



# **ZONING REGULATIONS**

January 1, 2018

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## **1.0 ADMINISTRATION**

### **1.1 TITLE, PURPOSE AND APPLICATION**

#### **Title**

This Resolution shall be known and cited as the "Gilpin County Zoning Regulations", or "Zoning Regulations", or "Gilpin County Zoning Code", or "Zoning Code"

#### **Purpose**

The purpose of this Zoning Regulation is to classify, regulate and segregate uses of lands and buildings for the health, safety and welfare of the citizens of Gilpin County.

#### **Application**

This Zoning Regulation shall apply to all public and private lands situated within the boundaries of the zoning districts established in the unincorporated portions of Gilpin County over which Gilpin County has jurisdiction under the Statutes of the State of Colorado.

### **1.2 AMENDMENTS**

The Board of County Commissioners of the County of Gilpin (BOCC) may, with proper notice, amend any provision of this zoning resolution. Before any amendment may be approved by the BOCC, the Gilpin County Planning Commission shall review and make recommendation.

### **1.3 SEVERABILITY**

It is hereby declared to be the legislative intent that the several provisions of this resolution shall be severable, in accordance with the provisions set forth below:

If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be legislative intent that:

- The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
- Such decision shall not affect, impair or nullify this resolution as a whole or any part thereof, but the remainder of this resolution shall continue in full force and effect.

If the application of any provision of this resolution to any lot, building, other structure or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- The effect of such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and
- Such decision shall not affect, impair or nullify this resolution as a whole or the application of any provision thereof, to any other lot, building, other structure or tract of land.

#### **1.4 REPEALS**

All zoning resolutions of Gilpin County effective prior to the date of adoption of this resolution are hereby repealed.

The repeal of any of the above-mentioned resolutions does not revive any other resolution or portion thereof repealed by said resolution.

Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution repealed hereby for an offense committed prior to the repeal.

#### **1.5 VARIANCE**

##### **Establishment of Board of Adjustment**

The Board of County Commissioners of any county which enacts zoning regulations under the authority of this section shall provide for a Board of Adjustment of three members and for the manner of the appointment of such members. Not more than one of the members of such board may at any time be a member of the Planning Commission. The Board of County Commissioners shall fix per diem compensation and terms for the members of such Board of Adjustment, which terms shall be of such length and so arranged that the term of at least one member will expire each year. Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners upon written charges and after a public hearing. Vacancies shall be filled for the un-expired term in the same manner as in the case of original appointments. The Board of County Commissioners may appoint associate members of such board, and in the event that any regular member is temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or any other cause, his place may be taken during such temporary disability by an associate member designated for that purpose.

**Officers**

The Board, at its first regular meeting of each year, shall select a Chairman, a Vice-Chairman and a Secretary. The Secretary may or may not be a member of such Board. The Chairman shall preside at the meeting. The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman. The Secretary shall keep full and complete minutes and records of all meetings and shall have the custody of all the records and shall generally supervise all of the clerical work of the Board.

**Powers and Duties**

The Board of Adjustment shall have the following powers and duties all of which shall be exercised subject to the laws of the State of Colorado and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this resolution and in accordance with the public interest and the most appropriate development of the County's neighborhoods:

- To hear and decide appeals from, and review any order or determination made by an administrative official charged with enforcement of the regulations established by this resolution.
- To authorize, upon appeal in specific cases, variances from the terms of this resolution, where, by reason of exceptional narrowness, shallowness or slope of a specific piece of property at the time of the enactment of this resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this resolution, and provided no variance shall authorize any use in a zoning district other than a use specifically permitted in such zoning district.

**Procedure**

The property owner or applicant affected by an interpretation, requirement or regulation of this resolution may make an application for a variance or an appeal by filing with the Board of Adjustment or their designee of notice on a furnished form specifying the grounds of appeal.

The Board of Adjustment shall hold a public hearing on all applications and appeals with the following special conditions required:

- In ruling upon any request for variance, the Board of Adjustment shall include a finding in its minutes as part of the record. Said finding shall set forth the facts and circumstances in each case, upon which the Board has relied in making its ruling.
- Unless otherwise stated in the Board of Adjustment minutes, all variance permits shall be valid for a period of time not to exceed one (1) year from the time such variance is granted, after which time, if the variance permit has not been utilized, it becomes null and void.

**Fee**

After-the-fact variance fees shall be double the fee set by the Board.

**Limited Administrative Variance Approval**

Setback variances of up to 50% may be granted administratively when the property closest to the proposed encroachment is owned by state or federal agencies. Such agencies shall be notified via first class mail 21 days in advance of a decision. No administrative variance shall be approved over a recorded objection from any notified agency provided said objection is recorded within the 21-day notification period. Administrative Variance Fee shall be reduced by 50%.

**1.6 ENFORCEMENT****Violations**

Except as otherwise provided herein, no building, structure or land shall hereafter be used, occupied, or divided; and, no building or structure or part thereof shall hereafter be erected, constructed, moved or altered unless in conformity with all the regulations applicable to the district in which it is located.

**Remedial Actions**

If any land shall be used, or any building or structure erected, constructed, reconstructed, altered, maintained or used, in violation of any regulation or provision of this zoning resolution, or amendments thereto, or the applicable statutes of the State of Colorado, the Board of County Commissioners, by the County Attorney for the County of Gilpin, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful use, erection, construction, reconstruction, or alteration.

No permits shall be issued for any property subject to outstanding zoning violation enforcement actions.

**Inspection**

The County Building Inspector, County Planner or his authorized representatives are hereby empowered to inspect and examine any building, structure or tract of land concerning which they have reasonable cause to believe that a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this resolution.

**Violation Notice Fee**

If a violation shall be found to exist, the County Building Inspector, County Planner or his authorized representative may record in the office of the County Clerk and Recorder a notice of violation of the Gilpin County Building Code and Zoning Regulation. Before any such notice shall be released and before any building permit shall be issued for the project described in the notice, the property owner or permit applicant shall pay the prescribed fee to the County to defray the County's costs and expenses in enforcing this code.

**Non-liability for Damages**

This resolution shall not be construed to create any duty or care on the part of the County of Gilpin, which would result in any liability on the part of Gilpin County for any damages to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of court action as herein above set forth or the forbearance by Gilpin County to so proceed.

The property owner or applicant affected by an interpretation, requirement or regulation of this resolution may make an application for a variance or an appeal by filing with the Board of Adjustment or their designee of notice on a furnished form specifying the grounds of appeal.

**Appeal**

The property owner or applicant affected by an interpretation, requirement or regulation of this resolution may make an application for an appeal by filing with the Board of Adjustment or their designee of notice on a furnished form specifying the grounds of appeal. A decision made by the Board of Adjustment shall not be appealed to the Board of Adjustment or the Board of County Commissioners.

The appeal must be made in writing within 30 calendar days following the administrative decision. The public notice procedure of an appeal shall be in the same manner as a variance request. A fee and notice cost will be assessed for an appeal request.



## 1.7 REVIEW AND PUBLIC NOTICE

<b>Action</b>	<b>PC Review</b>	<b>PC PH</b>	<b>PC PH Notice *</b>	<b>BOCC Review</b>	<b>BOCC PH</b>	<b>BOCC PH Notice *</b>
<b>Rezoning</b>	Yes	Yes	14 Days	Yes	Yes	21 Days
<b>SUR</b>	Yes	Yes	14 Days	Yes	Yes	21 Days
<b>RDE</b>	Yes	Yes	14 Days	Yes	Yes	21 Days
<b>Variance</b>	No	No	---	Yes	Yes	21 Days
<b>Variance Administrative</b>	No	No	No	No	No	---
<b>BLA</b>	No	No	---	Yes	No	---
<b>BLE</b>	No	No	---	Yes	No	---
<b>Minor Sub Exemption</b>	No	No	No	yes	No	---
<b>PUD</b>	Yes	Yes	14 Days	Yes	Yes	21 Days
<b>Subdivision</b>						
• Sketch	Yes	No	---	No	No	---
• Prelim	Yes	Yes	14 Days	Yes	Yes	21 Days
• Plat	No	No	---	Yes	No	---
<b>Zoning Code Amendment</b>	Yes	No	---	Yes	Yes	21 Days
<b>Master Plan</b>	Yes	Yes	30 Days	No	No	---

Unless otherwise stated elsewhere in this code, all public hearings shall be noticed as follows:

- A notice of said hearing shall be published in the Gilpin County newspaper of record.
- Written notice of said hearing shall be sent via first class mail to adjacent property owners.
- The subject property shall be posted with a sign not less than 3 square feet in size placed as near a public road as possible.

## 2.0 ZONING CODE

### **2.1 ZONING DISTRICTS: DEFINED**

- Resource Residential (**RR**) – RR lands shall include all lands previously zoned Forestry and RR through resolution.
- Residential Subdivision (**RS**) – RS lands shall include all lands previously zoned R1 and referenced by Resolution 97-03 Exhibit A; and, all other lands zoned R1 and RS through resolution.
- Light Commercial (**C3**) – C3 lands shall include all lands zoned C3 by resolution.
- Heavy Commercial (**C4**) – C4 lands shall include all lands previously zoned C4 and referenced by Resolution 97-03 Exhibit B; and, all other lands zoned C4 through resolution.
- Industrial (**C5**) – C5 lands shall include all lands zoned C5 by resolution.
- County Service (**CS**) – CS lands shall include all lands owned by Gilpin County and other Special Districts as defined by State Statute. All lands acquired by such government and quasi-government agencies after the effective date of this resolution shall automatically rezone to CS upon acquisition.

***Warning – CS lands acquired by private entities shall not be eligible for Gilpin County building permits until such lands are rezoned by resolution via Gilpin County rezoning process.***

- Government Exempt (**GX**) – GX lands shall include all lands owned by State and Federal government agencies. All lands acquired by such government agencies after the effective date of this resolution shall automatically rezone to GX upon acquisition.

***Warning – GX lands acquired by private entities shall not be eligible for Gilpin County building permits until such lands are rezoned by resolution via Gilpin County rezoning process.***

- Planned Unit Development (**PUD**) – PUD lands shall include custom projects where approval applies only to a single site-specific plan and all elements contained within that plan. PUD approval shall be subject to SUR procedures as defined elsewhere in this code.

