

Certificates of Nonconformance, Parcel of Record Certificates, Merger by Contiguity Certificates and Certificates of Conforming Use

GENERAL INFORMATION

Attached please find the following:

- Copy of Chapter 17.124, “*Nonconforming Uses, Parcels, and Structures*”, of the Pueblo County Code
- Definition of *USE, NONCONFORMING* as set forth in Chapter 17.04.030 of the Pueblo County Code
- Checklist of Information Required to be Submitted; and
- Application for Certificate of Nonconformance, Parcel of Record, Merger by Contiguity and/or Conforming Use.

Please note that to be eligible for a Certificate of Nonconformance, a parcel and/or a use must have been legally established prior to either August 8, 1963 or January 6, 1967 (depending upon what area of the County the property is located in) OR prior to a change to the zoning laws or map creating the nonconformance. Any such use must have continued on the property without an interruption of twelve (12) consecutive months to such time as the application is made.

To be eligible for a Parcel of Record Certificate, a parcel of land must have been subdivided prior to August 31, 1972.

To be eligible for a Merger by Contiguity Certificate, parcels of land must have been in existence prior to the original 1963 or 1967 adoption of the Pueblo County Code or related zoning action pursuant to Chapter 17.124.040 of the Pueblo County Code.

To be eligible for a Certificate of Conforming Use, the use must have been lawfully established as a use-by-right within a building or on land prior to the original 1963 or 1967 adoption of the Pueblo County Code or prior to the effective date of an amendment to the Code, which under the current use regulations would require the issuance of a special use permit by the Pueblo County Planning Commission pursuant to the definition of *USE, NONCONFORMING* as set forth in Chapter 17.04.030 of the Pueblo County Code.

It is the responsibility of the applicant to demonstrate with sufficient evidence the eligibility for the Certificate requested. Suggested types of evidence are: deeds, property cards, land survey plats, business receipts, etc.

The fees associated with the Certificates are a \$55.00 application fee and an \$11.00 recording fee (per page). Multiple applications for the same property will only be required to submit a single application fee. **SEPARATE CHECKS ARE REQUIRED!** Application fees are to be made payable to Pueblo County and recording fees are payable to the Pueblo County Clerk.

Please be advised that a **minimum of ten (10) working days** is required to process *complete* applications. Processing includes review and confirmation of the documentation, preparation of the Certificate, approval by the Director and recordation of the Certificate. This time period should be taken into consideration when applying for any Certificates.

CHAPTER 17.04.030 “USE, NONCONFORMING” DEFINITION

USE, NONCONFORMING. “Non-conforming use” means a use, which lawfully occupied a building or land at the time this Resolution, or an amendment hereto, became effective and which does not now conform with the use regulations applicable in the zone district in which it is located. Notwithstanding the foregoing, those existing uses which formerly were uses by right in a particular zone district, but which under current use regulations would now require favorable action by the Planning Commission in the form of a special use permit, shall not be considered non-conforming uses. However, any expansion of such use onto contiguous or adjacent parcels shall, for the expanded portion thereof, be required to obtain a special use permit and shall conform in other respects to the development standards, if any, for that particular zone district.

CHAPTER 17.124

“NONCONFORMING USES, PARCELS OR STRUCTURES”

