

# CHAPTER 4: DISTRICT REGULATIONS

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## 4.1 COMPLIANCE WITH DISTRICT STANDARDS

- 4.1.1 No building or structure may be erected, converted, enlarged, reconstructed, altered for use, or used except in accordance with all of the district regulations established by this Code for the zoning district in which the building or structure or land is located.
- 4.1.2 No land, building or structure may be used, designated or intended to be used for any use or activity except in accordance with all of the district regulations established by this Code for the zoning district in which the building or structure or land is located.
- 4.1.3 No yard, setback or other open space provided about any building or structure for the purpose of complying with provisions of this Code shall be considered as providing a yard, setback or open space for a building or structure on any other lot.

## 4.2 ZONING DISTRICTS

- 4.2.1 **RUR, Rural District.** Intended to allow for the preservation of large tracts of land that were acquired primarily for water rights and open space, and were not acquired for the primary purposes of residential, commercial, or industrial development. The minimum land area required for this zoning district is 320 acres.
- 4.2.2 **AF, Agricultural and Forestry District.** Intended to protect the productive agricultural and forested lands of Lake County and foster the development of these lands with low-density and relatively non-intensive uses and activities consistent with their agricultural and forestry characteristics. The minimum land area required for this zoning district is 160 acres.
- 4.2.3 **AR, Agricultural Residential District.** Intended to allow the establishment of low density residential uses and appropriate structures and related uses in essentially rural areas of Lake County. The minimum land area required for this zoning district is 40 acres.
- 4.2.4 **UR, Urban Residential District.** Intended to accommodate the urbanizing areas of Lake County where moderate to high density residential and associated service development has occurred, is occurring or is desired to occur in the near future. The minimum land area required for this zoning district is 10 acres.
- 4.2.5 **RM, Urban Multi-Family Residential District.** Intended to allow relatively high density single and multi-family residential development and associated uses in patterns of urban and urbanizing land use. The minimum land area required for this zoning district is 5 acres.
- 4.2.6 **B, Business District.** Intended to allow for the establishment of medium-intensity commercial and service uses, including residential uses, at designated locations by major highways or in close proximity to urban and urbanizing areas within Lake County, except that such districts shall not be created or expanded in a fashion that would allow or encourage strip highway development. The minimum land area required for this zoning district is 10 acres.

- 4.2.7 CI, Commercial Industrial District.** Intended to allow for the establishment of a variety of medium- to high-industry commercial and industrial uses, excluding mining. The minimum land area required for this zoning district is 2 acres.
- 4.2.8 IM, Industrial and Mining District.** Intended to allow for the establishment of exclusive areas for the construction, fabrication, assembly and other industrial processing of goods and other materials and for mining, concentrating, refining, mixing or other, related mineral extraction, processing and disposal activities at appropriate locations within Lake County. The minimum land area required for this zoning district is 10 acres.
- 4.2.9 RC, Recreational District.** Intended to allow for the establishment of small and medium size recreational developments with mixed land uses and low to moderate densities of residential housing and predominantly low-intensity land use patterns. The minimum land area required for this zoning district is 20 acres.
- 4.2.10 R, Resort District.** Intended to allow for the establishment of medium to large size recreational developments with mixed land uses, moderate to high densities of residential housing and predominantly high- intensity patterns of land use with the patterns and intensities varying on a seasonal basis. Creative, innovative and attractive site planning and design is required in Resort districts. The minimum land area required for this zoning district is 160 acres.
- 4.2.11 PUD, Planned Unit Development District.** Intended to allow flexibility in the development of medium and large scale sites in a manner allowing for more innovative design, higher quality developments, and the use of commonly shared open space and common facilities, where those characteristics would better meet the goals of the *Lake County Comprehensive Plan*. Additionally, PUD's are intended to promote the unified and integrated development and use of land consistent with the uses provided by underlying zoning, while protecting the natural physical environment of Lake County.

A PUD zoning district classification replaces the requirements of the previous zone district where the property is located. The terms of a PUD are embodied in an approved PUD Plan. These terms of approval are binding on the use, development, and operation of the property. See Section 6.1 for PUD development standards and Section 3.11 for PUD review and approval procedures

### 4.3 OVERLAY ZONES

- 4.3.1 General.** Overlay zones supplement the requirements of the underlying zone district where the property is located. Where the provisions of an overlay district directly conflict with the provisions of the underlying zone district or another provision of this Code, the provisions of the overlay district govern. In all other cases, the requirements of the underlying zone district and other provisions of this Code govern. Proposals for the creation of new types of overlay zones are reviewed through the procedures for Land Development Code Amendments in Section 3.8, and proposals to include particular land in an overlay zone are reviewed through the procedures for Rezoning in Section 3.13.
- 4.3.2 APO Airport Protection Overlay District.**

A) ***Purpose and Jurisdiction.***

- 1) ***Purpose.*** The Airport Protection Overlay District (APO) is intended to provide for the safety and convenience of airport users and the general public by preventing the creation of incompatible land uses and the erection of obstructing structures in the vicinity of airports and heliports in Lake County. The APO district is established to minimize exposure of residential and other sensitive land uses to aircraft noise areas, to avoid danger from aircraft accidents, to reduce the possibility of such accidents, to discourage traffic congestion within the area of the district, and to restrict compatible land uses in proximity to and within airport influence areas.
- 2) ***Jurisdiction.*** This zoning district shall be applied in the vicinity of all general aviation airports and public and private heliports which would be significantly affected by air traffic, noise or any hazard related to the establishment, operation or maintenance of an airport or heliport facility.
- 3) ***Disclaimer.*** The degree of protection provided by this overlay district is considered reasonable and prudent for land use regulatory purposes and is based on established parameters of control. Establishment of this district, however, does not imply that areas outside of the district will be totally free from airport and aircraft related hazards, nor that all hazards within the district will be completely mitigated.

B) ***Permitted Uses Within an APO District.*** Within the APO district, no building or land shall be used and no building or other structure shall be erected, converted or structurally altered except in accordance with this Code. The following use provisions shall apply within an APO district:

- 1) Uses of land within the district must not generate electrical interference with radio and navigation communication between an airport/ heliport and aircraft. Nor shall land uses make it difficult for pilots to distinguish between airport/heliport lights and other lights, cause glare in the eyes of pilots using the airport/heliport, impair visibility in the vicinity of the airport/heliport or otherwise endanger the taking off or the maneuvering of aircraft in the vicinity of the airport/heliport. Noise attenuation in building design shall be encouraged and may be required, within the district.
- 2) Nothing in this subsection shall be construed to require the removal, lowering or other change or alteration of any structure or object of natural growth not conforming to these provisions or otherwise interfere with the continuance of any nonconforming use, except as specifically stated.
- 3) The owner of any nonconforming structure or object of natural growth shall permit the installation, operation, or maintenance of such markers or lights as shall be deemed necessary by the Board of County Commissioners or any other appropriate authority to indicate to the operators of aircraft in the vicinity of the airport or heliport the presence of such nonconforming structures or objects of natural growth. Such markers and lights shall be installed, operated and maintained at the expense of the owners and/or operators.
- 4) Aviation easements may be required as a condition on the approval of new construction that will expand the number of residents or uses or the intensity of uses within the APO

district.

C) ***Limitations within an APO District.***

- 1) ***Relationship to Underlying Zoning.*** The Airport Protection Overlay district is a supplemental district that shall overlay any standard zoning district. Any use by right or conditional use permitted in the underlying district is also permitted in a APO district so long as that use meets the special conditions required in an APO district listed below in this Section 4.3.2 C).
- 2) ***Height Limitations.*** The height limitation within the APO is 35 feet in all areas lying easterly from the west boundary of the Transitional Surface area as well as the Approach Surface areas E and F east to the APO Outer Ring. In all other areas, the height limitation is 100 feet. No structure, excepting natural growth, shall be constructed, erected, altered or maintained in excess of the height limitations within these areas. (See “Off Airport Land Use Plan” map on Page 4-6a).
- 3) ***Surface Limitations.*** Surface limitations within an APO district include all land and air space within the district that would be hazardous to air navigation if infringed upon. Surface limitations include areas above imaginary surfaces and in the clear zone and are established to regulate the height of structures and natural objects in the vicinity of an airport or heliport. These surface limitations are set forth by the Federal Aviation Administration in the Federal Aviation Regulations, Part 77, as amended, and any successor Federal aviation regulations, which are hereby adopted by Lake County by reference as minimum standards that the Board of County Commissioners may, upon due determination, amend to incorporate differing or more stringent provisions to accommodate the needs of airports and heliports in Lake County. In addition, before any structure or natural object is permitted to be erected, altered, maintained or allowed to grow above the imaginary surfaces established herein, a Notice of Construction or Alteration shall be filed with the Federal Aviation Administration for a determination of the impact on the navigable airspace. The Board of County Commissioners shall not approve any such development until after receiving and considering the Federal Aviation Administration determination on the matter.
- 4) ***Land Use Limitations.*** Land use patterns will be encouraged that avoid danger to public health and safety or to property due to aircraft operations. In areas with a high volume of public activity, subject to flight hazards, uses such as schools, churches,

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hospitals and libraries, are prohibited. Any proposed use shall be accompanied by written evidence that the proposed development poses no significant threat to public health and safety or to property. Approval of the proposed use by the Land Use Department shall be required before the proposed use may be conducted and such use may be contingent on the applicant granting an aviation easement.

- D) ***Submittal Requirements in an APO District.*** In addition to standard submittal requirements, the Land Use Department may require additional materials regarding any proposed land use change or development project in an APO district. These additional materials may include, but need not be limited to, any or all of the following items:

- 1) A map or graphic description of existing and proposed airport facilities including towers, lights, terminals, hangers, aprons, parking areas, taxiways and runways.
- 2) A map showing the height of all existing and proposed structures within the contemplated development.

#### **4.3.3 SCO Scenic Conservation Overlay District.**

##### **A) *Purpose and Jurisdiction.***

- 1) *Purpose.* This overlay district, which is established to supplement part or all of an underlying zone district, imposes additional requirements and regulations intended to protect the major scenic vistas from visual obstruction and aesthetic intrusion.
- 2) *Jurisdiction.* The Scenic Conservation Overlay (SCO) zoning district includes the following areas:
  - a) Along Colorado Highway 91 north of Leadville, Colorado from milepost marker 1 to milepost marker 9, extending a lateral distance of 250 feet on each side, as measured from the centerline of the paved roadway.
  - b) Along U.S. Highway 24 north of Leadville, Colorado from milepost marker 172 to milepost marker 169, extending a lateral distance of 1,000 feet on each side, as measured from the centerline of the paved roadway.
  - c) Along U.S. Highway 24 north of Leadville, Colorado from milepost marker 169 to milepost marker 166, extending a lateral distance of 250 feet on each side, as measured from the centerline of the paved roadway.
  - d) Along U.S. Highway 24 south of Leadville, Colorado from milepost marker 182 to milepost marker 189, extending a lateral distance of 1,000 feet on each side, as measured from the centerline of the paved roadway.
  - e) Along Colorado Highway 82 from milepost marker 84 to milepost marker 79, extending a lateral distance of 250 feet on the north side of the Highway, as measured from the centerline of the paved roadway.
  - f) Along Colorado Highway 82 from milepost marker 84 to milepost marker 74, extending a lateral distance of 1,000 feet on the south side of the highway, as measured from the centerline of the paved roadway.
  - g) Along Colorado Highway 82 from milepost marker 74 to the westerly border of Lake County extending a lateral distance of 250 feet on each side, as measured from the centerline of the paved roadway.

