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SECTION 1 TITLE, AUTHORITY, AND INTERPRETATION

101. RESOLUTIONS

These Regulations are proposed for adoption by the Clear Creek County Board of County Commissioners, pursuant to the following resolutions:

- 101.1. R-98-71 (Amending Sections 14 and 15 of the Clear Creek County Zoning Regulations Regarding Commercial Districts), adopted 2 June 1998
- 101.2. R-98-72 (Amending Section 34 of the Clear Creek County Zoning Regulations Regarding Off-Street Parking Requirements), adopted 2 June 1998
- 101.3. R-98-100 (Amending Sections 16 and 17 of the Clear Creek County Zoning Regulations Regarding Industrial Districts), adopted 18 August 1998
- 101.4. R-98-101 (Amending Sections 21 of the Clear Creek County Zoning Regulations Regarding Planned Development District), adopted 18 August 1998
- 101.5. R-98-102 (Amending Sections 5, 6, 7, 8, 9, 42, and 43 of the Clear Creek County Zoning Regulations Regarding Residential Districts), adopted 25 August 1998
- 101.6. R-98-103 (Amending Sections 10 and 11 of the Clear Creek County Zoning Regulations Regarding Mobile Home Districts), adopted 9 September 1998
- 101.7. R-98-104 (Amending Section 20 of the Clear Creek County Zoning Regulations Regarding Recreational Vehicle/Commercial Camping Park District), adopted 25 August 1998
- 101.8. R-98-105 (Amending Sections 18 and 19 of the Clear Creek County Zoning Regulations Regarding Mining Districts), adopted 26 August 1998
- 101.9. R-98-106 (Amending Section 25 of the Clear Creek County Zoning Regulations Regarding Signs and Outdoor Advertising Devices), adopted 26 August 1998
- 101.10. R-98-107 (Amending Section 39 of the Clear Creek County Zoning Regulations Regarding Fencing, Screening, and Landscaping Standards Section), adopted 26 August 1998
- 101.11. R-98-114 (Amending Section 26 of the Clear Creek County Zoning Regulations Regarding Non-Conforming Uses), adopted 8 September 1998
- 101.12. R-98-115 (Amending Section 27 of the Clear Creek County Zoning Regulations Regarding Special Use Permits), adopted 8 September 1998
- 101.13. R-98-116 (Amending Sections 29 and 30 of the Clear Creek County Zoning Regulations Regarding Board of Adjustment and Rules of Procedure of the Board of Adjustment), adopted 8 September 1998
- 101.14. R-98-117 (Amending Sections 40 and 41 of the Clear Creek County Zoning Regulations Regarding the Natural Resource-Preservation/Conservation District and Natural Resource-Unclassified District), adopted 9 September 1998
- 101.15. R-98-118 (Amending Sections 12 and 13 of the Clear Creek County Zoning Regulations Regarding Agricultural Districts), adopted 9 September 1998
- 101.16. R-98-119 (Amending Section 44 of the Clear Creek County Zoning Regulations Regarding Telecommunications Regulations), adopted 21 September 1998
- 101.17. R-98-120 (Adding Section 47 to the Clear Creek County Zoning Regulations Regarding Animals), adopted 27 October 1998
- 101.18. R-98-121 (Adding Section 48 to the Clear Creek County Zoning Regulations Regarding Obsolete Districts), adopted 21 September 1998
- 101.19. R-98-122 (Amending Section 33 of the Clear Creek County Zoning Regulations Regarding Definitions), adopted 21 September 1998
- 101.20. R-98-123 (Amending Sections 22, 23, 24, 28, and 31 of the Clear Creek County Zoning Regulations Regarding: Accessory Uses in Agricultural, R-1, R-2, R-3 and R-C Districts; Accessory Uses in Commercial and Industrial Districts; Accessory Uses in Mining One Districts; Home Occupations; and Above Ground Storage of Flammable or Combustible Liquids Sections), adopted 28 September 1998
- 101.21. R-98-124 (Amending Sections 1, 2, 3, 4, 32, 35, 36, 37, and 38 of the Clear Creek County Zoning Regulations Regarding: Purpose; Interpretation; Zoning Maps and Resolutions; Zoning Districts;

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- Enforcement; Changes and Amendments; Violations and Penalty; Validity; and When Effective Sections), adopted 28 September 1998
- 101.22. R-98-06 (Development Review), adopted 11 February 1998
- 101.23. R-97-108 (Clear Creek County Review for Areas and Activities of State Interest), adopted 6 January 1998
- 101.24. R-98-125 (Amending the Clear Creek County Zoning Regulations), adopted 23 November 1998
- 101.25. R-98-167 (Amending R-98-102 Regarding Area Regulations for the Mountain Residential One (MR-1) District of the Clear Creek County Zoning Regulations), adopted 28 September 1998
- 101.26. R-98-195 (Adding Section 24 to the Clear Creek County Zoning Regulations Regarding the Buffer District), adopted 26 January 1999
- 101.27. R-99-53 (Amending the Definitions Section of the Clear Creek County Zoning Regulations), adopted 25 May 1999
- 101.28. R-99-58 (Amending the Development Review Section of the Clear Creek County Zoning Regulations), adopted 1 June 1999
- 101.29. R-99-101 (Amending the Area Regulations for the Residential Districts within the Clear Creek County Zoning Regulations), adopted 31 August 1999
- 101.30. R-99-143 (Amending the Variance Section of the Clear Creek County Zoning Regulations to Modify the Organizational Policies of the Board of Adjustment and Amending the Organizational Policies of the Planning Commission), adopted 16 November 1999
- 101.31. R-99-112 (Amending the Mining Districts Section within the Clear Creek County Zoning Regulations), adopted 23 November 1999
- 101.32. R-99-113 (Vested Property Rights Regulations), adopted 7 December 1999
- 101.33. R-00-49 (Amending the Industrial Districts Section of the Clear Creek County Zoning Regulations), adopted 21 March 2000
- 101.34. R-00-63 (Amending the Residential Districts and Definitions Sections of the Clear Creek County Zoning Regulations), adopted 30 May 2000
- 101.35. R-00-81 (Amending the Definitions Section of the Clear Creek County Zoning Regulations), adopted 25 July 2000
- 101.36. R-00-82 (Amending the Variances and Residential Districts Sections of the Clear Creek County Zoning Regulations), adopted 25 July 2000
- 101.37. Ordinance No. 7 (Adoption of the Colorado Revised Statutes Dealing with Penalties as they Relate to Zoning Violations, Establishing a Policy for Zoning Enforcement, and Modifying Section 1 of the Clear Creek County Zoning Regulations), adopted 22 August 2000
- 101.38. R-01-03 (Submittal Requirements and Processes for Rezonings and Planned Development Land Use Cases), adopted 9 January 2001
- 101.39. R-01-04 (Amending the Development Review Section of the Clear Creek County Zoning Regulations), adopted 15 May 2001
- 101.40. R-01-39 (Amending the Variance Section of the Clear Creek County Zoning Regulations), adopted 4 September 2001
- 101.41. R-01-84 (Amending the Residential Section of the Clear Creek County Zoning Regulations), adopted 4 September 2001
- 101.42. R-03-04 (Amending the Variances Section of the Clear Creek County Zoning Regulations), adopted 7 January 2003
- 101.43. R-04-43 (Amending the Variances Section, Residential Section and the Special Use Permit Sections of the Clear Creek County Zoning Regulations for the purpose of modifying the county's Special Exceptions process), adopted 23 March 2004
- 101.44. R-04-044 (Amending Section 11 - Non-Conforming Uses of the Clear Creek County Zoning Regulations), adopted 13 April 2004
- 101.45. R-04-109 (Amending Section 10 - Signs and Outdoor Advertising Devices of the Clear Creek County Zoning Regulations), adopted 9 November 2004
- 101.46. R-04-161 (Amending Section 21 & 23 -Animals and Definitions of the Clear Creek County Zoning Regulations), adopted 14 December 2004
- 101.47. R-05-115 (Amending Sections 2,3,5-9,16,17, and 22 of the Clear Creek County Zoning

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- Regulations), adopted 12 October 2005
- 101.48. R-06-34 (Amending Section 10 - Signs and Outdoor Advertising Devices of the Clear Creek County Zoning Regulations), adopted 29 March 2006
- 101.49. R-06-36 (Amending Section 5 - Commercial Districts of the Clear Creek County Zoning Regulations to add C-OR Commercial Outdoor Recreation), adopted 10 May 2006
- 101.50. R-06-35 (Amending Section 20 - Development Review section of the Clear Creek County Zoning Regulations to add C-OR Commercial Outdoor Recreation), adopted 31 May 2006
- 101.51. R-06-83 (Amending Section 2 - Residential section of the Clear Creek County Zoning Regulations to add Mountain Residential- Commercial), adopted 2 August 2006
- 101.52. R-06-92 (Amending Section 19 - Areas and Activities of State Interest (1041) section of the Clear Creek County Zoning Regulations to a reserved section, and removing Areas and Activities of State Interest out of the Zoning Regulations), adopted 19 September 2006
- 101.53. R-06-152 (Amending Section 23 - Definitions section of the Clear Creek County Zoning Regulations), adopted 6 December 2006
- 101.54. R-07-23 (Amending Section 1- Title and Authority section of the Clear Creek County Zoning Regulations), adopted 28 February 2007
- 101.55. R-07-43 (Amending Sections 2-Residential, 3-Mobile Home, 4-Agricultural, 5-Commercial, 6-Industrial, 8-Recreational Vehicle/Commercial Camping Park, 13-Variances, 16-Natural Resource-Preservation/Conservation, & 22-Obsolete Districts sections of the Clear Creek County Zoning Regulations), adopted May 2, 2007
- 101.56. R-07-47 (Amending Section 25 - Vested Right section of the Clear Creek County Zoning Regulations), adopted June 6, 2007
- 101.57. R-07-72 (Amending Section 1 - Title, Authority, and Interpretation section of the Clear Creek County Zoning Regulations), adopted June 6, 2007
- 101.58. R-07-76 (Amending Section 23 - Definitions section of the Clear Creek County Zoning Regulations), adopted 27 June 2007
- 101.59. R-07-75 (Amending Section 7 - Mining section of the Clear Creek County Zoning Regulations), adopted 11 July 2007
- 101.60. R-07-96 (Amending Section 23 - Definitions, Section 7- Mining sections of the Clear Creek County Zoning Regulations), adopted 19 September 2007
- 101.61. R-09-18 (Amending Section 25 - Vested Rights, Section 25-Vested Rights sections of the Clear Creek County Zoning Regulations), adopted 11 April 2009
- 101.62. R-09-15 (Amending Section 12-Special Use Permits Section of the Clear Creek County Zoning Regulations), adopted 27 April 2009
- 101.63. R-09-14 (Amending all sections of Clear Creek County Zoning Regulations for small scale wind and solar energy systems), adopted 6 May 2009
- 101.64. R-09-56 (Amending Section 13-Variances of the Clear Creek County Zoning Regulations), adopted 3 June 2009
- 101.65. R-09-79 (Amending Sections 2-Residential, 3-Mobile Home, 4-Agricultural, 5-Commercial , 6-Industrial, 7-Mining, 8-Recreational Vehicle/Commercial Camping Park, 9-Planned Development, 22-Obsolete Districts & 24-Buffer Districts sections of the Clear Creek County Zoning Regulations), adopted 3 June 2009
- 101.66. R-10-22 (Amending Sections 2-Residential, 4-Agricultural, 5-Commercial-Tourism Recreation &-Commercial-Outdoor Recreation, 6-Industrial, 7-Mining, 16-National Resources- Preservation Conservation, 23 - Definitions sections of the Clear Creek County Zoning Regulations), adopted 14 July 2010
- 101.67. R-11-77 (Amending Sections 2, 3, 4, 5, 6, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 22 of the Clear Creek County Zoning Regulations), adopted 29 August 2011
- 101.68. R-12-37 (Amending Sections 1, 2, 3, 4, 5, 6,7, 8, 9, 16, 17, 22,23 of the Clear Creek County Zoning Regulations), adopted 9 April 2012
- 101.69. R-12-49 (Amending Sections 1, 2, 7, 23 of the Clear Creek County Zoning Regulations), adopted 9 July 2012
- 101.70. R-14-36 (Amending Sections 10, 23 of the Clear Creek County Zoning Regulations), adopted 8

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- 101.71. R-15-10 (Amending Sections 2, 11, 13 of the Clear Creek County Zoning Regulations), adopted 3 March 2015
- 101.72. R-15-11 (Amending Sections 2, 23 of the Clear Creek County Zoning Regulations) adopted 3 March 2015
- 101.73. R-14-109 (Amending Sections 4, 5, 6 of the Clear Creek County Zoning Regulations) adopted 10 March 2015
- 101.74. R-15-42 (Amending Sections 2, 3, 4, 5, 6, 7, 8, 16, 17, 22, 23 of the Clear Creek County Zoning Regulations) adopted 5 May 2015
- 101.75. R-15-81 (Amending Sections 2, 10, 12 of the Clear Creek County Zoning Regulations) adopted 11 August 2015
- 101.76. R-16-01 (Amending Sections 2, 4, 5, 6, 8, 12, and 23 of the Clear Creek County Zoning Regulations) adopted 23 February 2016

102. SHORT TITLE

These regulations, together with all future amendments, shall be known as the Clear Creek County Zoning Regulations, may be cited as such, and will be also referred to herein as these "Regulations".

103. AUTHORITY

These Regulations are hereby adopted pursuant to the authority conferred within the following sections of the Colorado Revised Statutes, as amended:

- 103.1. Section 124 of Article 32 of Title 22 (Zoning, Planning, and Building Code Duties of School District Boards)
- 103.2. Article 65.1 of Title 24 (Areas and Activities of State Interest)
- 103.3. Article 67 of Title 24 (Planned Unit Development Act of 1972)
- 103.4. Article 68 of Title 24 (Vested Property Rights)
- 103.5. Article 20 of Title 29 (Local Government Land Use Control Enabling Act)
- 103.6. Article 11 of Title 30 (County Powers and Functions)
- 103.7. Article 15 of Title 30 (County Regulations under Police Power)
- 103.8. Article 28 of Title 30 (County Planning Code)
- 103.9. Part 3 of Article 1 of Title 34 (Preservation of Commercial Mineral Deposits)
- 103.10. Article 1 of Title 32 (Special District Act/Provisions)
- 103.11. Article 2 of Title 43 (State, County, and Municipal Highways)
- 103.12. Section 111 of Article 24 of Title 32 (Statewide Program for Identification of Matters of State Interest as Part of Local Land Use Planning)
- 103.13. Article 30.5 of Title 38 (Conservation Easements)

104. JURISDICTION

These Regulations shall apply to all land within the unincorporated areas of Clear Creek County.

105. PURPOSE

These Regulations are enacted to protect and promote the health, safety, morals, order, prosperity, and welfare of the present and future inhabitants of Clear Creek County; classifying land uses and distributing land development and utilization; and protecting the tax base. The Clear Creek County Board of County Commissioners further finds and declares that the enactment of these Regulations is necessary to further the following substantial public interests:

- 105.1. Preserving the public and private investment in the County;
- 105.2. Promoting safety on the roadway system of the County, lessening the congestion and hazards in the streets and roads;
- 105.3. Promoting public pride and spirit;
- 105.4. Preserving environmental values, including enhancing the natural and scenic beauty of the County, providing adequate light and air, and protecting against visual clutter, and air, water, and noise

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- pollution;
- 105.5. Preserving the rural and historic character of the County;
- 105.6. Preserving and encouraging local business, tourism, mining, and other industries for the general economic well-being of the County;
- 105.7. Promoting energy conservation;
- 105.8. Promoting safety from fire, floodwaters, and other dangers;
- 105.9. Avoiding identified flood, geologic, and wildfire hazards or providing adequate mitigation;
- 105.10. Avoiding identified wildlife habitat, migration corridors, and nesting areas or providing adequate mitigation;
- 105.11. Avoiding identified wetlands, riparian areas, aquatic habitats, marshlands, and groundwater recharge areas or providing adequate mitigation;
- 105.12. Minimizing erosion, runoff, and sediment loading from earth-disturbing activities;
- 105.13. Protecting public health;
- 105.14. Preserving and protecting open space and maintaining visual corridors;
- 105.15. Preserving and promoting quality of life;
- 105.16. Protecting real estate values and property rights;
- 105.17. Protecting and promoting the aesthetic character of neighborhoods;
- 105.18. Minimizing non-conforming uses;
- 105.19. Providing orderly development of services and facilities to satisfy the public interest.

106. AMENDMENTS

The provisions of these Regulations may be amended by the Clear Creek County Board of County Commissioners, following a certification by the Clear Creek County Planning Commission and proper public notice and hearings.

107. SEVERABILITY

If any section, clause, provision, or portion of these Regulations should be found unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of these Regulations shall not be affected thereby and is hereby declared to be necessary for the public health, safety, and welfare.

108. INTERPRETATION

In interpreting and applying the provisions of these Regulations, they shall be held to be the minimum requirements necessary to accomplish the purposes in 105.

109. ZONING MAPS AND RESOLUTIONS

109.1. DECLARATION

Zoning Maps, as amended, and Zoning Resolutions adopted by the Board of County Commissioners are hereby declared to be a part of these Regulations as provided in C.R.S. §30-28-111.

109.2. MAP INTERPRETATION

Where, due to the scale, lack of detail, incompleteness, or illegibility of the Zoning Maps and Resolutions referenced above, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the County Planning Department shall make an interpretation of said Maps and Resolutions upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of County Commissioners. The Board of County Commissioners, in interpreting the Zoning Maps and Resolutions or in deciding any appeal, shall apply the following standards:

- 109.2.1. Zoning district boundary lines are intended to follow lot lines, center lines of alleys, roads, rights-of-way, or water courses, legal descriptions, or other topographical features unless such boundary lines are fixed by dimensions shown on the Zoning Maps or

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described in the Zoning Resolutions;

109.2.2. If, after the application of the foregoing, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner by the Board of County Commissioners considering all available relevant information.

109.3. ZONING DISTRICTS

In order to regulate the location, height, bulk, and size of buildings and other structures, the percentage of lot that may be occupied; the size of lots, courts, and other open space; the density and distribution of population; the access to sunlight for solar energy devices; and the uses of land, buildings, and structures for trade, industry, residence, recreation, public activities, or other purposes, all of the unincorporated area of the County is divided into the districts as set forth herein and on Zoning Maps adopted by the Board of County Commissioners.

109.4. CHANGES AND AMENDMENTS

The Board of County Commissioners may from time to time amend the number, shape, boundaries, or area of any district, any regulations for such district, or any other provisions of these Regulations, pursuant to C.R.S. §30-28-116 et seq., following review by the Planning Commission. Before finally adopting any such amendment, the Board of County Commissioners shall hold a public hearing thereon, at least fourteen (14) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the County.

Upon approval by the Board of County Commissioners of any such amendment, the County Planning Department shall immediately order the change of all official maps to conform thereto and shall file a copy of the approved plat and/or evidence of the Board of County Commissioner's action in the Office of the County Clerk and Recorder.

110. ENFORCEMENT AND PENALTIES

It shall be the duty of the County Zoning Enforcement Officer to enforce the provisions of these Regulations. The County Zoning Enforcement Officer shall perform his/her duties in accordance with the Colorado Revised Statutes regarding zoning violations - C.R.S. §30-28-124 and C.R.S. §30-28-124.5, including the penalty provisions contained therein. Inaction or lack of enforcement by any official of the County shall not constitute a waiver of the right of enforcement, even though such inaction may be of long duration.

111. OTHER RULES, REGULATIONS, AND PROCEDURES

In addition to the zoning requirements specifically established by these Regulations, the Board of County Commissioners has adopted other rules, regulations, and procedures that may contain additional requirements effecting the use and development of land in Clear Creek County.

112. DEFINITIONS

Where a term relating to state or federal statutes is not herein defined and there is a contradiction, the most restrictive shall apply.

113. FEES

113.1. APPLICATION FEES

All applications shall be accompanied by the applicable fee required by the County Fee Schedule. The Fee Schedule shall be established, and be re revised from time-to-time, by the Board of County Commissioners. Its purpose shall be to defray the costs of processing applications. The Fee Schedule shall be available for review in the Planning Department during normal business hours.

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113.2. REFERRAL AGENCY FEES

The applicant, as a part of its application fees, shall pay the review fees established by a referral agency (e.g., Colorado Geological Survey, Colorado State Forest Service) and they shall be paid directly to the agency by the applicant.

113.3. OUTSIDE COSTS

Application fees include, in addition to the fees set forth in the Fee Schedule, the fees and costs the County incurs to retain consultants, experts and attorneys that the County deems necessary to advise it on any aspect of an application ("Outside Costs"). Outside Costs are payable in advance based on the Planning Director's estimate of such costs. Until the Outside Costs are paid, an application shall be incomplete and shall not be further processed.

The Planning Director or the Board of County Commissioners may at any time determine that it is appropriate to retain consultants, experts and attorneys that the County deems necessary to advise it on any aspect of an application. The amount of the Outside Costs required to be paid may be increased at any time if it is determined by the Planning Director that the amount previously paid is not sufficient to cover all costs associated with the application. If it is determined after an application is deemed complete that it is appropriate to retain consultants, experts and attorneys to advise the County on an application, or if the Planning Director determines it is necessary to increase the amount of the Outside Costs advanced, s/he shall notify the applicant in writing of the amount of the additional Outside Costs to be paid. Not later than ten (10) days following the notice, the applicant shall pay the amount of the additional Outside Costs. If the additional Outside Costs are not timely paid, the application shall be suspended until the costs are paid. If the additional Outside Costs are not paid within thirty (30) days following the notice, the application shall be deemed withdrawn.

As soon after final action on an application as is reasonable, an applicant shall pay any balance of Outside Costs incurred by the County in excess of all advances of Outside Costs paid by the applicant. As soon after final action on an application as is reasonable, the County will refund to the applicant any excess of the Outside Costs advanced over the Outside Costs incurred.

114. EFFECTIVE DATE

These Regulations shall be in effect from and after their passage.

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SECTION 2 RESIDENTIAL DISTRICTS - GENERAL PROVISIONS

The regulations in this Section apply to all Residential Districts.

201. PURPOSE

These Districts are established for the purpose of providing for residential and other appropriate uses.

202. AREA REGULATIONS

202.1. See individual districts.

202.2. For properties proposed for platting, this area regulation is subject to factors unique to a site that may demand substantially larger areas per homesite. These factors include wildfire hazard potential, geologic hazard potential, environmental contamination, wildlife habitats and corridors, groundwater supply, soil erosion potential, and sewage treatment system suitability.

202.3. 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.

202.4. 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.

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

202.6. 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.

203. DEVELOPMENT STANDARDS

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

204. HEIGHT

No building or structure shall exceed thirty-five (35) feet in height when measured on the tallest side of the building, excluding appurtenances.

204.1. Tallest Side of the Building: Shall be measured on the side with the greatest vertical distance between the ground surface elevation, where a structure intersects finished grade, and the highest point of the coping of a flat roof or from the average elevation between the ridge and eave of the gable of a sloped roof.

204.2. Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building (e.g., chimneys, vents, and television or radio antennas that do not exceed more than 10% the maximum height allowed)

205. PERMITTED PRINCIPAL USES

Residentially classified parcels of land may be used for the following purposes, subject to other federal, state, and county laws:

205.1. Dwelling units for residential use, as specified in individual districts;

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- 205.2. A dwelling unit may include a day-care home or a family-care home (excluding any specialized group facility) with a maximum of four (4) care recipients, not residents of the dwelling unit;
- 205.3. A non-commercial park or recreational use facility;
- 205.4. Utility service lines and distribution lines;
- 205.5. Underground water storage tank;
- 205.6. Public school;
- 205.7. Non-commercial equestrian structure without an existing dwelling unit. Such structure shall not exceed (170) square foot stall area for each animal, plus three hundred (300) square feet total for storage and tack.
- 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.

Residentially classified parcels of land classified as MR-1, MR-5 and MR-LT may be used for the following purpose, subject to other federal, state, and county laws:

- 205.8. 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.

206. ACCESSORY USES AND BUILDINGS

In conjunction with a primary dwelling unit as outlined above, a residentially classified parcel of land may be used, subject to other federal, state, and county laws, for the following:

- 206.1. Workshop, barn, storage building, or non-commercial vehicle storage garage;
- 206.3. Minor Structures
- 206.2. One (1) Accessory Dwelling Unit is allowed per residential parcel, subject to the following conditions:
 - 206.2.1. Accessory Dwelling Units shall not exceed one (1) bedroom. A bedroom being defined as any room designated on building plan submittals as a bedroom, den, library, study, office, loft, or extra room that meets the Clear Creek County Building Code definition of a sleeping room.
 - 206.2.2. The maximum floor area of an Accessory Dwelling Unit shall be:
 - 1. On parcels of two (2) acres or greater a maximum of one thousand five hundred (1,500) square feet or 50% of the total square footage of the primary dwelling unit, whichever is less.
 - 2. On parcels of under two (2) acres a maximum of seven hundred fifty (750)

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square feet or 50% of the total square footage of the primary dwelling unit, whichever is less.

- 206.2.3. Accessory Dwelling Units shall share all infrastructure elements with the main dwelling including, but not limited to, well, OWTS, power, and driveway.
- 206.2.4. An approved building permit with evidence of an adequate legal water supply is required
- 206.3. "Home Occupation" in compliance with regulations herein adopted and set out below. It is the policy of Clear Creek County to encourage home occupations.
- 206.3.1. Use must be located or operated within a structure authorized under these regulations; such use shall be operated only by inhabitants of the dwelling and one (1) full-time equivalent person, not a resident of the premises, may be employed in the business conducted on the premises. Such use shall show no external evidence of the Home Occupation from adjacent private property or public right-of-way, other than what is characteristic of a residential neighborhood. One (1) identification sign shall be permitted, subject to Section 10.
- 206.3.2. Such use must be clearly incidental and secondary to the use of the property for residential purposes and shall not change the character of the property or of the neighborhood by excessive noise, lights, traffic, or other disturbances. No accessory use shall create unreasonable glare, noise (in accordance with C.R.S. '25-12-103, vibrations, electro-magnetic interference or wave propagation, smoke, fumes, odors, or other objectionable conditions detectable to the normal senses outside the boundaries of the lot);
- 206.3.3. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the Home Occupation shall be met on the property and shall not overflow onto public rights-of-way.
- 206.4. One (1) non-commercial, amateur communications tower, including antennae, shall be allowed on each parcel. Said tower, antennae, and supporting structure shall be a maximum of thirty-five (35) feet in height and shall 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. "Amateur Service" shall be as defined in the Code of Federal Regulations, Title 47, Chapter 1 (Federal Communications Commission), Subchapter A, Part 2 (CFR-47.1(A)(2).
- 206.5. Storage of one (1) unoccupied recreational vehicle.
- 206.6. 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.
- 206.6.1. 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

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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.

206.7. 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.

206. **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

- 207.1. Workshop, barn, storage building, or non-commercial vehicle storage garage without an existing dwelling unit, except a non-commercial equestrian structure as outlined in 205.7;
- 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.
- 207.2. Uses which would be consistent to the requirements of Home Occupation as outlined in 206.3 without an existing dwelling unit;
- 207.3. Seasonal temporary uses of land, not to exceed six (6) months;
- 207.4. Place of worship;
- 207.5. Day care center;
- 207.6. Non-public school;
- 207.7. One (1) non-commercial, amateur communications tower and supporting structure greater than thirty-five (35) feet in height 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. "Amateur Service" shall be as defined in the Code of Federal Regulations, Title 47, Chapter 1 (Federal Communications Commission), Subchapter A, Part 2 (CFR-47.1(A)(2));
- 207.8. Utilities other than service lines;
- 207.9. Group-living accommodations pursuant to C.R.S. ' 30-28-115;
- 207.10. Bed and Breakfast establishments;
- 207.11. Aboveground water storage tanks;

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- 207.12. Care and treatment facilities for the rehabilitation of native wild animals;
- 207.13. Exotic or wild animals, or hybrids, subject to approval by the appropriate agency (Colorado Division of Wildlife or USDA) and in accordance with Section 1007 - Animals;
- 207.14. Two (2) or three (3) non-resident on-site full-time equivalent employees in a Home Occupation, or use pursuant to 206.3.1;
- 207.15. Water reservoir;
- 207.16. Uses that 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;
- 207.17. 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;
- 207.18. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County;
- 207.19. Distributed Solar Energy System

208. ADMINISTRATIVE SPECIAL USE PERMITS

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

209. RESIDENTIAL-COMMERCIAL ZONING 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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210. (MR-1) MOUNTAIN RESIDENTIAL - SINGLE-FAMILY UNITS

Subject to the general provisions set forth in Section 2 - Residential Districts-General Provisions

210.1. PURPOSE

This District is established for the purpose of providing for single-family residential and other appropriate uses in mountainous terrain.

210.2. AREA REGULATIONS

210.2.1 AREA

210.2.1.1 Newly created parcels shall contain at least two (2) acres of land zoned MR-1.

210.2.1.2 Lots or parcels which are less than two (2) acres and were lawfully created before these Regulations were adopted or amended are allowed all uses as granted in the MR-1 zoning district upon written confirmation from the Planning Department that the parcel complies with all other Zoning Regulations and the use will not have an adverse impact on the health, safety & welfare of the County.

210.2.1.3 Legally created parcels less than two (2) acres shall not be decreased to less than one (1) acre in size unless a variance has been granted by the Board of Adjustment pursuant to Section 1302.7 of the *Clear Creek County Zoning Regulations*.

210.2.2 SETBACKS

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

210.3. DWELLINGS PERMITTED

A parcel of land classified MR-1 may be used for the Permitted Principal Uses set out in Section 2 - Residential Districts-General Provisions of these Regulations. Additional Permitted Principal Uses specific to this District are limited to:

210.3.1 One (1) single-family dwelling.

210.4. ADDITIONAL USES REQUIRING SPECIAL USE PERMIT

A parcel of land classified MR-1 may require a Special Use Permit for special uses identified in Section 2 - Residential Districts-General Provisions of these Regulations.

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211. (MR-5) MOUNTAIN RESIDENTIAL - LARGE-LOT SINGLE-FAMILY *Subject to the general provisions set forth in Section 2 - Residential District-General Provisions*

211.1 PURPOSE

This District is established for the purpose of providing for single-family residential and other appropriate uses in mountainous terrain where factors demand larger areas per homesite.

211.2. AREA REGULATIONS

211.2.1 AREA

There shall be provided a minimum lot area of not less than five (5) acres zoned MR-5.

211.2.1.1 Lots or parcels which are less than five (5) acres and were lawfully created before these Regulations were adopted or amended are allowed all uses as granted in the MR-5 zoning district upon written confirmation from the Planning Department that the parcel complies with all other Zoning Regulations and the use will not have an adverse impact on the health, safety & welfare of the County.

211.2.2 SETBACKS

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

211.3. DWELLINGS PERMITTED

A parcel of land classified MR-5 may be used for the Permitted Principal Uses set out in Section 2 - Residential Districts-General Provisions of these Regulations. Additional Permitted Principal Uses specific to this District are limited to:

211.3.1 One (1) single-family dwelling.

211.4. ADDITIONAL USES REQUIRING SPECIAL USE PERMIT

A parcel of land classified MR-5 may require a Special Use Permit for special uses identified in Section 2 - Residential Districts-General Provisions of these Regulations.

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212. (MR-LT) MOUNTAIN RESIDENTIAL - LARGE-TRACT SINGLE-FAMILY *Subject to the general provisions set forth in Section 2 - Residential Districts-General Provisions*

212.1. PURPOSE

This District is established for the purpose of providing for single-family residential and other appropriate uses in mountainous terrain where factors demand that land be preserved in large tracts. A parcel of land zoned MR-LT shall not be divided except as provided in CRS ' 30-28-101(10)(c).

212.2. AREA REGULATIONS

212.2.1 AREA

212.2.1.1 Newly created parcels shall contain at least thirty-five (35) acres of land zoned MR-LT.

212.2.1.2 Lots or parcels which are less than thirty five (35) acres and were lawfully created before these Regulations were adopted or amended are allowed all uses as granted in the MR-LT zoning district upon written confirmation from the Planning Department that the parcel complies with all other Zoning Regulations and the use will not have an adverse impact on the health, safety & welfare of the County.

212.2.1.3 Parcels less than thirty-five (35) acres of land zoned MR-LT which were legally created shall not be decreased in size so long as they are zoned MR-LT.

212.2.2 SETBACKS

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

212.3. DWELLINGS PERMITTED

A parcel of land classified MR-LT may be used for the Permitted Principal Uses set out in Section 2 - Residential Districts-General Provisions of these Regulations. Additional Permitted Principal Uses specific to this District are limited to:

212.3.1 One (1) single-family dwelling.

212.4. ADDITIONAL USES REQUIRING SPECIAL USE PERMIT

A parcel of land classified MR-LT may require a Special Use Permit for special uses identified in Section 2 - Residential Districts-General Provisions of these Regulations.

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213. (R-1) RESIDENTIAL SINGLE-FAMILY UNITS

Subject to the general provisions set forth in Section 2 - Residential Districts-General Provisions

213.1. PURPOSE

This District is established for the purpose of providing for single-family residential development in areas where the land characteristics allow for greater density of use than MR-1.

213.2. AREA REGULATIONS

213.2.1 AREA

213.2.1.1 There shall be provided a minimum lot area of not less than twelve-thousand, five-hundred (12,500) square feet zoned R-1.

213.2.1.2 Lots or parcels which are less than twelve-thousand, five-hundred (12,500) square feet and were lawfully created before these Regulations were adopted or amended are allowed all uses as granted in the R-1 zoning district upon written confirmation from the Planning Department that the parcel complies with all other Zoning Regulations and the use will not have an adverse impact on the health, safety & welfare of the County.

213.2.1 SETBACKS

The minimum front building setbacks for all structures shall be twenty (20) feet. The minimum side and rear setbacks for all structures shall be fifteen (15) feet.

213.3. DWELLINGS PERMITTED

A parcel of land classified R-1 may be used for the Permitted Principal Uses set out in Section 2 - Residential Districts-General Provisions of these Regulations. Additional Permitted Principal Uses specific to this District are limited to:

213.3.1 One (1) single-family dwelling.

213.4. ADDITIONAL USES REQUIRING SPECIAL USE PERMIT

A parcel of land classified R-1 may require a Special Use Permit for special uses identified in Section 2 - Residential Districts-General Provisions of these Regulations.

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214. (R-2) RESIDENTIAL TWO-FAMILY UNITS

Subject to the general provisions set forth in Section 2 - Residential Districts-General Provisions

214.1. PURPOSE

This District is established for the purpose of providing for two-family residential development in areas where the land characteristics allow for greater density of use than R-1.

214.2. AREA REGULATIONS

214.2.1 AREA

214.2.1.1 For each single-family residence there shall be provided a minimum lot area of not less than 12,500 square feet zoned R-2.

214.2.1.1.a Lots or parcels which are less than twelve-thousand, five-hundred (12,500) square feet and were lawfully created before these Regulations were adopted or amended are allowed all uses as granted in the R-2 zoning district upon written confirmation from the Planning Department that the parcel complies with all other Zoning Regulations and the use will not have an adverse impact on the health, safety & welfare of the County.

214.2.1.2 For a two-family residence there shall be provided a minimum lot area of not less than twenty-thousand (20,000) square feet zoned R-2.

214.2.1.2.a Lots or parcels which are less than twenty-thousand (20,000) square feet and were lawfully created before these Regulations were adopted or amended are allowed all uses as granted in the R-2 zoning district upon written confirmation from the Planning Department that the parcel complies with all other Zoning Regulations and the use will not have an adverse impact on the health, safety & welfare of the County.

214.2.2 SETBACKS

214.2.2.1 The minimum front building setbacks for all structures shall be twenty (20) feet. The minimum side and rear setbacks for all structures shall be fifteen (15) feet;

214.2.2.2 For a two-family dwelling, where each dwelling unit is intended for individual use, no side setback shall be required where there is a common wall.

214.3. DWELLINGS PERMITTED

A parcel of land classified R-2 may be used for the Permitted Principal Uses set out in Section 2 - Residential Districts-General Provisions of these Regulations. Additional Permitted Principal Uses specific to this District are limited to:

214.3.1 One (1) single-family dwelling;

214.3.2 One (1) two-family dwelling;

214.3.3 Two (2) single-family dwellings.

214.4. USES REQUIRING SPECIAL USE PERMIT

A parcel of land classified R-2 may require a Special Use Permit for special uses identified in Section 2 - Residential Districts-General Provisions of these Regulations.

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215. (R-3) MULTI-FAMILY UNITS

Subject to the general provisions set forth in Section 2 - Residential Districts-General Provisions

215.1. PURPOSE

This District is established for the purpose of providing for multi-family residential development for three (3) or more units in areas where the land characteristics allow for greater density.

215.2. AREA REGULATIONS

215.2.1 AREA

215.2.1.1 For every one-family dwelling or other main building erected or structurally altered, there shall be provided a minimum lot area of not less than six thousand, two hundred fifty (6,250) square feet zoned R-3;

215.2.1.1.a. Lots or parcels which are less than six thousand, two hundred fifty (6,250) square feet and were lawfully created before these Regulations were adopted or amended are allowed all uses as granted in the R-3 zoning district upon written confirmation from the Planning Department that the parcel complies with all other Zoning Regulations and the use will not have an adverse impact on the health, safety & welfare of the County.

215.2.1.2 For every two-family dwelling there shall be provided a minimum lot area of not less than nine thousand (9,000) square feet zoned R-3;

215.2.1.1.a. Lots or parcels which are less than nine thousand (9,000) square feet and were lawfully created before these Regulations were adopted or amended are allowed all uses as granted in the R-3 zoning district upon written confirmation from the Planning Department that the parcel complies with all other Zoning Regulations and the use will not have an adverse impact on the health, safety & welfare of the County.

215.2.1.3 Multiple-family dwellings shall have a minimum lot area of not less than one thousand (1,000) square feet for each dwelling unit, but in no case shall the aggregate lot area be less than twelve thousand, five hundred (12,500) square feet zoned R-3;

215.2.1.4 Main buildings other than dwellings shall have a minimum lot area of twelve thousand, five hundred (12,500) square feet zoned R-3.

215.2.2 SETBACKS

The minimum front building setbacks for all structures shall be twenty (20) feet. The minimum side and rear setbacks for all structures shall be fifteen (15) feet.

