

Clear Creek County Zoning Regulations: Section 10

SECTION 10 DEVELOPMENT STANDARDS

1001 PURPOSE AND APPLICABILITY

The general purpose of these regulations is to set standards for which all development in unincorporated Clear Creek County shall adhere to. The standards are meant to promote smart, safe, sustainable, and resilient development.

1002 SERVICES AND INFRASTRUCTURE

1002.1 WATER SUPPLY

1002.1.1 All development shall have an adequate water supply. As per CRS §29-20-302, “adequate” means a water supply that will be sufficient for build-out of the proposed development in terms of quality, quantity, dependability, and availability to provide a supply of water for the type of development proposed, and may include reasonable conservation measures and water demand management measures to account for hydrologic variability.

1002.1.2 Proof of adequate water supply will usually be in the form of one of the following:

1002.1.2.1 State approved well permit.

1002.1.2.2 Letter from available water district/provider with the intent to provide service for the proposed development that complies with CRS §29-20-304(2).

1002.1.2.3 Court-approved augmentation plan that supports the proposed development.

1002.1.2.4 County approved water lease agreement.

If requested by the Planning Department, in its sole discretion, an analysis prepared by a water attorney, water consultant, or water engineer that provides evidence of the physical and legal water supply available is required.

1002.2 WASTEWATER TREATMENT

1002.2.1 The Clear Creek County Environmental Health Department shall be considered the authority concerning the adequacy of the proposed sewage treatment system. It shall be the responsibility of the applicant to provide such evidence as may be required through a development review or land use process.

1002.2.2 Proof of adequate wastewater treatment will usually be in the form of one of the following:

1002.2.2.1 County Onsite Wastewater Treatment System (OWTS) permit.

1002.2.2.2 State approved permit.

1002.2.2.3 letter from available sanitation district stating it is willing to commit to and able to provide sanitation service for the intended development.

1002.3 ACCESS

1002.3.1 Driveways are required for all new development.

1002.3.2 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.

1002.3.3 It is the responsibility of the applicant to provide documentation showing legal access to the property if required through a development review or land use process.

1002.4 TRAFFIC ANALYSIS

Any proposed development shall not result in undue traffic congestion or traffic hazards.

Certain development proposals require a traffic analysis as part of a land use review.

Requirements for such traffic analysis are outlined in the specific land use processes.

1002.5 PUBLIC SERVICES/INFRASTRUCTURE

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,

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telephone service, natural gas service, public school service, road and bridge services, and other public services as determined by the County.

1002.6 REFERRAL TO APPLICABLE PUBLIC AGENCIES AND PUBLIC UTILITIES

The Planning Department shall refer all applications to the applicable public service and utility providers. Referral agencies to be notified will be determined on a case by case basis and will be at the discretion of the Planning Manager.

- 1002.6.1** Applicable referral agencies will be requested to review the application and determine whether there is potential impact to their particular service or utility.
- 1002.6.2** 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.
- 1002.6.3** The County shall consider the content of the proposed development application and referrals of the applicable public service and utility providers.

1003 ENVIRONMENTAL IMPACT

1003.1 GEOLOGIC HAZARD MITIGATION

1003.1.1 Applicability

A Geological Hazards Analysis by a professional third party, and review of this analysis by Colorado Geological Survey (CGS), shall be required when development is proposed within a geologic hazard area as identified on one or more of the below maps, and/or is identified/confirmed by Federal, State, or County Staff for the applicable development review or land use process. The applicant is responsible for all fees associated with the Geological Hazards Analysis and CGS review. This requirement may be waived by the Planning Director if deemed irrelevant to the applicable land use process or permit review.

1003.1.2 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.

