claim is less than 2 acres.

On lots from two to 5.99 acres in size, a total of no more than 15 poultry, and/or fowl, and/or domestic small livestock are permitted.

On lots, parcels, tracts, or mining claims that are greater than 5.99 acres in size, there is no limit on the number of non-commercial poultry, and/or fowl, and/or domestic small livestock, and or domestic hoofed livestock allowed. All provisions of Ordinance #11 must be met.



Amend Section 1.11.C. Board of  
Adjustment so that it reads as follows:

- 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:
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. **No appeal may be made to the Board of Adjustment for building use violations that may be prosecuted pursuant to CRS 30-28-124(1) (b).**
  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-three** 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.

Amend Section 1.12.B so that it reads  
as follows:

**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.
- B. **Members and Alternates.** The Board of Adjustment shall consist of ~~five~~ **not less than three nor more than nine 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~~ **associate** 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 ~~associate~~ **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 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.