215.3. DWELLINGS PERMITTED

A parcel of land classified R-3 may be used for the Permitted Principal Uses set out in Section 2 - Residential Districts-General Provisions of these Regulations. Additional Permitted Principal Uses specific to this District are limited to:

215.3.1 Multiple-family dwelling, including a building or group of buildings designed for occupancy by three (3) or more families living in separate apartments, units, or buildings; together with the pertinent recreation and support facilities;

215.3.2 Two-family dwellings;

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215.3.3 Single-family dwellings;

215.3.4 Group living facility or complex with central kitchen and dining facilities and other support facilities.

215.4. USES REQUIRING SPECIAL USE PERMIT

A parcel of land classified R-3 may require a Special Use Permit for special uses identified in Section 2 - Residential Districts-General Provisions of these Regulations.

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SECTION 3 (MH) MOBILE HOME DISTRICT

301. PURPOSE

This District is established for the purpose of providing minimum standards for Mobile Home Park locations in the County and to establish requirements for the design, construction, and alteration of Mobile Home Parks. This District is not intended to provide for temporary or long-term storage areas for mobile, manufactured, or factory built homes. This Section applies to mobile or manufactured homes as defined in Section 23 - Definitions of these Regulations.

302. AREA REGULATIONS

302.1. AREA

302.1.1 Single-Wide Mobile Homes

- 302.1.1.1 Lots or parcels shall be clearly defined and shall consist of a minimum lot size of two-thousand, three-hundred (2,300) square feet per "single-wide lot";
- 302.1.1.2 In no event shall there be more than one (1) "single-wide lot" for every five-thousand (5,000) square feet of total land area;
- 302.1.1.3 "Single-wide lot" means, for this purpose, a lot intended to accommodate a home of not more than sixteen (16) feet in width.

302.1.2 Double-Wide Mobile Homes

- 302.1.2.1 Lots or parcels shall be clearly defined and shall consist of a minimum lot size of two-thousand, nine-hundred (2,900) square feet per "double-wide lot";
- 302.1.2.2 In no event shall there be more than one (1) "double-wide lot" for every five-thousand, four-hundred (5,400) square feet of total land area;
- 302.1.2.3 "Double-wide lot" means, for this purpose, a lot intended to accommodate a home greater than sixteen (16) feet in width, but not more than twenty-eight (28) feet in width.

302.1.3 Triple-Wide Mobile Homes

- 302.1.3.1 Lots or parcels shall be clearly defined and shall consist of a minimum lot size of three-thousand, five-hundred (3,500) square feet per "triple-wide lot";
- 302.1.3.2 In no event shall there be more than one (1) Atriple-wide lot@ for every five-thousand, eight-hundred (5,800) square feet of total land area;
- 302.1.3.3 ATriple-wide lot@ means, for this purpose, a lot intended to accommodate a home greater than twenty-eight (28) feet in width, but not more than forty-two (42) feet in width.

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- 302.1.4 "Total land area" as used herein shall mean that sum of the areas of the lots plus the area of driveways, landscaped areas, common open space, and recreation areas located within the parcel rezoned, but excluding the area of all land or buildings reserved for the exclusive use of the owner or manager of the premises.
- 302.1.5 The accumulated occupied area of the home its accessory buildings, the parking area, and driveway shall not exceed two-thirds (2/3) of the total area of the space.
- 302.1.6 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*.

302.2. SETBACKS

- 302.2.1 No home shall be located less than twenty (20) feet from any building or other homes, excluding storage sheds or other accessory structures. A home shall not occupy an area exceeding one-third (1/3) of its lot area.
- 302.2.2 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.
- 302.2.3 The following setbacks from property boundaries shall apply to any dwelling or other building within a Mobile Home Park:
- 302.2.3.1 The minimum front setback shall be thirty (30) feet. The minimum side and rear setbacks shall be fifteen (15) feet from any interior lot line or thirty (30) feet from any street, road right-of-way, or platted road right-of-way.
- 302.2.4 Setbacks for individually owned lots are defined in 312 below.
- 302.2.5 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.

303. DEVELOPMENT STANDARDS

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

304. HEIGHT

The height of a building is defined as: The Tallest Side of the Building, excluding Appurtenances.

- 304.1. Tallest Side of the Building: Shall be measured on the side with the greatest vertical distance between the ground surface elevation, where a structure intersects finished grade, and the highest point of the coping of a flat roof or from the average elevation between the ridge and eave of the

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gable of a sloped roof.

- 304.2. Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building (e.g., chimneys, vents, and television or radio antennas that do not exceed more than 10% the maximum height allowed).

305. PERMITTED PRINCIPAL USES

Mobile Home classified parcels of land may be used for the following residential purposes, subject to other federal, state, and county laws:

- 305.1. One (1) or more mobile homes;
- 305.2. One (1) or more single-family dwellings;
- 305.3. One (1) or more manufactured homes;
- 305.4. Two (2) or more units constitute a Mobile Home Park (see 309 below).

306. STANDARDS FOR MOBILE HOMES

- 306.1. All mobile and/or manufactured homes must be secured, or installed on an engineered permanent foundation. Skirting or other cosmetic treatment of the areas under the mobile home must be provided.
- 306.2. In order to protect public health, safety and welfare the following standards shall be met. Mobile homes that do not comply with these standards as of the date of adoption of these Regulations, will be provided a one (1) year period in which to conform.
- 306.2.1 No loose, damaged, or missing skirting, siding, or roofing; and
- 306.2.2 No apparent exterior structural damage, deformation, rot or decay.
- 306.3. Relocated mobile homes must be registered with the Planning Department prior to use. Such registration shall provide verification as follows, when applicable:
- 306.3.1 Building Department -- verifying wood burning stoves and fireplaces are adequately and safely installed;
- 306.3.2 County Environmental Health Specialist or sanitation district -- verifying approved wastewater treatment system;
- 306.3.3 Utility companies -- verifying that the structure is adequately connected for electric, propane, gas, etc.

307. ACCESSORY USES AND BUILDINGS FOR ALL MH-ZONED PROPERTIES

- 307.1. Workshop, barn, storage building, or non-commercial vehicle storage garage;
- 307.2. "Home Occupation" in compliance with regulations herein adopted as follows and set out below: It is the policy of Clear Creek County to encourage home occupations.
- 307.2.1 Use must be located or operated within a structure authorized under these Regulations; such use shall be operated only by inhabitants of the dwelling; and only one (1) full-time

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equivalent person, not a resident of the premises, may be employed in the business conducted on the premises. Such use shall show no external evidence of the Home Occupation from adjacent private property or public right of way, other than what is characteristic of a residential neighborhood. One (1) identification sign shall be permitted, subject to Section 10 of these Regulations;

307.2.2 Such use must be clearly incidental and secondary to the use of the property or residential purposes and shall not change the character of the dwelling or of the neighborhood by excessive noise, lights, traffic, or other disturbances. No accessory use shall create unreasonable glare, noise (in accordance with C.R.S. '25-12-103, vibrations, electromagnetic interference or wave propagation, smoke, fumes, odors, or other objectionable conditions detectable to the normal senses outside the boundaries of the lot);

307.2.3 No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the Home Occupation shall be met on the property and shall not overflow onto public rights-of-way.

307.2.4 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.

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.

307.2.5 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.

308. ACCESSORY USES AND BUILDINGS FOR MOBILE HOME DISTRICT

308.1. Utility building(s);

308.2. Mobile Home Park office;

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308.3. Laundry room, recreation room, or other common facility for Park residents only.

309. MOBILE HOME PARK DEVELOPMENT PLAN

In addition to the submittal requirements of the rezoning application, requests for new Mobile Home Parks shall be accompanied by a Mobile Home Park Development Plan. The applicant shall provide a financial guarantee for the performance of the proposed property improvements, in an amount to be determined by the Board of County Commissioners, at the time of approval of the Plan. At a minimum, such plans shall consist of the following, and shall be prepared in conformity with prevailing professional standards:

- 309.1. Verification of the availability of an adequate water supply plan or State approved permit shall be provided.
- 309.2. Verification of the availability of an adequate County or Colorado Department of Health approved wastewater treatment system shall be provided.
- 309.3. Site Plan that indicates the following:
 - 309.3.1 All existing roads, driveways, sidewalks, streams, utilities, structures, and other features;
 - 309.3.2 All proposed roads, driveways, sidewalks, easements, structures, utilities, signage/advertising, exterior lighting, and site modifications;
 - 309.3.3 The location, area, and dimensions of each mobile home space, and maximum size limitations of mobile homes allowed in each space;
 - 309.3.4 Location and number of off-street parking spaces, in compliance with Section 10 of these Regulations;
 - 309.3.5 Existing and proposed wells, water supply systems, and sewage disposal systems;
 - 309.3.6 Location and screening of trash and garbage.
- 309.4. Elevation drawings for any proposed structures and exterior signage/advertising.
- 309.5. Grading and Drainage Plan prepared and stamped by a licensed engineer that indicates the following:
 - 309.5.1 Existing and proposed topographic contours;
 - 309.5.2 Drainage patterns and stormwater runoff from on-site and off-site flow;
 - 309.5.3 Location and construction details for all proposed watercourses, retention and detention areas;
 - 309.5.4 Location and construction details for all proposed culverts, retaining walls, curbs/gutters, etc;
 - 309.5.5 Demonstrated compliance with the County=s adopted Best Management Practices (BMPs);
 - 309.5.6 Slope stabilization measures for all cut and fill slopes.

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- 309.6. Landscaping Plan - sufficient to offer an adequate visual barrier of the proposed development from public roads and adjacent properties and that indicates the following:
 - 309.6.1 Existing vegetation on site;
 - 309.6.2 Proposed plant species, size, quantity, and location of plants;
 - 309.6.3 Type of irrigation system and source of water, if applicable;
 - 309.6.4 Structural screening details indicating type, location, design, height, building material, and color, if applicable.
- 309.7. Detailed narrative and supporting data describing the nature and extent of the proposed development, including but not limited to:
 - 309.7.1 Business plan to include, but not be limited to types of uses proposed, hours of operation, number of employees, etc.;
 - 309.7.2 The total square footage of all existing and proposed structures on the property;
 - 309.7.3 The total square footage of the footprint(s) of all existing and proposed structures on the property;
 - 309.7.4 Height, roof pitch, and snow load capacity of proposed permanent structures;
 - 309.7.5 Samples of color chips for all proposed permanent structures and other physical elements, other than for mobile homes;
 - 309.7.6 Design, height, building material, and color of signage/advertising;
 - 309.7.7 Analysis of potential impacts from natural hazards;
 - 309.7.8 Analysis of potential impacts to wildlife and wetlands;
 - 309.7.9 Analysis of burden on public services and infrastructure to include roads, schools, emergency services (fire and ambulance), and police;
 - 309.7.10 Drainage study to include, but not be limited to design capacity and calculations, prepared by a licensed engineer.

310. LOCATION OUTSIDE OF PARKS

It shall be unlawful for any person, firm, or corporation to place, keep, or maintain any mobile home on any lot, piece, or parcel of land within the County, except in a legal Mobile Home District, or as otherwise provided for in these Regulations.

311. EXISTING MOBILE HOME DISTRICTS

Mobile Home One (MH-1) and Mobile Home Two (MH-2) Districts that were in existence at the time of passage of these Regulations and preceding regulations shall be rezoned to this Mobile Home District by these Regulations; provided, however, that MH-1 and MH-2 Districts in existence on the effective date of these Regulations that have mobile homes, buildings, signs, or other installations having a width, area, setback, or height not in conformity with that herein prescribed, may continue to operate with existing setbacks if they are in conformity with previous regulations.

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312. EXISTING INDIVIDUALLY OWNED MH-1 OR MH-2 LOTS

An existing individually owned MH-1 or MH-2 lot (as of the date of the adoption of these Regulations) shall be allowed one (1) mobile, manufactured home, UBC approved home, or recreational vehicle as a Permitted Principal Use, and shall not be subject to 302 and 309.

The following setbacks shall apply to boundaries of individually owned lots that are zoned MH:

312.1. 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;

312.2. The minimum front setback shall be thirty (30) feet. The minimum side setback shall be ten (10) feet from any side property boundary line and twenty-five (25) feet from any street, county road right-of-way, or platted road right-of-way. The minimum rear setback shall be five (5) feet from any rear property boundary line and twenty-five (25) feet from any street, county road right-of-way, or platted road right-of-way.

313. 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

313.1. 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.

313.2. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County

313.3. Distributed Solar Energy Systems

314. ADMINISTRATIVE SPECIAL USE PERMITS

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

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SECTION 4. (AG) AGRICULTURAL DISTRICT

401. PURPOSE

This District is established for the purpose of providing for the commercial production of crops, livestock, and other farm products.

402. AREA REGULATIONS

402.1. AREA

For a dwelling unit or other main building hereafter erected or structurally altered, there shall be provided a minimum area of five (5) acres.

402.2. SETBACKS

The minimum front, side, and rear building setbacks for all structures shall be thirty (30) feet from any lot line, road right-of-way, or platted road 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.

402.2.1 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.

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

402.2.3 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.

403. DEVELOPMENT STANDARDS

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

404. HEIGHT

The height of a building is defined as: The Tallest Side of the Building, excluding Appurtenances.

404.1. Tallest Side of the Building: Shall be measured on the side with the greatest vertical distance between the ground surface elevation, where a structure intersects finished grade, and the highest point of the coping of a flat roof or from the average elevation between the ridge and eave of the gable of a sloped roof.

404.2. Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building (e.g., chimneys, vents, and television or radio antennas that do not exceed more than 10% the maximum height allowed).

405. PERMITTED PRINCIPAL USES

Agriculturally classified parcels of land may be used for the following purposes, subject to other federal,

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state, and county laws:

- 405.1. Commercial farming, dairy operation, and livestock raising:
 - 405.1.1 All animals must be contained within a structure and/or fenced area;
 - 405.1.2 Manure and liquid waste in any form shall not be permitted to accumulate extensively, or to flow onto adjacent property, creating a nuisance in the community, an obnoxious odor, or causing a hazard to the health, welfare, or safety of humans and/or animals. The outside storage of manure in piles shall be subject to setback requirements as stated in 402.2.
- 405.2. Commercial raising of pets, boarding kennels, and veterinary hospitals;
- 405.3. Poultry hatcheries and fish hatcheries;
- 405.4. Greenhouses and nurseries;
- 405.5. Riding academies and commercial stables;
- 405.6. Roadside stands for operation during not more than six (6) months of each year for the sale of farm products produced or raised on the premises, provided such stands are located not less than thirty (30) feet distance from any street, highway, or right-of-way line;
- 405.7. Buildings or structures necessary to the operation of the farm or ranch;
- 405.8. A residential use pursuant to all of the regulations of the MR-1 District;
- 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.
- 405.9. 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 Regulations of these Regulations.
- 405.10. 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.

406. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined above, a parcel of land classified "Agricultural" may be used, subject to other federal, state, and county laws, for the following:

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- 406.1. One (1) single-family dwelling unit for employee or farm tenant;
- 406.2. One (1) non-commercial, amateur communications tower, including antennae, shall be allowed on each parcel. Said tower, antennae, and supporting structure shall be a maximum of thirty-five (35) feet in height and shall 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. "Amateur Service" shall be as defined in the Code of Federal Regulations, Title 47, Chapter 1 (Federal Communications Commission), Subchapter A, Part 2 (CFR-47.1(A)(2));
- 406.3. Utility service lines and distribution lines;
- 406.4. Water storage tanks;
- 406.5. Water reservoir;
- 406.6. Storage of one (1) unoccupied recreational vehicle.
- 406.7. 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.
- 406.7.1. 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.
- 406.8. 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.
- 206.3. Minor Structures

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407. 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

- 407.1. Guest/dude ranch;
- 407.2. Bed and Breakfast establishments;
- 407.3. Care and treatment facilities for the rehabilitation of native wild animals;
- 407.4. Exotic or wild animals, subject to approval by the Colorado Division of Wildlife and in accordance with 1007 of these Regulations;
- 407.5. Temporary facilities to support construction;
- 407.6. More than one (1) single-family dwelling unit for employee or farm tenant;
- 407.7. Temporary freestanding telecommunications facility;
- 407.8. Uses that 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;
- 407.9. 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;
- 407.10. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County;
- 407.11. Distributed Solar Energy Systems
- 407.12. 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.
- 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

408. ADMINISTRATIVE SPECIAL USE PERMITS

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

409. EXISTING AGRICULTURAL ONE (A-1) AND AGRICULTURAL TWO (A-2) DISTRICTS

Agricultural One (A-1) and Agricultural Two (A-2) Districts that were in existence at the time of passage of these Regulations shall be rezoned to AG effective as of the date of passage of these Regulations.

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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.

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SECTION 6. (I) INDUSTRIAL

601. PURPOSE

This District is established for the purpose of providing for general industrial, manufacturing, and/or commercial activities, while providing for visual screening to preserve the general rural character of the areas within the County.

602. AREA REGULATIONS

602.1. AREA

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

602.1.2. 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*.

602.2. SETBACKS

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

602.2.2. 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.

602.2.3. 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.

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

602.2.5. 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.

603. DEVELOPMENT STANDARDS

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

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604. SCALE REQUIREMENTS

Scale requirements, as outlined below:

604.1. DENSITY

None

604.2. HEIGHT

None

605. DEVELOPMENT REVIEW

Proposals for new developments in an Industrial 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 proposed development, the Development Review process may be done concurrently with that process.

606. PERMITTED PRINCIPAL USES

Industrially classified parcels of land may be used for the following purposes, subject to other federal, state, and county laws:

- 606.1. Any use permitted in Commercial Light-Use (C-1) or Commercial General-Use (C-2), as specified in the Obsolete Districts section of these Regulations;
- 606.2. Central station power plant and/or electric transmission substations;
- 606.3. Warehouse distributorship and/or truck terminal;
- 606.4. Manufacturing operations, foundry, and/or heavy agricultural-related manufacturer;
- 606.5. Rock crusher, gravel pit, and/or quarry;
- 606.6. Asphalt and/or cement batch plant;
- 606.7. Vehicle and/or machinery wrecking yards, including storage of metals;
- 606.8. Storage in bulk of or warehouse for such items as wholesale building materials, firewood, construction equipment, and/or oil and petroleum, excluding open storage of spontaneously combustible materials such as coal and tires;
- 606.9. Brewery and/or distillery;
- 606.10. 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.
- 606.10. 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;

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606.11. Adult entertainment establishments, if in compliance with the restrictions as outlined in Subsection E below;

606.12. 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.

607. RESTRICTIONS IN CONJUNCTION WITH ADULT ENTERTAINMENT ESTABLISHMENTS

Nothing in this section of the regulations shall be construed to allow the sale of merchandise defined as obscene under C.R.S. ' 18-7-101.

607.1. No person may operate or cause to be operated an adult entertainment establishment within 1,000 feet of any of the following, whether the use or zone district listed below is unincorporated Clear Creek County, an adjacent county, or within an incorporated municipality.

607.1.1. A place of worship;

607.1.2. A school meeting all requirements of the compulsory education laws of the state;

607.1.3. A dwelling unit (single or multiple) or parcel with a stand alone residential use as the permitted principal use;

607.1.4. A public park;

607.1.5. A licensed child care center.

607.2. No person may operate or cause to be operated an adult entertainment establishment within 1,000 feet of another adult entertainment establishment.

607.3. No person may cause or permit the operation, establishment or maintenance of more than one adult entertainment establishment within the same building or structure or portion thereof, such as in a shopping center. An adult entertainment establishment may include one or more types of adult entertainment establishment provided it has one address and is operated as a single business entity that has one sales tax license number.

607.4. For the purpose of these restrictions, the distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, streets, or political boundaries, from the closest exterior structural wall of each business.

607.5. For the purpose of these restrictions, the distance between any adult entertainment establishment and any of the uses as identified in Subsection E.1 above, shall be measured in a straight line, without regard to intervening structures, streets, or political boundaries, from the closest exterior structural wall of the structure in which the adult entertainment establishment is located to the nearest property line of the premises of a church, school, child care center, or dwelling unit (single or multiple) or parcel with a stand alone residential use as the permitted principal use, or the nearest boundary of an affected public park, whichever is closest.

607.6. All adult entertainment establishments shall blacken their windows or arrange the business so that the interior of the business and its stock in trade cannot be viewed from the exterior of the business.

607.7. All adult entertainment buildings shall be limited to a maximum of 1,000 square feet interior floor space.

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608. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined in 606, a parcel of land zoned Industrial may be used, subject to other federal, state, and county laws, for the following:

608.1. Accessory uses and buildings typically incidental to the permitted uses listed above are allowed.

608.3. Minor Structures

608.2. 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.

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.

608.3. 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.

609. 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

609.1. Any manufacturing or processing of any material, the processing of which results in a noxious smoke, dust, odor or noise;

609.2. Recycling facility, waste-handling facility, solid waste disposal, and/or landfill;

609.3. Uses that 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.

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- 609.4. 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.
- 609.5. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County
- 609.6. Distributed Solar Energy Systems
- 609.7. 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.
- 609.8. Minor Structures without an existing permitted principal use
- 609.9. Mobile Food Vehicle
- 610. ADMINISTRATIVE SPECIAL USE PERMITS**
Shall be in compliance with Section 12 - Special Use Permits of these Regulations.
- 611. RETENTION OF MINING USES**
If an Industrial (I) 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.
- 612. RETENTION OF R-1 USES**
In the case of Industrial (I) 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.
- 613. EXISTING INDUSTRIAL ONE (I-1) AND INDUSTRIAL TWO (I-2) DISTRICTS**
Upon the passage of these Regulations, all parcels currently zoned Industrial One (I-1) and Industrial Two (I-2) will become an Industrial (I) zoning district.

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SECTION 7. MINING DISTRICTS - GENERAL PROVISIONS

The regulations in this Section apply to all Mining Districts.

701. PURPOSE

These Districts are established for the purpose of providing for mining, prospecting, exploring, milling, processing, and/or placering of mineral resources. No residential use is allowed except as provided under Sections 706 and 712.2. of this Section.

Special warning to residential users of M-1 zoned mining lands:

Mining lands may have physical hazards and environmental issues associated with past mineral exploration, production, and processing. Additionally, patented mining properties used for residential purposes remain subject to the provisions of Colorado Mining Laws regarding rights-of-way, drainage, extralateral rights, and other provisions. Finally, mineral exploration, development, or processing may occur on adjacent or nearby lands at any time.

702. AREA REGULATIONS

702.1. AREA

702.1.1. There are no minimum requirements for mining uses in Mining Districts.

702.1.2. 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*.

702.2. SETBACK

Setback requirements do not apply to non-residential mining structures required, used, or intended for use in connection with mining, prospecting, exploring, milling, processing, and/or placering of mineral resources.

703. PERFORMANCE STANDARDS FOR MINING USES

No use shall be made of mining zoned land unless the use meets the performance standards specified for this district and other applicable Clear Creek County Zoning Regulations.

703.1. SLOPE

There are no slope requirements for mining uses in Mining Districts.

703.2. FENCES

Fencing and walls shall comply with the requirements as outlined in Section 1006- Fencing, Walls, and Landscaping Standards of these Regulations; provided, however, that any fence specifically required for safety or security purposes to prevent access to mine shafts, adits, or equipment may exceed forty-two (42) inches in height. The area contained by any such fence shall be no greater than necessary to provide for such safety and security.

703.3. PARKING

Parking associated with on-site uses shall not overflow into public rights-of-way.

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703.4. ROADS

All new or reconstructed mine roads must be built to County road design standards for the first thirty (30) feet from the intersection with a County road.

703.5. HEIGHT

There shall be no height limitation for any use specifically required for the mining, prospecting, exploring, milling, processing, and/or placering of mineral resources.

703.6. JUNK

No owner, agent, or occupant of any property shall be allowed to accumulate junk, including any incomplete, extensively damaged, or unlicensed vehicles within view from adjacent private property or public rights-of-way, other than that which is of historic significance, or operable and usable in the mining operation.

703.7. VISUAL OBSTRUCTIONS

No wall, fence, sign, or other structure shall be erected, or vehicle parked, and no hedge, shrub, tree, or other growth shall be permitted on any property between any setback line and any public or private road or drive that would cause danger to traffic as determined by the County.

703.8. MAINTENANCE OF DEFENSIBLE SPACE

Any required defensible space shall be maintained in conformity with specifications established for the property by the Colorado State Forest Service or their designated agent.

703.9. ABOVEGROUND STORAGE OF HAZARDOUS MATERIALS AND PETROLEUM PRODUCTS

703. 9.1. Above-ground storage tanks containing flammable or combustible materials shall, if painted to blend with the surrounding natural environment, be labeled conspicuously with a National Fire Protection Association (NFPA) reflective emblem;

703. 9.2. All hazardous materials and petroleum products must be handled and stored in accordance with all applicable laws and regulations.

704. PERMITTED PRINCIPAL USES

A parcel of land classified for Mining may be used, subject to other federal, state, and county laws, for the following purposes only, except as otherwise herein provided:

704.1. Any use or structure specifically required, used, or intended for the use of mining, prospecting, exploring, milling, processing, and/or placering of mineral resources. A commercial business, other than primarily related to mining, on a mining zoned parcel of land, other than as allowed under Home Occupation regulations, is prohibited.

Examples include, but are not limited to, adits, tunnels, shafts, pits, stopes, raises, inclines, trenches, railroad tracks, conveyors, hoisting plants, headframes, tramways, roads, mills, ore bins, ore piles, waste dumps, water treatment facilities, smelters, core drill stations, ponds, pipelines, ditches, canals, wells, dams, environmental protection and monitoring facilities, laydown yards, maintenance and repair shops, lamphouses, power generation facilities, laboratories, offices, garages, storage buildings, warehouses, training centers, mine rescue stations, communications facilities, crushers, leach pads, sluices, rockers, dredges, amalgamators, roasters, concentrators, sorters, tanks, fans, explosives magazines, material bins, wash plants, bath houses, guardshacks, and other facilities actually used, required, or intended for use in connection with mining, prospecting, exploring, milling, and/or placering of mineral resources;

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- 704.2.** Residential use is not a Permitted Principal Use in Mining Districts, except as permitted in Sections 706 and 712.2. of this Section;
- 704.3.** 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;
- 704.4.** 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.
- 704.5.** 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.

705. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined above, a parcel of land zoned Mining may be used in support of mining, prospecting, exploring, milling, processing, and/or placering of mineral resources exclusively and subject to other federal, state, and county laws, for the following:

705.1. Utility service lines and distribution lines;

705.2. Water storage tanks.

705.3. 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.

705.3.1. 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.

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705.4. 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.

706. 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:

706.1. A dwelling unit and dining facility for mine owners, employees, or caretakers. Evidence of bona fide mining activity shall be required as a condition of any permit issued;

706.2. Temporary uses of land;

706.3. Mine tours, related museums, and other educational activities open to the public and subject to County health standards, public access, and parking requirements;

706.4. Temporary placement of a mobile home, recreational vehicle, or trailer used for a watchman or caretaker. Evidence of bona fide mining activity, as outlined in Subsection 704.1., shall be required as a condition of any permit issued;

706.5. Gas regulator station;

706.6. Electric substation;

706.7. Water reservoirs;

706.8. Temporary freestanding telecommunications facility;

706.9. 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;

706.10. 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;

706.11. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County;

706.12. Distributed Solar Energy Systems;

707. TEMPORARY SPECIAL USE PERMITS

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

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require a Temporary Special Use Permit:

707.1 Sawmill - limited to uses in support of wildfire/forest management

708. ADMINISTRATIVE SPECIAL USE PERMITS

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

709. REZONING OF M-1 OR M-2 ZONED PROPERTIES

709.1. An application to rezone a parcel from M-1 or M-2 to another zoning category requires the concurrence of all deeded owners of surface and mineral interest to the property, and other requirements as appropriate for that zoning district.

709.2. A standard disclosure document must be recorded as a condition of rezoning. This document will run with the deed to the property in perpetuity. The disclosure shall contain the following language:

"Former mining lands may have physical hazards and environmental issues associated with past mineral exploration, production, and processing. Additionally, patented mining properties used for other purposes remain subject to operation of the provisions of Colorado Mining Laws relative to rights-of-way, drainage, extralateral rights, and other provisions regardless of zoning. Mineral exploration, development, or processing may occur on adjacent or nearby lands at any time."

710. RETENTION OF MINING USES

Patented mining claims, that are in other zoning districts, retain mining uses, subject to the regulations of this Section.

711. RECLAMATION PLAN, ANNUAL REPORT AND FINANCIAL GUARANTEE REQUIRED

These regulations **do not** apply to any land or structure covered by a Reclamation Permit pursuant to the Colorado Mined Land Reclamation Act or to any land or structure to the extent covered by the Solid Waste Disposal Sites and Facilities Act (Article 20 of Title 30 of CRS) for which a Certificate of Designation has been approved by the County or, if exempt from a Certificate of Designation, to the extent for which CDPHE has approved the facility design, operations and closure plan and required a financial assurance to secure its closure.

Any other facilities for the milling, processing and storage of mineral resources such as, but not limited to, ore, waste rock, mill tailings or mine tailings shall provide the following:

711.1. A Reclamation Plan and Financial Guarantee shall be submitted to the Planning Director before a building permit is issued. The Reclamation Plan shall accommodate anticipated future uses in conformity with the zoning district involved. The Reclamation Plan shall be reviewed by the Planning Director for completeness and suitability. If found to be complete and suitable, the Planning Director shall then schedule a review of the Reclamation Plan by the Board of County Commissioners at a public meeting. The Board of County Commissioners shall review and approve, approve with modifications or reject the Reclamation Plan and the Financial Guarantee as presented.

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The Reclamation Plan shall include at a minimum:

711.1.1. A list of materials on site, including,

- (1) Chemical inventory and Material Safety Data Sheets (MSDS) for chemicals. Storage, use and transfer locations must be shown on the Facility Plan Map. Contact information for companies that will accept each chemical for disposal shall be included.
- (2) Identify the owner, origin and characteristics of the feedstock.

711.1.2. Specify which buildings, tanks, pipes and other facilities, if any, will remain after reclamation. These features must be shown on the Reclamation Plan Map.

711.1.3. Where wildlife habitat is the proposed future land use, the Colorado Division of Wildlife (DOW) must be consulted and their recommendations included in the Reclamation Plan.

711.1.4. Provide an estimate of the actual costs to reclaim the site based on what it would cost Clear Creek County using an independent contractor to complete reclamation. The unit costs should include estimates for the following activities as appropriate to the operation: backfilling, grading, topsoil application, seeding, mulching, fertilization, and labor to complete reclamation. Determine and specify the point during the operation when the site has reached a point of maximum disturbance. The cost to reclaim the site to the specifications of the Reclamation Plan at this point must be estimated.

- (1) Unit costs (cost per cubic yard), volumes, haul or push distances, and grades must be included when backfilling and grading are part of the Reclamation Plan.
- (2) Volume and unit costs for finish grading, subsoil and topsoil application must be provided in terms of cost per cubic yard.
- (3) The estimated cost for fertilizer, seed and mulch acquisition and application must be provided as cost per acre.
- (4) Equipment costs must include such factors as equipment operator wages and benefits, fuel and lubricant consumption and depreciation. The cost to mobilize and demobilize the equipment from the nearest population center known to have the required equipment availability must be estimated.
- (5) All items referenced in the Reclamation Plan must be included in the cost calculation. In addition to earthwork, building demolition, chemical removal, fencing, monitoring well abandonment and/or stream channel reconstruction must also be included in the reclamation cost estimate.

After the direct costs noted above have been estimated, the County may add up to an additional maximum eighteen and one-half percent (18.5%) of that total, which includes private contract, typical overhead costs. This additional cost is required to cover indirect costs that an independent contractor would incur when performing reclamation of the site.

Five percent (5%) additional cost shall be added to cover office administration cost in the event of financial guarantee forfeiture.

711.1.5. Drainage Control: Describe the measures used to divert upland drainage away from the site both during and after operation. This must include design details demonstrating the capacity of ditches and impoundment structures to contain operating solutions and the volume of water generated by a one hundred (100) year 24-hour rainfall event.

711.1.6. The Operator/Applicant must provide maps that clearly describe the features associated with the facility and the components of the Reclamation Plan. Include one map for the facility plan and one map for the Reclamation Plan. The map must be drawn to a scale no smaller than appropriate to clearly show all elements that are required to be delineated by these requirements; show a north arrow, note any section corners adjacent to the proposed operation, and indicate the date illustrated. At a minimum, maps must include the

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following information.

Facility Plan Map

- (1) Outline and label the property boundaries,
- (2) Label the names of owner(s) of record of the surface of the affected area and of the land within two hundred (200) feet of the affected area, and the type of structure and owners of record of any permanent or man-made structures within 200 feet of the property boundaries;
- (3) Outline and label all major surface features to be used in connection with the proposed facility such as: existing and proposed roads, pit boundary, topsoil stockpiles, overburden stockpiles, product stockpiles, waste rock fills, stream channels, buildings, processing plant, underground openings such as adits or ventilation facilities, ponds, impoundments, dewatering pumps, diversions, tail or waste disposal areas;
- (4) Outline and label existing disturbance within and/or adjacent to the facility (e.g., previously mined areas, roads or excavations resulting from utility construction). Re-disturbance of previously disturbed areas, by the proposed facility, must be included on the map and addressed in the Reclamation Plan.

Reclamation Plan Map

- (1) Show the gradient of all reclaimed slopes (horizontal:vertical) sufficient to describe the post operational topography;
- (2) Indicate where vegetation will not be established and the general area(s) for shrub or tree planting;
- (3) If ponds are a part of the Reclamation Plan, outline the final shore configuration of the ponds and shallow areas;
- (4) State the average thickness of replaced overburden by reclamation area or phase; and
- (5) State the average thickness of replaced topsoil by reclamation area; and
- (6) State measures to ensure adequate vegetation establishment on seeded areas.

711.1.7. The owner/applicant shall provide the approximate dates the proposed activity will commence and end.

711.2. Standards for approval of the Reclamation Plan:

The Plan must demonstrate that

711.2.1. Post-mining use will be in compliance with the Clear Creek County Zoning Regulations.

711.2.2. Any buildings or structures that are proposed to remain on the affected land after reclamation will not conflict with the post-mining land use.

711.2.3. Habitat management and creation, if part of the Reclamation Plan, encourages the diversity of both game and non-game species, and provides protection, rehabilitation or improvement of wildlife habitat.

711.2.4. All toxic materials will be disposed of in a manner that will protect the public health and environment.

711.2.5. No release of pollutants to groundwater will occur from any materials handled or disposed of within the permit area.

711.2.6. All grading will be done in a manner to control erosion and siltation of the affected lands and will comply with Clear Creek County's adopted Best Management Practices.

711.2.7. Minimum slopes and slope combinations are compatible with the configuration of surrounding conditions and selected land use.

711.2.8. Measures necessary to assure the stability of replaced topsoil on graded slopes will be implemented.

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- 711.2.9. The revegetation plan provides for the greatest probability of success in plant establishment and vegetation development by considering environmental factors such as seasonal patterns of precipitation, temperature and wind; soil texture and fertility; slope stability; and direction of slope faces and will comply with Clear Creek County=s adopted Best Management Practices.
- 711.3. The Financial Guarantee shall be a **surety bond, irrevocable letter of credit, or other security** approved by the County Attorney adequate to ensure site demolition, removal of chemical residuals, removal of structures, access improvements and earthwork associated with the facility, and reclamation in accordance with an approved Reclamation Plan.
- 711.4. Upon cessation of the activity at the facility, the owner/applicant shall notify Clear Creek County and shall prepare a Final Report detailing that all the conditions of the Reclamation Plan have been met and may request release of the financial guarantee. The Final Report shall be submitted to the Planning Director who will review the report for completeness and accuracy and prepare a recommendation for the Board of County Commissioners. The Board shall review the Final Report and recommendation at their next regularly scheduled public meeting and make a determination regarding the release of the financial guarantee.
- 711.5. No later than June 1 of each year the applicant/operator shall submit an **Annual Report** as described below to the Planning Director and may include a request and justification for a decrease in the amount of the Financial Guarantee. Upon review of the Annual Report the Planning Director may recommend an adjustment (increase or decrease) in the amount of the Financial Guarantee to the Board of County Commissioners. The Board shall review the Report and recommendation at their next regularly scheduled public meeting and may require an adjustment to the amount of the Financial Guarantee.
The Annual Report shall include at a minimum:
- 711.5.1. Operator and Owner Identification: Name, Address, Telephone, and Emergency contact information.
- 711.5.2. Plant Facilities: Describe any changes in the chemical types and quantities to be utilized, chemical storage and spill containment and emergency response plans for on-site spills. Plant operation details should include tank capacities and operating solution volumes.
- 711.5.3. Drainage Control: Describe any changes in the measures used to divert upland drainage away from the site both during and after operation. This must include design details demonstrating the capacity of ditches and impoundment structures to contain operating solutions and the volume of water generated by a one hundred (100) year 24-hour rainfall event.
- 711.5.4. Plant Operations:
- (1) Describe any changes to process, feedstocks, disposal plan, origin, amount and type of materials processed, and any other facility operations.
 - (2) Provide chemical inventory and MSDS for chemicals (not previously submitted).
 - (3) Summary of spills in quantities exceeding EPA Reportable Quantities.
 - (4) Summary of applicable Toxics Reporting Inventory data.
 - (5) Applicable Emergency Planning and Community Right-to-Know Act information
 - (6) Summary of any reclamation activities completed
 - (7) Revised reclamation cost estimate
- 711.6. The County may require the submittals listed in this Section J to be reviewed by a technical consultant for accuracy and completeness, and for purposes of inspection. The cost of such review and/or inspection shall be borne by the applicant.

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- 711.7. Inspection and Enforcement B The County, upon reasonable notice, has the right to enter for purposes of verification and inspection.
- 711.8. Exemptions to this Section 711: Environmental remediation pursuant to a plan approved by the state and/or federal government, such as, but not limited to a Voluntary Clean Up or Administrative Order On Consent, or Administrative Agreement.

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SECTION 712. (M-1) MINING ONE DISTRICT

Subject to the general provisions set forth in Section 7 - Mining Districts-General Provisions.

712.1. PURPOSE

This District is established for the purpose of providing for mining, prospecting, exploring, milling, processing, and/or placering of mineral resources.

712.2. ADDITIONAL PERMITTED PRINCIPAL USE

In addition to the Permitted Principal Uses specified in Section 704, a parcel of land zoned Mining One District (M-1) may be used for residential purposes, pursuant to all Mountain Residential One District (MR-1) regulations.

