

# Clear Creek County Zoning Regulations: Section 5

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## **SECTION 5 COMMERCIAL DISTRICTS-GENERAL PROVISIONS**

*The restrictions in this Section 5 apply to all Commercial Districts.*

### **501. PURPOSE**

The Commercial Districts are established for businesses engaged in commerce, mercantile, and activities of industry and trade, while ensuring compatibility with the general rural character of the areas within the County.

### **502. AREA REGULATIONS**

#### **502.1. AREA**

502.1.1 Lot area shall be as necessary for accommodating sewage treatment, parking, setbacks, and other requirements herein set forth.

502.1.2 As per the *Clear Creek County Individual Sewage Disposal Systems Regulations*, Section III, all subdivisions of land into parcels of less than five (5) acres shall be provided with central sewage treatment works, unless exempted by the Board of Health. The *Clear Creek County Individual Sewage Disposal Systems Regulations*, which are subject to change, must be consulted to determine permissible development, if individual sewage treatment systems are contemplated, along with the *Clear Creek County Zoning Regulations*.

#### **502.2. SETBACKS**

502.2.1 Landscaping and fencing not prohibited by these Regulations may exist within setbacks. Open fire escapes, stairways, chimneys, and one-story unenclosed, open porches or decks less than thirty (30) inches above grade may extend not more than one-third (1/3) into the required setback. A Surveyor Verification form will be required to verify the setback of such extensions.

502.2.2 All setback measurements shall be measured from the nearest lot line, road right-of-way, or platted right-of-way. If no platted right-of-way exists, measurement of the setbacks begins at the edge of the Required Road Maintenance Area, or as surveyed and recorded with the County Clerk and Recorder's office.

502.2.3 Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.

502.2.4 Building Permit applications that propose a structure to be located within 10 feet of the setback line, within an established building envelope created by a County land use process, or with respect to which a setback variance has been granted, are required to complete a Surveyor Verification and/or Building Envelope Compliance Form(s) prepared by a licensed Colorado surveyor, showing the structure is in conformance with the established setbacks or setback variance, and/or is within the building envelope.

### **503. DEVELOPMENT STANDARDS**

No use shall be made of commercially zoned land unless the use meets the Development Standards specified in section 10 for this district and other applicable Clear Creek County Zoning Regulations.

### **504. DEVELOPMENT REVIEW**

Proposals for new developments in any Commercial zoning district shall be required to comply with Section 20 - Development Review of these Regulations. If a rezoning or other land use process is required for a

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proposed development, the Development Review process may be done concurrently with that process.

### **505. USES REQUIRING SPECIAL USE PERMIT**

Pursuant to Section 12 - Special Use Permits of these Regulations, land may be issued a permit for other uses determined to be compatible with the uses in the same zoning district. A financial guarantee to ensure termination of the use and removal of associated structures, reclamation and/or revegetation when appropriate, in a form acceptable to the County Attorney may be required. The following additional uses require a Special Use Permit

- 505.1. Wind or solar energy conversion system (windmills used to generate mechanical or electrical energy); including transmission and distribution lines; said towers to be located at least a distance equal to the overall height of the system (including the maximum reach of any tower facility) from the nearest property boundary. No part of the structure shall exceed thirty-five (35) feet in height. Such system shall be compatible with the natural environment and general character of the area;
- 505.2. Seasonal temporary uses of land, not to exceed six (6) months, such as Christmas tree lot or firewood lot;
- 505.3. Water reservoir;
- 505.4. Aboveground water storage tanks in excess of 20,000 gallons;
- 505.5. Temporary freestanding telecommunications facility;
- 505.6. Transportation facility, such as shuttle service or park and ride;
- 505.7. Hospital;
- 505.8. Advanced educational institutions, such as colleges, universities, technical and/or trade schools;
- 505.9. Uses which are consistent with the uses stated above, but that are not otherwise listed in these regulations as allowed in other districts, as approved by the Board of County Commissioners.
- 505.10. Small Wind Energy Systems that are located within 1) an area listed on the National Register of Historic Places, 2) either the Guanella Pass Road or CO Hwy. 103 scenic corridors, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the Geneva Creek Basin Project document.
- 505.11. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County
- 505.12. Distributed Solar Energy Systems
- 207.2. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings that are not in conjunction with a building permit for the project utilizing the temporary structure.
- 207.3. Minor Structures without an existing permitted principal use

### **506. ADMINISTRATIVE SPECIAL USE PERMITS**

Shall be in compliance with Section 12 - Special Use Permits of these Regulations.

### **507. RETENTION OF MINING USES**

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If a commercial rezoning is approved for properties previously zoned M-1, M-2, or patented mining claims, mining uses are permitted, subject to the mining district zoning requirements.

**508. RETENTION OF R-1 USES**

In the case of commercial zoned properties, single-family dwellings existing as of the date of enactment of these amended regulations may be expanded or replaced without being considered an expansion of a non-conforming structure.

