

# Clear Creek County Zoning Regulations: Section 2

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## **SECTION 2 RESIDENTIAL DISTRICTS - GENERAL PROVISIONS**

*The regulations in this Section apply to all Residential Districts.*

### **201. PURPOSE**

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

### **202. AREA REGULATIONS**

202.1. See individual districts.

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

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

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

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

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

### **203. DEVELOPMENT STANDARDS**

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

### **204. HEIGHT**

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

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

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

### **205. PERMITTED PRINCIPAL USES**

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

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- 205.1. Dwelling units for residential use, as specified in individual districts;
- 205.2. A dwelling unit may include a day-care home or a family-care home (excluding any specialized group facility) with a maximum of four (4) care recipients, not residents of the dwelling unit;
- 205.3. A non-commercial park or recreational use facility;
- 205.4. Utility service lines and distribution lines;
- 205.5. Underground water storage tank;
- 205.6. Public school;
- 205.7. Non-commercial equestrian structure without an existing dwelling unit. Such structure shall not exceed (170) square foot stall area for each animal, plus three hundred (300) square feet total for storage and tack.
- 205.8. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings during construction only, with the issuance of a building permit for the project utilizing the temporary structure. Temporary structures shall be removed from the property prior to the issuance of a Certificate of Occupancy, or within sixty days after an issued Temporary Certificate of Occupancy, for the project utilizing the temporary structure(s), which ever date occurs first.

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

- 205.8. Utility Scale Wind Energy Facilities and Utility Scale Solar Energy Facilities with the approval of a Permit for Areas and Activities of State Interest (1041 Permit). Setbacks for said systems shall be the distance equal to the total extended height of the system unless all owners of the property(ies) within the setback -- who, with due diligence by Applicant, can be identified -- consent in writing in a form acceptable for recording and which is binding on the land. Setbacks shall be measured from the base of the structure to the closest property line of adjacent properties located outside of the 1041 Permit area.

### **206. ACCESSORY USES AND BUILDINGS**

In conjunction with, subordinate, and incidental to a primary dwelling unit as outlined above, a residentially classified parcel of land may be used, subject to other federal, state, and county laws, for the following (*rev Sept. 1, 2020*):

- 206.1. Minor Structures, workshop, barn, storage building, or non-commercial vehicle storage garage;
- 206.2. One (1) Accessory Dwelling Unit is allowed per residential parcel, subject to the following conditions:
  - 206.2.1. The maximum number of bedrooms of an Accessory Dwelling Unit shall be:
    - 1. On parcels of thirty five (35) acres or greater the number of bedrooms shall not exceed two (2).
    - 2. On parcels of under thirty five (35) acres the number of bedrooms shall not exceed one (1).
    - 3. A bedroom being defined as any room designated as a bedroom, den, library, study, office, loft or extra room that meets the Clear Creek County Building Code definition of a sleeping room.
  - 206.2.2. The maximum floor area of an Accessory Dwelling Unit shall be:

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1. On parcels of two (2) acres or greater a maximum of one thousand five hundred (1,500) square feet or 50% of the total square footage of the primary dwelling unit, whichever is less.
  2. On parcels of under two (2) acres a maximum of seven hundred fifty (750) square feet or 50% of the total square footage of the primary dwelling unit, whichever is less.
- 206.2.3. Accessory Dwelling Units shall share all infrastructure elements with the main dwelling including, but not limited to, well, OWTS, power, and driveway.
- 206.2.4. An approved building permit with evidence of an adequate legal water supply is required
- 206.3. "Home Occupation" in compliance with regulations herein adopted and set out below. It is the policy of Clear Creek County to encourage home occupations.
- 206.3.1. Use must be located or operated within a structure authorized under these regulations; such use shall be operated only by inhabitants of the dwelling and one (1) full-time equivalent person, not a resident of the premises, may be employed in the business conducted on the premises. Such use shall show no external evidence of the Home Occupation from adjacent private property or public right-of-way, other than what is characteristic of a residential neighborhood. One (1) identification sign shall be permitted, subject to Section 10.
- 206.3.2. Such use must be clearly incidental and secondary to the use of the property for residential purposes and shall not change the character of the property or of the neighborhood by excessive noise, lights, traffic, or other disturbances. No accessory use shall create unreasonable glare, noise (in accordance with C.R.S. '25-12-103, vibrations, electro-magnetic interference or wave propagation, smoke, fumes, odors, or other objectionable conditions detectable to the normal senses outside the boundaries of the lot);
- 206.3.3. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the Home Occupation shall be met on the property and shall not overflow onto public rights-of-way.
- 206.3.4. Uses may include the production and distribution of items defined as a "Cottage Foods". The production of cottage foods must adhere to all guidelines set forth by the "Cottage Foods Act" as adopted by the Colorado Legislature as amended and as regulated by the Colorado Department of Public Health and Environment (*rev Sept. 1, 2020*)
- 206.4. One (1) non-commercial, amateur communications tower, including antennae, shall be allowed on each parcel. Said tower, antennae, and supporting structure shall be a maximum of thirty-five (35) feet in height and shall be located at least a distance equal to the overall height of the system (including the maximum reach of any tower facility) from the nearest property boundary. "Amateur Service" shall be as defined in the Code of Federal Regulations, Title 47, Chapter 1 (Federal Communications Commission), Subchapter A, Part 2 (CFR-47.1(A)(2).
- 206.5. Storage of one (1) unoccupied recreational vehicle.
- 206.6. Small Wind Energy Systems  
The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic

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corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.