B) ***Relationship to Underlying Zoning.*** Any use by right or conditional use permitted in the underlying district is also permitted in a SCO district so long as that use meets the special conditions described in this Section.

##### **C) *Standards.***

- 1) All buildings and other structures including towers, poles, silos and other structural features located in an SCO district shall be sited, constructed and finished in a manner that will cause the minimum possible intrusion on and disruption of established scenic views. Buildings and other structures that fail to meet these conditions shall be prohibited in the district.
  - 2) All structures in the zoning district, including roofs and roof appurtenances, manufactured homes, and metal structures, shall be constructed of materials, textures, colors and tones that blend harmoniously and inconspicuously with the indigenous landscape and shall, to the greatest possible extent, be screened by natural slopes from highway view. Towers and antennae are prohibited, unless wholly screened from highway view.
- D) ***Site Plan Review.*** Any land use application that would result in the construction, enlargement or structural alteration of any building or other structure within a SCO District, and which would fall within the scope or jurisdiction of this Code, shall require the Planning Commission review of the site plan, plat, and other submittal materials that may be required to assess the visual and aesthetic impact of the proposed building or structure, pursuant to Section 3.15.. The Planning Commission shall only approve or recommend approval of such application if it meets the standards established in section C above.

#### **4.4 DENSITY AND DIMENSIONAL STANDARDS**

**4.4.1 Table of Density and Dimensional Standards.** Table 4.1 lists the density and dimensional standards that apply within all zoning districts except the Resort (R) Zone District. These are “base” standards, not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Land Development Code or site-specific conditions may further limit development on a site.

**Table 4.1: Density and Dimensional Standards.**

Zoning District	Min. Lot Size		Minimum Setbacks			Maximum Lot Cover (%)	Minimum Occupied Structure Size (sq ft)	Maximum Height (ft) [4]
	Area (sq ft)	Width (ft)	Street (ft) [1]	Side (ft)	Rear (ft)			
<b>RUR</b>	35 acres	300	50	25	25	N/A	N/A	35
<b>AF</b>	5 acres	200	50	25	25	20	600	35
<b>AR</b>	3 acres	100	50	20	20	30	600	35
<b>RC</b>	3 acres [3]	50	20	10	20	50	600	35
<b>UR</b>	7,500	50	20	10	20	50	600	35
<b>RM</b>	2,500 [2]	50 [2]	20	10	15	67	600	35
<b>B</b>	5,000	50	30	0 / 10 [5]	20	67	450	35
<b>CI</b>	10,000	50	30	0 / 10 [5]	20	67	450	None
<b>IM</b>	21,780	50	10	25	25	50	450	None

[1]: See also Section 4.4.3, Highway Setbacks.

[2]: Per Dwelling Unit.

[3]: Minimum lot size may be reduced to 1 acre if central water and central sewer systems are provided.

[4]: Maximum height is 35 feet in the APO zone district.

[5]: Residential setback in Business Zoning District must meet ten foot side setback.

**4.4.2 Dimensional Standards for R, Resort District.** The minimum lot area, minimum lot width, the front yard setback, the side yard setback and the rear yard setback requirements in a Resort district shall be as follows:

- 1) Agricultural uses, including large animal ownership: As specified for the AF Agricultural and Forestry district
- 2) Residential uses: As specified for the RM Urban Multi-family district
- 3) Commercial, office business and related uses: As specified for the B business district
- 4) Recreational and resort uses: As specified for the RC Recreational district.

**4.4.3 Highway Setbacks.** In addition to the minimum street setbacks listed in Section 4.4.1, the following setbacks from State of Colorado, U.S. Highway, and Arterial and Collector classified roads.

- A) All buildings constructed along a State or U.S. Highway must maintain a setback from the right-of-way property line that abuts the roadway of at least 100 feet. Where a State of Colorado or U.S. Highway is located within a Scenic Conservation Overlay zoning district, that minimum setback distance shall be increased to 200 feet. All buildings constructed

along a road that meet the functional classification of either an *Arterial Road* or a *Collector Road* (reference the Roadway Design Standards and Construction Specifications for Lake County, Colorado for definitions) must maintain a setback from the right-of-way of at least 50 feet and where an *Arterial Road* or a *Collector Road* is located within a SCO zoning district that minimum setback distance shall be increased to 100 feet.

- B) In the case of all lots and parcels platted prior to January 4, 1988, the minimum highway setback requirement for buildings shall be 50 feet from a property line that abuts a State of Colorado or U.S. designated highway. That setback shall be increased to 100 feet from the property line abutting a State of Colorado or U.S. designated highway within a Scenic Conservation Overlay zoning district.

#### 4.4.4 Height Limitation Exemptions/Variance Procedure

- A) The maximum building height limitations contained in this Section may be varied in those cases where an applicant can demonstrate that by reason of fire sprinkler systems that conform with National Fire Protection Association or equivalent standards, or by reason of private fire-fighting equipment, or by other means acceptable measures, fires can be controlled and/or persons can be rescued in structures that exceed the height limitations otherwise included within this Section. Any such variances, however, may not exceed the additional height limitations established within an APO district.
- B) Any application for a building height variance under the provisions of this Section shall state the location of the property, the proposed building height, the proposed method(s) of fire suppression and rescue of occupants, and shall explain why and how these mitigation measures will prove sufficient to accomplish the purposes of fire suppression and/or rescue. Such applications shall be processed in the same administrative manner as applications for a variance and shall be heard before the Board of Adjustment. See Section 3.21.

#### 4.4.5 Measurements and Exceptions.

- A) **Residential Density.** Maximum density is measured as the number of dwelling units per gross acre of land. Maximum density is measured by dividing the number of dwelling units on a lot or parcel by the gross area (in acres) of a residential parcel or by the gross area (in acres) of that portion of a mixed use parcel devoted to residential uses.

$$\text{Maximum Density} = \text{Number of Dwelling Units} \div \text{Gross Land Area (Acres)}$$

- B) **Non-Residential Intensity.** The overall development intensity of areas devoted to non-residential uses shall not exceed a floor area ratio of two to one (2:1). The floor area ratio shall be calculated by dividing the proposed floor area of all non-residential uses by the gross land area of a non-residential parcel or by the gross area of that portion of a mixed use parcel devoted to non-residential uses.

$$\text{Floor Area Ratio} = \text{Proposed Floor Area} \div \text{Gross Land Area}$$

- C) **Lot Area**

- 1) **Measurement.** Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including streets or rights-of-way.

- 2) *Exceptions.* No building permit or development approval shall be issued for a lot that does not meet the minimum lot area requirements of this Land Development Code except in the following cases.
  - a) *Utilities and Unoccupied Buildings.* Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from minimum lot area standards.
  - b) *Detached Dwelling Unit Exemption.* The minimum lot area standards of this Land Development Code shall not prohibit the construction of a detached dwelling unit on a lot that was legally platted or recorded before the adoption of this Land Development Code, provided that the dwelling unit is constructed in compliance with all other applicable dimensional standards (e.g., setback requirements).
  
- D) ***Lot Width.*** Lot width is measured between side lot lines along a line that is parallel to the street lot line or its chord and located the minimum street setback distance (including SCO district setback lines) from the street lot line.
  
- E) ***Setbacks***
  - 1) *Measurement.* Setbacks are unobstructed, unoccupied open areas, measured as follows.
    - a) *Street Setbacks.* Street setbacks shall be measured between the furthestmost projection of a structure and any abutting right-of-way line. In the event that lots or parcels abut streets or roads without designated rights-of-way, street setbacks shall be measured as if a right-of-way line had been established for the street or road in accordance with *Roadway Design Standards and Construction Specifications for Lake County, Colorado*.
    - b) *Side and Rear Setbacks.* Side and rear setbacks shall be measured between the furthestmost projection of a structure and the property lines of the lot on which such structure is located.
  - 2) *Exceptions and Permitted Encroachments.* Setbacks must be unobstructed from the ground to the sky except that the following features may encroach into required setbacks:
    - a) Landscaping;
    - b) Bay windows, not to exceed 3 feet;
    - c) Chimneys, not to exceed 2 feet;
    - d) Clothesline post;
    - e) Driveways, curbs and sidewalks;
    - f) Flagpoles;
    - g) Heating and cooling units, not to exceed 3 feet;

- h) Mailboxes;
  - i) Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 3 feet;
  - j) Septic systems, wells and underground utilities;
  - k) Signs (in accordance with Section 6.14);
  - l) Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;
  - m) Uncovered, unenclosed terraces or porches not to exceed 6 feet;
  - n) Accessory buildings, within required rear setbacks only;
  - o) Fences or walls 6 feet or less in height, if otherwise allowed by County regulations; and
  - p) Yard and service lighting fixtures, and poles.
- 3) *Setback Averaging.* Regardless of the minimum street setback required by the underlying zoning district, street setbacks on a single lot may be reduced to the average of the existing setbacks of the buildings on the lots on both sides of the subject lot, provided that both abutting lots contain buildings that were constructed before the effective date of this Code. The following rules apply in calculating the average setback:
- a) Only the setbacks on the lots that abut each side of the subject lot and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used.
  - b) When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.
- 4) *Additional Setbacks in Floodplains.* The Planning Commission may recommend and the Board of County Commissioners determine that a setback in excess of 50 feet and up to 100 feet is required along all or a portion of a setback when steep or highly unstable or erodible slopes are present along the stream bank or the proposed use of the land presents a special hazard to the water quality.
- F) ***Lot Coverage.*** Lot coverage is measured as the percentage of the total lot covered by buildings and other impervious surfaces, and is calculated by dividing the square footage of impervious cover by the square footage of the lot.
- G) ***Minimum Occupied Structure Size.*** The minimum square footage required for a structure to be occupied.
- H) ***Height.***
- 1) *Measurement.* Height is measured as the vertical distance between the average,

naturally occurring grade at the base of the structure which exists prior to construction and the highest point of the structure.

- 2) *Exceptions.* Zoning district height limits apply to all structures that are not specifically exempted by state or federal law, but Variances may be granted for good reason at the discretion of the Lake County Board of Adjustment (BOA) for the following types of structures: airway beacons, radio communication towers, structures for essential services, chimney flues, church steeples, and radio/television receiving antennas. Variances may also be granted, at the discretion of the BOA, for any non-occupied commercial structure including bulkhead, elevator, water tank, windmill or similar structure or necessary mechanical appurtenance extending above the roof of any building if such a structure does not occupy more than 33-1/3 percent of the area above the roof. Airport Protection Overlay District (APO) height limits do not apply to items in this subsection.
  
- D) *Manufactured Homes.* The square footage of a manufactured home is calculated by multiplying the width of the unit by the length of the unit. All measurements are established using the exterior dimensions of the unit. The hitch or other towing device and any additions to the unit under the current Building Codes are omitted from this calculation.

# CHAPTER 5: USE REGULATIONS

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## 5.1 USE TABLE

The principal uses allowed within the various zoning districts are identified in Table 5.1 of this chapter (beginning on page 82.)