## **2.2 ZONING DISTRICTS: ALLOWABLE USES**

### **RR – Resource Residential**

#### Use-by-Right

- One (1) Single Family Dwelling (SFD)
- One (1) Ancillary Dwelling Unit as per Section 2.6
- Agriculture, Forestry, Fishing & Hunting, Animal Production (NAICS 11 except 112112 Feedlots)
- Firewood Production  $\leq$ 200 cords per year
- Sawmill Production  $\leq$ 200 board-feet of dimension lumber per day
- Agriculture & Residential Accessory Buildings (e.g. barn, garage, studio, workshop, etc.)
- Residential-Based Business (Including wholesale and retail sale of products produced on site)
- Commercial Stables (riding & boarding) on minimum 20 acres
- Reservoirs with dam  $<10'$  in height.
- Surface water diversion structures and ditches with  $<10$  cfs peak flows

#### Use-by-SUR

- Commercial Stables (Riding & Boarding) on less than 20 acres
- Mining (NAICS 211, 212)
- Wood Product Manufacturing (NAICS 321) including Firewood production  $> 200$  cords per year and sawmill production  $> 200$  board-feet of dimension lumber per day
- Religious Organizations (NAICS 8131)
- Educational & Recreational Services (NAICS 611)
- Health Care & Social Assistance (NAICS 62)
- Pet Care (NAICS 81291)
- RV Parks (NAICS 7212)
- Veterinary Services (NAICS 541940)
- Museums, Historical Sites (NAICS 712)
- Golf Course & Ski Facilities (NAICS 71391, 71392)
- Reservoirs with dam  $\geq 10'$  in height.
- Surface water diversion structures and ditches with  $\geq 10$  cfs peak flows
- Temporary Use Permit (TUP) Eligible Events In Excess Of 4 Per Year

### **RS– Residential Subdivision**

#### Use-by-Right

- One (1) Single Family Dwelling (SFD)
- One (1) Ancillary Dwelling Unit as per Section 2.6
- Residential accessory buildings (e.g. garage, studio, workshop, etc.)
- Residential-Based Business (Non-Retail)
- Sanctioned 4H Projects
- Sale of animal products produced onsite from livestock not raised or kept for profit as per CRS 35-1-102 (6). Said livestock shall be subject to restrictions set forth in Section 2.8 of this zoning code.

Use-by-SUR

- Religious Organizations (NAISC 8131)
- Educational & Recreational Services (NAICS 611)
- Health Care & Social Assistance (NAICS 62)
- Temporary Use Permit (TUP) Eligible Events In Excess Of 4 Per Year

**C3 – Light Commercial**

Use-by-Right

- Retail Trade (NAICS 44, 45)
- Postal, Couriers & Messengers (NAICS 49 except 493 Warehousing & Storage)
- Information (NAICS 51)
- Finance & Insurance (NAICS 52)
- Real Estate (NAICS 53)
- Professional (NAICS 54)
- Management (NAICS 55)
- Administration (NAICS 56 except 56173 Landscaping; 562 Waste Management)
- Education (NAICS 61)
- Health & Social Services (NAICS 62)
- Arts, Entertainment & Recreation (NAICS 71)
- Accommodation & Food Service (NAICS 72 except 7212 RV Park)
- Services (NAICS 81 except 8131 Religious Organizations; 8111 Auto Repair; 81291 Pet Care)

Use-by-SUR

- Religious Organizations (NAICS 8131)
- Auto Repair (NAICS 8111)
- Pet Care (NAICS 81291)

**C4 – Heavy Commercial**

Use-by-Right

- Construction (NAICS 23)
- Wholesale Trade (NAICS 42)
- Warehousing & Storage (NAICS 493 if <10,000 sq ft)
- Auto Repair (NAICS 8111)
- Landscaping Services (NAICS 56173)
- All uses-by-right permitted in C3 – Light Commercial

Use-by-SUR

- Mining Support (NAICS 213)
- Warehousing & Storage (NAICS 493 if  $\geq$ 10,000 sq ft)
- RV Park (NAICS 7212)
- Pet Care (NAICS 81291)

## **C5 - Industrial**

### Use-by-Right

- Manufacturing (NAICS 31)
- Manufacturing (NAICS 32)
- Manufacturing (NAICS 33)

### Use-by-SUR

- Electric Power Generation (NAICS 22111)  $\geq 650$  kw
- Electric Transmission (NAICS 22112 stations only)
- Water, Sewer & Other Systems (NAICS 221)
- Transportation (NAICS 48)
- Waste management (NAICS 562)

## **All Zones**

### Use-by-Right

- Electric Power Generation (NAICS 22111)  $\leq 10$  kw with the following exceptions:
  - Flush-mounted roof photovoltaic systems in excess of 10 kw shall be a use-by-right.
  - Backup electric generation in excess of 10kw when primary electric service is delivered via the “grid” shall be a use-by-right
- Electric Transmission Lines, etc.) (NAICS 22112)
- Natural Gas Distribution (NAICS 2212)
- Towers (except Commercial Telecommunication Towers addressed elsewhere in this code), Antennae or Structures  $\leq 40'$  height
- Satellite dish  $\leq 10'$  diameter

### Use-by-SUR

- Electric Power Generation (NAICS 22111)  $> 10$  kw but  $< 650$  kw
- Towers (except Commercial Telecommunication Towers addressed elsewhere in this code), Antennae or Structures  $> 40'$  Height
- Satellite dish  $> 10'$  Diameter
- Any change to an established cemetery or grave yard.

## **CS – County Service**

### Use-by-Right

- County service and/or construction approved by Gilpin County BOCC.
- Activities where State and/or Federal statutes specifically preempt Gilpin County authority.

### Use-by-SUR

- Activities where State and/or Federal statutes do not specifically preempt Gilpin County authority.

**GX – Government Exempt**

Use-by-Right

- Activities where State and/or Federal statutes specifically preempt Gilpin County authority.

Use-by-SUR

- Activities where State and/or Federal statutes do not specifically preempt Gilpin County authority.

**PUD – Planned Unit Development**

Use-by-Right

- None

Use-by-SUR

- A site-specific project that would encourage a more efficient use of land and reflect current land development priorities by encouraging integrated planning consistent with Gilpin County Master Plan goals and objectives.

### 2.3 ZONING DISTRICTS: SPECIFICATIONS

Zone	Minimum Lot Size* (acres)	Maximum Building Envelope (% of Total Lot Area)	Minimum Setbacks from P/L	Minimum Setbacks from Non-platted Road C/L	Maximum SFD Residential Units per Lot	Maximum Building Floor Area (sq. ft.)	Maximum Building Height
RS	5	25%	F = 30' S = 30' R = 30'	55 feet	1 plus 1 Ancillary Residence as per Sec. 2.6	X	40 feet
RR	20	25%	F = 30' S = 15' R = 15'	55 feet	1 plus 1 Ancillary Residence as per Sec. 2.6	X	40 feet
C-3	X	X	F = 50' RS = 30' RR = 30' C-3 = 30' C-4 = 30' C-5 = 30'	75 feet	1 (Ancillary Residence Prohibited)	15,000	40 feet
C-4	X	X	F = 100' RS = 50' RR = 30' C-3 = 30' C-4 = 15' C-5 = 15'	125 feet	1 (Ancillary Residence Prohibited)	25,000	40 feet
C-5	X	X	F = 100' RS = 100' RR = 100' C-3 = 50' C-4 = 15' C-5 = 15'	125 feet	1 (Ancillary Residence Prohibited)	X	40 feet
CS	X	X	F = 100' RS = 100' RR = 100' C-3 = 50' C-4 = 15' C-5 = 15'	125 feet	X	X	40 feet
GX	X	X	X	X	X	X	X
PUD	X	X	X	X	X	X	X

\*Minimum lot size does not impact existing parcels legally created.

The following notations refer to the applicable adjacent property line:

- |                         |  |
|-------------------------|--|
| F = Front Property Line | RS = Residential Subdivision Property Line |
| R = Rear Property Line  | RR = Resource Residential Property Line    |
| S = Side Property Line  | C-3,4 or 5 = Commercial Property Line      |
| C/L = Center Line       | P/L = Property Line                        |

<b>Zone</b>	<b>Maximum SFD Occupancy Per Household (Related persons)</b>	<b>Maximum SFD Occupancy Per Household (Unrelated persons)</b>	<b>Maximum Unscreened Operable Vehicles</b>	<b>Maximum Screened Inoperable Vehicles</b>	<b>Maximum Unscreened Inoperable Vehicles</b>	<b>Maximum Existing Slope At Foundation Perimeter</b>
<b>RS</b>	Unrestricted	2 per Bedroom	4	1	0	X
<b>RR</b>	Unrestricted	2 per Bedroom	Unrestricted	2	0	X
<b>C-3</b>	Unrestricted	2 per Bedroom	Unrestricted	4	0	20%
<b>C-4</b>	Unrestricted	2 per Bedroom	Unrestricted	4	4	20%
<b>C-5</b>	Unrestricted	2 per Bedroom	Unrestricted	4	4	20%
<b>CS</b>	X	X	X	X	X	X
<b>GX</b>	X	X	X	X	X	X
<b>PUD</b>	Unrestricted Unless Specified	2 per BR Unless Specified	4 Unless Specified	1 Unless Specified	0 Unless Specified	X

**Definitions**

Related Persons – Related Persons shall include the following relatives of the owner of record or lessee of record: spouse, sibling, child, father, mother, father-in-law, mother-in-law, grandparent, grandchild, niece, nephew, aunt, and uncle.

Operable Vehicles – Operable Vehicles are conveyances intended for travel on public roads, including but not limited to, cars, trucks and trailers, that are properly licensed and registered with the State of Colorado; and that contain all equipment necessary to legally travel public roads; and, that are mechanically capable of travel on public roads in their present state of repair.

Inoperable Vehicles – Inoperable Vehicles are vehicles intended for travel on public roads that do not meet the definition of Operative Vehicles.

Screened Vehicle(s) – Is achieved by a fully enclosed structure or screen described in section 3.9, whereby the presence of such vehicle would be unknown from the vantage point of the adjacent site/property.

Acceptable alternatives include vehicles in the RR zones located greater than 300 yards from all property lines and vehicles in RR zones not visible from all property lines due to topography and/or vegetation.



SFD – A Single Family Dwelling (SFD) shall contain no more than one dwelling unit.

Dwelling Unit – a dwelling unit shall be defined as a collection of rooms that include an area prepared for or containing a kitchen; and with direct access to the outdoors; and one bathroom with a commode, sink and bath or shower; and at least one bedroom or sleeping area as defined below

An area shall be considered prepared for a kitchen if it contains typical cabinets and/or counters as would be normally expected in a kitchen; or 220 volt receptacles; or a gas line; or a plumbed wall capable of delivering hot and cold water not intended as a bathroom.

Dwelling units that meet the above definition may be detached from, attached to, or wholly contained within, other dwelling units.

Bedroom – A room in a single family dwelling unit shall be classified a bedroom if all of the following are true:

- It is a minimum of 80 square feet.
- It has a minimum of 1 window or other direct opening to the outdoors.
- It has direct access to a bathroom that does not require one to pass through any other room or common area except a hallway.

In cases where a unit used for full-time or restricted residency contains no rooms meeting the above definition, that unit is assumed to have a minimum of one (1) bedroom.

