

Clear Creek County Zoning Regulations: Section 6

SECTION 6. (I) INDUSTRIAL

601. PURPOSE

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

602. AREA REGULATIONS

602.1. AREA

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

602.1.2. As per the *Clear Creek County Individual Sewage Disposal Systems Regulations*, Section III, all subdivisions of land into parcels of less than five (5) acres shall be provided with central sewage treatment works, unless exempted by the Board of Health. The *Clear Creek County Individual Sewage Disposal Systems Regulations*, which are subject to change, must be consulted to determine permissible development, if individual sewage treatment systems are contemplated, along with the *Clear Creek County Zoning Regulations*.

602.2. SETBACKS

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

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

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

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

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

603. DEVELOPMENT STANDARDS

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

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604. SCALE REQUIREMENTS

Scale requirements, as outlined below:

604.1. DENSITY

None

604.2. HEIGHT

None

605. DEVELOPMENT REVIEW

Proposals for new developments in an Industrial zoning district shall be required to comply with Section 20 - Development Review of these Regulations. If a rezoning or other land use process is required for a proposed development, the Development Review process may be done concurrently with that process.

606. PERMITTED PRINCIPAL USES

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

- 606.1. Any use permitted in Commercial Light-Use (C-1) or Commercial General-Use (C-2), as specified in the Obsolete Districts section of these Regulations;
- 606.2. Central station power plant and/or electric transmission substations;
- 606.3. Warehouse distributorship and/or truck terminal;
- 606.4. Manufacturing operations, foundry, and/or heavy agricultural-related manufacturer;
- 606.5. Rock crusher, gravel pit, and/or quarry;
- 606.6. Asphalt and/or cement batch plant;
- 606.7. Vehicle and/or machinery wrecking yards, including storage of metals;
- 606.8. Storage in bulk of or warehouse for such items as wholesale building materials, firewood, construction equipment, and/or oil and petroleum, excluding open storage of spontaneously combustible materials such as coal and tires;
- 606.9. Brewery and/or distillery;
- 606.10. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings during construction only, with the issuance of a building permit for the project utilizing the temporary structure. Temporary structures shall be removed from the property prior to the issuance of a Certificate of Occupancy, or within sixty days after an issued Temporary Certificate of Occupancy, for the project utilizing the temporary structure(s), which ever date occurs first.
- 606.10. Utility Scale Wind Energy Facilities and Utility Scale Solar Energy Facilities with the approval of a Permit for Areas and Activities of State Interest (1041 Permit). Setbacks for said systems shall be the distance equal to the total extended height of the system unless all owners of the property(ies) within the setback -- who, with due diligence by Applicant, can be identified -- consent in writing in a form acceptable for recording and which is binding on the land. Setbacks shall be measured from the base of the structure to the closest property line of adjacent properties located outside of the 1041 Permit area;

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

606.12. Optional Premises Marijuana Cultivation Operation as defined in the Colorado Medical Marijuana Code, or a Retail Marijuana Cultivation Facility as defined in the Colorado Retail Marijuana Code.

607. RESTRICTIONS IN CONJUNCTION WITH ADULT ENTERTAINMENT ESTABLISHMENTS

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

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

607.1.1. A place of worship;

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

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

607.1.4. A public park;

607.1.5. A licensed child care center.

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

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

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

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

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

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

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608. ACCESSORY USES AND BUILDINGS

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

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

608.3. Minor Structures

608.2. Small Wind Energy Systems

The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.

General Provisions

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

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

608.3. Small Solar Energy Systems

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

609. USES REQUIRING SPECIAL USE PERMIT

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

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

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

609.3. Uses that are consistent with the uses stated above, but that are not otherwise listed in these Regulations as allowed in other districts, as approved by the Board of County Commissioners.

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- 609.4. Small Wind Energy Systems that are located within 1) an area listed on the National Register of Historic Places, 2) either the Guanella Pass Road or CO Hwy. 103 scenic corridors, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the Geneva Creek Basin Project document.
- 609.5. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County
- 609.6. Distributed Solar Energy Systems
- 609.7. Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings that are not in conjunction with a building permit for the project utilizing the temporary structure.
- 609.8. Minor Structures without an existing permitted principal use
- 609.9. Mobile Food Vehicle
- 609.10. Short Term Rental (*revised May 1, 2018*)
- 609.11. Large Short Term Rental (*revised May 1, 2018*)
- 610. ADMINISTRATIVE SPECIAL USE PERMITS**
Shall be in compliance with Section 12 - Special Use Permits of these Regulations.
- 611. RETENTION OF MINING USES**
If an Industrial (I) rezoning is approved for properties previously zoned M-1, M-2, or patented mining claims, mining uses are permitted, subject to the mining district zoning requirements.
- 612. RETENTION OF R-1 USES**
In the case of Industrial (I) properties, single-family dwellings existing as of the date of enactment of these amended regulations may be expanded or replaced without being considered an expansion of a non-conforming structure.
- 613. EXISTING INDUSTRIAL ONE (I-1) AND INDUSTRIAL TWO (I-2) DISTRICTS**
Upon the passage of these Regulations, all parcels currently zoned Industrial One (I-1) and Industrial Two (I-2) will become an Industrial (I) zoning district.