- 5.1.1 Use Categories and Specific Uses.** All of the Use Categories listed in the first column of *Table 5.1* are defined in Chapter 9 beginning with Section 9.3. Specific Use Types listed in the second column of *Table 5.1* are defined in Section 9.2. If a Specific Use Type is listed in the table, that use type is allowed only within the districts indicated, not within the districts that allow the broader Use Category.
- 5.1.2  Allowed Uses.** An “A” indicates that the listed use is allowed by-right within the respective zoning district. Allowed uses are subject to all other applicable standards of this Land Development Code.
- 5.1.3  Conditional Uses.** A “C” indicates that the listed use is allowed within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of Section 3.6. Conditional Uses are subject to all other applicable standards of the Land Development Code.
- 5.1.4  Prohibited Uses.** A blank cell (one without an “A” or a “C”) indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.
- 5.1.5 Uses Subject to Specific Regulations.** Many uses are subject to use-specific regulations (in additions to general regulations that apply to development in general). The final column of the use table contains references to applicable use-specific standards.
- 5.1.6 Uses Not Itemized.** The Land Use Department may determine that a new use is included in existing definitions, or else that a new use is required. If required, the new use definition and table entry will require an amendment to the text of this Code (See Section 3.8).

**Table 5.1: Permitted, Conditional and Prohibited Uses by Zoning District**

Use Category	Specific Use Type	RUR	AF	AR	UR	RM	B	CI	IM	RC	R	Use-Specific Standard
<b>Residential</b>												
Household Living	Caretaker Residential Unit	C	A					A	A		A	5.2.3
	Duplex		A	A	A	A	A			A	A	
	Manufactured Housing Park or Subdivision				C		C					5.2.13
	Manufactured Housing - Single-wide		A	A	A	A	A			A	A	5.2.12
	Manufactured Housing - Double-wide		A	A	A	A	A			A	A	5.2.12
	Manufactured Housing - Non-qualified											5.2.12
	Multi-Family				C	A	C				C	
	Rooming/Boarding House				C	A	C					
	Single-Family Detached		A	A	A		A			A	A	
	Single-Family Attached				C	A	C				C	
	All Other Household Living											
Group Living	Assisted Living facility				A	A	A					5.2.7
	Treatment Facility				C	C	C					5.2.7
	Group Living Facility				A	A						5.2.7
<b>Institutional and Civic</b>												
College	All		C		C							
Community Service	Membership Clubs and Lodges				C	C	A			C	C	

Use Category	Specific Use Type	RUR	AF	AR	UR	RM	B	CI	IM	RC	R	Use-Specific Standard
	Community Activity Building	C			A	A	A	A		A	A	
	All other Community Service				C	C	A	A		C		
Day Care	Home-Based Day Care		A	A	A	A	A			A		
	General Day Care				C	C	A	A		C	A	
Detention Facilities	Jails, Reformatories, Rehabilitation Centers		C				C	A				
Hospital/Clinic	Clinics/Medical/Dental Offices				C		A	A				
	Counseling Centers - Non-resident						A	A				
	Nursing Homes				A	A	A					
	Hospital/Mental Hospital						C	A				
	Physical and Mental Rehabilitation – Resident						C	A				
Parks and Open Space	Cemetery		C	C	C	C				C	C	
	Golf Course or Driving Range		C	C						C	A	
	Parks and Playgrounds	C			A	A	A	A		A	A	
	Reservoirs with Water Storage Over 15 Acre Feet	C	C					C	C		C	
	Water Diversions for Less than 15 feet CFS	C	C						C		C	
	Water Diversions for More than 15 feet CFS	C	C						C		C	
Religious Assembly	All		C	C	C	C	A	A		C	C	

Use Category	Specific Use Type	RUR	AF	AR	UR	RM	B	CI	IM	RC	R	Use-Specific Standard
Safety Services	All	C	C	C	C	C	C	A	C	C	C	
Schools	Public or Private – Day		A	A	A	A	A			A	A	
	Public or Private – Boarding		C	C	C	C	C			C	C	
	Vocational/Technical/ Trade School	C	C				C	A				
Utility, Basic	Utility Service Facilities (underground)	A	A	A	A	A	A	A	A	A	A	
	All Other Utility, Basic	C	C	C	C	C	C	C	C	C	C	
Utility Corridors	Transmission Lines (above ground)	C	C					C	C			
	Transmission Lines (below ground)	C	C					C	C			
<b>Commercial</b>												
Entertainment Event, Major	Indoor Facilities						C	A			A	
	Outdoor Facilities		C					A			C	
Office	All				C		A	A			A	
Parking, Commercial	All		C	C			A	A			A	
Recreation and Entertainment, Outdoor	Group Camps and Vacation Lodges		C							C	C	5.2.6
	RV Parks and Campgrounds		C				C			C	C	5.2.17
	Private Resorts and Guest Ranches		C							C	C	5.2.15
	Shooting Ranges		C					C			C	
	Amusement Park		C					C			C	
	Riding Academy, Roping,		A	C				C		C	C	

Use Category	Specific Use Type	RUR	AF	AR	UR	RM	B	CI	IM	RC	R	Use-Specific Standard
	Rodeo, or Equestrian Area											
	Ski Lifts and Accessory Structures		C								A	
	All Other Outdoor Recreation											
Retail Sales and Service	Adult Entertainment							C				5.2.1
	Alcohol Sales (Includes retail, by the drink, & in a restaurant)						A	A			A	
	Bed and Breakfast (1, 2 & 3 guest rooms)		A	A	C		A			A	C	5.2.2

	Bed and Breakfast (4 & 5 guest rooms)		A	C			A			C	C	5.2.2
	Animal Care/ Boarding/Sales, Indoor		A	C				A			C	
	Animal Care/Boarding/Sales, Outdoor		A	C				C			C	
	Government Animal Shelter								C			
	Contractors and Trade Shops, Indoor operations and storage		C				A	A				
	Contractors and Trade Shops (Indoor/outdoor operations & indoor/ outdoor storage -- including heavy vehicles)		C					A				
	Delivery and Dispatch							A				

Use Category	Specific Use Type	RUR	AF	AR	UR	RM	B	CI	IM	RC	R	Use-Specific Standard
	Services (vehicles on-site)											
	Drive-through Uses						C					
	Food Service, Catering						A	A			C	
	Food Service, Restaurant		C				A	A			A	
	Farm Implement/Equipment Sales/Service		A					A				
	Farmer's Market/Flea Market		C					C				
	General Retail Sales, Indoor operations, display, storage						A	A			C	
	General Retail Sales, Outdoor operations, display or storage						C	A				
	Hotels, Motels						A	A			A	
	Manufactured Building Sales and Service						C	A				
	Personal Services						A	A			A	
	Rental Service, Indoor display/storage	C					A	A			A	
	Rental Service, Outdoor display or storage	C					C	A			A	
	Repair, large and small appliances						A	A				
	Short Term Rental		A	A	A	A	A			A	A	5.2.18. 1
	All Other Retail Sales and Service											
Self-Service Storage	Mini-Warehouse						C	A				
Vehicle Repair	Auto Mechanical Repair						C	A				

Use Category	Specific Use Type	RUR	AF	AR	UR	RM	B	CI	IM	RC	R	Use-Specific Standard
	Auto Body Repair							A				
	Truck Repair							A				
	Truck Stop/Travel Plaza							A				
	All Other Vehicle Repair						C	A				
Vehicle Service, Limited	Car Wash/Quick Lubrication						C	A				
	Gasoline Service Station		C				A	A				
	All Other Vehicle Service											
<b>Industrial</b>												
Manufacturing or Production	Indoor Operations with Indoor/Outdoor Storage						C	A				
	Outdoor Operations and Storage							A				
	Junk Yard							C				5.2.10
	Lumber Yards and Sawmills		C					A				
	All Other Industrial Service – Heavy ---							C	C			---
	All Other Industrial Service - Light ---							A	C			---
Mining	Rock Quarries, Sand and Gravel Extraction	C	C					C	C			5.2.5
	Dredging and Strip and Underground Mines		C						C			5.2.5
	Tourist Mines, Related Museums, and other Educational Activities								C			5.2.5 s)
	All Other Mining		C						C			5.2.5
Warehouse and Freight	Indoor Operations, Storage						A	A				5.2.19

Use Category	Specific Use Type	RUR	AF	AR	UR	RM	B	CI	IM	RC	R	Use-Specific Standard
Movement	and Indoor/Outdoor Loading											
	Indoor Operations, Storage and Indoor/Outdoor Loading with Buildings/Structures over 40,000 Square Feet						C	A				
Warehouse and Freight Movement	Outdoor Operations, Storage and Loading							A				
	Gas or Petroleum Storage							C				
	Sand or Gravel Storage	C	C					C	C			
	All Other											
Waste-Related Uses	Non-hazardous Waste Transfer							C				
	Medical/Hazardous Waste Transfer Station							C				
	Solid Waste Disposal Sites							C	C			
	All Other Waste-Related											
Wholesale Sales	All		C				C	A				
<b>Other</b>												
Agriculture	Large Animal Ownership	A	A	A	A				C	A	A	5.2.11
	Animal Production, Including Grazing, Dairy, and Fur Farming	A	A	C								
	Commercial Greenhouse		A	C				A				
	Crop Production	A	A	A								
	Feedlot		C									
	Commercial Tree Farms, Firewood Sales/Storage		A	C				A				
	Roadside Outlet for Sale of		A	A			A					

Use Category	Specific Use Type	RUR	AF	AR	UR	RM	B	CI	IM	RC	R	Use-Specific Standard
	Agricultural Products											
	All Other Agriculture	C										
Aviation or Surface Passenger Terminal	Airports/Heliports/Helipads		C					C				5.2.14
	Bus/Commuter Stops		C	C	C	C	A	A		C	C	
	Bus/Railroad Depot				C	C	C	A			C	
Communications Facilities	Radio and Television Transmission Towers		C	C			C	C	C	C	C	
	Telecommunications Facilities Support Structures	C	C	C	C	C	C	C	C	C	C	5.2.16
	Telecommunications Facilities	C	C	C	C	C	C	C	C	C	C	5.2.16

## 5.2 USE-SPECIFIC STANDARDS

**5.2.1 Adult Business Uses.** All adult business establishments shall be subject to the following standards:

- A) No adult business establishment shall be allowed within 1,000 feet of (1) a lot or parcel occupied by another adult business establishment, or (2) any religious institution, school, park, playground or public building, or (3) any UR, RM, or RUR zoning district.

**5.2.2 Bed and Breakfast.** All bed and breakfast uses shall be subject to the following standards:

- A) No structure shall be altered in a way that changes its general residential appearance.
- B) A minimum of one parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section 6.12. Additional parking shall be required if reception or party space is available. If 4 or more off-street parking spaces are provided, visual screening of that parking from adjacent residential uses shall be required. All parking areas must be designed so adjacent properties will not be impacted by drainage or snow removal.
- C) One sign shall be allowed, with a size limit of 2 square feet on roads with a speed limit of 30 miles per hour or less and 6 square feet on roads with a speed limit greater than 30 miles per hour. Internally illuminated signs are not allowed. Externally illuminated signs must meet the standards of Section 6.14.
- D) No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the Conditional Use Permit application.
- E) No rental of rooms to a guest for more than 30 consecutive days shall be permitted.
- F) All guest rooms shall be located within the principal structure.
- G) Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Conditional Use Permit application. No cooking facilities shall be allowed in the guest rooms.
- H) All bed and breakfast establishments must comply with Lake County Health Department Regulations. Sign-off by the Lake County Health Department is required prior to approval of the application.
- I) All bed and breakfast establishments shall comply with Fire Code requirements. Sign-off by the governing Fire District is required prior to approval of the application.
- J) In addition to the above requirements of this section, within the Recreation (RC) zone district no Bed and Breakfast establishment shall be allowed within 1,320 feet of a lot or parcel occupied by another Bed and Breakfast establishment.