1003.1.3 Maps and Data:

It is the intent of these regulations that County staff utilizes the most recent information available at the time of geologic hazard analysis. At the present time, the following maps are considered the most accurate in identifying the specific geographical features of a subject parcel although they are not necessarily complete and site specific examinations may be required

1. Geologists, Fox Consultation Engineers and. "Preliminary Geologic Hazard Investigation Along a Portion of York and Hamlin Gulches, Clear Creek and Gilpin Counties, Colorado." 1981.

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2. Hecox, Gary. *Surficial Geology and Geologic Hazards of Northeast Clear Creek County*. PhD Thesis, Golden, CO: Colorado School of Mines, 1977.
3. Montazer, Parvis. *Engineering Geology of Upper Bear Creek Area, Clear Creek County, Colorado*. PhD Thesis, Golden, CO: Colorado School of Mines, 1978.
4. Pelizza, Mark. *Environmental and Surficial Geography in East Central Clear Creek County*. PhD Thesis, Golden, CO: Colorado School of Mines, 1978.
5. Widdman, Beth L. and William P. Rogers. *Geologic Hazards of the Georgetown, Idaho Springs, and Squaw Pass Quadrangles, Clear Creek County, Colorado*. Open File Report 01-16, Denver, Colorado: Colorado Geological Survey, Division of Minerals and Geology, Dept. of Natural Resources, 2001.

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

1003.1.4 Procedure

1003.1.4.1 General

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

1003.1.4.2 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 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. The Geologic Hazards Analysis shall contain the following information:

1003.1.4.3 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.

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- 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.

1003.1.4.4 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.

1003.1.4.5 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.

1003.1.4.6 Revision of Analysis May Be Required

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. This revised Analysis may need to be reviewed again by CGS.

1003.1.4.7 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.

1003.1.4.8 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.

1003.2 WILDFIRE MITIGATION

1003.2.1 Applicability

A Wildfire Management Plan shall be required for proposed Subdivisions, Development Reviews, and Planned Developments with a total sq footage of 10,000 sq ft or more, if development is proposed within a Severe Wildfire hazard area as identified on one or more of the below maps, is identified by County Staff during the land use process, or if deemed appropriate by referral response from the local fire

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authority or Colorado State Forest Service. The Wildfire Management Plan shall be prepared by a natural resource professional with expertise in the field of vegetation management and wildfire mitigation. The applicant is responsible for all fees associated with the Wildfire Management Plan. This requirement may be waived by the Planning Director if deemed irrelevant to the applicable land use process or permit review.

1003.2.2 **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.

1003.2.3 **Maps and Data:**

It is the intent of these regulations that County staff utilizes the most recent information available at the time of wildfire analysis. At the present time, all maps and data available used for wildfire analysis are obtained from the Colorado State Forest Service. This information is available for review by the public in the Planning Department during normal business hours.

1003.2.4 **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;
 - 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 existing and proposed fire hydrants, water tanks, cisterns and/or dry hydrants.
 - g. A maintenance plan identifying what type of maintenance is needed to sustain the mitigation, how this maintenance will be implemented, and the party that will be responsible for the maintenance.

1003.2.5 **Procedure**

1003.2.5.1 **Referral to Colorado State Forest Service and Local Fire Authority**

As part of the review of the application, the Planning Director may refer to the Colorado State Forest Service (CSFS), and to the Local Fire

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Authority, 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.

1003.2.5.2 Review and Classification of Degree of Hazard by CSFS and Local Fire Authority

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.

1003.2.5.3 CSFS and Local Fire Authority Response

Considering the degree of severity of wildfire hazard that is posed to persons and property, the CSFS 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 recommended by CSFS and the Local Fire Authority (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 fuel breaks, 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 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

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structures. Firebreaks, turnaround areas and emergency access routes shall be maintained.

1003.2.5.4 Compliance

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

1003.2.6 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.

1003.3 FLOOD HAZARD MITIGATION

1003.3.1 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.

1003.3.2 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.

1003.3.3 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.

1003.3.4 Procedure:

If the proposed development is located in 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).

