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## ARTICLE V

### ZONING AND USE REGULATIONS

#### DIVISION 1 GENERAL

##### Section 5-100 Establishment of Zone Districts.

- A. Purpose. The purpose of this Article is to protect the health, safety, and public welfare through the control and regulation of the location and use of property within Park County, Colorado.
- B. Zone Districts Established. The following zone districts are hereby established for purposes of regulating land uses within Park County.

A	Agricultural Zone District
A-35	Agricultural Small Lot Zone District
CR	Conservation/Recreation Zone District
R	Residential Zone District
MR	Mountain Residential Zone District
R-20	Residential Estate Zone District
R-35	Residential Ranch Zone District
MU	Rural Center Mixed Use Zone District
C	Commercial Zone District
I	Industrial Zone District
M	Mining Zone District
RVC	Recreational Vehicle Park and Campground Zone District
MHP	Mobile Home Park Zone District
PUD	Planned Unit Development Zone District

##### Section 5-101 Official Zoning Map.

- A. Division of County Into Zone Districts by Official Zoning Map. The unincorporated area of Park County is divided into zone districts necessary to achieve compatibility of uses and uniformity of character within each zone district, implement the Park County Strategic Master Plan, and to achieve the purposes of these Land Use Regulations. The boundaries of the zone districts and overlay districts are established on the map entitled "Official Zoning District Map of Park County, Colorado" as such map has been amended by the Board of County Commissioners. The Official Zoning District Map, and all explanatory materials contained thereon, shall be incorporated into these Land Use Regulations by reference and made a part hereof.
- B. Amendments and Replacement of Official Zoning Map. No amendment shall be made in the district boundaries or other matter shown on the Official Zoning Map except by resolution adopted in accordance with Division 2 of this Article. Any amendment adopted by the Board of County Commissioners shall be entered on the Official Zoning Map. The Official Zoning Map shall be updated quarterly or at such interval, not less than once each year, as the Planning Director/County Designee deems appropriate. If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret or reproduce because of the nature or number of changes and additions, the Board of County

Commissioners may, by resolution, adopt a new official zoning map. The new zoning map may implement all zoning changes made by resolution adopted by the Board of County Commissioners and/or correct drafting or other errors or omissions in the prior map.

**Section 5-102 Interpretation of District Boundaries.**

- A. Administrative Determination Authorized. The Planning Director/County Designee is authorized to make an administrative determination concerning the location of any zone district boundary by application of the rules provided in this Section. The Director's determination and any appeal of such determination shall be subject to the provisions of Article III, Division 2.
- B. Interpretive Rules. Where uncertainty exists as to the boundaries of zone districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerline of streets or roads shall be construed to follow the centerline.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
  3. Boundaries indicated as parallel to or extensions of centerlines, lot lines, municipal limits, federal lands ownership, or similar geographic lines shall be so construed.
  4. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
  5. Whenever any street, alley or other public way is vacated by official action of the Board of County Commissioners, or whenever street or alley area is otherwise made available for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then be subject to all regulations of the extended zone districts.
  6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in circumstances not addressed by subsections (1) through (5) of this section, the Planning Director/County Designee shall administratively interpret the district boundaries subject to appeal as provided by Section 3-204 of the Land Use Regulations.
- C. Land Divided by Zone District Boundary. Where, following application of the interpretive rules of subsection (B) above, a Lot or other parcel under single ownership is divided by a Zone district boundary such that portions of the property are within two or more zone districts, the following rules shall apply:
1. For Lots or parcels equal to or less than ten (10) acres in size, the zone district attributable to the greatest percentage of the property shall govern and apply to the entire property. For example, where zone districts divide a ten (10) acre lot so that six (6) acres (60%) is within the Residential Zone District and four (4) acres (40%) is

within the Commercial Zone District, the entire ten (10) acre property shall be deemed zoned within the Residential Zone District.

2. For Lots or parcels greater than ten (10) acres in size, the zone district boundaries shall govern the uses permitted within the Lot or parcel subject to the limitation upon the number of permitted structures within each lot provided by Section 5-104 of these Land Use Regulations. For example, where a twenty (20) acre Lot is divided by zone districts so that ten (10) acre is within the Residential Zone District and ten (10) acres is within the Commercial Zone District, the uses permitted within the portion of the Lot zoned within the Residential Zone District shall be those permitted in the Residential Zone District and the uses permitted within the portion of the Lot zoned in the Commercial Zone District shall be those permitted in the Commercial Zone District provided that, no more than one principal permitted use is permitted within the entire twenty (20) acre Lot as required by Section 5-104.

**Section 5-103            General Applicability of District Regulations.**

Except as may be otherwise provided in this Article

- A. No structure shall hereafter be erected, reconstructed, altered, enlarged, or moved, nor shall any building or land be used for any purpose, other than for a use permitted in this Article in the zone district in which it is located.
- B. No structure shall hereafter be erected, reconstructed, altered, enlarged, or moved unless it conforms to the area regulations of the applicable zone district in which it is located.
- C. No setback or other open space required in this Article for any structure shall be considered as providing a setback or open space for any other structure, and no setback or open space on an adjoining lot or parcel shall be considered as providing a setback or open space on a lot whereon a structure is to be erected.
- D. No structure shall hereafter be erected, reconstructed, altered, enlarged or moved nor shall any building or land be used for any purpose unless a building permit for the structure, building or land, if required by these Land Use Regulations and any other applicable County law or regulation, has been properly and lawfully issued by the County.
- E. No structure shall hereafter be erected, reconstructed, altered, enlarged or moved, nor shall any building or land be used for any purpose in contravention of any element of a County-approved plan presented by an owner, developer, petitioner or the agent of the owner, developer, or petitioner expressed at a hearing or as part of a presentation to obtain any land use approval as required by these Land Use Regulations.

**Section 5-104            One Principal Building Permitted On Any Lot.**

Not more than one Principal Building shall be located on a Lot, unless such buildings are:

- A. Lawfully recognized nonconforming buildings; or
- B. Expressly permitted by these Land Use Regulations; or
- C. Approved as part of a Planned Unit Development (PUD) for the property.

- D. The division of a Lot or parcel by a zone district boundary shall not entitle the owner to more than one principal building or structure for such Lot.

## **DIVISION 2            AMENDMENTS TO OFFICIAL ZONING MAP (“REZONING”)**

### **Section 5-200            Petitions to Amend Official Zoning Map.**

- A.    County May Initiate Petition. The Board of County Commissioners may, on its own motion or upon initial recommendation of the Planning Commission, direct the Planning Director/County Designee to petition the County to amend the Official Zoning Map in accordance with the procedures of this Division.
  
- B.    Owner’s Petition to Initiate Action. The Board of County Commissioners may, upon the petition of any owner of a fee simple interest in the property subject to such petition, amend the Official Zoning Map in accordance with the procedures of this Division.

### **Section 5-201            Petition for Map Amendment.**

- A.    Content of Petition. All petitions submitted pursuant to Section 5-200 for an amendment of the Official Zoning Map shall be made on forms prepared by the Planning Department and shall contain the following information:
  - 1.    A completed application in the form approved by the Director;
  - 2.    Payment of all required application fees and any review fee deposit;
  - 3.    An executed Agreement for Payment of Development Review Expenses if applicable;
  - 4.    Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
  - 5.    A complete legal description of the property proposed for zoning map amendment prepared by a licensed registered Colorado Land surveyor or, for County-initiated petitions only, prepared by the Planning Director/County Designee, County Attorney, or County Surveyor (in most cases, a copy of the legal description contained in the deed will suffice);
  - 6.    A list of the names and mailing addresses, as this information appears of record with the Park County Assessor’s Office, of all owners Adjacent Property<sup>1</sup> to the property proposed for zoning map amendment;
  - 7.    A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Colorado Revised Statutes §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B.
  - 8.    A map or other description of the current condition of the property to be rezoned (“Current Conditions Map”) including, in one or more mapped, narrative, or graphic formats, the following information:

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<sup>1</sup> See Article IV, Definitions, “Adjacent Property”

- a. Topography of the property shown in elevation contours of not greater than ten (10) foot increments. Applicants are encouraged to use the U.S.G.S. topographic mapping or other form of commercially produced topographic map.
  - b. Points of access to the property, internal roads, and trails including widths and approximate grades. The Current Conditions Map must illustrate how access is obtained from the property subject to zone map amendment to the nearest county road or highway.
  - c. Where any access to the property subject to the zone map amendment is obtained from a road, trail, easement, driveway or other private right of access other than an adjacent County-owned highway, street, or road, the applicant shall provide evidence of permanent legal right of access. Such evidence may include, but not be limited to, deed, easement agreement, or attorney opinion that a permanent legal right of access exists to the property.
  - d. Natural features of the property subject to rezoning including: wetlands, floodplain, riparian areas, and water bodies (e.g., lakes, ponds, streams, whether continuous or seasonal) rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than 25 percent (25%).
  - e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas.
9. Proposed Development Plan describing in mapped form and/or text the existing and proposed physical improvements of the property and approximate locations of improvements.
10. Evidence that property taxes have been paid current.

**Section 5-202 Procedure For Map Amendment.**

- A. Director's Completeness Determination. All petitions for zoning map amendment shall be delivered to the Planning Director/County Designee. No petition for zoning map amendment shall be processed or scheduled for processing before the Planning Commission or the Board of County Commissioners unless the Planning Director/County Designee deems the petition complete and all required information and documentation is submitted to the Planning Director/County Designee.
- B. Planning Commission Review. Prior to approval of any proposed map amendment, the petition for amendment shall be submitted to the Planning Commission for review and consideration. For purpose of this section, the "date of submission" shall be the date of the presentation of the draft resolution to the Commission at a regular or special meeting of the Commission. The Planning Commission's review of the petition shall be conducted at a public hearing. Within sixty (60) days of the date of submission of the petition to the Commission, the Commission shall endeavor to render its recommendation to the BOCC. The Planning Commission's failure to render for approval or disapproval any recommendation to the BOCC within sixty (60) days of the date of submission of the proposed map amendment to the Commission may be deemed by the BOCC as a recommendation for approval of the proposed amendment by the Planning Commission.



1. Form of Notice.

- a. Required Notice. In accordance with Colorado Revised Statutes § 30-28-116, notice of public hearing for amendment of the Official Zoning Map shall be published in the official County newspaper or in a newspaper of general circulation within Park County at least fourteen (14) days before the date of the hearing.
- b. Additional Notice. The County shall provide additional notice of the proposed application and hearing by mailing and posting notice in accordance with this section.
- i. Mailing. A notice by mail shall be deposited in the United States Mail; first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or delivery to another comparable service should be made at least fourteen (14) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, mailing of notice, or invalidation of the hearing. Mailed notice shall be addressed to owners of Adjacent Property<sup>2</sup> as their names appear in the real property records of the Park County Assessor or Park County Clerk and Recorder. For purposes of determining addressees for mailed notice, the County may rely upon the ownership information provided by the Applicant as part of the application.
- ii. Posting. A notice by posting shall be made by the Planning Department's posting of a sign approved by the Planning Director/County Designee on or reasonably near the property that is subject to the hearing in a location that is reasonably determined by the County to provide the greatest degree of visibility to members of the public. In most instances, the posting shall be made along the primary traveled public right-of-way adjacent to or leading to the property. Posting should be initially made at least fourteen (14) days before the date of the hearing. At the outset of each hearing, the Planning Department should provide evidence of posting in accordance with this section to the Planning Commission or the Board of County Commissioners, as appropriate. Such evidence should be in the form of photographs showing the posted sign and a "posting log" or other written document evidencing the time, date, and location of the posting and the times and dates of the Planning Department's ongoing inspection and maintenance of the posted sign during the posting period prior to the hearing.

D. Board of County Commissioners Public Hearing. Before rendering a final decision on a petition for a map amendment, the Board of County Commissioners shall hold a public hearing on the petition. Notice of the public hearing shall be provided as follows:

1. Content of Notice. The notice of public hearing shall include the date, time, place,

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<sup>2</sup> See Article IV, Definitions, "Adjacent Property"

and general purpose of the hearing, and a general description of the property affected. The general description may be stated by: (a) a metes and bounds description; or (b) by lot and block of a recorded subdivision plat; or (c) by a reference to intersecting roads, compass directions relating the property to such intersection, and a statement of the approximate acreage involved. The Planning Department may include other information deemed appropriate by the Department to apprise the public of the general nature of the action proposed.

**Section 5-203 Standard for Approval of Map Amendment.**

- A. In considering any petition for amendment of the Official Zoning Map, the following standard shall govern. The applicant for the proposed amendment shall bear the burden of proof and the resolution approving the zoning map amendment shall be approved and adopted only if it is demonstrated by clear and convincing evidence presented during the public hearing that the following conditions or circumstances exist:
1. The property possesses geological, physical, and other environmental conditions that are compatible with the potential uses permitted in the proposed zone district; and
  2. The property has a reasonably certain right of permanent legal access permitting vehicular ingress and egress from the property to the public thoroughfare; and
  3. Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit; and
  4. The potential uses of the property within the proposed zone district are compatible with other properties within the immediately surrounding area; and
  5. And at least one of the following:
    - a. The rezoning, as proposed, is consistent with the advisory provisions of the Park County Strategic Master Plan; or
    - b. The rezoning, as proposed, is supported by circumstances and conditions within the immediate area which have changed since the adoption of the Park County Strategic Master Plan; or
    - c. The rezoning, as proposed, is to a Planned Unit Development and such PUD is consistent with provisions of the Park County Strategic Master Plan; or
    - d. The subject property was rezoned in error by the 1998 County-wide rezoning and, as presently zoned, is inconsistent with the Park County Strategic Master Plan and with the existing lawful use of the property.

- B. For applications to rezone property to Rural Center Mixed Use Zone (MU), see Article V, Section 5-306.
- C. Applications to rezone property to commercial shall be encouraged, especially in Rural Centers. This is not only reinforced by the Strategic Master Plan, but is also an important source of increased revenue to the County.

**Section 5-204            Conditions Upon Approval of Map Amendment.**

The Board of County Commissioners may impose reasonable conditions on the approval of any amendment of the Official Zoning Map where such conditions are necessary to ensure the continuing use of the property in conformance with the requirements of the zoning district and the requirements of these Land Use Regulations, or if such conditions are necessary in order to ensure that the proposed amendment will satisfy the criteria for approval required by Section 5-203.

**Section 5-205            Standards for Evaluation of Application to Rezone Property  
                                 Currently Zoned for Mining.**

In addition to the standards set forth in Section 5-203 above, in evaluating an application to rezone property currently zoned for mining, the Planning Department, the Planning Commission, and the Board of County Commissioners shall consider the following:

- A. The building envelope on the property must be at an elevation of not more than 11,500 feet.
- B. The patent, plat, field notes and connected sheets of the mining claim of the subject property and land status maps of property located within a one mile radius of the subject property's boundaries, all of which must be submitted with the application. (These documents may be obtained from the BLM Offices located at 2850 Youngfield Street, Lakewood, Colorado.)
- C. A copy of the U.S.G.S. quadrangle (topographic) map of the area with the subject property drawn on the map.
- D. The application must include a geo-technical report prepared by a qualified Geo-technical professional utilizing the information and guidelines contained in "*Guidelines and Criteria for Identification and Land Use Controls of Geological Hazard and Mineral Resource Areas*," Colorado Geological Survey Publication 6, or the updated version of this publication. The geo-technical report must be accompanied by a statement of the engineer's qualifications relative to geology, mine economics and geological hazards. At a minimum, this report must address the following information specific to the property in question, all of which shall be considered in evaluating an application:

1. The presence and extent of any geological hazards, including but not limited to, underground excavations on or adjacent to the subject property and radioactive or toxic materials and/or minerals.
  2. The presence of surface and subsurface minerals, including but not limited to, the types and amounts of minerals present and the viability of mineral extraction now and in the future.
  3. The extent of any previous mining activity at the property, referring to the information listed in paragraph C above.
- E. If the application for rezoning is approved, then the applicant may be required to record documentation prepared by the County Attorney disclosing the potential for geologic hazards at the property, assuming the risk associated with non-mining use of the property and indemnifying the County from all injury and claims resulting from said use of the property.
- F. The impact, if any, the rezoning would have on present and future operations of nearby mining operations.

## DIVISION 3            ZONE DISTRICT USE SCHEDULES

### Section 5-300            Use Regulations and Use Schedules.

- A.    Use Regulations Generally. Land and buildings in each district may be used for any of the principal or accessory land uses authorized in the regulations set forth for that district in this Division 3 and in these Land Use Regulations, but no land shall hereafter be used, and no building or structure shall hereafter be occupied, used, erected, placed, or converted that is arranged or designed to be used or used for other than those uses specified for the district in which it is located.
- B.    Use Classification. The use regulations of the zoning districts are based on the following use classification system.
1.    Classification of Uses. The use categories listed on the following Use Schedules shall be considered to uses permitted within Park County, with the exception of uses listed as “Conditional” or “Temporary” which shall require approval of the County prior to commencing such use in accordance with the applicable provisions of these Land Use Regulations. All existing and proposed uses shall be classified into the use category that most closely portrays the overall nature of such activity.
  2.    Schedule of Use. The Use Schedules contained in the Division summarize the use regulations of each zone district. In the event of any conflict between the Use Schedule and the text of the zoning district regulations, the text shall control. Uses that were *lawfully* established prior to the adoption of this Article, but that are inconsistent with the requirements of this Division, shall be permitted if such uses meet the requirements of Division 1 of Article IX, entitled Nonconforming Uses, Lots, and Structures. The Use Schedules shall be interpreted as follows:
    - a.    Permitted Uses. A use identified as a Permitted Use in a particular zone district shall be permitted as a use-by-right in such district, subject to compliance with all applicable conditions and provisions of this Article and any other applicable provision of these Land Use Regulations.
    - b.    Conditional Uses. A use identified as a Conditional Use in a particular zone district shall be permitted in such district and upon specific property only upon approval of a Conditional Use Permit by the Board of County Commissioners in accordance with the procedures and standards of Division 5 of this Article, entitled Conditional Uses. There is no presumption that a Conditional Use is compatible with other uses in the zone district or that such uses in the zone district or that such use must be approved in every instance for the zone district in which may be authorized. Approval of a Conditional Use Permit shall not be construed as an amendment of the Official Zoning Map, but shall be a permit authorizing the use conditioned upon full conformance of these Land Use Regulations and the conditions imposed upon such permit.
    - c.    Temporary Uses. A use identified as a Temporary Use in a particular zone district shall be permitted in such district only upon issuance of a Temporary Use Permit in accordance with the procedures and standards of Division 6 of this Article, entitled Temporary Use Permits. Approval of a temporary use permit shall not be construed as an amendment of the

Official Zoning Map, but shall be a permit authorizing the use conditioned upon full conformance of these Land Use Regulations and the conditions imposed upon such permit.

- d. Uses not identified or determined by the Planning Director/County Designee as reasonably similar to an authorized use in a particular district are not lawful or allowed in such district. Such uses shall be authorized only upon approval of a Planned Unit Development District.

**Section 5-301 Agricultural Zone District (A).**

- A. Purpose. The purpose of the Agricultural Zone District is to protect lands for uses consistent with agricultural and ranching characteristics.
- B. Special Note. Tracts zoned within the Agricultural Zone District that were divided into lots of less than 160 acres, but more than 35 acres prior to August 2, 1983 (Resolution No. 155), or tracts less than 35 acres created prior to June 1, 1972, are recognized as non-conforming and legal lots within the Agricultural Zone District for which building permits may be issued for the uses permitted in this Section.

**TABLE 5-301  
Schedule of Uses – Agricultural Zone District**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Agricultural & Ranching		X		
Accessory Uses:				
Employee Housing (2 Dwelling Units or Less)		X		
Employee Housing (3 Dwelling Units or More)			X	
Animal Sanctuary		X		
Aquaculture		X		
Bed & Breakfast			X	
Campground, Commercial	See Table Footnote 1		X	
Cemetery			X	
Church				
In-home		X		
Neighborhood Scale			X	
Community Waste Water System		X		
Construction Dwelling	See Section 5-705	X		
Conference & Retreat Facility			X	
County Facilities		X		
Craft Studio		X		
Crisis Center		X		
Day Care, Commercial			X	
Day Care, Home		X		
***Emergency Services Facility			X	
**Fraternal Organization			X	
Golf Course			X	
Group Home, Residential, on 160 Acre or Larger			X	
Greenhouse		X		
Group Home, Special, on 160 acre or Larger Lot			X	
Guest House		X		
Guest Ranch 160 acres or larger		X		
Guest Ranch less than 160 acres			X	
Kennel		X		
Landfill			X	

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Private Air Strip, Helipad (FAA Sanctioned)		X		
Professional Office		X		
Racetrack, Animals		X		
Racetrack, Motorized Vehicles			X	
***Recycling Facility			X	
Religious Center			X	
Religious Institution			X	
Riding Arena Indoor		X		
Outdoor		X		
Single Family Dwelling Unit & *Accessory Structures (see definition) on 160 Acres or Larger Lot		X		
Accessory Uses				
Home Occupation, Minor		X		
Home Occupation, Major			X	
Shooting Range			X	
Stable				
Private			X	
Commercial			X	
Indoor			X	
Telecommunication Facility		Special Use Permit Required See Division 9 of Article V		
***Transfer Station			X	
***Utility Facility				
County		X		
***Major			X	
Minor		X		
Veterinarian				
Small Animal		X		
Large Animal		X		

\*An accessory structure, regardless of primary structure, is permitted on parcels thirty-five (35) acres or larger.

**TABLE 5-301a  
New Lot Development Standards – Agricultural Zone District**

Standards	Maximum	Minimum
Lot Area	N/A	160 Acres
Lot Width	N/A	N/A
Floor Area Per Unit – Principal Structure		
Residential	N/A	**600 Square Feet
Non-Residential	N/A	N/A
Building Height	50 Feet	
Telecommunications Facility (Freestanding) Height	80 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		50 Feet
Side		50 Feet
Rear		50 Feet

\*\* A dwelling shall have a minimum footprint at grade level of six hundred (600) square feet.



Table Footnotes: \_\_\_\_\_

- 1 Commercial Campgrounds must provide for not fewer than 20 spaces and shall satisfy the requirements of Section 5-703
- 2 Mining Use and Oil & Gas Production Use shall be authorized only where the following conditions are met or satisfied:
  - A. On-Site Sewage Disposal: All on-site sewage disposal systems shall be sited, designed, and constructed in compliance with local and state health standards.
  - B. Hazardous Substances: All state and federal requirements for handling and storage of hazardous substances shall be satisfied.
  - C. Access to Public Roads: Access onto County roads require a permit from the County Road and Bridge Department, and onto State highways from the State Highway Department.
  - D. Signs: Signs shall comply with the performance standards of Division 8, Article V.
  - E. Noise: All mining uses shall demonstrate continuing compliance with any applicable state and federal noise standards.
  - F. Light, Glare: Any use that regularly directs excessive light, glare, or heat beyond the property line shall be prohibited.
  - G. Shielding: Welding equipment and similar sources of intense light shall be shielded from neighboring properties or public ways by enclosure in a building, location on the property, construction of a fence or wall, or a landscaped buffer.
  - H. Interference: Any use that creates electrical interference beyond the property line shall be prohibited. I. Solid Waste Storage: Solid waste shall be stored in an enclosed building or in bear-proof containers and handled in a manner that does not: (1) attract bears, rodents, flies, or other animals or pests; (2) generate odors, perceptible beyond the property boundaries; (3) create liquid runoff onto soil or off-site; and (4) permit the blowing of paper and other trash or waste.
  - I. Runoff. Construction or use that channels storm or melt water runoff in a manner that adversely impacts neighboring properties of public ways shall be prohibited.
  - K. Licenses and Permits. All uses shall be operated only in accordance with federal and state licensing and permitting requirements.

**Section 5-302 Agricultural Small Lot Zone District (A-35).**

- A. Purpose. The purpose of the Agricultural Small Lot Zone District is to protect lands for uses consistent with rural residential and smaller scale agricultural and ranching activities on lawfully recognized lots, which are smaller than 160 acres in size.