**5.2.3 Caretaker Residential Units.** All caretaker residential units shall be subject to the following standards:

- A) Such uses shall be limited to 800 square feet in gross floor area.
- B) Full- or part-time residency of the Caretaker Residential Unit shall be limited to employees of the associated principal use.
- C) The principal use must be permitted and actively in use or production.

**5.2.4 Commercial Parking.** In addition to the general requirements for off-street parking contained in Section 6.12, the following requirements shall also apply for commercial parking areas:

- A) All such parking areas and access-ways to them shall be either asphalt or concrete surfaced.
- B) All such parking areas shall provide screening from adjacent land uses and from adjacent roadways.
- C) All such parking areas shall meet the setbacks of the zone district in which it is located.
- D) Recreational vehicles shall be prohibited in such parking areas except in designated locations containing appropriately sized spaces, and such vehicles shall not be occupied overnight.
- E) All such parking areas shall comply with existing state and federal regulations including those regarding storm-water run-off.
- F) For parking areas larger than the minimum required by this Code, the applicant shall be required to demonstrate the need for such additional area.
- G) The development agreement provisions contained in Section 3.7 of this Code shall also apply to commercial parking conditional use applications.

**5.2.5 Extractive Operations Including Mining.** All mining operations, including sand and gravel, oil and gas exploration and development activities, and all other extractive operations, whether exploratory or development-oriented shall comply with the following special provisions:

- A) An excavation and rehabilitation plan shall be required for any mining or extractive use. Such plans shall contain the following information:
  - 1) A detailed description of the method of operation of extraction and rehabilitation to be employed, including any necessary accessory uses such as, but not limited to, crushers, batch plants and asphalt plants.
  - 2) An extraction plan showing the areas to be mined, location of stockpile area, location of structures, general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, tons in the deposit, and other pertinent factors.
  - 3) A detailed rehabilitation plan showing proposed rehabilitation with time schedules including, but not limited to, finish contours, grading, sloping, types, placement, and

amount of vegetation, after use plans, and any other proposed factors.

- 4) Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.
  - 5) Type, character, and density of proposed vegetation and evidence that a re-vegetation plan has been approved by the State of Colorado Mined Land Reclamation Board.
  - 6) The operator's estimated cost at each of the following segments of the rehabilitation process, including where applicable, backfilling, grading, reestablishing topsoil, planting, re-vegetation management, and protection prior to vegetation establishment and administrative cost.
  - 7) A drainage report and drainage plan prepared by a registered engineer with consideration of natural drainage, drainage during excavation and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions. (Where applicable, the report may require a floodplain development permit considering floodway and storage aspects.)
  - 8) A traffic analysis that reviews road and safety conditions in the pit area and in the vicinity of the pit area. The analysis shall also include ingress/egress, parking and loading areas, on site circulation, estimate of number of trucks per day on the average and maximum number of trucks per day.
  - 9) Additional information may be requested by the Land Use Department.
  - 10) Upon approval, the excavation and rehabilitation plans shall be filed with the County Clerk and Recorder. Any changes in excavation and rehabilitation plan shall be prohibited unless approved by the Board of County Commissioners.
- B) A State Mined Land Reclamation Permit, issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act, shall be required.
- C) Excavation or deposit of overburden shall not be permitted within 30 feet of a boundary of adjacent property, easement, or right-of-way unless by written agreement of the owner of such property, easement, or right-of-way.
- D) Excavation within 125 feet of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence, and no excavation involving the use of rock crushers, asphalt plant, cement batch plant and other similar equipment shall take place within 250 feet of a dwelling unit.
- E) All new surface excavation and new portal or shaft collar excavation activities shall be set back at least 100 feet from road rights-of-way (excluding existing mine haulage roads) and watercourses. The watercourse setback may be varied, based on referral agency comments concerning site-specific factors. Existing trees and ground cover along public road frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion.
- F) The operator shall submit a route plan (haul road) to the County Road Supervisor and receive permission to use for haulage in public right-of-way not designated for such haulage by

reason of load limit, dust, right-of-way or pavement width or other relevant factors. The County Road Supervisor may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where haul route impacts the health, safety and welfare of the local area.

- G) Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit (after excavation allows) to the maximum extent feasible. This may include, depending on local conditions, watering, oiling, or paving.
- H) Operations shall be limited to the hours of 6:00 a.m. to 7:00 p.m. unless longer or shorter hours of operation are approved as part of the Conditional Use Permit.
- I) The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.
- J) Prior to starting excavation, where the operation is adjacent to subdivided or developed commercial, residential, or industrial property, fencing may be required to prevent the visibility of the mining operation. The operator may fence, buffer or screen the entire parcel, or fence only areas of excavation as it proceeds. None of these shall be removed until rehabilitation has been completed.
- K) Where the operation is adjacent to subdivided property or to developed commercial, residential property, once mining has been completed, the site shall not be used as an area to stockpile sand or gravel resources. The mining operator is to reclaim those areas as soon as possible.
- L) All uses shall operate so that the volume of sound continuously or recurrently generated shall not exceed 70 decibels at any point on any boundary line of the property on which the use is located.
- M) All uses shall operate so that continuous or recurrent ground vibration is not perceptible without instrument, at any point on any boundary line of the property on which the use is located. Intermittent vibration from the use of explosives for blasting, when conducted in accordance with all other prevailing laws and regulations, shall not, be considered as generating recurrent ground vibrations.
- N) All air emissions shall comply with standards established by the Colorado Air Quality Control Commission.
- O) All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the water laws of the State of Colorado.
- P) All slopes shall be stabilized and land remaining in the natural water level must be re-vegetated in a manner compatible with the surrounding area.
- Q) A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable) and, if applicable, the years per phase. Diligence in meeting the schedule is required.

- 1) Requests for extensions will be submitted to the Board of County Commissioners at a public hearing.
- R) If the use has not operated or if no material has been extracted within 3 years of obtaining the Conditional Use Permit and a request for extension has not been received and approved by the Board of County Commissioners, the Conditional Use Permit will expire. Extension requests shall provide information concerning the factors and reasons for the request. The Board of County Commissioners will consider these factors and reasons as well as the extent conditions have changed in the area, if any, in granting extensions.
- S) The Tourist Mine Owner/Operator shall, at all times, comply with the standards contained in the Colorado Division of Reclamation, Mining, and Safety publication, "Regulations of the Mine Safety and Training Program for Tourist Mines, November 30, 2002," amended September, 2003 and August, 2006 and, as further amended from time to time. The Tourist Mine Owner/Operator shall also comply with applicable County health, public access and parking, and all other dimensional standards of the IM zoning district.

**5.2.6 Group Camps.** All group camps shall be subject to the following standards:

- A) Such uses shall house no more than 100 total full- and part-time residents, including guests, students, volunteers, contract workers, and employees at any one time. Uses housing over 100 total full- and part-time residents shall be considered Private Resorts or Guest Ranches. Uses housing over 500 total full- and part-time residents shall be considered PUDs, and shall be required to go through the PUD approval process. See Section 3.11.
- B) Such uses require a minimum of 5 acres of land area and have a maximum density of 5 people per acre.
- C) Such uses shall not compromise the character of the underlying zoning district by providing for significantly more intense uses of the land or roads.
- D) Such uses shall not compromise the scenic qualities of the location in which the group camp is situated.
- E) Such uses shall not create significantly more traffic between the hours of 8:00 p.m. and 8:00 a.m. than during other hours of operation.
- F) Such uses shall not create noise in excess of 70 db for more than one continuous minute between the hours of 8:00 p.m. and 8:00 a.m.
- G) A 50 foot setback must be maintained around all perimeter property lines.
- H) All road surfacing, construction materials and construction methods shall comply with the provisions contained in the Roadway Design Standards and Construction Specifications for Lake County.
- I) All sidewalks, walking paths, and bicycle paths shall comply with the provisions contained in the Roadway Design Standards and Construction Specifications for Lake County.
- J) If provided, electric and gas service shall meet all state and local electric and gas regulations.

- K) All utilities shall be installed underground.
- L) Service buildings with restrooms and other facilities shall be provided in accordance with Colorado Department of Health standards.
- M) At least 60 percent of the natural landscape and existing vegetation on the subject property must be preserved.
- N) All trash collection areas shall be screened and designed to prohibit entrance by animals.
- O) The possession or discharge of fireworks is prohibited.

**5.2.7 Group Living.** All group living facilities shall be subject to the following standards:

- A) Group living structures shall be compatible with the character of the surrounding neighborhood.
- B) Twenty-four-hour supervision shall be provided by qualified staff at all group living facilities.
- C) The number of residents occupying a group living facility at any one time, including staff and family of staff, shall not exceed one person per 200 square feet of living space.
- D) All group living facilities shall be located so as to provide convenient access to grocery and other retail stores and other commercial services, public transportation access points, and public recreation facilities.
- E) If active and continuous operations are not carried on for a period of 12 consecutive months in an approved group home, the group living facility shall be considered to be abandoned. The use may be reinstated only after obtaining a new conditional use approval.
- F) The group living facility must be in compliance with all other applicable State and Federal Regulations.

**5.2.8 Home Occupations.** Home occupations shall be subject to the following standards:

- A) Home occupations shall be clearly incidental and secondary to the use of the dwelling for residential purposes
- B) Home occupations shall not change the character of the dwelling nor generate traffic which significantly or adversely affects the residential character of the area.
- C) Home occupations shall specifically exclude clinics, nursing homes, restaurants, welding shops, auto repair shops, and like uses which may generate significant, noise, odor, heat, light, smoke or other nuisances or that require deliveries or customer visits between 8:00 PM and 8:00 AM.

**5.2.9 Industrial Performance Standards**

- A) **General.** All industrial, commercial, and mining uses shall comply with the following provisions to ensure that they do not create a significant danger to persons in surrounding areas nor cause water, soil or air pollution in violation of state or federal statutory and regulatory provisions nor create offensive noise, vibration, smoke, dust, odors, glare or other commonly objectionable influences beyond the boundaries of the property in which such use is located.
- B) **Standards.** The industrial, commercial, and mining standards shall be as follows:
  - 1) All uses shall operate so that the volume of sound continuously or recurrently generated shall not exceed 70 decibels at any point on any boundary line of the property on which the use is located.
  - 2) All uses shall operate so that continuous or recurrent ground vibration is not perceptible without instrument, at any point on any boundary line of the property on which the use is located. Intermittent vibration from the use of explosives for blasting, when conducted in accordance with all other prevailing laws and regulations, shall not, be considered as generating recurrent ground vibrations.
  - 3) All uses shall operate so that they do not emit an obnoxious level or dangerous degree of heat, glare, radiation or fumes beyond the boundary line of the property.
  - 4) In the case where the state or the federal government has adopted more stringent standards than those listed above, the more stringent standard shall apply.

**5.2.10 Junk Yards, Salvage Yards, Heavy Equipment, and Industrial Storage.** The following standards shall apply to all junk yards, salvage yards, heavy equipment and industrial storage yards unless they are entirely enclosed within a building:

- A) Such uses shall be screened with a solid (100 percent opaque) wall or fence with a minimum height of 8 feet.
- B) The entire length of the fence or wall shall be landscaped with heavily branched deciduous shrubbery or evergreen shrubbery in combination with deciduous or evergreen trees so that at least 75 percent of the entire area of the wall is covered at maturity.
- C) No outdoor storage area shall be placed or maintained within a required setback.
- D) Stored items shall not project above the fence or wall used to screen the material.

