

Clear Creek County Zoning Regulations: Section 16

SECTION 16. (NR-PC) NATURAL RESOURCE - PRESERVATION/CONSERVATION

1601. PURPOSE

This District is established for the purpose of providing for the conservation and preservation of public and private lands to meet recreation, open space, historic preservation, wildlife protection, scenic protection, and educational needs.

1602. AREA REGULATIONS

1602.1. AREA

1602.1.1. There shall be no minimum lot area.

1602.2. SETBACKS

1602.2.1. The minimum front, side, and rear building setbacks for all structures shall be thirty (30) feet.

1602.2.2. 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.

1602.2.3. 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.

1602.2.4. Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.

1602.2.5. 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.

1603. DEVELOPMENT STANDARDS

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

1604. HEIGHT

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

1604.1. 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.

Clear Creek County Zoning Regulations: Section 16

1604.2. 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).

1605. PERMITTED PRINCIPAL USES

No building or land shall be used, and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

1605.1. Minimum impact recreational uses;

1605.2. Historic preservation;

1605.3. Historical and nature interpretative centers;

1605.4. Preservation/conservation of historically significant structures;

1605.5. Wildlife habitat management;

1605.6. Watershed protection;

1605.7. Wildfire/forest management;

1605.8. Natural water features and sources;

1605.9. Water storage reservoirs;

1605.10. Wetlands and riparian protection;

1605.11. Any use approved for the property as part of the Federal Recreation and Public Purpose Act.

1605.12. 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.

1606. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined above in 1605, a parcel of land zoned Natural Resource - Preservation/Conservation may be used, subject to other federal, state, and county laws for the following:

1606.1. Accessory uses and buildings typically incidental to the permitted uses listed above are allowed.

1606.2. 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

Clear Creek County Zoning Regulations: Section 16

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.

1606.3. 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.

1607. 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

1607.1. 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.

1607.2. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County.

1607.3 Distributed Solar Energy Systems

1608. ADMINISTRATIVE SPECIAL USE PERMITS

Shall be in compliance with Section 12 - Special Use Permits of these Regulations.