1003.3.5 Maps and Data:

All flood hazard maps and data used for analysis are obtained from the Federal Emergency Management Agency (FEMA) and adopted by the Board of County Commissioners. The most recent set of FEMA flood maps adopted by the BOCC are as follows: 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

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g. Panel Number 080034 0175

A copy of these maps are available for review by the public in the Planning Department during normal business hours.

1003.4 WILDLIFE IMPACT MITIGATION

1003.4.1 Applicability

A Wildlife Analysis, and review of this analysis by Colorado Parks and Wildlife (CPW), shall be required when CPW recommends such plan during the referral process of a land use case or development proposal. The applicant is responsible for all fees associated with the Wildlife analysis and CPW review.

1003.4.2 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.

1003.4.3 Maps and Data

All wildlife impact maps and data used for analysis are obtained from Colorado Parks & Wildlife and County uses the most current data available for analysis. At present, the identification of the following species on subject parcel may require a referral from Colorado Parks & Wildlife:

- Bald Eagle
- Bighorn Sheep
- Black Bear
- Boreal Toad
- Elk
- Lynx
- Moose
- Mountain Lion
- Mule Deer
- Preble's Meadow Jumping Mouse

These Maps are hereinafter referred to collectively as "The Clear Creek County Wildlife Impact Maps" A copy of the set is available for review by the public in the Mapping Department during normal business hours.

1003.4.4 Wildlife Analysis

1003.4.4.1 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 Colorado Parks & 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 Parks & Wildlife:** As a part of the review of the application, the Planning Director shall refer to the Colorado Parks & Wildlife (CP&W) all applications as identified above.

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4. **Review by CP&W:** CP&W will be requested to review the application and determine whether there is potential impact to critical wildlife habitats or migration routes.
5. **Recommendation by CP&W:** Considering the potential impact to wildlife, CP&W 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 CP&W during the development review process.

1003.5 WETLAND IMPACT MITIGATION

1003.5.1 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.

1003.5.2 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 include 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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1004 BUILDING AND SITE DESIGN

1004.1 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.

1004.2 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.

1004.3 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.

1005 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.

1005.1 DEFINITIONS

1005.1.1 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;

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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.

1005.1.2 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.

1005.1.3 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.

1005.1.4 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 advertising subdivision, development, or construction; real estate signs; and other types of signs relating to special events.

1005.1.5 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.

1005.1.6 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.

1005.2 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.

1005.3 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.

1005.4 SIGNS ALLOWED IN ALL ZONING DISTRICTS

1005.4.1 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;

1005.4.2 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;

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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.

1005.5 DISTRICT-SPECIFIC COMMERCIAL SIGNS

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

1005.5.1 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.

1005.5.2 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.

1005.5.3 Commercial and Industrial Districts

1005.5.3.1 Freestanding Signs shall be allowed provided they meet all of the following criteria:

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.

1005.5.3.2 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.

1005.5.4 Planned Development and Recreational Vehicle Park Districts

1005.5.4.1 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.

1005.6 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.

1005.7 SIGN AREA AND HEIGHT MEASUREMENT

1005.7.1 Signs Without Backing

1005.7.1.1 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

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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;

1005.7.1.2 The height of letters will be measured on the uppercase letters.

1005.7.2 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.

1005.7.3 Double-Faced Signs

1005.7.3.1 Only one (1) face of a double-faced sign shall be considered in determining the sign area;

1005.7.3.2 On all double-faced signs, the faces shall be parallel, and the distance between sign faces (thickness) shall not exceed eighteen (18) inches;

1005.7.3.3 No sign shall have more than two (2) faces.

1005.7.4 Height

1005.7.4.1 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;

1005.8 ILLUMINATION

1005.8.1 Signs may be internally or externally illuminated.

1005.8.2 Commercial Signage in Residential, Agricultural, Mobile Home Park, and Mining Zoning Districts shall not be illuminated.

1005.8.3 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.

