

Clear Creek County Zoning Regulations: Section 1

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

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Regulations Regarding: Purpose; Interpretation; Zoning Maps and Resolutions; Zoning Districts; 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= 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

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- 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 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

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- 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 April 2014
- 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
- 101.77. R-18-09 (Amending Section 10 of the Clear Creek County Zoning Regulations) adopted 20 March 2018
- 101.78. R-17-91 (Amending Section 2, 3, 4, 5, 6, 7, 8, 9, 12, and 23 of the Clear Creek County Zoning Regulations) adopted 19 December 2017, effective 1 May 2018
- 101.79. R-20-06 (Amending Sections 5, 8, 12, 23, and the creation of Section 21 – Camping Regulations) adopted and effective on 18 February 2020
- 101.80. R-20-49 (Amending Sections 2, 5, 22, 23, and 25 for Miscellaneous Revisions) adopted and effective 1 September 2020
- 101.81. R-21-91 (Amending Sections 12 and 23 for Short Term Rentals) adopted and effective 7 December 2021

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.

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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 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

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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 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.

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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 affecting 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.

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 (AOutside 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.