**5.2.11 Large Animal Ownership.**

- A) One-half acre of land area is required for each large animal.
- B) All pens, corrals, shelters, and barns must meet the setbacks from property lines for the zone district in which the large animals are kept.

**5.2.12 Manufactured Housing.**

- A) Any manufactured housing unit located outside a Manufactured Housing Park as a permanent use, must meet the definition of Manufactured Housing – Single-wide (defined in Section 9.2).
- B) Any manufactured housing unit located in a Manufactured Housing Park must meet the definition of either Manufactured Housing - Single-wide or Manufactured Housing - Double-wide (defined in Section 9.2).
- C) Manufactured housing units meeting the definition of Manufactured Housing - Non-qualified (defined in Section 9.2) are prohibited.

**5.2.13 Manufactured Housing Parks.** The following design standards and specifications shall apply to all manufactured housing parks, except as otherwise specifically provided for within this regulation or otherwise in this Code.

- A) ***Site Selection Criteria.*** Applicants shall comply with all existing zoning, building and construction, comprehensive plan, health and other rules, resolutions, regulations and laws of Lake County, the state of Colorado, and the United States in the site selection process for a manufactured housing park. Sites buffered from public view are preferred. Manufactured housing parks shall be situated on well drained sites that will not cause adverse drainage or other environmental consequences on surrounding property. Existing streams and other natural amenities shall be preserved. Manufactured housing parks shall not be sited in areas subject to flooding, fire or other safety hazards nor shall they be located in proximity to chronic nuisances such as contaminated waste materials, noise, smoke, fumes or odors. The proposed site shall be free from natural hazards and have good access.
  - B) ***Size and Density Provisions***
    - 1) The gross density of a manufactured housing park shall not exceed six (6) manufactured housing units per acre.
    - 2) A manufactured housing park shall contain a minimum of five (5) acres and it shall not occupy a maximum of more than thirty (30) acres.
  - C) ***Manufactured Housing Unit Requirements.*** All manufactured housing units located in a manufactured housing park must meet the definition either Manufactured Housing - Single-wide or Manufactured Housing - Double-wide (defined in Section 9.2). Manufactured housing units meeting the definition of Manufactured Housing - Non-qualified (defined in Section 9.2) are prohibited.
- Revised September 5, 2005 (Resolution No. 05-30)*
- D) ***Manufactured Housing Tie Down and Skirting Requirements.*** All manufactured housing shall be tied down and skirted.
    - 1) The manufactured home shall have a minimum of four tie down stirrups and concrete pads located at stress points pursuant to the manufacturer’s specifications, or in place of pads the unit shall be attached to a permanent foundation.
    - 2) Manufactured homes shall be equipped with skirting or a rigid material around the perimeter of the unit.

E) ***Setback Requirements***

- 1) All manufactured housing parks shall comply with all setback requirements in this Code. Setback measurements shall be made from the property line of the subject parcel to the nearest designated manufactured housing space. In addition such spaces shall be located no closer than the following distances from the following boundaries:
  - a) Twenty-five feet abutting any other type or category of public right-of-way than a state or federally designated highway.
  - b) Twenty feet separation between manufactured homes.
- 2) The required area for each manufactured home shall not include any of the additional area required for access roads, accessory buildings, recreational areas and open space, offices and related facilities and uses.
- 3) Manufactured housing units shall not be parked in any manner that any part of the unit would obstruct or block any portion of a roadway or walkway.
- 4) Only available spaces conforming to the provisions of this regulation shall be occupied.

F) ***Manufactured Housing Space Requirements and Clustering.*** The following minimum space requirements shall apply to manufactured housing spaces:

- 1) The minimum size of a manufactured housing space shall be 6,000 square feet.
- 2) Groups or clusters of manufactured housing units may be placed on a combined space if the size of the combined space is equal to or greater than the minimum area for an equal number of manufactured housing units on standard spaces and where the minimum setback requirements are satisfied on the perimeter line of the combined space.

G) ***Access and Interior Roadways.*** All manufactured housing spaces shall have direct access to a public street or roadway, which shall conform to the Local Road standard contained in the Roadway Design Standards and Construction Specifications for Lake County. All road surfacing, construction materials and construction methods shall comply with the provisions contained in the Roadway Design Standards and Construction Specifications for Lake County. In addition, manufactured housing parks shall be designed and constructed so that all spaces for units and all accessory uses shall have access from an interior roadway.

H) ***Sidewalks, Bicycle Paths and Walking Paths in Manufactured Housing Parks.*** In manufactured housing parks, all sidewalks shall be paved, five feet wide and otherwise conform to the specifications illustrated in the Figure No. 12 sidewalk standards contained in the Roadway Design Standards and Construction Specifications for Lake County. Bicycle paths shall conform to the specifications illustrated in the Figure No. 11 bike path standards contained in the Roadway Design Standards and Construction Specifications for Lake County. Sidewalks and bike paths shall be required as provided for in Section 251 of the Roadway Design Standards and Construction Specifications for Lake County. Walking and hiking paths shall not be less than three feet wide and of optional surface.

D) ***Public Sites, Recreation, Landscaping and Open Space in Manufactured Housing Parks.***

- 1) Dedications of land in a manufactured housing park for open space, schools or other purposes shall occur as specified in Chapter 6 of this Code. Public right-of-way dedication, acceptance and maintenance shall be as specified in Chapter 6 of this Code and the governing provisions of the Roadway Design Standards and Construction Specifications for Lake County.
- 2) At least 10 percent and up to 20 percent of the total gross area of the manufactured housing park shall be reserved, constructed and maintained as a private park, or recreational area(s) for the use of the residents or users of the facility. The amount of land to be so reserved and used shall be determined in discussion with the applicant and at the discretion and final authority of the Board of County Commissioners, based on the size of the park, the number of units in the park, and anticipated occupancy of the park.
- 3) Applicants shall submit a warranty deed or file a plat of the site to assure the dedication of all easements and public park lands and other dedicated land prior to the issuance of a conditional use permit for the manufactured housing park. Land to be provided for public and/or private recreational use and/or open space shall not include any area dedicated as a roadway, manufactured housing space, storage area nor any area required for setbacks.
- 4) Landscaping and buffering shall be provided along all perimeters of a manufactured housing park abutting public roadways and at interior locations as specified in approved landscaping plans submitted by the applicant (see Section 6.12 of this Code). Landscaping materials shall be native or adaptable to the area and include a diversity of species and varieties of plant life.

J) ***Manufactured Housing Park Parking Requirements***

- 1) The off-street parking and loading requirements of Section 6.12 apply to Manufactured Housing Parks.
- 2) All manufactured housing park parking lots shall contain adequate space for snow storage.

K) ***Manufactured Housing Accessory Parking Areas.*** A parking area or areas surfaced with gravel, asphalt, concrete or a similar surface shall be provided for boats, trailers, camping units, horse trailers and similar items in an amount equal to 100 square feet for each manufactured housing space. All such parking areas shall be entirely screened from public view with either natural or man-made screening or fences at least 6 feet high.

L) ***Accessory Buildings and Sales Outlets in a Manufactured Housing Park.***

- 1) Accessory buildings, such as laundry facilities and recreation rooms, shall not be located within 15 feet of any manufactured housing site boundary. All accessory buildings shall contain heating systems capable of maintaining an inside temperature of 70 degrees during the winter months and provide hot running water during periods of occupation.

- 2) Building sales outlets in a manufactured housing park shall be subject to the Temporary Building and Use regulations in Section 3.19 of this Code.
- M) **Roadway Width and Surfacing Requirements.** All roads in a manufactured housing park shall conform to the width, radius, compaction, grade and all other specifications contained within the Roadway Design Standards and Construction Specifications for Lake County. All roads in a manufactured housing park shall be hard surfaced, well drained and not prone to the excessive accumulation of snow.
- N) **Manufactured Housing Park Utilities.** Every manufactured housing park shall provide, at a minimum, the following utility services and facilities:
- 1) Each manufactured housing park shall have available a safe, adequate and reliable supply of potable water capable of furnishing a minimum of 75 gallons per person per day calculated at an occupancy rate of two persons per bedroom at a minimum pressure of 40 pounds per square inch measured at the manufactured housing unit connection point. Where a public supply of water is available, as determined by a written statement from the appropriate water supply authority, connection shall be made to that supply and it shall be used exclusively. Independent water supplies shall be allowed only if a public water supply is not available and upon permission of the Board of County Commissioners. All manufactured housing park water supply systems shall be designed, engineered, constructed, inspected, tested and maintained in compliance with all applicable Lake County and State of Colorado laws, rules, codes and regulations.
  - 2) Each manufactured housing park shall have available a safe, adequate and reliable sewage disposal system. Where a public supply of sewage disposal is available, as determined by a written statement from the appropriate sewage treatment authority, connection shall be made to that supply and it shall be used exclusively. Independent sewage disposal systems shall be allowed only if a public disposal system is not available and upon permission of the Board of County Commissioners. All manufactured housing park sewage disposal systems shall be designed, engineered, constructed, inspected, tested and maintained in compliance with all applicable Lake County and State of Colorado laws, rules, codes and regulations.
  - 3) The storage, collection and disposal of solid waste in a manufactured housing park shall be managed so as not to create a health hazard, fire hazard, objectionable odors, or other nuisance. Refuse containers shall be conveniently located to each manufactured housing space in the park or at convenient central locations and all containers shall be so constructed and managed as to resist water, rodents and insects and domestic animals and be protected from wind and snow. All refuse shall be collected and hauled from the park at least weekly. The abandoned vehicle provision of Section 5.3.9 D) of this Code shall also apply to manufactured housing parks.
  - 4) All utility installations, including but not limited to electrical, telephone and cable television, shall be buried underground and shall be designed, engineered, constructed, inspected, tested and maintained in compliance with all applicable Lake County and State of Colorado laws, rules, codes and regulations. All electric power lines to individual spaces in a manufactured housing park shall be buried.

- 5) All connection lines from outside fuel storage tanks to manufactured housing units and other sources shall be of approved metallic pipe or tubing and shall be permanently installed and securely fastened in place and not located less than ten (10) feet from any manufactured housing unit exit nor under any such unit. No soldered connections shall be permitted on any fuel lines and no fuel tanks or lines shall be placed near a source of flame or excess heat and all fuel lines carrying pressurized or liquefied gas shall be buried. All manufactured housing park fuel storage systems shall be designed, engineered, constructed, inspected, tested and maintained in compliance with all applicable Lake County and State of Colorado laws, rules, codes and regulations.
  - 6) Whenever feasible, all manufactured housing park fuel distribution systems shall be provided from a central supply distribution center. Upon petition from an applicant and with approval by the Board of County Commissioners, individual fuel supply systems shall be permitted in a manufactured housing park so long as such systems a) are preplanned with appropriate engineering drawings, b) include permanent installation bases on concrete pads adequately spaced apart from manufactured housing units and c) are equipped with permanent connection couplings.
  - 7) All manufactured housing parks with central or on-site water supply systems shall be equipped with fire hydrants with spacing, flow and pressure characteristics that are designed, engineered, constructed, inspected, tested and maintained in compliance with all applicable Lake County, water supply district and State of Colorado law, rules, codes and regulations. Manufactured Housing parks connected to public central water supply systems shall meet all fire suppression system requirements of the public water supply provided.
  - 8) All manufactured housing park applicants shall provide at the preliminary plan stage a site numbering and street addressing system and such system shall be installed with individual unit street address numbers of a size and reflectivity that they are readily visible at day or at night prior to the commencement of operation of the manufactured housing park. The addressing system shall provide street addressing numbers in a pattern, size, location, level of reflectivity and related characteristics that are deemed acceptable by the public safety agencies serving the manufactured housing park.
- O) **Permit Conditions.** No conditional use permits for a manufactured housing park shall be issued by the Board of County Commissioners unless and until the following conditions are made a part of the permit and are agreed to by the applicant:
- 1) *Registration of Occupants.* It shall be the duty of each permittee or operator of a manufactured housing park to maintain a register, in log book form, of all manufactured housing unit owners and occupants within the park. The register shall contain the following information:
    - a) The name and address of the owners or occupants of each manufactured housing unit.
    - b) The make, model, year of manufacture, state of origin and HUD Label Number of each manufactured housing unit.
    - c) The make, model, year and license plate number for each motor vehicle.