**509. EXISTING COMMERCIAL ONE (C-1) AND COMMERCIAL TWO (C-2) DISTRICTS**

These districts are obsolete districts for new zoning. See Section 22 - Obsolete Districts of these Regulations for regulations pertaining to existing Commercial One (C-1) and Commercial Two (C-2) Districts.

**510. RESIDENTIAL-COMMERCIAL (RC) DISTRICT**

This district is an obsolete district for new zoning. See Section 22 - Obsolete Districts of these Regulations for regulations pertaining to existing Residential-Commercial District.

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## **511. (C-N) COMMERCIAL - NEIGHBORHOOD**

*Subject to the general provisions set forth in Section 5 - Commercial District - General Provisions*

### **511.1. PURPOSE**

This District is established for the purpose of providing for a limited range of commercial uses needed to meet the service needs of residents in the adjacent neighborhoods. Businesses are to be oriented to the neighborhood and compatible with surrounding residential uses and have minimal off-site impacts.

### **511.2. DENSITY REQUIREMENTS**

511.2.1 The total square footage of all existing and proposed structures or buildings shall not exceed 5,000 square feet. A Special Use Permit may be requested from this requirement up to 8,000 square feet, pursuant to Section 12 - Special Use Permits of these Regulations.

511.2.2 The total square footage for all existing and proposed structures or buildings shall not exceed thirty percent (30%) of the total square footage of the parcel. No variances shall be granted from this requirement for construction on vacant parcels.

511.2.3 The total square footage of the footprints for all existing and proposed structures and buildings shall not exceed fifteen percent (15%) coverage of the parcel. No variances shall be granted from this requirement for construction on vacant parcels.

511.2.4 Parking areas and underground parking accessory to the principal use are not subject to the density requirements as stated above; however, parking structures shall be subject to the density requirements as stated in 511.2.2 and 511.2.3. No variances shall be granted from this requirement for construction on vacant parcels.

### **511.3. SETBACK REQUIREMENTS**

The minimum front, side, and rear building setbacks for all structures shall be thirty (30) feet.

### **511.4. PERMITTED PRINCIPAL USES**

No building or land shall be used, and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

511.4.1 Retail trade, without a motor fuel filling station;

511.4.2 General office;

511.4.3 Restaurants, without drive through;

511.4.4 Medical services/clinic;

511.4.5 Place of worship;

511.4.6. Public or private school;

511.4.7. Day care center, preschool, or nursery;

511.4.8. Bed and Breakfast;

511.4.9. Inn limited to ten (10) guest rooms;

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511.4.10 Personal services;

511.4.11 Group home;

511.4.12 Small animal grooming;

511.4.13 Emergency services facility.

205.8. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings during construction only, with the issuance of a building permit for the project utilizing the temporary structure. Temporary structures shall be removed from the property prior to the issuance of a Certificate of Occupancy, or within sixty days after an issued Temporary Certificate of Occupancy, for the project utilizing the temporary structure(s), which ever date occurs first.

## **511.5. ACCESSORY USES AND BUILDINGS**

In conjunction with a use outlined above, a parcel of land zoned C-N may be used, subject to other federal, state, and county laws for the following:

511.5.1. Accessory uses and buildings typically incidental to the principal uses listed above are allowed;

511.5.3. Minor Structures

511.5.2. A maximum of three (3) dwelling units.

511.5.3. Small Wind Energy Systems

The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.

511.5.3.1 General Provisions

Setbacks for said systems shall be the distance equal to the total extended height of the system. Systems may be allowed closer to a property line than its total extended height if the adjacent property owner(s) grants written permission in a form approved by the County and the installation poses no interference with public utility lines or public road and/or rail rights-of-way. Other than height, such systems are applicable to the zoning district performance standards. Systems shall not be lighted.

Methods shall be utilized on any turbine in order to prevent unauthorized climbing. If a small wind energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

511.5.4. Small Solar Energy Systems

No part of a freestanding system shall exceed thirty-five (35) feet in height. Such systems accessory to and part of a building shall be considered an appurtenance and comply with the maximum height allowances for appurtenances. Such systems are applicable to the

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zoning district performance standards. Such systems shall not be lighted. If a small solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

### **511.6. USES REQUIRING SPECIAL USE PERMIT**

Pursuant to Section 12 - Special Use Permits of these Regulations, land may be issued a permit for other uses determined to be compatible with the uses in the same zoning district A financial guarantee to ensure termination of the use and removal of associated structures, reclamation and/or revegetation when appropriate, in a form acceptable to the County Attorney may be required. The following additional uses require a Special Use Permit

511.6.1. Bar or saloon;

511.6.2. Associations such as fraternal orders;

511.6.3. Small animal veterinary clinic and/or temporary pet boarding;

511.6.4. Specialized group facilities, such as an assisted-living center.

### **511.7. ADMINISTRATIVE SPECIAL USE PERMITS**

Pursuant to Section 12 - Special Use Permit of these Regulations.