Building Height – Building Height is measured from the lowest exposed foundation to the highest roof member.

Building Envelope – A building envelope is a predetermined area in which all structures over 120 square feet shall be located.

Setbacks – Setbacks shall define an area in which all structures equal to or greater than 120 square feet are prohibited with the following exception: Structures less than 120 square feet may be located within a side or rear setback area provided only one such structure is so located per lot or parcel and a minimum of 10' is maintained between such a structure and a County, public or private road.

## **2.4 NON-CONFORMING USES**

Except as provided in this section, the lawful use of any building or land existing at the time of enactment of this resolution, or any amendments hereto, may be continued even though such use does not conform to the requirements of this resolution.

### **Structurally Unsafe Buildings**

Any non-conforming building or portion thereof declared structurally unsafe by the County Building Inspector may be fortified to a safe condition provided the cost of the fortification does not exceed 75% of the current County Assessor's Actual Value.

### **Repairs and Maintenance**

Ordinary repairs and maintenance of a non-conforming building shall not be deemed an extension of such non-conforming building and shall be permitted, provided the cost of the repairs does not exceed 75% of the current County Assessor's Actual Value.

### **Restoration**

A non-conforming building which has been damaged by fire or other causes may be restored to its original condition, provided such work is commenced within one year of such calamity and the cost of restoration does not exceed 75% of the current County Assessor's Actual Value.

### **Abandonment**

Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this resolution.

### **Alterations**

A non-conforming use or structure shall not be increased in floor area except that an existing legal non-conforming residential structure located within a required setback may increase in floor area provided no part of the new addition encroaches further into the required setback .

### **Completion**

Any building or structure for which a building permit has been issued prior to the date of enactment of this resolution or any amendment hereto and which building or structure fails to conform to this resolution or amendment hereto, may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently prosecuted to completion.

## **2.5 SPECIAL USE REVIEW (SUR) & ZONING CHANGE (ZC) STANDARDS**

All SUR and ZC proposals shall comply with the following standards:

- The proposal shall be consistent with applicable Gilpin County Master Plan guidance.
- The proposal shall limit impacts to levels that could be expected from identified Uses-by-Right allowed in the existing underlying zoning district relative to:
  - ❑ Traffic
  - ❑ Water quality
  - ❑ Water quantity
  - ❑ Flora and Fauna
  - ❑ Bulk and Scale
  - ❑ Noise levels
  - ❑ Views and Vistas
  - ❑ Air emissions
  - ❑ Economics
- The proposal shall not encumber or impede, either physically or economically, adjacent lands or other dependent lands from continued operation and/or development of an identified Use-by-Right.
- An amendment to an approved Special Use is required when the use or impact substantially changes, substantially expands or is substantially modified from what was originally presented to the Board of County Commissioners, as determined by the County Planner.
- A termination of an approved Special Use is required if a requested amendment is not made or the use fails to commence within three years from the date of approval, as determined by the County Planner.
  - Prior to termination, the County Planner will notify the owner of the property and Special Use Permit holder in writing of the “Intention to Terminate” a permit. If no application is received within 90 calendar days then the County Planner may terminate the Special Use Review permit administratively.
  - Termination of a permit shall be done in writing to the property owner and Special Use Permit holder and shall be recorded in the Gilpin County Clerk & Recorder’s Office.

## **2.6 ANCILLARY DWELLING UNITS**

### **Definition**

Ancillary Dwelling Unit – An Ancillary Dwelling Unit is a second single-family dwelling unit located on the same lot or parcel as another permitted single-family dwelling. An Ancillary Dwelling Unit may be attached or detached.

**Existing Ancillary Dwelling** – Existing ancillary dwellings specifically approved by the BOCC before the effective date of this code shall be permitted. Existing ancillary dwellings legally constructed in accordance with previous zoning and building regulations shall be permitted.

**Use-by-Right** – Ancillary dwellings that meet the following conditions shall be permitted in all residential zones as follows:

- Total dwellings per parcel including 1 ancillary dwelling shall not exceed 2.
- Ancillary dwelling floor area shall not exceed 850 square feet.
- Main house shall be owner-occupied.
- Maximum bedroom count in ancillary unit shall not exceed 1 bedroom.
- Ancillary unit maximum occupancy shall not exceed 2 persons.
- Ancillary dwellings must conform to all applicable zoning and building codes.
- Combined dwelling units and bedroom counts shall meet all ISDS and well permit conditions, limits and restrictions.
- Ancillary dwellings shall share all infrastructure elements with main dwelling including, but not limited to, well, ISDS, gas, power and driveway, unless code or prudent practice suggest otherwise.
- Ancillary unit may have 1 dedicated parking space that shall not count toward maximum visible vehicle limits as per this code.
- On lots and parcels 2 acres or less, ancillary unit shall be attached to the main dwelling or above an outbuilding containing no 1<sup>st</sup> floor living space.
- On lots and parcels greater than 2 acres ancillary unit may be detached.
- Main residence and ancillary residence shall both be located wholly within a single circle whose area is equal to not more than 2 acres or 25% of the parcel size, whichever is less.

### **Future Subdivision**

A parcel less than 70 acres containing an ancillary residence shall not be eligible for future exemptions from subdivision regulations except for boundary line adjustments and boundary line eliminations as per this code

## **2.7 RESIDENTIAL BUSINESS**

### **Allowable Location**

Residential-based businesses are allowed in any residential zoning district.

### **Retail Sales**

Retail sales are prohibited in RS zones.

Retail sales of goods produced onsite are permitted in RR zones.

### **Outward Appearance**

Residential-based businesses shall have no unauthorized exterior indication (including physical appearance, noise and odor) of non-residential activity. All activity associated with a Residential-based business shall be conducted indoors.

### **Residency**

The business owner or operator must reside and maintain primary residency onsite.

### **Business Vehicles and Parking**

No more than two (2) business-related vehicles shall be visible from any property boundary line at any time.

### **Signs**

One (1) non-illuminated building mounted sign not to exceed six (6) square feet in size, may be placed on a structure identifying the home-based business located therein.

### **Maximum Floor Area**

Residential-based businesses shall not occupy greater than 50% of existing floor area to a maximum of 1200 square feet.

### **Traffic**

Traffic generated by a residential based business shall not exceed 4 trips per day.

### **Light**

No lighting associated with a home-based business shall emit from within a residence.

## **2.8 ANIMAL CODE**

### **LIMITS AND RESTRICTIONS**

**Dogs** – A maximum of four (4) dogs over the age of one year are permitted on all lands in all zones with no other restrictions. More than four (4) dogs over the age of one year may be permitted by Special Use Review only.

**Indoor Pets** – Indoor pets (except dogs) include all animals that live and feed within the home of their caregivers. Such animals are permitted in all zones with no restrictions.

**Dangerous Animals** – Dangerous animals are those animals that, by the best scientific evidence and/or documented past behavior, are dangerous or poisonous to humans. The keeping of Dangerous Animals in all zones shall require a Special Use Review Permit.

**Livestock including Horses** – Unless in conflict with other provisions in this code, livestock are permitted in any numbers on all lands in all zones. Livestock shall include domesticated farm, ranch and game animals including but not be limited to:

- Cattle, Yak and other bovines
- Elk, Deer and other game animals
- Horse, Mule, Donkey, Pony and other equines
- Goat, Sheep, Llama, Alpaca and other miscellaneous hoofed animals
- Pig and other swine
- Turkey, Ostrich, Poultry and other fowl
- Rabbit, Mink and other small fur-bearing mammals

Special conditions shall apply to livestock kept outdoors on RS-zoned lands as follows:

- Game animals and swine are prohibited.
- All livestock in RS zones shall be confined by a fence in good repair sufficient to prevent escape.
- Keeping livestock on RS lands shall cause no harm to neighboring properties. Harm shall be defined to include any condition that may jeopardize health and safety, and other documented animal related impacts. In cases where a neighbor or group of neighbors claims harm, the Livestock Mediation Board shall hear said claims.

Livestock Mediation Board (Mediation Board)

- The Mediation Board shall be appointed by the Gilpin County Board of Commissioners. Said board shall be comprised of 5 members; 2 members shall currently keep livestock, 2 members shall not have kept livestock within the previous 10 years, and 1 member shall be a current BOCC member or staff person appointed by the BOCC.
- It shall be the responsibility and duty of the Mediation Board to hear all complaints relating to livestock occupying RS zoned properties only, for the purpose of 1) determining whether or not a complaint is founded, and 2) approving a mandatory Livestock Impact Mitigation Plan when a complaint is founded.

### Livestock Impact Mitigation Plan

- A Livestock Impact Mitigation Plan shall apply to RS zoned properties only, and prescribe best management practices (BMP) appropriate to the specific livestock species, numbers and physical conditions present on the subject site. A Livestock Impact Mitigation Plan shall address all founded complaints. It shall be the responsibility of the livestock keeper to prepare a Livestock Impact Mitigation Plan and submit it to the Gilpin County Planning Department within 30 days of the initial Mediation Board meeting at which a complaint was found to be valid. Failure to submit a Livestock Impact Mitigation Plan within the 30-day time period shall constitute a violation of the Gilpin County Zoning Code.
- Upon receipt of a Livestock Impact Mitigation Plan, planning staff shall review and make comment. If appropriate, planning staff may recommend amendments and/or measurable performance standards to address the livestock impact. Planning staff shall forward the Livestock Impact Mitigation Plan and its recommendations to the Mediation Board within 10 working days of receipt.
- Upon receipt of a Livestock Impact Mitigation Plan and staff's recommendations, the Mediation Board shall call a meeting of all parties. Said meeting shall be scheduled to take place not more than 30 days upon receipt of Livestock Impact Mitigation Plan at which time the Mediation Board shall hear comment and approve a final Livestock Impact Mitigation Plan and a time frame for implementation. Failure to properly implement an approved Livestock Impact Mitigation Plan in the time allotted shall constitute a violation of the Gilpin County Zoning Code.

Violation – If a violation of the Zoning Code as described in this section occurs, the County shall use all available legal remedies to compel the removal of all livestock subject to said violation. Nothing appearing in section 2.8 of this zoning code shall apply to agricultural operations, as defined in CRS 35-3.5-102 , being conducted in any zone district other than RS.

## **2.9 OUTDOOR BUSINESS**

### **Definition**

Entertainment Establishment shall include all businesses within NAICS Classes 71 & 72.

### **Restrictions**

Entertainment Establishments with outdoor amplified sound shall cease such amplified sound by 10:00 pm Sunday through Thursday and 11:00 pm Friday and Saturday.

Entertainment Establishments with outdoor service located within 500 feet of a residence shall cease such service or activity by 10:00 pm Sunday through Thursday and 11:00 pm Friday and Saturday.