- d) The date of arrival and the date of departure of each manufactured housing unit.
- e) The manufactured housing park shall keep the register available for inspection at all times by law enforcement personnel, public health officials and agents, and employees of Lake County whose duties require use of the information contained therein. The register record shall be maintained and kept on file for the previous three years.

2) *Management and Maintenance*

- a) An operator of a manufactured housing park shall operate such manufactured housing park in compliance with this regulation and the other applicable provisions of this Code and all additional rules, regulations, codes and laws of the State of Colorado and Lake County. Such operator shall provide adequate supervision of the park, together with its facilities and equipment, so as to keep the park in good repair and in clean and sanitary condition at all times. Failure to so comply with these management conditions and provisions shall expose the operator to the risk of fines, penalties and/or a review and revocation proceeding as specified in Section 3.6.2 G).
- b) The operator of a manufactured housing park shall maintain all utility, roadway and other improvements to the park not expressly dedicated to Lake County and accepted by the County for maintenance, in compliance with this regulation and all other applicable provisions of this Code and all additional rules, regulations, codes and laws of the State of Colorado and Lake County. Failure to so comply with these maintenance conditions and provisions shall expose the permittee and/or operator to the risk of fines, penalties and/or a review and revocation proceeding as specified in Section 3.6.2 G).

**5.2.14 Private Landing Strips and Heliports.** Compliance with the provisions of an APO district, except for the provisions listed below, is not required for private noncommercial landing strips and heliports provided that they meet the following provisions and requirements:

- A) The applicant shall own a minimum of 35 contiguous acres of land on which the landing strip would be located or 5 contiguous acres of land on which the heliport site would be located.
- B) No residential dwelling units, other than one dwelling unit owned by the applicant or an immediate member of the applicant's family, shall be located within one half mile of either end of any runway.
- C) Runways will be so oriented that the extended centerline will not pass within 1,000 horizontal feet of any school, public landing facility or place of public assembly.
- D) The applicant shall provide evidence that the Federal Aviation Administration has been sent an application for approval of airspace and a copy of the FAA determination shall be submitted to the Lake County Planning Commission with the application.
- E) The applicant shall grant an aviation easement to Lake County.

### **5.2.15 Private Resorts**

- A) Such uses shall house no more than 500 total full- and part-time residents, including guests, students, volunteers, contract workers, and employees, at any one time. Uses housing over 500 total full- and part-time residents shall be considered PUDs, and shall be required to go through the PUD approval process. See Section 3.11.
- B) Such uses require a minimum of 20 acres of land area and have a maximum density of 5 people per acre
- C) Such uses shall not compromise the character of the underlying zoning district by providing for significantly more intense uses of the land or roads.
- D) Such uses shall not compromise the scenic qualities of the location in which the resort is situated.
- E) Such uses shall not create significantly more traffic between the hours of 8:00 p.m. and 8:00 a.m. than during other hours of operation.
- F) Such uses shall not create noise in excess of 70 db for more than one continuous minute between the hours of 8:00 p.m. and 8:00 a.m.
- G) A 200 foot setback must be maintained around all perimeter property lines.
- H) All road surfacing, construction materials and construction methods shall comply with the provisions contained in the Roadway Design Standards and Construction Specifications for Lake County.
- I) All sidewalks, walking paths, and bicycle paths shall comply with the provisions contained in the Roadway Design Standards and Construction Specifications for Lake County.
- J) All utilities must be installed underground and shall meet all state and local regulations.
- K) At least 60 percent of the natural landscape and existing vegetation on the subject property must be preserved.
- L) All trash collection areas shall be screened and designed to prohibit entrance by animals.
- M) The possession or discharge of fireworks is prohibited.

### **5.2.16 Telecommunications Facilities**

- A) *General.* All telecommunications facilities shall comply with the standards of this Land Development Code, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the Federal Aviation Administration.
- B) *Attached Telecommunications Facilities.* Attached telecommunications facilities must comply with all applicable standards of the underlying zoning district and any overlay zone district, including any maximum height standards. If visible, attached telecommunications

facilities shall be screened and/or painted to minimize their visibility.

- C) *Telecommunications Facility Support Structures.* Telecommunications facility support structures shall not be subject to the maximum height standards of the underlying zoning district when they are located outside the Airport Protection Overlay (APO) zone district, but shall be subject to any height restriction imposed at the time of approval of the applicable Conditional Use Permit. In no case shall the maximum height of a telecommunications facility support structure exceed the height necessary to ensure effective telecommunications service within the relevant market area. All telecommunications facility support structures shall be screened and/or painted to minimize their visibility.
- D) *Co-location.* Telecommunications Facilities must be designed and constructed to accommodate competitive service providers.
  - 1) No facility owner or lessee or officer or employee thereof shall act to exclude or to attempt to exclude any other competitor from using the same building or Telecommunications Facility Support Structure for the location of other antennae.
  - 2) No facility owner or officer or lessee or employee thereof shall fail to cooperate in good faith to accommodate other competitors in their attempts to use the same building or Telecommunications Facility Support Structure for the location of other antennae.
  - 3) If a dispute arises about the feasibility of accommodating another competitor, the Decision-Making Body may require a technical study, at the expense of either or both parties, and that the application be reviewed by a qualified engineer for a determination. Any costs shall be charged to the applicant.
- E) *Abandonment.* The owner must provide the County Planning Office with a copy of the notice to the FCC of intent to cease operations. Within ninety days from the date of ceasing operations the obsolete antenna, tower and accessory structures must be removed.
- F) *Disputes.* If an applicant for a telecommunications facility claims that one or more standards of this Land Development Code are inconsistent with the Federal Telecommunications Act of 1996 or would prohibit the effective provision of wireless communications within the relevant market areas, the Decision-Making Body may require that the application be reviewed by a qualified engineer for a determination of whether compliance with one or more standards of this Land Development Code would prohibit effective service. Any costs shall be charged to the applicant.

**5.2.17 RV Parks and Campgrounds.** The following design standards and specifications shall apply to all RV Parks and Campgrounds except as otherwise specifically provided for within this regulation or otherwise in this Code.

- A) *Site Selection Criteria.* Applicants shall comply with all existing zoning, building and construction, comprehensive plan, health and other rules, resolutions, regulations and laws of Lake County, the State of Colorado and the United States in the site selection process for a RV Parks and Campgrounds. Sites buffered from public view are preferred. RV Parks and Campgrounds shall be situated on well drained sites that will not cause adverse drainage or other environmental consequences on surrounding property. Existing streams and other

natural amenities shall be preserved. RV Parks and Campgrounds shall not be sited in areas subject to flooding, fire or other safety hazards nor shall they be located in proximity to chronic nuisances such as noise, smoke, fumes or odors. The proposed site shall be free from natural hazards and have good access.

**B) *Size and Density Provisions***

- 1) The gross density of RV Parks and Campgrounds shall not exceed 25 camping units per acre.
- 2) A RV Park or Campground site shall contain a minimum of two acres.

**C) *Setback Requirements***

- 1) All RV Parks and Campgrounds shall comply with all setback requirements in this Code. Setback measurements shall be made from the property line of the subject parcel to the nearest designated RV or camp site. In addition such spaces shall be located no closer than the following distances from following boundaries:
  - a) Twenty-five feet abutting any other type or category of public right-of-way than a state or federally designated highway.
  - b) Five feet for RVs abutting any alley or walkway.
  - c) Ten feet separation between RV units. Extensions to a RV unit shall be considered a part of the respective unit in establishing and measuring minimum required yard distances.
- 2) The required area for each RV shall not include any of the additional area required for access roads, service buildings, recreational areas and open space, offices and related facilities and uses.
- 3) RVs shall not be parked in any manner that any part of the unit would obstruct or block any portion of a roadway or walkway.
- 4) Only available spaces conforming to the provisions of this regulation shall be occupied. An overflow camping area with a capacity of up to 10 percent of permitted spaces may be established for temporary use in RV parks or the RV portion of mixed use facilities.

**D) *RV Space Requirements.*** The minimum size of a RV space shall be 1,500 square feet for RV units and camping sites.

**E) *Access and Interior Roadways.*** All RV spaces shall have direct access to a public street or roadway, which shall conform to the road requirements of the Roadway Design Standards and Construction Specifications for Lake County. All surfacing, construction materials and construction methods shall comply with the provisions contained in the Roadway Design Standards and Construction Specifications for Lake County. In addition, RV parks shall be designed and constructed so that all spaces for units and all accessory uses shall have access from an interior roadway.

**F) *Service Buildings***

- 1) Every RV park shall provide one or more service buildings adequately equipped with flush toilets, lavatories, and showers meeting Colorado Department of Health standards and subject to Colorado Department of Health approval along with compliance with all applicable Lake County codes. See Section 5.2.17 H) for detailed specifications.
  - 2) Service buildings shall be well-lighted, equipped with appropriate signs and shall be well-ventilated and properly sited and graded to prevent the ponding of water.
  - 3) Service buildings shall be located at least 15 feet away from any RV or camping site. All service buildings shall contain heating systems capable of maintaining an inside temperature of 70 degrees during the winter months and provide hot running water during periods of occupation.
- G) ***Roadway Width and Surfacing Requirements.*** All two-way public roadways in a RV Park and Campground shall meet the Two Lane Primitive Road standard in the Roadway Design Standards and Construction Specifications for Lake County. All public roadways shall be hard surfaced or graveled, well drained and not prone to the excessive accumulation of snow.

H) ***Travel Trailer Park Utilities***

- 1) Each RV Park and Campground shall have available a safe, adequate and reliable supply of potable water capable of furnishing a minimum of 100 gallons of water per day per space when a sewer hookup is connected and 50 gallons per day with no sewer hookup at a minimum pressure of 20 pounds per square inch measured at the hookup connection point. Where a public supply of water is available, as determined by a written statement from the appropriate water supply authority, connection shall be made to that supply and it shall be used exclusively. Independent water supplies shall be allowed only if a public water supply is not available and only if such supply meets all applicable Lake County and State of Colorado laws and regulations. The number of spaces to be occupied shall be limited to the quantity of water available to supply each such space with the minimum requirements.
- 2) All connection lines to spaces and to service buildings shall be constructed of such materials and be so placed to provide protection from backflow and other sources of contamination and from frost.
- 3) Water hoses and connections for filling RV portable water reservoirs shall be provided in the park and shall be located not more than 30 feet from any dump station and shall be clearly marked as to their purpose and restricted only to their intended use. A water hose for flushing holding tanks shall also be provided, it shall be labeled as providing non-potable water and it shall be equipped with an anti-siphon device to prevent inadvertent backflow.
- 4) Each RV Park and Campground shall have available a safe, adequate and reliable sewage disposal system. Where a public supply of sewage disposal is available, as determined by a written statement from the appropriate sewage treatment authority, connection shall be made to that supply and it shall be used exclusively. Independent sewage disposal systems shall be allowed only if a public disposal system is not available and only if such supply meets all applicable Lake County and State of Colorado laws and regulations. The number of spaces to be occupied shall be limited to

the quantity of sewage disposal available to supply each such space with the minimum requirements.