**TABLE 5-302  
Schedule of Uses – Agricultural Small Lot Zone District (A-35).**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Agricultural & Ranching		X		
Accessory Uses:				
Employee Housing (2 Dwelling Units or Less)		X		
Employee Housing (3 Dwelling Units or More)			X	
Aquaculture		X		
Bed & Breakfast			X	
Campground, Commercial	See Table Footnote 1 to Table 5-301		X	
Cemetery			X	
Church				
In-home		X		
Neighborhood Scale			X	
Community Center			X	
Community Waste Water System		X		
Construction Dwelling	See Section 5-705	X		
Conference & Retreat Facility			X	
County Facilities		X		
Craft Studio		X		
Crisis Center			X	
Day Care, Home		X		
***Emergency Services Facility			X	
**Fraternal Organization			X	
Golf Course			X	
Greenhouse		X		
Group Home, Residential			X	
Guest House		X		
Guest Ranch			X	
Kennel			X	
Nursery		X		
Oil and Gas Production	See Footnote 2 to Table 5-301		X	
Outdoor Event				X
**Outdoor Recreational Facility			X	
Petting Zoo		X		
Private Air Strip, Helipad (FAA Sanctioned)			X	
Professional Office		X		
Recreational Facility, Indoor			X	
Religious Institution			X	

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Racetrack, Animals		X		
Racetrack, Motorized Vehicles			X	
Riding Arena Indoor Outdoor		X X		
Single Family Dwelling Unit & *Accessory Structures (see definition) on 35 Acres or Larger Lot Accessory Uses Home Occupation, Minor Home Occupation, Major		X  X	  X	
Livestock		X		
Stable Private Indoor			X X	
***Utility Facility County ***Major Minor		X  X	  X	
Veterinarian Small Animal Large Animal		X X		

\*An accessory structure, regardless of primary structure, is permitted on parcels thirty-five (35) acres or larger.

**TABLE 5-302a**

**New Lot Development Standards – Agricultural Small Lot Zone District (A-35)**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	35 Acres
Lot Width	N/A	N/A
Floor Area Per Unit – Principal Structure		
Residential	N/A	**600 Square Feet
Non-Residential	N/A	N/A
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		50 Feet
Side		50 Feet
Rear		50 Feet

\*\*A dwelling shall have a minimum footprint at grade level of six hundred (600) square feet.

Table Footnotes:

1. Commercial Campgrounds must provide for not fewer than 20 spaces and shall satisfy the requirements of Section 5-703.
2. See Section 5-701 for standards and requirements for keeping of Domestic Animals, large and small livestock in the A-35 Zone District.
3. See Article IV, Section 4-200 for definition of camping.

**Section 5-303 Conservation/Recreation Zone District**

Purpose. The purpose of the Conservation/Recreation Zone District is to protect lands for uses consistent with agricultural, ranching, forestry, public recreation, and natural area. Only Federal, State or County owned lands may be zoned (CR).

**TABLE 5-303  
Schedule of Uses – Conservation/Recreation Zone District**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Agricultural and Ranching		X		
Campground, Commercial	See Table Footnote 1	X		
Cemetery		X		
Church, Neighborhood Scale			X	
Community Waste Water System		X		
Conference & Retreat Facility		X		
County Facilities		X		
Crisis Center			X	
***Emergency Services Facility			X	
**Fraternal Organization			X	
Golf Course		X		
Mining	See Table Footnote 2	X		
Oil and Gas Production	See Table Footnote 2	X		
Outdoor Event				X
Petting Zoo		X		
Recreational Facility, Indoor		X		
Recreational Facility, Outdoor		X		
Religious Institution			X	
Riding Arena Indoor Outdoor		X	X	
Shooting Range			X	
Stable Commercial Indoor		X X		
Telecommunication Facility		Special Use Permit Required, see Division 9 of Article V		
Utility Facility County ***Major Minor		X X	X	

Table Footnotes:

- Commercial Campgrounds must provide for not fewer than 20 spaces and shall satisfy the requirements of Section 5-703.
- Mining Use and Oil & Gas Production Use shall be authorized only where the following conditions are met or satisfied:

- A. On-Site Sewage Disposal: All on-site sewage disposal systems shall be sited, designed, and constructed in compliance with local and state health standards.
- B. Hazardous Substances: All state and federal requirements for handling and storage of hazardous substances shall be satisfied.
- C. Access to Public Roads: Access onto County roads require a permit from the County Road and Bridge Department, and onto State highways, from the State Highway Department.
- D. Signs: Signs shall comply with the performance standards of Division 8, Article V.
- E. Noise: All mining uses shall demonstrate continuing compliance with any applicable state and federal noise standards.
- F. Light, Glare: Any use that regularly directs excessive light, glare, or heat beyond the property line shall be prohibited.
- G. Shielding: Welding equipment and similar sources of intense light shall be shielded from neighboring properties or public ways by enclosure in a building, location on the property, construction of a fence or wall, or a landscaped buffer.
- H. Interference: Any use, which creates electrical interference beyond the property line, shall be prohibited.
- I. Solid Waste Storage: Solid waste shall be stored in an enclosed building or in bear-proof containers and handled in a manner that does not: (a) attract bears, rodents, flies, or other animals or pests; (2) generate odors, perceptible beyond the property boundaries; (3) create liquid runoff onto soil or off-site; and (4) permit the blowing of paper and other trash or waste.
- J. Runoff: Construction or use that channels storm or melt water runoff in a manner that adversely impacts neighboring properties or public ways shall be prohibited.
- K. Licenses and Permits. All uses shall be operated only in accordance with federal and state licensing and permitting requirements.

**TABLE 5-303a  
New Lot Development Standards – Conservation/Recreation Zone District**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	N/A
Lot Width	N/A	N/A
Building Height	40 Feet	
Telecommunications Facility (Freestanding) Height	80 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		50 Feet
Side		50 Feet
Rear		50 Feet

**Section 5-304 Residential Zone District (R).**

- A. Purpose. The purpose of the Residential Zone District is to accommodate higher density residential use in developed and developing areas, such as Rural Centers,<sup>3</sup> and to provide for residential neighborhoods comprised of detached, single-family dwellings at relatively low density.
- B. Special Notes.
1. The Residential Zone District is intended for application to areas designated as appropriate for more intensive or higher density residential development by the Park County Strategic Master Plan.
  2. It is the intent of Park County to encourage the orderly and logical expansion of recognized Rural Centers and to discourage the creation of higher density development in areas located outside of Rural Centers. In accordance with the Strategic Master Plan, the rezoning of property to the Residential Zone District is unlikely to be authorized by the Board of County Commissioners within areas outside of Rural Centers.
  3. Nothing in this Section is intended to prevent the Board of County Commissioners from expanding existing Rural Centers or creating new areas designated as Rural Centers. Similarly, it is not the intent of this Section to prohibit a person from applying for a rezoning or from seeking the expansion or creation of a Rural Center.
  4. See Section 5-701 for standards and requirements for keeping of Domestic Animals, large and small livestock in the Residential Zone District.
  5. Owners of Residential zoned property where the mineral rights have been severed from the property should be aware that mining activity may possibly be permitted by the owner of the mineral rights.

**TABLE 5-304  
Schedule of Uses – Residential Zone District**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Bed & Breakfast			X	
Church In-home Neighborhood Scale		X	X	
Community Center			X	
Community Waste Water System		X		
Construction Dwelling	See Section 5-705	X		
County Facility			X	
Craft Studio		X		
Crisis Center			X	
Day Care, Home		X		
Dwelling Units, Duplex	See Table Footnote 6		X	

<sup>3</sup> See Division 4 of this Article V for Rural Center Overlay Areas.

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
**Educational Facility, Primary		X		
**Educational Facility, Secondary (or Primary and Secondary)			X	
**Educational Facility, Post-Secondary			X	
**Educational Facility, Trade/Business School			X	
**Emergency Services Facility			X	
Golf Course			X	
Group Home, Residential			X	
Guest House			X	
Model Home (associated with 25 lot or larger Subdivision)				X
Professional Office			X	
Religious Institution			X	
Single Family Dwelling Unit & Accessory Structures (Not more than 2 Accessory Structures)	See Table Footnote 5	X		
Home Occupation, Minor		X		
Home Occupation, Major Livestock	See Table Footnote 1	X	X	

**Park County Land Use Regulations**

**\*\*\* As Amended 04/19/06**

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**TABLE 5-304a**  
**New Lot Development Standards – Residential Zone District**  
**Outside Any Rural Center Area**

Standards	Maximum	Minimum
Lot Area		
75% of Lot 20% Slope or Less	N/A	8 Acres
75% of Lot 20% to 30% Slope	N/A	10 Acres
75% of Lot Greater than 30% Slope	N/A	15 Acres
Lot Width	N/A	50 Feet
Floor Area Per Unit – Principal Structure		
Residential	N/A	*600 Square Feet
Non-Residential	N/A	N/A
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

\*A dwelling shall have a minimum footprint at grade level of six hundred (600) square feet.

**TABLE 5-304b**  
**New Lot Development Standards – Residential Zone District**

**Alma Periphery Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304c**  
**New Lot Development Standards – Residential Zone District**

**Bailey Rural Center**

Standards	Maximum	Minimum
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one eighth (1/8) acre
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>4</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		10 Feet
Front: Adjacent to All Other Roads		5 Feet
Side		5 Feet
Rear		5 Feet

Footnote #6     In the Bailey Rural Center, accessory structure limits shall be a maximum of four (4) plus one (1) additional per ¼ acre.

**TABLE 5-304d**  
**New Lot Development Standards – Residential Zone District**  
**Como Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304e**  
**New Lot Development Standards – Residential Zone District**

**Crow Hill Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304f**  
**New Lot Development Standards - Residential Zone District**  
**Fairplay Periphery Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304g**  
**New Lot Development Standards – Residential Zone District**

**Grant Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304h**  
**New Lot Development Standards – Residential Zone District**

**Guffey Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	30 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		15 Feet
Rear		15 Feet



**TABLE 5-304i**  
**New Lot Development Standards – Residential Zone District**  
**Hartsel Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304j  
New Lot Development Standards – Residential Zone District**

**Jefferson Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304k**  
**New Lot Development Standards – Residential Zone District**

**Lake George Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304I**  
**New Lot Development Standards – Residential Zone District**

**Pine Junction Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-304m  
New Lot Development Standards – Residential Zone District**

**Shawnee Rural Center**

Standards	Maximum	Minimum
Lot Area		Dependent upon Water/Centralized Sewer Requirements, but not smaller than one (1) acre
Lot Width	N/A	50 Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**Table Footnotes:**

- 1 Livestock in Residential (R) Zone District. See Article V, Section 5-701, Animal Regulations for Standards and Requirements for Keeping Domestic Animals, Large and Small Livestock in (R) Zone District.
- 2 Property zoned within both a Rural Center and the Residential Zone District shall require a well and septic system layout service plan depicting both the spacing and method of providing water and wastewater services to each lot. The rezoning of property within a Rural Center to the Residential Zone District shall require such layout and service plan as a condition of approval of any rezoning and conformance with such layout plan shall be a condition of approval of such rezoning. Amendment of a layout and service plan approved as a condition of any rezoning may only be approved by the processing of an application for rezoning of the property.
- 3 New residential lots created after August 28, 2003 and less than 20 acres, large livestock is not permitted.
- 4 In the Bailey Rural Center, accessory structure limits shall be a maximum of four (4) plus one (1) additional per one quarter (1/4) acre.
- 5 Single family dwelling unit or duplex is permitted, but not both.

**Section 5-305**

**Mountain Residential Zone District (MR).**

Purpose. The purpose of the Mountain Residential Zone District is to accommodate residential use in certain mountain areas and to provide for neighborhoods comprised of detached single family dwellings, with standards, similar to those in the Residential (R) Zoned District, but providing for certain additional and varying standards.

**TABLE 5-305  
Schedule of Uses – Mountain Residential Zone District (MR)**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Church In-home Neighborhood Scale		X		
Community Center	Definition Article IV		X	
Community Waste Water System		X		
Construction Dwelling	See Section 5-705	X		
County Facilities		X		
Craft Studio		X		
Crisis Center			X	
Day Care, Home		X		
Dwelling Units, Duplex	See Table Footnote 2	X		
**Educational Facility, Primary		X		
**Educational Facility, Secondary (or Primary and Secondary)			X	
**Educational Facility, Post-Secondary			X	
**Educational Facility, Trade/Business School			X	
**Emergency Services Facility			X	
**Fraternal Organization			X	
Golf Course			X	
Group Home, Residential			X	
Guest House			X	
Model Home (associated with 25 lot or larger Subdivision)				X
Petting Zoo			X	
Professional Office			X	
Recreational Facility, Indoor			X	
Recreational Facility, Outdoor			X	
Religious Institution			X	
Riding Arena Indoor Outdoor		X	X	
Single Family Dwelling Unit & Accessory Structures Home Occupation, Major Home Occupation, Minor Livestock (Horses Only)	Definition Article IV  See Table Footnote 1	X  X X	X	
Stable, Private or Indoor		X		
Utility Facility, County or Minor		X		

**Park County Land Use Regulations**

**\*\* As Amended 04/19/06**

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**TABLE 5-305a  
New Lot Development Standards – Mountain Residential Zone District (MR)**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	10 Acres
Density		
Lot Width	N/A	
Floor Area Per Unit – Principal Structure		
Residential	N/A	*600 Square Feet
Non-Residential	N/A	N/A
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		50 Feet
Side		50 Feet
Rear		50 Feet

\*A dwelling shall have a minimum foot print at grade level of six hundred (600) square feet.

**Table Footnotes:**

- 1 Livestock in Mountain Residential (MR) Zone District. No Livestock, other than horses and 4-H project animals, shall be permitted to be raised, pastured, quartered, or otherwise maintained within the Mountain Residential (MR) Zone District. Subsequent properties are subject to compliance of the following regulations:
  - A. The minimum area of open lot space area not having structures/buildings shall be 20,000 square feet for the keeping of one horse, and the total number of horses that may be kept shall not exceed one horse for each additional 20,000 square feet of a Lot that is not devoted to structures.
  - B. All horses shall be kept corralled within a fenced area, suitable to manage and prevent escape of the animal, consisting of materials such as rails, pipes, boards, or chain link fabric. The use of barbed wire is prohibited for fencing corral areas for horses. Barbed wire may be used in outer perimeter fences to exclude cattle pursuant to Colorado Fence Law Colorado Revised Statutes §35-46-101 through Colorado Revised Statutes §35-46-114.
  - C. All corrals, stalls, and barns shall be located at least one hundred (100) feet from any dwelling unit or water supply source.
  - D. Temporary storage of manure or odor or dust producing material shall be located at least one hundred (100) feet from any dwelling unit.
  - E. All corrals, stalls, and barns shall be routinely cleared of waste products, which shall be removed from the property to prevent unsightliness and potential health hazards.
  - F. See Section 5-701 for standards and requirements for keeping Domestic Animals, large and small livestock in Mountain Residential District.
- 2 A single family-dwelling unit or duplex is permitted, but not both.

**Section 5-306**

**Rural Center Mixed Use (MU).**

Purpose. The purpose of the Rural Center Mixed Use Zone District (MU) is to accommodate a mix of residential and small scale commercial and office uses in keeping with the historic use of the unincorporated Rural Centers. Rural Centers are defined in Section 5-400. The Rural Center Residential Zone District is restricted to application within identified Rural Center Overlay areas as identified in Division 4 of this Article 5.

Rural Center Mixed Use Zone District is a new zoning classification, which reflects the historic use of considerations afforded areas such as Guffey. ALL PROPERTY PREVIOUSLY ZONED AS GUFFEY ZONE DISTRICT IS HEREBY AUTOMATICALLY REZONED AS Rural Center Mixed Use Zone District. Individuals, who own property located within other Rural Center Overlay areas, may apply to rezone their property as MU. In considering such rezoning applications, the Planning Commission and Board of County Commissioners shall examine the use designations indicated on the Rural Center Overlay Maps where the subject property is located.

**TABLE 5-306  
Schedule of Uses – Rural Center Mixed Use Zone District (MU)**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Apartments and/or Condominiums			X	
Bar/Restaurant		X		
Bed & Breakfast	See Table Footnote 2	X		
Church In-home Neighborhood Scale		X	X	
Community Center	Definition Article IV		X	
Community Waste Water System		X		
Construction Dwelling	See Section 5-705	X		
County Facilities		X		
Craft Studio		X		
Crisis Center		X		
Day Care, Home		X		
Dwelling Units Single Family Duplex Multi-family		X X X		
**Educational Facility, Primary		X		
**Educational Facility, Secondary (or Primary and Secondary)			X	
**Educational Facility, Post-Secondary			X	
**Educational Facility, Trade/Business School			X	
**Emergency Services Facility			X	
**Fraternal Organization			X	
Gas Station		X		
Group Home, Residential			X	
Health Clinic		X		
Professional Office		X		
Religious Center		X		
Religious Institution		X		
Retail Store	See Table Footnote 1	X		

**Park Land Use Regulations**

**\*\*\*As Amended 04/19/06**

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Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Shooting Range, Indoor			X	
Storage Structures		X		
**Mixed Use of Single Lot for one or more Dwelling units and one or more Professional Offices or Retail Stores, provided that these uses are contained within one Principal Building		X		
Utility Facility, County		X		
Utility Facility, Minor		X		
Vehicle Repair Service		X		
Vehicle Service Station		X		

**Park County Land Use Regulations**

**\*\*As Amended 10/24/05**

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**TABLE 5-306a  
New Lot Development Standards – Rural Center Mixed Use Zone District**

**Alma Periphery Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	Lot area dependent upon water and centralized sewer requirements, but not smaller than one quarter (1/4) acre. See Footnote 3.	
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306b**  
**New Lot Development Standards – Rural Center Mixed Zone District**  
**Bailey Rural Center**

Standards	Maximum	Minimum
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one eighth (1/8) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		10 Feet
Front: Adjacent to All Other Roads		5 Feet
Side		0 Feet
Rear		5 Feet

**TABLE 5-306c**  
**New Lot Development Standards – Rural Center Mixed Zone District**  
**Como Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	30 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306d**  
**New Lot Development Standards – Rural Center Mixed Zone District**  
**Crow Hill Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306e  
New Lot Development Standards – Rural Center Mixed Zone District**

**Fairplay Periphery Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306f**  
**New Lot Development Standards – Rural Center Mixed Zone District**  
**Grant Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306g  
New Lot Development Standards – Rural Center Mixed Zone District**

**Guffey Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than twenty-one thousand (21,000) square feet. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	30 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		15 Feet
Side		15 Feet
Rear		15 Feet



**TABLE 5-306h**  
**New Lot Development Standards – Rural Center Mixed Zone District**  
**Hartsel Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306i  
New Lot Development Standards – Rural Center Mixed Zone District**

**Jefferson Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306j  
New Lot Development Standards – Rural Center Mixed Zone District**

**Lake George Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306k**  
**New Lot Development Standards – Rural Center Mixed Zone District**

**Pine Junction Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

**TABLE 5-306I  
New Lot Development Standards – Rural Center Mixed Zone District**

**Shawnee Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area		One (1) acre or smaller will require central water and/or central sewer, but not smaller than one quarter (1/4) acre. See Footnote 3
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

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Table Footnotes:

- 1 Retail Store shall not include or permit:
  - A. Slaughterhouses
- 2 See Section 5-701 for standards and requirements for keeping of Domestic Animals, large and small livestock in the Mixed Use Zone District.
- 3 Property zoned within the Rural Center Zone District shall require a service system layout plan depicting both the spacing and method of providing water and wastewater services to each lot. The rezoning of property to the Residential Zone District shall require such layout and service plan as shall be a condition of approval of such rezoning. Amendment of a layout and service plan approved as a condition of any rezoning may only be approved by the processing of an application for rezoning of the property.
- 4 Erosion control measures shall be required for construction within fifty (50) feet of Watercourses.
- 5 Any rural center to be rezoned to mixed use will comply with the following: Existing businesses not on the chart above for permitted or conditional use permits shall be considered non-conforming, but permitted in the Mixed Use Zone District.

**Section 5-307 Residential Estate Zone District (R-20).**

Purpose. The purpose of the Residential Estate (R-20) Zone District is to protect lands for uses consistent with rural and low density residential uses accompanied, where conducted appropriately, by the keeping of livestock and smaller scale agricultural operations.

**TABLE 5-307  
Schedule of Uses- Residential Estate (R-20)**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Agriculture & Ranching (small scale)		X		
Aquaculture		X		
Bed & Breakfast			X	
Church In-home Neighborhood Scale		X	X	
Community Center			X	
Community Waste Water System		X		
Construction Dwelling	See Section 5-705	X		
County Facilities		X		
Craft Studio		X		
Crisis Center			X	
Day Care, Home		X		
Dwelling Units, Duplex	See Table Footnote 3	X		
***Emergency Services Facility			X	
**Fraternal Organization			X	
Greenhouse		X		
Group Home, Residential			X	
Guest House		X		
Model Home (associated with 25 lot or larger Subdivision)			X	X
Professional Office			X	
Recreational Facility, Indoor			X	
Religious Institution			X	
Riding Arena Indoor Outdoor		X	X	
Single Family Dwelling Unit & *Accessory Structures (see definition)	See Table Footnote 3	X		
Home Occupation, Major			X	
Home Occupation, Minor		X		
Livestock	See Table Footnotes 1,2, & 4	X		
Stable, Private or Indoor		X		
Utility Facility County ***Major Minot		X	X	

\* An accessory structure, regardless of primary structure is permitted on parcels thirty-five (35) acres or larger.

**TABLE 5-307a  
New Lot Development Standards – Residential Estate Zone District**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	20 Acres
Density	1 Unit/20 Acres Except Where Permitted as Cluster with Density Bonus See Section 5-401	
Lot Width	N/A	75 Feet
Floor Area Per Unit – Principal Structure		**600 Square Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

\*\*A dwelling shall have a minimum foot print at grade level of six hundred (600) square feet.

Table Footnotes:

- 1 See Section 5-701 for standards and requirements for keeping of Livestock in Residential Estate (R-20) Zone District.
- 2 Barbed wire may be used in outer perimeter fences to exclude cattle pursuant to Colorado fence law Colorado Revised Statutes §35-46-101 through Colorado Revised Statutes §35-46-114.
- 3 A single family dwelling or duplex is permitted, but not both.
- 4 See Section 5-701 for standards and requirements for keeping of Domestic Animals, large and small livestock in the Residential Estate Zone Districts.
- 5 See Article IV, Section 4-200 for definition of camping.



**Section 5-308**

**Residential Ranch Zone District (R-35).**

Purpose. The purpose of the Residential Ranch Zone District is to protect larger tracts of lands for residential use with smaller and accessory ranch or agricultural operations. This zone district is intended to be limited in its application to properties that were subdivided by the County or lawfully divided in accordance with the state statutory exemption for thirty-five (35) acre or larger tracts without County approval, but which also have established, reasonable, and safe access via publicly accessible roads conforming to applicable County road standards.

**TABLE 3-508  
Schedule of Uses – Residential Ranch Zone District (R-35)**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Agriculture & Ranching		X		
Aquaculture		X		
Bed & Breakfast			X	
Church In-home Neighborhood Scale		X	X	
Community Center			X	
Community Waste Water System		X		
Construction Dwelling	See Section 5-705	X		
County Facilities		X		
Craft Studio		X		
Crisis Center			X	
Day Care, Home		X		
Dwelling Units, Duplex	See Table Footnote 3	X		
***Emergency Services Facility			X	
**Fraternal Organization			X	
Greenhouse		X		
Group Home, Residential		X		
Guest House		X		
Petting Zoo		X		
Professional Office		X		
Recreational Facility, Indoor			X	
Recreational Facility, Outdoor			X	
Religious Institution			X	
Riding Arena Indoor Outdoor		X	X	
Single Family Dwelling Unit & *Accessory Structures (see definition)	See Footnote 2	X		
Home Occupation, Major			X	
Home Occupation, Minor		X		
Livestock	See Footnotes 1 & 3	X		
Stable, Private or Indoor		X		
Utility Facility County ***Major Minot		X	X	
		X		

\* An accessory structure regardless of primary structure, is permitted on parcels thirty-five (35) acres or larger.

**TABLE 3-508a  
New Lot Development Standards – Residential Ranch Zone District**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	35 Acres
Density	1 Unit/35 Acres Except Where Permitted as Cluster with Density Bonus See Section 5-401	
Lot Width	N/A	100 Feet
Floor Area Per Unit – Principal Structure		**600 Square Feet
Building Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

\*\*A dwelling shall have a minimum foot print at grade level of six hundred (600) square feet.

Table Footnotes

- 1 Barbed wire may be used in outer perimeter fences to exclude cattle pursuant to Colorado fence law Colorado Revised Statutes §35-46-101 through Colorado Revised Statutes §35-46-114.
- 2 A single family dwelling unit or duplex is permitted, but not both.
- 3 See Section 5-701 for standards and requirements for keeping of Domestic animals, large and small livestock in the Residential Ranch Zone District.
- 4 See Article IV, Section 4-200 for definition of camping.