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SECTION 713. (M-2) MINING TWO DISTRICT

Subject to the general provisions set forth in Section 7 - Mining Districts-General Provisions.

713.1. PURPOSE

This District is established solely for the purpose of providing for mining, prospecting, exploring, milling, processing, and/or placering of mineral resources. No residential uses shall be permitted, except as provided in Subsection 706.1, which only allows such uses with a Special Use Permit in connection with a bona fide mining activity, as outlined in 704.1.

713.2. ADDITIONAL PERMITTED PRINCIPAL USES

A parcel of land zoned Mining Two District (M-2) may be used to construct a residential driveway pursuant to all Clear Creek County Driveway Standards, in order to access a residence located on an adjoining residentially zoned parcel of land and following the Performance Standards, as outlined in Subsection 703. In order to effectively encourage the transfer and management of former BLM lands, such land zoned Mining Two (M-2) which has been combined with residentially-zoned lands may be used to construct a leach field for an individual sewage disposal system pursuant to the County Environmental Health Regulations for a residence on the residentially zoned portion of the combined lot.

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SECTION 8. (RVP) RECREATIONAL VEHICLE/COMMERCIAL CAMPING PARK DISTRICT

801. PURPOSE

This District is established for the purpose of providing minimum standards for Recreational Vehicle Park locations in the County and to establish requirements for the design, construction, and alteration of Recreational Vehicle Parks. This Section applies to recreational vehicles as defined in Section 23 - Definitions of these Regulations. This zoning district is not intended for permanent or long-term living quarters, except for park owners or caretakers.

802. AREA REGULATIONS

802.1. AREA

802.1.1. Lots or parcels shall provide for a minimum of ten (10) recreational vehicles.

802.1.2. 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.

802.2. SETBACKS

The following setbacks from property boundaries shall apply to any recreational vehicles and buildings within a Recreational Vehicle Park:

802.2.1. The minimum front setback shall be thirty (30) feet. The minimum side and rear setbacks shall be fifteen (15) feet from any interior lot line, and thirty (30) feet from any street, road right-of-way, or platted road 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.

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

802.2.3. 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.

803. DEVELOPMENT STANDARDS

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

804. HEIGHT

The height of a building is defined as: The Tallest Side of the Building, excluding Appurtenances.

804.1. Tallest Side of the Building: Shall be measured on the side with the greatest vertical distance between the ground surface elevation, where a structure intersects finished grade, and the highest point of the coping of a flat roof or from the average elevation between the ridge and eave of the gable of a sloped roof.

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804.2. Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building (e.g., chimneys, vents, and television or radio antennas that do not exceed more than 10% the maximum height allowed).

805. PERMITTED PRINCIPAL USES

An RV classified parcel of land may be used for the following purposes, subject to other federal, state, and county laws:

805.1. Ten (10) or more recreational vehicle spaces constitute a Recreational Vehicle Park (see Section 806);

805.2. Tent camping.

806. ACCESSORY USES AND BUILDINGS

In conjunction with a primary use as outlined above, a RVP classified parcel of land may be used, subject to other federal, state, and county laws, for the following:

806.1. A single-family residence, which may consist of a mobile home, manufactured home, or stick built home, for a Park owner or caretaker, which may be combined with any other accessory structure;

806.2. Accessory structures, including storage sheds and carports, but not for individual RV spaces;

806.3. Park office;

806.4. Laundry room, recreation room, restrooms, showers, or other common facility for Park guests only.

806.5. 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.

a. 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.

806.6. 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

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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.

807. RECREATIONAL VEHICLE PARK DEVELOPMENT PLAN

In addition to the submittal requirements of the rezoning application, requests for new Recreational Vehicle Parks shall be accompanied by a Recreational Vehicle Park Development Plan. The applicant shall provide a financial guarantee for the performance of the proposed property improvements in an amount to be determined by the Board County of Commissioners at the time of approval of the Plan. At a minimum, such plans will consist of the following, and shall be prepared in conformity with prevailing professional standards:

- 807.1. Verification of the availability of an adequate water supply plan or State approved permit shall be provided.
- 807.2. Verification of the availability of an adequate County approved wastewater treatment system shall be provided.
- 807.3. Letter of approval from the Colorado Department of Health of the plan.
- 807.4. Site Plan that indicates the following:
 - 807.4.1. All existing roads, driveways, sidewalks, streams, utilities, structures, and other features;
 - 807.4.2. All proposed roads, driveways, sidewalks, easements, structures, utilities, signage/advertising, exterior lighting, and site modifications;
 - 807.4.3. The location, area, and dimensions of each recreational vehicle space, and maximum size limitations of recreational vehicles allowed in each space;
 - 807.4.4. Location and number of off-street parking spaces, in compliance with Section 14 - Off-Street Parking Requirements of these Regulations;
 - 807.4.5. Existing and proposed wells, water supply systems, and sewage disposal systems;
 - 807.4.6. Location and screening of trash and garbage.
- 807.5. Elevation drawings for any proposed structures and exterior signage/advertising.
- 807.6. Grading and Drainage Plan prepared and stamped by a licensed engineer that indicates the following:
 - 807.6.1. Existing and proposed topographic contours;
 - 807.6.2. Drainage patterns and stormwater runoff from on-site and off-site flow;
 - 807.6.3. Location and construction details for all proposed watercourses, retention and detention areas;
 - 807.6.4. Location and construction details for all proposed culverts, retaining walls, curbs/gutters, etc.;

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- 807.6.5. Demonstrated compliance with the County=s adopted Best Management Practices (BMPs);
- 807.6.6. Slope stabilization measures for all cut and fill slopes.
- 807.7. Landscaping Plan - sufficient to offer an adequate visual barrier of the proposed development from public roads and adjacent properties and that indicates the following:
 - 807.7.1. Existing vegetation on site;
 - 807.7.2. Proposed plant species, size, quantity, and location of plants;
 - 807.7.3. Type of irrigation system and source of water, if applicable;
 - 807.7.4. Structural screening - type, location, design, height, building material, and color.
- 807.8. Detailed narrative and supporting data describing the nature and extent of the proposed development, including but not limited to:
 - 807.8.1. Business plan to include, but not be limited to, types of uses proposed, hours of operation, number of employees, etc.;
 - 807.8.2. The total square footage of all existing and proposed structures on the property;
 - 807.8.3. The total square footage of the footprint(s) of all existing and proposed structures on the property;
 - 807.8.4. Height, roof pitch, and snow load capacity of proposed structures;
 - 807.8.5. Samples of color chips for all proposed structures and other physical elements, other than for RVs and tents;
 - 807.8.6. Design, height, building material, and color of signage/advertising;
 - 807.8.7. Analysis of potential impacts from natural hazards;
 - 807.8.8. Analysis of potential impacts to wildlife and wetlands;
 - 807.8.9. Analysis of burden on public services and infrastructure to include roads, schools, emergency services (fire and ambulance), and police;
 - 807.8.10. Drainage study to include, but not be limited to, design capacity and calculations, prepared by a Licensed Engineer;
 - 807.8.11. Plan for addressing campfires and/or open burning, and compliance with County regulations.

808. LOCATION OUTSIDE OF PARKS

It shall be unlawful for any person, firm, or corporation to place, keep, or maintain any occupied recreational vehicle upon any lot, piece, or parcel of land within the County, except in a legal Recreational Vehicle Park. However, this section shall not be construed to prevent the placing, parking, or keeping of an occupied recreational vehicle within the County for a period of fourteen (14) days from the time such recreational vehicle first arrives in the County, provided that during such time sanitary facilities are

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available at all times to the occupants of the recreational vehicle.

Temporary Recreational and Non-Recreational Vehicle Camping Permit. The Planning Department may issue a temporary RV or non-RV camping permit for periods over fourteen (14) days per year but not to exceed thirty (30) days per year. The applicant must guarantee that during the permit period an approved sanitary facility is available at all times. For periods longer than thirty (30) days, a Special Use Permit must be applied for. A new temporary RV or non-RV camping permit cannot be issued until thirty (30) days from the expiration of the previous year's permit.

The storage of one (1) **unoccupied** recreational vehicle is allowed as a Permitted Principal Use only in Recreational Vehicle Park Districts or commercial RV storage lots, or as an accessory use to an existing legal Permitted Principal Use only on parcels zoned for residential use, as described in Section 2 - Residential Districts of these Regulations.

Unoccupied recreational vehicles stored on property with no legal primary structure at the time of passage of these Regulations are hereby declared a non-conforming use, and must be removed from that property within twelve (12) months of that date. Such vehicles remaining on property with no legal primary structure after such amortization period shall become an illegal non-conforming use, subject to enforcement by the County.

809. EXISTING RECREATIONAL VEHICLES DISTRICTS

Recreational Vehicle Park Districts in existence on the effective date of these Regulations that have spaces, buildings, or other installations having a width, area, setback, or height not in conformity with that herein prescribed, may continue to operate with existing recreational vehicle spaces, buildings, or other installations.

810. 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

810.1. Temporary long-term living quarters.

810.2. 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.

810.3. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County

810.4. Distributed Solar Energy Systems

811. ADMINISTRATIVE SPECIAL USE PERMIT

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

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SECTION 9. PLANNED DEVELOPMENT

901. PURPOSE

The Planned Development District provides a means of developing tracts of land for creative and flexible development concepts not otherwise provided for within other zoning districts and which would achieve a more desirable environment than would be possible through the strict application of the minimum standards of other zoning districts. A PD development concept will usually contain a mix of uses, or specific uses, not allowed in other zoning districts while providing a continuity of design and development through total integration of project planning.

902. OFFICIAL DEVELOPMENT PLAN

Planned Development Districts shall be subject to an Official Development Plan (ODP) that will include the Site Plan as described in Section 908, and outline site specific development plans and conditions of approval that may include, but not be limited to the following:

- 902.1. Permitted uses and use regulations
- 902.2. Area and Setback Regulations
- 902.3. Existing and modifications to man-made and significant natural features;
- 902.4. Mitigation provisions for natural hazards, wildlife, and/or wetlands;
- 902.5. Description of architectural features of existing and proposed structures such as architectural elevations with notations describing form, height, size, density, location, exterior materials, and colors (e.g., building, signs, fencing, structures, exterior lighting);
- 902.6. All utility installations, including locations of utility service connections;
- 902.7. Location and screening of trash and garbage;
- 902.8. The location and/or dimensions of all roads, easements, driveways, sidewalks, and off-street parking;
- 902.9. The location and specifications of proposed landscaping, fencing, walls, and screening;
- 902.10. Location, and/or description of water and wastewater provisions;
- 902.11. Topographic information, including site grading plan and storm water management;
- 902.12. Plan(s) for emergency services protection;
- 902.13. Requirements for Performance Guarantee to assure completion of certain improvements; and
- 902.14. Restrictions/requirements of any outdoor storage of materials or equipment.

903. ACCESSORY USES AND BUILDINGS

In conjunction with a primary use as outlined in ODP, a PD classified parcel of land may be used, subject to other federal, state, and county laws, for the following:

903.1. 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.

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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.

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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.

903.2 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.

904. 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

904.1. 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.

904.2 Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County.

904.3 Distributed Solar Energy Systems

905. SUBMITTAL PROCESS

905.1 Sketch Plan (Intent/Submittal Requirements)

The sketch plan is intended to be an optional process that provides an applicant the opportunity to submit a basic conceptual plan in order to allow the County and public to evaluate and discuss basic concepts for development prior to an applicant moving forward to submitting detailed plans and engineering required in the final plan process. An applicant may choose to bypass the “two-step process” and apply for a final plan for consideration where all issues identified in the sketch plan and final plan will be considered.

The purpose of sketch plan review is for the applicant, the County and the general public to evaluate and discuss the basic concepts for development of the proposal and to consider whether rezoning of the property to PD will result in a significant improvement over its development in a conventional zoning district by accomplishing the following:

905.1.1. Reach general agreement on such issues as, but not limited to; appropriate range of units, amount of commercial space for development, types of uses, dimensional limitations, general locations of development, and general alignments for access, and whether water supply and sewage disposal will be provided via on-site systems or through connection to public systems.

905.1.2 Feasibility of the proposal in consideration of environmental constraints and availability of services and infrastructure, based on the results of the Site Characteristics Analysis and information received from public service agencies.

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905.1.3. Whether the proposal complies with the purpose and intent of the *Clear Creek County Master Plan* the Zoning Regulations, and is generally compatible with surrounding land uses.

905.1.4. The outcome of the sketch plan review should be an identification of issues and concerns the applicant must address if the project is ultimately to receive approval of the proposal from the County.

A sketch plan is the first step in establishing land uses and siting restrictions for a parcel(s) of land. The uses, minimums and maximums provided in the ODP will be reviewed at the Final Plan stage to further determine the appropriateness for the particular site and neighborhood. Once a Sketch Plan has been approved, a final plan which complies with the terms, conditions and requirements of the approved sketch plan must be submitted and approved. The final decision regarding zoning uses occurs only during the review of the final plan which must comply with all applicable restrictions and regulations.

905.2. Final Plan (Intent/Submittal Requirements)

The purpose of final plan review is for the applicant to respond to the issues and concerns identified during sketch plan review and to formulate detailed, properly engineered solutions to those issues and concerns that conform to the approved sketch plan. The final plan stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the County. The final plan shall include phasing, if applicable, guiding the sequence of development over time, and it shall include a guide to the development of the PD specifying the limitations that will guide the future development of the property.

905.3. Submittal Process

The following process will be followed for both Sketch Plan and Final Plan applications.

905.3.1. Pre-application Conference

Prior to submittal of an application, the applicant shall meet with the Planning Department to determine if rezoning to PD is applicable to their particular development request and to review the procedure and submittal requirements. The applicant should bring applicable documentation for review.

905.3.2. After a site visit has been conducted, the Planning Department will determine any additional submittal requirements needed (other than the general requirements), and will provide them in writing to the applicant.

905.3.3. The applicant shall submit one (1) copy of the submittal to the Planning Department.

905.3.4. The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

905.3.5. Once the submittal is determined complete by the Planning Department, staff will notify the applicant of the number of copies and content of the submittal required to be provided for distribution.

905.3.6. The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis.

905.3.7. Referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.

905.3.8. Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Planning Commission public hearing.

905.3.9. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the Planning Commission public hearing. The applicant will be notified of the public hearing date, time, and place.

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- 905.3.10. At least fourteen (14) calendar days prior to the Planning Commission public hearing, the applicant shall post and maintain a notice on the parcel(s) under consideration. The notice(s) shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.
- 905.3.11. During the public hearing, the Planning Commission shall evaluate the submittals, referral comments, staff report, and public testimony, and make a recommendation to the Board of County Commissioners (BOCC) to approve, approve with conditions, or deny the application.
- 905.3.12. The applicant may be required to provide additional information prior to the BOCC public hearing based on conditions/stipulations recommended by the Planning Commission.
- 905.3.13. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the BOCC public hearing. The applicant will be notified of the public hearing date, time, and place.
- 905.3.14. Based upon the submittal documentation, site characteristics analysis, comments received, and the Planning Commission's recommendation, the Planning Department will prepare a staff recommendation/report and draft resolution for the BOCC public hearing.
- 905.3.15. During the public hearing, the BOCC shall evaluate the submittals, referral comments, staff report, Planning Commission recommendation, and public testimony, and shall approve, approve with conditions, or deny the application.
- 905.3.16. The Planning Department will notify the applicant of any modifications or requirements needed to finalize the Official Development Plan and other final documents prior to recording with the County Clerk and Recorder.
- 905.3.17. The Official Development Plan approved by the BOCC shall be the basis for the site plan and drawings that would be submitted with an application for a building permit.

906. GENERAL SUBMITTAL REQUIREMENTS

- 906.1. Minimum Contents of Application. Both the Sketch Plan and Final Plan application shall be submitted in a form established by these Land Use Regulations and made available to the public. Both applications shall include, at a minimum, the following materials:
- 906.1.1. Applicant's Identity. The applicant's name, mailing address, telephone, email address and fax number. If the owner is to be represented by an agent, a letter signed by the owner granting power of attorney to the agent, or a completed landowner authorization form granting authorization to the agent, shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, mailing address, telephone, email address and fax number.
- 906.1.2. Legal Description. The legal description and street address, if such exists, of the parcel on which development is proposed to occur.
- 906.1.3. Disclosure of Ownership. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership shall be in the form of a current certificate from a title insurance company (title commitment), or ownership and encumbrance report. The title commitment or ownership and encumbrance report shall be dated within two (2) months prior to formal application submittal.
- 906.1.4. Vicinity Map. An eight and one-half inch by eleven inch (8 ½" x 11") vicinity map, locating the subject parcel within Clear Creek County. The map shall, at a minimum, have a scale bar and clearly identify the subject parcel(s) and the nearest public road.
- 906.1.5. Written Description. A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the Regulations applicable to the application shall be prepared. The description shall include, but not be limited to the following:

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1. Types of uses proposed
2. General hours of operation
3. Maximum number of potential employees
4. Why should the proposed development be considered?
5. How is the proposal consistent with the applicable Master Plan(s) for the area?
6. How is the proposed zoning more appropriate than existing zoning?
7. Have there been major changes of an economic, physical, or social nature in the area involved that were not anticipated when the existing zoning was implemented?
8. How is the proposal consistent with the purpose and intent of the Zoning Regulations?
9. Generally, how will the proposal impact the immediate community?
10. How is the proposal compatible with the immediate community?
11. Statement of projected County tax revenue based upon the previous year's County tax levy and a schedule of projected receipts of that revenue.
12. Proposed method of fire protection, including information demonstrating a legal, adequate water supply for fire fighting purposes

907.SKETCH PLAN SUBMITTAL REQUIREMENTS

Services and Infrastructure

- 907.1. Description of Proposed Method of Water Supply including proposed source and evidence of availability.
- 907.2. Description of Wastewater Treatment Method including proposed source and evidence of available capacity.
- 907.3. Access and Traffic Analysis
 - 907.3.1 Analysis of existing access to the property(ies) from County, State, and/or Federal road systems
 - 907.3.2 Analysis of traffic generation anticipated by the proposal
 - 907.3.3 Analysis of impacts from increased traffic generation, including but not limited to, level or service, congestion, noise, dust, odors, and traffic hazards.
- 907.4. Availability of Public Services/Infrastructure
 - 907.4.1 Verification letters of service from all applicable utility companies
 - 907.4.2. Analysis of burden on the following services:
 1. Fire District
 2. Ambulance and EMS
 3. Sheriff's Office
 4. Road and Bridge Department
 5. Office of Emergency Management
 - 907.4.3. Analysis of Burden on Clear Creek School District RE-1

Environmental Impact

- 907.5. A Site Characteristics Analysis Report identifying information on natural hazards; including geologic, wildfire, and flood hazards; wildlife, and wetlands.

Building and Site Design

- 907.6. Scaled Conceptual Site Plan showing and/or explaining the following when applicable:
 1. Location of proposed uses and buildings and densities of proposed uses and buildings
 2. Location of proposed open space/parks/trails
 3. Location of public space (roads/sidewalks/trails)
 4. Rough existing and proposed drainage patterns

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5. Location of significant natural or man-made features, including major peaks, ridgelines, hillsides and viewsheds. This can be identified with appropriate contours
6. Vehicular circulation and off-street parking
7. Proposed schedule of development phasing
8. Location of wells/water supply and sewage treatment

907.7. Conceptual Architectural plans

908.FINAL PLAN SUBMITTAL REQUIREMENTS

Services and Infrastructure

- 908.1. Proposed Method of Water Supply in the form of one or more of the following:
 - 908.1.1. An 'ability to serve' letter from an applicable water district or provider
 - 908.1.2. A copy of a current valid well permit if supply is from an existing well
 - 908.1.3. Proposed water augmentation plan or proposed water supply plan. Information regarding existing water rights should include, but not be limited to: 1) evidence of ownership or right of acquisition of or use of existing and proposed water rights; 2) historical use and estimate yield of claimed water rights; and 3) amenability of existing rights to a change in use.
 - 908.1.4. If a new water treatment system or district, or extension, is proposed, a copy of the approved 1041 Permit or application for a 1041 Permit for approval shall be submitted.
 - 908.1.5. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with Development Standards.
- 908.2. Wastewater Treatment Method in the form of one or more of the following:
 - 908.2.1. An 'ability to serve' letter from an applicable sanitation district or provider
 - 908.2.2. If an individual sewage disposal system (ISDS) is proposed, evidence prepared by a Colorado licensed professional engineer that the sewage treatment system and leach field will be in compliance with the County's ISDS Regulations
 - 908.2.3. If a new sewage treatment system or special district, or extension, is proposed, a copy of the approved 1041 Permit or application for a 1041 Permit for approval shall be submitted.
 - 908.2.4. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with the ISDS Regulations or applicable Development Standards.
- 908.3. Access and Traffic Analysis
 - 908.3.1. Analysis of existing access to the property(ies) from County, State, and/or Federal road systems
 - 908.3.2. Analysis of traffic generation anticipated by the proposal
 - 908.3.3. Analysis of impacts from increased traffic generation, including but not limited to, level or service, congestion, noise, dust, odors, and traffic hazards.
 - 908.3.4. Demonstration of conformance with the *Clear Creek County Roadway Design and Construction Manual*
 - 908.3.5. The analysis shall also address measures taken to avoid or mitigate identified impacts, and/or ways to bring the proposal into conformance with the *Clear Creek County Roadway Design and Construction Manual*.
- 908.4. Availability of Public Services/Infrastructure
 - 908.4.1. Verification letters of service from all applicable utility companies
 - 908.4.2. Analysis of burden on the following services:
 1. Fire District
 2. Ambulance and EMS
 3. Sheriff's Office
 - 908.4.3. Analysis of Burden on Clear Creek School District RE-1

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908.4.4. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with the Development Standards

Environmental Impact

908.5 Analysis of Natural Hazards, including Geologic, Wildfire, and Flood Hazards

908.6 Analysis of Wildlife

908.7 Analysis of Wetlands

908.8 The Analyses shall address measures taken to avoid or mitigate identified impacts and shall be prepared in conformance with the provisions of the Development Standards

Building and Site Design

908.9 Site Plan

The Site Plan shall include a full land survey plat in conformance with Article 16; General Surveyor Requirements, of the *Clear Creek County Subdivision Regulations*. A separate site plan may be prepared which contains the following additional elements:

1. Elevation contours at an interval of 5 to 10 feet for all disturbed areas
2. Proposed location of uses
3. Proposed densities of uses
4. Proposed densities and location of buildings
5. Location of proposed open space/parks/trails
6. Location of public space (roads/sidewalks/trails)
7. Site design should pay attention to, and incorporate natural assets of the property and surrounds, such as ridgelines/hillsides/viewsheds/etc.
8. Location of signs, parking, fencing, landscaping, and lighting
9. Vehicular circulation and off-street parking
10. Proposed schedule of development phasing
11. Location of wells/water supply and sewage treatment

908.10 Drainage and Stormwater Management Plan, prepared by a Colorado licensed professional engineer

908.11 Best Management Practices Plan

908.12 On previously-mined properties, an Environmental and Safety Assessment Report identifying potential mining hazards on the property and mitigation techniques that adequately mitigate such hazards.

908.13 Building Design Features, including color chips and photographs

908.14 Scaled Building Elevation drawings depicting north, south, east, and west views of all proposed buildings

909. STANDARDS FOR APPROVAL

The following standards must be demonstrated in order for approval of the application to be given:

909.1 Uses Permitted

The application shall contain a mix of uses, or specific uses, not allowed in other zoning districts while providing a continuity of design and development through total integration of project planning.

909.2 Area and Setback Standards

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Minimum/maximum lot/unit area and setback requirements shall be specified for the overall site in the approved Official Development Plan (ODP) with regard to those limitations established on similar uses and with regard to accommodating surrounding uses, services/infrastructure, etc. Flexibility may be allowed in order to further the purpose and intent of the PD zoning district.

909.3 Minimum Acreage/Number of Units

Density/intensity, minimum/maximum acreage, and/or number of units shall be specified for the overall site in the approved Official Development Plan (ODP) with regard to those limitations established on similar uses and with regard to accommodating surrounding uses, public services/infrastructure, etc. Flexibility may be allowed in order to further the purpose and intent of the PD zoning district.

909.4 Services and Infrastructure

The application shall demonstrate that the proposal will be provided adequate facilities for water supply, wastewater treatment, access, and adequate services for fire protection, police protection, EMS, electrical, telephone, natural gas, public schools, road and bridge service, and/or other public services.

909.5 Environmental Impact

The application shall appropriately mitigate environmental impacts consistent with Section 10 (1002), Environmental Impact.

909.6 Building and Site Design

The application shall demonstrate that the proposal meets the requirements for building and site design as specified in Section 10 (1003), Building and Site Design. Flexibility may be allowed in order to further the purpose and intent of the PD zoning district.

909.7 Signs and Outdoor Advertising

Signs and outdoor advertising standards applicable to the PD zoning district shall be as specified in Section 10 (1004), Signs and Outdoor Advertising Devices. Flexibility may be allowed in order to further the purpose and intent of the PD zoning district if the applicant submits a comprehensive sign plan for the PD that is determined to be suitable for the PD and provides the minimum sign area necessary to direct users to and within the PD.

909.8 Off-Street Parking

Off-street parking and loading provided in the PD shall comply with the standards of Section 10 (1005), Off-Street Parking Requirements.

909.9 Fencing, Walls, and Landscaping

Fencing, Walls, and Landscaping provided in the PD shall comply with the standards of Section 10 (1006), Fencing, Walls, and Landscaping Standards. Variations from these standards may be authorized where the applicant demonstrates that the proposal provides sufficient buffering of uses from each other (both within the PD and between the PD and surrounding uses) to minimize noise, glare, and other adverse impacts, creates attractive streetscapes and parking areas, adequately mitigates wildlife impacts, and is consistent with the character of the area.

909.10 Animals

The keeping of animals in the PD shall comply with the standards of Section 10 (1007), Animals.

909.11 Other Performance Standards

No use shall be made of any land in the PD unless the use meets the other performance standards of Section 10 (1008), Other Performance Standards.

909.12 Compatibility with Surrounding Land Uses. The development proposed for the PD shall be compatible with the character of surrounding land uses.

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909.13 Consistency with Master Plan. The PD shall be in general conformity with the Clear Creek County Master Plan 2030, and any ancillary County-adopted specialty and community plan documents, or responds to a change of an economic, physical, or social nature that has occurred to the neighborhood.

910. REVISIONS AND MODIFICATIONS

Action on changes to approved Official Development Plans shall be taken by the Board of County Commissioners. Revisions and Modifications shall comply with the provisions of this section. However, if the Planning Director determines changes to be minor in nature, they may be approved by the Planning Director. Changes shall be considered minor if they meet the following criteria:

- 910.1. Does not increase the amount of square footage, site disturbance, or unit count by more than 10% of the total approved in the original Official Development Plan.
- 910.2. Complies with zoning regulations including use regulations and development regulations and standards.
- 910.3. Does not change the location of uses, or the layout of streets, trails, or pathways except for minor adjustments within areas approved for development or within approved rights-of-way.
- 910.4. Does not include the addition of a drive-through in which the patron's automobile is accommodated from which the occupants may receive a service or in which products purchased from the establishment may be consumed.
- 910.5. Is not a detriment to public health, safety, and welfare.

911. PERFORMANCE GUARANTEE

- 911.1. Before a Certificate of Occupancy is provided or final inspection is conducted, the decision-making body may, in its discretion, require the applicant to file a performance guarantee of financial security deemed adequate by and made payable to the County.
- 911.2. The purpose of this performance guarantee shall be to assure that the applicant shall faithfully perform all conditions as specified in the approval of the application.
- 911.3. Any requirement for a performance guarantee shall be specified in the written decision of the County in a resolution.

912. ANNUAL REVIEW

The Board of County Commissioners may require the applicant to periodically submit a report via the Planning Director, detailing all past activities conducted by the applicant pursuant to the Development Review approval by the Board, including a satisfactory showing that the applicant/property owner has complied with all conditions of the Development Review approval and applicable regulations. The applicant/property owner need not inform the County of activities such as operational changes, which are not the subject of a Development Review approval.

The Planning Director shall review the report within thirty (30) days from the date of submittal thereof. If the Planning Director determines, based upon its review, that the applicant/property owner is likely to have violated the provisions of the Development Review or applicable regulations, the County may issue a notice of violation to the applicant/property owner.

Upon notice to the Planning Director of the fulfillment of all conditions of the approval of the Development Review, and the Planning Director's concurrence therein, the Planning Director may terminate any annual review requirements.

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SECTION 10 DEVELOPMENT STANDARDS

1001 SERVICES AND INFRASTRUCTURE

1001.1 WATER SUPPLY

Verification of the availability of an adequate water supply plan or State-approved well permit.

1001.2 WASTEWATER TREATMENT

Verification of the availability of an adequate County approved individual sewage disposal system (ISDS) shall be provided.

1001.3 ACCESS TRAFFIC ANALYSIS

1001.3.1 All new or reconstructed driveways and new private roadways require a Driveway permit and must be built to design standards as set forth in the Clear Creek County Roadway Design and Construction Manual.

1001.3.2 The proposed development shall not result in the undue traffic congestion or unmitigated traffic hazards. Proposed development shall also meet the standards set forth in the Clear Creek County Roadway Design and Construction Manual.

1001.3.3 All new or reconstructed driveways and new private roadways require a Driveway Permit and must be built to the design standards as set forth in the Clear Creek County Roadway Design and Construction Manual.

1001.4 AVAILABILITY OF OTHER PUBLIC SERVICES/INFRASTRUCTURE

The proposed development shall not impose an undue burden on other public services and infrastructure. Public services include local fire authority, sheriff's office services, and EMS services, electrical service, telephone service, natural gas service, public school service, road and bridge services, and other public services as determined by the County.

1001.5 REFERRAL TO APPLICABLE PUBLIC AGENCIES AND PUBLIC UTILITIES

As part of the review of the proposal, the Planning Department shall refer all applications to the applicable public service and utility providers. Referral of Final Plat and administrative review applications will be at the discretion of the Planning Director.

1001.5.1 Applicable service providers will be requested to review the application and determine whether there is potential impact to their particular service or utility.

1001.5.2 Considering the potential impact to such services or utilities, the applicable service providers are encouraged to make recommendations pertaining to mitigation or avoidance of burden or impact on their particular service or utility which may be affected by the proposed development. The recommendation should identify appropriate avoidance, minimization, and/or impact mitigation techniques.

1001.5.3 The County shall consider the content of the proposed development application and referrals of the applicable public service and utility providers.

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1002 ENVIRONMENTAL IMPACT

1002.1 GEOLOGIC HAZARD MITIGATION

1002.1.1 Purpose

There are certain types of lands in Clear Creek County that have the potential to pose hazards to human life and safety and to property due to their geologic characteristics. These lands include, but are not limited to, avalanche hazard areas, rockfall hazard areas, landslides, debris fans, talus slopes, areas containing expansive soils and rocks, and areas susceptible to ground subsidence. Development in certain of these hazard areas also has the potential to cause significant impacts on the environment, including loss of soil and vegetation cover, which can cause increased runoff and consequent erosion and sedimentation. These regulations are intended to ensure that development avoids geologic hazard areas whenever possible. Where it is not possible for development to avoid these areas, mitigation techniques shall be provided to reduce or minimize the potential impacts of these hazards on the occupants of the property and, as applicable, the occupant of adjacent properties.

1002.1.2 Maps Incorporated:

There are seven (7) sets of maps adopted by the Clear Creek County Board of County Commissioners that depict the potential geologic hazard areas in unincorporated Clear Creek County that have been adopted by the County Commissioners. These are the following:

1. Beth L. Widmann and William P. Rogers Geologic Hazards of the Georgetown, Idaho Springs, and Squaw Pass Quadrangles, Clear Creek County, Colorado Colorado Geological Survey, Division of Minerals and Geology, Department of Natural Resources, Denver, Colorado 2003
2. Beth L. Widmann Clear Creek County Hazards Colorado Geological Survey, Division of Minerals and Geology, Department of Natural Resources, Denver, Colorado 2003
3. Pelizza, Mark Environmental and Surficial Geology in East Central Clear Creek County
4. Montazer, Parvis Engineering Geology of Upper Bear Creek Area Clear Creek County, Colorado
5. Hecox, Gary Surficial Geology and Geologic Hazards of Northeast Clear Creek County, Colorado
6. Fox Consultation Engineers and Geologists, Preliminary Geologic Hazard Investigation Along a Portion of York and Hamlin Gulches, Clear Creek and Gilpin Counties, Colorado and map, 1981
7. Chapman, Phillips, Brandt, and Reddick “Geology” map in the Clear Creek County Data Summary Booklets 1974

These map sets are hereinafter referred to collectively as “The Clear Creek County Geologic Hazard Maps” and are hereby incorporated herein by reference. Copies of the maps are available for review by the public in the Planning Department during normal business hours, or on the County’s *Clear Map* interactive online mapping application.

1002.1.3 Procedure

1002.1.3.1 General

Review of development that is subject to the provisions of this Section shall require referral of the application to the Colorado Geological Survey.

1002.1.3.2 Geologic Hazards Analysis

An applicant for development that is subject to the provisions of this Section shall submit a Geologic Hazards Analysis. The purpose of the Geologic Hazards Analysis is to determine, on a site specific basis, the location and degree of severity of the geologic hazards encumbering

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the property. The Geologic Hazards Analysis shall be prepared by a professional qualified geologist or registered engineer who has the expertise to map and evaluate geologic hazards and to assess their potential impacts on the development. The map depicting slopes may be prepared by a surveyor registered in Colorado.

1002.1.3.3 Development Involving Sketch Plan/Final Plan Review

For development applications subject to the sketch and final plan procedures as outlined in various sections of the Zoning Regulations, the Geologic Hazards Analysis shall be submitted in two (2) steps, as follows:

- 1. Sketch Plan:** The Geologic Hazards information submitted with the sketch plan will be included in the Site Characteristics Analysis, which would include a summary of information derived from the Clear Creek County Geologic Hazards Maps.
- 2. Final Plan:** The Geologic Hazards Analysis submitted with the Final Plan shall provide a site specific analysis of how the development will comply with the Section. It shall contain the following materials:
 - a. Site Specific Analysis:** A site specific analysis of the property that depicts the locations of geologic hazards regulated by the Section in relation to planned development areas. The map shall also provide an accurate survey depiction, at two (2) foot contour intervals, of those portions of the property that contain slopes in excess of thirty (30) percent.
 - b. Impact Evaluation:** An evaluation of the potential impacts of the geologic hazards on the proposed development and potential impacts on any property surrounding the subject property. This shall include an evaluation of any recent natural or human-made activity associated with the geologic hazards and shall provide an expert opinion as to the degree of severity of the potential geologic hazards.
 - c. Building Envelopes:** For newly proposed development or redevelopment, building envelopes shall be utilized, where applicable, to ensure that structures will be located in areas free of geologic hazards or that have been properly mitigated as to all identified hazards. Plat notes shall be utilized to identify geological hazards present outside of platted building envelopes, as applicable.
 - d. Report:** A complete report identifying how the proposed development will comply with the standards of this Section, including proposed hazard mitigation and avoidance measures.

1002.1.3.4 Referral to Colorado Geologic Survey

During the staff review of the application, the Planning Department shall refer the application and Geologic Hazards Analysis to the Colorado Geologic Survey (CGS). The Report must be prepared by a registered professional engineer or geologist.

1002.1.3.5 Review by CGS

CGS shall be requested to review the application and Geologic Hazards Analysis and provided comments to the County on potential geologic hazards posed to persons and property. The purpose of this review is to make use of the expertise and judgment of CGS to evaluate the potential impacts of these hazards on development and to determine the appropriate avoidance or mitigation techniques that may best apply to the proposed development.

1002.1.3.6 Revision of Analysis May Be Required

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If CGS determines there are geologic hazards on the property that are not shown on the Clear Creek County Geologic Hazards Maps and/or have not been addressed by the applicant, or that the Geologic Hazards Analysis is otherwise incomplete or inadequate, the County may require the applicant to revise the Geologic Hazards Analysis to properly address said hazards.

1002.1.3.7 Recommendation by CGS

Considering the geologic characteristics of the property and potential geologic hazards associated with those characteristics, the CGS will be requested to make recommendations regarding the potential impacts of the hazards and determine appropriate avoidance or mitigation techniques.

1002.1.3.8 Consideration

The County shall consider the content of the Geologic Hazards Analysis and the recommendations of the CGS during the Sketch and Final Plan review process.

1002.2 WILDFIRE MITIGATION

1002.2.1 Purpose

Most areas of Clear Creek County have the potential to pose hazards to human life and safety and to property because they are threatened by wildfire. These regulations are intended to provide standards to reduce or minimize the potential impacts of wildfire hazards on properties, the occupants of properties and the occupants of adjacent properties, as well as to facilitate access to manmade structures by firefighters in the event of a wildfire. Development should attempt to avoid high and extreme wildfire hazard areas whenever possible.

1002.2.2 Maps Incorporated:

There is a map adopted by the Clear Creek Board of County Commissioners that depicts the potential wildfire hazard areas in unincorporated Clear Creek County that has been adopted by the County Commissioners:

- 1. Wildfire Thematic Maps, Colorado State Forest Service, Fort Collins, CO**
This map is hereinafter referred to as “The Clear Creek County Wildfire Hazard Map” and is hereby incorporated herein by reference. A copy of the map is available for review by the public in the Planning Department during normal business hours, or on the County’s *Clear Map* interactive online mapping application.

1002.2.3 Wildfire Management Plan:

All applicable land use applications shall include a Wildfire Management Plan. The Wildfire Management Plan shall be prepared by a natural resource professional with expertise in the field of vegetation management and wildfire mitigation.

