

Clear Creek County Zoning Regulations: Section 22

SECTION 22. OBSOLETE DISTRICTS

2201. RESIDENTIAL-COMMERCIAL DISTRICT (R-C)

This District is an obsolete district for new zoning. See regulations below for existing Residential-Commercial Districts.

2201.1. USE REGULATION

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:

- 2201.1.1. Any use permitted in any Residential District.
- 2201.1.2. Stores for retail trade, but not including lumber yards, fuel or feed stores.
- 2201.1.3. Advertising signs (illuminated or otherwise) used in connection with other uses permitted by this section, on the same premises.
- 2201.1.4. Service establishments such as cleaning and pressing establishments, barber shops, beauty parlors, and restaurants.
- 2201.1.5. Business or professional offices or clinics.
- 2201.1.6. Such other uses which are not more detrimental to the highest and best uses of land in said district than are the uses hereinbefore enumerated.
- 2201.1.7. 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.

2201.2. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined in 1-6 above, a parcel of land zoned RC may be used, subject to other federal, state, and county laws for the following:

- 2201. 2.1 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.

2201. 2.1.1 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.

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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.

2201.2.1.2 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.

2201.2.3. Minor Structures

2201.3. 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:

2201.3.1. 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.

2201.3.2. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County

2201.3.3. Distributed Solar Energy Systems

2201.3.4. 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.

2201.3.5. Minor Structures without an existing permitted principal use

2201.4. HEIGHT REGULATION

None.

2201.5. AREA REGULATION

2201.5.1. Area and Minimum Width of Lot.

2201.5.1.1. Residential Purposes. 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 and twelve thousand, five hundred (12,500) square feet for properties proposed for

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platting. For every two-family dwelling there shall be provided a minimum lot area of not less than nine thousand (9,000) square feet and eighteen thousand (18,000) square feet for properties proposed for platting. 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. Main buildings other than dwellings shall have a minimum lot area of twelve thousand, five hundred (12,500) square feet. For properties proposed for platting, the area regulations are subject to factors unique to a site, which may demand substantially larger areas per homesite. The factors include wildfire hazard potential, geologic hazard potential, wildlife habitats and corridors, ground water supply, soil erosion potential and sewage treatment system suitability.

- 2201.5.1.2 Commercial Purposes. Lot area shall be as necessary for accommodating sewage treatment, parking, and other requirements herein set forth.
- 2201.5. 2. Front Yard. Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be thirty (30) feet.
- 2201.5. 3. Side Yard. If a building is constructed of masonry or fireproof material, no side yard shall be required on any interior lot or on that side of a corner lot which is not adjacent to a street. If a building is constructed of materials other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot or of a side yard of a corner lot on that side which is not adjacent to the street, measured from the side lot line to the side setback line, shall be five (5) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, measured from the side lot line to the side setback line, shall be thirty (30) feet.
- 2201.5. 4. Rear Yard. The minimum depth of rear yard shall be ten (10) feet except where abutting upon an alley, the depth shall be fifteen (15) feet from the center of the alley.
- 2201.5. 5. Lot Area. Lot area shall be a factor in determining adequacy of sewage disposal facilities in the absence of municipal plants. Proof of adequacy of sanitary facilities shall be a condition for issuance of a building permit or certificate of occupancy. Such proof may be by percolation tests certified by a qualified engineer or sanitarian. Such proof shall be subject to approval by Clear Creek County.
- 2201.5. 5.1. 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*.
- 2201.5. 6. On any parcel on which a setback line is established by this resolution, no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained in such location between such setback line and any public or private road or drive as to cause danger to traffic.

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- 2201.5.7. Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.
- 2201.5.8. 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.

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2202. COMMERCIAL ONE DISTRICT (C-1)

This District is an obsolete district for new zoning. See regulations below for existing Commercial One Districts.

2202.1. PURPOSE

This District is established for the purpose of providing for commercial activities that are predominantly retail sales or service oriented and are accessed frequently by the general public, while ensuring compatibility with the general rural character of the areas within the County.

2202.2. AREA REGULATIONS

2202.2.1. AREA

2202.2.1.1. Lot area shall be as necessary for accommodating sewage treatment, parking, setbacks, and other requirements herein set forth.

2202.2.2. SETBACKS

2202.2.2.1. 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.

2202.2.2.2. 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.