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## **512. (C-RO) COMMERCIAL - RETAIL/OFFICE**

*Subject to the general provisions set forth in Section 5 - Commercial District - General Provisions*

### **512.1. PURPOSE**

This District is established for the purpose of providing for retail, office, and business uses which have limited off-site impact on the neighborhood.

### **512.2. DENSITY REQUIREMENTS**

512.2.1 The total square footage for all existing and proposed structures or buildings shall not exceed fifty percent (50%) of the total square footage of the parcel.

512.2.2. The total square footage of the footprints for all existing and proposed structures and buildings shall not exceed twenty percent (20%) coverage of the parcel. An Administrative Variance may be requested from this requirement up to a footprint of twenty-five percent (25%) parcel coverage for construction on vacant parcels, pursuant to Section 13 - Variances of these Regulations.

512.2.3. Parking areas and underground parking accessory to the principal use are not subject to the density requirements as stated above; however, parking structures shall be subject to the density requirements as stated in 512.2.11 and 512.2.2.

### **512.3. SETBACK REQUIREMENTS**

#### **512.3.1. FRONT**

Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be twenty (20) feet. Motor fuel pumps, if permitted as a Special Use, may be erected not less than twenty-five (25) feet from such front lot line. Signs may be erected within the front yard setback, subject to Section 10 of these Regulations, and provided that the setback line for any freestanding sign higher than six (6) feet shall be no less than the total height of such sign and sign structure;

#### **512.3.2. SIDE**

Except as hereinafter provided, the minimum depth of any side yard shall be ten (10) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street shall be twenty (20) feet. On corner lots, motor fuel pumps, if permitted as a Special Use, may be erected not less than twenty-five (25) feet from any lot line adjacent to a street or road;

#### **512.3.3. REAR**

The minimum depth of a rear yard shall be ten (10) feet, except where abutting upon an alley the setback shall be fifteen (15) feet from the center of the alley. Motor fuel pumps, if permitted as a Special Use, may be erected not less than twenty-five (25) feet from such rear lot line.

### **512.4. PERMITTED PRINCIPAL USES**

No building or land shall be used, and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

512.4.1. Retail trade;

512.4.2. General offices;

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- 512.4.3. Restaurant, food service, or other eating establishment, with or without drive through;
- 512.4.4. Personal services;
- 512.4.5. Bar or saloon;
- 512.4.6. Small animal veterinary clinic and/or temporary pet boarding;
- 512.4.7. Bed and Breakfast;
- 512.4.8. Inn or motel limited to forty (40) guest rooms;
- 512.4.9. Associations such as fraternal orders;
- 512.4.10. Meeting hall or theater limited to seating for two hundred (200);
- 512.4.11. Place of worship;
- 512.4.12. Public or private school;
- 512.4.13. Medical services/clinic;
- 512.4.14. Specialized group facility, such as day care, preschool, nursery, family care, assisted living center, or group living accommodations;
- 512.4.15. Emergency services facility;
- 512.4.16. Mortuary and/or cemetery;
- 512.4.17. Motor fuel filling station;
- 512.4.18. Building wall or roof mounted telecommunication antennas that are supported by a legally existing building or structure are a permitted principal use in this zoning district. For such facilities the applicant shall submit a site plan and demonstrate to the County Planning Department that the proposed low power telecommunication facility is in conformance with the Performance Standards established in Section 18 - Telecommunications Regulations of these Regulations.
- 205.8. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings during construction only, with the issuance of a building permit for the project utilizing the temporary structure. Temporary structures shall be removed from the property prior to the issuance of a Certificate of Occupancy, or within sixty days after an issued Temporary Certificate of Occupancy, for the project utilizing the temporary structure(s), which ever date occurs first.

### **512.5. ACCESSORY USES AND BUILDINGS**

In conjunction with a use outlined above, a parcel of land zoned C-RO may be used, subject to other federal, state, and county laws for the following:

- 512.5.1. Accessory uses and buildings typically incidental to the principal uses listed above are allowed;
- 512.5.3. Minor Structures

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512.5.2. A maximum of twenty (20) dwelling units.

### 512.5.3. Small Wind Energy Systems

The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.

#### 512.5.3.1. General Provisions

Setbacks for said systems shall be the distance equal to the total extended height of the system. Systems may be allowed closer to a property line than its total extended height if the adjacent property owner(s) grants written permission in a form approved by the County and the installation poses no interference with public utility lines or public road and/or rail rights-of-way. Other than height, such systems are applicable to the zoning district performance standards. Systems shall not be lighted.