**Section 5-309 Commercial Zone District (C).**

- A. Purpose. The Commercial Zone District is to provide for commercial and service business in developed or developing areas, such as Rural Centers.<sup>4</sup>
- B. Special Notes:
1. The Commercial Zone District is intended for application to areas designated as appropriate for commercial and business development by the Park County Strategic Master Plan.
  2. It is the intent of Park County to encourage the orderly and logical expansion of recognized Rural Centers and to discourage the creation of higher density development in areas located outside of Rural Centers. In accordance with Strategic Master Plan, the rezoning of property to the Commercial Zone District is unlikely to be authorized by the Board of County Commissioners within areas outside of the Rural Centers.
  3. Nothing in this Section is intended to prevent the Board of County Commissioners from expanding or otherwise changing existing Rural Centers or creating new areas designated as Rural Centers. Similarly, it is not the intent of this Section to prohibit a person from applying for a rezoning or from seeking the expansion or creation of a growth center.

**TABLE 5-309  
Schedule of Uses – Commercial Zone District**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Amusement Center		X		
Bar		X		
Bed & Breakfast			X	
Church				
In-home		X		
Neighborhood Scale		X		
Community Waste Water System		X		
County Facilities		X		
Crisis Center		X		
Day Care Commercial		X		
Day Care, Home (in existing Nonconforming Single Family Residential Dwelling Unit)		X		
Dwelling Unit, Duplex, Individual, Multi-Family (Must be secondary to commercial business)		X		
**Educational Facility, Trade/Business School			X	
***Emergency Services Facility			X	
**Fraternal Organization			X	
Group Home, Special			X	

<sup>4</sup> See Division 4 of this Article V for Rural Center Overlay Areas.

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Home Occupation (in existing Nonconforming Single Family Residential Dwelling Unit)				
Major		X		
Minor		X		
Homeless Shelter			X	
Hospital		X		
Hotel or Motel		X		
Kennel			X	
Light Manufacturing (Industrial)		X		
Mortuary, Funeral Home		X		
Nursery		X		
Outdoor Event				X
Park and Ride		X		
Personal Services		X		
Petting Zoo			X	
Private Club		X		
Professional Office		X		
Racetrack				
Animals		X		
Motorized Vehicles		X		
Recreational Facility				
Indoor		X		
Outdoor		X		
Recycling Facility			X	
Refurbishing		X		
Religious Center		X		
Religious Institution		X		
Retail Store		X		
Restaurant		X		
Salvage Yard			X	
Sexually Oriented Business			X	
Shooting Range, Indoor			X	
Storage Units, Rental		X		
Taxi Cab Service		X		
Telecommunication Facility	Special Use Permit Required. See Division 9 of Article V			
Utility Facility				
County		X		
Major			X	
Minor		X		
Vehicle Body Repair			X	
Vehicle Center			X	
Vehicle Gas Station		X		
Vehicle Repair Service		X		
Vehicle Sales		X		
Vehicle Storage Yard		X		
Veterinarian				
Small Animal		X		
Large Animal		X		
Warehouse		X		

**TABLE 5-309a**  
**New Lot Development Standards – Commercial Zone District**  
**Outside Any Rural Center Area**

Standards	Maximum	Minimum
Lot Area		One (1) acre or smaller will require central water and/or central sewer.
75% of Lot 20% Slope or Less	N/A	8 Acres
75% of Lot 20% to 30% Slope	N/A	10 Acres
75% of Lot Greater than 30% Slope	N/A	15 Acres

Table Footnotes:

- 1 Erosion Control measures shall be required for construction within fifty (50) feet of a Watercourse.
- 2 Minimum one (1) acre lot size within the rural center with zero (0) foot side yard setbacks and twenty-five (25) foot for the front and rear setbacks.
- 3 If there is central water/sewer than there is no minimum lot size, but must meet all setback and parking requirements.
- 4 Minimum eight (8) acres outside rural centers.
- 5 See Article IV, Section 4-200 for definition of camping.

**TABLE 5-309b**  
**New Lot Development Standards – Commercial Zone District**

**Alma Periphery Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**TABLE 5-309c**  
**New Lot Development Standards – Commercial Zone District**

**Bailey Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer, but not smaller than one eighth (1/8) acre
Lot Width	N/A	50 Feet
Building Height	40 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		10 Feet
Front: Adjacent to All Other Roads		5 Feet
Side		0 Feet
Rear		5 Feet

**TABLE 309d**  
**New Lot Standards – Commercial Zone District**  
**Como Rural Center Area**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet



**TABLE 5-309e**  
**New Lot Development Standards – Commercial Zone District**

**Crow Hill Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	15 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**TABLE 5-309f**  
**New Lot Development Standards – Commercial Zone District**

**Fairplay Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**TABLE 5-309g**  
**New Lot Development Standards – Commercial Zone District**  
**Grant Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**TABLE 5-309h**  
**New Lot Development Standards – Commercial Zone District**

**Guffey Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	30 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		15 Feet
Side		15 Feet
Rear		15 Feet

**TABLE 5-309i**  
**New Lot Development Standards – Commercial Zone District**  
**Hartsel Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**TABLE 5-309j**  
**New Lot Development Standards – Commercial Zone District**  
**Jefferson Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**TABLE 5-309k**  
**New Lot Development Standards – Commercial Zone District**  
**Lake George Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**TABLE 5-309I**  
**New Lot Development Standards – Commercial Zone District**  
**Pine Junction Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	One (1) acre or smaller will require central water and/or central sewer
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet



**TABLE 5-309m**  
**New Lot Development Standards – Commercial Zone District**  
**Shawnee Rural Center**

<b>Standards</b>	<b>Maximum</b>	<b>Minimum</b>
Lot Area	N/A	Dependent Upon Water/Centralized Sewer Requirements, but not smaller than one (1) acre
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet <sup>1</sup>
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**Section 5-310 Industrial Zone District (I).**

- A. Purpose. This zoning district is created for the purpose of regulating lands for industrial uses.
- B. Special Notes:
1. The Industrial Zone District is intended for application to areas designated as appropriate for commercial and industrial development by the Park County Strategic Master Plan.
  2. It is the intent of Park County to encourage the orderly and logical expansion of recognized Rural Centers<sup>6</sup> and to discourage the creation of higher density development in areas located outside of Rural Centers. In accordance with Strategic Master Plan, the rezoning or property to the Industrial Zone District is unlikely to be authorized by the Board of County Commissioners within areas outside of the Rural Centers.
  3. Nothing in this Section is intended to prevent the Board of County Commissioners from expanding or otherwise changing existing Rural Centers or creating new areas designated as Rural Centers. Similarly, it is not the intent of this Section to prohibit a person from applying for a rezoning or from seeking the expansion or creation of a growth center.

**TABLE 5-310  
Schedule of Uses – Industrial Zone District**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Community Waste Water System		X		
Crisis Center		X		
**Educational Facility, Trade/Business School			X	
***Emergency Services Facility			X	
**Fraternal Organization			X	
Group Home, Special			X	
Industrial Heavy Light		X	X	
Jail			X	
Landfill			X	
Mortuary, Funeral Home			X	
Oil and Gas Production		X		
Park & Ride			X	
Pipeline, Gas or Slurry			X	
Recycling Facility			X	
Refurbishing		X		
Salvage Yard		X		
Shooting Range, Indoor		X		
Telecommunication Facility	Special Use Permit Required. See division 9 of Article V			

<sup>6</sup> See Division 4 of this Article V for Rural Center Overlay Areas

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
***Utility Facility County		X		
***Major Minor		X	X	
Vehicle Body Repair		X		
Vehicle Center		X		
Vehicle Gas Station		X		
Vehicle Repair Service		X		
Vehicle Sales		X		
Vehicle Storage Yard		X		
Warehouse		X		

**TABLE 5-310a  
New Lot Development Standards – Industrial Zone District**

Standards	Maximum	Minimum
Lot Area	N/A	½ Acre
Lot Width	N/A	50 Feet
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		5 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		0 Feet
Rear		25 Feet

**Schedule 5-311 Mining Zone District (M).**

Purpose. This zoning district is created for the purpose of protecting lands for the extraction of mineral deposits. Limited residential use is permitted only where the owner of such use recognizes and understands that the residential character of the property may be adversely impacted by the predominant mining use.

**TABLE 5-311  
Schedule of Uses – Mining Zone District**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Agriculture & Ranching		X		
Antique Shop	See Table Footnote 4		X	
Bed & Breakfast	See Table Footnote 4		X	
***Emergency Services Facility			X	
**Fraternal Organization			X	
**Heavy Industrial, Mining Related	See Table Footnote 5		X	
Mining Use	See Table Footnote 1	X	X	
Museum	See Table Footnote 4		X	
Oil and Gas Production	See Table Footnote 1	X		
Onsite Processing of Minerals		X		
Residential Dwelling Occupied Only by Not More than Three (3) Families of On-Site Caretaker(s) or On-Site Operator(s) of Active Mining or Oil & Gas Production		X		
Single Family Dwelling Unit (Not Related to Mining or Oil & Gas Production)	See Footnotes 2 & 4		X	
Telecommunication Facility	Special Use Permit Required. See division 9 of Article V			
***Utility Facility				
County		X		
***Major			X	
Minor		X		

**TABLE 5-311a**  
**New Lot Development Standards – Mining Zone District (M)**

Standards	Maximum	Minimum
Lot Area Residential Use (See Table Footnote 3) Non-Residential Use		3 Acres None
Lot Width		None
Floor Area Per Unit – Principal Structure		
Building Height Non-Residential Residential Use (See Table Footnote 2) Telecommunication Facility (Freestanding)	65 Feet 35 Feet 80 Feet	
Setbacks – Principal & Accessory Structures For Any Property Line Adjacent to Another Mining (M) Zone District For Any Property Line Adjacent to a Zone District other Than Mining (M) Zone District		None 50 Feet
Setbacks – Earth Disturbance and Extraction Activity For Any Property Line Adjacent to Another Mining (M) Zone District For Any Property Line Adjacent to a Zone District other Than Mining (M) Zone District		None 50 Feet
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet

Table Footnotes:

- 1 Mining Use and Oil & Gas Production Use shall be authorized only where the following conditions are met or satisfied:
  - A. On-Site Sewage Disposal: All on-site sewage disposal systems shall be sited, designed, and constructed in compliance with local and state health standards.
  - B. Hazardous Substances: All state and federal requirements for handling and storage of hazardous substances shall be satisfied.
  - C. Access to Public Roads: Access onto County roads require a permit from the County Road and Bridge Department, and onto State highways, from the State Highway Department.
  - D. Signs: Signs shall comply with the performance standards of Division 8, Article V.
  - E. Noise: All mining uses shall demonstrate continuing compliance with any applicable state and federal noise standards.
  - F. Light, Glare: Any use that regularly directs excessive light, glare, or heat beyond the property line shall be prohibited.
  - G. Shielding: Welding equipment and similar sources of intense light shall be shielded from neighboring properties or public way by enclosure in a building, location on the property, construction of a fence or wall, or a landscaped buffer.
  - H. Interference: Any use that creates electrical interference beyond the property line shall be prohibited.

- I. Solid Waste Storage: Solid waste shall be stored in an enclosed building or in bear-proof containers and handled in a manner that does not: (1) attract bears, rodents, flies, or other animals or pests; (2) generate odors, perceptible beyond the property boundaries; (3) create liquid runoff onto soil or off-site; and (4) permit the blowing of paper and other trash or waste.
  - J. Runoff: Construction or use that channels storm or melt water runoff in a manner that adversely impacts neighboring properties or public ways shall be prohibited.
  - K. Permits and Licenses. All uses shall be operated only in accordance with federal and state licensing and permitting requirements.
- 2 All applications for a Conditional Use Permit for Single Family Dwelling (not related to mining or oil and gas production) shall meet all of the following requirements:
- A. All applications shall conform to the Conditional Use Permit requirements stated in Division 5 of Article 5.
  - B. All applications, including the required geo-technical report, shall be forwarded to the Colorado Geological Survey for a review and evaluation of the proposed use and site constraints. The applicant shall pay all costs assessed or charged by the Colorado Geological Survey for the review and processing of the application. Within fifteen (15) days following the County's receipt of a report from the Colorado Geological Survey, the applicant shall submit a written response to the Planning Director/County Designee addressing in detail the applicant's proposed methods for mitigating any hazards or concerns identified by the Colorado Geological Survey. Applicants are strongly encouraged to adopt and employ all mitigation measures recommended by the Colorado Geological Survey. No application shall be deemed complete and no review of the application by the County shall be initiated until an evaluation and report from the Colorado Geological Survey is received by the County, the applicant has paid all fees associated with such review by the Colorado Geological Survey, and the applicant has submitted its response to the Planning Director/County Designee as required by this paragraph.
  - C. Applicants shall submit a report addressing the absence or presence of commercially valuable mineral resources on the proposed site and adjacent sites as part of the application. The applicant bears the burden of establishing that the proposed residential use does not conflict or interfere with the mining of mineral resources located within the property described in the application or within adjacent properties.
  - D. Single Family Dwelling Unit (Not Related to Mining or Oil and Gas Production) shall be deemed incompatible with the purpose and intent of the Mining Zone District and no Conditional Use Permit shall be granted by the County unless the applicant establishes by competent and sufficient evidence presented to the County that:
    - i The residential use meets all review standards for Conditional Uses contained in Division 4 of Article III of the Park County Land Use Regulations; and
    - ii The proposed residential use on the site will not present a hazard to the occupants of the residential structure or that all hazards identified for the site are or will be mitigated by the applicant; and
    - iii The proposed residential use will not conflict or interfere with the mining of mineral resources located within the property described in the application for conditional use or on adjacent properties; and

- iv The proposed residential use will not interfere with or impair historical access to adjacent uses, properties, or mining claims; and
  - v The Applicant has delivered to the County a signed and notarized certification that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Colorado Revised Statutes §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B.
- E. The County shall record a copy of each approved Conditional Use Permit with the Clerk and Recorder's Office for Park County. Each permit shall contain such information deemed necessary or desirable by the County including, but not limited to, a standardized notice that the property for which the Conditional Use Permit is granted is located within the Mining Zone District for Park County, Colorado. Such permit shall place interested persons on notice that the Mining Zone District is, in part, intended to permit the extraction, transportation, processing and heavy industrial activities associated with the mining of mineral resources and that the property described in the permit may be subject to impacts related to such industrial and mining uses including, but not limited to noise, dust, vibration, truck and heavy equipment traffic, and that such impacts may be generated by properties in close proximity to the property described in the permit.
- 3. Residential Use includes Single Family Dwelling Unit and any residential use for Caretakers or Operators.
  - 4. Application for Conditional Use Permit may be denied if existing hazardous conditions create a substantial safety concern for anticipated visitors to the property.
  - 5. \*\*Heavy Industrial uses that are clearly associated with and subordinate to mining activities, such as asphalt and concrete plants, are allowed as a conditional use within the Mining zone district.
  - 6. \*\*See Section 5-701 for standards and requirements for keeping of Domestic Animals and Large and Small Livestock in the Mining zone district.

**Section 5-312 Recreational Vehicle Park and Campground Zone District (RVC).**

- A. Purpose. The purpose of the Recreational Vehicle Park and Campground Zone District is to allow for the development of tourist serving campgrounds in locations consistent with the Park County Strategic Master Plan and with appropriate safeguards for the protection of campground users, the environment, Park County residents, and other visitors.
- B. Special Note: The Recreational Vehicle Park and Campground Zone District (RVC) is intended for application only to properties with the following characteristics or qualities:
  - 1. Sites shall be level and well drained, free from steep topographical or geological hazard or areas or other conditions unfavorable to proper enjoyment by users.
  - 2. Adequate water supply and satisfactory means of sewage and trash disposal shall be basic considerations for any application for the RVC Zone District.
  - 3. At least twenty-five percent (25%) of the gross land area within a Recreational Vehicle Park or a Commercial Campground shall be reserved for recreational and community use by the occupants of the park or campground.
  - 4. Adequate accessibility to main roadways and tourist services must be established to accommodate large recreational vehicles with limited turning movements, reduced visibility, and slower acceleration speeds to main roadways and tourist services.
  - 5. A Master Site Plan with development envelopes for the area proposed to be included within a RVC District.
  - 6. The Recreational Vehicle Park and Campground Zone District shall meet the conditions in Article V Section 5-703 Commercial Campground and/or Article V Section 5-706 Recreational Vehicle Park.

**TABLE 5-312  
Schedule of Uses – Recreational Vehicle Park & Campground Zone District**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Campground, Commercial	See Table Footnote 1	X		
Community Center Associated with Commercial Campground or Recreational Vehicle Park		X		
***Emergency Services Facility			X	
**Fraternal Organization			X	
Recreational Vehicle Park	See Table Footnote 3	X		
Religious Institution		X		
Retail Store Associated with Recreational Vehicle Park or Commercial Campground		X		
Shooting Range			X	
Single Family Residential Dwelling Unit for One (1) Caretaker or Operator of Commercial Campground or Recreational Vehicle Park	See Table Footnote 2	X		

**Park County Land Use Regulations**

**\*\*As Amended 04/19/06**

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**TABLE 5-312a**  
**New Lot Development Standards – Recreational Vehicle Park & Campground**

Standards	Maximum	Minimum
Lot Area		5 Acres
Lot Width	N/A	200 Feet
Floor Area Per Unit – Principal Structure		None
Building Height	30 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		50 Feet
Between Structures		20 Feet

Table Footnotes:

1. Commercial Campgrounds must provide for not less than 20 spaces and shall satisfy the requirements of Section 5-703. At least twenty-five percent (25%) of the gross land area within a Commercial Campground shall be reserved for recreational and community use by the occupants of the park or campground.
2. Other than one (1) Single Family Dwelling for a Caretaker or Operator, no Public or Private Campground or Recreational Vehicle Park shall permit full-time or permanent residential occupation of any campground, tent, camper, trailer, or recreational vehicle.
3. Recreational Vehicle Parks must provide for not fewer than twenty (20) parking spaces and shall satisfy the requirements of Section 5-706. At least twenty-five percent (25%) of the gross land area within a Recreational Vehicle Park shall be reserved for recreational and community use by the occupants of the park or campground.
4. Recreational Vehicle and Campground Zone District shall meet Section 5-314B. Special Notes 1-12.
5. See Article IV, Section 4-200 for definition of camping.

**Section 5-313****Planned Unit Development Zone District (PUD).**

A. Purpose. The PUD Zone is established under the provisions and authority of the Planned Unit Development Act of 1972 (C.R.S. §§24-67-101 et seq.). A Planned Unit Development is defined as “an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or light industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.” The purposes of this Section are:

1. To provide for necessary commercial, recreational, and educational and or housing facilities conveniently located within the PUD;
2. To provide for well-located, clean, safe, and pleasant light industrial sites involving a minimum of strain on transportation facilities;
3. To ensure that the provisions of the zoning laws, which direct the uniform treatment of dwelling type, density, and open space within each zoning district, will not be applied to the improvement of land in a manner which would distort the objectives of the zoning laws;
4. To encourage innovations in residential, commercial, and light industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings;
5. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may insure to the benefit of those who need homes;
6. To lessen the burden of traffic on streets and highways;
7. To conserve the value of the land;
8. To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site’s natural characteristics; and
9. To encourage integrated planning in order to achieve the above purposes.

B. Special Notes:

1. The PUD Zone District is customarily used to uniformly plan more intensive residential use of property oftentimes with a mix of related or supporting commercial and light industrial uses. Applicants are strongly encouraged to review the Park County Strategic Master Plan in determining the acceptable scope of a PUD.
2. Each PUD must include Park and/or Open Space areas owned and controlled by a homeowners association or other arrangement accepted by the County. Such Park or Open Space shall be held and maintained in perpetuity for the use and enjoyment of the owners of lots within the PUD.

3. The PUD Zone District is intended to permit the owner(s) of the property proposed for development to create a program and a schedule for the logical and diligent development of the entire site prior to, or contemporaneously with, the sale and development of Lots. For this reason, the creation of the PUD must be accompanied by a Subdivision Improvement Agreement that mandates the coordinated and planned installation and completion of all public facilities to serve the development (including but not limited to access, traffic control devices, streets, drainage improvements, and utilities), and which provides adequate safeguards by way of bonding, surety, or other financial guarantee, as approved by the Board of County Commissioners to ensure such performance.
  4. It is the intent of Park County to encourage orderly and logical expansion of recognized Rural Centers and to discourage the creation of higher density development in areas located outside of Rural Centers. The Board of County Commissioners having considered all recommendations of the Strategic Master Plan may approve a PUD Zone district when they find those proposals promote the health, safety and welfare of Park County.
- C. General. A Planned Unit Development (PUD) is a zoning classification that replaces the requirements of the previous zone district where the property is located. Refer to the Development Standards for the particular use contemplated for each portion of the PUD Zone: (i.e., commercial, residential, etc.) PUDs are approved in three steps. The first step requires the approval of a PUD Sketch Plan describing the terms of the development and the ways in which the previous zone district is being modified. The second step involves the review and approval of a Preliminary PUD Plan and Plat for the development. The third step involves the simultaneous review and approval of a Rezoning to the PUD district and a Final PUD Plat for the development.
- D. PUD Sketch Plan Section 6-403. A Sketch Plan will have a master site plan and development envelope for the area proposed to be included within a PUD district. It is required as a means of allowing early review of a proposed PUD before substantial planning work has been undertaken and before substantial expenses have been incurred. A Sketch Plan must cover all of the land area to be included in the PUD and identify the type and total amount of development to occur within the PUD (dwelling units and nonresidential floor area as well as the proposed plan for pedestrian and vehicular circulation within and leading to the PUD). If the PUD is to be developed in phases, a phasing plan must also be established as a part of the Sketch Plan.
1. Pre-application Meeting. Applicants shall schedule and attend a Pre-application Meeting before filing a PUD Sketch Plan application. Section 6-201.
  2. Application Filing. Sketch Plan applications shall be submitted to the Planning Director/County Designee in pursuant to Section 6-403. The Planning Director/County Designee may require other data or information essential to the evaluation to enable an adequate conceptual evaluation of the proposed subdivision.
  3. Planning Director/County Designee's Review and Report. The Planning Director/County Designee shall review each PUD Sketch Plan application in light of the Approval Criteria of Section 6-403.

4. Public Hearing. PUD Sketch Plan applications shall be considered at a public hearing. Section 6-207.
  - a. Planning Commission's Review and Recommendation. The Planning Commission shall recommend approval, approval with conditions, or denial of the application based upon the Approval Criteria of Section 6-403. The Planning Commission shall forward its recommendations to the Board of County Commissioners, and may include a summary of its reasoning along with the recommendation.
  - b. Board of County Commissioner's Review and Decision. After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall act to approve, approve with conditions, or deny the rezoning based on the approval criteria of Section 6-403.
5. PUD Sketch Plan Approval Criteria. PUD Rezoning and Sketch Plans may be approved by the Board of County Commissioners only if they find that all of the following criteria have been met:
  - a. The proposed PUD should take into account the spirit of the Park County Strategic Master Plan; and
  - b. Facilities and services (including sewage and waste disposal, domestic water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development. Article VI, Division 4, Sections 6-400 to 6-404.
6. Finding of Fact. The decision of the Board of County Commissioners shall be accompanied by written findings of fact, which shall include a finding of whether the proposed Sketch Plan is in the spirit of the Park County Strategic Master Plan and Land Use Regulations. Those written findings shall be filed with the Planning Office and the Clerk and Recorders of Park County. In the event of denial, the Board of County Commissioners written finding shall specify the provisions of the County's adopted regulations that the proposal failed to satisfy.
7. Effect of Sketch Plan Approval. The Sketch Plan shall govern the preparation of the required Preliminary PUD Plan and Plat.
8. Lapse of Sketch Plan Approval. An approved Sketch Plan shall lapse and be of no further force and effect of a complete Preliminary PUD Plan and Plat application for the PUD or phase of the PUD has not been submitted within two (2) years of the date of the Sketch Plan approval by the Board of County Commissioners. In the event that approval lapses, the Sketch Plan approval shall be of no effect, and the property may be developed only in accordance with the regulations of the underlying base zoning district. In the event of lapse of approval, the Planning Director/County Designee shall record a lapse of approval affidavit with the Park County Clerk and Recorder.

An applicant may apply to the Planning Director/County Designee in writing prior to the expiration of such two (2) year period to request a one-year extension of the above deadline for good cause. The Planning Director/County Designee shall forward such extension request to the Planning Commission for a recommendation, and to the Board of County Commissioners for a decision on such extension. Only one such extension shall be granted to any approved PUD Sketch Plan.