2202.2.2.3. FRONT

Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be twenty (20) feet. Motor fuel pumps may be erected not less than twenty-five (25) feet from such front lot line. Signs may be erected within the front yard setback, subject to Subsection C.11 below, and provided that the setback line for any freestanding sign higher than six (6) feet shall be no less than the total height of such sign and sign structure.

2202.2.2.4. SIDE

Except as hereinafter provided, the minimum depth of any side yard shall be ten (10) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, shall be twenty (20) feet. On corner lots, motor fuel pumps may be erected not less than twenty-five (25) feet from any lot line adjacent to a street or road.

2202.2.2.5. REAR

The minimum depth of a rear yard shall be ten (10) feet, except where abutting upon an alley the setback shall be fifteen (15) feet from the center of the alley. Motor fuel pumps may be erected not less than twenty-five (25) feet from such rear lot line.

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2202.2.2.6. Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.

2202.2.2.7. 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.

2202.3. DEVELOPMENT STANDARDS

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

2202.4. DENSITY REQUIREMENTS

The following density requirements shall apply to development on lots greater than one and one-half (1.5) acre:

2202.4.1. The total square footage for all existing and proposed structures or buildings shall not exceed fifty percent (50%) of the total square footage of the parcel.

2202.4.2. The total square footage of the footprints for all existing and proposed structures and buildings shall not exceed twenty percent (20%) coverage of the parcel. An Administrative Variance may be granted from this requirement up to a footprint of twenty-five percent (25%) parcel coverage for construction on vacant parcels.

2202.4.3. Parking structures accessory to the principal use are not subject to the density requirements as stated above.

2202.5. DEVELOPMENT REVIEW

Proposals for new developments in any commercial 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.

2202.6. PERMITTED PRINCIPAL USES

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

2202.6.1. Restaurant or other eating establishment, grocery stores, and/or food service;

2202.6.2. Retail trade, such as convenience store, general merchandise, store or mall, clothing, accessories, automobile supplies and services, and/or indoor flea markets;

2202.6.3. Light manufacturing or assembly of small equipment, parts, and/or supplies;

2202.6.4. Services, such as office building, publishing, government building, post office, bank, medical clinic, and/or taxidermy;

2202.6.5. Emergency services buildings to house vehicles, equipment, and/or emergency services providers while on duty;

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- 2202.6.6. 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 of these Regulations.
- 2202.6.7. Personal services, such as tanning, nail, and/or hair salons; health clubs, spas, and/or licensed massage establishments;
- 2202.6.8. Hardware store and/or appliance store;
- 2202.6.9. Lodging such as motel, bed and breakfast, and/or inn;
- 2202.6.10. Bar, saloon, liquor store and/or microbrewery;
- 2202.6.11. Specialized group facilities, such as day care, family care, assisted-living center, and/or group-living accommodations;
- 2202.6.12. Minimum impact outdoor recreational uses;
- 2202.6.13. Indoor entertainment facilities such as amusement center, assembly hall, dance hall, bowling alley, skating rink, fitness center, and/or theater, but not including adult entertainment establishments;
- 2202.6.14. Veterinary hospital, kennel, and/or temporary pet boarding;
- 2202.6.15. Cold storage lockers, but not including slaughtering on the premises;
- 2202.6.16. Public garage, motor fuel filling station, car wash, motor vehicle and/or light machinery repair building, automotive paint and body shops, and/or towing businesses, with outdoor storage of vehicles not to exceed one half (2) acre;
- 2202.6.17. Display lot for sale of new and used motor vehicles and/or light machinery in running order, but not including auto wrecking yards, machinery not in running order, or storage of metals;
- 2202.6.18. Associations such as fraternal orders;
- 2202.6.19. Place of worship;
- 2202.6.20. Public or private school;
- 2202.6.21. Custom wood- or metal-working machine shop;
- 2202.6.22. Office, shop facilities and/or outdoor storage yard not to exceed one-half (2) acre, for construction equipment and supplies not offered for sale or rent;
- 2202.6.23. Residential uses in accordance with the provisions of the R-3 District in conjunction with a significant commercial permitted principal use as listed above when twenty-one (21) or more dwelling units are proposed, unless a minimum of three (3) and a maximum of twenty (20) dwelling units are proposed.

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2202.6.24. 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.

2202.7. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined in Section 2212 above, a parcel of land zoned C-1 may be used, subject to other federal, state, and county laws for the following:

2202.7.1. Accessory uses and buildings typically incidental to the principal uses listed above are allowed.

2202.7.2. Residential use as per R-1 for the purpose of owner or employee dwelling in conjunction with the operation of the business or trade.