Methods shall be utilized on any turbine in order to prevent unauthorized climbing. If a small wind energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

### 512.5.4. Small Solar Energy Systems

No part of a freestanding system shall exceed thirty-five (35) feet in height. Such systems accessory to and part of a building shall be considered an appurtenance and comply with the maximum height allowances for appurtenances. Such systems are applicable to the zoning district performance standards. Such systems shall not be lighted. If a small solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

## **512.6. USES REQUIRING SPECIAL USE PERMIT**

Pursuant to Section 12 - Special Use Permits of these Regulations, land may be issued a permit for other uses determined to be compatible with the uses in the same zoning district A financial guarantee to ensure termination of the use and removal of associated structures, reclamation and/or revegetation when appropriate, in a form acceptable to the County Attorney may be required. The following additional uses require a Special Use Permit

512.6.1. Public garage, car wash, motor vehicle and/or light machinery repair building, automotive paint and body shops, and/or towing businesses.

512.6.2 Mobile Food Vehicle

## **512.7. ADMINISTRATIVE SPECIAL USE PERMITS**

Pursuant to Section 12 - Special Use Permit of these Regulations.

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## **513. (C-TR) COMMERCIAL - TOURISM/RECREATION**

*Subject to the general provisions set forth in Section 5 - Commercial District - General Provisions*

### **513.1. PURPOSE**

This District is established for the purpose of providing for commercial activities that are aimed at providing the traveling public and residents with entertainment and recreational facilities.

### **513.2. DENSITY REQUIREMENTS**

513.2.1. The total square footage for all existing and proposed structures or buildings shall not exceed fifty percent (50%) of the total square footage of the parcel.

513.2.2. The total square footage of the footprints for all existing and proposed structures and buildings shall not exceed twenty percent (20%) coverage of the parcel. An Administrative Variance may be requested from this requirement up to a footprint of twenty-five percent (25%) parcel coverage for construction on vacant parcels, pursuant to Section 13 - Variances of these Regulations.

513.2.3. Parking areas and underground parking accessory to the principal use are not subject to the density requirements as stated above; however, parking structures shall be subject to the density requirements as stated in 513.2.1 and 513.2.2.

### **513.3. SETBACK REQUIREMENTS**

#### **513.3.1. FRONT**

Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be twenty (20) feet. Motor fuel pumps, if permitted as a Special Use, may be erected not less than twenty-five (25) feet from such front lot line. Signs may be erected within the front yard setback, subject to Section 10, and provided that the setback line for any freestanding sign higher than six (6) feet shall be no less than the total height of such sign and sign structure;

#### **513.3.2. SIDE**

Except as hereinafter provided, the minimum depth of any side yard shall be ten (10) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street shall be twenty (20) feet. On corner lots, motor fuel pumps, if permitted as a Special Use, may be erected not less than twenty-five (25) feet from any lot line adjacent to a street or road;

#### **513.3.3. REAR**

The minimum depth of a rear yard shall be ten (10) feet, except where abutting upon an alley the setback shall be fifteen (15) feet from the center of the alley. Motor fuel pumps, if permitted as a Special Use, may be erected not less than twenty-five (25) feet from such rear lot line.

### **513.4. PERMITTED PRINCIPAL USES**

No building or land shall be used, and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

513.4.1. Outdoor recreational activities, such as skiing, golfing, fishing, skating, fair grounds, amusement park, hut to hut system, or rodeo grounds;

513.4.2. Indoor recreational activities, such as bowling, skating, arcade, but not including adult entertainment;

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- 513.4. 3.Mine tour;
- 513.4.4. Cultural facilities, such as a museum, theater, or amphitheater;
- 513.4.5. Tourist related retail trade or equipment rental;
- 513.4.6. Retail facilities, such as a flea market, auction house, or antique and craft fairs;
- 513.4.7. Meeting hall or conference center;
- 513.4.8. Assembly hall;
- 513.4.9. Dude ranch or riding stables;
- 513.4.10. Short-term rental units up to six (6) months;
- 513.4.11. Lodging;
- 513.4.12. Restaurant, food service, or other eating establishment, with or without drive through;
- 513.4.13. Motor fuel filling station;
- 513.4.14. Building wall or roof mounted telecommunication antennas that are supported by a legally existing building or structure are a permitted principal use in this zoning district. For such facilities the applicant shall submit a site plan and demonstrate to the County Planning Department that the proposed low power telecommunication facility is in conformance with the Performance Standards established in Section 18 - Telecommunications of these Regulations.
- 513.4.15. Utility Scale Wind Energy Facilities and Utility Scale Solar Energy Facilities with the approval of a Permit for Areas and Activities of State Interest (1041 Permit). Setbacks for said systems shall be the distance equal to the total extended height of the system unless all owners of the property(ies) within the setback -- who, with due diligence by Applicant, can be identified -- consent in writing in a form acceptable for recording and which is binding on the land. Setbacks shall be measured from the base of the structure to the closest property line of adjacent properties located outside of the 1041 Permit area.
- 205.8. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings during construction only, with the issuance of a building permit for the project utilizing the temporary structure. Temporary structures shall be removed from the property prior to the issuance of a Certificate of Occupancy, or within sixty days after an issued Temporary Certificate of Occupancy, for the project utilizing the temporary structure(s), which ever date occurs first.