Commercial establishments other than Entertainment Establishments with outdoor activity located adjacent to RR and RS zoned lands and which produce noise levels in excess of 50dB at adjacent RR and RS property lines shall cease such activity between the hours of 7:00 pm and 6:00 am.

## **2.10 CAMPING**

Camping shall be defined as the temporary occupancy of portable shelters not eligible for a Certificate of Occupancy including, but not limited to: tents, yurts, trailers and RV's.

Except in approved RV Parks, or unless otherwise permitted by other codes or code sections, the following restrictions shall apply:

### **Specifications**

	<b>Maximum Duration</b>	<b>Maximum Occupancy</b>	<b>Setbacks</b>	<b>Sanitation</b>
<b>Vacant Land, All Zones</b>	30 Days/Yr	5	100' from all property lines	Off-site removal to approved waste dumping facility
<b>Improved land with CO, All Zones</b>	30 Days/Yr	5	As would pertain to structures in applicable zoning class	Off-site removal to approved waste dumping facility; or, connection to approved onsite ISDS

No campers, camp equipment, or camp shelters may remain on a vacant property greater than 30 days per year.



## **2.11 OUTDOOR STORAGE**

Definitions:

Organized – Shall mean sorted and grouped by material type, shape and/or use.

Household trash – Shall refer to solid waste accumulated as a byproduct of normal daily residential activity including but not limited to food preparation where said waste, if stored outside would likely attract wild and domesticated animals.

Residential Property – Unscreened materials shall be organized and neatly stacked as follows:

<b>Parcel Size</b>	<b>Permitted Number of Stacks</b>	<b>Maximum Area per Stack</b>	<b>Maximum Height per Stack</b>
<b>&lt; 5 acres</b>	4	200 sq ft	8 feet
<b>≥ 5 Acres</b>	8	200 sq ft	8 feet

Accumulations of exposed materials except household trash not organized and stacked as described above and unused for a period exceeding 6 months shall be either screened or removed.

Commercial Property – Outdoor storage of materials essential to the business occupying a commercial site is permitted provided applicable site Screen and Buffer requirements are met.

Household Waste – In all Districts, household waste, stored outside must be 100% contained in covered containers.

Construction Materials and Debris – Construction materials stored on permitted building site pending installation may be stored outdoors for a period not to exceed one (1) year.

Exceptions – In accordance with 30-15-401 CRS, the preceding Outdoor Storage regulations shall not apply to agricultural land currently in agricultural use as defined in 39-1-103(6)(a)(I) CRS.

## **2.12 REAPPLICATION**

Re-filing a zoning permit application is prohibited for 12 months from the date of the Board of County Commissioners action.

## **2.13 TEMPORARY USE PERMIT**

A temporary special event is a one-time or infrequently occurring event. By way of example, special events include all for-profit events and promotions such as carnivals, art fairs, farmers markets, wedding receptions and concerts regardless of expected attendance. Special events also include all not-for-profit events such as fund raisers and private parties that exceed Class A limits defined below. Individual mobile or non-resident vendors are not eligible for special event TUP's but may operate as part of a permitted qualifying special event.

A TUP is required for all special events on private and County owned property, including County right-of-way as follows:

### **Class A Events**

The following events are eligible for administrative approval.

- Events whose duration is no more than 48 consecutive hours as measured from start to finish; and, that expect no more than 150 people in daily attendance; and, that do not include amplified music or speech; and, that generate traffic totaling less than 150 peak hour trips.
- Competitive events which utilize public road Right-of-Way. (e.g. running and biking events)

### **Class B Events**

Board of County Commissioner approval shall be required for any application which is not eligible to be approved as a Class A event and which meets the parameters of this section.

**Application** – an application for class a special events shall be submitted not less than 30 days prior to the commencement of the proposed activity. An application for class b special events shall be submitted not less than 180 days prior to the commencement of the proposed activity. Submittals shall include:

- Emergency plan, addressing law enforcement, fire and medical responses.
- Proof all other permit(s) and or permission(s) have been obtained.
- Fee, as set by the Board of County Commissioners.

**Other Permits** - It is incumbent upon the applicant to obtain all necessary permits directly from the correct regulatory agency for activities which involve construction, liquor, food, sanitation/public health, access or other matters in the public interest.

### **Conditions of Approval**

- The County may attach whatever conditions and limitations necessary to protect public health, safety, and welfare. Such conditions may include, but shall not be limited to hours of use, noise level, lighting, traffic control measure, security, dust control, trash collection and disposal and occupant loads.
- Only four events per year, per parcel or parcels shall be permitted.

- Class b events shall require a public hearing advertised at least 21 days in advance.

**Bonding/ Security Deposit**

A financial guarantee shall be required for Class B commercial and for-profit events to ensure all permit conditions. The financial guarantee shall be forfeited if a permit is revoked. The bonding amount required shall be in line with the size and impact of the event.

**Exempt from Temporary Use Permit**

- Private garage or yard sales held for three days or less no more than four times a year.
- Any event directly sponsored by the Board of County Commissioners or on County property with approval granted by the appropriate County department.

**2.14 COMMERCIAL TELECOMMUNICATION TOWERS LOCATED IN ALL ZONES:**

**Use-by-Right**

Per current federal code, modifications and expansions to existing wireless telecommunication towers and facilities where such modifications include the addition, removal, and/or replacement of transmission equipment that does not make a substantial change in the physical dimensions (height, mass, width) of the existing or replacement tower, support structure, or base station; and, maintains the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, mounting configuration, or architectural treatment.

**Use-by-SUR**

Telecommunication towers may be conditionally approved by special use review. In addition to review standards listed in section 2.5 of this code (special use review & zoning change standards), telecommunication tower facilities shall be evaluated based on the following factors:

- The extent to which a proposed tower fills coverage, capacity, or technology gaps.
- The thoroughness of any analysis used to evaluate alternative site locations.
- The potential for future co-location options that would require no substantial design modifications.
- The sensitivity displayed in the design and placement of all ground-level construction including tower support structure and base station setbacks; bulk; scale; materials; screening; and architectural treatments.
- The degree to which the design minimizes above-ground visual impacts through mitigating measures, including, but not limited to, height, form and structure.
- The expected success of best management practices that would mitigate potential adverse impacts from noise, light and odor emissions.

**Standard of Approval**

In order to approve a telecommunications tower SUR application, it must be determined that, upon evaluation of the above factors, the applicant has shown a gap in coverage, capacity, frequency, or technology of service network exists, or that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection; and, That the proposed facility would alleviate said gap; and, that the applicant has demonstrated a good faith effort to minimize all identified potential adverse impacts.

**2.15 MARIJUANA**

Activity	Permitted Zones	Required Approvals
State registered medical marijuana patient and designated caregiver grows; recreational marijuana personal use grows. (Productivity limits shall comply with State and local limits.)	All Zones	Grow Specific Certificate of Occupancy
State Licensed Retail Marijuana Cultivation	C4, C5	SUR and Grow Specific Certificate of Occupancy
Medical Marijuana Center; Optional Premises Cultivation; Retail Marijuana Store; Medical Marijuana Infused Products Manufacturing; Medical Marijuana Testing; Retail Marijuana Products Manufacturing.	Prohibited	N/A

SUR = Special Use Review

**Restrictions in addition to those set by State statute and Gilpin County Ordinance 17-01**

- Licensed Marijuana Cultivation Facilities shall be prohibited from operating as a Residential-based Business.
- Licensed Marijuana Cultivation Facilities shall not locate less than 3,500 feet from other Licensed Marijuana Cultivation Facilities.
- Licensed caregivers in RR and RS zoned properties shall operate as a Residential-based Business per Section 2.7 of the Gilpin County Zoning Regulations.
- Recreational personal use grows in RR and RS zoned properties shall abide by the following regulations:
  - Outward appearances shall have no exterior indication including physical appearance, noise and odor.
  - The owner of any personal use grow shall reside and maintain primary residence onsite.
  - No light specific to the personal use grow shall emit from within a residence.
  - Any portion of a structure used for the purpose of growing marijuana shall have the proper electrical capacity to withstand the extra power usage.

**Grow Specific Certificate of Occupancy**

- Licensed Cultivation structures and/or portions of structures used to grow marijuana shall be fully enclosed and in receipt of a Grow Specific Certificate of Occupancy.
- Before a Grow Specific Certificate of Occupancy may be issued for any structure or portion of a structure used for the purpose of growing marijuana, it shall first be classified with respect to occupancy into one or more of the occupancy groups recognized by applicable ICC codes and shall be constructed, equipped and maintained according to all fire and building codes applicable to its occupancy group.

**Identification**

- Licensed Marijuana Cultivation Facilities shall have no signage, symbols or other identifying marks except address numbers.

## 3.0 DEVELOPMENT CODE

### 3.1 Minimum Building Requirements

All structures requiring a building permit shall be built in accordance to all applicable building codes and placed on permanent foundations unless specifically permitted by other codes or other section in this code.

Before a building permit and a Certificate of Occupancy (CO) may be issued by the building official, the following information shall be submitted and approved by the zoning official:

#### Site Plan

All Development shall provide the following graphic representations before permit is issued:

- Location of all proposed improvements including well and ISDS
- Setbacks from all property lines
- Existing access to nearest public road
- Driveway alignment and specifications
- Site topography or slope directional indicators including approximate grade.
- Existing drainage ways
- Proposed drainage ways including driveway drainage

#### Land Surveys

Proposed development where any of the following is true shall provide a land survey before permit is issued:

- Any parcel legally described as a mining claim, lode, mill, placer, or identified by a M. S. number by deed or title; or, a previously divided portion of any of the above.
- All commercial development on commercially zoned land.
- All sites abutting, adjoining or crossed by the Gilpin County line.

Land survey shall mean Land Survey Plat of the subject parcel prepared by a Colorado licensed Professional Land Surveyor as per C.R.S §38-51-106. All Land Survey Plats shall be recorded with the Gilpin County Clerk & Recorder.

#### Digital Survey Submission Requirements

The following requirements apply to the submission of any plat that would either eliminate, create or move any existing or proposed lot lines:

- One copy in adobe acrobat (.pdf) format and one copy in AutoCAD (.dwg or .dxf) or other GIS compatible file format must be submitted to the Community Development Department.
- All digital mapping data must be delivered in Colorado state plane north (EPSG 2231) with a horizontal datum of North American Datum of 1983 (NAD 83), units in U.S. survey feet, and a vertical datum of North American Datum of 1988 (NAVD 88).

- Each plan must include a minimum of one survey-derived (bearings and distances listed) reference to a permanent control, benchmark, or section corner. The latitude and longitude of the control feature(s) must be provided with survey grade accuracy (generally accepted to be accuracy of plus or minus one foot or better).
- Each feature type must be organized in the cad or GIS data structure as a separate layer. These may include, but are not limited to, separate layers for: parcel boundaries, dimensions, buildings, roads, road centerlines, surface water, etc. Multiple features represented in a single cad layer or GIS file will not be accepted. Any features submitted in the electronic plan must be represented in their entirety in an individual layer. All data shall be topologically clean, meaning the polygons are closed (no overshoots or undershoots) and lines connect at the nodes.
- Documentation of the data format must be provided with a description of the cad or GIS layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and a description of their content.