2202.7.3. 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.

2202.7.3.1. 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.

2202.7.4. 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.

2202.7.5. Minor Structures

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2202.8. 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:

- 2202.8.1. Wind or solar energy conversion system (windmills used to generate mechanical or electrical energy), including transmission and distribution lines; said towers to 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. No part of the structure shall exceed thirty-five (35) feet in height. Such system shall be compatible with the natural environment and general character of the area;
- 2202.8.2. Seasonal temporary uses of land, not to exceed six (6) months, such as Christmas tree lot or firewood lot;
- 2202.8.3. Water reservoir;
- 2202.8.4. Aboveground water storage tanks in excess of 20,000 gallons;
- 2202.8.5. Temporary freestanding telecommunications facility;
- 2202.8.6. Transportation facility, such as shuttle service or park and ride;
- 2202.8.7. Circus or carnival
- 2202.8.8. Outdoor Concert
- 2202.8.9. Uses which 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.
- 2202.8.10. 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.
- 2202.8.11. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County.
- 2202.8.12. Distributed Solar Energy Systems
- 2202.8.13. 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.
- 2202.8.14. Minor Structures without an existing permitted principal use
- 2202.8.15. Public or private parking lot without an existing permitted principal use (*rev Sept. 1, 2020*)

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2202.9. ADMINISTRATIVE SPECIAL USE PERMITS

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

2202.10. RETENTION OF MINING USES

Properties previously zoned M-1, M-2, or patented mining claims, mining uses are permitted, subject to the mining district zoning requirements.

2202.11. RETENTION OF R-1 USES

In the case of commercially zoned properties, single-family dwellings existing as of the date of enactment of these amended regulations may be expanded or replaced up to the scale requirements for the district without being considered an expansion of a non-conforming structure.

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2203. COMMERCIAL TWO DISTRICT (C-2)

This District is an obsolete district for new zoning. See regulations below for existing Commercial Two Districts.

2203.1. PURPOSE

This District is established for the purpose of providing for general commercial and manufacturing activities, while ensuring compatibility with the general rural character of the areas within the County.

2203.2. AREA REGULATIONS

2203.2.1. AREA

2203.2.1.1. Lot area shall be as necessary for accommodating sewage treatment, parking, setbacks, and other requirements herein set forth.

2203.2.1.2. 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*.

2203.2.2. SETBACKS

2203.2.2.1. 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.

2203.2.2.2. 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.

2203.2.2.3. FRONT

Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be twenty (20) feet. Motor fuel pumps may be erected not less than twenty-five (25) feet from such front lot line. Signs may be erected within the front yard setback, subject to Subsection C.11 below, and provided that the setback line for any freestanding sign higher than six (6) feet shall be no less than the total height of such sign and sign structure.

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2203.2.2.4. SIDE

Except as hereinafter provided, the minimum depth of any side yard shall be ten (10) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, shall be twenty (20) feet. On corner lots, motor fuel pumps may be erected not less than twenty-five (25) feet from any lot line adjacent to a street or road.

2203.2.2.5. REAR

The minimum depth of a rear yard shall be ten (10) feet, except where abutting upon an alley the setback shall be fifteen (15) feet from the center of the alley. Motor fuel pumps may be erected not less than twenty-five (25) feet from such rear lot line.

2203.2.2.6. Overhangs on a structure are permitted a maximum of two (2) feet into the required setback.

2203.2.2.7. 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.

2203..3. DEVELOPMENT STANDARDS

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

2203.4. DENSITY REQUIREMENTS

2203.4.1. The total square footage for all existing and proposed structures or buildings shall not exceed sixty percent (60%) of the total square footage of the parcel.

2203.4.2. The total square footage of the footprints for all existing and proposed structures and buildings shall not exceed thirty percent (30%) coverage of the parcel.

2203.4.3. Parking structures accessory to the principal use are not subject to the density requirements as stated above.-

2203.5. DEVELOPMENT REVIEW

Proposals for new developments in any commercial 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.