- 010 **APPLICATION**--Any use, parcel, or structure that legally existed prior to the adoption of this resolution or any amendment thereto which does not conform to the provisions of the zoning resolution at the time of adoption shall be known as a nonconforming use, nonconforming parcel, or a nonconforming structure.
- 020 **REGISTRATION AND RECORDING**--The County Zoning Administrator, at the request of the land owner of record or an authorized representative, may issue a Certificate of Nonconformance, a Parcel of Record Certificate and/or a Merger by Contiguity Certificate to the owner of each known Nonconforming Use, Nonconforming Parcel, and/or Nonconforming Structure. The Zoning Administrator shall then record a copy of said Certificate(s) in the office of the County Clerk and Recorder within thirty (30) days of its issuance at the applicant's expense. No use of land or structures so registered shall be other than specified on the Certificate(s), unless said use shall be in conformity with the provisions of the zone district in which the parcel is located.
- 030 **DISCONTINUANCE AND ABANDONMENT**--If a nonconforming use has been discontinued for a period of twelve (12) consecutive months, the land owner of record shall be notified by certified mail and a memorandum to the public record, identifying the discontinued use, shall be recorded in the office of the County Clerk and Recorder, and such use or any other nonconforming use shall not thereafter be re-established and any future use shall be in conformance with the provisions of these zoning regulations. A nonconforming use followed by a permitted conforming use will result in the loss of the nonconforming use.
- 040 **MERGER OF CONTIGUOUS NONCONFORMING PARCELS**--If a nonconforming parcel ever comes under the same ownership as a contiguous parcel, it shall no longer be the same nonconforming parcel, and such cessation shall be recorded in the office of the County Clerk and Recorder, and then no portion of the enlarged parcel shall be sold unless both the portion to be sold and the remainder shall be conforming parcels. The following is a listing of mergable parcels:
- A. Two (2) or more vacant nonconforming parcels of land;
 - B. An improved nonconforming parcel of land and a vacant adjacent parcel(s) of land (whether or not nonconforming). However, if a land owner purchases a vacant parcel of land adjacent to an improved parcel owned by same individual, for the purposes of developing, then each parcel will have to be under **separate ownership**. (NOTE: Two (2) improved nonconforming parcels of land under the same ownership **will not** be required to merge.)
- 050 **NONCONFORMING SIGNS**--Any sign that existed prior to the enactment of this resolution or prior to any subsequent amendments to this resolution, which were legally established but do not now meet the provisions of this resolution, shall be considered nonconforming and may remain in its same location, be repaired, and maintained provided:
- A. The sign is not destroyed beyond its total replacement cost.
 - B. The sign is not destroyed and/or abandoned for a period of twelve (12) consecutive months.
 - C. The sign becomes a hazard to the motoring public due to changes in land use development, traffic patterns, or a causal factor in automobile or automobile related accidents.
- 060 **NONCONFORMING STRUCTURES**--If a nonconforming structure is vacant for twelve (12) consecutive months, moved or condemned, torn down or destroyed, it shall be removed or made conforming to all the requirements of this resolution.
- 070 **ENLARGEMENT OR EXPANSION OF A NONCONFORMING USE OR STRUCTURE**-- A nonconforming use within a structure may be extended throughout the same structure devoted to such use at the time of adoption of this resolution or prior to any subsequent amendments thereto, which caused such use to become nonconforming. Any enlargement or expansion of a nonconforming use is strictly PROHIBITED.
- 080 **REPAIRS, MAINTENANCE AND RESTORATION**--Ordinary repairs and maintenance of a structure and care of lands containing a nonconforming use shall be permitted.
- A nonconforming structure damaged or PARTIALLY destroyed by fire, explosion, or natural occurrence may be restored to the condition in which it was immediately prior to the occurrence of such damage or destruction, provided:
- 1. The restoration or reconstruction shall not extend beyond the original limits of the structure in setbacks, lot area coverage, height, and floor area.
 - 2. All restoration or reconstruction shall be commenced within six (6) months from the date of damage and shall be completed within one (1) year.
- A nonconforming structure that is TOTALLY destroyed or damaged may not be restored or reconstructed, unless the restored structure is in compliance with the current zoning regulations.

CERTIFICATE OF NONCONFORMANCE
PARCEL OF RECORD CERTIFICATE
MERGER BY CONTIGUITY CERTIFICATE and/or
CERTIFICATE OF CONFORMING USE

INFORMATION CHECKLIST

THE FOLLOWING ITEMS MUST BE SUBMITTED ALONG WITH THE APPLICATION:
Please include this checklist with your application

For all applications:

- _____ 1. Application for Certificate
- _____ 2. Proof of current ownership by **recorded** deed
- _____ 3. Current and void property card(s) (if applicable)
- _____ 4. Documentation to support the action requested by the application (i.e., deeds, property cards, surveys, etc.)
- _____ 5. Fees (\$55.00 application/\$11.00 per page recording)

NOTICE: All information, including emails, submitted to Pueblo County Department of Planning and Development is considered public record and is therefore available for public review.