1005.8.4 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.

1005.8.5 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.

1005.9 SIGN MAINTENANCE

1005.9.1 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.

1005.10 NON-CONFORMING SIGNS

1005.10.1 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*.

1005.11 OBSOLESCENCE

1005.11.1 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.

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1005.11.2 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.

1005.12 SIGNS PROHIBITED IN ALL DISTRICTS

1005.12.1 The following signs shall be prohibited in all Districts.

1005.12.1.1 Signs that promote an unlawful activity or that are adjudged by a court to be false or misleading;

1005.12.1.2 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;

1005.12.1.3 Signs maintained in conjunction with a use, event, service, or activity prohibited by the Clear Creek County Zoning Regulations;

1005.12.1.4 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-

1005.12.1.5 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.

1005.12.2 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.

1005.12.2.1 Revolving beacons, flashing or highly reflective signs, or signs with any type of animation, or moving parts;

1005.12.2.2 Any sign emitting sound, except for two-way communication menu sign associated with a licensed retail food establishment;

1005.12.2.3 Any privately owned sign in a public right-of-way or on public

1006 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.

1006.1 PARKING SPACE REQUIREMENTS

1006.1.1 ADDITIONAL PARKING LOT REGULATIONS AND PERMITS ACCESS

1006.1.1.1 Development of a parking lot is subject to the regulations set forth in the Clear Creek County Roadway Design and Construction Manual, Section 4.7.4 (Standards for Parking Areas). A Site Development Permit is required for development of all parking lots.

1006.1.1.2 An access permit may be required from the Colorado Department of Transportation (CDOT) and/or the County Road and Bridge Department.

1006.1.2 SIZE

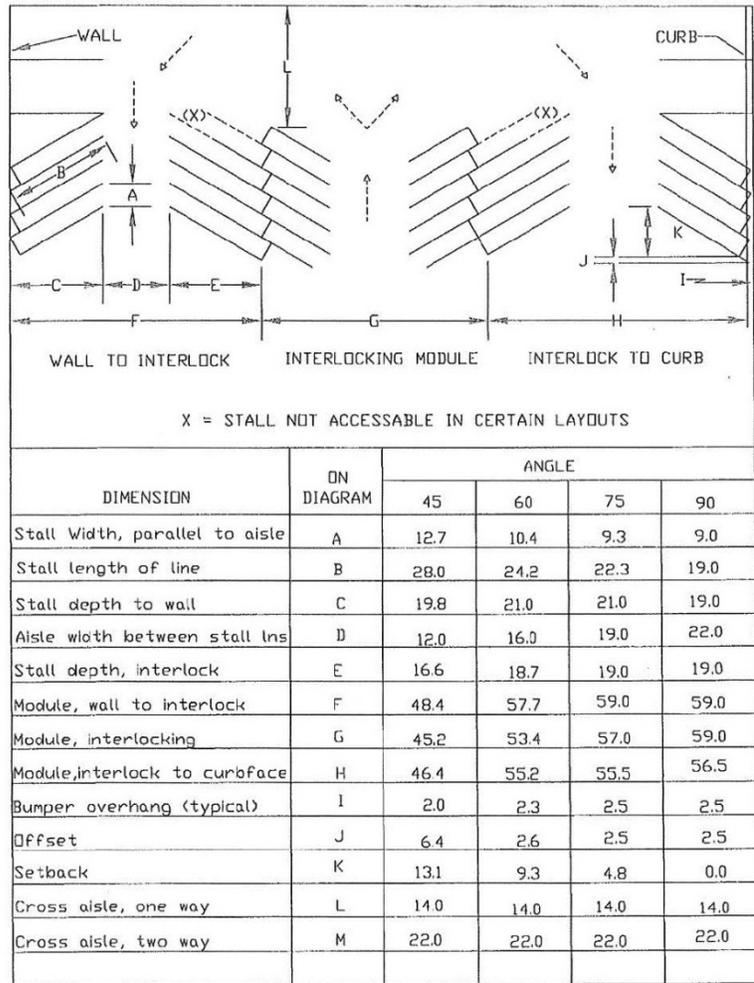
1006.1.1.1 Cars. Each parking space shall not be less than nine (9) feet wide and nineteen (19) feet long.