The data submitted must include documentation, the name of the person(s) responsible for preparing the data, contact information, and estimation of the horizontal and vertical accuracy. Additionally, the date of submission; street address of submitted plan; type of lot adjustment (new lot, subdivision, boundary line adjustment, boundary line elimination, easement, other – describe); and name of engineering or surveying firm providing plan.

### **Setback Verification**

Where building improvements are proposed to be within 10 feet of the applicable setback line, or where a setback variance was granted by the Board of Adjustment, a Setback Verification Form signed and stamped by a Colorado licensed PLS shall be required and approved before foundation footers (or their equivalent) may be poured.

### **3.2 SUBDIVISION MINIMUM STANDARDS**

All land subdivisions shall be consistent with State statute and Gilpin County Subdivision Regulations and the following minimum standards:

- No land shall be subdivided into residential lots sized less than the required zoning minimum except through PUD.
- No land shall be subdivided into residential lots where existing slopes  $\geq 20\%$  comprise greater than 50% of the total lot area except through PUD.
- No land shall be subdivided into residential lots unless access to said subdivision from nearest County Road or State Highway meets applicable road standards as per this code.
- All residential subdivisions greater than 10 home sites shall provide a minimum of 2 access routes to a County Road or State Highway, one of which shall meet applicable road standards as per this code.
- Dedicated open space not contained within residential building lots shall be equal to the sum total of all predetermined building envelopes contained within residential building lots, or 10% of the entire project area – whichever is less.

### **3.3 ADEQUATE WATER SUPPLY**

Commercial development with water use above 2000 gallons per day (gpd) and residential development of 10 home sites or greater must prove adequate water supply.

**Residential Development** – Adequate residential water supply shall be achieved when groundwater recharge equals or exceeds groundwater discharge based on the following:

- Recharge (acre feet) =  $(P/12) * A * R$   
P = Precipitation/year in inches  
A = Area in acres  
R = Percent Recharge
- Discharge (acre feet) =  $H * C$   
H = Households  
C = Consumptive use

Gilpin County assumes the following values unless site-specific data proves otherwise:

- P = 18 inches/year
- R = 2.5% (ISDS return flows shall not count towards R values)
- C = 0.5 acre feet/year



**Commercial Development** – Adequate commercial water supply shall be achieved when potential groundwater storage equals or exceeds 10 years of expected discharge based on the following:

- Discharge (gal) =  $C * BD * 10$  years  
C = Consumptive use in gpd  
BD = Business days per year
- Storage (gal) =  $A * WD * P * 325,851$  gallons  
A = Area in acres  
WD = Well depth in feet  
P = % Drainable Porosity

Gilpin County assumes the following value unless site-specific data proves otherwise:  
P = 2.5 %

### **3.4 SUBDIVISION EXEMPTION**

#### **Boundary Line Elimination Exemption (BLE)**

##### Applicability

BLE exemptions apply when land re-configurations proposing to be exempted from subdivision regulation would combine existing lots or parcels through the elimination of existing boundary line(s) only.

##### Minimum Qualifications

Any lot or parcel may be combined with an existing developed parcel.

If all parcels to be combined are presently vacant, and if none of the subject parcels alone could be developed according to current zoning and ISDS regulations, then the resulting combined parcel must be 4 acres or greater.

#### **Boundary Line Adjustment Exemption (BLA)**

##### Applicability

BLA exemptions apply when land re-configurations proposing to be exempted from subdivision regulation would re-configure existing parcels by relocating and/or eliminating interior property lines resulting in a number of parcels equal to or fewer than existing conditions.

##### Minimum Qualifications

No more than 4 adjacent vacant parcels may be subject to a single BLA.

Existing vacant parcels subject to a proposed BLA must be developable according to current zoning and ISDS regulations.

Any number of developed parcels may be subject to a single BLA.

## **Rural Development Exemption (RDE)**

### **Applicability**

RDE exemptions apply when land divisions or re-configurations of parcels greater than 160 acres would not qualify for either a BLE or BLA.

### **Minimum Qualifications**

Density - Maximum proposed density shall result in one of the following:

- Exemptions < 1000 acres shall have densities no greater than 1 unit per 20 acres.
- Exemptions  $\geq$  1000 acres shall have densities no greater than 1 unit per 15 acres.
- Post-exemption density shall represent a minimum 50% reduction in pre-exemption density as expressed in total number of allowable units that could be developed according to current zoning and ISDS regulations.

Open Space – Minimum dedicated open space shall include one of the following:

- All lands outside of defined building envelopes. Building envelopes shall not exceed 10% of the total lot area.
- 67% of gross acreage. Said acreage shall not be included in any lot or parcel eligible for residential or commercial development.
- No dedicated open space is required when post-exemption density represents a minimum 50% reduction in pre-exemption density as expressed in total number of allowable units.

## **Minor Subdivision Exemptions**

The following minor subdivision exemptions may be permitted upon BOCC approval.

- Subdivision exemptions that recognize and correct existing illegal subdivisions where the BOCC finds that doing so would not violate the intent of this code, Master Plan Guidance and/or state statute.
- Subdivision exemptions for the purpose of dividing or creating public land including road right-of-way.
- Any other subdivision exemption within the BOCC's power and discretion as stipulated by state statute.

## **Mixed Zoning**

BOCC subdivision exemptions that result in a single parcel containing two or more zoning classification shall automatically rezone to the least intensive existing zoning classification according to the following hierarchy listed in ascending order from least intensive to most intensive: RR, RS, C3, C4, C5.

### **3.5 TRANSFER OF DEVELOPMENT RIGHTS** (TDR)

#### **Definitions**

Remote Acreage – Remote acreage is land detached from the project site and in unincorporated Gilpin County.

Remote Building Site – An existing parcel containing a development right detached from the project site and in unincorporated Gilpin County.

Project Site – The site on which development would occur.

**TDR Options:** Maximum residential densities may be increased to a maximum gross density of 1 unit per 5 acres through either of the following methods:

- **Remote Acreage** – Total project acreage may be increased by adding remote acreage to the total project site acreage provided:
  - ❑ Overall density including remote lands shall be equal to or greater than the minimum required in the zone that would receive additional density.
  - ❑ Remote lands shall be restricted from future development.
  - ❑ No resulting buildable parcel shall be less than 5 acres.

Example – An accessible 10-acre Project Site zoned RR could be divided into 2 x 5-acre parcels when a minimum of 30 acres of Remote Acreage is added to the project total and restricted from future development.

- **Remote Building Site(s)** – Development rights may be transferred from sending sites to receiving site at the following ratios:
  - ❑ One (1) receiving development right per one (1) sending right originating from any vacant RS zoned lot greater than  $\frac{1}{4}$  acre and deemed buildable according to current zoning and ISDS regulations when the sending site is restricted from future development.
  - ❑ One (1) receiving development right per one (1) sending right originating from any vacant lot or parcel greater than  $\frac{1}{4}$  acre and visible from SH 119, SH 46, SH 72 or Central City Parkway and deemed buildable according to current zoning and ISDS regulations when the sending site is restricted from future development.
  - ❑ One-half ( $\frac{1}{2}$ ) receiving development right per one (1) sending right originating from any vacant lot or parcel greater than  $\frac{1}{4}$  acre and deemed buildable according to current zoning and ISDS regulations when the sending site is restricted from future development.

The zoning density maximum of one (1) unit per five (5) acre shall apply regardless of the zone density limits.

Example – An accessible 10-acre Project Site zoned RR could be divided into 2 x 5-acre parcels when a development right is transferred from an existing buildable lot

located in Colorado Sierra provided the sending site (i.e. Colorado Sierra lot) would be restricted from future development.

General Conditions:

TDR's shall be approved and transferred at the time of Preliminary Plat approval. Unused TDR's approved as part of a specific project may not be banked or traded.

Remote Acreage shall be restricted from future development in a manner acceptable to all parties, such as a deed restriction.

A project which included TDR's shall comply with State subdivision regulations unless exempted from subdivision by the Gilpin County Board of County Commissioners.

**3.6 BUILDING ENVELOPES**

All residential sites less than 35 acres created after the effective date of this code shall have predetermined building envelopes defining acceptable building area. All structures in excess of 120 square feet shall be confined to such envelopes. Said envelope may not exceed 25% of the total area of the lot or parcel and may not be nearer than 30 feet to any property line.

### **3.7 COMMERCIAL BUSINESS SITES**

All commercial business sites regardless of zoning shall include a permanent building in compliance with all applicable building, zoning, fire and health codes except Mobile Businesses and Temporary Vendor Stands in compliance with this section.

**Mobile Businesses:** Mobile businesses shall be defined as any business operated from a self-contained truck, van or trailer that is based on a qualifying location with the following conditions:

- Mobile unit shall not exceed 18' in length and 10' in width. No additions, or other structures shall be attached to, or located adjacent to, mobile units.
- Mobile business site shall not exceed 500 square feet.
- Mobile businesses must obtain a Mobile Vendor Use Permit from the Community Development Department and pay the applicable fee.
- Active permits shall be limited to 5 at any given time.
- Mobile Vendor Use Permits shall be renewed yearly. Renewal shall be denied where code violations exist. A license renewal application may be denied to an applicant deemed a habitual code violator. Habitual code violator shall be defined as an applicant cited for 2 code violations during the previous 12-month period or 3 code violations during the previous 3-year period. If denied, a waiting period of not less than 3 months shall pass before a new or renewal permit application may be submitted.
- A deposit, in the form of cash, certified funds or bond, in an amount established by the BOCC shall be held by Gilpin County to ensure mobile businesses which cease operation for any reason are removed from the premises in a timely manner. Timely is defined as 3 months after operations cease or a permit becomes invalid. No notice of removal shall be required.
- Mobile businesses shall be located on commercially zoned property only.
- Mobile businesses shall not cause parking shortages or interfere with normal traffic circulation patterns.
- Mobile businesses must have all required Gilpin County Health Agency approvals.
- A mobile food vendor may not locate within one thousand (1000) feet of the primary entrance to an open and operating non-mobile restaurant, bar/restaurant, café or snack shop unless written permission is granted by the non-mobile business. This provision shall not apply to a mobile business established before a newly established competing non-mobile business.
- Mobile Vendor Use Permits are non-transferable.
- All applicable zoning codes shall apply to mobile businesses as they would to similar non-mobile businesses including parking, landscaping, screening and access requirements.
- Onsite sanitation, when required, shall be approved by Gilpin County Health Agency.
- Operating hours are permitted only between 6 am to 6 pm.
- No indoor customer space shall be available.
- No product display or service shall be permitted outside of a mobile business unit.
- No liquor shall be sold.