### **513.5. ACCESSORY USES AND BUILDINGS**

In conjunction with a use outlined above, a parcel of land zoned C-TR may be used, subject to other federal, state, and county laws for the following:

- 513.5.1. Accessory uses and buildings typically incidental to the principal uses listed above are allowed;
- 511.5.3. Minor Structures

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513.5.2. Dwelling units for owners, caretakers, and/or employees.

### 513.5.3 Small Wind Energy Systems

The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.

#### 513.5.3.1. General Provisions

Setbacks for said systems shall be the distance equal to the total extended height of the system. Systems may be allowed closer to a property line than its total extended height if the adjacent property owner(s) grants written permission in a form approved by the County and the installation poses no interference with public utility lines or public road and/or rail rights-of-way. Other than height, such systems are applicable to the zoning district performance standards. Systems shall not be lighted.

Methods shall be utilized on any turbine in order to prevent unauthorized climbing. If a small wind energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

### 513.5.4. Small Solar Energy Systems

No part of a freestanding system shall exceed thirty-five (35) feet in height. Such systems accessory to and part of a building shall be considered an appurtenance and comply with the maximum height allowances for appurtenances. Such systems are applicable to the zoning district performance standards. Such systems shall not be lighted. If a small solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

## **513.6. USES REQUIRING SPECIAL USE PERMIT**

Pursuant to Section 12 - Special Use Permits of these Regulations, land may be issued a permit for other uses determined to be compatible with the uses in the same zoning district. A financial guarantee to ensure termination of the use and removal of associated structures, reclamation and/or revegetation when appropriate, in a form acceptable to the County Attorney may be required. The following additional uses require a Special Use Permit

513.6.1. Shooting range

513.6.2. Circus or carnival

513.6.3. Outdoor concert

513.6.4 Mobile Food Vehicle

## **513.7. ADMINISTRATIVE SPECIAL USE PERMIT**

Shall be in compliance with Section 12 - Special Use Permits of these Regulations.

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## **514. (C-LM) COMMERCIAL - LIGHT MANUFACTURING**

*Subject to the general provisions set forth in Section 5 - Commercial District - General Provisions*

### **514.1. PURPOSE**

This District is established for the purpose of providing for restricted commercial activities that allow for light industrial and manufacturing applications which have moderate off-site impact on the neighborhood.

### **514.2. DENSITY REQUIREMENTS**

514.2.1. The total square footage for all existing and proposed structures or buildings shall not exceed fifty percent (50%) of the total square footage of the parcel.

514.2.2. The total square footage of the footprints for all existing and proposed structures and buildings shall not exceed twenty percent (20%) coverage of the parcel. An Administrative Variance may be requested from this requirement up to a footprint of twenty-five percent (25%) parcel coverage for construction on vacant parcels, pursuant to Section 13 - Variances of these Regulations.

514.2.3. Parking areas and underground parking accessory to the principal use are not subject to the density requirements as stated above; however, parking structures shall be subject to the density requirements as stated in 514.2.1 and 514.2.2.

### **514.3. SETBACK REQUIREMENTS**

#### **514.3.1. FRONT**

Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be twenty (20) feet. Motor fuel pumps may be erected not less than twenty-five (25) feet from such front lot line. Signs may be erected within the front yard setback, subject to Section 10 of these Regulations, and provided that the setback line for any freestanding sign higher than six (6) feet shall be no less than the total height of such sign and sign structure;

#### **514.3.2. SIDE**

Except as hereinafter provided, the minimum depth of any side yard shall be ten (10) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, shall be twenty (20) feet. On corner lots, motor fuel pumps may be erected not less than twenty-five (25) feet from any lot line adjacent to a street or road;

#### **514.3.3. REAR**

The minimum depth of a rear yard shall be ten (10) feet, except where abutting upon an alley the setback shall be fifteen (15) feet from the center of the alley. Motor fuel pumps may be erected not less than twenty-five (25) feet from such rear lot line.

### **514.4. PERMITTED PRINCIPAL USES**

No building or land shall be used, and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

514.4.1. Light manufacturing or assembly of small equipment, parts, or supplies;

514.4.2. Research and development facilities;

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- 514.4.3. Public garage, motor fuel filling station, car wash, motor vehicle and/or light machinery repair building, automotive paint and body shop, or towing business, with outdoor storage of vehicles not to exceed one-half (1/2) acre;
- 514.4.4. Cold storage lockers, but not including slaughtering on the premises;
- 514.4.5. Custom wood or metal machine shop;
- 514.4.6. Office, shop facilities and/or outdoor storage yard for construction equipment and supplies not offered for sale or rent;
- 514.4.7. Hardware and/or lumber yard not to exceed one-half (1/2) acre;
- 514.4.8. Microbrewery;
- 514.4.9. Building wall or roof mounted telecommunication antennas that are supported by a legally existing building or structure are a permitted principal use in this zoning district. For such facilities the applicant shall submit a site plan and demonstrate to the County Planning Department that the proposed low power telecommunication facility is in conformance with the Performance Standards established in Section 18 - Telecommunications of these Regulations.
- 205.8. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings during construction only, with the issuance of a building permit for the project utilizing the temporary structure. Temporary structures shall be removed from the property prior to the issuance of a Certificate of Occupancy, or within sixty days after an issued Temporary Certificate of Occupancy, for the project utilizing the temporary structure(s), which ever date occurs first.