### 206.6.1. General Provisions

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

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

### 206.7. Small Solar Energy Systems

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

## 207 USES REQUIRING SPECIAL USE PERMIT

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

- 207.1. Workshop, barn, storage building, or non-commercial vehicle storage garage without an existing dwelling unit, except a non-commercial equestrian structure as outlined in 205.7;
- 207.2. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings that are not in conjunction with a building permit for the project utilizing the temporary structure.
- 207.3. Minor Structures without an existing permitted principal use.
- 207.2. Uses which would be consistent to the requirements of Home Occupation as outlined in 206.3 without an existing dwelling unit;
- 207.3. Seasonal temporary uses of land, not to exceed six (6) months;
- 207.4. Place of worship;
- 207.5. Day care center;
- 207.6. Non-public school;

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- 207.7. One (1) non-commercial, amateur communications tower and supporting structure greater than thirty-five (35) feet in height located at least a distance equal to the overall height of the system (including the maximum reach of any tower facility) from the nearest property boundary. "Amateur Service" shall be as defined in the Code of Federal Regulations, Title 47, Chapter 1 (Federal Communications Commission), Subchapter A, Part 2 (CFR-47.1(A)(2));
- 207.8. Utilities other than service lines;
- 207.9. Group-living accommodations pursuant to C.R.S. ' 30-28-115;
- 207.10. Bed and Breakfast establishments;
- 207.11. Aboveground water storage tanks;
- 207.12. Care and treatment facilities for the rehabilitation of native wild animals;
- 207.13. Exotic or wild animals, or hybrids, subject to approval by the appropriate agency (Colorado Division of Wildlife or USDA) and in accordance with Section 1007 - Animals;
- 207.14. Two (2) or three (3) non-resident on-site full-time equivalent employees in a Home Occupation, or use pursuant to 206.3.1;
- 207.15. Water reservoir;
- 207.16. Uses that are consistent with the uses stated above, but that are not otherwise listed in these Regulations as allowed in other districts, as approved by the Board of County Commissioners;
- 207.17. Small Wind Energy Systems that are located within 1) an area listed on the National Register of Historic Places, 2) either the Guanella Pass Road or CO Hwy. 103 scenic corridors, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the Geneva Creek Basin Project document;
- 207.18. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County;
- 207.19. Distributed Solar Energy System
- 207.20. Short Term Rental (*revised May 1, 2018*)
- 207.21. Large Short Term Rental (*revised May 1, 2018*)
- 208. ADMINISTRATIVE SPECIAL USE PERMITS**  
Shall be in compliance with Section 12 Special Use Permits of these Regulations.
- 209. RESIDENTIAL-COMMERCIAL ZONING DISTRICT**  
This district is an obsolete district for new zoning. See Section 22 - Obsolete Districts of these Regulations for regulations pertaining to existing Residential-Commercial District.

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## **210. (MR-1) MOUNTAIN RESIDENTIAL - SINGLE-FAMILY UNITS**

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

### **210.1. PURPOSE**

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

### **210.2. AREA REGULATIONS**

#### **210.2.1 AREA**

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

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

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

#### **210.2.2 SETBACKS**

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

### **210.3. DWELLINGS PERMITTED**

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

210.3.1 One (1) single-family dwelling.

### **210.4. ADDITIONAL USES REQUIRING SPECIAL USE PERMIT**

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

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### **211. (MR-5) MOUNTAIN RESIDENTIAL - LARGE-LOT SINGLE-FAMILY**

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

#### **211.1 PURPOSE**

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

#### **211.2. AREA REGULATIONS**

##### **211.2.1 AREA**

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

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

##### **211.2.2 SETBACKS**

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

#### **211.3. DWELLINGS PERMITTED**

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

**211.3.1** One (1) single-family dwelling.

#### **211.4. ADDITIONAL USES REQUIRING SPECIAL USE PERMIT**

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

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

### **212.1. PURPOSE**

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

### **212.2. AREA REGULATIONS**

#### **212.2.1 AREA**

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

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

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

#### **212.2.2 SETBACKS**

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

### **212.3. DWELLINGS PERMITTED**

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

212.3.1 One (1) single-family dwelling.

### **212.4. ADDITIONAL USES REQUIRING SPECIAL USE PERMIT**

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

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

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

### **213.1. PURPOSE**

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

### **213.2. AREA REGULATIONS**

#### **213.2.1 AREA**

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

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

#### **213.2.1 SETBACKS**

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

### **213.3. DWELLINGS PERMITTED**

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

213.3.1 One (1) single-family dwelling.

### **213.4. ADDITIONAL USES REQUIRING SPECIAL USE PERMIT**

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

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

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

### **214.1. PURPOSE**

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

### **214.2. AREA REGULATIONS**

#### **214.2.1 AREA**

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

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

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

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

#### **214.2.2 SETBACKS**

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

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

### **214.3. DWELLINGS PERMITTED**

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

214.3.1 One (1) single-family dwelling;

214.3.2 One (1) two-family dwelling;

214.3.3 Two (2) single-family dwellings.

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

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

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## **215. (R-3) MULTI-FAMILY UNITS**

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

### **215.1. PURPOSE**

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

### **215.2. AREA REGULATIONS**

#### **215.2.1 AREA**

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

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

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

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

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

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

#### **215.2.2 SETBACKS**

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

### **215.3. DWELLINGS PERMITTED**

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

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

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215.3.2 Two-family dwellings;

215.3.3 Single-family dwellings;

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

**215.4. USES REQUIRING SPECIAL USE PERMIT**

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