2203.6. PERMITTED PRINCIPAL USES

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

2203.6.1. Any use permitted in Commercial Light-Use (C-1) district;

2203.6.2. Mini-storage units (no semi-trailers);

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- 2203.6.3. Hotel and/or conference center;
- 2203.6.4. Warehouse distributorship and/or truck terminal;
- 2203.6.5. Hospital;
- 2203.6.6. Advanced educational institutions, such as colleges, universities, technical and/or trade schools;
- 2203.6.7. Cold storage plant and/or lockers (with or without slaughtering on the premises);
- 2203.6.8. Outdoor retail facilities, such as flea markets, auction houses, and/or antique and craft fairs;
- 2203.6.9. Outdoor entertainment facilities such as amusement center, assembly hall, and/or theater;
- 2203.6.10. Outdoor recreational uses;
- 2203.6.11. Lumber yards and/or sawmills;
- 2203.6.12. Semi-trailer storage, including storage inside trailers and/or lots to store trailers;
- 2203.6.13. Truck stop;
- 2203.6.14. Sales or rental agency for heavy excavation and/or construction equipment, including buildings and lots to display, store, and/or repair equipment;
- 2203.6.15. Telephone exchange, electric substation, including electric transmission and distribution lines and/or gas regulator station with public office and/or repair or storage facilities;
- 2203.6.16. Low-power communication facilities and antenna;
- 2203.6.17. Public garage, motor fuel filling station, car wash, motor vehicle and/or light machinery repair building, automotive paint and body shops, or towing businesses, with outdoor storage of vehicles;
- 2203.6.18. Office, shop facilities and/or outdoor storage yard for construction equipment and supplies not offered for sale or rent.
- 2203.6.19. 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.

2203.7. ACCESSORY USES AND BUILDINGS

In conjunction with a use outlined in Section D above, a parcel of land zoned C-2 may be used, subject to other federal, state, and county laws for the following:

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2203.7.1. Accessory uses typically incidental to the Permitted Principal Uses listed above are allowed.

2203.7.2. **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.

2203.7.2.1. **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.

2203.7.3. **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.

2203.7.4 **Minor Structures**

2203.8. **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:

2203.8.1. Wind or solar energy conversion system (windmills used to generate mechanical or electrical energy), including transmission and distribution lines; said towers to 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. No part of the structure shall exceed thirty-five (35) feet in height. Such system shall be compatible with the natural environment and general character of the area;

2203.8.2. Seasonal temporary uses of land, not to exceed six (6) months, such as Christmas tree lot or firewood lot;

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- 2203.8.3. Water reservoir;
- 2203.8.4. Aboveground water storage tanks in excess of 20,000 gallons;
- 2203.8.5. Temporary freestanding telecommunications facility;
- 2203.8.6. Transportation facility, such as shuttle service or park and ride;
- 2203.8.7. Circus or carnival
- 2203.8.8. Outdoor Concert
- 2203.8.9. Uses which 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.
- 2203.8.10. 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.
- 2203.8.11. Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County.
- 2203.8.12. Distributed Solar Energy Systems
- 2203.8.13. 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.
- 2203.8.14. Minor Structures without an existing permitted principal use
- 2203.8.15. Mobile Food Vehicle

2203.9 ADMINISTRATIVE SPECIAL USE PERMITS

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

2203.10 RETENTION OF MINING USES

Properties previously zoned M-1, M-2, or patented mining claims, mining uses are permitted, subject to the mining district zoning requirements.

2203.11 RETENTION OF R-1 USES

In the case of commercially zoned properties, single-family dwellings existing as of the date of enactment of these amended regulations may be expanded or replaced up to the scale requirements for the district without being considered an expansion of a non-conforming structure.

2204. MOBILE HOME ONE DISTRICT (MH-1)

This District has been incorporated into Mobile Home District (MH).

Expansion of such existing legal non-conforming Mobile Home Park requires a development plan pursuant to Section 3 - Mobile Home Park District of these Regulations.

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2205. MOBILE HOME TWO DISTRICT (MH-2)

This District has been incorporated into Mobile Home District (MH).

Expansion of such existing legal non-conforming Mobile Home Park requires a development plan pursuant to Section 3 - Mobile Home Park District of these Regulations.

2206. AGRICULTURAL ONE DISTRICT (A-1)

This District has been incorporated into Agricultural District (AG).

2207. AGRICULTURAL TWO DISTRICT (A-2)

This District has been incorporated into Agricultural District (AG).

2208. INDUSTRIAL ONE DISTRICT (I-1)

This District has been incorporated into Industrial District (I).

2209. INDUSTRIAL TWO DISTRICT (I-2)

This District has been incorporated into Industrial District (I).