- Amplified sounds associated with a mobile business are prohibited.
- Trash originating from a mobile business site shall be removed from the mobile business site on a daily basis.
- Trash shall not be permitted to migrate offsite.
- Permit and any other certifications necessary to operate shall be on display in public view at all times.

**Temporary Vendor Stands:** Temporary vendor stands are prohibited in all zones with the following exceptions:

- Vendors approved to operate at County-sanctioned events.
- Temporary food and non-alcoholic beverage vendor stands with Gilpin County Health Agency approvals located on private commercial property or government-owned property with owner's permission for 3 hours or less during daylight hours are exempt from Mobile Vendor Use Permit requirements. Such vendors shall not cause parking shortages or interfere with normal traffic circulation patterns. Under no circumstances shall such stands operate from public road right-of-way or within 60 feet of the traveled portion of a public road.
- Lands classified Agriculture by the Gilpin County Assessor may sell agricultural products produced onsite from a roadside stand provided the stand is located on private property a minimum of 30 feet from the traveled portion of the adjacent road.

### **3.8 FACTORY BUILT HOUSING**

#### **Definitions**

Mobile Homes – A factory-built home constructed prior to June 15, 1976

Manufactured Home – A factory-built home manufactured under the Federal Manufactured Home Construction and Safety Standards Act. The Act, commonly called the HUD Code, went into effect June 15, 1976.

Modular Home – A factory-built home constructed to standards established by current Gilpin County building codes and regulations.

Engineered Foundation – A foundation designed by a licensed profession engineer that meets all site-specific Gilpin County codes and load requirements.

#### **Restrictions**

Mobile Homes are permitted only in approved Mobile Home Parks established before June 15, 1976 (i.e. Forest Hills Estates)

Manufactured Homes built to HUD standards specific to Colorado are permitted in any zone in Gilpin County depending on foundation design as following:

<b>Foundation</b>	<b>Permitted Location</b>
Non-engineered Foundation	Approved Manufactured Home Parks Only
Engineered Foundation	All Zones in Gilpin County

Modular Homes are permitted in any zone in Gilpin County and must be placed on engineered foundation.

### **3.9 BUFFERS & SCREENS**

#### **Buffer**

A buffer shall visually and physically separate potentially incompatible land uses using native plants, or other natural materials where appropriate. Buffers shall be required along the entire property line between:

- a non-residential use on C-4 or C-5 zoned property and a residentially zoned property.
- a non-residential Special Use and a residentially zoned property.
- a non-residential use on C-4 or C-5 property and public road frontage excluding access road cuts and associated sight triangles.
- a manufactured home park and all adjacent properties and public road frontages excluding access road cuts and associated sight triangles.
- a multi-family residential development and all adjacent properties and road frontages excluding access road cuts and associated sight triangles.

Required Setback	Plants/100 feet length
≤ 15'	5 Dominant Trees 7 Associate Trees 9 Shrubs Ground matrix of native grasses
>15'	8 Dominant Trees 11 Associate Trees 15 Shrubs Ground matrix of native grasses

**Dominant Trees** – Suitable native species that normally grow to a mature height of greater than forty-five (45) feet. Dominant trees shall be a minimum of eight (8) feet high and two (2) inches in caliper measured six (6) inches above grade, when planted.

**Associate Trees** – Suitable native species that normally grow to a mature height of less than forty-five (45) feet. Associate trees shall be a minimum of four (4) feet high and one (1) inch in caliper, measured six inches above grade, when planted.

**Shrubs** – Suitable native shrub species that normally grow to a mature height of less than ten (10) feet. Shrubs shall be a minimum of 18” high or wide when planted.

**Ground Matrix** – Ground cover of suitable native grasses alone or in combination with organic and/or inorganic mulch.

**Suitable** shall mean plant species that are adaptable to onsite conditions including, but not limited to:

- Elevation
- Light
- Moisture
- Soil

**Alternative Options**

A combination of natural plantings, berms, walls or fences, may be approved if it is determined that the spirit and intent of this section is satisfied.

Existing vegetation and/or topography may constitute an adequate buffer if it is determined that the spirit and intent of this section is satisfied.

**Screen** – Where required, shall adequately block both noise and any visual impact from the adjacent site/property from grade to six-feet in height. Material shall be of a type intended for and treated for this exterior use. Unacceptable screens include, Chain link with or without slats or soft-sided covers or similar.

**3.10 LANDSCAPING CODE**

Landscaping code shall apply to commercial zones.

Perimeter landscaping shall be required along all elevations visible from public rights of way.



Landscaped area in square feet shall be equal to 4 times the linear distance of any applicable building elevation.

Clustered groupings are encouraged. Landscaping should vary in height and material to include a mix of inorganic materials, organic mulch, live ground cover, grasses, forbs, shrubs and trees with inorganic and/or organic mulch not to exceed 25% of total cover. Native species are encouraged.

### **3.11 PARKING CODE**

This parking code shall apply to commercial sites only.

#### **Required Parking**

The number of required parking spaces shall conform with applicable recommendations found in the *Parking Generation, 3<sup>rd</sup> Edition*, published by the Institute of Transportation Engineers, as determined by the County Planner.

If no such data is available, the number of required parking spaces shall be based on parking generation data for like land uses as interpreted by the County Planner. However, site-specific parking generation data prepared by a professional traffic engineer may be substituted.

#### **Parking Lot Design and Landscaping**

In an effort to preserve existing vegetation, Parking Pods with not more than 21 parking stalls and which have only 1 ingress/egress point and are surrounded by a minimum of 30 feet of pre-existing vegetation need no additional landscaping.

If such parking pods are not utilized, then additional perimeter and intra-parking lot landscaping shall include minimum 2-inch caliper trees planted at the rate of 1 tree per 400 square feet of parking lot surface. Perimeter tree plantings shall be within 10 feet of parking stalls. Snow removal and storage shall be addressed in the landscaping plan.

All commercial retail and office buildings shall maintain a minimum of 15' between parking and designated pedestrian walkways along building elevations.

**3.12 HILLSIDE DEVELOPMENT**

Structures – On severely sloping ground, no building may extend above a Vertical Building Plane Offset line as described below.

The applicable Vertical Building Plane Offset shall be defined by a parallel line drawn above a profile line representing existing fall line. The distance between the existing fall line profile and the Vertical Building Plane Offset line shall no be greater than the following limits:

- ≥30% to 40% slopes..... 32' vertical plane offset
- >40% slope..... 28' vertical plane offset

Roads – Cut and fill slopes as measured along the slope angle from road surface to top-of-cut or toe-of-slope shall not exceed 10 feet in length for a sustained distance of 200’ or greater.

Alternative: Context-sensitive design Best Manage Practices (BMP’s) that effectively provide a total screen of cut and fill slopes as would be viewed from a 50’ horizontal offset at road elevation.

**3.13 RIDGELINE DEVELOPMENT**

Structures that would form a silhouette against the sky are prohibited if the silhouette would be visible from any point along a state highway or the Central City Parkway within a 3-mile radius of the proposed building location.

**3.14 OUTDOOR LIGHTING**

Gilpin County endorses “Dark Sky” lighting standards as follows including the use of fully shielded fixtures. Fully shielded fixtures shall be constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Location and description of all proposed outdoor lighting fixtures, including shield type and lumen output specifications for each fixture, shall be provided before a building permit may be issued.

**Residential**

Maximum total outdoor light output shall not exceed 2 lumens per square foot of living space. All residential outdoor lights shall be fully shielded.

**Non-Residential**

Maximum total outdoor light output shall not exceed 10 lumens per square foot of ground-level floor area. All non-residential outdoor light sources shall be fully shielded.

Outdoor canopy lighting (e.g. gas station canopy) shall not exceed 15 lumens per square foot. Total output from such uses shall be applied toward the above total lumen cap at a 50% rate.

Parking lot and circulation road lighting shall not exceed 2 lumens per square foot. Total output from such lighting shall be applied toward the above total lumen cap at a 100% rate

Indoor lighting shall be applied toward the above total allowable lumen cap at a ratio directly related to the area of front window glass as a proportion of the total area of the front elevation. That ratio shall be as follows:

$$(.25 \times \text{Total visible indoor lumen output}) \times (\text{Window area} / \text{Front elevation area})$$

**Exemptions**

Security lights activated by motion detectors where the illumination cycle is less than 5 minutes in duration and the light source is not directly visible to motor vehicle operators on adjacent public roads.

Low output lights (less than 100 lumens per source) used for holiday decorative purposes for a maximum 30 days per calendar year.

By Special Use Permit only, lights used to illuminate outdoor recreation facilities owned or operated by Gilpin County or other government entities subject to County authority. All such lighting shall be fully shielded.

Public street-lighting where illumination at street level directly under the light source does not exceed 2 foot candles (fc). All such lighting must be fully shielded.

## 4.0 ROAD STANDARDS

### 4.1 ACCESS ROAD STANDARDS

#### A Guide to Gilpin County Road Status

State Highways: The term “State Highways” refers to roads owned and maintained by the State of Colorado and includes only State Highways 119, 46 and 72.

County Roads: The term “County Road” refers to roads in Gilpin County owned and/or maintained by Gilpin County. County Roads typically include dedicated roads within subdivisions and other roads, regardless of ownership, to which Gilpin County claims prescriptive right by virtue of historic continued maintenance.

Public Roads: The term “Public Road” commonly refers to roads that have historically provided access over both private and public lands. In most cases, the status of these roads has not been adjudicated, therefore, legal access can not be guaranteed. Public Roads are not County Roads.

Private Roads: The term “Private Road” refers to roads over private property for which no public use has either been granted or established.

(Note: a named road is no indication of County Road status. Gilpin County names all roads for emergency response purposes regardless of status.)

#### Road Classification

Driveway: Private road serving not more than 4 single-family residences.

Rural Access Road: Private, Public or County roads serving 5 to 20 single-family residences.

Local Access Road: Private, Public or County roads serving 21 to 50 single-family residences.

Collector Road: Private, Public or County Roads connecting Local Roads to Arterials.

Arterial Road: State Highways.

#### Road Specifications

Road Class	Min ROW	Min Traveled Width	Max Grade	Min Inside Turn Radius	Max Capacity* (ADT)	Cul-de-sac Max Capacity* (ADT)
Driveway	N/A	12'	12%	30'	40	40
Rural Access	30'	16'	10%	30'	200	100
Local Access	50'	20'	8%	30'	500	200
Collector	60'	24'	6%	30'	No Max	200
Arterial (CDOT)	N/A	N/A	N/A	N/A	N/A	N/A

\*Capacity is based on 10 Average Daily Trips (ADT) per lot or parcel served.