1006.1.1.2 Delivery Trucks and Buses. One (1) parking space shall not be less than twelve (12) feet wide and thirty-five (35) feet long.

1006.1.1.3 Semi-Trailers. Parking spaces shall accommodate both single- and double- axle vehicles, when appropriate, with allowances for ingress and egress.

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PARKING LAYOUT DIMENSIONS FOR 9 FT. BY 19 FT. STALL AT VARIOUS ANGLES



1006.1.3 UNLOADING AND LOADING AREAS

1006.1.3.1 Patron Pick-Up and Drop-Off. Allowances shall be made whenever the normal operation of any development requires patron pick-up and drop-off.

1006.1.3.2 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.

1006.1.4 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.

1006.1.4.1 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.

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

1006.1.4.2 Parking spaces shall be identified with a clearly visible all-weather sign showing the international symbol of accessibility.

1006.1.4.3 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

1006.1.5: PARKING INDEX

1006.1.5.1 Residential Uses

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.

1006.1.5.2 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 four (4) seats.
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:** Four (4) off-street parking spaces shall be provided for every 1,000 square feet of gross floor area.

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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 three (3) persons allowed within the maximum occupancy load.
 - c. **All Other Restaurants:** One (1) off-street parking space shall be provided for every four (4) persons allowed within the maximum occupancy load.
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.
10. **Outdoor Recreational:** One (1) off-street parking space shall be provided for every three (3) persons (guests and employees) at maximum capacity, plus one (1) off-street parking space shall be provided per vehicle used in association with the outdoor recreational activity.
11. **Recreational Vehicle Camping Sites (less than 10 spots):** One (1) off-street parking space shall be provided for each Recreational Vehicle, plus one (1) additional off-street parking space will be required for each Recreational Vehicle parking space.

1006.1.5.3 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.

1006.1.5.4 Mixed Uses: In the event that multiple distinct uses are present within the same building or property, the parking space requirement for each use will be calculated and added together to create an aggregate parking space requirement. The presence of office, storage, or any other accessory use that is in support of the primary use is not to be considered a mix of uses. These spaces will be included in any calculation for the primary use.

1006.2 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:

- 1006.2.1 Unique Development**
When the parking index does not include the type of use proposed.
- 1006.2.2 Shared Parking**
When a proposal for shared parking is presented.
- 1006.2.3 Satellite Parking**

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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.

1006.3 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.

1006.4 PARKING LOT LIGHTING

1006.4.1 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.

1006.4.2 Parking lot lighting shall be required to be provided during operating hours.

1006.4.3 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.

1006.4.4 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.

1006.4.5 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.

1007 FENCING, WALLS, AND LANDSCAPING STANDARDS

1007.1 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.

1007.2 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.

1007.2.1 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.

1007.2.2 General Standards

1007.2.2.1 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.

1007.2.2.2 Walls and fences must be designed and constructed to meet appropriate wind load.

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1007.2.2.3 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.

1007.2.3 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.

1007.2.4.1 Height and Length Limitations

1. 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. **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.
3. **Flexibility in Height Restrictions:** An Administrative Variance, pursuant to Section 13- Variances of these Regulations, may be issued upon receipt of a letter from Colorado Parks & Wildlife or a qualified professional stating that there are no significant, unmitigated adverse impacts to wildlife.

1007.3 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.

1007.3.1 General Requirements

1007.3.1.1 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.

1007.3.1.2 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.

1007.3.1.3 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

1007.3.2.1 Plant Material Standards

1. Preservation of existing trees;
2. All plantings should be with species suitable for mountainous environment;

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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.

