

SECTION 3 – ZONING REGULATIONS

3.1 DISTRICT REGULATIONS

3.2 USE REGULATIONS

3.2.1 Change of Use

3.2.2 Use-by-Right (UBR) Site Plan Review

A Use-by-Right is a land use that is allowed within the specific zoning district per Table 3 of these regulations, confirmed by a Land Use Permit for Site Plan Review.

3.2.3 Conditional Use Permit (CUP):

Conditional Uses are land uses that have potential for causing adverse impacts on other uses because of such factors as location, method of operation, scale or intensity of activity, or traffic generated. Because of their unusual or special characteristics, Conditional Uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties and Archuleta County at large.

3.2.4 Temporary Use Permit (TUP):

3.2.5 Accessory Uses:

Accessory uses shall comply with all requirements for the principal use, including obtaining a building permit, except where specifically modified by this Section, and shall also comply with the following limitations:

3.2.5.1 Gardening and raising animals for personal use, within the requirements of Sec. 5.6.2, shall be considered a customary Accessory Use with no sales from the premises.

3.2.5.2 A ~~swimming private~~ pool may be ~~permitted~~ allowed in any district as an accessory use subject to the following additional requirements:

- (1)** ~~No swimming pool may be located in any required front or side setback abutting a street.~~ Any private pool shall meet the same required setback distances as a principal or accessory structure, but will not require a building permit. Structures which accompany a private pool, such as decking, fencing, and storage sheds, may require a building permit in accordance with the adopted code.
- (2)** Every ~~swimming private~~ pool must be secured to prevent unsupervised access by children and accidental drowning. To this end, at least one of the following security methods must be used. Public pools must comply with State Regulations.
 - a.** Pool, pool area, or yard containing a private pool must be ~~completely surrounded enclosed~~ by a fence or wall. If a fence is installed on the ground around the pool or yard, it must be not less than ~~six (6)~~ four (4) feet in height from ground level with no openings ~~large enough to permit children to pass through~~ larger than four (4) inches. All ground fences must have self-closing/latching gates or doors

- that can be fastened to protect against entry and cannot be chain-link fences. As an alternative, a pool safety fence of at least eighteen (18) inches may be installed directly on the edge of an above-ground pool with a removable ladder.
- b. A safety cover, compliant with the ASTM International Standard F1346-91, must be installed when the pool is not in use.

Figure 3-1

Pool Safety Fence

~~(3) All gates or doors opening through such enclosures must be equipped with self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.~~

(3) All pools shall comply with the state building code and the National Electrical Safety Code.

Private Pool: *Swimming pool, hot tub, spa, and the like which is constructed or installed in connection with single-family dwellings, condominiums, and apartment houses and which is used solely by the persons maintaining their residence within such dwellings and their guests; not including wading pools with water of a depth of less than 24”.*

Public Pool: *Commercial swimming pool, hot tub, spa, and the like, only accessible to paying customers, or through payment of membership dues.*

3.2.6 Accessory Structures:

Accessory structures shall comply with all building code requirements and require a building permit where applicable.

3.2.6.1 An accessory structure may ...

3.2.6.2 No part of any accessory structure ...

3.2.6.3 An accessory structure shall meet the same required setback distances as a principal structure, or as provided in subdivision covenants recorded prior to May 23, 2006, whichever is less.

- (1)** A fence over 8' in height must meet all required setbacks.
 - a.** A fence over 6' in height or a security fence as defined in Sec. 11.2.1 must meet the minimum front or corner setback, unless located in Commercial (C) or Industrial (I) zoning districts.
 - b.** Fences must maintain the required Vision Clearance Area in Sec. 5.4.7.
- ~~**(2)** Propane tanks shall be exempt from setbacks for accessory structures, provided the tank location conforms to requirements of the National Fire Protection Association (NFPA) and Colorado Department of Labor and Employment, Division of Oil and Public Safety.~~
- ~~**(2)** Personal utility structures, (i.e. solar panels, propane tanks, On-site Wastewater Treatment Systems (OWTS), cisterns, etc.) are subject to the following requirements:
 - a.** No part of a personal utility system/structure, neither underground nor above ground, neither portable nor permanent, may encroach into utility, ditch, right-of-way, or access easements.
 - b.** Permanent portions of a personal utility system/structure which are above ground must also meet all property setbacks. Underground portions (i.e. tanks, plumbing, etc.) may cross into the setbacks.
 - c.** Portable or temporary portions of a personal utility system/structure which are above ground shall be exempt from property setbacks.
 - d.** OWTS must also meet setbacks from wells, cisterns, streams, rivers, wetlands, lakes, etc. as required by State Regulations for these systems.
 - e.** The location of propane tanks must also conform to requirements of the National Fire Protection Association (NFPA) and Colorado Department of Labor and Employment, Division of Oil and Public Safety.~~

3.2.6.4 Flag poles and personal antenna structures (including ham radio antennas but not Commercial Mobile Radio Systems structures) shall be exempt from the Accessory Height requirements in Table 4.