- E. Preliminary Plan Application Contents Section 6-404. A Preliminary Plan and Plat with a specific master site plan that allows for detailed analysis and review of the overall design and proposed infrastructure for the PUD.
1. Pre-application Meeting. Applicants shall schedule and attend a Pre- application Meeting before filing a Preliminary PUD Plan and Plat application. Section 6-201.
  2. Application Filing. Preliminary PUD Plan and Plat applications shall be submitted to the Planning Director/County Designee in pursuant to Section 6-404 in order to allow for a thorough review of the proposal and its impacts. The Planning Director/County Designee may require other data or information essential to the evaluation of the proposed subdivision.
  3. Planning Director/County Designee Review and Report. The Planning Director/County Designee shall review each PUD Preliminary Plan and Plat application in light of the Approval Criteria Section 6-404 and will distribute the application to other referral agencies see Section 6-203. Based on those reviews the Planning Director/County Designee shall provide a report to the Planning Commission and the Board of County Commissioners.
  4. Public Hearing. Preliminary PUD Plan and Plat applications shall be considered at a public hearing. Section 6-207.
    - a. Planning Commission's Review and Recommendation. The Planning Commission shall recommend approval, approval with conditions, or denial of the application based upon the Approval Criteria of Section 6-404. The Planning Commission shall forward its recommendations to the Board of County Commissioners, and may include a summary of its reasoning along with the recommendation.
    - b. Board of County Commissioners Review and Decision. After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall act to approve, approve with conditions, or deny the rezoning based on the approval criteria of Section 6-404.
  5. Preliminary PUD Plan and Plat Approval Criteria. Preliminary PUD Plan and Plat applications may be approved by the Board of County Commissioners only if they find that all of the following criteria have been met:
    - a. The Preliminary PUD Plan and Plat is consistent with the approved PUD Sketch Plan;
    - b. The Preliminary PUD Plan and Plat complies with applicable requirements of this Land Use Regulation;

- c. The Preliminary PUD Plan and Plat complies PUD Development Standards of Section 6-404;
  - d. Any proposed modification of any requirement of this Code meets the approval criteria of Section 6-404, and
  - e. Facilities and services (including sewage and waste disposal, domestic water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development. Article VI, Division 4, Sections 6-400 to 6-410.
6. Finding of Fact. The decision of the Board of County Commissioners shall be accompanied by written findings of fact. Those written findings shall be stated in the Board's resolution approving or denying of Preliminary PUD Plan and Plat. The findings shall also be filed with the Planning and Zoning Department and the Clerk and Recorder of Park County. In the event of denial, the Board of County Commissioners written finding shall specify the provisions of the County's adopted Land Use Regulations that the proposal failed to satisfy.
7. Effect of Preliminary PUD Plan and Plat Approval. The Preliminary PUD Plan and Plat shall govern the preparation of the required Final PUD Plan and Plat.
8. Lapse of Preliminary PUD Plan and Plat Approval. An approved Preliminary PUD Plan and Plat shall lapse and be of no further force and effect if a complete Final PUD Plan and Plat application for the PUD has not been submitted within two (2) year of the date of Preliminary PUD Plan and Plat approved by the Board of County Commissioners. In the Event that approval lapses, the Preliminary PUD Plan and Plat shall be of no effect, and the property may be developed only in accordance with the regulations of the underlying base zoning district. In the event of lapse of approval, the Planning Director/County Designee shall record a lapse of approval affidavit with the Park County Clerk and Recorder. An applicant may apply to the Planning Director/County Designee in writing prior to the expiration of such two (2) year period to request a one-year extension of the above deadline for good cause. The Planning Director/County Designee shall forward such extension request to the Planning Commission for a Recommendation, and to the Board of County Commissioners for a decision on such extension. Only one such extension shall be granted to any approved Preliminary PUD Plan and Plat.
- F. Final PUD Plan/Plat and Rezoning. Section 6-405. Final PUD Plan/Plat and Rezoning approval, in accordance with the procedures of this subsection, shall be required before the issuance of any permit for construction within the PUD district.
- 1. Pre-application Meeting. Applicants shall schedule and attend a Preapplication Meeting before filing a Final PUD Plan/Plat and Rezoning application. Section 6-201.
  - 2. Application Filing. Final PUD Plan/Plat and Rezoning applications shall be submitted to the Planning Director/County Designee in pursuant to Section 6-405. The Planning Director/County Designee may require other data or information essential to the evaluation to enable an adequate evaluation of the proposed subdivision.

3. Planning Director/County Designee's Review and Report. The Planning Director/County Designee shall review each PUD Final Plan/Plat and Rezoning application in light of the approval Criteria of Section 6-405 and 6- 406 and shall distribute the application to other referral agencies. Based on those reviews, the Planning Director/County Designee shall provide a report to the Planning Commission and the Board of County Commissioners.
4. Public Hearing. Final PUD Plan/Plat and Rezoning applications shall be considered at a public hearing. Section 6-207.
5. Planning Commission's Review and Recommendation. Following the completion of the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the application based upon the Approval Criteria of Section 6-405 and 6-406.
6. Board of County Commissioners Review and Decision. After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall act to approve, approve with conditions, or deny the Final PUD Plan and Plat based on the approval criteria of Section 6-405 and 6-406.
7. Final PUD Plan/Plat and Rezoning Approval Criteria. Final PUD/Plat and Rezoning applications shall be approved by the Board of County Commissioners only if they determine that the Final PUD Plan/Plat and Rezoning:
  - a. Complies with the approved Preliminary PUD Plan and Plat;
  - b. Includes all revisions and conditions imposed by the Board of County Commissioners during their approval of the Preliminary PUD Plan and Plat
  - c. The PUD will result in a substantial benefit to the County, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards.
  - d. The PUD complies with the intent of the PUD zoning district as described in Section 5-313.
  - e. The PUD is in the best interest of the public health, safety or welfare of County residents.
8. Findings of Fact. The decision of the Board of County Commissioners shall be accompanied by written findings of fact. Those written findings be stated in the Board's resolution approving or denying the Final PUD Plan and Plat . The findings shall also be filed with the Planning and Zoning Department and the Clerk and Records office of Park County. In the event of denial, the Board of County Commissioners written finding shall specify the provisions of the County's adopted Land Use Regulations that the proposal failed to satisfy.
9. Lapse of Final PUD Plan and Plat Approval. Unless otherwise expressly modified by an approved Subdivision Improvements Agreement or other agreement between the owner and the Board of County Commissioners, final approval or conditional approval of a Final Plat shall be valid for three (3) years following the date of plat recordation and, thereafter, during any period for which a legally recognized vested property right inures to the subdivision.

If approval lapses, the Planning Director/County Designee shall record a lapse of approval affidavit with the Park County Clerk and Recorder and initiate action to rezone the property to a zoning classification that is consistent with the Park County Strategic Master Plan, in accordance with the Rezoning procedure of Division 2, Section 5-200 to 5-204.

- G. PUD Amendments. Proposed amendments to PUDs will be reviewed as either Pre-Rezoning amendments or Post-Rezoning amendments.
1. Pre-Rezoning Amendments. Any proposed amendment, revision or modification of a PUD, which is requested prior to recordation of the Final PUD Plan/Plat and Rezone approval is subject to the review procedures and approval criteria for that step in the PUD approval process:
    - a. Amendments to an approved PUD Sketch Plan will be reviewed under the review and approval procedures of Section 6-403.
    - b. Amendments to an approved Preliminary PUD Plan and Plat will be reviewed under the review and approval process of Section 6-404.
    - c. Amendments to an approved but unrecorded Final PUD Plan and Plat will be reviewed under the review and approval procedures of Section 6-405, Final PUD Plan/Plat and rezone.
  2. Post-Rezoning Amendments. Amendments, revisions or modifications of a PUD, which are requested after the recordation of the Final PUD Plan/Plat and rezone approval shall be classified as either a Minor amendment or a Major Amendment.
    - a. Minor Changes. Minor changes to a PUD may be authorized by the Planning Director/County Designee but does not extend the time frame granted for starting construction to the development. The following are considered minor changes:
      - i Changes in the location, size, sitting, height, or other characteristic of a structure;
      - ii The adjustment and revision of lot lines; and
      - iii The reconfiguration of utility easements.
    - b. Major Changes. Major changes to a PUD shall be processed as Final PUD Plan/Plat application. Major changes include, but are not limited to:
      - i Changes in uses or density;
      - ii Reconfiguration of the traffic system or dedicated lands; and
      - iii Changes that encompass more than twenty-five percent (25%) of the land within that phase of the PUD.



**Section 5-314 Mobile Home Park Zone District (MHP).**

- A. Purpose. The Purpose of the Mobile Home Park Zone is to allow sites for the semi-permanent placement of single family mobile homes meeting applicable local, state or federal codes intended for residential occupancy and uses normal and appurtenant to those uses. The (MHP) zone allows only the leasing or renting of sites.

**TABLE 5-314  
Schedule of Uses – Mobile Home Park Zone District (MHP)**

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Caretaker Dwelling		X		
Day Care Center		X		
***Emergency Services Facility			X	
**Fraternal Organization			X	
Mobile Home Park		X		
Retail Store Associated with Mobile Home Park		X		

B. Special Notes:

1. Site Layout
  - a. Access. Each mobile home space shall abut on a driveway with unobstructed access to a public street.
  - b. Spacing. Mobile homes shall be parked in such spaces as to allow a minimum of twenty (20) feet between mobile homes. Mobile homes parked end-to-end shall have clearance of not less than twenty (20) feet.
  - c. Setback. The setback shall be twenty-five (25) from the front line of the mobile home space, and thirty (30) feet from any exterior boundary of the mobile home park.
  - d. Mobile Home Space. All mobile homes shall be situated on a designated mobile home space.
2. Improvements
  - a. Base and Tie Down. The mobile home site shall be improved to provide a base for the adequate support, placement and tie down of the mobile home. The base shall not heave, shift or settle unevenly under the weight of the mobile home due to frost, inadequate drainage, vibration, or wind or other forces acting on the structure. Anchors or tie downs shall be required as designated in the building.

- b. Access and Public Roads. The park shall have direct access to a public street or highway by a right of way at least sixty (60) feet in width. Service roads shall be provided to each mobile home space. Each service road shall provide for continuous forward movement, shall connect with a street or highway and shall have a minimum clear width of twenty (20) feet.
    - c. Walks, Paving and Lighting. Walkways, if provided, shall be at least thirty (30) inches wide. All service roads and walkways within the park shall be hard surfaced and lighted at night with a minimum illumination of six tenths (0.6) foot candles. Twenty-five (25) watt lamps spaced at intervals of not more than one hundred (100) feet shall meet requirements.
3. Parking
  - a. Trucks and Automobiles. Parking spaces shall be provided for each developed pad. On street parking is prohibited.
  - b. Other. At least one (1) parking space shall be provided for each five (5) developed lots to accommodate motor- boats, recreational vehicles, motorcycles, trailers and snowmobiles. This area shall be fenced and located within park boundaries. It shall be designed to allow temporary storage of vacant mobile homes, however, not more than five (5) mobile homes may be stored at any one time.
4. Open Space. At least twenty-five percent (25%) of the total park areas shall be dedicated to usable open space.
5. Fire Protection. Each mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the mobile home park as required by the local fire prevention authority, or to satisfy other regulations.
6. Service Building. Service buildings shall meet the following standards:
  - a. Located thirty (30) feet or more from any mobile home space.
  - b. Be permanently constructed and adequately lighted.
  - c. Use moisture resistant material to permit frequent washing and cleaning.
  - d. Provide adequate heating facilities during cold weather and adequate hot water during times of peak demand.
  - e. Have all rooms well ventilated with all openings effectively screened.
  - f. Provide at least one (1) flush type toilet and one lavatory for each sex.
7. Utilities. Each mobile home park shall have individual water, sewer, and electrical connections for each mobile home space.

8. Gas Fuel and Oil. Mobile homes using liquefied petroleum gas for cooking and heating shall be subject to inspection for compliance.
9. Alteration and Additions.
  - a. Additions. No additions, including porches and decks, shall be built onto nor become part of any mobile home without a building permit. Additions shall be considered a part of the mobile home in measuring required yard distance.
  - b. Skirting. Skirting of mobile homes is permissible, but such skirting shall not permanently attach the mobile home to the ground, provide a harborage to vermin, or create a fire hazard.
  - c. Stabilizers. Jacks or other stabilizers may be placed under the frame of the home to prevent movement on the springs when the home is parked and occupied.
10. Signs
  - a. Identifying. One identification sign or structure of permanent-type construction, which is non-flashing and non non-rotating, shall be allowed. The total area of the identification sign shall not exceed one hundred twenty (120) square feet.
  - b. Rental. One temporary sign for notification of sale, lease or rental of the premises upon which such sign is placed is permitted. Such sign shall not exceed four (4) square feet.
11. Solid Waste Storage. Solid waste shall be stored in an enclosed building or in bear-proof containers and handled in a manner that does not:
  - a. Attract bears, rodents, flies or other animals;
  - b. Generate odors, perceptible beyond the property line, or liquid runoff;
  - c. Permit the blowing of paper and other lightweight waste.
12. A Master Site Plan with development envelopes for the area proposed to be included within this Zone District

**DIVISION 4            OVERLAY AREAS**

**Section 5-400            Rural Center Overlay Areas.**

- A. Conformance with Strategic Master Plan Intended. In accordance with the Park County Strategic Master Plan, “Rural Centers” are recommended to best accommodate and plan for growth that provides more intensive residential, commercial, and industrial land uses than that appropriate for more rural areas of Park County.
- B. Rural Centers Created. There is hereby created the following “Rural Centers” within Park County as defined and illustrated on the maps attached to these Land Use Regulations as Appendix I.

Alma Periphery	Fairplay Periphery	Jefferson
Bailey	Grant	Lake George
Como	Guffey	Pine Junction
Crow Hill	Hartsel	Shawnee

- C. Purpose. The identification of Rural Centers is intended to permit the implementation of goals and guiding principles derived from the Park County Strategic Master Plan. Although many of the goals and guiding principles of the Strategic Master Plan are implemented to some degree by the identification of Rural Centers, the following goals and guiding principles are most directly implemented by this Division:
  - 1. Target new residential uses at or greater than one (1) unit per five (5) acres to areas contiguous to the Towns of Fairplay and Alma, existing Rural Centers and the [former] Guffey Zone District in order to facilitate infrastructure and the services required by denser residential development. *Strategic Master Plan*, Guiding Principle VI,C1.
  - 2. Target the location of new commercial development to the Towns of Fairplay and Alma, existing Rural Centers, and the [former] Guffey Zone District, except where the specific use requires a more remote location, such as guest ranches, and fishing and hunting outfitters. Locate commercial uses near or adjacent to other similar uses. *Strategic Master Plan*, Guiding Principle VI.D.1.
  - 3. Target the location of new industrial development to the Towns of Fairplay and Alma, existing Rural Centers, and the [former] Guffey Zone District, except where the specific use requires a more remote location, such as mining and resource extraction industries and utilities. Locate industrial uses near or adjacent to other similar uses. *Strategic Master Plan*, Guiding Principle VI.D.2.
- D. Application. The Rural Center Overlays are to be applied and considered in the review and approval of all land use applications. Where an application for land use approval would conflict with the purposes stated above, the application should be denied.

**Section 5-401 Cluster Development Overlay.**

- A. Purpose. In accordance with the Park County Strategic Master Plan, the opportunity for cluster subdivision is available to protect from development lands deemed sensitive or of value to the health, safety and welfare such as, wildlife habitat, wetlands, watercourses, agricultural areas and other such lands deemed appropriate for preservation by the Board of County Commissioners.
1. It is the intent of Park County to encourage the orderly and logical expansion of recognized Rural Centers and to discourage the creation of higher density development in areas located outside of Rural Centers. In accordance with the Strategic Master Plan, the rezoning of property for more intensive residential, mixed use, commercial and/or industrial uses is unlikely to be authorized by the Board of County Commissioners within areas outside of the immediate locations of Rural Centers.
  2. Nothing in this section is intended to prevent the Board of County Commissioners from expanding or otherwise changing existing Rural Centers or creating new areas designated as Rural Centers. Similarly, it is not the intent of this section to prohibit person(s) from applying for a rezoning or seeking the expansion or creation of a growth center.
- B. Cluster Development Overlay Created. Property zoned within the following classifications are deemed within the Cluster Development Overlay and are therefore eligible for the density bonus in accordance within this section:
- Planned Unit Development (PUD) Zone District
  - Residential (R) Zone District
  - Mixed Use (MU) Zone District
  - Commercial (C) Zone District
  - Industrial (I) Zone District
  - Mountain Residential (MR) Zone District
  - Residential Estate (R-20) Zone District
- C. Density Bonus Authorized For Cluster Development Overlay Property. Property within Cluster Development Overlay shall be eligible to increase the overall density of development that would otherwise be allowed under the requirements of the underlying zone district. Such increase in density shall be permitted under the following criteria or conditions.
1. Subdivision Application Required. The owner must apply for a Major Subdivision, Minor Subdivision, PUD or Common Plat Amendment that will divide the property into lots and identify the areas of preserved lands in accordance with this section.
  2. Property Designated For Permanent Preservation. The owner must designate by subdivision plat the property to be preserved from development. Such property shall meet the following criteria:

- a. Lands must comprise, but not be limited to, wildlife habitat, forging areas, migration corridors, wetlands, significant riparian areas, endangered plant species, productive agricultural areas or areas reasonably capable of agricultural productivity, prominent ridgelines; or other land with similar natural resource values. The propriety or suitability of the lands designated for preservation shall be subject to the discretion of the Board of County Commissioners;
  - b. Lands must be permanently preserved or reserved from development by means deemed acceptable to the Board of County Commissioners, such means to include a Conservation Easement<sup>7</sup> or by a dedication or donation acceptable by the Board of County Commissioners. All preserved land, and the purpose for such preservation shall be expressly and specifically identified on the recorded subdivision plat for the property. It is encouraged that the ownership of the preserved land be conveyed separate from ownership of the developed lots or the homeowners association and that use of the preserved lands, in a manner appropriate for the area, be promoted (i.e. Ranching, grazing, harvesting of forest products, recreational activities, and similar uses).
  - c. When appropriate, applicants shall be encouraged to designate lands for permanent preservation that are contiguous with adjacent preserved lands and/or open space.
3. Density Increase Granted For Preserved Land. Where at least fifty percent (50%) of the total land is preserved from development in accordance with this section, the minimum lot size shall be one half (1/2) of the minimum lot size otherwise permitted for the particular zone district.
  4. Applicability. Article VII - Use And Development Standards Division 1-12 and associated sections shall apply to all applications for land use approval to the greatest extent possible based on the scope of the particular application submittal process.

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<sup>7</sup> See Article IV, Definitions, "Conservation Easement"

## **DIVISION 5**

## **CONDITIONAL USE PERMITS**

### **Section 5-500**

### **Conditional Uses Generally**

A Conditional Use is a use of land that may be found generally compatible with the permitted uses in a zone district, but which requires site-specific review of the use location, design, intensity, density, configuration and operating characteristics, and which may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, and mitigate its potentially adverse impacts. There is no presumption that a Conditional Use is compatible with other uses in the zone district or that such use must be approved in every instance for the zone district in which it is permitted. A use identified as a Conditional Use in a particular district shall be permitted in such district and upon specific property only upon approval of a Conditional Use Permit by the Board of County Commissioners in accordance with the procedures and standards of this Division. Approval of a Conditional Use Permit shall not be construed as an amendment of the Official Zoning Map, but shall be a permit the continuation of which shall be conditioned upon full conformance of these Land Use Regulations and the conditions imposed upon such permit.

### **Section 5-501**

### **Application for Conditional Use Permit.**

- A. Contents. All applications for a Conditional Use Permit shall be made on forms prepared by and available from the Planning Department and shall contain the following information:
1. A completed application in the form approved by the Director;
  2. Payment of all required application fees and any review fee deposit;
  3. Evidence that property taxes have been paid current;
  4. Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
  5. Submit a copy of all recorded covenants, which apply to the subject property.
  6. A complete legal description of the property proposed for the Conditional Use Permit prepared by a licensed registered Colorado land surveyor (In most cases, a copy of the legal description contained in the deed will suffice);
  7. A list of the names and mailing addresses, as this information appears of record with the Park County Assessor's Office, of all owners of Adjacent Property<sup>8</sup> to the property proposed for Conditional Use Permit;
  8. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Colorado Revised Statutes §24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B.

<sup>8</sup> See Article IV, Definitions, "Adjacent Property"

9. Current Conditions Map including, in one or more mapped or graphic formats, the following information:
  - a. Topography of the property shown in elevation contours of not greater than twenty (20) or forty (40) foot increments unless otherwise stated by the Planning Director. Applicants are encouraged to use the USGS. topographic mapping or other form of commercially produced topographic map.
  - b. Points of access to the property, internal roads, and trails including widths, approximate grades. The Current Conditions Map must illustrate how access is obtained from the property subject to the Conditional Use Permit application to the nearest road or highway.
  - c. Where any access to the property subject to the Conditional Use Permit application is obtained from a road, trail easement, driveway, historic use, or other private right of access other than County owned right-of-way, the applicant shall provide evidence of permanent legal right of access. Such evidence may include, but not be limited to, deed, easement agreement, or attorney opinion of legal right of access.
  - d. Natural features of the property subject to the Conditional Use Permit application including: wetlands, riparian areas, and water bodies (e.g. lakes, ponds, streams, whether continuous or seasonal) and slopes greater than thirty percent (30%).
  - e. Structures on the property subject to the Conditional Use Permit.
  - f. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas.
10. Proposed Development Plan describing in mapped form and/or graphic form existing and proposed physical improvements of the property and approximate locations.
11. If the proposed Conditional Use pertains to property located in a geological hazard area according to the geological hazard map, then the application must contain a geo-technical report prepared by a qualified professional geologist addressing the presence and extent of any geological hazards, including, but not limited to, underground excavations on/or adjacent to the subject property and radioactive or toxic materials and/or minerals.
12. Applicant shall supply a specific master site plan.

**Section 5-502 Procedure for Conditional Use Permit Review.**

- A. Planning Director/County Designee's Completeness Determination. All applications for Conditional Use Permit shall be delivered to the Planning Director/County Designee. No application shall be processed or scheduled for processing before the Planning Commission or the Board of County Commissioners unless the Director deems the application complete and all required information and documentation is submitted to the Director.
- B. Planning Commission Review. Prior of any proposed Conditional Use Permit, the application shall be submitted to the Planning Commission for review and consideration.



\*\*\*For purpose of this section, the “date of submission” shall be the date of the presentation of the draft resolution to the Commission at a regular or special meeting of the Commission. The Planning Commission’s review of the application shall be conducted at a public hearing with notice provided in accordance with Section 5-502. Following the date of submission of the application to the Planning commission, the Commission shall make a reasonable effort to deliver a recommendation to the BOCC in a timely manner. The Planning commission’s failure to render its approval, disapproval, or provide any recommendation within ninety (90) days of submission may be deemed by the BOCC as approval of the proposed Conditional Use Permit by the Planning Commission.

- C. Board of County Commissioners Public Hearing. Before final approval of a proposed Conditional Use Permit, the Board of County Commissioners shall hold a public hearing on the application. Notice of the public hearing shall be provided as follows:
1. Content of Notice. The notice of public hearing shall include the date, time, place, the general purpose of the hearing (e.g., type of application), and a general description of the property affected. The general description; may be stated by: (a) a metes and bounds description the boundaries of which include the property subject to the proposed Conditional Use Permit; or (b) by lot and block of a recorded subdivision plat; or (c) by a reference to intersecting roads, compass direction relating the property to the intersection, and a statement of the approximate acreage involved. The Planning Department may include other information deemed appropriate by the Department to apprise the public of the general nature of the action proposed.
  2. Form of Notice.
    - a. Required Notice. Notice of public hearing for the application for a Conditional Use Permit shall be published in the official County newspaper or in a newspaper of general circulation within Park County at least fourteen (14) days before the date of the hearing.
    - b. Additional Notice. The County shall provide additional notice of the proposed application and hearing by mailing and posting in accordance with this section.
      - i Mailing. A notice by mail should be deposited in the United States Mail; first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or delivery to another comparable service should be made at least fourteen (14) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing. Mailed notice shall be addressed to owners of Adjacent Property<sup>9</sup> as their names appear in the real property records of the Park County Assessor or Park County Clerk and Recorder. For purposes of determining addresses for mailed notice, the County may rely upon the ownership information provided by the Applicant as part of the application.