1002.2.4 Development Involving Sketch Plan/Final Plan Review

- 1. Sketch Plan:** Wildfire Hazard information submitted with the sketch plan will be included in the Site Characteristics Analysis, which would include a summary of information derived from the Wildfire Thematic Maps.
- 2. Final Plan:** The Wildfire Management Plan submitted with the final plan shall provide a detailed site specific analysis which includes the following information;
 - a.** A schedule delineating how the wildfire mitigation actions identified in the plan will be implemented including, but not limited to, overlot vegetation thinning, creation of fuelbreaks and the installation of working fire hydrants, fire cisterns and or/dry hydrants prior to the introduction of combustible construction materials on the site;
 - b.** Communication capabilities during construction with the Local Fire Authority having jurisdiction and the type of communication system. A physical address is required for E-911 purposes;

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- c. Detailed specification of fire protection equipment and emergency preparedness actions to be installed or implemented and maintained within the subdivision during construction;
- d. Detailed mitigation actions including, but not limited to, thinning and removal of trees and vegetation designed to mitigate wildfire hazard areas. The use of building envelopes may be required to locate structures outside of severe hazard areas, off steep slopes and outside of draws and canyons;
- e. Identification of the entities responsible for implementing the plan, constructing required improvements, and maintenance in perpetuity of the improvements and appropriate easement, if any;
- f. A map identifying major timber stands and vegetation, locations of fire hydrants, water tanks, cisterns and/or dry hydrants, as well as locations and flows or capacity of fire hydrants, water tanks, cisterns and/or dry hydrants.

1002.2.5 Procedure

1002.2.5.1 Referral to Colorado State Forest Service

As part of the review of the application, the Planning Director may refer to the Colorado State Forest Service (CSFS) all applications as identified above. Even if the application is not referred to the CSFS, County Staff will review the application and provide recommendations for mitigating wildfire hazards in conformance with the applicable regulations of the County.

1002.2.5.2 Review and Classification of Degree of Hazard by CSFS

CSFS will be asked to review the application and determine whether there is a low, moderate, high, or extreme degree of severity of wildfire hazard posed to persons and property. We will ask the CSFS to take into consideration the Wildfire Management Plan, Defensible Space and proposed design of the proposal (including the planned roads, water supply facilities, and configuration and location of lots), the topography of the site, the types and density of vegetation present, the fire protection measures proposed by the applicant and other related factors in making its determination.

1002.2.5.3 CSFS Response

Considering the degree of severity of wildfire hazard that is posed to persons and property, the SCFS will be asked to also comment on the potential effectiveness of the Wildfire Management Plan and the mitigation techniques proposed. These recommendations shall be based on guidelines promulgated by CSFS (see, for example, "Creating Wildfire-Defensible Zones", No 6.302 or currently adopted standards.) and may include, but are not limited to the following wildfire hazard mitigation techniques:

1. **Locations:** Recommendations to locate structures outside of severe hazard areas, off of steep slopes and outside of draws and canyons.
2. **Manipulate Vegetation:** Recommendations to manipulate the density and form of vegetation, so as to create defensible space buffers around locations where structures are proposed including: Removal of tree limbs hanging near chimneys, establishing fuelbreaks, reduction of on-site vegetative fuel hazards through strategic thinning and clearing to promote overall health of on-site vegetation by reducing the severity of the hazard. The form and the extent of the recommendations to manipulate vegetation shall relate directly to the severity of the hazard that is present.
3. **Building Design:** Recommendations to use fire rated or non-combustible roof materials, to require pitched roofs, and to sheath, enclose or screen projections and openings above and below the

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roofline, as applicable. Compliance with these recommendations shall occur prior to building permit issuance.

4. **Water Supply:** Where access to a pressurized water system with fire hydrants is not provided, recommendations may be made to ensure the availability of a water supply for individual structures, in the form of access to a pond, installation of an underground water storage tank, provision for dry hydrants, or similar methods.
5. **Access:** Recommendations to provide separate routes of entrance and exit into the proposed development, to layout roads so as to create fuel breaks and to ensure the adequacy of access by emergency vehicles, including the provision of regularly spaced turnouts along roadways, the establishment of adequate grades and sight distances and the prohibition of no outlet streets in the development.
6. **Maintenance:** Recommendations to keep roofs cleared of debris and to store flammable materials and firewood away from structures. Firebreaks, turnaround areas and emergency access routes shall be maintained.

1002.2.5.4 Compliance

The County shall consider the recommendations of the CSFS and apply the appropriate recommendations as conditions of approval of the proposal. The applicant shall demonstrate how the development complies with all of the SCFS recommendations made conditions of approval by the County.

1002.2.6 Water Supply and Access Standards:

When referring to the applicable local fire authority, the applicable Fire Code may require certain water supply standards or access standards relating to fire prevention for the proposed development. Further, the local fire authority may find additional potential impact from the proposed development and subsequently make recommendations pertaining to mitigation or avoidance of burden or impact on their particular service or utility which may be affected by the proposed development. This may include, but not be limited to, recommendations for number of fire cisterns, prohibition or restriction on development of dead-end roads, or certain fire suppression systems.

1002.3 FLOOD HAZARD MITIGATION

1002.3.1 Purpose:

Some areas of Clear Creek County near lakes and streams have the potential to pose hazards to human life and safety and to property because they are prone to flooding. These regulations are intended to provide standards to reduce or minimize the potential impacts of flood hazards on properties, the occupants of properties and the occupants of adjacent properties. Development should attempt to avoid flood hazard areas whenever possible.

1002.3.2 Applicability:

Any development located on parcels located within the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Maps (FIRM) are applicable to the Flood Damage Prevention Regulation as outlined in Chapter 12 of the *Clear Creek County Guidelines and Regulations for Matters of State Interest* (1041 Regulations) and must comply with the standards contained therein.

1002.3.3 Sketch Plan:

Flood Hazard information submitted with the sketch plan will be included in the [Site Characteristics Analysis](#), which would include a summary of information derived from the Clear Creek County Flood Insurance Rate Maps.

1002.3.4 Final Plan:

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If the proposed development is located in or near a flood area, it shall demonstrate conformance with the Flood Damage Prevention Regulations as outlined in Chapter 12 of the *Clear Creek County Guidelines and Regulations for Matters of State Interest* (1041 Regulations).

1002.3.5

Maps Incorporated:

A set of FEMA flood maps have been adopted by the Clear Creek Board of County Commissioners that depicts the potential flood hazard areas in unincorporated Clear Creek County:

1. Clear Creek County Flood Insurance Rate Map, Community-Panel Number 080034 0001-0175 National Flood Insurance Program, U.S. Department of Housing and Urban Development
 - a. Panel Number 080034 0025
 - b. Panel Number 080034 0050
 - c. Panel Number 080034 0075
 - d. Panel Number 080034 0100
 - e. Panel Number 080034 0125
 - f. Panel Number 080034 0150
 - g. Panel Number 080034 0175

This set of maps is hereinafter referred to collectively as “The Clear Creek County Flood Hazard Maps” and is hereby incorporated herein by reference. A copy of the set is available for review by the public in the Planning Department during normal business hours, or on the County’s *Clear Map* interactive online mapping application.

1002.4 WILDLIFE IMPACT MITIGATION

1002.4.1 Purpose

As natural land and native wildlife habitat is developed for human use, the need to minimize the negative impact of humans on wildlife and their habitat increases. The purpose of this section is to protect and maintain wildlife in Clear Creek County and minimize the risk of dangerous interaction between humans and wildlife. This is accomplished through the development review process whereby potential wildlife habitat is identified and appropriate avoidance, minimization and/or impact mitigation techniques are suggested that will sufficiently protect the wildlife species and their habitats.

1002.4.2 Maps Incorporated

Clear Creek County obtains wildlife data from the Colorado Division of Wildlife’s

1. Natural Diversity Information Source (NDIS)

This data is used to prepare and update maps that depict the location of wildlife area in unincorporated Clear Creek County. The following species are identified:

- Bald Eagle
- Bighorn Sheep
- Black Bear
- Blue Heron
- Boreal Toad
- Elk
- Greenback Cutthroat Trout
- Lynx
- Moose
- Mountain Goat
- Mountain Lion
- Mule Deer
- Preble’s Meadow Jumping Mouse
- Ptarmigan
- Snow Goose
- Wild Turkey

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These Maps are hereinafter referred to collectively as “The Clear Creek County Wildlife Impact Maps” and is hereby incorporated herein by reference. A copy of the set is available for review by the public in the Mapping Department during normal business hours, or on the County’s *Clear Map* interactive online mapping application.

1002.4.3 Wildlife Analysis

1002.4.3.1 Procedures for Wildlife Analysis

1. **Sketch Plan:** Wildlife information submitted with the sketch plan will be included in the Site Characteristics Analysis, which would include a summary of information derived from the Clear Creek County Wildlife Impact Maps. This information would be referred to the Colorado division of Wildlife as described in 3, 4, 5 and 6 below.
2. **Final Plan:** An applicant for development that is subject to the provisions of this Section shall submit a Wildlife Analysis as part of the Final Plan application. The purpose of the Wildlife Analysis is to identify the location of wildlife habitat or migration routes, determine potential impacts of development, and identify appropriate avoidance, minimization, and/or impact mitigation techniques. The County encourages the assistance of competent professional technicians at this stage of the planning process.
3. **Referral to Colorado Division of Wildlife:** As a part of the review of the application, the Planning Director shall refer to the Colorado Division of Wildlife (CDOW) all applications as identified above.
4. **Review by CDOW:** CDOW will be requested to review the application and determine whether there is potential impact to wildlife habitat or migration routes. During their review, CDOW should take into consideration potential impacts to the following:
 - Bald Eagle
 - Bighorn Sheep
 - Black Bear
 - Blue Heron
 - Boreal Toad
 - Elk
 - Greenback Cutthroat Trout
 - Lynx
 - Moose
 - Mountain Goat
 - Mountain Lion
 - Mule Deer
 - Preble’s Meadow Jumping Mouse
 - Ptarmigan
 - Snow Goose
 - Wild Turkey
 - Other pertinent wildlife habitat or activity areas
5. **Recommendation by CDOW:** Considering the potential impact to wildlife, CDOW will be requested to review the application, including the Wildlife Analysis, and make recommendations pertaining to important habitat or migration routes of wildlife species which may be affected by the proposed development. The recommendation shall identify appropriate avoidance, minimization, and/or impact mitigation techniques.
6. **Consideration:** The County shall consider the content of the Wildlife Analysis and the recommendations of the CDOW during the development review process.

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1002.5 WETLAND IMPACT MITIGATION

1002.5.1 Purpose

Some areas of Clear Creek County are near designated wetlands as determined by the U.S. Army Corps of Engineers. The Regulatory Program of the U.S. Army Corps of Engineers (USACE) plays a critical role in the protection of the nation's aquatic ecosystem and navigation. Important elements of the program implemented by the USACE under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 include conducting jurisdictional determinations for wetlands and other waters of the United States and navigable waters of the United States; evaluating applications for individual and general permits for activities in these jurisdictional areas; ensuring compliance of issued permits; and enforcing requirements of the law for unpermitted activities. Waters of the United States include navigable waters and may include other parts of the surface water tributary system down to the smallest of streams (e.g., tributary that only contains water after a rain event), lakes, ponds, or other water bodies on those streams, and adjacent wetlands (e.g. sloughs, swamps, and some seasonally flooded areas) if they meet certain criteria. Isolated waters such as playa lakes, prairie potholes, old river scars, cutoff sloughs, and abandoned construction and mining pits may also be waters of the United States if they meet certain criteria. An important point is that waters of the United States can include areas that are man-made, or man-induced, as well as natural. Activities that occur in waters of the U.S. that require a permit may include, but are not limited to, shoreline and bank stabilization; boat ramps; roads; residential and commercial developments; utilities; flood control facilities; mining; oil, gas and water wells; and in some cases dredging and other excavation.

1002.5.2 Applicability

Proposed development located on parcels located within wetland areas or otherwise "Waters of the United States" as determined by USACE shall demonstrate compliance with applicable USACE regulations, or avoid such waters.

1. **Sketch Plan:** Wetland information submitted with the sketch plan will be included in the Site Characteristics Analysis, which would include a summary of wetland information derived from Clear Creek County maps that contain wetland information.
2. **Final Plan:** If Waters of the United States, as determined by the U.S. Army Corps of Engineers, are involved in the proposed development, it shall demonstrate compliance with applicable USACE regulations, or avoid such waters.

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1003 BUILDING AND SITE DESIGN

1003.1 COMPATIBILITY REQUIREMENTS

Density, height, and architectural features of all structures and the intensity of developed land area shall be compatible with the surrounding development, natural environment, and general character of the area.

1003.2 BUILDING DESIGN

Exterior building design materials used in construction building or structures in commercial centers shall complement the County's mountain environment or historic mining heritage. Natural materials should be used such as wood siding, native stone, masonry, or glass. Materials that complement the County's historic mining heritage are also encouraged. Variations in roof lines and in building facades are encouraged. Architectural designs shall complement and coordinate with one another, and shall create interest through varied roof lines treatment of building facades, and use of covered walkways and entrances.

1003.3 INCORPORATION NATURAL ASSETS INTO SITE DESIGN

Demonstration that the proposed development incorporates and utilizes to the extent practical, natural assets present on the site such as existing tree stands, watercourses, prominent peaks/ridgelines, and rock outcroppings.

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1004 SIGNS

The scope of the regulation herein set forth shall apply and govern in all Districts. This regulation is intended to provide for the content neutral and nondiscriminatory control of signs and for the preservation of free speech and expression. This regulation is created to permit the orderly use of signs, subject to reasonable time, place and manner restrictions, in order to promote the health, safety and welfare of the public by minimizing distractions to motorists, bicyclists and pedestrians, and protect aesthetic qualities by preventing visual clutter, protecting scenic views and preserving Clear Creek County's character. These regulations are in addition to all federal and state sign laws and regulations, and are subject to preemption.

1004.1 DEFINITIONS

- 1004.1.1** A "sign" is defined as any commercial or non-commercial advertising device, display, A figure, painting, drawing, message, placard, poster, billboard, flag, banner, or any other contrivance designed, intended, or used to advertise or to give either commercial or non-commercial information, and having the capacity of being visible from adjacent properties or roads. The definition of 'sign' and this regulation does not apply to the following:
1. Signs of a duly constituted governmental body such as traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazard, parking, swimming , dumping, etc. or signs erected by public utilities or construction companies to warn of facilities, danger or hazardous conditions in the public right-of-way;
 2. Any sign required to be posted or maintained by law or governmental order, rule or regulation, provided such sign complies with and does not exceed the requirements of such law, order, rule, or regulation;
 3. Signs/scoreboards mounted on the interior of any fence that encloses a stadium or playing fields that are primarily visible to participants and attendees at the stadium or playing fields;
 4. Mail boxes, address lettering, and numerals;
 5. Works of art that in no way advertise a product or business;
 6. Text or pictorial representations on motor vehicles that are being operated or stored in the normal course of a business, that are located on moving vans, delivery trucks, rental trucks, food trucks, etc, provided the primary purpose of such vehicles is not for the display of signs and provided that such vehicles are parked or stored in areas incidental to their primary use as a commercial or delivery vehicle;
 7. Holiday decorations that are clearly incidental and customary and commonly associated with any national, local or religious holiday;
 8. A sign that is held or otherwise mounted on a person or an animal, or a device attached to a person or animal.
- 1004.1.2** A "non-commercial sign" is defined as any signs that do not contain information or advertising for any business, commodity, service, entertainment, product, or attraction. Noncommercial signs include, but are not limited to, signs that express an opinion about any person, business, organization, property or commercial activity, or ideological, social, or religious issues or beliefs of any person or group; public service announcements; signs about candidates for public office or a matter subject to election.
- 1004.1.3** A "commercial sign" is defined as any sign advertising some product, service, activity, event, person, institution, or business, intended to attract attention for the purpose of marketing, vending, sale, hire or profit.
- 1004.1.4** A "temporary commercial sign" is defined as a sign that is used in connection with a circumstance, situation, or event that is expected to take place or be completed within a reasonably short or definite period after the erection of such signs, including but not limited to: banners; advertising balloons; "for sale" type signs; construction signs

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advertising subdivision, development, or construction; real estate signs; and other types of signs relating to special events.

1004.1.5 A “flag” is defined as a fabric or other flexible material designed to be or capable of being flown from a flagpole or similar device.

1004.1.6 A “flagpole” is defined as a free-standing structure or a structure attached to a building/structure or to the roof of a building/structure and designed for the purpose of displaying flags.

1004.2 PERMIT REQUIRED FOR SIGNS

All Signs larger than twenty-five (25) square feet in area shall require a County Sign Permit. If a permit is necessary, all submittals must comply with the requirements as set forth by applicable County regulations. A Colorado Department of Transportation permit may also be required, in addition to a County Sign Permit.

1004.3 FLAGS AND FLAGPOLES

Flagpoles may require a building permit. All flags and flagpoles, irrespective of status as a commercial sign or non-commercial sign, shall be allowed in all zoning districts as follows:

1. The maximum height of a flagpole shall be no greater than thirty-five (35) feet;
2. The maximum square footage of flags shall be no more than sixty (60) square feet per parcel;
3. Freestanding Flagpoles shall meet the setback requirements for freestanding signs.

1004.4 SIGNS ALLOWED IN ALL ZONING DISTRICTS

1004.4.1 Temporary Commercial Signs allowed in all Zoning Districts

Temporary commercial signs shall be allowed in all zoning districts as follows.

1. A maximum of two (2) temporary, unlighted signs per parcel of land are permitted;
2. The total area of each sign does not exceed thirty-two (32) square feet;
3. The total height does not exceed ten (10) feet;
4. Such sign(s) shall be displayed for a period of not more than sixty (60) days in any consecutive twelve (12) month period unless an extension has been granted by the Planning Department;
5. Written notification is delivered to the Planning Department prior to erection specifying type, size, height, area, location, and erection and removal dates;

1004.4.2 Non-Commercial Signs allowed in all zoning districts

Non-commercial signs are allowed in all zoning districts provided that:

1. No single sign shall exceed thirty-two (32) square feet in area;
2. A maximum of ninety-six (96) square feet of sign area per parcel shall be allowed;
3. If freestanding, the total height of any such sign shall not exceed ten (10) feet;
4. If attached to a structure, no such sign(s) shall extend above the top of the wall, structure, or parapet;
5. Such signs, if freestanding, shall meet the setback requirements for freestanding signs.

1004.5 DISTRICT-SPECIFIC COMMERCIAL SIGNS

The following commercial signs shall be allowed within the zoning districts as specified:

1004.5.1 Residential Districts

One (1) sign is permitted, provided the total surface area of the sign does not exceed six (6) square feet and the total height of any such sign shall not exceed ten (10) feet.

1004.5.2 Agricultural, Mobile Home Park, and Mining Districts

One (1) sign is permitted provided the total surface area of the sign does not exceed twenty (20) square feet and the total height of any such sign shall not exceed ten (10) feet.

1004.5.3 Commercial and Industrial Districts

1004.5.3.1 Freestanding Signs shall be allowed provided they meet all of the following criteria:

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1. A maximum of 250 square feet of freestanding sign area per parcel shall be allowed;
2. No single freestanding sign shall exceed 160 square feet;
3. No more than one (1) freestanding sign shall extend more than eight (8) feet to a maximum of twenty (20) feet above ground level.

1004.5.3.2 Signs painted on or attached directly or in-directly to a structure, and/or window display signs shall be allowed provided they meet all of the following criteria:

1. No such sign or combination of signs shall exceed twenty-five (25) percent of the wall on which the sign(s) is placed;
2. No single sign shall exceed 160 square feet per building face;
3. Signs shall not exceed a maximum of 250 square feet per building;
4. Signs attached directly or in-directly to fences or other non-building structures shall be counted toward the maximum allowable square footage for the building, as set forth above;
5. No such sign(s) shall extend above the top of the wall, structure, or parapet.

1004.5.4 Planned Development and Recreational Vehicle Park Districts

1004.5.4.1 Must comply with the Planned Development or Recreational Vehicle Park Official Development Plan (ODP).

1. The ODP must base the proposed signage on the regulations of the district that the use is most similar to. Flexibility may be allowed, when determined to be appropriate;
2. The ODP shall address specific sign size, material, height, and location.

1004.6 MINIMUM SETBACK REQUIREMENTS FOR FREESTANDING SIGNS

1004.06.1 Signs six (6) feet tall or less shall have a minimum setback of four (4) feet.

1004.06.2 The setback from any lot line for any freestanding sign higher than six (6) feet tall shall be no less than the total height of such sign and sign structure.

1004.7 SIGN AREA AND HEIGHT MEASUREMENT

1004.7.1 Signs Without Backing

1004.7.1.1 For signs involving individual letters, figures, or designs that are placed flat against the façade of a building or are to be supported on individual standards and that will be freestanding, the area of such sign will be considered to be that of a single rectangle or square encompassing all of the letters, figures, and designs used to convey the message of the sign, and shall include the open space between letters of words within that square or rectangle;

1004.7.1.2 The height of letters will be measured on the uppercase letters.

1004.7.2 Multiple-Unit Signs

The total sign area of multiple-unit signs shall include the vertical and horizontal spacing between the letters or symbols that comprise the word, words, or figures that convey the message.

1004.7.3 Double-Faced Signs

1004.7.3.1 Only one (1) face of a double-faced sign shall be considered in determining the sign area;

1004.7.3.2 On all double-faced signs, the faces shall be parallel, and the distance between sign faces (thickness) shall not exceed eighteen (18) inches;

1004.7.3.3 No sign shall have more than two (2) faces.

1004.7.4 Height

1004.7.4.1 The height of any sign shall be defined as the distance between the topmost portion of the sign, including the structure supporting the sign, and the natural elevation of the ground at the base of the sign;

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1004.8 ILLUMINATION

- 1004.8.1** Signs may be internally or externally illuminated.
- 1004.8.2** Commercial Signage in Residential, Agricultural, Mobile Home Park, and Mining Zoning Districts shall not be illuminated.
- 1004.8.3** Any light used for the illumination of a sign shall be shielded so that the direct rays of light will not shine directly on surrounding properties or upwardly beyond the topmost portion of the sign.
- 1004.8.4** Neither the direct or reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads, and no colored lights may be used in such a way as to be confused or construed as traffic control device.
- 1004.8.5** No blinking, flashing, intermittent, moving, or fluttering lights, or other illuminated device which has a changing light intensity, brightness, or color, may be permitted in any zoning district, except for temporary holiday displays or as required by local, state, or federal regulations.

1004.9 SIGN MAINTENANCE

- 1004.9.1** All signs and all components thereof shall be kept in good repair. Signs in danger of falling down or that become insecure or otherwise represent an unsafe condition shall constitute a violation under the provisions of these Zoning Regulations and shall be removed or corrected by the sign owner or property owner.

1004.10 NON-CONFORMING SIGNS

- 1004.10.1** A lawful sign existing at the time of the passage of this section which does not conform with this section shall be deemed a non-conforming sign and follow the provisions of Section 11: Non-Conforming Uses, of the *Clear Creek County Zoning Regulations*.

1004.11 OBSOLESCENCE

- 1004.11.1** Signs shall not be allowed for any activity, product, business, service, or other use that has ceased or vacated the premises, or that pertain to a time or event that already occurred, or purpose that is no longer relevant. This provision shall not apply to signs officially designated as landmarks or to permanent signs accessory to businesses that are open only on a seasonal basis, provided there is clear intent to continue operation of the business. Obsolete signs shall be removed within thirty (30) days from cessation of the related activity.
- 1004.11.2** If the sign is not removed within thirty (30) days from cessation, it will be considered abandoned and may be removed, at the owners' expense, by the County.

1004.12 SIGNS PROHIBITED IN ALL DISTRICTS

- 1004.12.1** The following signs shall be prohibited in all Districts.
 - 1004.12.1.1** Signs that promote an unlawful activity or that are adjudged by a court to be false or misleading;
 - 1004.12.1.2** Signs that create safety hazards or confusion and impair traffic visibility, and signs designed and located so as to simulate appearance of public devices controlling public traffic;
 - 1004.12.1.3** Signs maintained in conjunction with a use, event, service, or activity prohibited by the Clear Creek County Zoning Regulations;
 - 1004.12.1.4** Vehicles or trailers with commercial signs that are parked or located for the apparent purpose of advertising a product, service or activity or to direct people to a business or activity-

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- 1004.12.1.5** Any sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same parcel of land where such sign is displayed.
- 1004.12.2** The following signs shall be prohibited in all Districts, unless written approval specifically authorizing such signs for a maximum of seven (7) days has been obtained from the Planning Department, following notification of adjacent property owners.
 - 1004.12.2.1** Revolving beacons, flashing or highly reflective signs, or signs with any type of animation, or moving parts;
 - 1004.12.2.2** Any sign emitting sound, except for two-way communication menu sign associated with a licensed retail food establishment;
 - 1004.12.2.3** Any privately owned sign in a public right-of-way or on public

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1005 OFF STREET PARKING REQUIREMENTS

The scope of the regulation herein set forth shall apply and govern in all uses listed in the parking index. This regulation is applicable to buildings hereafter erected, uses hereafter established, and to such non-conforming buildings and uses, including the extension and enlargement of said buildings and uses. Parking associated with on-site uses shall not overflow into public rights-of-way.

1005.1 PARKING SPACE REQUIREMENTS

1005.1.1 SIZE

1005.1.1.1 Cars. Each parking space shall not be less than nine (9) feet wide and nineteen (19) feet long.

1005.1.1.2 Delivery Trucks and Buses. One (1) parking space shall not be less than twelve (12) feet wide and thirty-five (35) feet long.

1005.1.1.3 Semi-Trailers. Parking spaces shall accommodate both single- and double- axle vehicles, when appropriate, with allowances for ingress and egress.

1005.1.2 PARKING LOT ACCESS

An access permit may be required from the Colorado Department of Transportation (CDOT) and/or the County Road and Bridge Department.

1005.1.3 UNLOADING AND LOADING AREAS

1005.1.3.1 Patron Pick-Up and Drop-Off. Allowances shall be made whenever the normal operation of any development requires patron pick-up and drop-off.

1005.1.3.2 Truck Unloading and Loading. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided to accommodate the delivery or shipment operations in a safe and convenient manner.

1005.1.4 HANDICAPPED PARKING

For required off-street parking other than for a single- or two-family residences, handicapped parking shall be provided that meets the requirements under the Americans With Disabilities Act as outlined below.

1005.1.4.1 Accessible Parking Spaces

- 1. Cars.** Accessible parking spaces for cars shall have at least sixty (60) inch- wide access aisle located adjacent to the designated parking space.
- 2. Vans.** Van accessible parking spaces shall have at least ninety-six (96) inch-wide access aisle located adjacent to the designated parking space.

1005.1.4.2 Parking spaces shall be identified with a clearly visible all-weather sign showing the international symbol of accessibility.

1005.1.4.3 Minimum number of accessible parking spaces shall comply with the below table:

<u>Total Number of Parking Spaces Provided</u>	<u>Car Accessible Parking Spaces</u>	<u>Van Accessible Parking Spaces</u>
1 to 25	0	1
26 to 50	1	1
51 to 75	2	1
76 to 100	3	1
101 to 150	4	1
151 to 200	5	1

1005.1.5: PARKING INDEX

1005.1.5.1 Residential Uses

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1. **Single-Family Dwelling Units:** Off-street parking shall be provided at a ratio of not less than three (3) parking spaces for each single-family dwelling unit.
2. **Multi-Family Dwelling Units:** Off-street parking space shall be provided at a ratio of not less than two (2) parking spaces for each multi-family dwelling unit.
3. **Mobile Home Park:** In addition to the required space for a mobile home unit as outlined in Section 3- Mobile Home Park District of these Regulations, not less than two (2) additional on-site parking spaces shall be provided for each mobile home space.
4. **Recreational Vehicle Park:** In addition to the required space for a recreational vehicle unit as outlined in Section 8 – Recreational Vehicle/Commercial Camping Park District of these Regulations, not less than one and one-half (1.5) additional on-site parking spaces shall be provided for each recreational vehicle space.
5. **Other Uses:** Additional off-street parking may be required for home occupations and rooms for rent in single-family dwelling units.

1005.1.5.2 Non-Residential Uses

Appropriate off-street parking shall be provided as listed below:

1. **Places of Assembly:** One (1) off-street parking space shall be provided for every three (3) seats, or for one-third (1/3) of the allowed occupancy of the facility, as rated by the Emergency Services District Director.
2. **Day Care/Schools:**
 - a. **Day Care:** One and one-half (1.5) off-street parking space shall be provided for each employee.
 - b. **Elementary and Middle Schools:** One (1) off-street parking space shall be provided for each teacher and staff member, plus one (1) space per classroom.
 - c. **High School:** One (1) off-street parking space shall be provided for each teacher and staff member, plus five (5) spaces per classroom.
3. **Museum/Library/Interpretive Center:** One (1) off-street parking shall be provided for each employee, plus one (1) space per 500 square feet of gross floor area.
4. **Hospital:** One (1) off-street parking space shall be provided for each employee at the largest shift, plus one (1) space for every three (3) beds.
5. **Retail/service:** Five and one-half (5.5) off-street parking spaces shall be provided for every 1,000 square feet of gross floor area.
6. **Office/Professional:** Three and one-third (3.3) off-street parking spaces shall be provided for every 1,000 square feet of gross floor area.
7. **Restaurant:**
 - a. **Fast Food Restaurant with/without Drive-Through:** One (1) off-street parking space shall be provided for each employee at the largest shift, plus ten (10) spaces for every 1,000 square feet of gross floor area.
 - b. **Bar/Saloon:** One (1) off-street parking shall be provided for every two (2) persons allowed within the maximum occupancy load.
 - c. **All Other Restaurants:** One (1) off-street parking space shall be provided for every three (3) persons allowed within the maximum occupancy load.

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8. Lodging: One (1) off-street parking space shall be provided for each employee at the largest shift, plus one (1) space for each room.

9. Industrial:

a. Warehouse/Storage Facility: One (1) off-street parking space shall be provided for each employee at the largest shift, plus one-half (.5) space for every 1,000 square feet of gross floor area.

b. Manufacturing/Industrial: One (1) off-street parking space shall be provided for each employee at the largest shift, plus one (1) space for every 1,000 square feet of gross area.

1005.1.5.3 Planned Development District: The Official Development Plan (ODP) must base the proposed parking on the regulations of the district that the use is most similar to. Flexibility may be allowed, when determined appropriate.

1005.2 FLEXIBILITY IN PARKING REQUIREMENTS

Pursuant to Section 13 – Variances, where the Parking Index does not include the type of uses proposed, or there is credible evidence supporting a reduction in the number of spaces needed, an Administrative Variance may be requested for any of the following cases:

1005.2.1 Unique Development

When the parking index does not include the type of use proposed.

1005.2.2 Shared Parking

When a proposal for shared parking is presented.

1005.2.3 Satellite Parking

If the number of off-street parking spaces required by this Section cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots. For each case, the applicant must clearly demonstrate that the above parking index requirements for off-street parking spaces is inappropriate to meet the needs of the development. The applicant, as part of their submittal, shall provide the Planning Department with a traffic and off-street parking plan, which may be required to be prepared by a transportation engineer or transportation planner who is a member of the professional society of Institute of Transportation Engineer. Such plan shall include, but not be limited to, the number of vehicle trips likely to be generated by the proposed development during peak hours, and existing and proposed transportation systems and traffic impacts.

1005.3 SNOW STORAGE

It shall be the responsibility of the owner, or designated agent, to provide adequate snow storage for all parking areas when winter operations are part of the proposed use.

1005.4 PARKING LOT LIGHTING

1005.4.1 All parking lots for Commercial, Industrial, and Planned Development Districts, and access thereto from the business, shall be sufficiently illuminated to ensure the security of property and the safety of persons using such parking lots and access routes.

1005.4.2 Parking lot lighting shall be required to be provided during operating hours.

1005.4.3 Lights shall be shielded so that direct rays of light will not shine directly onto surrounding properties, except for porch or other lights attached to a structure that are non-reflective, and 100 watts or less.

1005.4.4 Neither the direct or reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads, and no colored lights may be used in such a way as to be confused or construed as traffic control devices.

1005.4.5 No blinking, flashing, intermittent, or fluttering lights, or other illuminated device which has a changing light intensity, brightness, or color, or which exceeds twenty-five (25) feet in height, may be permitted in any zoning district, except for temporary holiday displays or as required by local, state, or federal regulations.

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1006 FENCING, WALLS, AND LANDSCAPING STANDARDS

1006.1 PURPOSE

It is the purpose of this Section to provide clear regulations for fencing, walls, and landscaping standards. This Section applies to all zoning districts, unless specifically exempt.

1006.2 FENCING AND WALLS

This Subsection is intended to provide for a sense of visual separation, screening and security function between development, roadways, and surrounding lots; and slope stabilization.

1006.2.1 Material Standards

Materials such as wood, brick, stone, masonry, textured concrete or aggregate concrete are encouraged. Materials such as corrugated or sheet metal, plywood, oriented strand board (OSB), and particle board are considered substandard and not permitted in locations visible from adjacent properties or public rights-of way.

1006.2.2 General Standards

1006.2.2.1 No walls or fences shall be erected or permitted on any property between any setback line and any public road that would cause danger to traffic or public safety and/or snow removal/storage as determined by the County.

1006.2.2.2 Walls and fences must be designed and constructed to meet appropriate wind load.

1006.2.2.3 It shall be the responsibility of the owner, or designated agent, to provide proper maintenance of all fencing and walls in a sound structural condition, and so as to not become unsightly, hazardous, or less opaque than when originally constructed.

1006.2.3 Setback Requirements

There are no setback requirements for fences, free-standing walls, and retaining walls from property boundary lines, unless determined by the County that there is a potential traffic or public safety hazard.

1006.2.4 Wildlife Mitigation

1006.2.4.1 Maps

Fencing requirement (including gates) shall be based upon an analysis of the most current Maps of significant wildlife impact/habitats in Clear Creek County, Colorado, provided by the Division of Wildlife.

1006.2.4.2 Map Designation

- 1. High Impact Potential:** Seasonal habitat areas pertinent to breeding, feeding, and escape activities of various species of wildlife;
- 2. Moderate Impact Potential:** Overall range for geographically restricted species;
- 3. Low Impact Potential:** Overall habitat occupied by species where its extent is usually widespread enough and/or populations are generally common enough that typical, localized land use changes would not greatly impact the overall welfare of the population.

1004.2.4.3 Height and Length Limitations

- 1. High Impact Potential:** Any fence or combination of fences (including gates):
 - a.** over 500 feet in total perimeter length shall be limited to a maximum height of forty-two (42) inches;
 - b.** shall be of a see-through design, permitting wildlife to easily see what is on the other side and to allow for wildlife migration;
 - c.** shall be of materials and designs unlikely to cause injury to wildlife.
- 2. Moderate Impact Potential:** Any fence or combination of fences (including gates):

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- a. over 1,000 feet in total perimeter length shall be limited to maximum height of forty-two (42) inches;
 - b. shall be of a see-through design, permitting wildlife to easily see what is on the other side and to allow for wildlife migration;
 - c. shall be of materials and designs unlikely to cause injury to wildlife.
3. **Dog Kennels/Runs:** Dog kennels/runs, up to six (6) feet in height, are exempt from the height limitations as outlined above. The standard material for such kennels/runs consists of a chain-link construction. For safety purposes, the kennel/run should be fully enclosed. The perimeter of the kennel/run shall be to a size appropriate for the number and type of dog(s) and shall not encompass the entire yard.
4. **Flexibility in Height Restrictions:** An Administrative Variance, pursuant to Section 13- Variances of these Regulations, may be issued upon receipt of a letter from the Division of Wildlife or a qualified professional stating that there are no significant, unmitigated adverse impacts to wildlife.

1006.3 LANDSCAPING

This Subsection is intended to provide standards and guidelines which shall be used in conjunction with Development Review or a Planned Development for a sense of visual separation, screening, and security function between development, roadways, and surrounding lots; and slope stabilization.

1006.3.1 General Requirements

1006.3.1.1 There are no setback requirements from property boundary lines, except that no tree, shrub, hedge, or other growth shall be permitted on any property between any setback line and any public or private road or drive that would cause danger to traffic or public safety as determined by the County.

1006.3.1.2 Maintenance

It shall be the responsibility of the owner, or designated agent, to provide proper maintenance of any landscaped area. Required landscaping must be regularly maintained and replaced when plant material die or are diseased.

1006.3.1.3 Performance Guarantee

The County may, at its discretion, require the applicant to file a performance guarantee of financial security to assure landscaping success.

1006.3.2 General Guidelines

1006.3.2.1 Plant Material Standards

1. Preservation of existing trees;
2. All plantings should be with species suitable for mountainous environment;
3. When selecting planting materials consideration should be given to soil suitability, available water, other environmental conditions, and proximity to underground and overhead utility lines that may exist when the plantings reach maturity;
4. Artificial trees, shrubs, turf or plants are discouraged.

1006.3.2.2 Plant Size

1. Trees intended for screening purposes should be a minimum of six (6) feet in height.
2. All shrubs intended for screening purposes should be a size equal to or greater than five (5) gallon containers.

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1007 ANIMALS

1007.1 ANIMAL CATEGORIES

1007.1.1 Pets

1007.1.1.1 Non-commercial keeping of pets is allowed in all zoning districts.

1007.1.1.2 Pets of any kind shall be contained and controlled.

1007.1.1.3 Commercial kennels are allowed only in Agricultural, Planned Development, Commercial and Industrial Districts.

1007.1.2 Non-Commercial Keeping of Animals

(Section 1007.1.2. applies to only equines, pack animals, and livestock as defined in Definitions)

1007.1.2.1 The non-commercial keeping of animals is allowed in all zoning districts.

1007.1.2.2 All animal confinement areas or corrals must be setback ten (10) feet from the property line.

1007.1.2.3 Non-commercial keeping of animals is not permitted on parcels of less than three (3) acres.

1007.1.2.4 On lots and parcels that meet the above size standards, the total number of such animals that may be kept shall not exceed one (1) animal unit per one (1) acre.

1007.1.2.5 "Animal Units" shall be used to establish an equivalent density for various species.

1. Cattle/Buffalo/Horse/Mule/Donkey – one animal unit
2. Miniature Horse/Llama/Sheep/Goat – two animals = one animal unit
3. Swine/Ostrich – one animal unit
4. Mink and similar fur bearing animal – twelve animals = one animal unit
5. Other livestock – one animal unit
6. Young animals shall not be counted until they are weaned.

1007.1.3 Commercial Keeping of Animals

1007.1.3.1 Commercial keeping and/or boarding of animal is allowed in Agricultural, Planned Development, Commercial, and Industrial Districts.

1007.1.4 Wild Animals

1007.1.4.1 Wild animals must be kept in accordance with the requirements of the Division of Wildlife.

1007.1.4.2 Pursuant to Section 12 – Special Use Permits of these Regulations, a Special Use Permit shall be required, prior to keeping of any wild animal.

