

## Section 2 - General Provisions and Regulations

(orig. 7-28-58; am. 2-6-84; am 7-1-03)

### A. Amendment of Underlying Zones

Any amendment to any underlying conventional zone district, including the Planned Development Zone District, shall in no way supersede or except any existing or subsequently adopted overlay district. (orig. 6-15-76)

### B. Modification of Lots or Structures

No lot, or any structure thereon, shall be modified in any way which will not conform to the applicable zone district regulations, except: (orig. 7-28-58; am. 9-6-77)

1. Where the Board of Adjustment, within its authority, grants a variance; or (orig. 7-28-58)
2. Where the Director of Planning and Zoning grants an administrative exception; or (orig. 7-17-18)
3. Where a portion of property has been acquired by an authorized public entity. (orig. 7-28-58; am. 9-6-77)

### C. Structures Per Lot

1. Every building shall be constructed and located on a single lot or combination of lots that have been merged, and no lot shall have more than 1 main building, except as otherwise provided by this Zoning Resolution. (orig. 7-28-58; am. 9-6-77; am. 3-26-13)
2. One or more main non-residential or multi-family structures per lot are allowed pursuant to the requirements of the Land Development Regulation or the Policies and Procedures Manual. (orig. 3-8-82; am. 6-14-88; am. 12-17-02)
3. Delineation of building envelopes is not required for accessory buildings, provided that all easements and applicable setbacks are observed. (orig. 6-14-88)
4. No structure shall be placed on a zone district line where such line crosses any portion of a property except where both zone districts would allow the use, and where both zone districts have the same setback limitations. (orig. 7-1-03)

### D. Permit Requirements

1. Building Permit
  - a. It shall be unlawful for any person, firm or corporation to erect, construct, reconstruct or structurally alter any building or other structure without first obtaining both of the following: (orig. 5-6-46; am. 12-26-62; am. 9-6-77; am. 8-6-80; am. 5-3-94)
    - (1) Zoning approval from Planning and Zoning including payment of a nonrefundable processing fee in an amount established by the Board of County Commissioners. (orig. 5-3-94; am. 5-25-04; am. 5-20-08)
    - (2) A Building Permit from Building Safety. (orig. 5-3-94; am. 5-25-04)
  - b. A Building Permit shall not be issued unless the lot or parcel is a proper division of land in accordance with Section 30-28-101(10) et. seq. C.R.S., as amended, unless it is the result of a process that has been exempted from the term "subdivision" and "subdivided land" by the Board of County Commissioners. (orig. 4-20-10)
  - c. A Building Permit shall not be issued unless the plans and the use conform to this Zoning Resolution and are approved by Planning and Zoning and Building Safety. (orig. 5-6-46; am. 12-26-62; am. 9-6-77; am. 5-25-04; am. 5-20-08)
  - d. A Building Permit shall not be issued for properties with the following situations:
    - (1) Multiple, unmerged lots or parcels are utilized in order to meet minimum zoning requirements for lot size or the Public Health requirements at the time of permit application; (orig. 6-15-04; am. 10-13-09; reloc. and am. 7-17-18)
    - (2) Underlying setback(s) cannot be met from interior property line(s) and multiple lots are utilized as part of permit process; (orig. 6-15-04; reloc. 7-17-18)