<sup>9</sup> See Article IV, Definitions, “Adjacent Property”

- ii Posting. A notice by posting should be made by the applicant by the applicant's posting of a sign approved by the Planning Director/County Designee on or reasonably near the property that is subject to the hearing in a location that is determined by the Planning Department to provide the greatest degree of visibility to members of the public. In most instances, the posting shall be made along the primary traveled public right-of-way adjacent to the property. Posting should be initially made at least fourteen (14) days before the date of the hearing. Failure of the posted notice to remain in place and visible during the entire posting period prior to the hearing shall not be deemed sufficient cause to require a postponement, re-posting, or invalidation of the hearing. At the outset of each hearing, the applicant should provide evidence of posting in accordance with this section to the Planning Commission or the Board of County Commissioners. Such evidence should be in the form of photographs showing the posted sign and a "posting log" or other written document evidencing the time, date, and location of the posing and the time and date of the applicant's maintenance of the posted sign during the posting period prior to the hearing.
  
- iii Referral Agency Notice. A notice may, at the County's election, be deposited in the United States Mail; first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address of any Referral Agency identified in 6-203 (B) or (C). Failure of the addressee to receive such notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing.

**Section 5-503                      Standard for Approval of Conditional Use Permit.**

- A. In considering any application for Conditional Use Permit, the following standard shall govern. The applicant for the proposed permit shall bear the burden of proof and the resolution approving the application shall be approved and adopted only if it appears by clear and convincing evidence presented during the public hearing that the following conditions or circumstances exist:
  - 1. The use proposed is an authorized Conditional Use for the zone district in which the property described in the application is located; and
  - 2. The property described in the application for Conditional Use Permit possesses geological, physical, and other environmental conditions that are compatible with the proposed Conditional Use; and
  - 3. The Conditional Use will conform with all applicable requirements of the zone district and these Land Use Regulations and do not create a substantial safety concern for anticipated visitors to the property; and
  - 4. The property has a reasonably certain right of permanent legal access permitting vehicular access from the property to the public thoroughfare; and

5. Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit; and
6. The proposed Conditional Use is compatible with the uses and zoning for other properties within the neighborhood or immediately surrounding area; and
7. In making this determination, conflicts with any enforceable covenants, conditions and restrictions of record shall be considered.

**Section 5-504 Form of Approval of Conditional Use Permit.**

A Conditional Use Permit shall be issued only upon approval of a written resolution of the Board of County Commissioners. Each resolution shall set forth the specific conditions imposed upon the Conditional Use Permit. Unless the resolution approving a Conditional Use Permit states that the Permit is limited in its duration or will expire upon a specified event, a Conditional Use Permit shall be deemed perpetual and shall run with the property described in the Permit. The Conditional Use Permit shall be recorded against the property subject to the Permit.

**Section 5-505 Conditions Authorized.**

- A. Conditions Authorized. The Board of County Commissioners may impose reasonable conditions on the approval of any Conditional Use Permit where such conditions are necessary to ensure the continuing use of the property in conformance with the requirements of the zoning district and the requirements of these Land Use Regulations or if such condition is necessary in order to ensure that the proposed amendment will satisfy the criteria for approval required by this Division.
- B. Limitation on Duration of Permit Permitted. The Board of County Commissioners shall determine the duration of the Conditional Use Permit. Unless otherwise stated, Conditional Use Permit shall run with the subject property for the benefit of subsequent property owners. The provision and conditions of each Conditional Use Permit shall be recorded in the real property records of the Park County Clerk and Recorder.
  1. Where the Board of County Commissioners finds that there is a substantial probability that the Conditional Use Permit will create impacts that are unreasonably uncertain or not capable of identification at the time of the issuance of the Conditional Use Permit, the Board of County Commissioners may impose a limitation on the duration of the Permit.
  2. Prior to the expiration of the Conditional Use Permit, the Board of County Commissioners shall review the applicant's situation and make a finding that either the Conditional Use Permit shall be (1) perpetual, (2) the Conditional Use Permit is terminated, or (3) the Conditional Use Permit shall be renewed for a set time.
- C. Standard Conditions of Every Permit. Regardless of the form or content of the Resolution approving a Conditional Use, the following conditions shall be imposed upon every Conditional Use approved on or after the date of adoption of these Land Use Regulation.
  1. The Conditional Use Permit shall be a license or permit which may be revoked in accordance with Section 5-506 of these Land Use Regulations.

2. The Conditional Use authorized by the Permit cannot be expanded in scope, area, use, or in any manner inconsistent with the Permit.
3. The Conditional Use Permit may be transferred to subsequent property owners provided the proposed transferee applies to the Planning Director for such transfer. The Planning Director may deny the transfer of the Conditional Use Permit for non-compliance with any/all of its conditions.

**Section 5-506 Revocation of Conditional Use Permit.**

- A. Any Conditional Use Permit may be revoked at anytime by the Board of County Commissioners upon a finding that:
  1. The Conditional Use has failed to satisfy or conform with one or more express conditions of the Conditional Use Permit; or
  2. The Conditional Use described in the application was not commenced within two (2) years of the date of the BOCC's approval; or
  3. The Conditional Use was terminated, ceased, or otherwise discontinued operation as approved for a period of two (2) consecutive years.
- B. Prior to revocation of a Conditional Use Permit, the Board of County Commissioners shall provide the owner of the property subject to the Conditional Use Permit notice and an opportunity to be heard regarding the cause(s) for revocation. Notice of such hearing shall be provided by the County in accordance with Section 5-502 (C)(2)(a). Any decision of the BOCC regarding revocation of a Conditional Use Permit shall be made in writing and shall be subject to appeal in accordance with Colorado Rules of Civil Procedure 106(a)(4). The Board of County Commissioner's decision to revoke a Conditional Use Permit shall be recorded with Clerk and Recorder following the expiration of any right to appeal or, if an appeal is timely filed, upon a conclusion of the appeal, which supports the Board of County Commissioner's decision to revoke the Permit.
- C. The Board of County Commissioners may impose against any owner or holder of a Conditional Use Permit the reasonable costs incurred by the County in the enforcement and revocation of the Conditional Use Permit.
- D. Upon order of the Board of County Commissioners to revoke a Conditional Use, the owner or holder of the revoked Conditional Use Permit shall remove and cease the Conditional Use within thirty (30) days of the date of the order or such other time as the Board shall establish at the time of revocation. It shall be unlawful for the owner or holder of a Conditional Use Permit to fail to timely remove and cease a Conditional Use as order following revocation and such failure shall be subject to such penalties provided by Colorado Revised Statutes §30-28-124 (criminal penalties), as amended, provided that the minimum penalty shall be one hundred dollars (\$100.00) for each day during which such failure and illegal use of property continues and is found to exist or have existed.
- E. Upon order of the Board of County Commissioners to revoke a Conditional Use, the owner or holder of the revoked Conditional Use Permit shall remove and cease the Conditional Use within thirty (30) days of the date of the order or such other time as the Board shall

establish at the time or revocation. It shall be unlawful for the owner or holder of a Conditional Use Permit to fail to timely remove and cease a Conditional Use as ordered following revocation and such failure shall be subject to such penalties provided by Colorado Revised Statutes §30-28-124.5 (civil penalties), as amended, provided that the minimum penalty shall be five hundred dollars (\$500.00) for each day during which such failure and illegal use of property continues and is found to exist or have existed.

**Section 5-507                      Amendment of a Conditional Use Permit.**

The alteration, change, or modification of a Conditional Use shall require submission of an application for amendment of Conditional Use Permit and shall be processed in accordance with the application requirements and procedures for issuance of a new Conditional Use Permit as provided by this Division.

**Section 5-508                      Compliance with Conditions Required.**

- A. Any person, firm, or corporation violating any condition imposed upon a Conditional Use Permit shall be subject to such penalties provided by Colorado Revised Statutes §30-28-124 (criminal Penalties), as amended, provided that the minimum penalty shall be one hundred dollars (\$100.00) for each day during which such illegal use of property continues and is found to exist or have existed.
- B. Any person, firm, or corporation violating any condition imposed upon a Conditional Use Permit shall be subject to such penalties provided by Colorado Revised Statutes §30-28-124.5 (civil penalties), as amended, provided that the minimum penalty shall be five hundred dollars (\$500.00) for each day during which such unlawful use of property continues and is found to exist or have existed.

**Section 5-509                      Required Standards for a Conditional Use Permit for Sexually Oriented Business**

In considering any application for a Conditional Use Permit for Sexually Oriented Businesses, the following shall govern:

- A. Outside Signage. No sexually explicit language or graphic representation.
- B. Adult Entertainment. Shall only be allowed in a Commercial Zone District and will require a Conditional Use Permit.
- C. Adult Entertainment Use. Shall not operate within fifteen hundred (1500) feet from any of the following pre-existing uses: a single family residence, a multi-family residence, a duplex residence, a school or a religious structure.
  - 1. Operating hours. Adult entertainment uses shall be open only from the hours of 6:00 PM to 1:00 AM, except that an adult bookstore is not required to limit its operating hours.
  - 2. Age limitation. No one under twenty-one (21) years of age shall be admitted to any establishment providing an adult entertainment use. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises during hours when nude entertainment is being presented.

3. School defined. For purpose of this section, “school” means any private or public educational institution primarily providing instruction to students eighteen (18) years of age and younger, including, but not limited to pre-schools, kindergartens, elementary, middle and high schools.
- D. Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- E. Adult Bookstore, Adult Novelty Store, or Adult Video Store.
1. A commercial establishment which:
    - a. Devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
    - b. Receives a significant or substantial portion of its revenues from; or
    - c. Devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
  2. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing “specified sexual activities” or “specified anatomical areas”, and still be categorized as an adult bookstore, adult novelty store, or an adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store as long as the provisions of subsection (1) are otherwise met.
- F. Adult Cabaret. A nightclub, bar restaurant or other commercial establishment, which regularly features: 1. Persons who appear nude or in a state of nudity; or 2. Live performances, which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
- G. Adult Motel. A motel, hotel or similar commercial establishment which:
1. Offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material by means of a sign visible from

- the public right-of-way, or by means of any off-premises advertising including, but limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
2. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
  3. Allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.
- H. Adult Motion Picture Theater. A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.
- I. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of “specified anatomical areas” or by “specified sexual activities”.
- J. Nudity or State of Nudity.
1. The appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
  2. A state of dress which fails to opaquely and fully cover a human buttock anus, male or female genitals, pubic region, or areola or nipple of the female breast.
- K. Nude model studio. Any place where a person, who appears in a state of nudity or displays “specified anatomical areas” is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other means. The definition of “nude model studio” does not apply to:
1. A college, junior college, or university supported entirely or partly by taxation; or
  2. A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  3. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one time.
- L. Sexual Encounter Establishment. A business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or the exposure of “specified anatomical areas” or activities when one (1) or more of the persons is in a state of nudity. An adult motel will be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

## **DIVISION 6            TEMPORARY USE PERMITS**

### **Section 5-600            Temporary Use Permits.**

A Temporary Use is a use of land limited in its duration that is generally compatible with the permitted uses in a zone district, but which requires site-specific review of the use location, design, intensity, density, configuration and operating characteristics, and which may likely require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, and mitigate its potentially adverse impacts. The Board of County Commissioners in accordance with the procedures and standards of this Division shall administratively permit in such district and upon specific property only upon approval of a Temporary Use Permit a use identified as a Temporary Use in a particular district. Approval of a Temporary Use Permit shall be an administrative action by the County and shall not be construed as an amendment of the Official Zoning Map, but shall be a permit the continuation of which shall be conditioned upon full conformance of these Land Use Regulations and the conditions imposed upon such permit.

### **Section 5-601            Application for Temporary Use Permit.**

- A. Contents. All applications for a Temporary Use Permit shall be made on forms prepared by and available from the Planning Department and shall contain the following information:
1. A completed application in the form approved by the Director;
  2. Payment of all required application fees and any review fee deposit;
  3. An executed Agreement for Payment of Development Review Expenses in the form required by Section 1-104 of these Land Use Regulations.
  4. Evidence of Ownership and Encumbrances as defined by Article IV of these Land Use Regulations;
  5. A general description of the property proposed for the Temporary Use Permit;
  6. A list of the names and mailing addresses, as this information appears of record with the Park County Assessor's office, of all owners of adjacent property 14 to the property proposed for Temporary Use Permit;
  7. Current Conditions Map including, in one or more mapped or graphic formats, the following information:
    - a. Points of access to the property, internal roads, and trails including widths, approximate grades. The Current Conditions Map must illustrate how access is obtained from the property subject to the Conditional Use Permit application to the nearest County road or highway.
    - b. Natural features of the property subject to the Temporary Use Permit application including: wetlands, riparian areas, and water bodies (e.g., lakes, ponds, streams, whether continuous or seasonal) and slopes greater than thirty percent (30%).



- c. Structures on the property subject to the Temporary Use Permit.
8. Proposed Plan for the Temporary Use describing in text, mapped, and/or graphic form the following information as relevant to the proposed Temporary Use:
- a. Area, extent, and physical layout of all proposed Temporary Uses(s).
  - b. Traffic management plan including areas of ingress, egress, emergency vehicle access, pedestrian walkways, parking areas, and the manner proposed to manage and control the flow of vehicular and pedestrian traffic.
  - c. All physical improvements proposed to be constructed.
  - d. Emergency service plan which includes descriptions of the emergency (law enforcement, emergency medical, and other needed services); names, addresses, and telephone numbers of all service providers; copies of contracts for all services; description of the general qualifications of service personnel; and proposed location and layout of service areas dedicated to emergency services.
  - e. Public service areas, including information booth(s), public restroom facilities (including number, type, and locations).
  - f. Accommodations proposed for the needs of handicapped persons.
9. Letter of Health Department Review. The applicant shall consult with the administrator or the Park County Department of health regarding the proposed application.
- B. Applications to Director. Applications for Temporary Use Permits shall be submitted to the Planning Director/County Designee at least thirty (30) days prior to the proposed date of commencement of the Temporary Use.

**Section 5-602 Administrative Procedure for Temporary Use Permit Review.**

- A. Planning Director/County Designee's Completeness Determination. All applications for Temporary Use Permit shall be delivered to the Planning Director/County Designee. No application shall be processed or scheduled for processing before the Planning Commission or the Board of County Commissioners unless the Director deems the application complete and all required information and documentation is submitted to the Director.
- B. Planning Commission Review. Prior to approval of any proposed Temporary Use Permit, the application shall be submitted to the Planning Commission for review and consideration. For purposed of this section, the "date of submission" shall be the date of the presentation of the draft resolution to the Commission at a regular or special meeting of the Commission. The Planning Commission's review of the application shall be conducted at a public hearing with notice provided in accordance with Section 5-502C. Within thirty (30) days of the date of submission of the application to the Commission, the Commission shall endeavor to render its approval, disapproval, or recommendation to the BOCC. The Planning Commission's failure to render its approval, disapproval, or provide any recommendation to the BOCC within thirty (30) days of the date of submission may be deemed by the BOCC as approval of the proposed Temporary Use Permit by the Planning Commission.

- C. Board of County Commissioners Public Hearing. Before final approval of a proposed Temporary Use Permit, the Board of County Commissioners shall hold a public hearing on the application. Notice of the public hearing shall be provided as follows:
1. Content of Notice. The notice of public hearing shall include the date, time, place, and general purpose of the hearing, a general description of the property affected. The general description may be stated by: (a) a metes and bounds description the boundaries of which include the property subject to the proposed Temporary Use Permit; or (b) by lot and block of a recorded subdivision plat; or (c) by a reference to intersecting roads, compass directions relating the property to the intersection, and a statement of the approximate acreage involved. The Planning Department may include other information deemed appropriate by the Department to apprise the public of the general nature of the action proposed.
  2. Form of Notice.
    - a. Required Notice. Notice of public hearing for the application for a Temporary Use Permit shall be published in the official County newspaper or in a newspaper of general circulation within Park County at least fourteen (14) days before the date of the hearing.
    - b. Additional Notice. The County shall endeavor to provide additional and supplemental notice of the proposed application and hearing by mailing and posting in accordance with this section.
      - i. Mailing. A notice by mail should be deposited in the United States comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or delivery to another comparable service should be made at least fourteen (14) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing. Mailed notice shall be addressed to owners of Adjacent Property<sup>10</sup> as their names appear in the real property records of the Park County Assessor or Park County Clerk and Recorder. For purposes of determining addresses for mailed notice, the County may rely upon the ownership information provided by the Applicant as part of the application.
      - ii. Posting. A notice by posting should be made by the the Planning Director/County Designee posting a sign on or reasonably near the property that is subject to the hearing in a location that is reasonably determined to provide the greatest degree of visibility to members of the public. In most instances, the posting shall be made along the primary traveled public right-of-way adjacent to the property. Posting should be initially made at least fourteen

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<sup>10</sup> See Article IV, Definitions, "Adjacent Property"

(14) days before the date of the hearing. Failure of the posted notice to remain in place and visible during the entire posting period prior to the hearing shall not be deemed sufficient cause to require a postponement, re-posting, or invalidation of the hearing. At the outset of each hearing, the Planning Director/County Designee should provide evidence of posting in accordance with this section to the Planning Commission or the Board of County Commissioners. Such evidence should be in the form of photographs showing the posted sign and a "posting log" or other written document evidencing the time, date, and location of the posting and the time and date of the Planning Director/County Designee's maintenance of the posted sign during the posting period prior to the hearing.

**Section 5-603            Standard for Approval of Temporary Use Permit.**

In considering any application for Temporary Use Permit, the following standard shall govern. The applicant for the proposed permit shall bear the burden of proof and the resolution approving the application shall be approved and adopted only if it appears by clear and convincing evidence presented during the public hearing that the following conditions or circumstances exist.

- A.     The property described in the application for Temporary Use Permit possesses geological, physical, and other environmental conditions that are compatible with the proposed Temporary Use; and
- B.     The Temporary Use will conform with all applicable requirements of the zone district and these Land Use Regulations; and
- C.     The property has a reasonably certain right of permanent legal access permitting vehicular access from the property to the public thoroughfare; and
- D.     Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit; and
- E.     The Temporary Use, as proposed, is compatible with the uses and zoning for other properties within the neighborhood or immediately surrounding area; and
- F.     Where the property owner previously conducted the proposed Temporary Use or a substantially similar use, applicant, or other persons affiliated with the owner or applicant, the owner, applicant, and/or affiliates conducted such prior use in accordance with federal, state, and County laws and regulations.

**Section 5-604            Conditions on Approval Authorized.**

- A.     Conditions Authorized. The Board of County Commissioners may impose reasonable conditions on the approval of any Temporary Use Permit where such conditions are necessary to ensure the continuing use of the property in conformance with the

requirements of the zoning district and the requirements of these Land Use Regulations or if such condition is necessary in order to ensure that the proposed amendment will satisfy the criteria for approval required by Section 5-603.

B. Standard Conditions of Every Permit. Regardless of the form or content of the written Permit approving a Temporary Use, the following conditions shall be imposed upon and deemed incorporated into every Temporary Use Permit issued on or after March 1, 2003:

1. The Temporary Use Permit shall be a license or permit which may be revoked in accordance with this Division of these Land Use Regulations.
2. The application and supporting materials, as modified by the conditions imposed upon the Permit, shall govern and describe the scope, area, and use authorized by the Permit.
3. The Temporary Use authorized by the Permit cannot be expanded in scope, area, use, or in any manner inconsistent with the Permit.
4. Upon instruction by the Planning Director/County Designee, the applicant shall immediately take action to bring the Temporary Use into conformance with the conditions of the permit, or federal, state, or local laws.
5. The Temporary Use Permit may be revoked administratively without notice or hearing as provided in Section 5-606.
6. Upon revocation of the Temporary Use Permit, the applicant shall immediately cease the Temporary Use.

**Section 5-605 Compliance with Conditions Required.**

- A. Any person, firm, or corporation violating any condition imposed upon a Temporary Use Permit shall be subject to such penalties provided by Colorado Revised Statutes §30-28- 124 (criminal penalties), as amended, provided that the minimum penalty shall be \$100.00 for each day during which such illegal use of property continues and is found to exist or have existed.
- B. Any person, firm, or corporation violating any condition imposed upon a Temporary Use Permit shall be subject to such penalties provided by Colorado Revised Statutes §30-28- 124.5 (civil penalties), as amended, provided that the minimum penalty shall be \$500.00 for each day during which such unlawful use of property continues and is found to exist or have existed.

**Section 5-606 Revocation of Temporary Use Permit.**

- A. Any Temporary Use Permit may be administratively revoked at anytime by the Planning Director/County Designee upon an administrative finding that:
  1. The Temporary Use failed to satisfy or conform with one or more express conditions of the Temporary Use Permit and that the applicant has not remedied the failure immediately following notification by the County; or

2. The Temporary Use failed to satisfy or conform with one or more federal, state, or local laws and that the applicant has not remedied the failure immediately following notification by the County.
- B. No notice or hearing shall be required prior to any revocation of a Temporary Use Permit.
  - C. Upon order of the Board of County Commissioners to revoke a Temporary Use, the owner or holder of the revoked Temporary Use Permit shall remove and cease the Temporary Use within thirty (30) days of the date of the order or such other time as the Board shall establish at the time of revocation. It shall be unlawful for the owner or holder of a Temporary Use Permit to fail to timely remove and cease a Temporary Use as order following revocation and such failure shall be subject to such penalties provided by Colorado Revised Statutes §30-28-124 (criminal penalties), as amended, provided that the minimum penalty shall be one hundred dollars (\$100.00) for each day during which such failure and illegal use of property continues and is found to exist or have existed.
  - D. Upon order of the Board of County Commissioners to revoke a Temporary Use, the owner or holder of the revoked Temporary Use Permit shall remove and cease the Temporary Use within thirty (30) days of the date of the order or such other time as the Board shall establish at the time or revocation. It shall be unlawful for the owner or holder of a Temporary Use Permit to fail to timely remove and cease a Temporary Use as order following revocation and such failure shall be subject to such penalties provided by Colorado Revised Statutes §30-28-124.5 (civil penalties), as amended, provided that the minimum penalty shall be five hundred dollars (\$500.00) for each day during which such failure and illegal use of property continues and is found to exist or have existed.

## **DIVISION 7            USE REGULATIONS**

### **Section 5-700            Generally**

Certain principal uses, accessory uses, conditional uses, temporary uses, and other aspects of the use of property within zone districts of Park County must be conducted in accordance with specific criteria in order that such use be deemed as an allowed or lawful use in the zone district. The criteria of this Division shall apply to the uses specified. Deviation from or failure to comply with the criteria shall constitute a violation of these Land Use Regulations.

### **Section 5-701            Animal Regulations for Residential Zone Districts**

#### **INTENT**

- A.     The intent is to provide for the keeping of Domesticated Animals, Small Livestock and Large Livestock (see definition - Article IV) while preserving the environment and confining the impact to the site.
  
- B.     \*\*Animal Regulations apply in the following Zone Districts: Agricultural Small Lot (A-35), Residential (R), Mountain Residential (MR), Residential Estate (R-20), Residential Ranch (R-35), Rural Center Mixed Use (MU), Manufactured Home Park (MHP), Mining (M) and any part or portion of a Planned Unit Development (PUD) that permits residential use.
  - 1.     Mountain Residential (MR) Zone District Large Animal Regulation. (See Article V, Section 5-305.)
  
- C.     For any new residential lots of less than ten (10) acres created after August 23, 2003, Large Livestock is not permitted. For 4-H project animals, a permit may be obtained from the Park County Extension Office or other designee.
  
- D.     Domesticated Animals. (See definition - Article IV, Section 4-200.)
  - 1.     For any residential lot purposes of less than ten (10) acres in size, not more than three (3) dogs, three (3) cats, three (3) potbellied pigs, or three (3) other similarly sized Domesticated Animal may be kept or may reside on any lot within Park County provided that the total number of all such animals shall not exceed six (6).
  - 2.     For any residential lot purposes of ten (10) acres or more in size, not more than ten (10) dogs, ten (10) cats, ten (10) potbellied pigs, or ten (10) other similarly sized Domesticated Animal may be kept or may reside on any lot within Park County provided that the total number of all such animals shall not exceed ten (10).
  
- D.     Large Livestock. (See definition - Article IV, Section 4-200.)
  - 1.     The lot shall have a lawful source of water or well permit that authorizes the watering of livestock.
  - 2.     The minimum area of open area not having structures/buildings shall be one half (1/2) acre for the keeping of one Large Livestock animal, and the total number that may be kept shall not exceed one (1) Large Livestock animal for each additional one half (1/2) acre up to a maximum of four (4) Large Livestock animals.

3. Livestock shall be kept within a fenced area sufficient to prevent escape. (See Fencing Regulations, Article V, Section 5-708.)
4. All corrals, stalls, and barns shall be located at least fifty (50) feet from any dwelling and one hundred (100) feet from any water well or watercourse
5. All corrals, stalls, and barns shall be routinely cleared of waste products, which shall be removed from the property to prevent unsightliness and potential health hazards.
6. Adequate drainage facilities and improvements must be established so as to protect adjacent properties and watercourses from runoff containing sediment or organic waste.