1007.1.5 Exotic Animals

1007.1.5.1 Exotic animals must be kept in accordance with the requirements of the USDA.

1007.1.5.2 Pursuant to Section 12 – Special Use Permits of these Regulations, a Special Use Permit shall be required, prior to keeping of any exotic animal.

1007.1.6 Rabbits and Fowl

1007.1.6.1 The total number of such animals that may be kept shall not exceed one (1) animal unit per one-half (1/2) acre.

1007.1.6.2 "Animal Units" shall be used to establish an equivalent density for various species.

1. Rabbit/Poultry/Fowl – twelve animals = one unit

1007.2 PERFORMANCE STANDARDS

In all zoning districts, the following performance standards shall apply:

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- 1007.2.1** Persons keeping livestock shall remove, store, or dispose of manure as often as necessary in order to prevent unsanitary conditions and excessive breeding of flies.
- 1007.2.2** Stockpiles and compost piles of animal waste shall meet the property line setback and requirements of that zoning district. Those stockpile and compost piles stored on the ground shall be more than 200 feet from any well or stream/other surface water. Further, such stockpiles shall not be located within the 100-year flood plain as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps.
- 1007.2.3** Where livestock is kept, provisions shall be made for proper drainage and control of runoff to prevent, to the extent practicable, the flow of contaminated water into surface and subsurface water supplies, and to prevent, to the extent practicable, runoff onto adjacent property. The following are methods to assure that this requirement is met:
 - 1007.2.3.1** Eliminate animal confinement areas, and areas used for compost/stockpiling of manure on slopes in which wastewater/rainfall cannot be collected/managed onsite.
 - 1007.2.3.2** Construct a perimeter ditch or berm around stockpile areas, if needed, to prevent, to the extent practicable, runoff from the area.
 - 1007.2.3.3** If necessary, properties shall use grassed strips, filter fences, or properly staked straw bales to prevent, to the extent practicable, eroded soil and stockpiles from entering adjacent property.
 - 1007.2.3.4** If needed, in order to prevent to the extent practicable groundwater contamination and runoff, stockpiles shall be contained (*ie; trash bins, dumpsters, covered liners, visquene, truckloads/trailers, walled facility, etc., etc*).
 - 1007.2.3.5** The keeping of domesticated sheep shall not be permitted within one (1) mile of bighorn sheep habitat as defined by the most current Division of Wildlife maps. Any sheep kept within the County shall be kept behind a double buffer fence to prevent direct contact. Such distance between fences shall be determined by the Division of Wildlife. Exceptions to this policy will be made only upon the recommendation of the Division of Wildlife.

1007.3 SPECIAL USE PERMITS

- 1007.3.1** An Administrative Temporary Special Use Permit may be requested for youth projects for individuals under the age of eighteen (18), pursuant to Section 12 – Special Use Permits of these Regulations. There shall be no fee for such permit.
- 1007.3.2** A Special Use Permit may be requested, where additional animal density or varied performance standards may be required, to provide flexibility in Subsection A.2 above, pursuant to Section 12 – Special Permit Regulations. All Special Use Permits shall be conditioned on the submittal and approval of a Manure Management Plan that demonstrates conformance with the Best Management Practices for Animal Feeding Operations as established by the Water Quality Control Division of CDPHE.

1007.4 NONCONFORMING USES

- 1007.4.1** A legal nonconforming use that exists at the time of adoption and/or revision of this section, may be continued, although such use does not conform with the provisions of these regulations, however, any such use shall comply with Performance Standards as described in Subsection 1007.2 above.
- 1007.4.2** A legal nonconforming use that exists at the time of adoption of this Section shall not be expanded.
- 1007.4.3** If any nonconforming use is discontinued for a period of twelve (12) months, any further use shall be in conformity with this section.

1007.5 RESOURCES

1. Clear Creek County Environmental Health Department ---- PO Box 2000, 405 Argentine, Georgetown, Colorado 80444, 303-679-2335

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2. Colorado Division of Water Resources ---- 1313 Sherman, Room 818, Denver, Colorado 80203, 303-866-3581 or the Greeley office at 970-352-8712
3. Clear Creek Animal Control ---- 3549 County Road 312, Dumont, Colorado 80436, 303-679-2398.
4. Water Quality Control Division ---- 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, 303-692-3500
5. Air Quality Control Division ---- 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, 303-692-3476

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1008 OTHER PERFORMANCE STANDARDS

Applicability: No use shall be made of any land unless the use meets the following Performance Standards.

1008.1 JUNK

No owner, agent, or occupant of any property shall be allowed to accumulate junk, including any incomplete, extensively damaged, or unlicensed vehicles within view from other property or public rights-of-way, other than that which is of historic significance, or operable and usable in a bona-fide mining operation located within a Mining Zoning District.

1008.2 VISUAL OBSTRUCTIONS

No wall, fence, sign, or other structure shall be erected, or vehicle parked, and no hedge, shrub, tree or other growth shall be permitted on any property between any setback line and any public or private road or drive that would cause danger to traffic as determined by the County.

1008.3 ABOVEGROUND STORAGE OF HAZARDOUS MATERIALS AND PETROLEUM

1008.3.1 Above-ground storage tanks containing flammable or combustible materials shall, if painted to blend with the surrounding natural environment, be labeled conspicuously with a National Fire Protection Association (NFPA) reflective emblem;

1008.3.2 All hazardous materials and petroleum products must be handled and stored in accordance with all applicable laws and regulations.

1008.4 LIGHTING

Any outdoor light used for the illumination of parking areas, loading areas, recreation areas, or for any other private or public purpose, shall be arranged in such a manner as to meet the following conditions:

1008.4.1 Lights shall be shielded so that direct rays of light will not shine directly onto surrounding properties, except for porch or other lights attached to a structure that are non-reflective, and 100 watts or less;

1008.4.2 Neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads, and no colored lights may be used in such a way as to be confused or constructed as traffic control devices;

1008.4.3 No blinking, flashing, intermittent, or fluttering lights, or other illuminated device which has a changing light intensity, brightness, or color, or which exceeds twenty-five (25) feet in height, may be permitted in any zoning district, except for temporary holiday displays or as required by local, state, or federal regulations.

1008.5 NOISE

Regulations are as established by Colorado Revised Statutes 25-12-103.

1008.6 NUISANCES

Except for within Mining zoning districts, no use shall include activities that are likely to create excessive smoke, fumes, odor, vibration or dust, or that will be detrimental to the health, safety or general welfare of the community.

1008.7 DRAINAGE/STORMWATER CONTROL/MANAGEMENT

The proposed development shall meet the standards of the applicable requirements for drainage and stormwater control and runoff as required by the Site Development Director.

1008.8 BEST MANAGEMENT PRACTICES (BMP'S)/EROSION CONTROL

The proposed development shall meet the standards of the County adopted Best Management Practices (BMP's) manual for erosion control of stormwater runoff.

1008.9 MAINTENANCE OF DEFENSIBLE SPACE

The proposed development shall meet the standards for Defensible Space and obtain a Defensible Space Permit as required by the Site Development Department.

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SECTION 11. NON-CONFORMING USES

A. PURPOSE

The purpose of this section is to recognize within zoning districts established by these Regulations there exists land, uses of land, structures, buildings and uses of structures, which were lawful before these Regulations were adopted or amended, but which would be prohibited, regulated or restricted under the provisions of these Regulations. These non-conforming uses shall not be enlarged, expanded, increased, or be used as grounds for adding other structures or uses now prohibited in the same district.

B. APPLICABILITY

Uses and structures existing lawfully prior to the effective date of these Regulations which, by reason of these Regulations, are no longer conforming, shall be considered as legally non-conforming.

C. CONFLICT

In the event of a conflict between this Section and any other section of these Regulations, the more restrictive section shall control.

D. CONTINUATION

1. Non-Conforming Uses of Land

A use of land that was lawful before these Regulations were adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of these Regulations, subject to the following provisions:

- A. Such non-conforming use of land shall not be enlarged, expanded, increased, or moved to occupy an area of land which was not occupied for that use before these Regulations were adopted or amended.
- B. Any additional and/or new land use and/or structure(s) proposed for the parcel shall conform to these Regulations.

2. Non-Conforming Uses of Structures

A use of a structure(s) which was lawful before these Regulations were adopted or amended may continue to exist even though the use of the structure would be prohibited, regulated, or restricted under the provisions of these Regulations, subject to the following provisions:

- A. The use of existing structures, to the extent they are occupied by a non-conforming use, shall not be enlarged, expanded or extended to accommodate non-conforming uses or other uses not allowed in the district in which the structure(s) is located.

3. Non-Conforming Buildings or Structures

Building(s) and/or structure(s) which were lawful before these Regulations were adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of these Regulations, subject to the following provisions:

- A. Existing building(s) and structure(s) shall not be enlarged, expanded or extended to accommodate non-conforming uses or other uses not allowed in the district in which the structure(s) is located.

4. Non-Conforming Single Family Residential Structures

A structure which contains more dwellings than allowed by the zone, or dwelling(s) located in a non residential zone that does not permit residential uses.

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- A. A single family residential structure may be enlarged by 25% of gross floor area, provided that construction is in compliance with a valid building permit and obtains Certificate of Occupancy.

E. **TERMINATION**

If any nonconforming building, structure or property use is discontinued for a period of twelve (12) months, any future use shall be in conformity with these Regulations, unless one of the following applies:

- 1. Structure Destroyed by Fire or other Natural Causes: When a nonconforming structure or property use has been destroyed by fire or other natural cause, the structure can be replaced when the original footprint and square footage is the same, and construction in compliance with a valid building permit has begun within one (1) year of the incident, and construction obtains a Certificate of Occupancy. A one-time, two (2) year extension may be granted by the Planning Manager upon findings that:
 - A. There had been a substantial difficulty on the applicant/owner to begin reconstruction within one year;
 - B. The owner/applicant has taken steps to clean up/remove the damaged structure

F. **NON-CONFORMING USES AND STRUCTURES ACQUIRED BY TAX SALES**

If the County issues a treasurers deed for a property for reason of tax delinquency, and such property is not redeemed as provided by law, the future use of such property shall be in conformity with current provisions of these Regulations.

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SECTION 12 SPECIAL USE PERMITS

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1201 GENERAL PROVISIONS

1201.1 PURPOSE

The purpose of these provisions is to provide a permit review process that evaluates those uses listed as "special uses" within zoning districts to ensure their compatibility with other uses in the same zoning district. Special use permits are issued upon the recommendation of the Planning Department and the approval of the Planning Director and/or Board of County Commissioners. Special Use Permit applications will not be accepted for land activities that are subject to County Board of Adjustment approval pursuant to Section 13 - Variances of these Regulations. A Special Use Permit shall not be used as a substitute for rezoning to the appropriate zoning district.

1201.2 APPLICABILITY

A parcel of land may be determined to be suitable for uses additional to those enumerated in the "Use Regulations," the "Permitted Principal Uses," or the "Accessory Uses" sections of the applicable zoning district regulation. Uses requiring a Special Use Permit include those described in the "Uses Requiring Special Use Permit" section of the applicable zoning district.

Special Use Permits shall be granted when:

1201.2.1 The proposal is consistent with the Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations; and

1201.2.2 Authorized by a resolution of the Board of County Commissioners as a "use in compliance" as specified in and pursuant to an approved form; or

1201.2.3 Authorized by the Planning Department as an "Administrative Special Use Permit," with written findings of fact as specified in an approved form.

If the proposed use is approved or conditionally approved, the Board of County Commissioners or Planning Department may impose such conditions and safeguards to ensure compliance with the requirements, standards and conditions of this section. The violation of any condition, safeguard, or commitment of record shall be sufficient grounds for revocation of the permit by the Board, following a ten (10) day written notice sent by certified mail, return receipt requested, to the applicant, and public hearing.

1201.3 CRITERIA FOR CLASSIFICATION

There are five (5) types of Special Use Permits that are classified as the following:

1201.3.1 SPECIAL USE PERMIT

Special Use Permits are designed for long-term or permanent changes to the use of the land, and shall not terminate upon sale of the property unless otherwise stipulated. A use permitted under this Section may be established in a zoning district only upon approval of the Board of County Commissioners, after review and action by the Planning Commission, and subject to the conditions set forth in a resolution approving the use by the Board.

1201.3.2 TEMPORARY SPECIAL USE PERMIT

Uses qualifying for consideration for a Temporary Special Use Permit are traditionally a period of three (3) years or less. A use permitted through Temporary Special review may be established in a zoning district only upon approval of the Board of County Commissioners, and subject to the conditions set forth in an approval by the Board.

1201.3.3 ADMINISTRATIVE SPECIAL USE PERMIT

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Uses qualifying for consideration for an Administrative Special Use Permit are limited to a term of one (1) year or less. Certain temporary uses may qualify for an Administrative Special Use Permit, to be approved by the Planning Department upon reaching written findings of fact which confirm compliance with this Section and other relevant County land use laws. Administrative Special Use Permits can only be granted on a one-time basis for a specific use.

1201.3.4 MOBILE FOOD VEHICLE PERMIT

A Mobile Food Vehicle Permit is valid for 1 Calendar year. A Mobile Food Vehicle Permit may be renewed each Calendar year for a reduced fee if the use has not been discontinued for more than 12 months.

1201.3.5 TEMPORARY RECREATIONAL AND NON-RECREATIONAL VEHICLE CAMPING PERMITS

The Planning Department may issue a temporary RV or non-RV camping permit for periods over fourteen (14) days per year but not to exceed thirty (30) days per year. The applicant must guarantee that during the permit period an approved sanitary facility is available at all times. For periods longer than thirty (30) days, a Special Use Permit must be applied for. A new temporary RV or non-RV camping permit cannot be issued until thirty (30) days from the expiration of the previous year's permit.

1202 SPECIAL USE PERMIT

1202.1 PURPOSE

Special Use Permits are designed for long-term or permanent changes to the use of the land, and shall not terminate upon sale of the property unless otherwise stipulated. A procedure for review by the Planning Department every three (3) years, or sooner at the discretion of the Board of County Commissioners, shall be a part of every Special Use Permit, to ascertain whether the use is still being operated in compliance with the terms of the agreement.

1202.2 APPLICABILITY

A use permitted under this Section may be established in a zoning district only upon approval of the Board of County Commissioners, after review and a recommendation by the Planning Commission, and subject to the conditions set forth in a resolution approving the use by the Board.

1202.3 PRE-APPLICATION CONFERENCE

Prior to submittal of an application, the applicant shall meet with a Planning Department staff member to determine whether the request meets the criteria as stated above for a Special Use Permit process, and to explain the procedure and submittal requirements. The applicant should bring applicable documentation for review.

1202.4 SUBMITTAL PROCESS

1202.4.1 A complete application and appropriate documentation must be submitted to the Planning Department by the applicant. If the requested use relates to a proposed or existing building permit, a construction schedule will be required. Additional information may be required later in the process.

1202.4.2 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal will not be

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processed.

- 1202.4.3 The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis. Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.
- 1202.4.4 The Planning Department will publish a notice in a newspaper of general circulation in the county fourteen (14) calendar days prior to the Planning Commission's public hearing. The applicant will be notified of the public hearing date, time, and place.
- 1202.4.5 At least fourteen (14) calendar days prior to the Planning Commission public hearing, the applicant shall post and maintain notice on the parcels under consideration. Notice shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.
- 1202.4.6 The Planning Department will prepare a Site Characteristics Analysis, and a visit to the site will be made by Staff.
- 1202.4.7 Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Planning Commission public hearing.
- 1202.4.8 During the public hearing, the Planning Commission shall evaluate the submittals, referral comments, staff report, and public testimony, and make a recommendation to the Board of County Commissioners (BOCC) to approve, approve with conditions, or deny the application.
- 1202.4.9 The applicant may be required to provide additional information prior to the BOCC public hearing based on conditions/stipulations recommended by the Planning Commission.
- 1202.4.10 The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the BOCC public hearing. The applicant will be notified of the public hearing date, time, and place.
- 1202.4.11 Based upon the submittal documentation, site characteristics analysis, comments received, and the Planning Commission's recommendation, the Planning Department will prepare a staff recommendation/report and draft resolution for the BOCC public hearing.
- 1202.4.12 During the public hearing, the BOCC shall evaluate the submittals, referral comments, staff report, Planning Commission recommendation, and public testimony, and shall approve or deny the application.
- 1202.4.13 The Planning Department will notify the applicant of what is required to finalize the decision of the BOCC following the public hearing.

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1202.4.14 If granted, the Special Use Permit will be monitored for compliance by the Planning Department. If all conditions and stipulations of the Resolution are not met timely, a hearing will be scheduled before the BOCC to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time. A permit may be revoked for non-compliance with ten days written notice to the applicant.

1202.4.15 The Board of County Commissioners (BOCC) may impose a condition that renders a Special Use Permit null and void when an approved Permit is inactive or no longer in use for a period greater than one (1) year.

1202.5 GENERAL SUBMITTAL REQUIREMENTS

A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:

1202.5.1 Completed application form

1202.5.2 Application fee

1202.5.3 Scaled site plan, of which the number of copies will be determined by case manager. One (1) copy of the final site plan will be required after the review process is complete. The Site Plan shall, at minimum, depict the following:

1202.5.3.1 Title block, a written and graphic scale, and north arrow designated at true north.

1202.5.3.2 Boundaries of the subject property(s).

1202.5.3.3 Boundaries of adjacent parcels or portions of those boundaries that are in immediate proximity of the subject property(s).

1202.5.3.4 All existing and proposed roads, driveways, easements, buildings, structures, structural screening elements, rights-of-way, streams, utilities, signage/outside advertising, exterior lighting, other features, and site modifications.

1202.5.3.5 Existing and proposed wells, water supply systems, and wastewater treatment systems.

1202.5.4 Location map that indicates the location of the subject property in relation to roads, streams, utilities, adjacent properties and other features.

1202.5.5 Vicinity map that indicates the location of the subject property in relation to the general context of the county.

1202.5.6 Copy of deed / proof of property ownership.

1202.5.7 A narrative explaining the nature of the proposal and how it meets the following Criteria for Approval;

1202.5.7.1 The proposed use will comply with the zoning requirements of the district in which the use is to be established, and will also comply with all other applicable requirements;

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- 1202.5.7.2 The use is in harmony with the character of the neighborhood and compatible with the surrounding area;
 - 1202.5.7.3 The use will not have an undue burden on available infrastructure;
 - 1202.5.7.4 The use will not result in undue traffic congestion or traffic hazards;
 - 1202.5.7.5 The use will not cause significant air, odor, water, noise, or light pollution;
 - 1202.5.7.6 All sanitation requirements will be met;
 - 1202.5.7.7 Parking is adequately provided;
 - 1202.5.7.8 Adequate buffering and screening is provided, when appropriate;
 - 1202.5.7.9 The use shall demonstrate compliance with the County=s Best Management Practices (BMP=s); and
 - 1202.5.7.10 The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Clear Creek County, nor inconsistent with Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations.
- 1202.5.8 Additional Activity Specific Criteria Standards may be applied to specific uses. Please refer to Section 1207 if the proposed use is classified as one of the following:
- 1202.5.8.1 Bed and Breakfast
 - 1202.5.8.2 Small Wind Energy Systems
 - 1202.5.8.3 Distributed Solar Energy Systems
- 1202.5.9 Completed landowner authorization if applicant is not the owner of the property
- 1202.5.10 Supplemental material, such as elevation drawings, parking layout, water supply plan, ISDS plan, etc., as determined by case manager.
- 1202.5.11 If requested use relates to a proposed or existing building permit, a construction schedule will be required.
- 1202.5.12 Additional information may be required later in the process.
- 1202.6 FINANCIAL GUARANTEE REQUIRED**
If a time limit is set by the Board of County Commissioners for this Special Use Permit, a financial guarantee to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, in a form approved by the County Attorney, shall be a condition of the permit. Additionally, a financial guarantee may also be required by the BOCC to assure any ‘Conditions of Approval’ are met.

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1203 TEMPORARY SPECIAL USE PERMIT

1203.1 PURPOSE

A use permitted through temporary special review may be established in a zoning district only upon approval of the Board of County Commissioners, and subject to the conditions set forth in an approval by the Board. A time frame for terminating the event shall be stipulated by the Board, and a financial guarantee in a form approved by the County Attorney, shall be required to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, for those uses which are described as temporary.

1203.2 APPLICABILITY

Uses qualifying for consideration for a Temporary Special Use Permit are traditionally for a period of three (3) years or less.

1203.3 PRE-APPLICATION CONFERENCE

Prior to submittal of an application, the applicant shall meet with a Planning Department staff member to determine whether the request meets the criteria as stated above for a Temporary Special Use Permit process, and to explain the procedure and submittal requirements. The applicant should bring applicable documentation for review.

1203.4 SUBMITTAL PROCESS

1203.4.1 A complete application and appropriate documentation must be submitted to the Planning Department by the applicant. If the requested use relates to a proposed or existing building permit, a construction schedule will be required. Additional information may be required later in the process.

1203.4.2 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal will not be processed.

1203.4.3 The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis. Adjacent property owners and referral agencies shall be given fourteen (14) calendar days prior to the BOCC public hearing to comment.

1203.4.4 The Planning Department will publish a notice in a newspaper of general circulation in the county fourteen (14) calendar days prior to the Board of County Commissioner=s (BOCC) public hearing. The applicant will be notified of the public hearing date, time, and place.

1203.4.5 At least fourteen (14) calendar days prior to the BOCC public hearing, the applicant shall post and maintain notice on the parcels under consideration. Notice shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.

1203.4.6 The Planning Department will prepare a Site Characteristics Analysis, and a visit to the site will be made by Staff.

1203.4.7 Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Board of County

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Commissioners (BOCC) public hearing.

- 1203.4.8 During the public hearing, the Board shall evaluate the submittals, referral comments, staff report and public testimony, and shall approve or deny the application.
- 1203.4.9 The Planning Department will notify the applicant of what is required to finalize the decision of the Board following the public hearing.
- 1203.4.10 If granted, the Temporary Special Use Permit will be monitored for compliance by the Planning Department. If all conditions and stipulations of the Resolution are not met timely, a hearing will be scheduled before the BOCC to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time. A permit may be revoked for non-compliance with ten days written notice to the applicant.
- 1203.4.11 The Board of County Commissioners (BOCC) may impose a condition that renders a Special Use Permit null and void when an approved Permit is inactive or no longer in use for a period greater than one (1) year.

1203.5 GENERAL SUBMITTAL REQUIREMENTS

A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:

- 1203.5.1 Completed application form
- 1203.5.2 Application fee
- 1203.5.3 Scaled site plan, of which the number of copies will be determined by case manager. One (1) copy of the final site plan will be required after the review process is complete. The Site Plan shall, at minimum, depict the following:
- 1203.5.3.1 Title block, a written and graphic scale, and north arrow designated at true north.
 - 1203.5.3.2 Boundaries of the subject property(s).
 - 1203.5.3.3 Boundaries of adjacent parcels or portions of those boundaries that are in immediate proximity of the subject property(s).
 - 1203.5.3.4 All existing and proposed roads, driveways, easements, buildings, structures, structural screening elements, rights-of-way, streams, utilities, signage/outside advertising, exterior lighting, other features, and site modifications.
 - 1203.5.3.5 Existing and proposed wells, water supply systems, and wastewater treatment systems.
- 1203.5.4 Location map that indicates the location of the subject property in relation to roads, streams, utilities, adjacent properties and other features.
- 1203.5.5 Vicinity map that indicates the location of the subject property in relation to the general context of the county.

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- 1203.5.6 Copy of deed /proof of ownership
- 1203.5.7 A narrative explaining the nature of the proposal and how it meets the following Criteria for Approval;
 - 1203.5.7.1 The proposed use will comply with the zoning requirements of the district in which the use is to be established, and will also comply with all other applicable requirements;
 - 1203.5.7.2 The use is in harmony with the character of the neighborhood and compatible with the surrounding area;
 - 1203.5.7.3 The use will not have an undue burden on available infrastructure;
 - 1203.5.7.4 The use will not result in undue traffic congestion or traffic hazards;
 - 1203.5.7.5 The use will not cause significant air, odor, water, noise, or light pollution;
 - 1203.5.7.6 All sanitation requirements will be met;
 - 1203.5.7.7 Parking is adequately provided;
 - 1203.5.7.8 Adequate buffering and screening is provided, when appropriate;
 - 1203.5.7.9 The use shall demonstrate compliance with the County=s Best Management Practices (BMP's); and
 - 1203.5.7.10 The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Clear Creek County, nor inconsistent with Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations.
- 1203.5.8 Additional Activity Specific Criteria Standards may be applied to specific uses. Please refer to Section 1207 if the proposed use is classified as one of the following:
 - 1203.5.8.1 Bed and Breakfast
 - 1203.5.8.2 Small Wind Energy Systems
 - 1203.5.8.3 Distributed Solar Energy Systems
- 1203.5.9 Completed landowner authorization if applicant is not the owner of the property
- 1203.5.10 Supplemental material, such as elevation drawings, parking layout, water supply plan, ISDS plan, etc., as determined by case manager.
- 1203.5.11 If requested use relates to a proposed or existing building permit, a construction schedule will be required.

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1203.5.12 Additional information may be required later in the process.

1203.6 FINANCIAL GUARANTEE REQUIRED

A financial guarantee in a form approved by the County Attorney shall be required to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, for those uses which are described as temporary. Additionally, a financial guarantee may also be required by the BOCC to assure any >Conditions of Approval= are met.

1204 ADMINISTRATIVE SPECIAL USE PERMIT

1204.1 PURPOSE

Certain temporary uses may qualify for an Administrative Special Use Permit, to be approved by the Planning Department upon reaching written findings of fact which confirm compliance with this Section and other relevant County land use laws. Administrative Special Use Permits can only be granted on a one-time basis for a specific use. A financial guarantee to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, in a form approved by the County Attorney, shall be a condition of the permit.

1204.2 APPLICABILITY

Uses qualifying for consideration for an Administrative Special Use Permit are limited to a term of one (1) year or less, and may include the following:

1204.2.1 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.

1204.2.2 Minor Structures without an existing permitted principal use.

1204.2.3 Seasonal Temporary uses of land, not to exceed 6 months, that require no permanent structural foundations; that are consistent with the character of the neighborhood and the applicable zoning district; that do not increase impacts upon water quality, storm drainage, or traffic to the site more than that associated with permitted principal uses within the applicable zoning district. Such use shall not create a significant visual impact to the surrounding properties and/or community.

1204.2.4 For youth projects for individuals under the age of eighteen (18), pursuant to Section 10 - Animals of these Regulations.

1204.3 SUBMITTAL PROCESS

1204.3.1 A complete application and appropriate documentation must be submitted to the Planning Department by the applicant. If the requested use relates to a proposed or existing building permit, a construction schedule will be required. Additional information may be required to complete the process.

1204.3.2 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal will not be processed.

1204.3.3 The Planning Department shall prepare a Site Characteristics Analysis, and a visit to the site will be made by Staff.

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- 1204.3.4 The Planning Department will notify any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis. Referral agencies shall be given fourteen (14) calendar days to comment prior to the administrative decision.
- 1204.3.5 All applications will be reviewed by the Clear Creek County Environmental Health Inspector regarding required or proposed sanitation for the Administrative Special Use Permit (ASUP).
- 1204.3.6 All applications will be reviewed by the Clear Creek County Site Development Inspector regarding required or proposed site development for the ASUP.
- 1201.3.7 All applications will be reviewed by the Clear Creek County Zoning Enforcement Officer Zoning Specialist regarding zoning for the ASUP.
- 1204.3.8 After the fourteen (14) days referral comment period, staff will review submittal documentation, site characteristics analysis, and comments received in order to approve, approve with conditions, or deny the application.
- 1204.3.9 The Case Manager will notify the applicant of what is required to finalize the Planning Department's decision.
- 1204.3.10 If granted, the Administrative Special Use Permit will be monitored for compliance by the Planning Department. If all conditions and stipulations in the Planning Department's ASUP Permit are not met timely, a hearing will be scheduled before the Planning Director to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time. A permit may be revoked for non-compliance with ten days written notice to the applicant.
- 1204.3.11 The County Planning Director may impose a condition that renders a Special Use Permit null and void when an approved Permit is inactive or no longer in use for a period greater than one (1) year.
- 1204.4 GENERAL SUBMITTAL REQUIREMENTS
A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:
- 1204.4.1 Completed application form
- 1204.4.2 Application fee
- 1204.4.3 Scaled site plan, of which the number of copies will be determined by case manager. One (1) copy of the final site plan will be required after the review process is complete. The Site Plan shall, at minimum, depict the following:
- 1204.4.3.1 Title block, a written and graphic scale, and north arrow designated at true north.
- 1204.4.3.2 Boundaries of the subject property(s).
- 1204.4.3.3 Boundaries of adjacent parcels or portions of those boundaries that are in immediate proximity of the subject property(s).

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- 1204.4.3.4 All existing and proposed roads, driveways, easements, buildings, structures, structural screening elements, rights-of-way, streams, utilities, signage/outside advertising, exterior lighting, other features, and site modifications.
- 1204.4.3.5 Existing and proposed wells, water supply systems, and wastewater treatment systems.
- 1204.4.4 Location map that indicates the location of the subject property in relation to roads, streams, utilities, adjacent properties and other features.
- 1204.4.5 Vicinity map that indicates the location of the subject property in relation to the general context of the county.
- 1204.4.6 Copy of deed/proof of ownership
- 1204.4.7 A narrative explaining the nature of the proposal and how it meets the Criteria for Approval. Special uses will be allowed only if the proposed use meets the following criteria for approval:
 - 1204.4.7.1 The proposed use will comply with the zoning requirements of the district in which the use is to be established, and will also comply with all other applicable requirements;
 - 1204.4.7.2 The use is in harmony with the character of the neighborhood and compatible with the surrounding area;
 - 1204.4.7.3 The use will not have an undue burden on available infrastructure;
 - 1204.4.7.4 The use will not result in undue traffic congestion or traffic hazards;
 - 1204.4.7.5 The use will not cause significant air, odor, water, noise, or light pollution;
 - 1204.4.7.6 All sanitation requirements will be met;
 - 1204.4.7.7 Parking is adequately provided;
 - 1204.4.7.8 Adequate buffering and screening is provided, when appropriate;
 - 1204.4.7.9 The use shall demonstrate compliance with the County's Best Management Practices (BMP's); and
 - 1204.4.7.10 The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Clear Creek County, nor inconsistent with Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations.
- 1204.4.8 Completed landowner authorization if applicant is not the owner of the property

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1204.4.9 Supplemental material, such as elevation drawings, parking layout, water supply plan, ISDS plan, etc., as determined by case manager.

1204.4.10 If requested use relates to a proposed or existing building permit, a construction schedule will be required.

1204.4.11 Additional information may be required later in the process.

1204.5 FINANCIAL GUARANTEE REQUIRED

A financial guarantee in a form approved by the County Attorney shall be required to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, for those uses which are described as temporary.

1204.6 APPEALS TO ADMINISTRATIVE DECISIONS ON SPECIAL USE PERMITS

Appeals may be filed by any affected party and must be submitted in writing to the Planning Department within fourteen (14) calendar days following recording of the Planning Director's decision. The appeal shall state with specificity (1) the grounds on which the objector asserts to be an affected party and (2) the issue to which objection is made. The appeal will be heard by the Board of County Commissioners in a public hearing.

1204.6.1 The Board of County Commissioners (BOCC) shall first determine, during the public hearing, whether the objector is an affected party.

1204.6.2 The BOCC shall hear, and make a decision on only the specific objection(s) timely filed, and not on the entire case.

1204.6.3 One (1) public hearing shall be scheduled to hear all objections regardless of the number of objections filed.

1205 MOBILE FOOD VEHICLE PERMIT

1205.1 APPLICABILITY

Mobile Food Vehicles as defined in Section 23 – Definitions, of these regulations.

1205.1.1 A Mobile Food Vehicle Permit is valid for 1 Calendar year.

1205.1.2 A Mobile Food Vehicle Permit may be renewed each Calendar year for a reduced fee if the use has not been discontinued for more than 12 months.

1205.2 EXCEPTIONS

A Mobile Food Vehicle does not need a Mobile Food Vehicle Permit, as described in these regulations, if the Vehicle is permitted through a County Special Event Process. Additionally, a Mobile Food Vehicle may operate in any zoning district, and/or in the public right of way, if permitted through the County Special Event Process.

1205.3 SUBMITTAL REQUIREMENTS

1205.3.1 Completed Permit and Agreement Form.

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1206 TEMPORARY RECREATIONAL VEHICLE AND NON-RECREATIONAL VEHICLE CAMPING PERMITS

1206.1 APPLICABILITY

The Planning Department may issue a temporary RV or non-RV camping permit for periods over fourteen (14) days per year but not to exceed thirty (30) days per year. The applicant must guarantee that during the permit period an approved sanitary facility is available at all times. For periods longer than thirty (30) days, a Special Use Permit must be applied for. A new temporary RV or non-RV camping permit cannot be issued until thirty (30) days from the expiration of the previous year's permit

1206.2 SUBMITTAL REQUIREMENTS

1206.2.1 Completed Permit and Agreement Form

1207 ACTIVITY SPECIFIC CRITERIA AND STANDARDS

1207.1 STANDARDS FOR BED AND BREAKFASTS

1207.1.1 Demonstration of conformance of all criteria for approval shall be made.

1207.1.2 A maximum of five (5) guest rooms shall be allowed;

1207.1.3 No meals prepared within the residence shall be served to anyone other than guests. Cooking facilities are not allowed in the guest rooms;

1207.1.4 The length of stay by any guest is limited to a maximum of one (1) month;

1207.1.5 Off street parking shall be provided pursuant to Section 14 - Off-Street Parking Requirements of these Regulations, and as follows:

1207.1.5.1 Three (3) spaces for the host's portion of the dwelling

1207.1.5.2 One (1) space for each guest room

1207.1.6 The host must reside on the premises of the bed and breakfast establishment;

1207.1.7 Signage shall be limited in size to six (6) square feet, as specified in Section 10 - Signs and Outdoor Advertising Devices of these Regulations;

1207.1.8 The Planning Department may verify compliance with the approved Special Use Permit at any time.

1207.2 CRITERIA FOR SMALL WIND ENERGY SYSTEMS

1207.2.1 The system shall be reviewed based on its visual impact on the natural features or neighborhood character of the surrounding area that could include significant viewsheds from adjacent residences.

1207.2.2 If at all possible, systems should be sited to take advantage of existing land forms and vegetation to aid in blending in with the surrounding built and natural environment.

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1207.2.3 Consideration shall be made in the location and/or design of the system to avoid or minimize silhouetting on viewable ridgelines. Self-supporting designs (no guy wires) shall be considered. All systems shall be non-reflective.

1027.2.4 Evaluation of other, less obtrusive forms of renewable energy, such as solar or geothermal energy systems, may be requested to be reviewed to determine the most feasible method to utilize renewable energy on the property in the least obtrusive means possible.

1207.3 CRITERIA FOR DISTRIBUTED SOLAR ENERGY SYSTEMS

1207.3.1 No part of a freestanding system shall exceed thirty-five (35) feet in height.

1207.3.2 Such Systems accessory to and part of a building shall be an appurtenance and comply with the maximum height allowances for appurtenance.

1207.3.3 Such systems shall not be lighted.

1207.3.4 Systems shall be located or designed to minimize glare onto other properties and roadways.

1027.3.5 Systems shall be designed so as to avoid the creation of artificial wildlife habitat.

1207.3.6 If a 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.

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SECTION 13. VARIANCES

1301. BOARD OF ADJUSTMENT (BOA)

1301.1. Selection and Term

- 1301.1.1. The Board of Adjustment (BOA) shall consist of five (5) regular members and two (2) associate members appointed by the Board of County Commissioners (BOCC).
- 1301.1.2. The term of all members shall be three (3) years, subject to reappointment by the BOCC.
- 1301.1.3. Terms shall be staggered so that the term of at least one (1) member will expire each year.
- 1301.1.4. Each member shall be a resident of the County.
- 1301.1.5. Thirty (30) days prior to the expiration of his/her term, a member shall provide the BOCC, in writing, a statement of his/her desire either to be reappointed or to complete his/her term and retire from the BOA.
- 1301.1.6. Any member may be removed for cause by the BOCC upon written charges and after a public hearing.

1301.2. Officers

- 1301.2.1. At the first regular meeting of each year the members shall elect a Chairperson and Vice-Chairperson from its members, whose term shall be for one (1) year.
- 1301.2.2. At the first regular meeting of each year the members shall elect a Secretary, whose term shall be for one (1) year. Such Secretary is not required to be a member of the BOA.
- 1301.2.3. The Chairperson shall preside at meeting and shall perform all duties usual and ordinary for the presiding officer. The Vice-Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.
- 1301.2.4. The Secretary shall keep a recording and written detailed summary of all meetings, in accordance with Colorado Revised Statutes (CRS).

1301.3. Meetings and Quorum

- 1301.3.1. Regular meetings of the BOA shall be scheduled at least one per month in the County at a time and place to be determined by the BOA.
- 1301.3.2. Special meetings of the BOA shall be held at the call of the Chairperson and at such other times as determined by the BOA.
- 1301.3.3. All meetings shall be open to the public.
- 1301.3.4. A quorum of the BOA shall consist of three (3) members in attendance at the meeting for the purpose of conducting administrative business, and four (4)

members in attendance at a meeting for gathering testimony or evidence or reaching decisions on any matter brought to the BOA pursuant to subsections 1302 and 1303 hereof. The concurring vote of four (4) members of the BOA shall be necessary to take affirmative action for:

1301.3.4.1. Variances from the Zoning Regulations; and

1301.3.4.2. Appeals of administrative variance decisions

1301.3.5. In the event that a regular member is absent from a meeting, an associate member shall be appointed to fill the temporary vacancy. Proxies shall not be permitted.

1302. BOARD OF ADJUSTMENT VARIANCES

1302.1. Variances from Zoning Regulations

1302.1.1. The BOA shall hear and decide applications for variances from these Regulations. The BOA may grant a variance for a legal lot or a lot for which an application for legalization under Sections 1505, 1506, or 1507 of the *Clear Creek County Subdivision Regulations* has been submitted to the County. The BOA may grant a variance for a legal structure or a structure for which an application for legalization under Sections 1505, 1506, or 1507 of the *Clear Creek County Subdivision Regulations* has been submitted to the County.

The BOA shall hear and decide applications for variance requests where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation from which a variance is sought, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of such regulation would result in a peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, a variance from the strict application so as to relieve such difficulties or hardship may be granted by the BOA if such relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning regulations.