FOR CERTIFICATE OF NONCONFORMANCE ONLY:

If to recognize a structure with deficient setbacks:

- _____ 1. Plot plan (**drawn to scale**) of the subject property that contains:
 - _____ Parcel dimensions
 - _____ Parcel acreage
 - _____ Existing structure(s) with dimensions and setbacks from the structure(s) to the property lines
 - _____ North Arrow
 - _____ Street Names
 - _____ Scale

(NOTE: All Drawings/Plot Plans shall be no larger than 11" x 17")

FOR MERGER BY CONTIGUITY CERTIFICATES ONLY:

- _____ 1. Recording Information for Subdivision
 - Subdivision Name: _____
 - Reception No.: _____
 - Book No.: _____ Page No.: _____
 - Recording Date: _____

- _____ 2. Letter of Request for Merger

FOR CERTIFICATE OF CONFORMING USE ONLY:

- _____ 1. Resolution or Amendment Information
 - Resolution Name: Pueblo County Zoning Resolution
 - Effective Date: _____

 - Amendment Name: _____
 - Approval Date: _____
 - Effective Date: _____

THE ABOVE CHECKLIST IS PROVIDED FOR THE CONVENIENCE OF THE APPLICANT AND SHOULD NOT BE USED TO DETERMINE COMPLETENESS OF AN APPLICATION. UPON STAFF REVIEW, ADDITIONAL INFORMATION MAY BE REQUIRED.

APPLICATION FOR CERTIFICATE:

Updated August, 2012

NONCONFORMANCE
NCU No. _____

PARCEL OF RECORD
POR No. _____

MERGER BY CONTIGUITY
MBC No. _____

CONFORMING USE
CCU No. _____

We, the undersigned, do hereby apply for the above referenced Certificate(s) pursuant to the rules and regulations of the Pueblo County Code (also known as the Pueblo County Zoning Resolution and/or the Pueblo County Subdivision Regulations). We understand that submission of this application does not guarantee that a Certificate will be issued. We further understand that it is our responsibility to demonstrate with sufficient evidence the eligibility for a Certificate.

NOTICE: All information, including emails, submitted to Pueblo County Department of Planning and Development is considered public record and is therefore available for public review.

1. Street Address of Property: _____

2. Legal Description of Property: _____
_____ See Attached (If lengthy)

3. Assessor's Tax Parcel No. _____ Related Certificate(s) _____

4. Name and Mailing Address of Property Owners: _____

5. Application Limited to:
- Land Use _____
 - Principal Structure _____
 - Accessory Structure _____
 - Parcel of Land Area: _____
 Width: _____
 Depth: _____
 - Parcel of Record (Date): _____
 - Merger by Contiguity (Lots) _____
 - Other _____

6. Zone District: _____

Application Filed By: _____

Applicant's Signature: _____

(NOTE: Signature MUST be as property title is held.)

Address: _____ Telephone Number: _____

Date: _____ Interest in Property: _____

(NOTE: If application is being filed by anyone other than property owner, a signed notarized statement of authorization needs to be attached):

_____, affirms that he/she has signed the foregoing application as owner or the duly authorized representative of the owner, and that the statements contained in said application, and any supporting documentation, are true to the best of his/her knowledge, information, and belief.

Subscribed as sworn to before me this _____ day of _____, 20_____

Notary Public: _____ My Commission Expires: _____

FOR OFFICE USE ONLY:

Date Received: _____ Person Accepting Application: _____ Fee: _____

Application Amount: _____ (Cash/Check No. _____)

Recording Amount: _____ (Cash/Check No. _____) for: NCU POR MBC CCU (circle which apply)

LETTER OF REQUEST

Submitted in Conjunction with an Application for Merger by Contiguity Certificate

NOTICE: All information, including emails, submitted to Pueblo County Department of Planning and Development is considered public record and is therefore available for public review.

_____ Date

I, _____, do hereby request that the Department of Planning and Development **merge** those lots owned by me, as identified below, into a single building site. I understand that once these lots are combined through the issuance of a Merger by Contiguity Certificate that they cannot be sold as independent lots.

Land Owner's Signature: _____
(NOTE: Signature MUST be as property title is held.)

Address: _____ Telephone Number: _____

Assessor's Tax Parcel No.: _____

Legal Description of Property: _____

Subscribed as sworn to before me this ____ day of _____, 20__ by
_____.

Notary Public: _____

My Commission Expires: _____
Revised August 2012