F. Small Livestock. (See definition – Article IV, Section 4-200)

Small Livestock animals (e.g. poultry, fowl, rabbits, chinchilla, mink) shall be kept in containment areas according to the following standards:

1. A maximum number of Small Livestock animals shall not exceed ten (10) for each acre of a lot or parcel.
2. The containment building or structure shall not be closer than fifty (50) feet to any dwelling water well or watercourse.
3. Regular removal of manure is required to prevent unsightliness and potential health hazards.
4. Adequate drainage facilities and improvements must be established so as to protect adjacent properties and streams from runoff containing sediments or organic wastes.

G. Buffalo or Bison.

Notwithstanding anything in these Land Use Regulations, the keeping or grazing of buffalo or bison is prohibited in the following Residential Zone Districts: Agricultural Small Lot (A- 35), Residential (R), Mountain Residential (MR), Residential Estate (R-20), Residential Ranch (R-35), Rural Center Mixed Use (MU) Manufactured Home Park (MHP) and any part or portion of a Planned Unit Development (PUD) that permits residential use.

1. It shall be unlawful for any owner of buffalo or bison to cause, permit, enable, or otherwise allow one or more buffalo or bison to enter upon property located within the Residential Zone District.
2. Any person, firm, or corporation violating any provision of this subsection shall be subject to such penalties provided by Colorado Revised Statutes §30-28-124 (criminal penalties), as amended, provided that the minimum penalty shall be one hundred dollars (\$100.00) for each day during which such illegal use of property continues and is found to exist or have existed.

3. Any person, firm, or corporation violating any provision of this subsection shall be subject to such penalties provided by Colorado Revised Statutes §30-28-124.5 (civil penalties), as amended, provided that the minimum penalty shall be five hundred dollars (\$500.00) for each day during which such unlawful use of property continues and is found to exist or have existed.
4. Upon direction of the Board of County Commissioners, either the county attorney or the district attorney may enforce this subsection. Nothing in this section shall preclude or prevent the County from pursuing either criminal or civil remedies, or both as authorized by Colorado Revised Statutes §§30-28-124 and 30-28-124.5 or from instituting an action for injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

H. Commercial Use. (See definition – Article IV, Section 4-200)

Use or leasing of property for livestock grazing shall be allowed subject to following conditions:

1. Property owners and their leases may form a lawfully created “grazing association” where the property parcels are contiguous.
2. A written lease, signed by all property owners participating in the “grazing association” and lessees must exist.
3. The perimeter of all property subject to the grazing association shall be fenced with a lawful fence by the grazing association and/or the lessees.
4. The construction and maintenance of any fences within the boundaries of the “grazing association” shall be subject to rules adopted by the property owners within the grazing association.
5. No commercial grazing or leasing of acreage of less than thirty-five (35) acres shall occur, unless a valid grazing association and a lease signed by all parties.

**Section 5-701a**

A. Park County Land Use Regulation to Address the Unlawful Grazing of Livestock

1. TITLE. This regulation shall be known as the “Park County Land Use Regulation to Address the Unlawful Grazing of Livestock”.
2. AUTHORITY. The Local Government Land Use Control Enabling Act of (Colorado Revised Statutes 29920-101 et seq.) gives Park County “the authority to plan for and regulate the use of land by: ... (a) Regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and (b) Otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.” (Colorado Revised Statutes §29- 20-104).



3. PURPOSE. The purpose of this regulation is to protect land located in the County by providing an avenue for mitigating the unlawful grazing of livestock in Park County and its adverse consequences on the environment. It does not relieve the responsibility of the landowners bordering or surrounded by property that is being lawfully grazed of maintaining a lawful fence.
4. DEFINITIONS.
  - a. "UNLAWFUL GRAZING": Any person(s) who knowingly allows livestock to graze upon property in which such person(s) has no lawful right to pasture or forage livestock, and/or over-stocks property in which such person has a lawful right to pasture or forage livestock causing the livestock to leave such property in order to obtain the proper amount of pasture, forage, or water; and/or allowing livestock to unlawfully remain on incorporated or unincorporated roads, streets or public highways.
  - b. "LIVESTOCK": Included horses, cattle, mules, asses, goats, sheep, swine and cattalo, but does not include buffalo or "alternative livestock", as defined in Colorado Revised Statutes §35-41.5-102 (1).
  - c. "LAWFUL FENCE": A well-constructed three barbed wire fence with substantial posts set at a distance of approximately twenty feet apart, and sufficient to turn ordinary horses and cattle, with all gates equally as good as the fence, or any other fence of like efficiency.
  - d. "OWNER": Any person(s), corporation, organization, or otherwise, either having actual ownership, implied ownership or control for the care taking and welfare of livestock.
  - e. "ACTUAL NOTICE": Actual recorded notice received from a law enforcement agency either by telephone or in person and followed up with a written notice.
  - f. "REASONABLE TIME":
    - i In regards to livestock at large on an open highway not normally grazed, a reasonable time shall be, once the livestock owner has received actual notice, time to prepare and lawfully drive from the local headquarters of the livestock owner to the location of the livestock.
    - ii In regards to the unlawful grazing of livestock, a reasonable time shall be forty-eight (48) hours, from the time of actual notice, to remove the livestock unless the landowner and livestock owners have; mutually agreed upon a longer time period.
  - g. "OPEN RANGE": An area in which livestock is lawfully pastured on both sides of a road or highway. In such cases, adequate warning to motorists is given by proper signage warning of livestock being on the road or highway.

5. UNLAWFUL GRAZING OF LIVESTOCK CONSTITUTES A MISDEMEANOR.
  - a. It is unlawful for any person(s) who, after a reasonable time has passed after receiving actual notice, knowingly allows the unlawful grazing of livestock; and
  - b. Any person violating this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a one hundred dollars (\$100.00) fine and/or ten (10) days in jail. For each day the violation continues, an additional count shall be added up to one thousand dollars (\$1,000.00) fine and/or six (6) months in jail.
6. ENFORCEMENT.
  - a. The Park County Sheriff's Office and the Park County Animal Control shall enforce the provisions of this regulation.
  - b. Any peace officer in hot pursuit of any animal(s) in apparent violation of this regulation may enter into municipal corporate limits or upon private property for the purpose of enforcing this regulation, including impoundment of such animal(s), ascertaining the ownership of such animal(s), or issuing a citation to the owner(s) of such animal(s).
7. DISPOSITION OF FINES AND FORFEITURES. All fines and forfeitures collected pursuant to this regulation shall be paid over to the County Treasurer.
8. CAPTIONS. The captions and paragraph headings used throughout this regulation are for the convenience of reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, explain, modify, amplify or add to the interpretation, construction or meaning of any provision of this regulation.
9. SEVERABILITY. If any provision of this regulation or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this regulation, or the application of such provision to parties and circumstances other than those to which it is invalid or unenforceable, shall not be effected hereby, and each provision of this resolution shall be valid and enforced to the fullest extent permitted by law.
10. NO EFFECT ON PARK COUNTY ORDINANCE NO. 03-01. This regulation shall be in addition to and have no effect upon Park County Ordinance No. 03-01.

## **Section 5-702          Bed and Breakfast.**

Every Bed and Breakfast use shall meet and conform to the following requirements:

- A. One (1) parking space shall be provided for each guest bedroom, and two (2) spaces for the owner's unit in the building.
- B. The building shall meet all applicable lot area, building height and setback requirements for the zone district in which the building is located.
- C. Permanent signage for the use shall conform to the requirements of Division 8 of Article V.
- D. The property used for a bed and breakfast should also serve as the primary residence of the owner or manager. For purposes of this use, an owner is one who holds a fifty percent (50%) ownership interest or greater in the property.
- E. No long-term rental of rooms shall be permitted. The maximum stay for any one (1) guest shall not exceed twenty-eight (28) days.
- F. All guestrooms shall be located within the principal building.
- G. No meals shall be served to members of the public other than persons renting rooms for nightly occupancy.
- H. No stove or cooking range shall be allowed in any guestrooms.
- I. Unless water services are obtained by a municipal or central water system, the owner's water source must comply with state law.

## **Section 5-703          Commercial Campground**

- A. A Commercial Campground must maintain a minimum of twenty (20) camping sites. The maximum density for a Commercial Campground is eight (8) individual campsites per acre. The area devoted to private roadways within the campground is included in determining the established density.
- B. No tent, trailer, or other camping unit may be set upon a foundation, permanently affixed to the ground, or be occupied for more than six (6) months in any twelve (12) month period.
- C. Commercial Campgrounds may include one (1) residential dwelling unit for the purpose of providing housing or shelter for the caretaker or supervisor of a commercial campground.
- D. Commercial Campgrounds should operate in conformance with the Colorado Department of Public Health and Environment Standards and Regulations for Campgrounds and Recreations Areas. A copy of the Standards and Regulations can be obtained from CDPHE, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530 or at [www.cdphe.state.co.us](http://www.cdphe.state.co.us).

- E. Each campsite must be equipped with a numbered and color-coded sign indicator of at least four (4) square inches and attached to a post on or near the campsite to designate permitted campsites.
- F. Each campsite must include a designated and identifiable parking space of at least two hundred (200) square feet suitable for one (1) vehicle. The parking space must be constructed so that no portion of any vehicle extends onto any roadway within the campground.
- G. Access to a Commercial Campground must not be through any developed residential area or land platted for residential use unless the plat has been recorded with the County Clerk and Recorder for more than three (3) years and no residential buildings have been constructed on any platted lots.
- H. Road systems within a Commercial Campground are required. Road systems must form a loop-system only and be constructed in the same manner and to the same standards as an access road. If a road system is for one-way traffic only, directional signs must be installed.
- I. Access roads to Commercial Campgrounds must be sixteen (16) feet wide for one-way and twenty-four (24) feet wide for two-way traffic. The roads must be surfaced with granular material of no greater than one and one-half (1½) grade.
- J. A Commercial Campground must contain at least one comfort station. The comfort station shall meet the requirements of Table 5-703 based on the number of campsites within the Commercial Campground. The comfort station must be maintained primarily for the use of the Commercial Campground occupants. The general public must not be invited by advertisement or otherwise to use the comfort stations.
- K. Unless water services are obtained by a municipal or central water system, the owner's water source must comply with state law.
- L. A Commercial Campground may contain a Convenience/General Store suitable to serve the need of the users.

**TABLE 5-703a  
Camp Site Comfort Station**

SITES	TOILETS		URINALS	LAVATORIES		SHOWERS	
	MALE	FEMALE	MALE	MALE	FEMALE	MALE	FEMALE
15	1	2	1	1	1	1	1
16-30	1	2	1	1	1	1	1
31-45	2	3	1	3	3	1	1
46-60	2	4	2	3	3	2	2
61-80	3	5	2	4	4	2	2
81-100	3	5	2	4	4	3	3

*For every thirty (30) additional sites in excess of one hundred (100) sites, one (1) additional male toilet, female toilet, male lavatory and female lavatory must be provided. For every forty (40) additional sites in excess of one hundred (100) sites, one (1) additional male shower and female shower must be provided. For every one hundred (100) additional sites in excess of one hundred (100) sites, one additional urinal and one (1) female toilet must be provided.*

## **Section 5-704 Home Occupations.**

All Home Occupations (both Major and Minor Home Occupations as defined by Article IV) shall meet all of the following standards; failure to comply with such standard shall render the Home Occupation unlawful:

- A. One (1) Home Occupation Per Resident. Only one (1) Home Occupation per full-time resident may be conducted with no more than a total of three (3) authorized Home Occupations within any Residential Dwelling Unit.
- B. Exterior Appearance. There will be no exterior evidence, other than any sign permitted by the Sign Regulations of Division 8 of Article V, to indicate that a building is being used for any purpose other than that of a Residential Dwelling Unit or an accessory structure to such Residential Dwelling Unit.
- C. Off-Street Parking Required. All parking for customers and visitors must be provided on the same Lot as the Residential Dwelling Unit. Parking shall conform to the Parking Standards of Division 3 Article VII.
- D. Nuisances. The home occupation shall not cause any odor, dust, smoke, fumes, vibration, noise, heat, glare, or electromagnetic interference, which can be detected at or beyond the property line. Hours of operation shall be such that there is no alteration to the residential character of the neighborhood.
- E. Outdoor Storage. Outdoor storage of equipment, material, goods, merchandise, or stock shall be permitted when reasonably stored from view and properly stored.
- F. Hazardous, Flammable, or Explosive Materials. No Home Occupation may include the storage or presence on the premises of Explosives and Hazardous Materials, except motor fuels in approved containers not to exceed fifty (50) gallons (as defined by Colorado Revised Statute §42-1-102 and the Code of Federal Regulations, Title 49, Division 1, parts 173.50 through 173.389; Fireworks (as defined by Colorado Revised Statute §12-28-101); or Flammable materials as defined by Colorado Revised Statute §42-1-102.
- G. Owner as Operator. A full-time resident of the Residential Dwelling Unit must conduct the Home Occupation. Only two (2) additional persons may be employed in the conduct of the Home Occupation.
- H. Limited Delivery Vehicles. Home Occupations shall not require public or private delivery services to the Residential Dwelling Unit different in kind or frequency than those customarily made to Residential Dwelling Units.
- I. No Vehicle Related Uses Allowed. Home Occupation may not include Vehicle Repair Service, Vehicle Center, Vehicle Storage Yard, Salvage Yard, or Vehicle Sales.

**Section 5-705 Construction Dwellings.**

- A. Temporary Construction Dwelling Permitted. A Construction Dwelling may be located in any zone district subject to the following requirements:
1. The dwelling must be a recreational vehicle, camper, manufactured building, or other similar commercially constructed shelter that includes interior areas and facilities for water, wastewater (sewer), heat, and sleeping accommodations.
  2. A construction dwelling shall only be a lawful use if each of the following requirements are met or satisfied:
    - a. The dwelling must be registered with the Park County Building Department. Registration shall require only completion of a form of registration approved by the Planning Director/County Designee that requires the owner's name, identification of the property upon which the dwelling is or will be located, the type of dwelling (size, make, model, etc.), date of location, and a representation by the property owner that the dwelling is intended solely for use by the owner or owner's agent during the period of construction of a permanent residential building on the same lot. No registration fee shall be required.
    - b. There shall be a valid and effective building permit issued for the property on which the construction dwelling is located authorizing construction of a permanent residential building on the same lot.
- B. Use Deemed Unlawful. Failure to meet or satisfy the requirements of both (A)(2)(a) and (b) above shall render the construction dwelling an unlawful use.
- C. Accessory Structure. See Accessory Structure as defined in Article IV.

**Section 5-706 Recreational Vehicle Parks.**

- A. A Recreational Vehicle Park must maintain a minimum of twenty (20) camp/parking sites for recreational vehicles. The maximum density for a Recreational Vehicle Park is fifteen (15) individual campsites per one (1) acre. The area devoted to private roadways within the Recreational Vehicle Park shall be included in determining the established density.
- B. All types of recreational vehicles as defined by Article IV (except tents not associated with a recreational vehicle) may be accommodated in a Recreational Vehicle Park.
- C. No tent, trailer, recreational vehicle, or other camping unit may be set upon a foundation, permanently affixed to the ground, or be occupied for more than six (6) months in any twelve (12) month period.
- D. Recreational Vehicle Parks may include one (1) residential dwelling unit and/or one General Convenience Store.

- E. Recreational Vehicle Parks should operate in conformance with the Colorado Department of Public Health and Environment Standards and Regulations for Campgrounds and Recreations Areas. A copy of the Standards and Regulations can be obtained from CDPHE, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530 or at [www.cdphe.state.co.us](http://www.cdphe.state.co.us).
- F. Each camp/parking site must be equipped with a numbered and color-coded sign indicator of a least four (4) square inches and attached to a post on or near the camp site to designate permitted camp/parking sites.
- G. Each camp/parking site must include a designated and identifiable parking space of at least four hundred (400) square feet suitable for one (1) vehicle. The parking space must be constructed so that no portion of any vehicle extends onto any roadway within the Recreational Vehicle Park.
- H. Access to a Recreational Vehicle Park must not be through any developed residential area or land platted for residential use unless the plat has been recorded with the County Clerk and Recorder for more than three (3) years and no residential buildings have been constructed on any platted lots.
- I. Road systems within a Recreational Vehicle Park are required. Road systems must form a loop-system only and be constructed in the same manner and to the same standards as an access road. If a road system is for one-way traffic only, directional signs must be installed.
- J. Access roads to recreational vehicle parks must be sixteen (16) feet wide for one-way traffic and twenty-four (24) feet wide for two-way traffic. The roads must be surfaced with granular material of no greater than one and one half (1 ½ ) inch grade.
- K. Entrances into recreational vehicle parks or onto recreational vehicle park access roads off state or federal highways must be rounded by at least a forty (40) foot radius arc to provide convenient and safe ingress and egress to those highways without traffic obstruction. Intersections must also be maintained free from visibility obstruction for a distance of one hundred twenty-five (125) feet along the access road or entrance from its intersection with the highway.
- L. Roads and pedestrian walkways within the recreational vehicle park, buildings, comfort stations and other areas or facilities with nighttime use must be lighted for safe use.
- M. A minimum of eight percent (8%) of the gross area within the perimeters of a recreational vehicle park must be maintained as an outdoor recreation area. Outdoor recreation areas include adult recreation and child play areas and comfort stations, but do not include parking areas.
- N. Unless water services are obtained by a municipal or central water system, the owner's water source must comply with state law.
- O. A Recreational Vehicle Park must contain at least one comfort station. The comfort station shall meet the requirements of Table 5-706 based on the number of camp/parking sites within the Recreational Vehicle Park. The comfort station must be maintained primarily for the use of Recreational Vehicle Park occupants. The general public must not be invited by advertisement or otherwise to use the comfort station.

**TABLE 5-706a  
Recreational Vehicle Park Comfort Station**

SITES	TOILETS		URINALS	LAVATORIES		SHOWERS	
	MALE	FEMALE	MALE	MALE	FEMALE	MALE	FEMALE
15	1	2	1	1	1	1	1
16-30	1	2	1	1	1	1	1
31-45	2	3	1	3	3	1	1
46-60	2	4	2	3	3	2	2
61-80	3	5	2	4	4	2	2
81-100	3	5	2	4	4	3	3

*For every thirty (30) additional sites in excess of one hundred (100) sites, one (1) additional male toilet, female toilet, male lavatory and female lavatory must be provided. For every forty (40) additional sites in excess of one hundred (100) sites, one (1) additional male shower and female shower must be provided. For every one hundred (100) additional sites in excess of one hundred (100) sites, one additional urinal and one (1) female toilet must be provided.*

**Section 5-707 Outdoor Events.**

- A. Purpose. This section governs the review and conduct of proposed Outdoor Events (e.g., any form of recreational, musical, artistic, commercial, athletic, religious, social activity situated outside a permanent building or structure such as, but not limited to, concerts, carnivals, circuses, and community and public gatherings). These regulations are necessary to ensure that the use is conducted in a manner, which protects the public health and safety, and insures that adequate sanitation; water supply, security, law enforcement, and medical emergency services are provided to the public.
- B. Minimum Requirements. At a minimum, an Outdoor Event shall be operated in accordance with the following requirements:
1. The site shall be accessible to a public road via an existing road system meeting the design standards for a public or private road pursuant to the Park County Standard Specifications for Road and Bridge Construction, Appendix D.
  2. Adequate provision shall be made for traffic control and safety on affected public roads. Operators of Outdoor Events shall coordinate traffic control with the Sheriff’s Office and the Colorado Department of Transportation. The operator at the operator’s cost and expense shall provide measures required by these agencies.
  3. Law enforcement services shall maintain a ratio during the Outdoor Event of at least one (1) enforcement official to each two hundred (200) persons in attendance. The Outdoor Event operator at the operator’s cost and expense shall provide law enforcement services.
  4. Emergency medical services shall be provided during the Outdoor Event. Where the projected attendance will exceed five hundred (500) people, a manned, full time emergency medical station shall be provided within the site of the Outdoor Event. The operator, at the operator’s cost and expense, shall provide all emergency medical services.



5. All applicable regulations of the State and County Health Departments shall be met. The operator at the operator's cost and expense shall provide measures required by these agencies.
6. Toilet facilities shall be provided at a minimum ratio of one (1) toilet for each one hundred (100) persons expected in attendance. The operator at the operator's cost and expense shall provide all facilities.
7. The County may require a monetary deposit and written agreement which would provide for a sufficient financial guarantee, as determined by the County, for the restoration and site clean-up in accordance with the terms of any conditional or temporary use approval.

**Section 5-708            Fences.**

The following standards shall apply to all fencing throughout Park County.

- A. Barbed Wire. Concertina or razor wire is prohibited in all zone districts. Other forms of barbed wire are permitted for fencing within all zone Districts. C.R.S. §§35-46-101 through 35-46-114.
- B. Electrically Charged Fencing. Electrically charged fences are permitted in all zone districts. Hidden perimeter fencing designed to restrain Domesticated Animals from leaving property by means of a low-voltage electric shock triggered from a collar are permitted in all zone districts.
- C. Fences in Rights-of-Way. No fence, wall, or other improvement shall be erected within a public right-of-way except fences and walls erected by the County or erected in accordance with a written license or permit agreement with the County.
- D. No Obstruction to Traffic. Fences and walls shall be erected and maintained in a manner, which does not obstruct the vision of automobile traffic on any adjacent street, road, rightofway, or driveway. No fences, walls, or other obstructions to view over forty-two (42) inches in height shall be placed within fifty-five (55) feet of the point of intersection of lot lines abutting a street corner.
- E. Compliance with State Law. Property owner shall comply with state statutes pertaining to fences C.R.S. §§35-46-1-1 through 35-46-114.

**Section 5-709            Lighting.**

- A. Purpose. The purpose of this Section is to address the actual physical effects of outdoor lighting and the effect that such lighting may have on the surrounding neighborhoods. Exterior lighting will be evaluated in the development review process to ensure functional and security needs for the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects the project, adjacent properties or the neighborhood will be evaluated considering the light source, level of illumination, hours of illumination and need for illumination.

- B. General Standards Applicable. All applications for Preliminary Plan of a Major Subdivision or a Planned Unit Development must include a proposed lighting plan that meets functional security needs of the proposed land use without adversely affecting adjacent properties or the neighborhood. The Planning Commission or Board of County Commissioners may require a lighting plan with any application where it is determined that the proposed development will likely result in lighting impacts upon adjacent properties due to the development's size, geographic location, or type of use.
- C. Light Levels. With the exception of lighting for public streets, all other project lighting used to illuminate buildings, parking lots, walkways, plazas or the landscape, must be evaluated during the land use approval process. All lighting plan must comply with the following design standards:
1. Site lighting that may be confused with warning, emergency or traffic signals is prohibited.
  2. Background spaces, such as parking lots must be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protecting people and property. Foreground spaces, such as building entrances and plaza seating areas, must use local lighting that defines the space without glare.
  3. Light sources must be direct light downward and concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent properties.
  4. The style of light standards and fixtures must be consistent with the style and character of architecture proposed on the site.
  5. Light sources must produce accurate color rendition. Incandescent, metal halide, mercury vapor and high pressure sodium light sources all have good color rendition and are permitted light sources.
  6. Maximum on-site lighting levels must not exceed ten (10) foot candles, except for loading and unloading platforms where the maximum lighting level is a twenty (20) foot candle.
  7. Light levels measured twenty (20) feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) must not exceed one-tenth (1/10) foot candle as a direct result of the on-site lighting.
  8. All site lighting shall be equipped with an on-off switch.

### **Section 5-710 Noise**

- A. General. Every building, structure, use and activity within unincorporated areas of Park County shall be conducted in a manner so that any noise produced is not unreasonable; and no person shall knowingly permit such noise upon any premises or in or upon any vehicle owned or possessed by such person or under such person's control or operation.
- B. Construction Noise. Noise from exterior construction operations that can be heard by adjacent residents is prohibited from 9:00 p.m. to 7:00 a.m. except as provided in a County approved temporary or conditional use permit or when construction work is required to make emergency repairs.

## **DIVISION 8            SIGNS**

### **Section 5-800            Signs Generally.**

This Division is intended to regulate the erection and maintenance of both permanent and temporary signs within Park County, Colorado. Signs meeting all requirements of this Division are allowed after first obtaining a permit from the County. Regardless of the permanent or temporary nature of the sign, certain signs specified by this Division are prohibited throughout the County. Signs erected which fail to conform to or comply with the requirements of this Division are subject to removal as an illegal structure or use.

### **Section 5-801            Definitions.**

Words and phrases contained in this Division are found in Article IV, Definitions, of these Land Use Regulations.