### **514.5. ACCESSORY USES AND BUILDINGS**

In conjunction with a use outlined above, a parcel of land zoned C-LM may be used, subject to other federal, state, and county laws for the following:

- 514.5.1. Accessory uses and buildings typically incidental to the principal uses listed above are allowed;
- 511.5.3. Minor Structures
- 514.5.2. Dwelling units for owners, caretakers, and/or employees.
- 514.5.3. Small Wind Energy Systems
  - The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.
  - 514.5.3.1. General Provisions
    - Setbacks for said systems shall be the distance equal to the total extended height of the system. Systems may be allowed closer to a property line than its total extended height if the adjacent property owner(s) grants written permission in a form approved by the County and the installation poses no

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interference with public utility lines or public road and/or rail rights-of-way. Other than height, such systems are applicable to the zoning district performance standards. Systems shall not be lighted.

Methods shall be utilized on any turbine in order to prevent unauthorized climbing. If a small wind energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

### 514.5.4. Small Solar Energy Systems

No part of a freestanding system shall exceed thirty-five (35) feet in height. Such systems accessory to and part of a building shall be considered an appurtenance and comply with the maximum height allowances for appurtenances. Such systems are applicable to the zoning district performance standards. Such systems shall not be lighted. If a small solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

### **514.6. USES REQUIRING SPECIAL USE PERMIT**

Pursuant to Section 12 - Special Use Permits of these Regulations, land may be issued a permit for other uses determined to be compatible with the uses in the same zoning district A financial guarantee to ensure termination of the use and removal of associated structures, reclamation and/or revegetation when appropriate, in a form acceptable to the County Attorney may be required. The following additional uses require a Special Use Permit

514.6.1. Shooting range

514.6.2. Circus or carnival

514.6.3. Outdoor concert

### **514.7. ADMINISTRATIVE SPECIAL USE PERMIT**

Shall be in compliance with Section 12 - Special Use Permits of these Regulations.

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## **515. (C-WM) COMMERCIAL - WAREHOUSE/MANUFACTURING**

*Subject to the general provisions set forth in Section 5 - Commercial District - General Provisions*

### **515.1. PURPOSE**

This District is established for the purpose of providing for commercial activities that are larger and more intense than what is allowed in Commercial - Light Manufacturing (C-LM), but with less impact than those uses allowed in the Industrial (I) District.

### **515.2. DENSITY REQUIREMENTS**

515.2.1. The total square footage for all existing and proposed structures or buildings shall not exceed sixty percent (60%) of the total square footage of the parcel.

515.2.2. The total square footage of the footprints for all existing and proposed structures and buildings shall not exceed thirty percent (30%) coverage of the parcel.

515.2.3. Parking areas and underground parking accessory to the principal use are not subject to the density requirements as stated above; however, parking structures shall be subject to the density requirements as stated in 515.2.1 and 515.2.2.

### **515.3. SETBACK REQUIREMENTS**

#### **515.3.1. FRONT**

Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be twenty (20) feet. Motor fuel pumps may be erected not less than twenty-five (25) feet from such front lot line. Signs may be erected within the front yard setback, subject to Section 10 of these Regulations, and provided that the setback line for any freestanding sign higher than six (6) feet shall be no less than the total height of such sign and sign structure;

#### **515.3.2. SIDE**

Except as hereinafter provided, the minimum depth of any side yard shall be ten (10) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street shall be twenty (20) feet. On corner lots, motor fuel pumps may be erected not less than twenty-five (25) feet from any lot line adjacent to a street or road;

#### **515.3.3. REAR**

The minimum depth of a rear yard shall be ten (10) feet, except where abutting upon an alley the setback shall be fifteen (15) feet from the center of the alley. Motor fuel pumps may be erected not less than twenty-five (25) feet from such rear lot line.