- 5) All sewer lines shall be adequately vented and protected against damage from traffic, frost and other hazards. All sewage disposal facilities, including all appurtenances thereto, shall be constructed, maintained and operated so as not to create a nuisance or a health hazard. Each self-contained travel trailer space shall be provided with a four inch sewer connection. The sewer connection shall be securely closed when not linked to a travel trailer and shall emit no odors. All sewer lines shall be constructed in accordance with plans submitted to and approved by the Board of County Commissioners and the County Building Inspector shall have the authority to limit the capacity of the park based on the availability of adequate sewage disposal facilities or capacity.
- 6) Each park shall provide at least one sewage dump station, which shall be placed on a paved pad sloped toward the sewer drain to provide rapid cleanup of any spillage and it shall be equipped with a clearly marked cleanup hose with at least 20 pounds per square inch of pressure.
- 7) Each RV Park and Campground shall provide service facilities for dependent units according to the following schedule:

No. of Dependent Units:	1-15		16-30		31-45		46-60		61-80		81-100	
Toilets:												
Men	1	1	2	2		3	4					
Women		1	2	2	3	4	4					
Urinals:												
	1	1	1	2		2	2					
Lavatories:												
Men	1	2	3	3		4	4					
Women		1	2	3	3		4	4				
Showers:												
Men	1	1	1	2		2	3					
Women		1	1	1	2		2	3				

Other Fixtures: one service sink if a service building is provided.

- 8) RV Parks accommodating independent units shall provide at least one toilet, one lavatory and one shower.
- 9) RV Parks with more than 100 dependent trailer spaces shall also provide one additional toilet and lavatory for men and one additional toilet and lavatory for women per each additional 30 trailer spaces, one additional shower for each gender per each additional 40 trailer spaces and one additional urinal per each additional 60 trailer spaces.

- 10) No dependent spaces shall be located more than 300 feet from a service building.
- 11) The storage, collection and disposal of solid waste in a RV Park and Campground shall be managed so as not to create a health hazard, fire hazard, objectionable odors, or other nuisance. Refuse containers shall be conveniently located to each space in the park or at convenient central locations and all containers shall be so constructed and managed as to resist water, rodents and insects and domestic animals and be protected from wind and snow. All refuse shall be collected and hauled from the park at least weekly. The abandoned vehicle provision of Section 5.3.9 D) of this Code shall also apply to RV Parks and Campgrounds.
- 12) All electrical installations shall comply with all applicable Lake County and state laws, regulations and codes and shall be fully grounded and waterproofed. The park operator shall be responsible for providing 110 volt AC electricity to a hookup at each RV space and all service buildings.
- 13) No propane or other compressed, liquefied fuel storage tanks for the filling of vehicle-mounted or detached pressurized tanks shall be installed in a travel trailer park until approval has been granted for such facilities by the Board of County Commissioners. All such installations shall be planned and constructed to minimize the danger of fire or explosion to the residents of a travel trailer park and no such storage tanks shall be located less than 30 feet from a public right-of-way nor less than 30 feet from an occupied travel trailer site and shall be properly fenced.
- 14) When a public water supply system with a water main of at least six inches is available to the RV Park and Campground, the Board of County Commissioners may require the installation of fire hydrants. Such fire hydrants, if required, shall be installed and shall be maintained in good working order at all times. Portable fire extinguishers in an amount, type and location specified by the most current edition of the National Fire Protection Association (NFPA) standard ANSI/NFPA 10, Portable Fire Extinguishers and acceptable to the local fire protection authority shall be provided in the park; the absence of fire hydrants shall be sufficient reason for the County Building Inspector to require the installation of additional fire fighting equipment above and beyond what would otherwise be required.
- 15) Areas designated for tent camping shall include for each such space a fireplace or charcoal grill of sturdy construction, a picnic table and a well-drained, level tent site.

**5.2.18 Short Term Rentals-Applicability.** The standards and provisions of Section 5.2.18.1 apply to short term rentals in:

- A) The AF, AR, UR, RM, RC and R zoning districts;
- B) Any PUD District in which a short term rental is an allowed use or a conditional use, to the extent consistent with the regulations for short term rentals specified in the Final PUD Plan for any such PUD District; and
- C) The RUR, CI or IM zoning districts operating prior to midnight, April 20, 2009.

The standards and provisions of Section 5.2.18.1 are not applicable in the B Zoning District and shall be of no force or effect in the B Zoning District.

**5.2.18.1** All short term rentals shall be subject to the following standards, except as otherwise specifically provided for in this Code.

**A) License Required**

A person shall not operate a short term rental without a license. To operate a short term rental, the owner of the short term rental property or his/her designee must file an application with the Land Use Department.

**B) Submittal Requirements**

- 1) Completed application for a license, signed by the owner or his/her designee, which shall be available for public viewing.
- 2) Proof of ownership of the short term rental property.
- 3) Copies of currently valid County and State sales and lodging tax licenses in the name of the short term rental property owner or property manager.
- 4) The property address, the name, address, and contact information including a twenty-four (24) hour contact telephone number for the property management company managing the short term rental property, or, if there is none, the name, address, and contact information, including a twenty-four (24) hour contact telephone number, of two residents of Lake County, one of whom may be the owner of the short term rental property, who can be contacted in the event of an emergency.
- 5) An acknowledgment that the short term rental property owner, property management company, and agent of the owner, if any, have read all regulations, including, but not limited to, the standards set forth in the Code pertaining to the operation of a short term rental.
- 6) The short term rental property owner shall sign and certify the accuracy of the information submitted and agree to comply with all regulations. If there is a property management company or other agent of the owner managing the short term rental, the other agent or an authorized officer of the property management company, or both, shall also sign and certify the accuracy of the information submitted and agree to comply with all regulations.
- 7) The license fee.

**C) Fee**

Except as provided herein, the license fee shall be \$30.00. The license fee shall be \$60.00 for any person found to be operating a short term rental without registering or possessing a valid license. The annual renewal fee shall be \$30.00 to offset the cost to the County to process, administer, and monitor the operation of short term rentals. In no event shall the initial and renewal fees provide a sum greater than the costs incurred by the County to administer the provisions of this Section.

**D) Public Notice**

A written list of the current licensees (names, addresses, and license numbers) shall be posted on the official Lake County, Colorado website.

### **E) Issuance of License**

The license may be issued by the Department of Land Use, provided that the Department of Land Use has notified the owner that the application is complete and the fee has been paid.

### **F) Term of License**

The license shall be valid for one (1) year and may be renewed upon the payment of the annual renewal fee. The owner of the short term rental shall amend the application at the time of annual renewal or a change in circumstance that would require an update to the information previously submitted by the owner. By way of example, and not limitation, a change in circumstance would be change of ownership of the short term rental property; any change of property management company; presentation of new or conflicting information regarding the application; or any change in the twenty-four (24) hour contact information. At the time of renewal, the owner, property management company, or other agent of the owner shall specify the number of civil penalties and Code violations, by the owner or the persons staying at the short term rental, incurred within the preceding twelve (12) month period, together with any other convictions for conduct described in this Section 5.2.18.1.

### **G) Standards**

- 1) The owner shall include in all advertising a reference to the owner's short term rental license number.
- 2) Each short term rental unit must contain one operable fire extinguisher.
- 3) Each short term rental unit must contain operable smoke detectors in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor).
- 4) Each short term rental unit must contain an operable carbon monoxide detector installed per the manufacturer's specifications.
- 5) Each short term rental unit shall have a sign posted within the unit or adjacent to the front door containing a copy of this Section 5.2.18.1. and the following information:
  - a) The name of the property management company, agent, local contacts, or owner of the short term rental property and a telephone number at which that party may be reached on a twenty-four (24) hour basis.
  - b) It is recommended that the sign also contain:
    - i. The maximum number of persons permitted to stay overnight in the short term rental unit;
    - ii. The maximum number of vehicles allowed, and that all vehicles must be parked in parking spaces on the short term rental property; and,
    - iii. The trash pick-up day and notification of all rules and regulations regarding trash removal, including when trash may be left out and a requirement that bear-proof containers must be used.

### **H. Violations and Penalties**

- 1) The following conduct shall constitute a violation of the County zoning resolution as contained in the County's Land Development Code and is subject to a fine.
  - a) The owner, property management company, or other agent of the owner has submitted an application, which, at the time of submittal, was substantively incorrect; or,
  - b) The owner, property management company, or other agent of the owner has failed to comply with any of the standards set forth in Section 5.2.18.1(7) or any other applicable standards of the Code.
- 2) These violations and penalties shall be in addition to any other violation of law that may be charged under applicable law, including, without limitation, violations related to noise, disturbing the peace, nuisance, and failure to pay sales and/or lodging taxes.
- 3) In addition to the violations and penalties set forth in this section, the County shall be entitled to all other remedies at law or equity, including, without limitation, seeking an injunction in any court of competent jurisdiction.
- 4) **Revocation: Show Cause Hearing**

Whenever the County has probable cause to believe that there exists upon any premises any condition which constitutes a violation of the provisions of Section 5.2.18.1, the Board of County Commissioners may schedule a hearing requiring the Owner to show cause why the license should not be revoked.

A show cause hearing for the revocation of a short term rental license shall be conducted by the Board of County Commissioners. If, after public hearing, the Board of County Commissioners determines there has been a violation of the provisions of Section 5.2.18.1 and that the operation of the described short term rental has been more detrimental to the existing neighborhood character than it has been beneficial to the community in fostering its resort, business, and economic base, then the license may be suspended for such period as determined by the Board of County Commissioners. The Board of County Commissioners may also revoke the license. Upon revocation, the short term rental owner may not reapply for a short term rental license at that location for a period of two (2) years from the date of revocation of the license.

**5.2.19 Warehouse and Freight Movement.** The following design standards and specifications shall apply to all Indoor Operations, Storage and Indoor/Outdoor Loading:

- a) No structure/building used for warehouse and freight movement within the Business (B) zoning district shall be larger than 40,000 square feet without approval of a Conditional Use Permit.

**5.2.20 Solar Energy Systems.** The following design standards and specifications shall apply to all solar energy systems.

- a) **Site Plan Submittal.** The applicant shall submit a site plan that includes the location of all panels and accessory development, such as utility trenching, access roads, services plans, and structures associated with solar energy system. If required by the National Electrical Code, signage warning of electrical shock shall be installed around the perimeter of the system.