- (3) A well is located on a separate lot or parcel where multiple lots or parcels are required to meet minimum zoning requirements at the time of permit application; (orig. 6-15-04; reloc. 7-17-18)
- (4) An accessory structure proposed on an adjoining lot where the primary structure is located on a separate lot; or (orig. 6-15-04, am. 10-25-05; reloc. 7-17-18)
- (5) An Onsite Wastewater Treatment System is located on a separate lot or parcel where multiple lots or parcels are used in combination to meet minimum zoning requirements at the time of permit application. (orig. 6-15-04; am. 10-25-05; reloc. 7-17-18)
- e. Any building, structure or use which is not in compliance with the plans or use approved by Planning and Zoning shall constitute a violation of this Zoning Resolution. (orig. 6 14 88; am. 5-25-04; am. 5-20-08)
- f. The owner, at the time of issuance of the Building Permit, and the person to whom the permit is issued shall be responsible for compliance with all setback requirements set forth in this Zoning Resolution for the building or structure covered by the permit. (orig. 9-6-77)
- g. Effective January 1, 2019, Improvement Survey Plat/Improvement Location Certificate Requirements: (orig. 7-17-18)
  - (1) An Improvement Survey Plat (ISP) shall be required as a submittal item for Building Permits for the following conditions: (orig. 7-17-18)
    - (a) Lot size is less than 8,000 square feet in Plains areas or 1 acre in Mountain areas; or (orig. 7-17-18)
    - (b) Proposed setbacks of 5 feet or less in Plains areas, or 10 feet or less in Mountain areas; or (orig. 7-17-18)
    - (c) The proposed setback is less than 3 feet in Plains areas or 5 feet in Mountain areas from the required minimum setback for the applicable zone district; or (orig. 7-17-18)
    - (d) Reduced setbacks for the proposed structure were approved by either the Director of Planning and Zoning, or the Board of Adjustment. (orig. 7-17-18)
  - (2) For properties where the legal description is either (i) portions of platted lots, (ii) metes and bounds legal descriptions, or (iii) aliquot legal descriptions, a Land Survey Plat (LSP) shall be required as a submittal item. (orig. 7-17-18)
  - (3) For all other conditions, an Improvement Location Certificate (ILC) shall be required as a submittal item for a Building Permit. (orig. 7-17-18)
  - (4) The ILC/ILP/LSP must show the structure(s) on adjacent properties when the zone district specifies a minimum separation between buildings. (orig. 7-17-18)
- h. Verification of Setbacks Requirements (orig. 7-17-18):
  - (1) Effective January 1, 2019, a Setback Verification Form, certified by a registered surveyor, licensed in the State of Colorado, shall be submitted to Planning & Zoning upon completion of concrete/foundation form placement, and prior to placing the foundation for Building Permits under the following conditions: (orig. 7-17-18)
    - (a) Where a planned setback for a detached accessory structure is less than 3 feet in the Plains areas or 5 feet in Mountain areas from the required setback for the applicable zone district; or (orig. 7-17-18)
    - (b) Where a planned setback for an addition to a primary structure is less than 3 feet in the Plains areas or 5 feet in Mountain areas from the required setback for the applicable zone district; or (orig. 7-17-18)
    - (c) Reduced setbacks for the proposed structure were approved by either the Director of Planning and Zoning, or the Board of Adjustment. (orig. 7-17-18)
  - (2) For Building Permits for new primary structures where a setback verification form is not required, and where a proposed setback is less than 3 feet in the Plains area or 5 feet in the Mountain areas from the required minimum setback for the applicable zone district, prior to the rough framing inspection, an Improvement Location Certificate, certified by a registered surveyor, licensed in the State of Colorado, shall be submitted to Planning & Zoning to verify that the required setbacks are being met. (orig. 7-17-18)

- j. Access Standards: Before any Building Permit for a new dwelling, commercial building, industrial building, or other main building, or to replace an existing dwelling, commercial building, industrial building, or other main building, or for additional space of 400 square feet or more, measured cumulatively, may be issued, the applicant must meet the access requirements listed below. These access standards shall be deemed to be general standards that supersede conflicting provisions in any Official Development Plan. (orig. 9-6-77; am. 12-5-95; am. 12-17-02; am. 5-20-08, am. 4-20-10)
- (1) Right of Access: Evidence must be submitted demonstrating that the applicant has a right of access to a county, state or city maintained street/road. If the applicant's property does not have direct access to a county, state or city maintained street/road, then the offsite portion of the access that connects to the county, state or city maintained street/road must be in conformance with one or more of the following: (orig. 12-5-95; am. 12-17-02; am. 7-1-03; am. 10-25-05; am. 5-20-08; am. 4-20-10)
    - (a) Right-of-way that has been dedicated and accepted by the county, the state or a city, but is not maintained by the county, the state or a city. (orig. 4-20-10)
    - (b) Right-of-way that has been dedicated to the county or the public, but has not been accepted by the county, and is not maintained by the county, the state or a city. (orig. 4-20-10)
    - (c) A recorded easement that gives the applicant a right of use. Planning and Zoning will review the access information provided by the applicant and information of public record, to determine the apparent right to use the access easement. Planning and Zoning is not making a legal determination as to the right of the use, only a determination that the access is sufficient for the issuance of a building permit. (orig. 4-20-10)
    - (d) A declared access from a recorded court decree that gives the applicant a right of use. (orig. 4-20-10)
    - (e) An existing access across privately owned property that has been declared a "road of record" by the Director of Planning and Zoning. The Director of Planning and Zoning's determination of a "road of record" is a determination of an apparent right to use the access for the purpose of issuing the building permit, not a legal determination as to the right of the use. The Director of Planning and Zoning may declare an access a "road of record" if it meets the following criteria: (orig. 4-20-10; am. 3-3-15)
      - (e-1) The access serving the parcel has been used for at least twenty (20) consecutive years. (orig. 4-20-10)
      - (e-2) The access does not cross property owned by a public entity or other entity over which prescriptive rights cannot be established. (orig. 4-20-10)
      - (e-3) The applicant has made a reasonable attempt to obtain an access easement or other acceptable legal right to use the access road and has been unsuccessful. (orig. 4-20-10)
    - (f) Any access right that is not identified above but is deemed sufficient by the County Attorney's Office for the purpose of issuing a building permit. An example of when this provision may be used would be when an access crosses property that is owned by a public entity or other entity over which prescriptive rights cannot be established, and a letter of authorization for such access road is provided by such entity. (orig. 4-20-10)
  - (2) Right of Access Width: The right of access width must comply with the roadway standards of the Transportation Design and Construction Manual, or an alternative standard as approved by the fire protection district. (orig. 12-5-95; am. 12-17-02; am. 7-1-03; am. 10-25-05, am. 4-20-10; am. 11-24-15; am. 7-17-18)