<b>Road Class</b>	<b>Emergency Turnaround Maximum Spacing</b>	<b>Emergency Turnaround &amp; Cul-de-sac Min Diameter</b>	<b>Minimum Required Road Base Only if County Maintained (Gravel Road)</b>	<b>Drainage</b>
<b>Driveway</b>	1320'	90'	Not Eligible for County Maintenance	R&B field locate
<b>Rural Access</b>	1320'	90'	4" sub CDOT Class 5 4" base CDOT Class 6	R&B field locate
<b>Local Access</b>	N/A	90'	6" sub CDOT Class 5 6" base CDOT Class 6	Engineered
<b>Collector</b>	N/A	90'	Engineered	Engineered
<b>Arterial (CDOT)</b>	N/A	N/A	N/A	N/A

#### **4.2 OFF-SITE IMPROVEMENTS**

All commercial projects and residential projects greater than 10 home sites shall be required to improve access over off-site County and/or State roads to minimum standards established by the applicable jurisdictional authority.

#### **4.3 ROAD DEDICATION REQUIREMENTS**

Any plat approved by the BOCC containing existing or proposed roads shall include right-of-way (ROW) dedication as follows:

- Before an approved new development is platted, dedicated access to all proposed lots and parcels shall be provided.
- Before approved property line changes to existing lots and parcels are approved, access over existing public roads as defined elsewhere in this regulation shall be dedicated to the public, or, in lieu of such a dedication, individual easements shall be granted to all land owners who rely on said public roads for access.
- Before a building permits is issued access over existing public roads as defined elsewhere in this regulation shall be dedicated to the public , or, in lieu of such a dedication, individual easements shall be granted to all land owners who rely of said public roads for access.

Note: it is not the intent of the above dedication requirements to make indiscriminate travel through private property open to the public nor is it the intent of this requirement to create alternative access where more direct access exists. Therefore, easements granted over such historic roads may restrict access rights accordingly. Nothing in this requirement shall be construed to preempt or settle past, present or future access claims or disputes over any such historic road.

## 5.0 ENVIRONMENTAL STANDARDS

### 5.1 DRAINAGE STANDARDS & FLOOD PLAIN DEVELOPMENT

#### Drainage

Development that would increase existing run-off coefficients over 10% or more of the total project area shall be required to meet the following performance standards as measured at all sub-basin final discharge points during the 2, 5, 10, 25, 50 and 100-year/24-hour events:

- Volume – Total volume shall not exceed predevelopment conditions by more than 10% as measured in acre/feet.
- Velocity – Peak velocity shall not exceed predevelopment conditions as measured in feet/second and under no circumstances shall velocity exceed 14 feet/second.
- Flows – Peak flows shall not exceed predevelopment conditions as measured in cubic feet/second
- Sedimentation – Total volume and peak concentrations shall not exceed predevelopment conditions as measured in tons and mg/l respectively.

#### Flood Plain

Development that would encroach into FEMA or FIRM mapped Zone-A base flood areas shall have no offsite impact on upstream and downstream lands as follows:

- Elevation – Peak flood elevation shall not rise above the existing 100-year base flood elevation.
- Volume – Total volume from the 100-year/24-hour event shall not exceed predevelopment conditions by more than 10% as measured in acre/feet.
- Velocity – Peak velocity from the 100-year/24-hour event shall not exceed predevelopment conditions as measured in feet/second.
- Flows – Peak flows from the 100-year/24-hour event shall not exceed predevelopment conditions as measured in cubic feet/second
- Structures – All on-site structures shall be located above base flood elevation as measured at the lowest floor elevation.

## **5.2 WETLANDS**

Wetlands whether under the jurisdiction of the US Army Corps of Engineers or not shall be protected under this code as follows:

- Wetlands that exhibit positive indicators for hydric soils and hydrophytic vegetation as defined by the 1987 *Army Corps of Engineers Wetland Delineation Manual* shall be preserved in their entirety.
- A 30 foot setback from such wetland's edge shall be maintained in its natural condition.
- The identified wetland sustaining hydrology shall not be disrupted.
- Approved best manage practices (BMP's) shall be employed to mitigate potential water quality impacts.

Exemptions: Existing parcels less than one-acre in size.

## **5.3 WILDLIFE IMPACT MITIGATION**

All commercial development of parcels greater than 80 acres and residential developments greater than 10 home sites shall provide dedicated wildlife corridors maintaining existing migration routes as follows:

- Wildlife corridors shall be platted and shall be a minimum of 300' wide.
- A maximum of one (1) road crossing per 2000' may encroach into platted wildlife corridors.
- Where topography allows, and where traffic counts surpass 360 peak hour trips, a wildlife underpass/overpass shall be provided at road crossings.
- Fencing, if any, shall be wildlife-friendly

**Alternative Option** – Projects where building envelopes equal 10% or less of each lot and parcel shall be exempt.

## **5.4 REVEGETATION**

Ground disturbance which is greater than 4,000 square feet resulting from permitted building activity shall be re-vegetated with approved native plants appropriate to the subject site and shall include temporary and permanent soil binding ground cover.

## **5.5 HEALTHY FOREST EXEMPTION**

Reforestation, forest thinning and/or defensible space initiatives following a Colorado State Forest Service approved plan shall be exempt from building and zoning permit requirements. The following forest production activity shall require permitting as per this code but all permit fees shall be waived:

- Firewood production >200 cords per year.
- Sawmilling production >200 board-feet of dimensional lumber.

## 6.0 MINING CODE

Mining activity may be permitted in RR zones by Special Use Review (SUR) provided it complies with this section and SUR procedures as stated elsewhere in this code.

The following Four-Tiered Permit System is applicable to all mining and milling activity in Gilpin County. No activity in excess of the limits set by this system shall be permitted.

### Definitions

Hard Rock Mining - Metallic ore taken from sub surface veins in solid rock without overburden material removal; and/or, Existing hard rock mine waste rock removal for metallic ore extraction and/or relocation for reclamation purposes.

Placer Mining - Metallic ore taken from alluvial deposits where the majority of matrix material is left on site.

Open Cut Mining - The displacement and/or removal of relatively large quantities of overburden material greatly altering the natural surface topography.

### Limits and Restrictions

#### **Tier 1 – No significant Impact** (No County Permit Required)

##### **Hard Rock**

- Prospecting Operation (as per MLRB)

##### **Placer**

- Suction dredge with intake nozzle of 4" or less.
- No onsite Designated Chemical processing.
- Excavation above ordinary high water level, as defined by the US Army Corps of Engineers, shall be non-mechanized only and limited to 12 cubic yards per day
- Maximum 12 cubic yards exposed excavation at any given time.

##### **Open Cut**

- No provision for Open Cut Mining in Tier 1

#### **Tier 2 – Minimal Impact** (Administrative Permit)

##### **Hard Rock**

- 2-Acre Limited Mining Operation (as per MLRB)
- No onsite Designated Chemical processing.
- Offsite impact identification and mitigation plan required.

##### **Placer**

- Surface disturbance up to 1/4 acre above ordinary high water as defined by the US Army Corps of Engineers.
- No onsite Designated Chemical processing.
- No material export except metallic ore bearing rock.
- Offsite impact identification and mitigation plan required.



**Open Cut Mining**

- Eligible Lands - Previously mined deposits where no reclamation was completed.
- Maximum 3500 cubic yard export.
- No onsite processing or sorting.
- Offsite impact identification and mitigation plan required.

**Tier 3 – Limited Impact Operation** (Special Use Mining Permit – Environmental Assessment (EA) to NEPA standards, or an acceptable equivalent is required)

**Hard Rock**

- Limited Impact Operation (as per MLRB)
- No onsite Designated Chemical processing.
- Offsite impact identification and mitigation plan required.

**Placer**

- Surface disturbance above ordinary high water, as defined by the US Army Corps of Engineers, greater than ¼ acre but less than 2 acres.
- No onsite Designated Chemical processing.
- No material export except metallic ore-bearing rock.
- Offsite impact identification and mitigation plan required.

**Open Cut Mining**

- Tier 2 Open Cut Permit made available for unlimited renewals via Tier 3 Special Use permitting process.
- Onsite processing or sorting permitted
- Offsite impact identification and mitigation plan required.

**Tier 4 – Regular Mining Operation** (Special Use Mining Permit – Environmental Impact Statement (EIS) to NEPA standards, or an acceptable equivalent is required)

**Hard Rock**

- Regular Mining (as per MLRB)
- Offsite impact identification and mitigation plan required.

**Placer**

- Surface disturbance above ordinary high water, as defined by the US Army Corps of Engineers, greater than or equal to 2 acres.
- No material export except metallic ore-bearing rock.
- Offsite impact identification and mitigation plan required.

**Open Cut Mining**

- Rock quarry only. Mining of alluvial sand and gravel deposits is prohibited
- Offsite impact identification and mitigation plan required.

## 7.0 SIGN CODE

### Definitions

Sign – A “sign” is any surface or object used to identify, display, direct or attract attention. A sign may or may not contain text and/or graphics.

Permanent Sign – A "permanent sign" is a sign that is intended to be displayed indefinitely.

Temporary Sign – A "temporary sign" is a sign that is intended to be displayed for a defined period of time. Temporary signs may be free standing, ground mounted, building mounted, or attached to personal property. Temporary signs shall not be attached to trees or power poles. There are 2 categories of temporary signs as follows:

- Temporary 1 – long duration
- Temporary 2 – short duration

Size – The size of a sign shall be measured as the area of the smallest rectangle encompassing the sign facing, including copy, insignia, background and borders. Signs may be two-sided and the size limitations apply to one side, unless specified otherwise.

Freestanding Sign – A freestanding sign is any sign being supported on itself or on a standard or legs, which is structurally separate from the building.

Building-Mounted Sign – A building-mounted sign is any sign painted on, incorporated into or affixed to the building wall. Building mounted signs comprised of individual letters shall not exceed the applicable square footage size limit for its location. Total square footage shall equal the total square footage of each letter as determined by its greatest width multiplied by its greatest height

Overhead Sign – a sign protruding from a building at a 90 degree angle.

Personal Property Sign – a sign attached to personal property not to include built structures. A personal property sign may not be ground mounted. By way of example, personal property includes, but is not limited to, manufactured goods such as automobiles and naturally occurring ground protrusions such as trees.

Ground Mounted Entry Sign – a sign placed at the entrance to a platted subdivision or platted subdivision exemption.

Overhead Entry Sign – a sign mounted to an arch-like structure under which entering and exiting traffic would normally pass.

Window Mounted Sign – a sign painted on, incorporated into or affixed to a window.

Legal Non-conforming Sign – A sign which was lawfully permitted, erected and maintained prior to the effective date of this sign code, or amendments thereto, and which does not conform to all of the applicable provisions set forth herein.

