

## **Pueblo County Code - Title 17 - Chapter 17.100 CONDITIONAL ZONE (C-1) (INTENT TO REZONE)**

### **17.100.010 Purpose.**

The intent of this Chapter is to provide an interim zone wherein the County Planning Commission and the Board of County Commissioners may more closely provide for the public safety, health and welfare by providing the zone requested on a conditional basis (intent to rezone) and wherein the site plan, architectural features, public necessity, and convenience factors are complied with prior to zone change finalization.

### **17.100.020 Conditional change of district boundaries and reclassification of districts-- Procedure prescribed.**

The procedure to be followed in any change of district boundaries or reclassification of districts shall be as follows:

A. The applicant or developer shall file with his or her application for change of district boundaries or reclassification of districts a preliminary plan of the use to be made of the land.

B. The Planning Commission of the County of Pueblo shall consider this preliminary plan of the use to be made of the land and may grant tentative approval.

C. The Planning Commission shall report and recommend to the County Commissioners the action to be taken and the Commissioners may then act to free the area from the existing zone restrictions on a temporary basis.

D. The applicant or developer, upon receipt of temporary approval of the Commissioners, may proceed with his or her detailed final plans for the development of the area, which plans shall be submitted to the Planning Commission of the County of Pueblo for final approval.

E. One year after the final plans have been approved by the Planning Commission of Pueblo County the Commission shall review the progress made by the applicant or developer, and if the progress is within the final plans as submitted by the applicant or developer, the Commission may recommend to the County Commissioners a permanent zoning change or, if no progress has been made or progress has been made other than as presented in the final plans, then the Commission may recommend a cancellation of the temporary grant of change of zoning to the Commissioners.

F. The County Commissioners shall act upon recommendation of the Planning Commission as provided for in [Chapter 17.136](#).

G. The Secretary of the Planning Commission shall notify the Building Inspector of the County of Pueblo final approval has been given the applicant and of the final approval of the type of or use of the buildings in sufficient detail so that the Inspector may issue a building permit in conformity with the approved final plans granted to the applicant to developer. If the request for building permit is not in conformity with the plans as approved by the Planning Commission, the Building Inspector shall refuse to grant the building permit or permits and immediately notify the Planning Commission.

H. The failure of the applicant to meet all conditions, stipulations and limitations contained in Title 17 within the time limit stated therein, or within any extensions granted by the Commission,

shall render Title 17 a nullity for all purposes. No express findings of the Commission as to failure to meet such conditions shall be necessary in order to annul Title 17. Failure of the applicant to appear before the Commission to prove or offer to prove strict compliance with such conditions, stipulations and limitations within the time limit or any extension thereof shall be conclusive evidence of noncompliance. In all cases where proof of compliance is submitted to the Commission, the findings of compliance or noncompliance by the Commission shall be conclusive upon the applicant.

In the event the Commission shall find that the conditions, stipulations and limitations set forth in Title 17 have not been met, it may take the following action:

1. Extend the time for compliance (not to exceed one year from the date such extension is granted);
2. Completely annul Title 17 and declare all structures and improvements placed thereon by applicant to be nonconforming and order the removal of such structures and improvements within such reasonable time as shall be determined by the Commission; or
3. Modify and amend Title 17 provided such modification shall not permit any use expressly or impliedly prohibited in the original Title 17, and provided further that the spirit and intent of the original Title 17 shall be carried out. Before the Commission shall take first or final action on any proposed modification of a resolution of intent to rezone: such proposed modifications shall be referred to the Planning Commission for recommendations.

I. The Planning Commission shall submit to the County Commissioners its recommendations on proposed amendments within thirty (30) days after the hearing is concluded. Such recommendations may be "To Approve," "Approve with Conditions," or "Disapprove" the application.

J. After strict compliance with all conditions, stipulations and limitations in the resolution of intent to rezone as originally approved or as modified, the County Commissioners may finally approve a resolution effecting such amendment of the zoning map; provided always that nothing contained herein and no action taken by virtue of this Chapter shall be construed to be a delegation, surrender, or curtailment of the legislative powers, police powers, or administrative authority of the County or County Commissioners.

**Source URL:** <http://pueblo.org/government/county/code/title17/chapter17-100>