- b) **Impacts to Wildlife and Domestic Animals.** For large solar energy systems, the application shall demonstrate how the proposed project will not impact wildlife and domestic animals through the creation of hazardous attractions, the alteration of existing native vegetation, the blockade of migration routes or use patterns, or other disruptions.
- c) **Traffic Impacts.** For large solar energy systems, the application shall demonstrate how the proposed project will impact truck and automobile traffic to and from such uses.
- d) **Sufficient Separation.** Sufficient distances shall separate such use(s) from abutting property that might otherwise be damaged by operations of the proposed use(s).
- e) **Site Rehabilitation.** For large solar energy systems, the application shall provide a plan for site rehabilitation after the use is terminated.
- f) **Financial Security.** For large solar energy systems, the Board of County Commissioners (BOCC) may require financial security before a building, land use or conditional use permit is issued. The applicant shall then furnish evidence of financial security payable, in a fashion acceptable, and in the amount calculated by the BOCC, to the BOCC. The financial security shall be adequate to secure the execution of the site rehabilitation plan conforming to best management practices and in accordance with the specifications and construction schedule established or approved by the BOCC.
- g) **Compliance with Sound Standards.** The application shall demonstrate that the facility shall be able to comply with the volume of sound standards set forth in the Colorado Revised Statutes.
- h) **Operations.** The application shall demonstrate how the proposed facility will be operated so that it does not emit heat, glare, radiation, or fumes that substantially interfere with the existing use of adjoining properties or which constitutes a public nuisance or hazard.
- i) **Lighting.** Any lighting of the facility shall be pointed downward and inward to the property center and shaded to prevent direct reflection on adjacent properties and rights-of-way.
- j) **Dimensional Standards.** Such facilities shall not result in any structure exceeding the maximum height limit, being less than the minimum setbacks, nor exceeding the maximum lot coverage of the applicable zoning district in which it is located, with the following exceptions.
  - 1.) Solar panels placed on roofs may exceed the maximum permitted building height by 10%. Solar panels placed on the roof of a legally, non-conforming structure which exceeds the maximum permitted height may exceed the existing roof height by 10%. Ground-mounted solar panels shall not exceed 25 feet in height.
- k) **Solar Energy Systems, Accessory.** These additional standards apply to solar energy systems as accessory uses:
  - 1) *Building-Mounted System.*
    - a) The building-mounted solar energy system may not exceed the roofline of pitched roofs.

- b) Solar collectors on flat roofs shall have a 3-foot setback from the edge of the roof.
- 2) *Ground-Mounted System.*
- a) A ground-mounted system shall not be installed within the minimum setbacks of the applicable zoning district in which it is located, and shall be outside of any easements.
  - b) Ground-mounted solar panels shall not exceed 25 feet in height.
- 3) **Size.** The size of the system is limited to less than or equal to 120% of site generation needs.
- 4) **Screening.** To the best extent possible, without compromising the solar energy system's access to the sun, all ground-mounted systems, as well as other energy system appurtenances, such as, but not limited to, water tanks, supports, and plumbing, shall be screened from views at grade.

(Revised December 17, 2013)

**5.2.21 Marijuana Cultivation Facilities.** The following standards shall apply to marijuana cultivation facilities:

- A) ***Marijuana Cultivation Facility, Medical.*** Medical marijuana cultivation facilities are subject to the standards outlined in Resolution 12-15, A Resolution Amending the Lake County Medical Marijuana Policy.
- B) ***Marijuana Cultivation Facility, Retail.*** Retail marijuana cultivation facilities are subject to the following standards:
  - 1) Existing medical marijuana cultivation facilities may be operated as retail marijuana cultivation facilities. This shall only apply to existing approved medical marijuana cultivation facilities. All new retail marijuana cultivation facilities shall be prohibited, except the operators for existing medical marijuana cultivation facilities may add retail marijuana cultivation facilities to their operations.
  - 2) Said existing facilities shall comply with all state licensing regulations regarding both retail and medical marijuana cultivation facilities. All state regulations regarding retail and medical marijuana cultivation facilities shall be met in order to maintain a marijuana cultivation facility in Lake County.
  - 3) If the operator of an existing medical marijuana cultivation facility is desirous of adding a retail marijuana cultivation facility to its operation, the facility is limited to its current square footage.

(Revised December 17, 2013)

**5.3 ACCESSORY BUILDINGS AND USES**

### **5.3.1 General.**

- A) An accessory building or use is a subordinate use of a building, other structure or tract of land or a subordinate building or other structure which is a) clearly incidental to the use of the principal building, other structure or use of land, b) customary in connection with the principal building, other structure or use of land, or c) ordinarily located on the same lot with the principal building, other structure or use of land.
- B) No accessory use shall be established, and no accessory structures shall be allowed on a subject parcel, until all required permits and approvals for the principal use or activity have been obtained.
- C) The following accessory buildings and uses are permitted in the following zoning districts, provided that they are incidental to and on the same premises as an allowed or conditional use:

### **5.3.2 RUR Rural District.**

- A) Garages for the storage of automobiles and/or commercial vehicles, including the maintenance of those vehicles.
- B) Automobile parking and vehicle loading spaces.
- C) Accessory buildings, structures or uses normally required in addition to or in conjunction with any use by right or approved conditional use in the district.

### **5.3.3 AF Agricultural and Forestry and AR Agricultural Residential Districts.**

- A) Garages for the storage of automobiles and/or commercial vehicles, including the maintenance of those vehicles.
- B) Automobile parking and vehicle loading spaces.
- C) Home occupations (Use-specific Standard 5.2.8).
- D) Accessory buildings, structures or uses normally required in addition to or in conjunction with any use by right or approved conditional use in the district.

### **5.3.4 UR Urban Residential and RC Recreational Districts**

- A) Garages for the storage and owner maintenance of automobiles, light trucks and recreational vehicles.
- B) Automobile parking and loading space.
- C) Home occupations as permitted in AF and AR districts except that in addition there shall be no exterior storage on the premises of material or equipment used as part of the home occupation and there shall be no noise, vibration, smoke, dust, odors, heat, glare or other effects noticeable at or beyond the property line and there shall be no exterior advertising other than identification of the home occupation.

- D) Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

**5.3.5 RM Urban Multi-Family Residential District**

- A) Garages as allowed in the UR district.
- B) Vehicle parking and loading space.
- C) Home occupations as allowed in the UR district.
- D) Any accessory buildings, structures, or uses required in addition to and in conjunction with any use by right or approved conditional use.

**5.3.6 B Business District**

- A) Garages for the storage and maintenance of cars, trucks and service vehicles.
- B) Vehicle parking and loading spaces.
- C) Home occupations as allowed in the UR district.
- D) Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

**5.3.7 CI Commercial Industrial and IM Industrial and Mining District**

- A) Garages for the storage and maintenance of cars, trucks and service vehicles.
- B) Vehicle parking and loading spaces.
- C) Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use.

**5.3.8 R Resort District and PUD District.** Accessory uses in a Resort district shall be in accordance with the actual land use in that part of the district. In areas in agricultural use, accessory uses permitted in the AF district shall apply; in areas in residential use, accessory uses permitted in the RM district shall apply; accessory uses as specified in the B district for business, commercial, office and related uses; accessory uses as specified in the IM district for industrial and mining uses; and accessory uses as specified in the RC district for recreational and resort uses.

**5.3.9 Other Accessory Uses.**

- a) **Overlay Districts.** No additional accessory uses are permitted in any overlay districts.
- b) **Acceptable Minor Accessory Uses.** Household pets, private greenhouses, swimming pools, hot tubs, satellite dishes, living fences, individual storage sheds, and fallout shelters for personal uses are allowable accessory uses in all zoning districts so long as such accessory uses pose no threat to

human health, safety and welfare to owners, users or adjacent residents and so long as they meet all applicable building, electrical and plumbing codes and have received all required local, state and federal permits.

- c) **Fences.** Fences which are not over 6 feet in height, and living fences of any height so long as they are not a traffic obstruction shall be considered permitted accessory uses in all districts. Taller fences are a permitted accessory use upon inspection by the county building inspector, who shall issue a permit for such fences upon determination that they would not block light, sun, air, vision or otherwise pose a health or safety hazard or a nuisance. No fence, shrubs, trees, signs or any other obstruction shall be permitted in any setback area if it obstructs the sight of drivers at any intersection.
- d) **Abandoned Motor Vehicles.** It is hereby declared to be illegal in all zoning districts and not an allowable accessory use to store, keep or maintain any motor vehicle which is being junked, dismantled or is wrecked, unless such vehicle is located within an enclosed building or rear yard location not visible from and street or public road. This regulation does not apply to unlicensed vehicles being actively maintained for racing or competitive purposes nor to vehicles defined as collector's items by C.R.S. Section 42-12-101, nor to vehicles used for industrial, mining, farming, forestry or ranching purposes where such purposes are otherwise allowed.
- e) **Accessory Solar Energy Systems.** Accessory solar energy systems are allowable accessory uses in all zoning districts as long as such accessory uses meet all applicable building, electrical, and plumbing codes, comply with Section 5.2.20 of this Code, and have received all required local, state, and federal permits.

(Revised December 17, 2013)

#### 5.4 TEMPORARY BUILDINGS AND USES

Upon application to the Land Use Department and payment of any required fees, a temporary use permit may be issued for the following uses in the following zoning districts and for the following periods of time as set forth in Table 5.4 upon satisfaction of the applicable criteria set forth at Section 3.19. Such permits shall be valid only for the period of time specified and no more than two renewals of the temporary use permit shall be issued by the Land Use Department.

A “blanket” temporary use permit may be issued for any organization which hosts multiple events per year. This application must include a schedule including the names and dates of the events and the hosts of such events in addition to all the required submission information. Changes to the schedule shall be submitted to the Building and Land Use Department as soon as known. The issuance of a blanket temporary use permit does not eliminate the need for inspections related to food service, sanitation, traffic/parking and fire safety for each and every event. It is the responsibility of the permit holder to notify Lake County’s Building and Land Use Department ten (10) days prior to each event to schedule the required inspections.

Use	Allowed Districts	Period	Notes
Residences, including single-wide manufactured homes	AF, AR, UR, RM, RC, B and R	12 months	A temporary residence permit shall be issued for utilizing a temporary structure on the premises only after obtaining a

and RV units with a kitchen and full bathroom facilities			building permit for a permanent residence.  Manufactured housing units must meet the definition of Manufactured housing - Single-wide (defined in Section 9.2).
Construction offices and yards	All districts	12 months	These temporary structures for office space and the storage of construction materials and equipment shall be used for the management of construction projects so long as they are not used for living quarters.
Temporary sales offices	All districts	6 months	Temporary sales offices for the sale of residential, commercial, industrial, or other units of space shall be located within the area of a recorded final plat and sales shall be limited to those units within the platted subdivision in which the sales office is located.  Temporary sales offices for the sale of manufactured homes within a Manufactured Housing Park shall be located within the area designated on the approved final site plan. Sales shall be limited to those units within the approved Manufactured Housing Park in which the sales office is located.
Special events including, but not limited to, carnivals, circuses, fairs, and racing events such as stock car races and demolition derbies	AF, B, and IM and CI. Racing is only allowed in CI	2 weeks	
Parking for a temporary use	Same as the underlying use	Same duration as the temporary use	
Batch plants for temporary use on site or adjacent to construction sites	All districts	6 months	Associated activities must not create a nuisance or a hazard
Aerial survey panels	All districts except SCO	2 months	
Retail sales with no	Business (B),	6 months	Vendors must be registered with the Lake

permanent place of business in Lake County	Commercial & Industrial (CI), and Industrial/Mining (IM)		County Clerk and Recorder for State Retail Sales Tax.  Must meet minimum sanitation requirements.
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