### **515.4. PERMITTED PRINCIPAL USES**

No building or land shall be used, and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

515.4.1. Cold storage lockers, but not including slaughtering on the premises;

515.4.2. Mini-storage units;

515.4.3. Manufacturing, processing, or fabrication, except those involved in any hazardous process or those that emit noxious noise, fumes, or odor, and provided all activities are enclosed;

515.4.4. Warehouse distributorship;

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- 515.4.5. Truck terminal;
- 515.4.6. Semi-trailer storage, including storage inside trailers or lots to store trailers;
- 515.4.7. Truck stop;
- 515.4.8. Sales or rental agency for heavy excavation or construction equipment, including buildings and lots to display, store, or repair equipment;
- 515.4.9. Telephone exchange, electric substation, including electric transmission and distribution lines or gas regulator station with public office or repair or storage facilities;
- 515.4.10. Public garage, motor fuel filling station, car wash, motor vehicle and/or light machinery repair building, automotive paint and body shop, or towing business, with outdoor storage of vehicles;
- 515.4.11. Office, shop facilities and/or outdoor storage yard for construction equipment and supplies;
- 515.4.12. Hardware, lumber yard, or sawmill;
- 515.4.13. Display lot for sale of new and used motor vehicles or light machinery in running order, but not including auto wrecking yards, machinery not in running order, or storage of metals;
- 515.4.14. Building wall or roof mounted telecommunication antennas that are supported by a legally existing building or structure are a permitted principal use in this zoning district. For such facilities the applicant shall submit a site plan and demonstrate to the County Planning Department that the proposed low power telecommunication facility is in conformance with the Performance Standards established in Section 18 - Telecommunications of these Regulations.
- 515.4.15. Optional Premises Marijuana Cultivation Operation as defined in the Colorado Medical Marijuana Code, or a Retail Marijuana Cultivation Facility as defined in the Colorado Retail Marijuana Code.
- 205.8. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings during construction only, with the issuance of a building permit for the project utilizing the temporary structure. Temporary structures shall be removed from the property prior to the issuance of a Certificate of Occupancy, or within sixty days after an issued Temporary Certificate of Occupancy, for the project utilizing the temporary structure(s), which ever date occurs first.

### **515.5. ACCESSORY USES AND BUILDINGS**

In conjunction with a use outlined above, a parcel of land zoned C-WM may be used, subject to other federal, state, and county laws for the following:

- 515.5.1. Accessory uses and buildings typically incidental to the principal uses listed above are allowed;
- 511.5.3. Minor Structures

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515.5.2. Dwelling units for owners, caretakers, and/or employees.

515.5.3. Small Wind Energy Systems

The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.

515.5.3.1. General Provisions

Setbacks for said systems shall be the distance equal to the total extended height of the system. Systems may be allowed closer to a property line than its total extended height if the adjacent property owner(s) grants written permission in a form approved by the County and the installation poses no interference with public utility lines or public road and/or rail rights-of-way. Other than height, such systems are applicable to the zoning district performance standards. Systems shall not be lighted.

Methods shall be utilized on any turbine in order to prevent unauthorized climbing. If a small wind energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

515.5.4. Small Solar Energy Systems

No part of a freestanding system shall exceed thirty-five (35) feet in height. Such systems accessory to and part of a building shall be considered an appurtenance and comply with the maximum height allowances for appurtenances. Such systems are applicable to the zoning district performance standards. Such systems shall not be lighted. If a small solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

**515.6. USES REQUIRING SPECIAL USE PERMIT**

Pursuant to Section 12 - Special Use Permits of these Regulations, land may be issued a permit for other uses determined to be compatible with the uses in the same zoning district A financial guarantee to ensure termination of the use and removal of associated structures, reclamation and/or revegetation when appropriate, in a form acceptable to the County Attorney may be required. The following additional uses require a Special Use Permit

515.6.1. Shooting range

515.6.2. Circus or carnival

515.6.3. Outdoor concert

**515.7. ADMINISTRATIVE SPECIAL USE PERMIT**

Shall be in compliance with Section 12 - Special Use Permits of these Regulations.

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## **516. (C-OR) COMMERCIAL - OUTDOOR/RECREATION**

*Subject to the general provisions set forth in Section 5 - Commercial District - General Provisions*

### **516.1. PURPOSE**

This District is established for the purpose of providing for commercial/recreational activities that are directly associated with outdoor recreation. Therefore, permitted uses are intended to be limited to those that are only associated with outdoor recreational activities.

### **516.2. DENSITY REQUIREMENTS**

516.2.1. The total square footage for all existing and proposed structures or buildings shall not exceed fifty percent (50%) of the total square footage of the parcel.

516.2.2. The total square footage of the footprints for all existing and proposed structures and buildings shall not exceed twenty percent (20%) coverage of the parcel. An Administrative Variance may be requested from this requirement up to a footprint of twenty-five percent (25%) parcel coverage for construction on vacant parcels, pursuant to Section 13 - Variances of these Regulations.

516.2.3. Parking areas and underground parking accessory to the principal use are not subject to the density requirements as stated above; however, parking structures shall be subject to the density requirements as stated in 516.2.1 and 516.2.2.

