

Clear Creek County Zoning Regulations: Section 4

SECTION 4. (AG) AGRICULTURAL DISTRICT

401. PURPOSE

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

402. AREA REGULATIONS

402.1. AREA

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

402.2. SETBACKS

The minimum front, side, and rear building setbacks for all structures shall be thirty (30) feet from any lot line, road right-of-way, or platted road right-of-way. If no platted right-of-way exists, measurement of the setbacks begins at the edge of the Required Road Maintenance Area, or as surveyed and recorded with the County Clerk and Recorder=s office.

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

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

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

403. DEVELOPMENT STANDARDS

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

404. HEIGHT

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

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

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

405. PERMITTED PRINCIPAL USES

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

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state, and county laws:

405.1. Commercial farming, dairy operation, and livestock raising:

405.1.1 All animals must be contained within a structure and/or fenced area;

405.1.2 Manure and liquid waste in any form shall not be permitted to accumulate extensively, or to flow onto adjacent property, creating a nuisance in the community, an obnoxious odor, or causing a hazard to the health, welfare, or safety of humans and/or animals. The outside storage of manure in piles shall be subject to setback requirements as stated in 402.2.

405.2. Commercial raising of pets, boarding kennels, and veterinary hospitals;

405.3. Poultry hatcheries and fish hatcheries;

405.4. Greenhouses and nurseries;

405.5. Riding academies and commercial stables;

405.6. Roadside stands for operation during not more than six (6) months of each year for the sale of farm products produced or raised on the premises, provided such stands are located not less than thirty (30) feet distance from any street, highway, or right-of-way line;

405.7. Buildings or structures necessary to the operation of the farm or ranch;

405.8. A residential use pursuant to all of the regulations of the MR-1 District;

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

405.9. Building wall or roof mounted telecommunication antennas that are supported by a legally existing building or structure are a permitted principal use in this zoning district. For such facilities the applicant shall submit a site plan and demonstrate to the County Planning Department that the proposed low power telecommunication facility is in conformance with the Performance Standards established in Section 18 - Telecommunications Regulations of these Regulations.

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

406. ACCESSORY USES AND BUILDINGS

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

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- 406.1. One (1) single-family dwelling unit for employee or farm tenant;
- 406.2. One (1) non-commercial, amateur communications tower, including antennae, shall be allowed on each parcel. Said tower, antennae, and supporting structure shall be a maximum of thirty-five (35) feet in height and shall be located at least a distance equal to the overall height of the system (including the maximum reach of any tower facility) from the nearest property boundary. "Amateur Service" shall be as defined in the Code of Federal Regulations, Title 47, Chapter 1 (Federal Communications Commission), Subchapter A, Part 2 (CFR-47.1(A)(2));
- 406.3. Utility service lines and distribution lines;
- 406.4. Water storage tanks;
- 406.5. Water reservoir;
- 406.6. Storage of one (1) unoccupied recreational vehicle.
- 406.7. Small Wind Energy Systems
The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.
- 406.7.1. General Provisions
Setbacks for said systems shall be the distance equal to the total extended height of the system. Systems may be allowed closer to a property line than its total extended height if the adjacent property owner(s) grants written permission in a form approved by the County and the installation poses no interference with public utility lines or public road and/or rail rights-of-way. Other than height, such systems are applicable to the zoning district performance standards. Systems shall not be lighted.
- Methods shall be utilized on any turbine in order to prevent unauthorized climbing. If a small wind energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.
- 406.8. Small Solar Energy Systems
No part of a freestanding system shall exceed thirty-five (35) feet in height. Such systems accessory to and part of a building shall be considered an appurtenance and comply with the maximum height allowances for appurtenances. Such systems are applicable to the zoning district performance standards. Such systems shall not be lighted. If a small solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.
- 206.3. Minor Structures

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407. USES REQUIRING SPECIAL USE PERMIT

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

- 407.1. Guest/dude ranch;
- 407.2. Bed and Breakfast establishments;
- 407.3. Care and treatment facilities for the rehabilitation of native wild animals;
- 407.4. Exotic or wild animals, subject to approval by the Colorado Division of Wildlife and in accordance with 1007 of these Regulations;
- 407.5. Temporary facilities to support construction;
- 407.6. More than one (1) single-family dwelling unit for employee or farm tenant;
- 407.7. Temporary freestanding telecommunications facility;
- 407.8. Uses that are consistent with the uses stated above, but that are not otherwise listed in these regulations as allowed in other districts, as approved by the Board of County Commissioners;
- 407.9. Small Wind Energy Systems that are located within 1) an area listed on the National Register of Historic Places, 2) either the Guanella Pass Road or CO Hwy. 103 scenic corridors, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the Geneva Creek Basin Project document;
- 407.10. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County;
- 407.11. Distributed Solar Energy Systems
- 407.12. Optional Premises Marijuana Cultivation Operation as defined in the Colorado Medical Marijuana Code, or a Retail Marijuana Cultivation Facility as defined in the Colorado Retail Marijuana Code.
- 207.2. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings that are not in conjunction with a building permit for the project utilizing the temporary structure.
- 207.3. Minor Structures without an existing permitted principal use
- 207.4. Short Term Rental (*revised May 1, 2018*)
- 207.5. Large Short Term Rental (*revised May 1, 2018*)

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408. ADMINISTRATIVE SPECIAL USE PERMITS

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

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

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