### **Section 5-802            Sign Area Measurement.**

- A.     The area of a sign shall be measured as follows:
1.     The structure or bracing of a sign shall be omitted from measurement unless such structure or bracing is made part of the message or face of the sign.
  2.     The area of all faces shall be included in determining the total area of a sign.
    - a.     The area of any sign having parts both with and/or without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign including all frames, backing, face plates, nonstructural trim.

### **Section 5-803            Prohibited Signs**

- A.     The following signs and sign designs are prohibited within all zone districts of unincorporated areas of Park County, Colorado:
1.     Any sign not expressly permitted by or conforming with this Division.
  2.     Revolving beacons, flashing signs, for signs with any type of intermittent lighting effects.
  3.     Search lights.
  4.     Any sign found by the Director to be hazardous by reason of inadequate maintenance, dilapidated condition, or obsolescence such that the sign creates a hazard to the public health or safety.
  5.     Signs that do not comply with Colorado Department of Transportation regulation.

- B. The following signs are prohibited within all zone districts in unincorporated areas of Park County. For such signs, the Planning Director/County Designee, or the Director's designee, shall immediately remove any of the following signs found, by the Director, to be in violation of this subsection (B).
1. Signs located on public property; within public rights-of-way; on street medians; islands; attached to traffic-control devices or traffic-control signs and fixtures; or attached to utility equipment, poles, and wires.
  2. Signs protruding or projecting over, into, through, or within the airspace over any public right-of-way.
  3. Signs that materially impede vision at street intersections. A sign shall be presumed to materially impede vision if located within a triangular area bounded on two (2) sides by the property lines adjoining the streets of a corner lot and bounded on the third (3rd) side by a line joining points located on the property lines adjoining the streets at points fifty (50) feet from the approximate corner of such corner lot.
  4. Signs designed, shaped, and/or painted to mimic, simulate, or represent official traffic control devices, such as but not limited to, stop signs, yield signs, caution signs, or speed limit signs.

**Section 5-804            Reserved.**

**Section 5-805            Authorized Permanent Signs.**

The following signs shall be authorized as permanent signs:

- A. Residential Zones. Within the Agricultural Small Lot (A-35) Zone District, Residential (R) Zone District, Mountain Residential (MR) Zone District, residential properties within the Rural Centers<sup>11</sup>, Mobile Home Park (MHP) Zone District, and any part or portion of a Planned Unit Development (PUD) Zone District that permits residential use.
1. Residential Subdivision: One (1) permanent Entry Sign at each entry into a platted subdivision from a public right-of-way. Such Entry Ground Sign shall be located within an easement, outlot, or on a lawfully existing permanent fence or structure owned or controlled jointly by the owners of lots within the subdivision or by a homeowners' association. Such sign shall not exceed a total of sixty-four (64) square feet of surface area and twelve (12) feet in height.
  2. Each Non-residential Use within such zone districts (e.g., Religious Institution, Religious Center, Bed & Breakfast, Recreational Facilities, or commercial uses within a PUD):
    - a. One (1) permanent Entry Sign at each entry into the property or site from a public right-of-way. Each Entry Sign shall not exceed a total of sixty-four (64) square feet of surface area and twelve (12) feet in height; and
    - b. Either:

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<sup>11</sup> See Division 4 of this Article V for Rural Center Overlay Areas.

- i One (1) or more Wall Signs provided that the total surface area for all such Wall Signs does not exceed sixty-four (64) square feet; or
  - ii One (1) Ground Sign not exceeding thirty-two (32) square feet of exposed surface area for each face or a total of sixty-four (64) square feet for all surface area and twelve (12) feet in height;
- B. Commercial Zones. Within the Commercial (C) Zone District, Rural Centers<sup>12</sup>, and Commercial Use areas of any Planned Unit Development:
  - 1. Commercial Uses: Any combination of Ground Sign(s), Entry Sign(s), or Wall Sign(s) provided that no one sign exceeds one hundred (100) square feet in surface area and the total aggregate square footage of surface area for all such signs does not exceed a total of two hundred (200) square feet.
- C. Other Zones. Within the Agricultural (A) Zone District, Conservation/Recreation (CR) Zone District, Industrial (I) Zone District, Mining (M) Zone District, or Recreational Vehicle Park and Campground (RVC) Zone District:
  - 1. One (1) permanent Entry Sign at each entry into the property or site from a public right-of-way. Each Entry Sign shall not exceed a total of sixty-four (64) square feet for all surface area and twelve (12) feet in height; and
  - 2. Such signs necessary for internal management and direction of on-site traffic and safety within the site such as, but not limited to, parking signs, private street directional and speed signs, or safety and cautionary signs. Such signs shall not generally be visible from public rights-of-way and shall not be displayed to attract attention to the property or site for commercial purposes.
- D. Planned Unit Developments. As part of approval or amendment of any Planned Unit Development (PUD), the Applicant may seek approval of a comprehensive sign plan, which, if approved by the BOCC at the time of approval of the PUD or as an amendment to the PUD, shall govern, and control the display of signs within the PUD notwithstanding provisions of this Division. Upon approval of a comprehensive sign plan, only such signs as are specifically approved by such plan shall be permitted.
- E. Off-Premises Signs. Off-premise signs identifying uses, goods or services in Park County oriented toward highway travelers, directional signs for emergency services, or directional signs for developments, are allowed in all zoning districts as follows:
  - 1. The use or service is for highway travelers, emergency services, or development located in Park County.
  - 2. The sign shall be located within fifteen (15) miles of the community in which the use is located, or from the use itself, when located outside of an incorporated community.
  - 3. Each use shall be limited to one (1) off-premise sign per highway approach, not exceeding thirty-two (32) square feet in sign area and a maximum of ten (10) feet in height.

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<sup>12</sup> See Division 4 of this Article V for Rural Center Overlay Areas.

4. The distance between off-premise signs shall be a minimum of six hundred sixty (660) lineal feet unless smaller rhyming verse type signs (i.e. Burma Shave signs).

#### **Section 5-806 Design Standards for Permanent Signs.**

In addition to the prohibitions imposed on sign design, form, style, and character this Division, all permanent signs shall be designed and maintained in accordance with the following standards:

- A. Artificial illumination shall be permitted. Illumination shall be provided only from a concealed and focused light source directed in a manner that prevents illumination beyond the face or surface area of the sign.
- B. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or otherwise create a hazard.
- C. All signs shall be designed, constructed, installed, and maintained to be stable under all weather conditions, including high winds.

#### **Section 5-807 Permanent Sign Exemptions.**

The following signs are exempt from any requirement imposed by this Division and shall be authorized in all zone districts. Such signs are declared to have a minimal impact on the public and do not generally create traffic, safety, or other hazards.

- A. Any sign erected by Park County acting in its governmental capacity including, but not limited to, traffic control signs and signs identifying public places such as parks, trails, and public buildings.
- B. Any traffic control sign erected by the State of Colorado Department of Transportation (CDOT) within a public right-of-way owned or controlled by CDOT.
- C. Any number of flags provided that each flag shall not exceed sixty-four (64) square feet in size. Flagpoles shall not exceed two (2) flagpoles for each lot and shall not exceed thirty-five (35) feet in height.
- D. Signs in the nature of holiday decorations, clearly incidental and commonly associated with any national, local, or religious holiday.. Such signs may be of any type, number, area, height or animation so long as they do not advertise or identify a product or a business and are located so as not to conflict with traffic regulatory devices or traffic safety.
- E. Signs located wholly within a building and are not visible from any point within a public right-of-way.
- F. Signs attached to and associated with scoreboards located or and immediately adjacent to athletic fields owned and controlled by private or public schools.
- G. Signs incorporated into and made part of a bus bench lawfully located within the public right-of-way provided that such sign does not exceed sixty-four (64) square feet in size.

H. Signs incorporated into and made part of a public transit shelter or public bus stop shelter lawfully located within a public right-of-way provided that such signs do not exceed two (2) panels each measuring not more than twenty-four (24) square feet in surface area.

**Section 5-808          Temporary Signs.**

- A.     Temporary Signs Permitted in All Zone Districts. Temporary signs may be posted on property in all zone districts of the County, subject to the following requirements and any other applicable provisions of these Land Use Regulations and the County Building Code:
1.     The total square footage for all temporary signs posted on a lot, property, or parcel shall not exceed thirty-two (32) feet, with no individual sign face exceeding sixty-four (64) square feet in all surface area.
  2.     No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
  3.     A temporary sign shall be designed to be stable under all weather conditions, including high winds.
  4.     No temporary sign shall be illuminated.
  5.     A temporary sign shall only be posted with the consent of the property owner or occupant.
- B.     Removal Requirements for Temporary Commercial Signs. In addition to the requirements stated above, temporary commercial signs shall comply with the following requirements:
1.     A temporary real estate sign shall be removed within fourteen (14) days after the sale or occupancy of the property.
  2.     All other commercial temporary signs, including those announcing yard sales and special events to occur on one or more particular dates, shall be removed within fourteen (14) days of the conclusion of the sale or event that the sign is promoting.
  3.     Campaign signs must be removed fourteen (14) days after the election.
- C.     Removal or Replacement of Signs: It shall be unlawful for the owner or occupant of any property upon which a temporary sign is posted to permit, condone, maintain, or authorize the posting of such temporary sign where this Division requires the removal or replacement of such sign. Upon the failure of the owner or occupancy to remove or replace the temporary sign in accordance with this Division, the Planning Director/County Designee is authorized to enter upon private property and remove any temporary sign posted in violation of this Division.

**Section 5-809          Variances.**

The owner of any property may seek a variance to the strict application of this Division in accordance with Division 1 of Article III.

**Section 5-810          Penalties.**

- A.     It shall be an offense and unlawful for any person being the owner, agent or occupant of, or having under his control any building, lot, or premises to erect, install, construct, maintain, authorize, or otherwise allow any prohibited or unauthorized sign in violation of this Division. Each calendar day that such violation exists shall be a separate offense and violation of this Division and any specific section.
  
- B.     Any person, firm, or corporation violating any provision of this Division shall be subject to Such penalties provided by the Colorado Revised Statutes § 30-28-124 (criminal penalties), as amended, provided that the minimum penalty shall be \$100.00 for each day during which such illegal use of property continues and is found to exist or have existed.
  
- C.     Any person, firm, or corporation violating any provision of this Division shall be subject to such penalties provided by Colorado Revised Statutes § 30-28-124.5 (civil penalties), as amended, provided that the minimum penalty shall be \$500.00 for each day during which such unlawful use of property continues and is found to exist or have existed.
  
- D.     Upon direction of the Board of County Commissioners, either the County Attorney or the District Attorney may enforce this Division. Nothing in this Division shall preclude or prevent the County from pursuing either criminal or civil remedies, or both as authorized by Colorado Revised Statutes §§ 30-28-124 and 30-28-124.5, or from instituting an action for injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.



## DIVISION 9 TELECOMMUNICATION FACILITIES

### Section 5-900 Purpose and Exemption.

- A. General. The general purpose of this Division is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Park County, Colorado. More specifically, the purposes of this Division are:
1. To regulate the location of towers and telecommunications facilities in Park County;
  2. To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
  3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
  4. To promote and encourage shared use/collocation of telecommunication sites as a primary option rather than construction of additional single-use towers;
  5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new or multiple tower structures to support antenna and telecommunications facilities;
  6. To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and
  7. To ensure that towers and telecommunications facilities are compatible with surrounding land uses.
- B. Exemption. This Division shall not apply to property owned or controlled by Park County, Colorado.

### Section 5-901 Definitions.

The following words, terms, and phrases, when used in this Division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Adjacent property:** Any property having a common border or boundary with the property subject to the application for a special use permit; provided that a property divided by a public or private street or alley from the subject property shall be considered adjacent.

**Applicant:** Any Person that applies for a special use permit in accordance with this Division

and, in the event the Applicant is not the Owner of the property affected by the application for a special use permit, such Applicant is acting with the lawful written consent of the Owner.

**Antenna or antennae:** Any transmitting or receiving device(s) or equipment mounted on a tower, building, or structure that radiate, capture, receive, switch, emit, or transmit electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals including, but not limited to, paging, enhanced specialized mobile radio, commercial mobile radio service, personal communication services, microwave link antenna, cellular telephone, and other related technologies.

**Director:** Planning Director/County Designee for Park County or the Director's designee.

**Evidence of Ownership and Encumbrances:** Documentary evidence acceptable to the County reasonably establishing : (i) that the Applicant(s) is/are either the fee owner(s) of the entire property proposed for the special use permit or that the Applicant possesses the legal authority to secure the permit on behalf of the fee owner(s); and (ii) the full names and mailing addresses of all other interest holders in the property. Documentation of ownership, liens, and encumbrances shall include all of the following:

- A written ownership and encumbrances report or title company and dated not more than sixty (60) days from the date of the application submission to the County: and
- A full and properly executed agreement or power of attorney acceptable to the County Attorney that establishes the Applicant's full authority to perform all action required by this Division and to process and seek approval of a special use permit on behalf of an Owner; and
- A listing of all liens and encumbrances against the subject property with the book or film, page and reception number of each lien or encumbrance as recorded in the office of the County Clerk and Recorder including the names and addresses of all such lien holders.

**Freestanding facility:** A telecommunication facility that consists of a stand-alone structure such as a monopole or lattice tower, attached antenna(e), and associated equipment storage shelter(s).

**Lattice tower:** Any tower or structure designed and constructed primarily to support antenna or antennae and comprised of interconnected poles, pipes, bars, beams, strips, wires, or cross-members. A lattice tower shall include any type or form of tower that incorporates guy or supporting wires. A lattice tower is not a monopole tower.

**Monopole tower:** Any structure designed and constructed to support antenna or antennae for the Purpose of providing telecommunications services and which consists solely of a stand-alone ground mounted support pole, pipe, or other solid structure. A monopole tower shall not include any tower supported or attached to guy or support wires. A monopole tower is not a lattice tower.

**Owner:** Any Person with fee title or a long-term (exceeding thirty (30) years) leasehold to any parcel of land within the County who desires to permit the development of, or to construct, build, modify, or erect a telecommunication facility upon such owner's property.

**Panel antenna or antennae:** Any antenna(e) with both a vertical and horizontal plane designed to receive, transmit, direct, relay, aim, or switch signals associated with telecommunication services. Panel antennae are mounted to lawfully existing buildings and structures.

**Person:** Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

**Structure or building-mounted facility:** Any telecommunication facility, antenna, or equipment attached to or mounted upon any structure or building. The phrase “structure or building mounted facility” does not include a “freestanding facility”.

**Support facilities:** Support buildings, structures, equipment cabinets, electrical and mechanical equipment, utilities poles and lines, and other forms of physical improvements used in support of towers or structure- or building-mounted facility for the provision of telecommunication services.

**Telecommunications facilities or facility:** The plant, equipment, buildings, fencing, and other real and personal property, including but not limited to, cables, wires conduits, ducts pedestals, antennas, towers, structures, electronics, and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services. The term telecommunications facility shall not include:

- Amateur radio operators’ equipment licensed by the FCC;
- Any non-commercial satellite earth station antenna three (3) meters in diameter or less which is located in an area zoned industrial or commercial; or
- Any non-commercial satellite earth station antenna two (2) meters or less in diameter, regardless of zoning category.

**Telecommunications provider:** A Person, whether public or private, providing a Telecommunications service.

**Telecommunications service:** Any transmission, reception, relay, aiming, switching, or other manipulation of voice, data, image, graphic, and video programming, or other form of information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities.

**Telecommunications site:** The real property and physical area upon which telecommunications facilities are located or proposed to be located, as described in an application for land use approval for such site and such use in accordance with applicable requirements of these Land Use Regulations.

**Tower:** Any structure designed and constructed primarily to support one or more antennae for the purpose of providing telecommunications service, including but not limited to, monopole towers and lattice towers. This term also includes any antenna or antenna array lawfully attached to the tower.

**Tower height:** When referring to a tower or other structure used for the purpose of erecting,

concealing, or supporting one or more antennae, the distance measured from the lowest point within ten (10) feet of the tower or other structure to the highest point on the tower or other structure, including the base pad and any antenna attached to the tower.

**Whip antenna:** Any antenna cylindrical in shape and less than eight (8) inches in circumference that emits signals in a three hundred sixty (360) degree horizontal plane for the transmission or reception of wireless communications signals.

**Section 5-902 Permit Required.**

A Special Use Permit approved in accordance with this Division shall be required for all telecommunication facilities within Park County.

**Section 5-903 Application for Special Use Permit.**

- A. All applications for a special use permit to authorize a telecommunications facility shall include such plans, pictures, drawings and specifications as may be necessary for the County to determine that the application and the proposed facility is consistent with this Division, the Park County Land Use Regulations, and all state and federal regulations governing such use, if any.
- B. An applications all include, at a minimum, the following:
  - 1. A completed application in a form approved by the Planning Director/County Designee setting forth- general information deemed relevant to the Director to contact the Applicant and the Owner, and to identify the Applicant's authority to submit the application on behalf of the Owner.
  - 2. Payment of a non-refundable application fee in an amount established by resolution of the Board of County Commissioners to cover the administrative costs of processing the application.
  - 3. A properly executed "Agreement for Payment of Development Review Expenses" in the same form as contained in Appendix C.
  - 4. A complete legal description of the property on which the telecommunication site is proposed, prepared by a licensed registered Colorado land surveyor.
  - 5. Evidence of Ownership and Encumbrances as defined by this Division for the property on which the telecommunication site is proposed.
  - 6. A list of the names and mailing addresses of any owners of property within seven-hundred fifty (750) feet of the property subject to the proposed special use permit as this information appears of record with the applicable County Assessor's Office
  - 7. The names, addresses, and telephone numbers of all owners of other telecommunication facilities within a three (3) mile radius of the proposed new facility.
  - 8. A sworn and notarized affidavit attesting to the fact and describing the Applicant's diligent, but unsuccessful, efforts to obtain permission to install or collocate the Applicant's proposed telecommunications facilities on other telecommunication

facilities located within a three (3) mile radius of the proposed site or attesting to the fact and describing, in detail, why such collocation would be technologically impossible. Documentation evidencing diligence in seeking permission and the denial of such permission or documentation of the technological impossibility of collocation, as the case may be, shall be included with the affidavit.

9. A site plan containing a graphic representation of the property subject to the proposed special use permit prepared at a scale ranging from one (1) inch equals two (2) feet (1" = 2') to one (1) inch equals twenty (20) feet (1" = 20'). The site plan shall include or illustrate:
  - a. A general vicinity map of the property subject to the special use permit illustrating the property's location within the County.
  - b. Date of preparation, map scale, north arrow, and revision box.
  - c. A title that prominently identifies the name of the Applicant and the phrase "Special Use Permit Sit Plan."
  - d. Information identifying all setbacks, maximum heights, location of utility services and service lines, guy or supporting wires, support facilities equipment, proposed conditions or restrictions upon use, and all other land use requirements of restrictions applicable to the zone district(s) in which the property subject to the proposed special use permit is located, as identified in these Land Use Regulations.
  - e. A signature block that reads: BOARD OF COUNTY COMMISSIONER APPROVAL: The Park County Board of County Commissioners by Resolution No. \_\_\_\_\_ approved this Site Plan and a Special Use Permit for the illustrated telecommunication facility on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
Attest: \_\_\_\_\_ Chairperson  
County Clerk (County Seal)
  - f. Location and type of natural features of the property subject to the Special Use Permit and for properties within five-hundred (500) feet of the subject property including watercourses, lakes, topography, one-hundred (100) year floodway and floodplain, rock outcrops/surface geology, wildlife corridors and known wildlife foraging areas, scenic vistas, and significant trees and vegetation.
  - g. Location of all existing man-made structures, utilities, streets, driveways, ditches, fences, or other physical improvements on the property or within five- hundred (500) feet of the property subject to the Special Use Permit.
  - h. Approximate location of recorded or apparent easements or rights-of-way on the property and within five-hundred (500) feet of the property.
  - i. Location of primary access to the tower and/or antenna, equipment, and support facilities.

- j. The County may request any other data or information essential to the evaluation of the proposed special use.

\*\*10. An Environmental Assessment of the proposed action and Wireless Telecommunication Bureau review of the Environmental Assessment, if required by Title 47 of the Code of Federal Regulations, Part 1, Subpart 1, Rule Section 1.1307.

C. Special Use Proposal. Illustrations, maps, photographs, and textural descriptions, which identify or provide the following information:

1. A written evaluation and report of the visual impact of the proposed facility, including color photographic or computer generated simulations of the proposed site of the proposed telecommunication facility, as it would appear from at least three different locations, which afford a public view of the facility. The Planning Commission or Board of County Commissioners may request additional simulations to assess the visual impact of the proposed facility. Applicants are encouraged to provide photographic examples of similar facilities and samples of proposed architectural colors and materials to permit the County and interested parties to understand the visual impact of the proposed special use. The report or evaluation shall include a landscape, screening, and fencing plan showing specific landscape materials and locations, fencing materials and colors, and other screening techniques together with illustrative drawings showing the visual effect of the proposed landscaping and screening from at least three different locations which afford a public view of the facility.
2. Size, height, type, style, configuration, design, and architectural elevation drawings of the proposed tower, antenna, and support facilities.
3. A technological design plan for the proposed telecommunication facility. The design plan shall identify the type of telecommunication service to be provided by the telecommunication site, the frequency or bandwidths, a general description of the equipment types and models, and a graphic representation of the area to be provided service by the telecommunication facility.
4. A copy of any lease or other agreement(s) authorizing the use of the property for the proposed telecommunication facility. Applicants may excise or delete from such lease or agreement(s) information considered proprietary or pertaining to rental or lease payment amounts.
5. Description of the size, type, and visibility of any proposed illumination for the site, specifically including lighting attached to any tower.
6. Information sufficient to demonstrate that the telecommunications site is a necessary component of the Applicant's overall communication network and is integrated into a coordinated communication service plan for the community and for the area. Conformance with this requirement may be established by evidence presented to the County which demonstrates that the proposed site is necessary in order to: (i) provide appropriate signal coverage and quality to the area; (ii) connect and to relay services between existing facilities; (iii) connect and relay services between facilities that are reasonably likely to be constructed within one-hundred eighty (180) days of the application; (iv) handle increased capacity due to customer demand;

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- (v) overcome existing topography and/or structures in the surrounding area that preclude other preferred locations in the same area; or (vi) overcome engineering and technical constraints which require the site to be in the desired location in relation to other existing sites and potential site locations.
7. Information sufficient to demonstrate location of the proposed antenna and facility upon towers or structures at other existing telecommunication sites and facilities has been thoroughly explored and is rendered impossible due to one or more of the following: (i) absence of other existing telecommunication sites within the area; (ii) incompatibility of an engineering or technical nature between the Applicant's proposed antenna and telecommunication service and existing telecommunication sites and facilities; (iii) lack of sufficient space on existing telecommunication sites to permit attachment of the Applicant's proposed antenna or equipment; (iv) inability to obtain a lease for or permission to use existing telecommunication sites despite the exercise of due diligence to do so.
  8. Evidence that the telecommunications service provider has obtained or secured a performance bond, letter of credit, or other surety ("performance guarantee") acceptable to the County Attorney in an amount of one-hundred twenty percent (120%) of the estimated cost and expense of removing the telecommunication facility in accordance with Sections 5-908, 5-909 and/or 5-911. All performance guarantees shall authorize the County to obtain the funds secured by the guarantee upon the County's determination that the telecommunications facility has not been removed in accordance with this Division or as otherwise required by law. The amount of such performance guarantee shall be based upon an estimate obtained by the telecommunications service provider, which shall be subject to review and approval of the County. In the event that the County rejects an estimate as inaccurate, incomplete, or incorrect, the County may obtain, at its cost and expense, an estimate, which shall be used for purposes of determining the amount of the performance guarantee. The telecommunications service provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Upon any renewal of the Special Use Permit or the modification of an approved telecommunication facility, the Planning Director/County Designee shall cause the performance guarantee to be reviewed, the appropriate amount of the guarantee reassessed, and a new guarantee shall be posted or secured by the service provider in accordance with this subsection. Expiration of a performance guarantee may, at the option of the County and notice to the telecommunications service provider, result in the expiration of the Special Use Permit for the telecommunications facility.
  9. Proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damages caused by or arising from the construction and maintenance of the telecommunications facility site.

#### **Section 5-904 Procedures for Review of Applications.**

- A. Review Procedures and Requirements for Approval. All telecommunication facilities require approval of a Special Use Permit issued in accordance with this section. Unless otherwise expressly stated in the resolution approving any Special Use Permit for a telecommunication facility, all provisions of the Land Use Regulations shall govern the location, conduct, use, and operation of a telecommunication facility.