1302.1.2. The Variance process is not meant to be used to avoid the typical rezoning process. A variance shall not be granted for anything which is prohibited by the zoning regulations. Nor shall a variance be granted for a self-imposed hardship.

1302.1.3. Under no circumstances shall a variance be granted on the sole basis of personal convenience, profit, or special privilege to the owner/applicant.

1302.1.4. Economic hardship alone is not sufficient justification for the granting of variances.

1302.1.5. Any parcel(s) which is the subject of a variance request must otherwise comply with all other zoning regulations.

1302.1.6. A variance is granted for a particular structure or use. It terminates in accordance with Section 1309 of these Regulations.

1302.2. Request to Encroach into a Setback

The BOA has the authority to authorize the encroachment of new construction into a setback.

1302.3. Acknowledgement of an Existing Setback Encroachment

The BOA has the authority to acknowledge existing setback violations. (Setback encroachments of structures more than five (5) years old as of the date of the application may be acknowledged with an Administrative Variance if there is no other need for a variance from the BOA).

1302.4. Request to Amend a Previously Approved Variance

The BOA has the authority to approve an amendment to a previously approved variance for only the things listed below if the criteria for granting a variance are satisfied with respect to the proposed amendment. The standards of approval shall be the same as for the original variance. Proposed changes other than those listed below will require submittal of a full variance application. An amendment may be considered for no more than two of the following in a single application:

- a) An increase in square footage, within the same general footprint, of no more than 10% of the total approved structure or deck.
- b) An increase in the approved setback encroachment of no more than 10%.
- c) An expansion of the structure or deck along the approved setback of no more than 10% of the length of the approved structure or deck.
- d) An increase in the approved height variance of no more than 10%.
- e) A change in approved sign square footage of no more than 10% and of no more than 10% in approved sign height.

1302.5. Request to Exceed Sign Restrictions

The BOA has the authority to grant a variance from the strict interpretation of the SIGNS Section of these Regulations (see Subsection 1004 of Section 10 – Development Standards) when the parcel otherwise complies with Zoning Regulations.

1302.6. Request to Exceed Height Restriction

The BOA has the authority to grant a variance from the strict interpretation of the height regulations within any given zoning district when the parcel otherwise complies with Zoning Regulations.

1302.7. Request to Decrease Lots Less than One (1) Acre

The BOA has the authority to grant a variance to decrease the size of a lot which had been legally created and is less than one (1) acre. The parcel must also be zoned M-1 or MR-1 and must contain an existing permitted principal use. This authority coincides with Sections 803.04.3 and 805.02.2 of Article 8 – Boundary Line Adjustments – of the *Clear Creek County Subdivision Regulations*.

1303. PROCESS FOR BOA VARIANCES

This process shall apply to all BOA variance cases:

1303.1. Pre-application Conference: prior to submittal of any variance application, the applicant(s) shall meet with the Planning Department to determine whether the request meets the criteria for a variance and to explain the procedure and submittal requirements.

1303.2. The applicant shall provide the Planning Department with a complete submittal as outlined in Section 1304 below.

1303.3. The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any missing or incomplete documentation. An incomplete submittal shall not be processed.

- 1303.4.** The applicant shall pick up public notice signs from the Planning Department. The applicant shall post and maintain signs on the parcel(s) under consideration a minimum of fifteen (15) calendar days prior to the BOA hearing. The signs shall be placed within ten (10) feet of the property line and visible from the right-of-way, and shall be maintained until the BOA makes a decision.
- 1303.5.** The Planning Department shall conduct a site visit to determine any additional submittal requirements needed (other than those requirements identified in Section 1304 below), and will notify the applicant. The applicant is strongly encouraged to be present during the site visit.
- 1303.6.** The Planning Department will notify property owners whose boundaries are within 100 feet of the subject parcel and any referral agencies that may be affected by the proposed variance. The applicable agencies shall be determined per case and based upon the property development considerations.
- 1303.7.** Adjacent property owners and referral agencies shall be given ten (10) calendar days prior to the BOA public hearing to comment.
- 1303.8.** Based upon the submittal documentation, property development consideration, and comments received, the Planning Department will prepare a staff report and provide a recommendation to the BOA for the public hearing.
- 1303.9.** During the public hearing, the BOA shall evaluate the submittals, referral comments, staff report, and public testimony, and make a decision to approve, approve with conditions, or deny the application. The BOA may also decide to continue the public hearing.
- 1303.10.** Following the BOA decision, the Planning Department shall notify the applicant of what is required to finalize the decision, prepare the final resolution and obtain the BOA Chairperson's signature. The fully executed resolution and all applicable attachments shall be filed with the County Clerk and Recorder's Office.
- 1303.11.** All building permit applications are required to complete a Surveyor Setback Verification Form and / or a Building Envelope Compliance Form, prepared by a licensed Colorado surveyor, which shows that all structures are in conformance with the variance that was granted by the BOA, and / or that shows structures are located within the existing building envelope.

1304. SUBMITTAL REQUIREMENTS FOR BOA VARIANCES

In addition to the submittal requirements listed below, the Planning Department or BOA may request other materials or information as deemed necessary to adequately review the application.

- 1304.1.** Prior to accepting a completed application, the Planning Department shall require written approval from the following agencies, if applicable:
- a) Environmental Health Department: to ensure that the request will comply with all current On-Site Wastewater Treatment System (OWTS) regulations. This is only required if there is an OWTS system on site or if one could be installed on the property in the future.
 - b) Road & Bridge: to determine if the request will have an adverse impact on County roads and if any mitigation will be required. This is only required if the requested variance will impact setbacks from a County road.

1304.2. Application form as provided by the Planning Department.

1304.3. A narrative and / or supplemental materials which address the requirements of 1302.1, including the following:

- a) the hardship imposed by the zoning regulations and why the requested use cannot comply with the current zoning regulations.
- b) how the variance request will not confer a personal convenience, profit, or special privilege to the owner/applicant.
- c) how the hardship has not been self-imposed by the owner/applicant.

1304.4. The appropriate fee, as established by the BOCC.

1304.5. Deeds or other proof of ownership for the subject property(s). A Deed of Trust is not proof of ownership.

1304.6. A notarized letter of authority from the landowner permitting a representative to process the application, if the applicant is other than the owner(s) of record. The original shall be submitted.

1304.7. Scaled Site Plan – the drawing shall, at a minimum, depict the following:

- (i) Scale and north arrow designated at true north.
- (ii) All existing structures, roads, driveways, easements, rights-of-way, streams, utilities, wells, leach field, and other features.
- (iii) All proposed structures, roads, driveways, and other features.
- (iv) Boundaries of the property on which the variance is proposed.
- (v) Delineate all applicable setbacks. For any setback affected by an approved variance, a surveyor setback verification form will be required for existing structures. For proposed structures, a surveyor setback verification form may be required as part of the building permit process.

1305. PLANNING MANAGER

1305.1.1 The Planning Manager shall have the authority to grant administrative variances from the Zoning Regulations specifically referred to in Section 1306. The Planning Manager may grant a variance for a legal lot or a lot for which an application for legalization under Sections 1505, 1506, or 1507 of the *Clear Creek County Subdivision Regulations* has been submitted to the County. The Planning Manager may grant a variance for a legal structure or a structure for which an application for legalization under Sections 1505, 1506, or 1507 of the *Clear Creek County Subdivision Regulations* has been submitted to the County.

The Planning Manager shall decide applications for variance requests where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation from which a variance is sought, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of such regulation would result in a peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, a variance from the strict application so as to relieve such difficulties or hardship may be granted by the Planning Manager if such relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning regulations.

- 1305.1.2. The Variance process is not meant to be used to avoid the typical rezoning process. A variance shall not be granted for anything which is prohibited by the zoning regulations. Nor shall a variance be granted for a self-imposed hardship.
- 1305.1.3. Under no circumstances shall a variance be granted on the sole basis of personal convenience, profit, or special privilege to the owner/applicant.
- 1305.1.4. Economic hardship alone is not sufficient justification for the granting of variances.
- 1305.1.5. Any parcel(s) which is the subject of a variance request must otherwise comply with all other zoning regulations.
- 1305.1.6. A variance is granted for a particular structure or use. It terminates in accordance with Section 1309 of these Regulations.

1306. ADMINISTRATIVE VARIANCES

An administrative variance may be issued by the Planning Manager in the following situations:

- 1306.1. **Acknowledgement of an Existing Setback Encroachment at Least Five (5) Years Old**
The Planning Manager can acknowledge existing setback violations on structures built under a building permit, or structures for which an application for legalization under Sections 1505, 1506, or 1507 of the *Clear Creek County Subdivision Regulations* has been submitted to the County, more than five (5) years old, as of the date of the application.
- 1306.2. **Request an Increase in Footprint Density on Commercially Zoned Parcels**
The Planning Manager has the authority to authorize a footprint for all proposed buildings and structures greater than twenty percent (20%), but not more than twenty-five percent (25%) parcel coverage for construction on vacant parcels with the following zoning designations:
 - a) Commercial – Retail/Office (C-RO)
 - b) Commercial – Tourism/Recreation (C-TR)
 - c) Commercial – Outdoor/Recreation (C-OR)
 - d) Commercial – Light Manufacturing (C-LM)
 - e) Commercial – Light Use (C-1) – *Only for requests on parcels greater than one and one-half (1.5) acres.*
- 1306.3. **Flexibility in Height Restrictions for Fences and Walls**
The Planning Manager can provide for flexibility in height restrictions for fences and walls, pursuant to Subsection 1006 – Fencing, Walls, and Landscaping Standards - of Section 10 – Development Standards – of these regulations.
 - 1306.3.1. A written statement from the Colorado Parks and Wildlife Agency or a qualified professional stating there are no significant, unmitigated adverse impacts to wildlife will be required for all variances applied for under this Subsection.
- 1306.4. **Request to Vary from the Parking Requirements**
The Planning Manager has the authority to grant a variance from the strict interpretation of the Off-Street Parking Requirements of these Regulations (see Subsection 1005 of Section 10 – Development Standards), subject to the standards set forth in each zoning designation of these Regulations.

1306.4.1. An application shall include a written explanation describing the hardship, and the reason why the proposed parking cannot or need not be constructed in compliance with the zoning regulations.

1306.5. Unique Proposal for Parking

The Planning Manager can authorize a variance from the Regulations, where the Parking Index, pursuant to Subsection 1005 – Off-Street Parking Requirements – of Section 10 – Development Standards – of these regulations, does not include the type of uses proposed, and/or there is credible evidence supporting a reduction in the number of spaces needed, for any of the following cases:

- a) Unique Development: when the Parking Index does not include the type of use proposed.
- b) Shared Parking: When a proposal for shared parking is presented.
- c) Satellite Parking: If the number of off-street parking spaces required by the Parking Index cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots.
 - i) If the above is applied for, an application shall address, at a minimum, the criteria below:
 - (1) Detailed explanation and supporting data clearly demonstrating that the Parking Index requirement for off-street parking spaces is inappropriate to meet the needs of the development.
 - (2) A traffic and off-street parking plan, prepared by a transportation engineer or transportation planner who is a member of the Institute of Transportation Engineers. Such plan shall include, but not be limited to, the number of vehicle trips likely to be generated by the proposed development during peak hours, and existing and proposed transportation systems and traffic impacts.

1307. PROCESS FOR ADMINISTRATIVE VARIANCES

This process shall apply to all administrative variance cases:

1307.1. Pre-application Conference: prior to submittal of any variance application, the applicant(s) shall meet with the Planning Department to determine whether the request meets the criteria for a variance and to explain the procedure and submittal requirements.

1307.2. The applicant shall provide the Planning Department with a complete submittal as outlined in Section 1308 below.

1307.3. The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any missing or incomplete documentation. An incomplete submittal shall not be processed.

1307.4. The applicant shall pick up public notice signs from the Planning Department. The applicant shall post and maintain signs on the parcel(s) under consideration a minimum of fifteen (15) calendar days prior to the Planning Manager’s decision. The signs shall be

places within ten (10) feet of the property line and visible from the right-of-way, and shall be maintained until the Planning Manager makes a decision.

- 1307.5.** The Planning Department shall conduct a site visit to determine any additional submittal requirements needed (other than those requirements identified in Section 1308 below), and will notify the applicant. The applicant is strongly encouraged to be present during the site visit.
- 1307.6.** The Planning Department will notify property owners whose boundaries are within 100 feet of the subject parcel and any referral agencies that may be affected by the proposed variance. The applicable agencies shall be determined per case and based upon the property development considerations.
- 1307.7.** Adjacent property owners and referral agencies shall be given ten (10) calendar days to comment.
- 1307.8.** Upon tentative approval of an administrative variance by the Planning Manager, the Planning Department will notify the applicant of any modifications or requirements needed to finalize the approval. If none, or upon satisfying those conditions, the Planning Manager will issue a written decision, and the fully executed decision and attachments, if applicable, shall be filed with the County Clerk and Recorder's Office. The final decision shall clearly identify findings of fact in support of the variance and confirming that all applicable criteria have been met.
- 1307.9.** Appeals of the Planning Manager's decision may be filed by any affected party and must be submitted in writing to the Planning Department within thirty (30) calendar days following the Planning Manager's final decision. Appeals shall be heard by the BOA as original cases, as if they had not been considered in the administrative process, in accordance with the standards and procedures set forth in this Section 13. Regular variance fees shall apply.
- 1307.10.** Building permit applicants may be required to complete a Surveyor Setback Verification Form and / or a Building Envelope Compliance Form, prepared by a licensed Colorado surveyor, which shows that all structures are in conformance with the administrative variance that was granted, and / or that shows structures are located within the existing building envelope.

1308. SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE VARIANCES

In addition to the submittal requirements listed below, the Planning Department may request other materials or information as deemed necessary to adequately review the application.

- 1308.1.** Prior to accepting a completed application, the Planning Department shall require written approval from the following agencies:
- a) Environmental Health Department: to ensure that the request will comply with all current On-Site Wastewater Treatment System (OWTS) regulations. This is only required if there is an OWTS system on site or if one could be installed on the property in the future.
 - b) Road & Bridge: to determine if the request will have an adverse impact on County roads and if any mitigation will be required. This is only required if the requested variance will impact setbacks from a County road.
- 1308.2.** Application form as provided by the Planning Department.

- 1308.3.** A narrative and / or supplemental materials which address the requirements of 1302.1, including the following:
- a) the hardship imposed by the zoning regulations and why the requested use cannot comply with the current zoning regulations.
 - b) how the variance request will not confer a personal convenience, profit, or special privilege to the owner/applicant.
 - c) how the hardship has not been self-imposed by the owner/applicant.
- 1308.4.** The appropriate fee, as established by the BOCC.
- 1308.5.** Deeds or other proof of ownership for the subject property(s). A Deed of Trust is not proof of ownership.
- 1308.6.** A notarized letter of authority from the landowner permitting a representative to process the application, if the applicant is other than the owner(s) of record. The original shall be submitted.
- 1308.7.** Scaled Site Plan – the drawing shall, at a minimum, depict the following:
- (i) Scale and north arrow designated at true north.
 - (ii) All existing structures, roads, driveways, easements, rights-of-way, streams, utilities, wells, leach field, and other features.
 - (iii) All proposed structures, roads, driveways, and other features.
 - (iv) Boundaries of the property on which the variance is proposed.
 - (v) Delineate all applicable setbacks. For any setback affected by an approved variance, a surveyor setback verification form will be required for existing structures. For proposed structures, a surveyor setback verification form may be required as part of the building permit process.

1309. TIME LIMITATIONS FOR VARIANCES

If commencement of, or a substantial step toward, construction of a structure for which a variance has been approved does not occur within five (5) years from the date of final approval by the BOA or Planning Manager, the variance will expire (unless by its terms it would expire earlier). The time period may be extended by the approving body, following demonstration on behalf of the applicant(s) that they had preceded toward beginning construction with diligence and the failure to begin construction within that time period had been beyond their reasonable control. Application to extend that time period must be submitted by the applicant to the Planning Department not later than fifteen (15) calendar days before the expiration of the variance.

1310. APPEALS OF ADMINISTRATIVE DECISIONS

- 1310.1.** The BOA shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or refusal of any administrative officer or agent based upon or made in the course of the administration or enforcement of these Regulations including, but not limited to, interpretation of zoning maps.
- 1310.2.** The BOA shall, in conformity with the provision of law, reverse or affirm, in whole or in part, or modify the order requirement, decision, or refusal appealed from.
- 1310.3.** Such appeals shall be filed within thirty (30) calendar days after the date of the administrative decision by filing a written notice with the Planning Department specifying the grounds of the appeal.

- 1310.4.** When an appeal to administrative decision is requested, the following submittal requirements shall be required:
- (i) The applicant shall provide a detailed explanation and supporting data describing why they believe this decision was made in error.
 - (ii) The Planning Department shall provide a detailed explanation and supporting data describing the administrative decision.

1311. APPEALS OF BOA DECISIONS

Decisions made by the BOA may be appealed only to the District Court of the State under Rule 106 of the Colorado Rules of Civil Procedure. BOA decisions may not be appealed to the Board of County Commissioners.

Clear Creek County Zoning Regulations: Section 16

SECTION 16. (NR-PC) NATURAL RESOURCE - PRESERVATION/CONSERVATION

1601. PURPOSE

This District is established for the purpose of providing for the conservation and preservation of public and private lands to meet recreation, open space, historic preservation, wildlife protection, scenic protection, and educational needs.

1602. AREA REGULATIONS

1602.1. AREA

1602.1.1. There shall be no minimum lot area.

1602.1.2. 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*.

1602.2. SETBACKS

1602.2.1. The minimum front, side, and rear building setbacks for all structures shall be thirty (30) feet.

1602.2.2. 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.

1602.2.3. 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.

1602.2.4. Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.

1602.2.5. 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.

1603. DEVELOPMENT STANDARDS

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

Clear Creek County Zoning Regulations: Section 16

1604. HEIGHT

The height of a building is defined as: The Tallest Side of the Building, excluding Appurtenances.

1604.1. Tallest Side of the Building: Shall be measured on the side with the greatest vertical distance between the ground surface elevation, where a structure intersects finished grade, and the highest point of the coping of a flat roof or from the average elevation between the ridge and eave of the gable of a sloped roof.

1604.2. Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building (e.g., chimneys, vents, and television or radio antennas that do not exceed more than 10% the maximum height allowed).

1605. 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:

1605.1. Minimum impact recreational uses;

1605.2. Historic preservation;

1605.3. Historical and nature interpretative centers;

1605.4. Preservation/conservation of historically significant structures;

1605.5. Wildlife habitat management;

1605.6. Watershed protection;

1605.7. Wildfire/forest management;

1605.8. Natural water features and sources;

1605.9. Water storage reservoirs;

1605.10. Wetlands and riparian protection;

1605.11. Any use approved for the property as part of the Federal Recreation and Public Purpose Act.

1605.12. 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.

1606. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined above in 1605, a parcel of land zoned Natural Resource - Preservation/Conservation may be used, subject to other federal, state, and county laws for the following:

1606.1. Accessory uses and buildings typically incidental to the permitted uses listed above are allowed.

1606.2. Small Wind Energy Systems

Clear Creek County Zoning Regulations: Section 16

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.

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.

1606.3. 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.

1607. 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

1607.1. 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.

1607.2. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County.

1607.3 Distributed Solar Energy Systems

1608. ADMINISTRATIVE SPECIAL USE PERMITS

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

Clear Creek County Zoning Regulations: Section 17

SECTION 17. NR-R NATURAL RESOURCE - RESERVED

1701. PURPOSE

This District is intended to allow the County sufficient time in which to study and to plan for future use of the area in accordance with the County's on-going comprehensive planning program.

1702. AREA REGULATIONS

1702.1. There shall be no minimum lot size.

1702.2. 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*.

1703. DEVELOPMENT STANDARDS

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

1704. HEIGHT

The height of a building is defined as: The Tallest Side of the Building, excluding Appurtenances.

1704.1. Tallest Side of the Building: Shall be measured on the side with the greatest vertical distance between the ground surface elevation, where a structure intersects finished grade, and the highest point of the coping of a flat roof or from the average elevation between the ridge and eave of the gable of a sloped roof.

1704.2. Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building (e.g., chimneys, vents, and television or radio antennas that do not exceed more than 10% the maximum height allowed).

1705. PERMITTED PRINCIPAL USES

A parcel of land classified NR-R may be used, subject to other federal, state, and county laws, for the following purposes only, except as otherwise herein provided:

1705.1. Any use lawfully established or authorized as of the date of these Regulations, subject to all other county, state, and federal law. These uses are permitted at their current intensity. Expansions of such uses will require a Special Use Permit, as defined in Section 12 - Special Use Permits of these Regulations.

1706. EXISTING NATURAL RESOURCE - UNCLASSIFIED DISTRICT

Upon the passage of these Regulations, all parcels currently zoned Natural Resource - Unclassified (NR-U) will become a Natural Resource-Reserved (NR-R) district.

1707. ACCESSORY USES AND BUILDINGS

In conjunction with a permitted principal use as outlined above, a NR-R classified parcel of land may be used, subject to other federal, state, and county laws, for the following:

1707.1. 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

Clear Creek County Zoning Regulations: Section 17

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.

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.

1707.2. 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.

1708. 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

1708.1. 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.

1708.2. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County

1708.3 Distributed Solar Energy Systems

Clear Creek County Zoning Regulations: Section 18

SECTION 18. TELECOMMUNICATIONS REGULATIONS

1801. USE REGULATIONS

1801.1. LOW-POWER TELECOMMUNICATIONS FACILITIES AS A USE-BY-RIGHT

Building, wall, or roof mounted telecommunication antennas which are supported by a legally existing building or structure are a permitted use in all zoning districts except MR-1, MR-5, MR-LT, R-1, R-2, R-3, or MH, subject to the Performance Standards established herein and a Low-Power Telecommunications Permit as stated in 1802. Permanent freestanding telecommunication facilities shall be permitted only in a Planned Development (PD) Zone District.

1801.2. USES REQUIRING A SPECIAL USE PERMIT

Temporary freestanding telecommunication facilities may be allowed in all zoning districts except MR-1, MR-5, MR-LT, R-1, R-2, R-3, MH, when specifically relating to special events, subject to approval of a Special Use Permit in accordance with the criteria and performance standards set forth in this section.

1802. PERFORMANCE STANDARDS

All low power telecommunication facilities and related infrastructure shall be designed to meet the following standards of review:

- 1802.1. Facilities shall be sited to take advantage of existing land forms and vegetation to aid in screening and to blend in with the surrounding built and natural environment. Buildings, cabinets, antennas, and their support structures must be architecturally and visually compatible with existing and historic uses in the area, or those likely to exist under the terms of the applicable zone district.
- 1802.2. Facilities, access roads, and utility lines should be located to avoid a dominant silhouette on ridge lines and to preserve view corridors.
- 1802.3. Building, wall, and roof mounted antennas shall be of a non-reflective material and screened or camouflaged to match the background or structure.
- 1802.4. A variety of screening techniques should be used depending on site conditions. Techniques may include, but are not limited to, landscaping, berming, camouflaging, screening, and fencing, where appropriate. Equivalent screening shall be maintained throughout the life of the facility and until such time as conditions no longer warrant equivalent screening, as determined by the Board of County Commissioners.
- 1802.5. Any telecommunication facilities not being used for telecommunication purposes must be removed within twelve (12) months of cessation of use of the site.
- 1802.6. At any time, the County Planning Department may request a letter from the applicant certifying that the facility is in use in accordance with FCC regulations. If the County Planning Department determines that the facility is not in use, a letter will be sent to the land owner and/or the telecommunication company providing sixty (60) days notice to remove the facility and reclaim the land. If the facility is not removed and the land reclaimed, a lien may be filed on the property equal to the cost of removing the facility and the associated clean up, including administrative costs, if said costs exceed the amount secured pursuant to the conditions outlined below. Appeal of the County Planning Department's determination may be made to the Board of County Commissioners at any time within the sixty (60) day notice period.

Clear Creek County Zoning Regulations: Section 18

- 1802.7. Planned Development rezoning applicants shall evaluate whether the proposed site is capable of accommodating other low power telecommunication service providers. The applicant's written evaluation shall include an analysis of the available space, access, power, telephone, willingness of landowner(s), and relative visual/environmental impacts. No low power telecommunication service provider shall act to exclude any other low power telecommunication provider from using the same location for other low-power telecommunication facilities. If co-location is determined to be not technically feasible, the applicant shall provide evidence/justification as to why co-location is not feasible.
- 1802.8. All low power telecommunication facilities and related infrastructure shall be designed to meet the Development Standards identified in Section 10.
- 1802.9. Whip antennas which are allowed as a use-by-right shall be setback five (5) feet from the edge of the roof or structure to which they are mounted, may extend no more than ten (10) feet above the parapet of the roof or the structure with an allowable increase of six (6) inches for every one (1) foot of increased setback, not to exceed fifteen (15) feet in height.
- 1802.10. Panel (or antenna configurations other than whip) antenna and accessory equipment which are allowed as a use by right, shall be mounted to the structure and may extend no more than six and one-half (6.5) feet above the parapet of a flat roof with a required five (5) feet setback from the edge of the structure, with an allowable increase of six (6) inches for every one (1) foot of increased setback not to exceed ten (10) feet in height. The antenna and equipment shall be subject to the Performance Standards outlined in this Section. If the roof is not flat and the proposed antennae exceed the height of the peak of the roof, panel antenna shall be a use-by-right subject to Planning Commission site plan review and approval. All other antenna which are mounted to the walls or roof and do not exceed the height of the peak of the roof, may be allowed as a use by right subject to Planning Staff review and issuance of a Low-Power Telecommunications Permit.
- 1802.11. A reclamation bond, irrevocable letter of credit, or other security approved by the County Attorney adequate to ensure site demolition, removal of structures, access improvements and earthwork associated with the site, and reclamation in accordance with an approved plan with engineered cost estimates, shall be provided upon final approval prior to the issuance of a County Building Permit. The reclamation plan may accommodate anticipated future uses in conformity with the zoning district involved. The County may, from time to time, review the adequacy of the security in light of inflation to ensure adequate security to fund one-hundred (100) percent of the work in accordance with the approved reclamation plan.
- 1802.12. It shall be unlawful for any person, firm, or corporation to erect or construct a low-power telecommunications facility as a use-by-right under Subsection A.1 without first obtaining a permit from the Planning Department or review and approval by the Planning Commission.
- 1802.13. A third party independent study, performed by a qualified entity specializing in radio frequency electromagnetic fields, may be required by the County to insure compliance with FCC guidelines for human exposure to radio frequency electromagnetic fields on any new telecommunications facility.

Clear Creek County Zoning Regulations: Section 19

SECTION 19. ZONING AMENDMENT TO THE OFFICIAL ZONE DISTRICT MAP

All amendments to the Official Zone District Map shall meet the standards set forth in this Section.

1901. PURPOSE.

The purpose of this Section is to provide a means for changing the boundaries of the Official Zone District Map or any other map incorporated in these Regulations by reference. It is not intended to relieve particular hardships, or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

1902. INITIATION.

An application for a zoning amendment to the Official Zone District Map may be proposed by the Board of County Commissioners, the Planning Commission, the Planning Director, or the owner or another person having a recognized interest in the land affected by a proposed zoning amendment or their authorized agent.

1903. SUBMITTAL PROCESS

The two-step submittal process identified below encourages, but does not require, the submission of a companion site specific development plan with the rezoning request for the property when applicable. When the two are submitted and reviewed together, the County benefits by being able to review a “total project” rather than being required to review and make separate decisions on “parts” of a project at separate times. This also benefits the applicant because the County is able to have the benefit of reviewing the applicant’s site specific development plan during a rezoning request in order to understand whether the Standards for granting a rezoning are being met by the request.

1903.1 Sketch Plan (Intent/Submittal Requirements)

The sketch plan is intended to be an optional process that provides an applicant the opportunity to submit a basic conceptual plan in order to allow the County and public to evaluate and discuss basic concepts for development prior to an applicant moving forward to submitting detailed plans and engineering required in the final plan process when reviewing a site-specific development plan. An applicant may choose to bypass the “two-step process” and apply for a final plan for consideration where all issues identified in the sketch plan and final plan will be considered.

The purpose of sketch plan review is for the applicant, the County and the general public to evaluate and discuss the basic concepts for development of the proposal and to consider whether rezoning the property will result in a significant improvement over its development in the existing zoning district by accomplishing the following:

1903.1.1 Reach general agreement on such issues as, but not limited to; appropriate range of units, amount of commercial space for development, types of uses, dimensional limitations, general locations of development, and general alignments for access, and whether water supply and sewage disposal will be provided via on-site systems or through connection to public systems.

1903.1.2 Feasibility of the proposal in consideration of environmental constrains and availability of services and infrastructure, based on the results of the Site Characteristics Analysis and information received from public service agencies.

Clear Creek County Zoning Regulations: Section 19

1903.1.3 Whether the proposal complies with the purpose and intent of the *Clear Creek County Master Plan*, the Zoning Regulations, and is generally compatible with surrounding land uses.

1903.1.4 The outcome of the sketch plan review should be an identification of issues and concerns the applicant must address if the project is ultimately to receive approval of the proposal from the County.

A sketch plan is the first step in establishing land uses and siting restrictions for a parcel(s) of land. The uses, minimums and maximums provided in the ODP will be reviewed at the final plan stage to further determine the appropriateness for the particular site and neighborhood. Once a sketch plan has been approved, a final plan which complies with the terms, conditions and requirements of the approved sketch plan must be submitted and approved. The final decision regarding zoning uses occurs only during the review of the final plan which must comply with all applicable restrictions and regulations.

1903.2 Final Plan (Intent/Submittal Requirements)

The purpose of final plan review is for the applicant to respond to the issues and concerns identified during sketch plan review and to formulate detailed, properly engineered solutions to those issues and concerns that conform to the approved sketch plan, if applicable. The final plan stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the County. The final plan shall include phasing, if applicable, guiding the sequence of development over time, and it may include certain conditions and/or restrictions that will guide the future development of the property.

1903.3 Submittal Process

The following process will be followed for both Sketch Plan and Final Plan applications.

1903.3.1 Pre-application Conference

Prior to submittal of an application, the applicant shall meet with the Planning Department to determine if the rezoning request is applicable to their particular development request and to review the procedure and submittal requirements. The applicant should bring applicable documentation for review.

1903.3.2 After a site visit has been conducted, the Planning Department will determine any additional submittal requirements needed (other than the general requirements), and will provide them in writing to the applicant.

1903.3.3 The applicant shall submit one (1) copy of the submittal to the Planning Department.

1903.3.4 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

1903.3.5 Once the submittal is determined complete by the Planning Department, staff will notify the applicant of the number of copies and content of the submittal required to be provided for distribution.

1903.3.6 The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis.

Clear Creek County Zoning Regulations: Section 19

- 1903.3.7. Referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.
- 1903.3.8. Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Planning Commission public hearing.
- 1903.3.9. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the Planning Commission public hearing. The applicant will be notified of the public hearing date, time, and place.
- 1903.3.10. At least fourteen (14) calendar days prior to the Planning Commission public hearing, the applicant shall post and maintain a notice on the parcel(s) under consideration. The notice(s) shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.
- 1903.3.11. During the public hearing, the Planning Commission shall evaluate the submittals, referral comments, staff report, and public testimony, and make a recommendation to the Board of County Commissioners (BOCC) to approve, approve with conditions, or deny the application.
- 1903.3.12. The applicant may be required to provide additional information prior to the BOCC public hearing based on conditions/stipulations recommended by the Planning Commission.
- 1903.3.13. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the BOCC public hearing. The applicant will be notified of the public hearing date, time, and place.
- 1903.3.14. Based upon the submittal documentation, site characteristics analysis, comments received, and the Planning Commission's recommendation, the Planning Department will prepare a staff recommendation/report and draft resolution for the BOCC public hearing.
- 1903.3.15. During the public hearing, the BOCC shall evaluate the submittals, referral comments, staff report, Planning Commission recommendation, and public testimony, and shall approve, approve with conditions, or deny the application.
- 1903.3.16. The Planning Department will notify the applicant of any modifications or requirements needed to finalize any final documents prior to recording with the County Clerk and Recorder.

1904. APPLICATION CONTENTS FOR A MAP AMENDMENT.

An application for a zoning amendment shall contain the following materials. The Planning Director may waive one or more of the submittal requirements when the submittal information would not be relevant to whether the zoning amendment proposed complies with the approval criteria, or if such information is being submitted with a companion application.

1904.1. Applicant's Identity. The applicant's name, mailing address, telephone, email address and fax number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent, or a completed landowner authorization form granting authorization to the agent, shall be submitted, authorizing the agent to represent the owner and stating the

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representative's name, mailing address, telephone, email address and fax number.

- 1904.2. Legal Description.** The legal description and street address, if such exists, of the parcel on which development is proposed to occur.
- 1904.3. Disclosure of Ownership.** A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership shall be in the form of a current certificate from a title insurance company (title commitment), or ownership and encumbrance report. The title commitment or ownership and encumbrance report shall be dated within two (2) months prior to formal application submittal.
- 1904.4. Vicinity Map.** An eight and one-half inch by eleven inch (8 ½" x 11") vicinity map, locating the subject parcel within Clear Creek County. The map shall, at a minimum, have a scale bar and clearly identify the subject parcel(s) and the nearest public road.
- 1904.5. Written Description.** A written description of the proposal and an explanation in written, graphic or model form of how the proposal complies with the review standards applicable to the application.
- 1904.6.** Application filing fee pursuant to the current fee schedule;
- 1904.7 If the applicant desires to combine the rezoning process with review of a site specific development plan,** a companion Subdivision, companion Subdivision Exemption, companion Development Review, or companion Special Use Permit, when applicable.
- 1904.8** Certification of notice to mineral estate owners of record pursuant to Section 24-65.5-103, Colorado Revised Statutes. Such notice shall include all information required by such statute, as well as the time and place of the initial public hearing, the nature of the hearing, the location of the property that is the subject of the hearing and the name of the applicant;
- 1904.9** A Certified Boundary Survey of the parcel(s) under consideration, showing all bearings and distances outside the perimeter boundary lines. The closure error of the survey may not exceed one to five thousand (1:5,000).
- 1904.10** A statement on how the proposed zoning amendment is consistent with the policies of the Clear Creek County Master Plan, consistency with the Master Plan, or then current plan and any other applicable code provision or ordinance in effect; And, as applicable;
A statement which demonstrates how the proposed zoning amendment will correct what the applicant perceives as erroneous zoning or that demonstrates how the proposed zone change will fit with what the applicant perceives as the changing conditions in the area.
- 1904.11** A statement which demonstrates how the uses allowed by the proposed zoning amendment will be compatible with permissible surrounding land uses.
- 1904.12** Statements from public water and sewer utilities which indicate that they are able to provide service for the site. If public utilities are not to be used, the applicant shall submit information which documents the availability of water and suitability of the site for the sewage disposal system chosen by the applicant.

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The evidence shall document the adequacy of the proposed utility service for the uses permitted in the proposed zone district.

1904.13 An Engineering Geology Report/Geotechnical Study of the site proposed for zoning amendment with a statement of the suitability of soils to support all uses allowed in the proposed zone district. If the Engineering Geology Report/Geotechnical Study indicates soils which present moderate or severe limitations to the construction of structures or facilities on the site, the applicant shall submit information which demonstrates that the limitations can be reasonably and practicably overcome.

1904.14 If road, intersection, or highway facilities which provide access to the property are not adequate to meet the requirements of the proposed zone district, the applicant shall supply information which demonstrates willingness and financial capability to upgrade the road or highway facilities in conformance with the County's road standards. In addition, the applicant shall provide information which demonstrates that no significant impact will occur to other roads, intersections or highway facilities as a result of the proposed change, with consideration given to all potential changes in the vicinity or how the applicant intends to mitigate the impact.

1905. STANDARDS FOR ZONING AMENDMENT.

No change in zoning shall be allowed unless in the sole discretion of the Board of County Commissioners, the change is justified in that the advantages of the use requested substantially outweigh the disadvantages to the County and neighboring lands. In making such a determination, the Planning Commission and the Board of County Commissioners shall consider the application submittal requirements and the following standards:

1905.1 Consistency with the Clear Creek County Master Plan. Does the proposed amendment consider the purposes and intents of the Clear Creek County Master Plan, any ancillary County-adopted Specialty and Community Plan documents, and is it consistent with all relevant goals, policies, and implementation strategies?

1905.2 Compatible with Surrounding Uses. Does the proposal provide compatibility with the type, intensity, character and scale of existing and permissible land uses surrounding the subject property? Dimensional limitations of the proposed zone district, when applied, should result in development that will be harmonious with the physical character of existing neighborhood(s) surrounding the subject property.

1905.3 Public Benefit. Does the proposal address a demonstrated community need or otherwise result in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to; affordable local resident housing; childcare facilities; multi-modal transportation, public recreational opportunities; infrastructure improvements; preservation of sensitive lands.

1905.4 Adequate Infrastructure. Is the property subject to the proposal served by adequate roads, water, sewer and other public use facilities?

1905.5 Change in Circumstances. If the proposed amendment would otherwise be in conflict with the Clear Creek County Master Plan or any ancillary County-adopted specialty and community plans, does the proposed amendment address or respond to a change of an economic, physical, or social nature that has occurred to the neighborhood?

The Board of County Commissioners will have to make a finding of what the neighborhood is.

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1906. ZONING AMENDMENT CONDITIONS OF APPROVAL.

The Board of County Commissioners may establish conditions for any approval of a change in zoning as deemed necessary to ensure that the justification and standards for the zoning change will be satisfied.

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SECTION 20. DEVELOPMENT REVIEW

2001. PURPOSE

The general purpose of these regulations is to ensure that commercial and industrial development is responsive to both the surrounding mountain environment and the changing needs of the community as a whole. Such development shall accomplish this through the use of building form, elements, and materials that are derived directly and indirectly from the mountain environment and the application of technology that is responsive to the needs and climate of the county.

2002. APPLICABILITY FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT

2002.1. Square Footage

These regulations shall apply to new development and improvements to existing development in commercial and industrial zoning districts as outlined in the table below. The values shown below represent total square footage of all proposed and existing structures on the parcel(s) which the development is or will be located.