### **Permits**

It shall be unlawful to erect, place, construct, reconstruct, modify or relocate a non-exempt sign without first obtaining a sign permit from the Community Development Department.

A sign permit is not required for preventative maintenance or repainting of a lawfully existing sign provided the size, lighting, color and height remain as specified within the current permit.

### **Prohibited Signs**

Any sign not specifically permitted by this code or specifically exempted from this code is prohibited.

### **Location and Placement**

All signs are subject to the following location and placement restrictions and requirements, except as provided elsewhere within this section:

- Signs shall identify or advertise interests or activities conducted on the premises. Off-site signs are prohibited.
- No sign shall be placed within public rights-of-way or other public lands.
- No sign shall be attached to utility poles, or traffic signs and the like.
- Signs shall comply with the setback requirements of the district zoning in which they are located, unless otherwise specified elsewhere.
- No sign shall be placed within a prescribed 50' site-triangle at road intersections.
- No sign or any portion thereof may be mounted on roofs or extend above the parapet wall or top of the exterior wall or building facade upon which the sign is mounted.
- Overhead signs which project more than four (4) inches into a pedestrian walkway must allow seven and one-half (7 ½) feet of overhead clearance.
- Freestanding signs shall be located within a landscaped area or the disturbed areas beneath the sign shall be prepared and re-vegetated such that the pre-existing natural landscaping has been re-established.

## Allowable Signs

<b>ZONE</b>	<b>SIGN TYPE</b>	<b>MAX #</b>	<b>MAX SIZE</b>	<b>ALLOWABLE LOCATION</b>	<b>ALLOWABLE LIGHTING</b>	<b>PERMIT</b>	<b>OTHER RESTRICTIONS</b>
RS RR	BUILDING MOUNTED	1 PER PARCEL	3 SF	FRONT OR SIDE ELEVATION	NONE	EXEMPT	NONE
	PERSONAL PROPERTY SIGN	4 PER PARCEL	1 SF	ON PRIVATE PROPERTY >10' FROM TRAVELED PORTION OF ROAD	NONE	EXEMPT	MAX 1 SIGN PER INDIVIDUAL PERSONAL PROPERTY
	TEMPORARY 1	No Limit	6 SF per sign. Total signage not to exceed 24 SF	ON PRIVATE PROPERTY >10' FROM TRAVELED PORTION OF ROAD	NONE	EXEMPT	MAX 6 MONTHS PER YR EITHER CONSECUTIVE OR IN INTERVALS
	GROUND MOUNTED ENTRY SIGN	1 PER SUB.	36 SF	COMMON AREA OUTSIDE ROW	AS PER CODE	REQUIRED	ACTIVE HOA SHALL BE APPLICANT
	OVERHEAD ENTRY SIGN	1 PER PARCEL	20 SF	ON PRIVATE PROPERTY >55' FROM PUBLIC ROAD CENTERLINE	NONE	REQUIRED	NONE
C-3 C-4 C-5	BUILDING MOUNTED OR OVERHEAD SIGN	1 PER BUSINESS	50 SF	FRONT OR SIDE ELEVATION	AS PER CODE	REQUIRED	NONE
	WINDOW MOUNTED	VARIES	20 SF	FRONT OR SIDE ELEVATION	AS PER CODE	REQUIRED	CUMULATIVE TOTAL NOT TO EXCEED 60 SF PER BUSINESS
	TEMPORARY 1	No Limit	12 SF	ON PRIVATE PROPERTY >10' FROM TRAVELED PORTION OF ROAD	NONE	EXEMPT	MAX 6 MONTHS PER YR EITHER CONSECUTIVE OR IN INTERVALS
	TEMPORARY 2	1 PER PARCEL	200 SF	ON PRIVATE PROPERTY >10' FROM TRAVELED PORTION OF ROAD	NONE	REQUIRED	MAX DURATION 2 WKS PER YR
	FREESTANDING	1 PER PARCEL	100 SF	LESSER OF 30' FROM C/L OF ADJACENT ROAD OR 5' FROM P/L	AS PER CODE	REQUIRED	TOP OF SIGN SHALL NOT EXCEED 15' ABOVE GRADE
	NEON SIGNS	VARIES	6 SF	BEHIND GLASS WINDOW	AS PER CODE	REQUIRED	CUMULATIVE TOTAL NOT TO EXCEED 30 SF PER BUSINESS
GX CX	EXEMPT	EXEMPT	EXEMPT	EXEMPT	EXEMPT	EXEMPT	NONE

## **Design Standards and Specifications**

Sign surfaces and supports are encouraged to be constructed of opaque, natural materials such as rough cedar, pine or other types of wood. External lighting for such signs shall be designed so that light sources are not visible to passing motorists.

Sign surfaces made of translucent materials internally lit shall be permitted provided the display surface luminance level does not exceed the following:

- If background matrix is white, luminance level shall not exceed 10 fc.
- If background matrix is not white, luminance level shall not exceed 30 fc

Static LED displays shall be permitted. Moving, scrolling and other types of “lumagraphics” displays are prohibited. Luminance level for such signs shall not exceed the following:

- If background matrix is white, luminance level shall not exceed 10 fc.
- If background matrix is not white, luminance level shall not exceed 30 fc

Signs comprised of individually lighted letters shall be permitted provided each individual letter’s illumination level for such signs shall not exceed the following:

- White letter luminance level shall not exceed 10 fc.
- Non-white letter luminance level shall not exceed 30 fc

## **Legal Non-Conforming Signs.**

Continuance. Any sign that has been determined to be legal non-conforming may continue in use until terminated as follows:

- By Obsolescence. A sign becomes obsolete with the discontinuance of the business, service or activity that it advertises.
- By Destruction, Damage or Alteration. The right to continue use or operation of any legal non-conforming sign shall terminate whenever the sign is altered in any way, or damaged or destroyed over fifty (50) percent.
- By Amortization. The right to continue to use or operate a legal non-conforming sign shall terminate five years after the effective date of this Sign Code.

## **Comprehensive Sign Plan**

The Board of County Commissioners may permit the utilization of comprehensive sign plans for: 1) Planned Unit Developments; 2) internal subdivision or development signage; 3) multiple businesses located in a single building; or 4) building complexes which are located on one (1) lot or parcel or two (2) or more continuous parcels held in unified control.

The applicant must submit a detailed sign plan with attached written stipulations to the Planning Commission for review. Such stipulations shall consider all appropriate concerns, including but not limited to an accurate survey map or site plan describing the area in which the plan will be in effect, location of signs, size, height, color, lighting, orientation, construction material and copy. If there are signs within the legally described area that will not conform to the standards described in the comprehensive sign plan, procedures and time frames for securing the removal of

nonconforming signs shall be detailed. Upon reviewing the plan, the Planning Commission shall submit its recommendations to the Board of County Commissioners.

Comprehensive sign plans may allow for additional signage than would be normally allowed, however, no individual sign may deviate from the regulations set forth in this code unless incontrovertible need can be demonstrated.

The sign plan shall be reviewed in terms of its impact on surrounding land uses and its consistency with the specifications of the sign code.

## 8.0 AMENDMENTS

**Approved February 10, 1966.**

Be it resolved by the Board of County Commissioners of Gilpin County, Colorado: A resolution allotting land use zoning districts within unincorporated areas in Gilpin County, Colorado. Adopting maps of said areas and zoning districts therein; regulating the use of land and the use of minimum lot area, minimum lot width, minimum lot frontage, minimum yards and maximum height for building; providing special regulations for nonconforming uses and nonconforming buildings; defining certain terms used herein, and prescribing methods for enforcement, amendment, variance, special permits, interpretation, severability and appeals.

**Revision Dates**

These said Zoning Resolutions are amended pursuant to the Board of County Commissioners hearing held on:

April 25, 1995	Sections Amended:	Section IX - 9.11
November 7, 1995	Sections Amended:	Section II Section III Section 13.4, 13.7, 13.9 Section 13.14 (new) Section XVI (new) Section VI Section 9.10
April 15, 1997	Sections Amended:	Added Resolution #97-3
June 3, 1997	Sections Amended:	Added Resolution #97-4
February 17, 1998	Sections Amended:	Section II, 2.8, 2.8(B) Section VII
July 13, 1999	Sections Amended:	XVI-Animals (Resolution #99-04)
July 11, 2000.	Sections Amended:	District Overlays (new) Section II, deleted Minimum Dwelling Unit Size
March 13, 2001	Sections Amended:	2.4.3, 3.2.B
January 14, 2003	Sections Amended:	2.2, 2.3, 2.7, 3.1, 3.2, 4.2, 9.3, 9.6, 9.7 & 12.2
March 16, 2004	Sections Amended:	6.1.n (Resolution #04-02)
February 15, 2005	Sections Amended:	Section I, 1.7 definitions (Resolution #05-01)
April 19, 2005	Section Amended:	Section XI: 11.15 (Resolution #05-08)
July 19, 2005	Sections Amended:	Section XIII (Resolution # BLA 05-20)
September 20, 2005	Section Amended:	Section VIII (Resolution # 05-19) <i>Numbering system changed from alphanumeric to completely numeric system.</i>
December 20, 2005	Section Amended:	Section XI (Resolution #05-31)
March 28, 2006	Section Amended:	Section VIII (Resolution #06-02) Freestanding sign
December 5, 2006	Section Amended:	Section VIII (Resolution #06-12)

Overall Sign Code Revision		
June 30, 2009	OVERALL CODE REVISION	
June 29, 2010	Pages Amended:	3,6,7,8,11-15,19,20,26,29,30,31,34,38,40
November 1, 2011	Section Amended:	2.6 Ancillary Dwellings (Resolution #11-20)
January 24, 2012	Section Amended	2.8 Animals (Resolution #12-01)
April 10, 2012	Section Amended	2.2 Allowable Uses (Resolution #12-07)
November 13, 2012	Section Amended	1.5, 1.7, 2.2, 2.3 (Resolution #12-16)
June 11, 2013	Section Amended	2.5, 1.7, 2.2, 2.2, 2.5, 2.12, 2.13 & 3.15- 3.18
August 20, 2013	Section Amended	7.0 Exempted Signs Requiring No Permit (Resolution #13-12) Offsite directional signs....
November 5, 2013	Section Amended	3.7 Commercial Business Sites (Resolution #13-19)
November 25, 2014	Section Amended	2.2 excepted commercial cell towers From All Zones 2.14 added; Commercial Cell Towers (Resolution #14-19)
April 21, 2015	Section Amended	2.3, 2.11, 3.4 and 3.5
January 1, 2017	Sections Amended	2.2, 2.3, 2.10, 2.11, 2.13, 3.1, 4.3, 7.0 (Resolution 16-08)
January 1, 2018	Section Amended	2.15 Marijuana (Resolution #17-20)
June 12, 2018	Section Amended	2.15 Marijuana