- B. Pre-Application Meeting. A pre-application meeting is required. No application shall be accepted or processed by the County unless and until the required pre-application meeting is held.
1. Prior to the formal submission of the application, the Applicant shall contact the Planning Director/County Designee in writing to schedule and request an informal meeting with the planning Director/County Designee. Following receipt of a request, the pre-application meeting shall be set for a date within ten (10) days of the date of the Applicant's written request. The Planning Director/County Designee shall advise the Applicant of the date and time of the pre-application meeting.
  2. The Applicant shall attend the meeting at the designated date and time. The Applicant shall be prepared to discuss the proposed application and the proposed development. The Applicant shall be encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.
  3. The purpose of the pre-application meeting shall be to assist the Applicant and Owner in understanding the County's special use permit process and to address any preliminary questions or concerns by the Applicant or the County Staff.
- C. Application Completeness Determination. Within ten (10) days following receipt of an application for a special use permit for a telecommunication facility, the Planning Director/County Designee shall administratively review the application and determine whether the application complies with the applicable application content requirements of this Division. All plans, reports, maps and other information required for any plan or plat must be legible.
1. Incomplete Application. The County shall not process or schedule the processing of any incomplete application. In the event the Planning Director/County Designee determines that the application is incomplete, the Planning Director/County Designee shall inform the Applicant in writing of the deficiencies in the application. No further processing of an incomplete application shall be undertaken until the Planning Director/County Designee determines that the Applicant has remedied the application's deficiencies and the application is complete.
  2. Complete Application. In the event that the Planning Director/County Designee determines that the application complies with the applicable requirements, the Planning Director/County Designee shall schedule the application for review in accordance with this Division.
- D. Agency Referrals.
1. Following receipt of a completed application, the Planning Director/County Designee shall cause the application and supporting materials to be mailed or otherwise delivered to the Local Agencies listed in Section 6-203 (B) for review and comment.
  2. It is the responsibility of the agency reviewing the referral to define any potential conflict with the application and to return a written referral response to Park County within the time period specified in the referral letter. The deadline established for referral response shall not be more than sixty (60) days from the date of mailing. A referral response not reviewed in a timely manner may, at the option of the Planning



Director/County Designee, be excluded from the processing of the application. The lack of response from a referral agency to a request for referral comment shall be interpreted as “no comment” concerning the proposal and shall not be deemed a statement of acceptance or of “no conflict” by the referral agency. The absence of a timely agency comment shall not preclude the Planning Commission or Board of County Commissioners from later seeking a referral agency comment on a specific issue raised during the review process or at any hearing.

3. Failure to forward a referral of an application to an agency as required by this section shall not constitute a material deviation from the review process and shall not void or invalidate any action taken by the Planning Commission or Board of County Commissioners. The requirement of agency referral shall be considered as a preferred, but discretionary, action by Park County.
- E. Staff Review. Following the deadline set for return of agency responses to the County, the County Staff shall administratively review the application, all supplemental materials, and agency comments within thirty (30) days from the deadline date for agency responses to determine if, in the opinion of the staff, the application is generally consistent with these regulations. The Planning Director/County Designee shall transmit the Staff’s written findings, if any, by mail to the Applicant. The County Staff shall also notify the Applicant concerning the nature of any returned referrals which are critical of the plan or which recommended denial of the plan. Once the staff review is deemed completed by the Planning Director/County Designee, the Planning Director/County Designee shall schedule the matter for presentation to the Planning Commission.
  - F. Public Hearings. Following issuance of the staff review, an application shall be set first for a public hearing before the Planning Commission and, following the conclusion of the Planning Commission hearing, set for a hearing before the Board of County Commissioners in accordance with the procedures set forth in Section 5-602.
  - G. Reasonable Conditions. The Board of County Commissioners may impose reasonable conditions upon the approval of the special use permit, including a limitation upon the term of the permit. Unless otherwise agreed by the Applicant, the term of a special use permit approved in accordance with this Division shall not be less than fourteen (14) years.
  - H. Term of Permit. The Board of County Commissioners may impose reasonable conditions upon the approval of the special use permit, including a limitation upon the term of the permit. Unless otherwise agreed by the Applicant, the term of a special use permit approved in accordance with Division shall not be less than fourteen (14) years.
  - I. Appeal. Any party aggrieved by the final decision of the board of County Commissioners may appeal to the District Court in accordance with C.R.C.P. 106(a)(4) or other applicable law.
  - J. Issuance of Building Permit(s). Applicants may receive a building permit for construction of the approved telecommunication facility following the date of recordation of a resolution approving or conditionally approving the special use permit provided that all other applicable requirements for a building permit within Park County are satisfied.

## Section 5-905

## Design and Performance Standards.

- A. General Provisions Regarding Conformance with Design and Performance Standards. When considering a special use application for a telecommunication facility, the County shall recognize a preference for the siting of panel antennae or whip antennae affixed to existing lawful structures provided that the requirements of this section are satisfied. Applicants proposing location of panel antennae or whip antennae affixed to existing lawful structures shall be required to substantially conform to the requirements of this section. The Planning Commission may recommend, and the Board of County Commissioners may grant, waivers, variances, or modifications of the design and performance standards of this section for panel antennae or whip antennae where the waiver, variance, or modification will allow for an innovative or creative design which reduces or mitigates adverse impacts upon the public related to the siting of the telecommunication facility. Applicants proposing the erection of any freestanding facility shall strictly conform to the requirements of this section.
- B. Criteria Applicable to All Telecommunication Facilities and Sites. The following design and performance criteria and requirements shall apply to all telecommunication facilities:
1. All telecommunication facilities shall be designed to be compatible with and incorporated into surrounding and adjacent buildings and existing or planned uses in the area. This requirement shall be accomplished through the use of compatible architectural elements such as color, texture, scale, and character.
  2. Setting and installation of telecommunication facilities shall preserve or enhance the existing character of the topography and vegetation of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively to screen equipment from view, but instead be supplemented with vegetation and/or landscaping boulders.
  3. All telecommunication facilities shall be sited, designed, and screened to minimize to the greatest degree possible the visibility of such equipment from surrounding properties, public streets, and locations affording public views of the site. An economic or financial hardship, by itself, shall not be considered an impediment to minimizing the visibility of a tower, antennae, and support facilities.
  4. All towers, antennae, and equipment should be no taller than necessary for the efficient operation of the antennae and equipment. Exceptions may be permitted where the Applicant demonstrates that the facility is designed to permit collocation by other telecommunication service providers and the Applicant has demonstrated a commitment to accept the collocation of other antennae upon reasonable terms and conditions.
  5. The use of security fencing should be minimized and be designed to blend into the character of the existing environment. Fencing shall conform to the height limitation for the zone district in which the fencing is located. The use of chain link wire, mesh, or metal fencing is discouraged unless substantially shielded from public view by the use of vegetation and/or landscaping boulders and painted to blend into the existing environment.

6. All towers, antennae, and support facilities must be designed and certified by an Engineer to be structurally sound and, at minimum, be in conformance with the County-adopted building codes, and any other standards outlined in this Division.
  7. The siting of Telecommunications Facilities in areas designated in the Strategic Master Plan Visual Priority Map and described as “views into Park County” (1-2-3); “Road Corridor Views” (A,AA,B,C,): “Mountain/Hill Views” (1,2) should only be permitted if such Telecommunications Facilities are camouflaged, hidden or disguised (and provided that power and transmission lines are buried) so that the rural character of the County and priority view sheds are preserved.”
- C. Design and Performance Standards for Structure– or Building–Mounted Facilities. All structure- or building-mounted facilities shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure.
1. Panel Antennae Standards.
    - a. Panel antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted, textured, and treated to match the building or structure to which the panel is attached.
    - b. Panel antennae attached to the side of a building or structure shall not exceed the height of the parapet or the roofline, whichever is greater
    - c. Panel antennae mounted on an existing penthouse or existing rooftop mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the panel antennae are attached.
    - d. Panel antennae shall not be mounted in a freestanding, sled, or rack-mounted fashion on the top of a building unless: (i) there exists unscreened service equipment on the roof which will be screened from view along with the panel antennae; and (ii) the screening of the antennae and equipment will be architecturally compatible with the building.
    - e. No panel antenna shall exceed the maximum height limitation for the zone district in which the panel antenna is located.
    - f. Panel antennae shall not be attached to any building or structure, which fails to conform to the applicable provisions of these Land Use Regulations. The County may, as a condition of approval of any special use permit for a panel antenna or antennae attached to a nonconforming building or structure, require that a nonconforming building or structure be brought into conformance with these Land Use Regulations.
  2. Whip Antennae Standards.
    - a. Whip antennae shall not extend more than fifteen (15) feet above the height of the building or structure to which the antennae are attached.
    - b. Where more than one whip antenna is attached to one building or structure, such antennae shall maintain a minimum separation of fifteen (15) feet between antennae owned by different telecommunication providers.

- c. No whip antenna shall exceed the maximum height limitation for the zone district in which the antenna is located.
  - d. Whip antennae shall not be attached to any building or structure, which fails to conform to the applicable provisions of these Land Use Regulations. The County may, as a condition of approval of any special use permit for a whip antenna or antennae attached to a nonconforming building or structure, require that a nonconforming building or structure to be brought into conformance with these Land Use Regulations.
3. Support Facilities Associated with Structure- or Building-Mounted Antennae. Support facilities associated with structure or building mounted antennae are encouraged to be located in one of the following areas, which are listed in order of preference from most (i) to least (v) preferred:
- a. Inside the building or structure to which the panel or whip antennae are attached.
  - b. Inside an existing equipment penthouse on the roof of a building whenever possible.
  - c. Immediately adjacent to the exterior of an existing equipment or elevator penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.
  - d. Outside of a penthouse on the roof of a building if a parapet exists that is taller than the support facility.
  - e. On the ground and screened according to the design criteria for other telecommunications facilities.
- D. Design and Performance Standards for Freestanding Telecommunication Facilities. The following design and performance standards shall apply to all freestanding telecommunication facilities:
- 1. Lattice towers shall be discouraged within Park County. An Applicant wishing to construct a lattice tower shall be required to establish, by clear and convincing evidence, one or more of the following: (a) that the construction and maintenance of another type of tower creates an unwarranted economic burden on the applicant; or (b) that the construction and maintenance of another type of tower is not feasible as a practical matter; or (c) that aesthetic considerations favor the use of a lattice tower at the proposed location.
  - 2. The height of any freestanding telecommunication facility shall not exceed the higher of sixty-five (65) feet or the maximum building or structure height permitted in the applicable zone district unless a variance is obtained in accordance with this Division. Measurement of tower height for the purpose of determining compliance with all requirements of this section shall be made from the grade existing at the time of application to the highest point or portion of the freestanding facility including any antennae or other equipment proposed for attachment to the tower.
  - 3. No new freestanding telecommunication facility shall be built, constructed, or

erected in the County unless the facility is capable of supporting at least three other Person's operating telecommunications facilities. The phrase "capable of supporting" means and includes: (a) the physical capability of connecting antennae comparable in weight, size, and surface area to the antenna installed by the Applicant on the tower; (b) the capability of operation of another Person(s) antennae in a comparable manner and efficiency as the Applicant's antennae; and (c) a means or system in place to facilitate the ready connection of additional antennae to the freestanding facility such as, but not limited to, a form of contract approved by the Applicant to be offered and made available to other Person(s) who seek to collocate on the freestanding telecommunication facility. In the event that the Telecommunications Facility is proposed without the capability of supporting at least three other providers, the request must be justified by the applicant and approved by the Board of County Commissioners.

4. As a condition of approval of any freestanding telecommunication facility, the County shall require the Applicant to provide a performance bond or other surety to the County which is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved freestanding telecommunication facility.
5. Freestanding telecommunication facilities shall not be located upon any property closer than a 1:1 setback to height ratio. The Board of County Commissioners may waive this provision for mitigating circumstances, providing that public safety is not compromised.
6. Freestanding telecommunication facilities shall not be located upon any property that includes a building or structure, which fails to conform to the applicable size, height, or use provisions of these Land Use Regulations. The County may, as a condition of approval of any special use permit for a freestanding telecommunication facility, require that a nonconforming building or structure be brought into conformance with these Land Use Regulations.
7. The tower associated with a freestanding telecommunications facility shall not be located closer than fifteen hundred (1,500) feet from any other tower of a freestanding telecommunications facility established or proposed by the same or another telecommunication service provider. For the purpose of this subsection, the separation distances between freestanding telecommunication facilities shall be measured by drawing or following a straight line in plain view between the base of any existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The minimum tower separation distances shall be calculated and applied irrespective of County jurisdictional boundaries.
8. Support facilities associated with freestanding telecommunications facilities shall meet the following requirements:
  - a. Be located in an enclosed building that is architecturally compatible with the surrounding environment or be screened completely with an architecturally compatible wall or fence so the support facility is not visible from adjacent properties, streets or public areas;
  - b. Include vegetation to enhance the appearance of any of the support facility, walls, and fencing;

- c. Where security fencing is utilized, such fencing shall enclose the minimum space practicable for operation of the telecommunication facility;
  - d. Be grouped as closely as technically possible to each other and the freestanding facility;
  - e. Cover a surface area not to exceed four hundred fifty (450) square feet per telecommunication service provider utilizing the freestanding facility;
  - f. Be designed with materials, textures, treatments, and colors that are compatible with other structures and vegetation on the same parcel and adjacent parcels; and
  - g. Not reduce the parking or landscaped areas below the minimum requirements for other principal uses on the property.
- E. Telecommunications Facilities in Specific Zone Districts. Telecommunication facilities shall be permitted within Park County as provided in the following table:

**TABLE 5-905  
Telecommunications Facilities in Specific Zone Districts.**

Zone District	Structure or Building-Mounted Facility <sup>2</sup>	Freestanding Facility
Agricultural (A) Agricultural Small Lot (A-35) Conservation/Recreation (C/R)	Permitted as Special Use if attached to a lawful non-residential structure <sup>1</sup>	Permitted as Special Use if located more than five hundred (500) feet from residential structures
Residential (R) Mountain Residential (MR) Residential Estate (R-20) Residential Ranch (R-35) Recreational Vehicle (RVC) Mobile Home Park (MHP)	Permitted as Special Use if attached to a lawful non-residential structure <sup>1</sup>	Permitted as Special Use if located more than five hundred (500) feet from residential structures
Commercial (C) Mining (M) Industrial (I)	Permitted as Special Use if attached to a lawful non-residential structure <sup>1</sup>	Permitted as Special Use if located more than five hundred (500) feet from residential structures
Planned Unit Development (PUD)	Permitted as Special Use only if such use and the specific site and design are expressly identified within the PUD	Permitted as Special Use only if such use and the specific site and design are expressly identified within the PUD

Table Footnotes:

<sup>1</sup> Structure or building mounted telecommunication facilities are permitted on non-residential structures and on multi-family residential buildings provided that the antennae and equipment are located no closer to a dwelling unit than the distance deemed safe or appropriate by the Federal Communication Commission or other appropriate federal regulatory agency for radio frequency radiation or emissions.

<sup>2</sup> A structure or building mounted facility shall be an accessory use of the property upon which the facility is attached or mounted.

F. Alternate Administrative Review; Use of Public Utility Transmission Facilities.

1. Public utility transmission facilities, structures, and transmission poles may be utilized as a telecommunication site if: (a) the utility company has granted approval of the use of the facility, structure, or pole; and (b) where located in a residential zone district, the telecommunication facility is granted a Special Use Permit; or where located in a zone district other than residential, the telecommunication facility has received administrative review and approval; and (c) where the telecommunication facility does not exceed the height of the existing transmission structure or pole.
2. In all zone districts in which telecommunication facilities are permitted, any proposal to co-locate or otherwise mount new antenna on an existing approved tower meeting all requirements of this Division shall be subject to administrative review and approval by the Planning Director/County Designee. The Planning Director/County Designee shall approve such attachment of new antennae where the Applicant for such use demonstrates that the antennae conform to the requirements of this section. Where the attachment of new antenna or antennae includes installation of new, additional, or enlarged or expanded support facilities, such support facilities shall be subject to the special use permit process of this Division.

**Section 5-906          Standards for Application Approval.**

- A. Applicant to Bear Burden of Proof. The Applicant shall bear the burden of presenting substantial evidence at the public hearing to support the standards for approval set forth in this section. Any decision by the reviewing body to approve, conditionally approve, or deny an application shall be based upon a consideration of the evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence in rendering a decision.
- B. Written Decision and Resolution Required. Every decision of the Board of County Commissioners shall be made by written resolution approved by a majority of a quorum present and voting at a regular or special meeting. The Board of County Commissioners may, following conclusion of the public hearing and prior to rendering a final decision, direct the Planning Director/County Designee or County Attorney to prepare written findings and a resolution memorializing the Board's decision for presentation at a regular meeting of the Board of County Commissioners. Only upon final consideration and approval of the required written resolution shall the Board's decision become final for purposes of this Division and any appeal.
- C. No Consideration of Electromagnetic Effects. All transmission towers (radio, television, telephone, emergency broadcast, paging, etc.) shall comply with the public health standards for the electromagnetic radiation that are promulgated in connection with the FCC. As required by federal law, the reviewing body shall not base any decision of denial of an application upon, or impose a condition upon approval concerning the environmental or health effects of radio frequency emissions of telecommunication

facilities provided that such facilities are shown to comply with regulations imposed by the FCC concerning such emissions. The receipt of statements, testimony, or other evidence by the reviewing body concerning environmental effects of radio frequency emissions of the telecommunication facility shall not be imputed or implied as a basis for any decision of the reviewing body.

D. Required Findings for Decision.

1. For Unconditional Approval. The reviewing body must find that the application supporting materials, and the record of proceedings before the reviewing body establishes that the Applicant has met:
  - a. All applicable requirements of this Division;
  - b. All requirements of the applicable Zone District; and
  - c. All applicable requirements of these Land Use Regulations.
2. For Approval with Condition(s). The reviewing body must find that the application, supporting materials, and the record of proceedings before the reviewing body establishes that the Applicant has met:
  - a. All applicable requirements of this Division;
  - b. All requirements of the applicable Zone District; and
  - c. All applicable requirements of these Land Use Regulations.
  - d. The condition(s) imposed upon such approval are reasonably necessary or desirable to ensure that the special use conforms to (a), (b), or (c) above. In establishing conditions of approval, such conditions shall be specifically stated within the resolution for approval in a form approved by the Planning Director/County Designee or County Attorney.
3. For Denial. The reviewing body must find that the application, supporting materials, and the record of proceedings before the reviewing body establishes that the Applicant has failed to satisfy one or more specifically identified requirements imposed by:
  - a. All applicable requirements of this Division;
  - b. All requirements of the applicable Zone District; and
  - c. All applicable requirements of these Land Use Regulations.

**Section 5-907 Modifications to Approved Facilities.**

- A. Modifications Require Approval. No modification to an approved telecommunication facility may be made without approval of the County except for:



1. Routine and customary repairs of towers, antennae, and equipment that will not alter the physical appearance of the telecommunication facility when viewed from any boundary of the property described in the special use permit.
  2. The addition, substitution, replacement, and repair of equipment located within enclosed equipment structures associated with a telecommunication facility.
- B. Minor Modifications. The Planning Director/County Designee may administratively grant approval for a minor modification of an approved telecommunication facility where the modification is a minor modification within the meaning of this section and the modification satisfies all applicable requirements of this Division and the zone district in which the telecommunication facility is located. A minor modification shall only include:
1. Removal of antennae.
  2. Replacement of existing approved antenna or equipment with comparably sized and comparably colored antenna or equipment.
  3. Replacement of existing approved antenna with antenna or antennae that will result in a reduction of the visibility of the antenna when viewed from the boundary of the property described in the special use permit.
  4. Attachment of antenna or equipment to existing approved structures to fulfill an Applicant's plan for collocation as specifically identified in an approved special use permit.

The Planning Director/County Designee may request the submission of plans, drawings, or other information identified in Section 5-903 in order to reach an administrative decision to approve or deny a minor modification.

- C. Major Modifications. Any modification, other than a minor modification, shall be subject to approval of the Board of County Commissioners as a major modification. The application for approval of a major modification shall be processed in the same manner as a new application for a special use permit pursuant to this Division. The Planning Director/County Designee, following administrative consultation with the Board of County Commissioners during a public meeting, may administratively waive application requirements established by Section 5-903 for a major modification where such requirement is deemed unnecessary or unreasonable by the Planning Director/County Designee based on the nature and extent of the proposed modification.

**Section 5-908          Abandonment.**

- A. If any telecommunication facility shall cease to be used for a period of three hundred sixty-five (365) consecutive days, the Planning Director/County Designee shall notify the Owner, with a copy to the Applicant, that the telecommunication site will be subject to a hearing and possible determination by the Board of County Commissioners that such site has been abandoned. The Owner and Applicant shall be provided written notice of the hearing before the Board of County Commissioners and the hearing shall be held not less than fourteen (14) days following the mailing of notice via hand delivery, regular

U.S. Mail postage prepaid, or comparable delivery service to the last known addresses of the Owner. The Owner and Applicant shall be provided an opportunity to show at the hearing, by a preponderance of the evidence that the telecommunication facility has been in use or under repair during such period. If the Owner or Applicant fails to show that the facility has been in use or under repair during the period, the Board of County Commissioners shall issue a final determination of abandonment for the telecommunication site and shall order removal of the telecommunication facility by written demand sent via registered U.S. mail, return receipt requested, to the Owner and the Applicant. Upon issuance of the final determination of abandonment and delivery order for removal, the Owner shall, within eighteen (18) months or such longer period determined by the Board of County Commissioners as reasonable to permit removal, cause the telecommunication facility to be dismantled and removed.

- B. Telecommunication facilities declared abandoned by the County in accordance with this section and which remain in place following the deadline for removal stated in an order for removal shall:
1. Constitute a public nuisance and shall be subject to abatement as provided by these Land Use Regulations; and
  2. Be subject to removal by the County utilizing funds placed into escrow for removal of a telecommunication facility and/or public funds; and
  3. Be subject to any other remedy available to the County to cause the removal of the telecommunication facility; and
  4. Result in the immediate termination of the special use permit issued for the telecommunication facility.

#### **Section 5-909 Expiration, Revocation, and Enforcement**

- A. Permit Expiration. Special use permits for telecommunication facilities shall expire upon the expiration of any term of the permit.
- B. Permit Revocation. The Board of County Commissioners may, following notice and a hearing as generally provided in Section 5-904(F), revoke any special use permit for telecommunication facilities and order the removal of the telecommunication facility upon a finding by the Board of County Commissioners that:
1. The telecommunication facility fails to substantially conform with a requirement of this Division or a condition of the special use permit and the Owner failed to remedy such noncompliance within sixty (60) days of the date of mailing of a notice of noncompliance; or
  2. The telecommunication facility fails to substantially conform with a representation or criteria stated in the Applicant's application, site plan, or special use proposal and the Applicant or Owner failed to remedy such noncompliance within sixty (60) days of the date of mailing of a notice of noncompliance.

The Owner and Applicant shall be provided written notice of the hearing before the Board of County Commissioners and the hearing shall be held not less than forty-five (45) days following the mailing of notice via hand delivery, regular U.S. Mail postage prepaid, or comparable delivery service to the last known addresses of the Owner.

**Section 5-910 Enforcement.**

- A. It shall be unlawful and a violation of these Land Use Regulations for:
1. Any Applicant or Owner who fails to substantially conform to an applicable requirement of this Division or a condition of a special use permit issued pursuant to this Division.
  2. Any Owner or Applicant to fail to substantially conform with a representation or criteria stated in the application, site plan, or special use proposal submitted to the County and approved in accordance with this Division.
  3. Any Person to authorize, maintain, or permit the use of property within Park County for a telecommunication facility without first securing approval of a special use permit in accordance with this Division.
- B. Inspections. The County or its agents shall have authority to enter onto the property upon which a telecommunication facility is located to inspect the facility for the purpose of determining whether the facility conforms to the applicable provisions of this Division, these Land Use Regulations, the application, site plan, or special use proposal submitted to and approved by the County, or federal or state law.

**Section 5-911 Removal of Facilities.**

- A. Removal Required. A telecommunication facility shall be removed within one hundred eighty (180) days, or such longer period determined by the Board of County Commissioners as reasonable to permit removal, of the following:
1. The date of expiration of the special use permit.
  2. The date of a final declaration of abandonment by the Board of County Commissioners.
  3. The date of revocation of a permit.
- B. Restoration of Property. Where removal of a telecommunication facility is required by this Division, the telecommunications service provider shall, at the service provider's cost and expense, remove the facility and restore the property to a condition substantially similar to that existing before the installation. Such removal shall not, however, include removal of any installed landscaping unless the County approves removal of landscaping.