<u>Zoning District</u>	<u>No Development Review</u>	<u>Development Review</u>
Commercial - Neighborhood (C-N)	5,000 or less	above 5,000
Commercial - Retail/Office (C-RO)	10,000 or less	above 10,000
Commercial - Tourism/Recreation (C-TR)	10,000 or less	above 10,000
Commercial - Outdoor/Recreation (C-OR)	10,000 or less	above 10,000
Commercial - Light Manufacturing C - LM)	10,000 or less	above 10,000
Commercial - Warehouse/Manufacturing C - WM)	10,000 or less	above 10,000
Obsolete Commercial One (C-1)	5,000 or less	above 5,000
Obsolete Residential - Commercial (R-C)	5,000 or less	above 5,000
Industrial	15,000 or less	above 15,000

2002.2. Vehicle Trips

These regulations shall apply to new development and improvements to existing development in all commercial and industrial zoning districts as outlined in the table below. The value shown below represents the number of vehicle trips likely to be generated per day (ADT = average daily traffic) as determined by the Clear Creek County Roadway Design and Construction Manual, the Institute of Transportation Engineers' Trip Generation publication, or a transportation engineer or transportation planner who is a member of the Institute of Transportation Engineers' professional society.

<u>Zoning District</u>	<u>No Development Review</u>	<u>Development Review</u>
All Commercial and Industrial Zoning Districts	200 ADT or less	above 200 ADT

OR, Development Review shall apply if the projected ADT from the proposed development increases the design capacity classification for the roadway(s) from which the proposed development will gain access, as per the Clear Creek County Roadway Design and Construction Manual, as adopted by the Board of County Commissioners.

2002.3 Site Disturbance

These regulations shall apply to new development and improvements to existing development in all commercial and industrial zoning districts. The values shown below represent the total square footage of surface disturbance that the proposal will impose on the property.

<u>Zoning District</u>	<u>No Development Review</u>	<u>Development Review</u>
All Commercial and Industrial Zoning Districts	2 acres or less	above 2 acres

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2003. SUBMITTAL PROCESS

2003.1 Sketch Plan/Final Plan (Intent/Submittal Requirements)

The sketch plan is intended to be an optional process that provides an applicant the opportunity to submit a basic conceptual plan for rezoning of the property in order to allow the County and public to evaluate and discuss basic concepts for development prior to an applicant moving forward to submitting detailed plans and engineering required in the final plan process. Generally, the two-step process will perform best when a Rezoning and Development Review are filed in conjunction. If the property is already appropriately zoned for the Development Review proposal, the applicant will be better off to skip the sketch plan step and apply only under the final plan.

The two-step process is further explained in Section 19 of these Zoning Regulations.

2003.2. Submittal Process

The following process will be followed for both Sketch Plan and Final Plan applications.

2003.2.1 Pre-application Conference

Prior to submittal of an application, the applicant shall meet with the Planning Department to determine if the Development Review process is applicable to their particular development request and to review the procedure and submittal requirements. The applicant should bring applicable documentation for review.

2003.1.2 After a site visit has been conducted, the Planning Department will determine any additional submittal requirements needed (other than the general requirements), and will provide them in writing to the applicant.

2003.1.3 The applicant shall submit one (1) copy of the submittal to the Planning Department.

2003.1.4 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

2003.1.5 Once the submittal is determined complete by the Planning Department, staff will notify the applicant of the number of copies and content of the submittal required to be provided for distribution.

2003.1.6 The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis.

2003.1.7 Referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.

2003.1.8 The Planning Department will mail a location map to the Planning Commission so they may visit the proposed site.

2003.1.9 Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Planning Commission public hearing.

2003.1.10 The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the Planning Commission public hearing. The applicant will be notified of the public hearing date, time, and place.

2003.1.11 At least fourteen (14) calendar days prior to the Planning Commission public hearing, the applicant shall post and maintain a notice on the parcel(s) under consideration. The notice(s) shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.

2003.1.12 During the public hearing, the Planning Commission shall evaluate the submittals, referral comments, staff report, and public testimony, and make a recommendation to the Board of County Commissioners (BOCC) to approve, approve with conditions,

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- or deny the application.
- 2003.1.13** The applicant may be required to provide additional information prior to the BOCC public hearing based on conditions/stipulations recommended by the Planning Commission.
- 2003.1.14** The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the BOCC public hearing. The applicant will be notified of the public hearing date, time, and place.
- 2003.1.15** Based upon the submittal documentation, site characteristics analysis, comments received, and the Planning Commission's recommendation, the Planning Department will prepare a staff recommendation/report and draft resolution for the BOCC public hearing.
- 2003.1.16** During the public hearing, the BOCC shall evaluate the submittals, referral comments, staff report, Planning Commission recommendation, and public testimony, and shall approve, approve with conditions, or deny the application.
- 2003.1.17** The Planning Department will notify the applicant of any modifications or requirements needed to finalize the development review site plan or other final documents prior to recording with the County Clerk and Recorder.
- 2003.1.18** The final development review site plan approved by the decision-making body shall be the basis for the site plan and drawings to be submitted with an application for a building permit.

2004. GENERAL SUBMITTAL REQUIREMENTS

2004.1. Minimum Contents of Application. Both the Sketch Plan and Final Plan application shall be submitted in a form established by these Land Use Regulations and made available to the public.

Both applications shall include, at a minimum, the following materials:

- 2004.1.1 Applicant's Identity.** The applicant's name, mailing address, telephone, email, address and fax number. If the owner is to be represented by an agent, a letter signed by the owner granting power of attorney to the agent, or a completed landowner authorization form granting authorization to the agent, shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, mailing address, telephone, email address and fax number.
- 2004.1.2 Legal Description.** The legal description and street address, if such exists, of the parcel on which development is proposed to occur.
- 2004.1.3 Disclosure of Ownership.** A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership shall be in the form of a current certificate from a title insurance company (title commitment), or ownership and encumbrance report. The title commitment or ownership and encumbrance report shall be dated within two (2) months prior to formal application submittal.
- 2004.1.4 Vicinity Map.** An eight and one-half inch by eleven inch (8 ½" x 11") vicinity map, locating the subject parcel within Clear Creek County. The map shall, at a minimum, have a scale bar and clearly identify the subject parcel(s) and the nearest public road.
- 2004.1.5 Written Description.** A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the Regulations applicable to the application shall be prepared. The description shall include, but not be limited to the following:
- 1.Types of uses proposed
 - 2.General hours of operation
 - 3.Maximum number of potential employees
 - 4.Why should the proposed development be considered?
 - 5.How is the proposal consistent with the applicable Master Plan(s) for the area?
 - 6.How is the proposed zoning more appropriate than existing zoning?

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7. Have there been major changes of an economic, physical, or social nature in the area involved that were not anticipated when the existing zoning was implemented?
8. How is the proposal consistent with the purpose and intent of the Zoning Regulations?
9. Generally, how will the proposal impact the immediate community?
10. How is the proposal compatible with the immediate community?
11. Statement of projected County tax revenue based upon the previous year's County tax levy and a schedule of projected receipts of that revenue.
12. Proposed method of fire protection, including information demonstrating a legal, adequate water supply for fire fighting purposes

2005. SKETCH PLAN SUBMITTAL REQUIREMENTS

2005.1 Services and Infrastructure

2005.1.1 Description of Proposed Method of Water Supply including proposed source and evidence of availability.

2005.1.2 Description of Wastewater Treatment Method including proposed source and evidence of available capacity.

2005.1.3 Access and Traffic Analysis

1. Analysis of existing access to the property(ies) from County, State, and/or Federal road systems
2. Analysis of traffic generation anticipated by the proposal
3. Analysis of impacts from increased traffic generation, including but not limited to, level or service, congestion, noise, dust, odors, and traffic hazards.

2005.1.4 Availability of Public Services/Infrastructure

1. Verification letters of service from all applicable utility companies
 2. .Analysis of burden on the following services:
 - a. Fire District
 - b. Ambulance and EMS
 - c. Sheriff's Office
1. Analysis of Burden on Clear Creek School District RE-1

2005.2 Environmental Impact

2005.2.1 A Site Characteristic Analysis Report identifying information on natural hazards; including geologic, wildfire, and flood hazards; wildlife, and wetlands.

2005.3 Building and Site Design

Scaled Conceptual Site Plan showing and/or explaining the following when applicable:

1. Location of proposed uses and buildings and densities of proposed uses and buildings
2. Location of proposed open space/parks/trails
3. Location of public space (roads/sidewalks/trails)
4. Rough existing and proposed drainage patterns
5. Location of significant natural or man-made features, including major peaks, ridgelines, hillsides and viewsheds. This can be identified with appropriate contours
6. Vehicular circulation and off-street parking
7. Proposed schedule of development phasing
8. Location of wells/water supply and sewage treatment

2005.4 Conceptual Architectural Plans

2006. FINAL PLAN SUBMITTAL REQUIREMENTS

2006.1 Services and Infrastructure

2006.1.1 Proposed Method of Water Supply in the form of one or more of the following:

1. An 'ability to serve' letter from an applicable water district or provider
2. A copy of a current valid well permit if supply is from an existing well
3. Proposed water augmentation plan or proposed water supply plan. Information regarding existing water rights should include, but not be limited to: 1) evidence of ownership or right

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of acquisition of or use of existing and proposed water rights; 2) historical use and estimate yield of claimed water rights; and 3) amenability of existing rights to a change in use.

4. If a new water treatment system or district, or extension, is proposed, a copy of the approved 1041 Permit or application for a 1041 Permit for approval shall be submitted.
5. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with Development Standards.

2006.1.2 Wastewater Treatment Method in the form of one or more of the following:

1. An 'ability to serve' letter from an applicable sanitation district or provider
2. If an individual sewage disposal system (ISDS) is proposed, evidence prepared by a Colorado licensed professional engineer that the sewage treatment system and leach field will be in compliance with the County's ISDS Regulations
3. If a new sewage treatment system or special district, or extension, is proposed, a copy of the approved 1041 Permit or application for a 1041 Permit for approval shall be submitted.
4. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with the ISDS Regulations or applicable Development Standards.

2006.1.3 Access and Traffic Analysis

1. Analysis of existing access to the property(ies) from County, State, and/or Federal road systems
2. Analysis of traffic generation anticipated by the proposal
3. Analysis of impacts from increased traffic generation, including but not limited to, level or service, congestion, noise, dust, odors, and traffic hazards.
4. Demonstration of conformance with the *Clear Creek County Roadway Design and Construction Manual*
5. The analysis shall also address measures taken to avoid or mitigate identified impacts, and/or ways to bring the proposal into conformance with the *Clear Creek County Roadway Design and Construction Manual*.

2006.1.4 Availability of Public Services/Infrastructure

1. Verification letters of service from all applicable utility companies
2. Analysis of burden on the following services:
 - a. Fire District
 - b. Ambulance and EMS
 - c. Sheriff's Office
 - d. Road and Bridge Department
 - e. Office of emergency Management
3. Analysis of Burden on Clear Creek School District RE-1
4. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with the Development Standards

2006.2 Environmental Impact

2006.2.1 Analysis of Natural Hazards, including Geologic, Wildfire, and Flood Hazards

2006.2.1 Analysis of Wildlife

2006.2.3 Analysis of Wetlands

The Analyses shall address measures taken to avoid or mitigate identified impacts and shall be prepared in conformance with the provisions of the Development Standards

2006.3 Building and Site Design

2006.3.1 Site Plan

The Site Plan shall include a full land survey plat in conformance with Article 16; General Surveyor Requirements, of the *Clear Creek County Subdivision Regulations*. A separate site plan may be prepared which contains the following additional elements:

1. Elevation contours at an interval of 5 to 10 feet for all disturbed areas
2. location of uses
3. Proposed densities of uses
4. Proposed densities and location of buildings
5. Location of proposed open space/parks/trails
6. Location of public space (roads/sidewalks/trails)

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7. Site design should pay attention to, and incorporate natural assets of the property and surrounds, such as ridgelines/hillsides/viewsheds/etc.
8. Location of signs, parking, fencing, landscaping, and lighting
9. Vehicular circulation and off-street parking
10. Proposed schedule of development phasing
11. Location of wells/water supply and sewage treatment
- 2006.3.2** Drainage and Stormwater Management Plan, prepared by a Colorado licensed professional engineer
- 2006.3.3** Best Management Practices Plan
- 2006.3.4** On previously-mined properties, an Environmental and Safety Assessment Report identifying potential mining hazards on the property and mitigation techniques that adequately mitigate such hazards.
- 2006.3.5** Building Design Features, including color chips and photographs
- 2006.3.6** Scaled Building Elevation drawings depicting north, south, east, and west views of all proposed buildings

2007. FINDINGS FOR APPROVAL

The County must find that the proposal conforms with the provisions of Section 10: Development Standards, of the Zoning Regulations.

2008. REVISIONS AND MODIFICATIONS

Action on changes to approved Development Review Site Plans shall be taken by the review authority responsible for action on the original review through the process identified in these regulations. However, if approval was made by the Planning Commission, the revisions shall be taken by the Board of County Commissioners. Revisions and Modifications shall comply with the provisions of this section. However, if the Planning Director determines changes to be minor in nature, they may be approved by the Planning Director. Changes shall be considered minor if they meet the following criteria:

- 2008.1** Does not increase the amount of square footage, site disturbance, or unit count by more than 10% of the total approved in the original Development Review Site Plan.
- 2008.2** Complies with zoning regulations including use regulations and development regulations and standards.
- 2008.3** Does not change the location of uses, or the layout of streets, trails, or pathways except for minor adjustments within areas approved for development or within approved rights-of-way.
- 2008.4** Does not include the addition of a drive-through in which the patron's automobile is accommodated from which the occupants may receive a service or in which products purchased from the establishment may be consumed.
- 2008.5** Is not a detriment to public health, safety, and welfare.

2009. PERFORMANCE GUARANTEE

- 2009.1** Before a Certificate of Occupancy is provided or final inspection is conducted, the decision-making body may, in its discretion, require the applicant to file a performance guarantee of financial security deemed adequate by and made payable to the County.
- 2009.2** The purpose of this performance guarantee shall be to assure that the applicant shall faithfully perform all conditions as specified in the approval of the application.
- 2009.3** Any requirement for a performance guarantee shall be specified in the written decision of the County in a resolution.

2010. ANNUAL REVIEW

The Board of County Commissioners may require the applicant to periodically submit a report via the Planning Director, detailing all past activities conducted by the applicant pursuant to the Development Review approval by the Board, including a satisfactory showing that the applicant/property owner has complied with all conditions of the Development Review approval and applicable regulations. The applicant/property owner need not inform the County of activities such as operational changes, which are not the subject of a Development Review approval.

The Planning Director shall review the report within thirty (30) days from the date of submittal thereof. If the

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Planning Director determines, based upon its review, that the applicant/property owner is likely to have violated the provisions of the Development Review or applicable regulations, the County may issue a notice of violation to the applicant/property owner.

Upon notice to the Planning Director of the fulfillment of all conditions of the approval of the Development Review, and the Planning Director's concurrence therein, the Planning Director may terminate any annual review requirements.

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2011. EARLY DETERMINATION OF “SIGNIFICANT”

2011.1 Approval Authority

The Board of County Commissioners has the authority to decide on an application for early determination of “Significant” after a recommendation by the Planning Commission.

2011.2 Purpose

This process is required when a residential development in conformance with the Multi-Family Units (R-3) zoning district is being proposed with a commercial development as a use permitted in the obsolete Commercial One (C-1) zoning district (Section 22(B)(D)(23) .

2011.3 Submittal Requirements

2011.3.1 Location Map that indicates the location of the proposed development in relation to roads, streams, utilities, adjacent parcels, and other features.

2011.3.2 Preliminary project description and economic impact report that outlines the following:

1. Need for the project
2. Total square footage or area of the parcel
3. Number of residential units proposed, total footprint are, and total square footage
4. The commercial development proposed, total footprint area, and total square footage
5. Projected tax revenue generated by the residential development
6. Projected tax revenue generated by the commercial development
7. List of services provided by the proposed development
8. Proposed job generation of the commercial development
9. Proposed job generation of the residential development

2011.3.3 Cost/Benefit Analysis, with proposed mitigation methods of identified costs.

2011.4 Review Process

2011.4.1 After receipt of a complete application (as determined by the Planning Department), the Planning department shall publish notice of the Planning Commission and Board of County Commissioners’ public hearings on said application, and the hearings will be scheduled for the next available Planning Commission and BOCC hearing dates. Notice shall be published in a newspaper of general circulation in the County, not less than fourteen (14) days before the date set for the hearing..

2011.4.2 The Planning Commission shall provide a recommendation to the Board of County Commissioners that the proposed development does or does not meet the intent of “significant” within fifteen (15) working days of the date that the proposal is first heard by the Planning Commission.

2011.4.3 The Board of County Commissioners shall approve or deny the proposed development as meeting the intent of “significant” within fourteen (14) calendar days of the date that the proposal is first heard by the Board of County Commissioners.

2011.5 Criteria for Evaluation

The following are the criteria that the County will evaluate to assure that the proposed commercial development is “significant” to the County. To determine a proposed commercial development as “significant” does not necessarily mean it shall be significant relative to the residential component of the development, rather, it may be evaluated independently from the residential component.

1. Tax Revenue Generated
2. Total Square Footage
3. Costs versus Benefits
4. Job Generation
5. Sales Tax Generation

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6. Services Provided
7. Other elements applicable to a particular proposal

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SECTION 22. OBSOLETE DISTRICTS

2201. RESIDENTIAL-COMMERCIAL DISTRICT (R-C)

This District is an obsolete district for new zoning. See regulations below for existing Residential-Commercial Districts.

2201.1. USE REGULATION

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:

- 2201.1.1. Any use permitted in any Residential District.
- 2201.1.2. Stores for retail trade, but not including lumber yards, fuel or feed stores.
- 2201.1.3. Advertising signs (illuminated or otherwise) used in connection with other uses permitted by this section, on the same premises.
- 2201.1.4. Service establishments such as cleaning and pressing establishments, barber shops, beauty parlors, and restaurants.
- 2201.1.5. Business or professional offices or clinics.
- 2201.1.6. Such other uses which are not more detrimental to the highest and best uses of land in said district than are the uses hereinbefore enumerated.
- 2201.1.7. 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.

2201.2. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined in 1-6 above, a parcel of land zoned RC may be used, subject to other federal, state, and county laws for the following:

- 2201. 2.1 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.

2201. 2.1.1 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.

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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.

2201. 2.1.2 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.

2201.2.3. Minor Structures

2201.3. 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:

2201.3.1. 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.

2201.3.2. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County

2201.3.3. Distributed Solar Energy Systems

2201.3.4 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.

2201.3.5. Minor Structures without an existing permitted principal use

2201.4. HEIGHT REGULATION

None.

2201.5. AREA REGULATION

2201.5.1. Area and Minimum Width of Lot.

2201.5.1.1. Residential Purposes. For every one-family dwelling or other main building erected or structurally altered, there shall be provided a minimum lot area of not less than six thousand, two hundred fifty (6,250) square feet and twelve thousand, five hundred (12,500) square feet for properties proposed for

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platting. For every two-family dwelling there shall be provided a minimum lot area of not less than nine thousand (9,000) square feet and eighteen thousand (18,000) square feet for properties proposed for platting. Multiple family dwellings shall have a minimum lot area of not less than one thousand (1,000) square feet for each dwelling unit, but in no case shall the aggregate lot area be less than twelve thousand, five hundred (12,500) square feet. Main buildings other than dwellings shall have a minimum lot area of twelve thousand, five hundred (12,500) square feet. For properties proposed for platting, the area regulations are subject to factors unique to a site, which may demand substantially larger areas per homesite. The factors include wildfire hazard potential, geologic hazard potential, wildlife habitats and corridors, ground water supply, soil erosion potential and sewage treatment system suitability.

- 2201.5.1.2 Commercial Purposes. Lot area shall be as necessary for accommodating sewage treatment, parking, and other requirements herein set forth.
- 2201.5. 2. Front Yard. 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 thirty (30) feet.
- 2201.5. 3. Side Yard. If a building is constructed of masonry or fireproof material, no side yard shall be required on any interior lot or on that side of a corner lot which is not adjacent to a street. If a building is constructed of materials other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot or of a side yard of a corner lot on that side which is not adjacent to the street, measured from the side lot line to the side setback line, shall be five (5) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, measured from the side lot line to the side setback line, shall be thirty (30) feet.
- 2201.5. 4. Rear Yard. The minimum depth of rear yard shall be ten (10) feet except where abutting upon an alley, the depth shall be fifteen (15) feet from the center of the alley.
- 2201.5. 5. Lot Area. Lot area shall be a factor in determining adequacy of sewage disposal facilities in the absence of municipal plants. Proof of adequacy of sanitary facilities shall be a condition for issuance of a building permit or certificate of occupancy. Such proof may be by percolation tests certified by a qualified engineer or sanitarian. Such proof shall be subject to approval by Clear Creek County.
- 2201.5. 5.1. 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*.
- 2201.5. 6. On any parcel on which a setback line is established by this resolution, no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained in such location between such setback line and any public or private road or drive as to cause danger to traffic.

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- 2201.5.7. Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.
- 2201.5.8. 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.

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2202. COMMERCIAL ONE DISTRICT (C-1)

This District is an obsolete district for new zoning. See regulations below for existing Commercial One Districts.

2202.1. PURPOSE

This District is established for the purpose of providing for commercial activities that are predominantly retail sales or service oriented and are accessed frequently by the general public, while ensuring compatibility with the general rural character of the areas within the County.

2202.2. AREA REGULATIONS

2202.2.1. AREA

2202.2.1.1. Lot area shall be as necessary for accommodating sewage treatment, parking, setbacks, and other requirements herein set forth.

2202.2.2. SETBACKS

2202.2.2.1. 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.

2202.2.2.2. 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.

2202.2.2.3. 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 Subsection C.11 below, 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.

2202.2.2.4. 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.

2202.2.2.5. 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.

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2202.2.2.6. Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.

2202.2.2.7. 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.

2202.3. 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.

2202.4. DENSITY REQUIREMENTS

The following density requirements shall apply to development on lots greater than one and one-half (1.5) acre:

2202.4.1. 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.

2202.4.2. 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 granted from this requirement up to a footprint of twenty-five percent (25%) parcel coverage for construction on vacant parcels.

2202.4.3. Parking structures accessory to the principal use are not subject to the density requirements as stated above.

2202.5. 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 proposed development, the Development Review process may be done concurrently with that process.

2202.6. PERMITTED PRINCIPAL USES

Commercially zoned parcels of land may be used for the following purposes, subject to other federal, state, and county laws:

2202.6.1. Restaurant or other eating establishment, grocery stores, and/or food service;

2202.6.2. Retail trade, such as convenience store, general merchandise, store or mall, clothing, accessories, automobile supplies and services, and/or indoor flea markets;

2202.6.3. Light manufacturing or assembly of small equipment, parts, and/or supplies;

2202.6.4. Services, such as office building, publishing, government building, post office, bank, medical clinic, and/or taxidermy;

2202.6.5. Emergency services buildings to house vehicles, equipment, and/or emergency services providers while on duty;

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- 2202.6.6. 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.
- 2202.6.7. Personal services, such as tanning, nail, and/or hair salons; health clubs, spas, and/or licensed massage establishments;
- 2202.6.8. Hardware store and/or appliance store;
- 2202.6.9. Lodging such as motel, bed and breakfast, and/or inn;
- 2202.6.10. Bar, saloon, liquor store and/or microbrewery;
- 2202.6.11. Specialized group facilities, such as day care, family care, assisted-living center, and/or group-living accommodations;
- 2202.6.12. Minimum impact outdoor recreational uses;
- 2202.6.13. Indoor entertainment facilities such as amusement center, assembly hall, dance hall, bowling alley, skating rink, fitness center, and/or theater, but not including adult entertainment establishments;
- 2202.6.14. Veterinary hospital, kennel, and/or temporary pet boarding;
- 2202.6.15. Cold storage lockers, but not including slaughtering on the premises;
- 2202.6.16. Public garage, motor fuel filling station, car wash, motor vehicle and/or light machinery repair building, automotive paint and body shops, and/or towing businesses, with outdoor storage of vehicles not to exceed one half (2) acre;
- 2202.6.17. Display lot for sale of new and used motor vehicles and/or light machinery in running order, but not including auto wrecking yards, machinery not in running order, or storage of metals;
- 2202.6.18. Associations such as fraternal orders;
- 2202.6.19. Place of worship;
- 2202.6.20. Public or private school;
- 2202.6.21. Custom wood- or metal-working machine shop;
- 2202.6.22. Office, shop facilities and/or outdoor storage yard not to exceed one-half (2) acre, for construction equipment and supplies not offered for sale or rent;
- 2202.6.23. Residential uses in accordance with the provisions of the R-3 District in conjunction with a significant commercial permitted principal use as listed above when twenty-one (21) or more dwelling units are proposed, unless a minimum of three (3) and a maximum of twenty (20) dwelling units are proposed.

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2202.6.24. 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.

2202.7. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined in Section 2212 above, a parcel of land zoned C-1 may be used, subject to other federal, state, and county laws for the following:

2202.7.1. Accessory uses and buildings typically incidental to the principal uses listed above are allowed.

2202.7.2. Residential use as per R-1 for the purpose of owner or employee dwelling in conjunction with the operation of the business or trade.

2202.7.3. 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.

2202.7.3.1. 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.

2202.7.4. 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.

2202.7.5. Minor Structures

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2202.8. 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:

- 2202.8.1. 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;
- 2202.8.2. Seasonal temporary uses of land, not to exceed six (6) months, such as Christmas tree lot or firewood lot;
- 2202.8.3. Water reservoir;
- 2202.8.4. Aboveground water storage tanks in excess of 20,000 gallons;
- 2202.8.5. Temporary freestanding telecommunications facility;
- 2202.8.6. Transportation facility, such as shuttle service or park and ride;
- 2202.8.7. Circus or carnival
- 2202.8.8. Outdoor Concert
- 2202.8.9. 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.
- 2202.8.10. 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.
- 2202.8.11. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County.
- 2202.8.12. Distributed Solar Energy Systems
- 2202.8.13. 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.
- 2202.8.14. Minor Structures without an existing permitted principal use

2202.9. ADMINISTRATIVE SPECIAL USE PERMITS

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

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2202.10. RETENTION OF MINING USES

Properties previously zoned M-1, M-2, or patented mining claims, mining uses are permitted, subject to the mining district zoning requirements.

2202.11. RETENTION OF R-1 USES

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

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2203. COMMERCIAL TWO DISTRICT (C-2)

This District is an obsolete district for new zoning. See regulations below for existing Commercial Two Districts.

2203.1. PURPOSE

This District is established for the purpose of providing for general commercial and manufacturing activities, while ensuring compatibility with the general rural character of the areas within the County.

2203.2. AREA REGULATIONS

2203.2.1. AREA

2203.2.1.1. Lot area shall be as necessary for accommodating sewage treatment, parking, setbacks, and other requirements herein set forth.

2203.2.1.2. 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*.

2203.2.2. SETBACKS

2203.2.2.1. 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.

2203.2.2.2. 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.

2203.2.2.3. 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 Subsection C.11 below, 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.

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2203.2.2.4. 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.

2203.2.2.5. 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.

2203.2.2.6. Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.

2203.2.2.7. 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.

2203.3. 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.

2203.4. DENSITY REQUIREMENTS

2203.4.1. 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.

2203.4.2. 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.

2203.4.3. Parking structures accessory to the principal use are not subject to the density requirements as stated above.-

2203.5. 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 proposed development, the Development Review process may be done concurrently with that process.

2203.6. PERMITTED PRINCIPAL USES

Commercially zoned parcels of land may be used for the following purposes, subject to other federal, state, and county laws:

2203.6.1. Any use permitted in Commercial Light-Use (C-1) district;

2203.6.2. Mini-storage units (no semi-trailers);

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- 2203.6.3. Hotel and/or conference center;
- 2203.6.4. Warehouse distributorship and/or truck terminal;
- 2203.6.5. Hospital;
- 2203.6.6. Advanced educational institutions, such as colleges, universities, technical and/or trade schools;
- 2203.6.7. Cold storage plant and/or lockers (with or without slaughtering on the premises);
- 2203.6.8. Outdoor retail facilities, such as flea markets, auction houses, and/or antique and craft fairs;
- 2203.6.9. Outdoor entertainment facilities such as amusement center, assembly hall, and/or theater;
- 2203.6.10. Outdoor recreational uses;
- 2203.6.11. Lumber yards and/or sawmills;
- 2203.6.12. Semi-trailer storage, including storage inside trailers and/or lots to store trailers;
- 2203.6.13. Truck stop;
- 2203.6.14. Sales or rental agency for heavy excavation and/or construction equipment, including buildings and lots to display, store, and/or repair equipment;
- 2203.6.15. Telephone exchange, electric substation, including electric transmission and distribution lines and/or gas regulator station with public office and/or repair or storage facilities;
- 2203.6.16. Low-power communication facilities and antenna;
- 2203.6.17. Public garage, motor fuel filling station, car wash, motor vehicle and/or light machinery repair building, automotive paint and body shops, or towing businesses, with outdoor storage of vehicles;
- 2203.6.18. Office, shop facilities and/or outdoor storage yard for construction equipment and supplies not offered for sale or rent.
- 2203.6.19. 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.

2203.7. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined in Section D above, a parcel of land zoned C-2 may be used, subject to other federal, state, and county laws for the following:

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2203.7.1. Accessory uses typically incidental to the Permitted Principal Uses listed above are allowed.

2203.7.2. **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.

2203.7.2.1. **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.

2203.7.3. **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.

2203.7.4 **Minor Structures**

2203.8. **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:

2203.8.1. 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;

2203.8.2. Seasonal temporary uses of land, not to exceed six (6) months, such as Christmas tree lot or firewood lot;

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- 2203.8.3. Water reservoir;
- 2203.8.4. Aboveground water storage tanks in excess of 20,000 gallons;
- 2203.8.5. Temporary freestanding telecommunications facility;
- 2203.8.6. Transportation facility, such as shuttle service or park and ride;
- 2203.8.7. Circus or carnival
- 2203.8.8. Outdoor Concert
- 2203.8.9. 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.
- 2203.8.10. 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.
- 2203.8.11. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County.
- 2203.8.12. Distributed Solar Energy Systems
- 2203.8.13. 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.
- 2203.8.14. Minor Structures without an existing permitted principal use
- 2203.8.15. Mobile Food Vehicle

2203.9 ADMINISTRATIVE SPECIAL USE PERMITS

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

2203.10 RETENTION OF MINING USES

Properties previously zoned M-1, M-2, or patented mining claims, mining uses are permitted, subject to the mining district zoning requirements.

2203.11 RETENTION OF R-1 USES

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

2204. MOBILE HOME ONE DISTRICT (MH-1)

This District has been incorporated into Mobile Home District (MH).

Expansion of such existing legal non-conforming Mobile Home Park requires a development plan pursuant to Section 3 - Mobile Home Park District of these Regulations.

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2205. MOBILE HOME TWO DISTRICT (MH-2)

This District has been incorporated into Mobile Home District (MH).

Expansion of such existing legal non-conforming Mobile Home Park requires a development plan pursuant to Section 3 - Mobile Home Park District of these Regulations.

2206. AGRICULTURAL ONE DISTRICT (A-1)

This District has been incorporated into Agricultural District (AG).

2207. AGRICULTURAL TWO DISTRICT (A-2)

This District has been incorporated into Agricultural District (AG).

2208. INDUSTRIAL ONE DISTRICT (I-1)

This District has been incorporated into Industrial District (I).

2209. INDUSTRIAL TWO DISTRICT (I-2)

This District has been incorporated into Industrial District (I).

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SECTION 23. DEFINITIONS

2301. The words and terms used, defined, interpreted, or further described in these Regulations may be construed as follows:

2301.1. Words and phrases in these Regulations shall be construed according to their familiar and generally accepted meaning;

2301.2. The specific controls the general;

2301.3. Words used in the present tense include the future;

2301.4. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary;

2301.5. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for"; and

2301.6. The word "shall" is mandatory; the word "may" is permissive.

2302. WORDS AND TERMS

ACCESSORY BUILDING: A subordinate building, or portion of a main building, the use of which is incidental to that of the principal use on the same lot.

ACCESSORY DWELLING UNIT: An accessory building containing living space which may include bathroom and kitchen facilities. An accessory dwelling shall meet all zoning regulations along with OWTS and well permit conditions, limits, and restrictions.

ACCESSORY USE: A use which is subordinate to and serves the principal building or principal use on the same parcel of land.

ADMINISTRATOR: Means the Director of the Planning of Clear Creek County, including the acting Director or the Director's designee.

ADULT ARCADE: An establishment where, for any form of consideration, one (1) or more still or motion picture projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for use off-premises books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, CD-ROMs, or other visual, digital or electronic representations, or novelty items, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Principal business purpose shall mean having as a substantial or significant portion of its stock in trade the items listed herein or having at least one hundred-fifty (150) square feet of floor space occupied by the display of items.

ADULT CABARET: A nightclub bar, restaurant, pop shop, or similar commercial establishment, regardless of whether it serves food or alcoholic beverages, which features any of the following:

1. Persons who appear nude or in a state of nudity.

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2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL: A motel, hotel, or similar commercial establishment which offers the following:

1. Public accommodations, for any form of consideration, and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.
2. Sleeping room(s) for rent for a period of time less than ten (10) hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.

ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

ADULT ENTERTAINMENT ESTABLISHMENTS: A business or commercial establishment that, as one of its primary business purposes, offers for any form of consideration a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities in which one (1) or more of the persons is in a state of nudity. Such a business or commercial establishment shall include, but not be limited to, an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater. A motel, hotel, or other similar establishment will not be classified as an "adult entertainment establishment" merely by virtue of the fact that it offers private rooms for rent. This definition shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

ADVERSE: Means unfavorable, harmful, negative.

AIRPORT: Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon however financed. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation or convenience of the public, whether or not the members of the public so accommodated are directly or indirectly engaged in transportation by air, including, but not limited to, parking, dining, recreational, and hotel facilities.

ALTERNATIVE MODE OF TRANSPORTATION: Means any mode of transportation other than single occupancy vehicle.

ALTER OR ALTERATION: Any change, addition, or modification in construction or occupancy.

ANIMAL CONFINEMENT AREA: An area where animals are confined in farm structures and/or enclosures

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exclusively, or where grazing does not constitute a major feed source. Enclosures shall be constructed as pens, stockades, feedlots, loafing areas, and the like as opposed to fenced pasture.

ANIMAL, DOMESTIC: See Animal, Livestock.

ANIMAL, EQUINE AND PACK: A member of the Equus family (e.g., horse) or other pack animals (e.g., mule, llama).

ANIMAL, EXOTIC: Animals which are not typically domesticated in this area, or are of foreign origin or character, or which may not yet be fully naturalized or acclimatized, including but not limited to lions, tigers, elephants, crocodiles, alligators, poisonous reptiles, and nonpoisonous snakes which normally grow to more than six (6) feet in length when mature.

ANIMAL, FOWL: Domestic poultry and waterfowl.

ANIMAL, LIVESTOCK: Domestic animals of types customarily raised or kept on farms or ranches.

ANIMAL, PETS: Dogs, cats, small animals, reptiles, and fowl which are customarily kept in the home or on the premises, and those animals that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants.

ANIMAL, WILD: As defined by the Division of Wildlife.

ANIMAL-PROOF TRASH CONTAINER: A trash receptacle so designed and anchored as to resist normal efforts of animals to spill out the garbage contained therein.

ANIMAL UNIT: A term used to establish an equivalent density for various animal species other than pets.

APPLICANT: Any person or entity applying for a permit under these Regulations.

APPROVED SERVICE AREA: An area within the boundaries of a special district or municipality.

ARBOR: A garden feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice, often upon which woody vines are trained.

AREA AROUND A KEY FACILITY: means an area immediately and directly affected by a key facility.

AREA OF LOT: The total plane projection area contained within the lot lines of a lot.

ASSISTED LIVING CENTER: A residential facility designed with a combination of residential living units, with or without individual kitchen facilities and group living facilities such as common kitchen, eating area, patio and/or recreation area as well as parking. The intended use is for the care of the disabled or aged, or for the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual or intermittent benefit.

AVALANCHE: Means a mass of snow or ice and other material which may become incorporated therein as such mass moves rapidly down a mountain slope.

BALCONY, EXTERIOR: An elevated open floor space projecting beyond the outside face(s) of the exterior wall(s) of the upper floor(s) of a building, together with railings and roofing.

BAR/COCKTAIL LOUNGE/TAVERN: A commercial establishment offering alcoholic beverages for sale by the drink.

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BED AND BREAKFAST: See Section 12 - Special Use Permits of these Regulations for the definition of "Bed and Breakfast."

BEST MANAGEMENT PRACTICE or "BMPs": Means permanent measures and measures taken during construction described in or adapted from the County adopted "MANUAL OF BEST MANAGEMENT PRACTICES FOR WATER QUALITY PROTECTION AND EROSION CONTROL" to protect water quality and control runoff and erosion from earth-disturbing activities.

BOARD OF COUNTY COMMISSIONERS or BOARD: The Board of County Commissioners of the County of Clear Creek, State of Colorado.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING FOOTPRINT: The physical extent of the building outlined on the lot or property, including all balconies, decks and enclosed parking areas.

BUSINESS NARRATIVE: Written explanation of a proposed business venture including, but not be limited to types of uses proposed, hours of operation, and number of employees.

CARE AND TREATMENT FACILITY (for Native Wild Animals): A facility for providing temporary care and treatment for sick and injured wild animal native to the State of Colorado, with the intent that the animals eventually be returned to the wild.

CEMETERY: A place for burying the dead.

CENTRALIZED WATER SUPPLY SYSTEM: A water supply source and distribution system which supplies water to a community. A centralized water supply system specifically excludes exempt wells as defined by the Colorado Division of Water Resources.

COLLECTOR HIGHWAY: A major thoroughfare serving as a corridor or link between municipalities, arterial highways, unincorporated population centers, recreation areas, or industrial centers and constructed under guidelines and standards established by the department of transportation. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

COMMERCIAL: Of or connected with commerce or trade, except any use of a business which operates in conjunction with the residential use of land where such use is clearly secondary to the permitted principal residential use and is consistent with the character of the neighborhood.

COMMERCIAL KEEPING (or Boarding) OF ANIMALS: The act of providing services or facilities for the keeping or use of animals for a fee.

COMPOST: Any mixture of manure and vegetation and other organic residues that are decaying to be used as fertilizer.

CONFERENCE CENTER: A facility used for business or professional conferences and seminars, and often including lodging, food service, and recreational facilities.