1007.3.2.2 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.

1008 ANIMALS

1008.1 ANIMAL CATEGORIES

1008.1.1 Pets

1008.1.1.1 Non-commercial keeping of pets is allowed in all zoning districts.

1008.1.1.2 Pets of any kind shall be contained and controlled.

1008.1.1.3 Commercial kennels are allowed only in Agricultural, Planned Development, Commercial and Industrial Districts.

1008.1.2 Non-Commercial Keeping of Animals

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

1008.1.2.1 The non-commercial keeping of animals is allowed in all zoning districts.

1008.1.2.2 All animal confinement areas or corrals must be setback ten (10) feet from the property line.

1008.1.2.3 Non-commercial keeping of animals is not permitted on parcels of less than three (3) acres.

1008.1.2.4 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.

1008.1.2.5 "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.

1008.1.3 Commercial Keeping of Animals

1008.1.3.1 Commercial keeping and/or boarding of animal is allowed in Agricultural, Planned Development, Commercial, and Industrial Districts.

1008.1.4 Wild Animals

1008.1.4.1 Wild animals must be kept in accordance with the requirements of Colorado Parks & Wildlife

1008.1.4.2 Pursuant to Section 12 – Special Use Permits of these Regulations, a Special Use Permit shall be required, prior to keeping of any wild animal.

1008.1.5 Exotic Animals

1008.1.5.1 Exotic animals must be kept in accordance with the requirements of the USDA.

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1008.1.5.2 Pursuant to Section 12 – Special Use Permits of these Regulations, a Special Use Permit shall be required, prior to keeping of any exotic animal.

1008.1.6 Rabbits and Fowl

1008.1.6.1 The total number of such animals that may be kept shall not exceed one (1) animal unit per one-half (1/2) acre.

1008.1.6.2 “Animal Units” shall be used to establish an equivalent density for various species.

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

1008.2 PERFORMANCE STANDARDS

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

1008.2.1 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.

1008.2.2 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.

1008.2.3 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:

1008.2.3.1 Eliminate animal confinement areas, and areas used for compost/stockpiling of manure on slopes in which wastewater/rainfall cannot be collected/managed onsite.

1008.2.3.2 Construct a perimeter ditch or berm around stockpile areas, if needed, to prevent, to the extent practicable, runoff from the area.

1008.2.3.3 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.

1008.2.3.4 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.*).

1008.2.3.5 The keeping of domesticated sheep shall not be permitted within one (1) mile of bighorn sheep habitat as defined by the most current Colorado Parks & Wildlife (CP&W) 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 CP&W. Exceptions to this policy will be made only upon the recommendation of the CP&W .

1008.3 SPECIAL USE PERMITS

1008.3.1 An Administrative 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.

1008.3.2 A Special Use Permit may be requested, where additional animal density or varied performance standards may be required, to provide flexibility in Subsection 1008.1.2 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.

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1008.4 NONCONFORMING USES

- 1008.4.1** 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 1008.2 above.
- 1008.4.2** A legal nonconforming use that exists at the time of adoption of this Section shall not be expanded.
- 1008.4.3** If any nonconforming use is discontinued for a period of twelve (12) months, any further use shall be in conformity with this section.

1008.5 RESOURCES

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

1009 OTHER PERFORMANCE STANDARDS

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

1009.1 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.

1009.2 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.

1009.3 ABOVEGROUND STORAGE OF HAZARDOUS MATERIALS AND PETROLEUM

- 1009.3.1** 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;
- 1009.3.2** All hazardous materials and petroleum products must be handled and stored in accordance with all applicable laws and regulations.

1009.4 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:

- 1009.4.1** 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;
- 1009.4.2** 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;
- 1009.4.3** 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.

1009.5 NOISE

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

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1009.6 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.

1009.7 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.

1009.8 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.

1009.9 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.