### **516.3. SETBACK REQUIREMENTS**

#### **516.3.1. FRONT**

Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be twenty (20) feet. Signs may be erected within the front yard setback, subject to Section 10 of these Regulations, and provided that the setback line for any freestanding sign higher than six (6) feet shall be no less than the total height of such sign and sign structure;

#### **516.3.2. SIDE**

Except as hereinafter provided, the minimum depth of any side yard shall be ten (10) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, shall be twenty (20) feet;

#### **516.3.3. REAR**

The minimum depth of a rear yard shall be ten (10) feet, except where abutting upon an alley the setback shall be fifteen (15) feet from the center of the alley.

### **516.4. PERMITTED PRINCIPAL USES**

No structure or land shall be used, and no structure shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

516.4.1. Alpine ski/cross-country ski and snowboard areas

516.4.2. Sledding Area

516.4.3. Overnight cross-country accommodations such as warming houses/hut-to-hut system;

516.4.4. Boat dock/marina or rafting facility for water vehicles that do not utilize combustion engines;

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- 516.4.5. Dude ranch or riding stables;
- 516.4.6. Other commercial outdoor recreational activities, such as skiing, fishing, skating, camping, rock-climbing, ice-climbing, etc;
- 516.4.7. Retail commercial facilities that characteristically support outdoor recreational activities such as, but not limited to; outfitter and guide, outdoor equipment rental or sales, restaurants/coffee shops, etc., that have no more than 5,000 square feet of total building area.
- 516.4.8. Lift, tow, or other type of special uphill transportation facilities;
- 516.4.9 Mine tour, including tourist-oriented gold panning;
- 516.4.10 Building wall or roof mounted telecommunication antennas that are supported by a legally existing structure are a permitted principal use in this zoning district. For such facilities the applicant shall submit a site plan and demonstrate to the County Planning Department that the proposed low power telecommunication facility is in conformance with the Performance Standards established in Section 18 - Telecommunications of these Regulations.
- 516.4.11 Utility Scale Wind Energy Facilities and Utility Scale Solar Energy Facilities with the approval of a Permit for Areas and Activities of State Interest (1041 Permit). Setbacks for said systems shall be the distance equal to the total extended height of the system unless all owners of the property(ies) within the setback -- who, with due diligence by Applicant, can be identified -- consent in writing in a form acceptable for recording and which is binding on the land. Setbacks shall be measured from the base of the structure to the closest property line of adjacent properties located outside of the 1041 Permit area
- 205.8. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings during construction only, with the issuance of a building permit for the project utilizing the temporary structure. Temporary structures shall be removed from the property prior to the issuance of a Certificate of Occupancy, or within sixty days after an issued Temporary Certificate of Occupancy, for the project utilizing the temporary structure(s), which ever date occurs first.

### **516.5. ACCESSORY USES AND BUILDINGS**

In conjunction with a use outlined above, a parcel of land zoned C-OR may be used, subject to other federal, state, and county laws for the following:

- 516.5.1. Accessory uses and buildings that are clearly incidental, subordinate to, and serve the principal uses listed above are allowed;
- 511.5.3. Minor Structures
- 516.5.2. Dwelling units limited to those for owners, caretakers, and/or employees.
- 516.5.3. Small Wind Energy Systems  
The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County*

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*Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.

## 516.5.3.1 General Provisions

Setbacks for said systems shall be the distance equal to the total extended height of the system. Systems may be allowed closer to a property line than its total extended height if the adjacent property owner(s) grants written permission in a form approved by the County and the installation poses no interference with public utility lines or public road and/or rail rights-of-way. Other than height, such systems are applicable to the zoning district performance standards. Systems shall not be lighted.

Methods shall be utilized on any turbine in order to prevent unauthorized climbing. If a small wind energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

## 516.5.4. Small Solar Energy Systems

No part of a freestanding system shall exceed thirty-five (35) feet in height. Such systems accessory to and part of a building shall be considered an appurtenance and comply with the maximum height allowances for appurtenances. Such systems are applicable to the zoning district performance standards. Such systems shall not be lighted. If a small solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

## **516.6. USES REQUIRING SPECIAL USE PERMIT**

Pursuant to 12 - Special Use Permits of these Regulations, land may be issued a permit for other uses determined to be compatible with the uses in the same zoning district A financial guarantee to ensure termination of the use and removal of associated structures, reclamation and/or revegetation when appropriate, in a form acceptable to the County Attorney may be required. The following additional uses require a Special Use Permit:

516.6.1. Shooting range

516.6.2. Snowmobile race track and rental facility

516.6.3. Circus or carnival

516.6.4. Outdoor concert

516.6.5. Use of any motorized recreation vehicles utilizing combustion engines associated with the above permitted uses listed in 516.4, including 2 or 4-wheel off-road vehicle use.

516.6.6 Mobile Food Vehicle

## **516.7. ADMINISTRATIVE SPECIAL USE PERMIT**

Shall be in compliance with Section 12 - Special Use Permits of these Regulations.