CONSTRUCTION TRAILER: A mobile home, travel trailer, truck trailer, or other structure used as an office in conjunction with a construction project.

CORRIDOR: Means a continuous strip of land, measured both horizontally and vertically, connecting two geographically separate points and containing one or more facilities for the conveyance of people, energy,

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information or materials. Such a definition covers railways, highways, pipelines, communication, and transmission facilities.

COUNTY: The County of Clear Creek, State of Colorado.

CULTURAL RESOURCES: A prehistoric or historic district, site, building, structure, or object including artifacts, records, and material remains related to such a property or resource included in the National and/or State Registers, designated by statute, or included in an established list of places compiled by the state historical society.

DAY CARE CENTER: A facility in which children or adults are received for less than 24-hour care, and which is subject to rules issued by the Colorado Department of Human Services.

DAY CARE HOME: A type of family home care in which the residents are the caretakers and the recipients of care are received for less than a 24-hour period. Day care homes are subject to regulations issued by the Colorado Department of Human Services.

DECK: An elevated floor-like platform or walkway, often open and exposed to the weather.

DEFENSIBLE SPACE: That area surrounding structures or driveways determined by Colorado State Forest Service personnel or their designated agent to require mitigation relating to the threat of wildfire.

DESIGNATION: The legal procedure for designating areas or activities of state interest specified by C.R.S. ' 24-65.1-101, et seq.

DEVELOPMENT: Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

DISTRIBUTED SOLAR ENERGY SYSTEM: A solar energy system that is used to generate thermal, mechanical, chemical, or electrical energy that is used to produce energy for more than one (1) user. Such systems may be free-standing, or attached to an existing permitted structure

DOMESTIC WATER OR SEWAGE TREATMENT SYSTEM or SYSTEM: A wastewater treatment plant, water supply system, or water treatment plant, as defined in C.R.S. ' 25-9-102 as shown below, and any system of pipes, structures, and facilities through which wastewater is collected for treatment.
C.R.S. ' 25-9-102

- (4.5) "Domestic wastewater treatment facility" means any facility or group of units used for the treatment of domestic wastewater or for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. "Domestic wastewater treatment facility" specifically excludes individual sewage disposal systems.
- (4.7) "Industrial wastewater treatment facility" means any facility or group of units used for the pretreatment, treatment, or handling of industrial waters, wastewater, reuse water, and wastes that are discharged into state waters. "Industrial wastewater treatment facility" includes facilities that clean up contaminated ground water or spills; except that such term does not include facilities designed to operate for less than one (1) year or facilities with in-situ discharge.
- (4.9) "Wastewater collection system" means a system of pipes, conduits, and associated appurtenances that transports domestic wastewater from the point of entry to a domestic wastewater treatment facility. The term does not include collection systems that are within the property of the owner of the facility.
- (5) "Wastewater treatment facility" means either a domestic wastewater treatment facility or an

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industrial wastewater treatment facility.

- (5.3) "Water and wastewater facility" means a water treatment facility, wastewater treatment facility, water distribution system, or wastewater collection system.
- (6) "Water distribution system" means any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to the consumer.
- (7) "Water treatment facility" means the facility or facilities within the water distribution system that can alter the physical, chemical, or bacteriological quality of the water.

DUDE RANCH / GUEST RANCH: A centrally managed facility which provides full service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A dude ranch shall include an organized program of activities such as hunting, fishing, nature study, arts and crafts, nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking and pack trips. A dude ranch may also include conference facilities. Activities shall be provided onsite to the extent possible. If adjacent public lands and waterways are to be used to supplement onsite activities when permitted, they but shall not be the point of origin or primary location for such activities. Motels and hotels are not considered dude ranches. Guest lodging within a resort or dude ranch shall not be used for long term residency beyond three (3) months.

DWELLING, MULTIPLE: A building or group of buildings designed for occupancy by three (3) or more families living in separate apartments, units, or buildings.

DWELLING UNIT: Any building or portion of a building, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, intended for occupancy by not more than one (1) family and which has no more than one (1) kitchen. A dwelling unit must be in a continuous enclosure and not have any physical separation, such as but not limited to attachment via an open or enclosed breezeway or garage.

EARTHWORK: Any grading, excavation, mechanical removal, mechanical deposit, or any other physical disturbance of earth material.

EASEMENT: The right of a person to use public or private land owned by another for a specific purpose.

EFFICIENT USE OF WATER: The employment of methods, procedures, controls and techniques to ensure the amount of water and the purpose for which water is used in the County will yield the greatest benefit to the greatest number of people. Such benefits will include but are not limited to economic, social, aesthetic, environmental and recreational.

ENCLAVE: An unincorporated area of land entirely contained within the outer boundaries of a municipality, provided that not more than thirty (30) percent of the enclave is surrounded solely by annexed right-of-way.

EQUINE AND PACK ANIMALS: See Animal, Equine and Pack.

EXOTIC ANIMALS: See Animal, Exotic.

EXTENSION: A major extension and is an increase in hydraulic capacity, an upgrade in treatment or transmission capability, an increase in facility size, or a replacement of an existing facility in a new or altered location.

FACTORY-BUILT HOME: Any structure designed primarily for residential occupancy which is made, fabricated, framed, or assembled in a manufacturing facility for installation on a permanent foundation, and built in compliance with the "Factory-Built Housing Construction Code of the State of Colorado," as it applies to all factory-built housing (except mobile homes). Certification of such compliance by the Colorado Division of Housing is mandatory for structures built after May 1972, and is evident by the display of a Colorado Division of Housing label.

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FAMILY: Any number of persons related by blood, adoption, marriage, guardianship, or an unrelated group of not more than six (6) persons living together as a single housekeeping unit, or a group home as specified in C.R.S. ' 30-28-115.

FAMILY CARE HOME: A residence of a family or person, for the purpose of providing family care or training for children or adults who are not related to the head of such home and which is subject to regulations issued by the Colorado Department of Human Services.

FLAMMABLE OR COMBUSTIBLE MATERIALS: Any substance capable of being easily ignited and of burning quickly or capable of combustion.

FLOODPLAIN: Means an area adjacent to a stream, which area is subject to flooding as a result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to: mainstream floodplains, debris-fan flood plains; and dry wash channels and dry wash floodplains.

FOOD: Any raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

FOOD SERVICE ESTABLISHMENT: Any place where food is prepared and intended for commercial individual portion service, including any site where individual portions are provided regardless of whether the food provided is consumed on or off the premises or whether there is a charge for the food served.

FOWL: See Animal, Fowl.

FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from, the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOR AREA: The area included within the surrounding exterior walls of a building thereof, exclusive of vent shafts and courts.

GARAGE, PRIVATE: An accessory building or an accessory portion of a main building, designed for the shelter or storage of motor vehicles owned by the occupants of the main building.

GARAGE, PUBLIC: A garage used for the housing or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GEOLOGIC HAZARD: A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:

1. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes.
2. Seismic effects.
3. Radioactivity.
4. Ground subsidence.

GEOLOGIC HAZARD AREA: Means an area which contains or is directly affected by a geologic hazard.

GREENHOUSE: A structure enclosed by glass (or other transparent or translucent material) and devoted to the

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cultivation and protection of plants out of season or climate.

GROUND SUBSIDENCE: Means a process characterized by the downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by man-made phenomena such as underground mining.

GROUP HOME: Licensed facility as defined in C.R.S. ' 30-28-115.

HEIGHT OF BUILDING: The Tallest Side of the Building, excluding Appurtenances.

Tallest Side of the Building: Shall be measured on the side with the greatest vertical distance between the ground surface elevations, where a structure intersects finished grade, and the highest point of the coping of a flat roof or from the average elevation between the ridge and eave of the gable of a sloped roof.

Appurtenances: The visible, functional, or ornamental objects accessory to and part of a building (e.g., chimneys, vents, and television or radio antennas that do not exceed more than 10% of the maximum height allowed).

HISTORIC PRESERVATION: Protecting, rehabilitating, restoring, and reconstructing districts, sites, buildings, structures, and objects significant in American history, architecture, archeology or culture, which are listed on or eligible for, either a local registry, Colorado State Register of Historic Places, or the National Register of Historic Places.

HISTORICAL or ARCHAEOLOGICAL RESOURCES OF STATEWIDE IMPORTANCE: Means resources which have been officially included in the National Register of Historic Places, designated by statute, or included in an established list of places compiled by the State Historical Society.

HOSPITAL: A facility that provides medical or surgical care and treatment for the sick and the injured, where overnight stays are routine, and including, as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.

HOTEL/MOTEL: A facility offering transient lodging accommodations to the general public, and may provide additional services such as restaurants, meeting rooms and recreation facilities.

ILLEGAL STRUCTURE OR USE: A structure or use which did not or does not comply with the provisions of law or regulations in effect at the time of construction or establishment. (See also legal nonconforming structure or use.)

INFANT AND TODDLER DAY CARE HOME: A type of family care home in which only children who are between birth and two and one-half (2 1/2) years old are received for less than 24-hour care and subject to regulations issued by the Colorado Department of Human Services.

IMPACT: Means any alteration or change to the natural or human environment resulting directly or indirectly from development. Whenever appropriate, "impact" refers separately to impacts from or during construction and impacts of a completed Project.

IMPACT AREA: Means those geographic areas in which impacts are likely to be caused by the Project. Impact Areas may include areas within the boundaries of another political subdivision if the County had entered into an intergovernmental agreement providing for cooperative regulation of impacts that may occur within the boundaries of both the County and the political subdivision.

INTERCHANGE: Means the intersection of two or more highways, roads, or streets at least one of which is an arterial highway. At such intersection there must be direct access to and from the arterial highway.

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JUNK: Any discarded materials, including manufactured goods, appliances, fixtures, furniture, machinery, incomplete, extensively damaged, or unlicensed vehicles or trailers; any generally unusable materials such as scrap metal, glass, paper, plastics, wood, garbage, boxes, crates, used lumber, building materials, tires, or other scrap ferrous or nonferrous material. (These are by way of example and not by way of limitation.)

JUNK YARD: A place open to air where junk or trash is accumulated, stored, packed, sold or bartered; an area where second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. A "junk yard" also includes an auto wrecking yard.

KENNEL (Boarding): A shelter where care for animals is provided for a fee, or where pedigreed animals are kept for the purpose of offering stud service or producing of offspring.

KEY FACILITIES: The term includes:

1. Major facilities of a public utility.
2. Interchanges involving arterial highways.
3. Rapid or mass transit terminals, stations, and fixed guideways.

KITCHEN: A room or portion of a room devoted to the preparation or cooking of food which contains a sink, refrigerator, and either a stove or oven or both. (See also Wet Bar.)

LIMITED-ACCESS HIGHWAY: Means a highway which gives preference to through traffic by providing access connection with selected roads only. A highway may be considered a "limited access highway" even though it has some crossings at grade and private driveway connections.

LIVESTOCK: See Animal, Livestock.

LIVINGSPACE: A finished space within a structure with walls, floors, and ceilings of material generally accepted for interior construction.

LOCAL GOVERNMENT: Means a municipality or county.

LOCAL LAND USE PLAN: Means regional, county and municipal master plans and comprehensive plans affecting or affected by a Project. Such plans include, but are not limited to, the Clear Creek County Master Plan, Inter-county Non-Motorized Routes Master Plan, and DRCOG Metro Vision Plan.

LOT: A unit of real property, exclusive of improvements upon it.

LOT, CORNER: A lot adjacent to streets and located at the intersection of two (2) or more streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: An interior lot abutting on more than one (1) street.

LOT LINE, FRONT: The common boundary line between an interior lot and a street, or the common boundary line between a corner lot and/or (a through lot) and that street toward which the main access or driveway begins or usual entrance to the main building situate on such lot most nearly faces.

LOT LINE, REAR: That boundary line of a lot which is most nearly opposite the front line of such lot, other than a through lot.

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LOT LINE, SIDE: Any boundary line, other than front or rear lot line.

MAJOR FACILITIES OF A PUBLIC UTILITY: Means the following (this definition includes all electrical utilities' facilities, regardless of whether they are subject to the jurisdiction of the Colorado Public Utilities Commission, which primarily generate and/or transmit electrical power to entities off-site):

1. any transmission lines, power plants, and substations of electrical utilities.
2. any pipelines and storage areas of utilities providing natural gas or other petroleum derivatives to power plants and substations of electrical utilities.
3. any appurtenant facilities of a public utility which in the opinion of the Board either by itself or in conjunction with other major facilities of a public utility are likely to cause a major impact upon the health, welfare or safety of the citizens of the County, or upon the physical, social, or economic environment of the County or this region.

MANUFACTURED HOME: A one-family dwelling that:

1. is partially or entirely manufactured in a factory.
2. is not less than twenty-four feet (24') in width and thirty-six feet (36') in length.
3. is installed on an engineered, permanent foundation.
4. has masonry, wood, or cosmetically equivalent exterior siding and a pitched roof.
5. is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. ' 5401 et seq., as amended.
6. meets or exceeds, on an equivalent performance engineering basis, standards established by the County building code. As used in this Section, equivalent performance engineering basis means that by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for other single family housing units.

MANURE: Any solid or liquid containing animal excreta.

MASS TRANSIT: A coordinated system of transit modes providing transportation for use by the general public.

MASTER PLAN: A comprehensive long-range plan (see also "local land use plan") intended to guide growth, development, and preservation of a community, region, or localized area and one that includes analysis, recommendation, and proposals for the community's population, economy, housing, transportation, community facilities, and land use as described in C.R.S. ' 30-28-106, Part 1 for adoption of master plans.

MATTER OF STATE INTEREST: An area of state interest or an activity of state interest or both as defined under C.R.S. ' 24-65.1-101, et seq.

MEDICAL CLINIC: A facility providing health services, medical or surgical care for patients where overnight stays are on an emergency basis only. (See also Hospital.)

MINING ACTIVITY, Bona Fide: Any mining activity that requires obtaining a Reclamation Permit from the Colorado Mined Land Reclamation.

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MINING, PROSPECTING, MILLING AND RELATED USES AND FACILITIES: Includes, but is not limited to, adits, tunnels, shafts, pits, stopes, raises, inclines, trenches, railroad tracks, conveyors, hoisting plants, headframes, tramways, roads, mills, ore bins, ore piles, waste dumps, water treatment facilities, smelters, core drill stations, ponds, pipelines, ditches, canals, wells, dams, environmental protection and monitoring facilities, laydown yards, maintenance and repair shops, lamphouses, power generation facilities, laboratories, offices, garages, storage buildings, warehouses, training centers, mine rescue stations, communications facilities, crushers, leach pads, sluices, rockers, dredges, amalgamators, roasters, concentrators, sorters, tanks, fans, explosive magazines, material bins, wash plants, bath houses, guardshacks, and other facilities actually used, required, or intended for use in connection with mining, prospecting, exploring, milling, and/or placering of mineral resources.

MINOR STRUCTURE: Any movable accessory structure or building such as birdhouses, tool houses, sheds, storage buildings, and dog houses under 400 square feet, or play equipment, arbors, and walls and fences.

MITIGATION: Means the use of any or all of the following actions:

1. Avoiding the impact by not taking a certain action or parts of an action.
2. Minimizing the impacts by limiting the degree or magnitude of the action to reduce the impact.
3. Rectifying the impact by repairing, rehabilitating, or restoring the impact area.
4. Reducing or eliminating the impact over time by preservation and/or maintenance operations.
5. Compensating for the impact by replacing, enhancing, or providing substitute critical areas and environments; by replacing or providing suitable biological and/or physical conditions and by replacing or providing suitable public services and facilities were applicable; or compliance with reasonable conditions and development standards.
6. Monitoring the impact and taking appropriate corrective measures.

MOBILE FOOD VEHICLE: A readily movable, motorized-wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food.

MOBILE HOME: A structure transportable in one (1) or more sections, which when erected on site measures eight (8) feet or more in width and thirty-two (32) feet or more in length, excluding appendages, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term mobile home does not include a manufactured home. For purposes of these Regulations, mobile homes are categorized as follows:

MOBILE HOME PARK: Any parcel or tract of land used or intended to be used for mobile home occupancy.

MOBILE HOME PARK (Total Land Area): The sum of the areas of the lots plus the area of driveways, landscaped areas, common open space, and recreation areas located within the parcel, but excluding the area of all land or buildings reserved for the exclusive use of the owner or manager of the premises.

MOBILE HOME SPACE: A lot or plot of ground in a mobile home park intended for the placement and occupancy of a mobile home. For purposes of these Regulations, mobile home spaces are categorized as follows:

1. "Single-wide lot" means, for this purpose, a lot intended to accommodate a home of not more than sixteen (16) feet in width.

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2. "Double-wide lot" means, for this purpose, a lot intended to accommodate a home greater than sixteen (16) feet in width, but not more than twenty-eight (28) feet in width.
3. "Triple-wide lot" means, for this purpose, a lot intended to accommodate a home greater than twenty-eight (28) feet in width, but not more than forty-two (42) feet in width.

MORTUARY: A licensed business, regulated by the State Department of Health, which provides for the care, planning, and preparation for final disposition or transportation of human remains. Services generally include the arranging and conducting of funeral and memorial services, embalming and cosmetic restoration, sale of caskets, urns and other funeral merchandise.

MUDFLOW: Means the downward movement of mud in a mountain watershed because of peculiar characteristics of extremely high sediment yield and occasional high runoff.

MULTIPLE FAMILY DWELLING (Residence): A building or group of buildings designed for occupancy by three (3) or more families living in separate apartments, units, or buildings; together with the pertinent recreation and support facilities.

MUNICIPAL AND INDUSTRIAL WATER PROJECT or PROJECT: A system and all components thereof through which a municipality or industry derives its water supply from either surface or subsurface sources, or which otherwise serves municipal or industrial users. (This definition does not apply to the 1041 regulations.)

MUNICIPALITY: A home rule or statutory city, town, or a city and county or a territorial charter city.

NATIONAL REGISTER: The National Register of Historic Places established under Section 101 of the National Historic Preservation Act of 1966, as amended.

NATURAL HAZARD: Is one of the following:

1. **FLOOD OR FLOODING:** Means a general and temporary condition of partial or complete inundation of normally dry land areas from, the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
2. **GEOLOGIC HAZARD:** A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:
 - (a) avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
 - (b) seismic effects;
 - (c) radioactivity;
 - (d) ground subsidence.
3. **WILDFIRE HAZARD:** Means a wildfire phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:
 - (a) slope and aspect;
 - (b) wildfire behavior characteristics; and
 - (c) existing vegetation types.

NATURAL HAZARD AREA: Means an area containing or directly affected by a natural hazard.

NATURAL RESOURCE OF STATEWIDE IMPORTANCE: Is limited to shorelands of major, publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the Division of Wildlife of the Department of Natural Resources, in a proposed area could be endangered.

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NEW COMMUNITIES: The major revitalization of existing municipalities or the establishment of urbanized mixed-use growth centers in unincorporated areas.

NON-COMMERCIAL KEEPING (or Boarding) OF ANIMALS: A facility that cares for or houses livestock in the absence of the owner or such owner's designee, and no compensation is received for said services.

NON-CONFORMING STRUCTURE OR USE, LEGAL: A structure or use which was lawful when constructed or established but which does not comply with the provisions of law or regulations passed at a later date.

NON-CONFORMING STRUCTURE OR USE, ILLEGAL: See Illegal Structure or Use.

NURSERY (Day Care Center): See Day Care Center.

NURSERY (Plant): A place where young trees or other plants are raised for transplanting or for sale.

OFFICE TRAILERS: A mobile home, recreational vehicle, or modular unit used as a temporary office facility.

PANEL ANTENNA: Antenna generally rectangular in shape that is used to transmit and receive telecommunications signals.

PARCEL: See Lot.

PASTURE: An area where animals are kept, either fenced or unfenced, and where grazing is allowed

PERIMETER DITCH (or Berm): A ditch or berm (constructed of materials other than manure or compost), the primary purpose of which is to prevent runoff from an area used for the stockpiling of manure or storage of compost.

PERMIT: A formal consent issued by the County for various activities.

PERSON: Any individual, limited liability company, partnership, corporation, association, company, or other public or corporate body, and includes without limitation any political subdivision, agency, instrumentality, or corporation of the State or the United States government.

PERSONAL SERVICES: Services, such as, but not limited to tanning, nail, and/or hair salons, health clubs, spas, and/or licensed massage establishments.

PET BOARDING FACILITY: A facility that cares for or houses pet animals in the absence of the owner or a facility that cares for pet animals in absence of the owner or such owner's designee and receives compensation for said services.

PETS: See Animal, Pets.

PLACE OF WORSHIP: A building or place where persons regularly assemble for religious worship, and which building is maintained and controlled by a religious body organized to sustain public worship.

PORCH, UNENCLOSED: A porch which is open to the atmosphere on at least two (2) sides.

POWER PLANT: Any plant facility(ies) and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing one (1) megawatt or more of electricity for the production of power.

PRESCHOOL: An educational institution intended for children between infancy and school age.

PUBLIC UTILITY: A public utility as defined by state law, with the exception of utilities owned and operated by a

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municipality located within Clear Creek County.

RAPID TRANSIT: The element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

RECLAMATION: The employment during and after a mining or mineral processing operation of procedures to minimize water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from mining or mineral processing operations and related structures so that affected lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding facilities or buildings and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

RECLAMATION PLAN: The applicant=s written proposal as required and approved by Clear Creek County for reclamation of the affected land.

RECREATION: An activity intended to provide refreshment or relaxation by means of some pastime, agreeable exercise, entertainment or amusement. For purposes of these Regulations, recreational uses are classified as follows:

1. **INDOOR:** recreational activities, such as but not limited to bowling, skating, arcade, where such activities are contained within a building , but not including activities described in Adult entertainment establishments.@
2. **OUTDOOR:** recreational activities, such as but not limited to skiing, golfing, fishing, skating, fair grounds, amusement park, hut-to-hut system, or rodeo grounds, where part or all of such activities are outdoors.

RECREATIONAL USE FACILITY (Non-Commercial Park): Uses, structure and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained by a public entity or non-profit organization.

RECREATIONAL VEHICLE: Any vehicular unit or trailer designed to provide temporary living quarters for recreational, camping, or travel use.

RECREATIONAL VEHICLE PARK: Any parcel or tract of land designed, maintained, or intended or used for the purpose of providing a location and accommodations for one or more recreational vehicles for temporary occupancy, and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a change is made for the use of the park or its facilities.

REQUIRED ROAD MAINTENANCE AREA: The road surface and County maintained drainage features of maintained County roads.

RESEARCH AND DEVELOPMENT FACILITY: A facility utilized primarily for the purpose of scientific investigation designed to develop new consumer goods and services, new inputs into production, new methods of producing goods and services, or new ways of operating and managing organizations.

RESERVOIR: An area of land where water is retained or an area intended for water retention, and which is used in whole or in part for the storage of municipal water supplies or of water which is part of a domestic water treatment system.

RUNOFF: That part of precipitation, snow melt, or irrigation water that drains or flows off the land into streams or other surface waters.

SAWMILL: A commercial operation where timber is processed to produce wood products.

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SCHOOL: An institution, either public or non-public, for educating or giving instruction. For purposes of these Regulations, schools are classified as either public or private, and the age of the students.

PUBLIC SCHOOL: An institution providing instruction which secures the major part of its funding from taxes or from government agencies.

PRESCHOOL: An educational institution intended for children between infancy and school age.

PRIVATE SCHOOL: An institution providing instruction which secures the major part of its funding from sources such as tuition and donations, and not from taxes or government agencies.

SEASONAL TEMPORARY USE OF LAND: Uses of land, not to exceed six (6) months, such as Christmas tree or Firewood lots.

SEMI-NUDE: A state of undress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SETBACK: An open space of fixed width of a parcel along the front, sides, or rear property line which shall remain free of any development, except as provided by this code.

SETBACK LINE: A line parallel with the minimum horizontal distance required in any given zone district to be maintained between a lot line and that part of a structure situate on such lot, except as provided in this code.

SHADOW FLICKER: The effect when the blades of a wind energy system passes between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.

SIGN: See sign definition in Section 10 (1004).

SIGN, FREE-STANDING: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, fence, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

SIGN, HISTORIC: A sign which in and of itself is historic in nature.

SIGN, LANDMARK: A sign which identifies or points to a prominent natural feature or the site of an event, discovery, etc. considered as a high point or turning point in the history or development of something.

SINGLE FAMILY DWELLING (Residence): A building, to include a factory-built home, designed for occupancy by not more than one family.

SIGNIFICANT: Means deserving to be considered; important of consequence; notable and not trifling.

SLOPE, MEASUREMENT: An inclined ground surface the inclination of which is expressed as a ratio or percentage of horizontal distance to vertical distance, or in degrees of the horizontal measured from the crest of the slope to the toe of the slope.

SMALL ANIMAL: Any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting, or exhibition.

SMALL ANIMAL GROOMING FACILITY: A permanent or mobile commercial establishment where a small

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animal may be cleaned, styled or have appearance maintained.

SMALL SOLAR ENERGY SYSTEM: A solar energy system that is used to generate thermal, mechanical, chemical, or electrical energy accessory to the use(s) on the same parcel(s) of land. It may be free-standing, or attached to an existing permitted structure.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.

SNOW STORAGE: The stockpiling of snow removed from a street, road, highway, driveway, or other site off the site from which it is removed.

SOLAR ENERGY SYSTEM: Related equipment that relies upon direct sunlight as an energy source, a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical, or electrical energy.

SPECIAL EVENT: A temporary activity or use, whether or not wholly contained within a building or structure which is not a permitted use in the underlying zone district or the Planned Development, not to exceed sixty (60) days.

STABLE: A facility where horses and other equines are kept either within a building or in corrals, which may also include an indoor or outdoor exercise area, and storage for tack, grooming supplies and feed.

STOCKPILE (OF MANURE): The presence of more than one (1) cubic foot of manure within an area of one hundred (100) square feet.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner; the use of which requires more or less permanent location on the ground; but not including earthworks, ditches, canals, dams, reservoirs, pipe-lines, telephone, telegraph, electric power lines, fences less than six (6) feet in height, walks, driveways, or curbs.

SUBDIVISION: A division of land when more than four new parcels are proposed.

SUBSTATION: Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity at 115kV or greater.

SURFACE DISTURBANCE: Any change to the natural vegetation, soil, rock, drainage, or topography, and includes all grading, filling, excavating, clearing vegetation, construction of buildings or other improvements. Any activity that may result in or contribute to accelerated soil erosion or sediment transport is included.

TELECOMMUNICATIONS:

1. **AMATEUR COMMUNICATIONS TOWER:** A non-commercial tower, antennae, and supporting structure a maximum of thirty-five (35) feet in height, which complies with the definition of "Amateur Service" as defined in the Code of Federal Regulations, Title 47, Chapter 1 (Federal Communications Commission), Subchapter A, Part 2 (CFR-47.1(A)(2)).
2. **CO-LOCATION SITE, LOW POWER:** Two (2) or more low power telecommunication service providers having joint use of sites and/or facilities.
3. **EQUIPMENT STORAGE SHELTER:** An unmanned structure used for freestanding facilities or when necessary, roof or building mounted facilities to house low power telecommunications facility equipment.

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4. **FREESTANDING TELECOMMUNICATION FACILITY (Permanent):** A telecommunications facility that consists of a stand-alone support structure, antennas, and accessory equipment sited on a property for an indefinite length of time.
5. **FREESTANDING TELECOMMUNICATION FACILITY (Temporary):** A telecommunications facility that consists of a stand-alone support structure, antennas, and accessory equipment sited on a property for a specified length of time, not to exceed six (6) months.
6. **LOW POWER:** The power limit for each transmitter consisting of 1000 watts effective radiated power (ERP) which is the sum product of the wattage into the antenna and the gain of the antenna.
7. **MULTI-USER COMMUNICATIONS SITE, LOW POWER:** A facility consisting of interior space for electronics, and exterior space for antennas, that is available for rental to tenants that operate wireless communications. A multi-user site would be designed to accommodate a variety of users in a non-discriminatory manner.
8. **ROOF MOUNT OR BUILDING WALL TELECOMMUNICATION FACILITY:** A facility that is supported entirely by a legally existing building or structure. (For purposes of this regulation, legally existing structures eligible for location of low-power telecommunications facilities as a use-by-right are those which have and maintain a primary purpose other than residential structures or structures supporting telecommunications equipment, and which were legally constructed at least two years before the application for installation of any low-power telecommunications facilities. The burden of proof shall be on the applicant to demonstrate that the primary purpose of the structure is not to house or support telecommunications equipment.)
9. **TELECOMMUNICATION FACILITY, LOW POWER:** An unmanned facility consisting of antennas, equipment, and equipment storage shelter used for the reception, switching, and/or transmission of wireless telecommunications including, but not limited to paging, enhanced specialized mobile radio, personal communications services, cellular telephone and similar technologies.

TEMPORARY STRUCTURE: A structure without any foundation or footing, or otherwise not permanently affixed to the land, and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TOTAL EXTENDED HEIGHT

The height above grade to a blade tip at its highest point of travel.

TOTAL SQUARE FOOTAGE: The total square footage of all buildings and structures.

TOWER HEIGHT

The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

TRACT OF LAND: See Lot.

TRANSMISSION LINES: Those electrical lines and appurtenant facilities which meet all of the following criteria:

1. Either a series of three (3) or more structures and appurtenant facilities erected above ground which support one (1) or more conductors or a power line placed underground.

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2. Which lines emanate from a power plant or a substation/transition site and terminate at a substation/transition site
3. Which are designed to transmit electrical voltages of 115 kV or greater.

TRANSPORTATION FACILITY: A facility, such as a shuttle service or park and ride.

TRIP GENERATION: The number of vehicle trips likely to be generated by a particular land use.

TRUCK STOP: A gas station, where truck drivers stop for fuel, and often including a restaurant, sleeping and showering rooms, and may include a store selling items for travelers.

TWO FAMILY DWELLING (Residence) OR DUPLEX: A building designed for occupancy by two (2) families living in separate units.

UNDERGROUND WATER STORAGE TANK: A vessel used for holding water, located entirely below grade, and not visible from the surface.

UTILITY: A government or business enterprise supplying public services such as electricity, gas, water, sewer, telephone, or cable TV.

UTILITY BUILDING: A building such as a shed, or garage that is used to store tools, vehicles, and other maintenance equipment that are clearly incidental to use of a property.

UTILITY SCALE SOLAR ENERGY FACILITY: A power plant that directly converts solar energy into usable thermal mechanical, or electrical energy, including such devices as solar energy systems and supporting structures and such directly connected equipment as generators, alternators, inverters, batteries and associated control equipment.

UTILITY SCALE WIND ENERGY FACILITY: A power plant that directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as wind energy systems and supporting structures and such directly connected equipment as generators, alternators, inverters, batteries and associated control equipment.

VEHICLE STORAGE GARAGE (Non-Commercial): An accessory building or an accessory portion of a main building, designed for shelter or storage of motor vehicles which are owned or operated by the occupants of the main building only.

VETERINARY CLINIC, SMALL ANIMAL: A place where small animals or pets (dogs, cats, birds and the like) are given medical or surgical treatment. Use as a kennel shall be limited to short time boarding and shall only be incidental to such clinical use. All uses shall be enclosed within a soundproof building.

VETERINARY HOSPITAL: A place where animals or pets of all types are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use and need not be enclosed within the main building.

WALL, FREE-STANDING: A wall which rests on its own support, without attachment or added support.

WEANED (Young Animals): For the purpose of these Regulations, an animal is considered weaned when the animal in question is no longer dependant on the milk of its mother.

WET BAR: A room or portion of a room in a residence having a sink and a refrigerator of no more than six (6) cubic feet in size, which area is used for the storage, preparation and serving of food or drink to persons residing in

Clear Creek County Zoning Regulations: Section 23

the dwelling unit or to guests. (See also Kitchen.)

WETLANDS: As defined by the Army Corp. of Engineers.

WILD ANIMALS: See Animal, Wild.

WHIP ANTENNA: A single antenna that is cylindrical in shape.

WILDFIRE HAZARD: Means a wildfire phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. slope and aspect;
2. wildfire behavior characteristics; and
3. existing vegetation types.

WILDFIRE HAZARD AREA: Means an area containing or directly affected by a wildfire hazard.

WIND ENERGY SYSTEM: Related equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

Clear Creek County Zoning Regulations: Section 25

SECTION 25. VESTED PROPERTY RIGHTS REGULATIONS

A. PURPOSE

To provide procedures that establish vested property rights upon approval of a Site Specific Development Plan.

B. DEFINITIONS

DEVELOPMENT AGREEMENT: A voluntary contract between the County and a developer. Development Agreements may include, but are not limited to, provisions clarifying the phasing of construction, the timing, location and financing of infrastructure, vested property rights, development standards, assurances that adequate public facilities will be available, and mitigation of anticipated impacts of the development. Prior to final approval of said agreement, a public hearing shall be conducted by the Planning Commission. Upon receipt of a recommendation from the Planning Commission, the Board of County Commissioners shall hold a public hearing to publicly review the proposed agreement.

SITE SPECIFIC DEVELOPMENT PLAN: A plat, site plan, or other document as more particularly described below, including all terms and conditions thereof or incorporated by reference which describes with reasonable certainty the type and intensity of use permitted for a specific parcel or parcels of land:

1. Final Subdivision plat;
2. Final Exemption plat from Subdivision;
3. Final Planned Development Official Development Plan;
4. Final Design Review site plan;
5. Final Development Review site plan; or
6. Development Agreement.

VESTED PROPERTY RIGHT: The right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan, as defined in Section D herein.

C. NOTICE AND HEARING

No Site Specific Development Plan shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may, at the County's option, be combined with the notice required by Section 30-28-116, C.R.S., as amended, for zoning regulations, or with any other required notice. Interested persons shall have an opportunity to be heard at the hearings.

D. APPROVAL OF A SITE SPECIFIC DEVELOPMENT PLAN

1. A vested right is automatically created, pursuant to Section E herein, upon the approval or approval with conditions, by the Board of County Commissioners, for the following:
 - a. Final Subdivision plat;
 - b. Final Minor Subdivision Exemption plat;
 - c. Final Major Boundary Line Adjustment Exemption plat;
 - d. Final Planned Development Official Development Plan;
 - e. Final Development Review site plan;
 - f. Final Design Review site plan, when appealed;

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- g. Development Agreement;
 - h. Final Multi-Unit Small Subdivision Plat; or
 - i. Final Exemption by Resolution Exemption Plat.
 - j. Exemption for Certain Illegal Divisions of Land – Unimproved
2. A vested right is automatically created, pursuant to Section E herein, upon the approval or approval with conditions, by the Planning Director, for the following:
- a. Final Minor Boundary Line Adjustment Exemption plat;
 - b. Final Design Review site plan.
 - c. Exemption for Certain Illegal Divisions of Land – Improved Without Proper County Occupancy Approval.
 - d. Exemption for Certain Illegal Divisions of Land – Improved With Applicable County Occupancy Approval.

E. EFFECTIVE DATE OF A SITE SPECIFIC DEVELOPMENT PLAN AND VESTING PERIOD

1. A vested right created by the approval of a Site Specific Development Plan remains in effect for the approved period from the date pursuant to Section E-2 herein.
2. The vesting period shall begin to run upon the publication date of a notice officially announcing approval of the Site Specific Development Plan and creation of vested rights, which publication shall occur no later than fourteen (14) days following approval, pursuant to Section F herein.
3. In the event amendments to a Site Specific Development Plan are proposed and approved, the effective date of the vesting period shall remain the date the original Site Specific Development Plan was approved as outlined in Section E herein. Approval of amendments to a Site Specific Development Plan do not extend the vesting period beyond the approved period unless the appropriate authority specifically determines extending the vesting period to be justifiable and incorporates this determination in their approval of amendments to a Site Specific Development Plan, as outlined in Section D herein.
4. Failure to abide by any terms and conditions of approval of the Site Specific Development Plan may result in a forfeiture of vested rights as determined by the appropriate authority as outlined in Section D herein.

F. NOTICE OF APPROVAL

Each plat, site plan, or other document constituting a Site Specific Development Plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended." Failure to contain this statement shall not invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created, shall be published once, not more than fourteen (14) days after approval of the Site Specific Development Plan, in a newspaper of general circulation within Clear Creek County.

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G. PAYMENT OF COSTS

In addition to any and all other fees and charges imposed by these Regulations, the applicant for approval of a Site Specific Development Plan shall pay the appropriate fee, as adopted by the Board of County Commissioners, as a result of the Site Specific Development Plan review.

H. OTHER PROVISIONS UNAFFECTED

Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of these Regulations pertaining to the development and use of property.

I. JUDICIAL REVIEW

A vested Site Specific Development Plan is subject to all rights of judicial review as set forth in the Colorado Revised Statutes and Colorado constitution, however; the time period to exercise such rights shall begin thirty (30) days following publication of notice as required in subsection F above.

J. LIMITATIONS

Nothing in this Section is intended to create any Vested Property Right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective.

Clear Creek County Zoning Regulations: Section 26

SECTION 26. ROAD VACATIONS

A. PURPOSE

To provide a means by which former roadways, or portions thereof, are zoned or rezoned in an orderly and consistent manner with the land they vest in.

B. DEFINITIONS

ROADWAY: Includes any platted or designated public street, alley, lane, parkway, avenue, road, or other public way, whether or not it has been used as such.

C. PROCESS

The process to vacate a roadway, or any portion thereof, is as defined in Part 3 of Article 2 of Title 43 C.R.S., as amended.

D. ZONING DESIGNATION OF THE VACATED ROADWAY

Any roadway, or any portion thereof, vacated by the Board of County Commissioners shall acquire the zoning of the land to which it adjoins. Any roadway, or any portion thereof, vacated prior to the date of adoption of these Regulations shall be deemed zoned the same as the land to which it adjoined, as of the date of the adoption of these Regulations.

E. EFFECTIVE DATE OF ZONING

The zoning becomes effective as of the date of recording of the Board of County Commissioner's Resolution approving the vacation of the roadway. Any previously approved Road Vacation is hereby deemed zoned the same as the land to which it adjoined, as of the date of the adoption of these Regulations.

F. PAYMENT OF COSTS

The applicant requesting a Road Vacation shall pay the appropriate fee, as adopted by the Board of County Commissioners.

G. OTHER PROVISIONS UNAFFECTED

Approval of a Road Vacation shall not constitute an exemption from or waiver of any other provisions of these Regulations pertaining to the development and use of property.