- (3) Physical Location of Access: The physical location of the access must closely align with the described limits of the right of access. If the right of access is based on a centerline description, then the centerline of the physical access shall be located along the centerline description. The evaluation of the physical location of the access shall be completed to a point where the street/road connects to a county, state or city maintained street/road. Planning and Zoning will review the physical location of the access based on documents provided by the applicant, information of public record and with the use of cartographic information. If necessary to locate and clarify access, a survey may be required. Planning and Zoning is not making a legal determination as to the location of the street/road with respect to the right of access. The provisions of this section do not apply if the right of access is a "road of record". The provisions of this section may be determined not to apply to an alternate right of access approved by the County Attorney's Office. (orig. 4-20-10)
- (4) Physical Standard of Access: The physical access must comply with the standards of the Transportation Design and Construction Manual. The evaluation of the physical access shall be completed to on-site and off-site to a point where the street/road or driveway connects to a county, state or city maintained street/road. The Transportation Design and Construction Manual standards for streets/roads and driveways is established based on the existing and potential use of the access system and does allow for alternate standards to be approved by the appropriate fire protection district. The fire protection district may require additional improvements such as fire sprinklers and cisterns as a condition of their approval of an alternate standard. If improvements are required based on this evaluation, then the following shall apply: (orig. 12-5-95; am. 6-18-02; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 4-20-10; am. 11-24-15)
- (a) Design and construction compliance, through the appropriate county process, shall be required for those portions of the access that are located within county right-of-way, public right-of-way or on land under the control of the person or entity seeking the Building Permit, and for any additional requirements that the fire protection district may have as a condition for their approval of an alternate access standard. A Stop Work Order for a building permit may be issued for failure to construct the improvements required by this section in accordance with the approved plans. (orig. 12-5-95; am. 12-17-02; am. 10-25-05; am. 4-20-10)
- (b) When design and construction compliance would involve construction on land that is not under the control of the person or entity for whom a Building Permit is sought, and is not located within county or public right-of-way, then the applicant shall submit a written advisory statement from the local fire protection district describing whether such portion of the private street/road and/or driveway is deemed acceptable for emergency vehicle use. If access is not deemed acceptable for emergency vehicle use by the Fire Protection District, the letter shall identify the improvements that the Fire Protection District believes are necessary for the access to be acceptable for emergency vehicle use. (orig. 5-20-08; am. 10-13-09; am. 4-20-10)

Should the Fire District deem the access not acceptable for emergency vehicle use, the applicant may choose to either: (orig. 5-20-08)

- (b-1) Arrange to correct all access deficiencies and obtain a new advisory statement from the Fire Protection District stating that the access is acceptable for emergency vehicle use, or (orig. 5-20-08)
- (b-2) Sign an affidavit of understanding, on a form provided by Planning and Zoning, stating that the applicant is aware that emergency services may be nonexistent, diminished, or slowed for the site and agreeing to indemnify, defend, save and hold the County, its agents and employees harmless from any claims, demands and liability resulting from or arising out of the construction, installation and use of the structures, devices or improvements by the Owner(s), their heirs, successors and assigns. If the applicant chooses this option, then both the affidavit of understanding and the statement from the Fire Protection District shall be recorded with the Jefferson County Clerk and Recorder. (orig. 5-20-08; am. 4-20-10)

- (5) Previous Review of Access: If the property for which the building permit is sought has gone through an approved Rezoning, Special Use, Plat, Exemption, Minor Adjustment, Site Development Plan, Grading Permit, or Notice of Intent subsequent to April 20, 2010, then the access verification that occurred during that process shall be deemed sufficient for the building permit process, unless the access being proposed for the building permit is not consistent with what was previously reviewed or the access standards of this section have been revised subsequent to the approval of the application. For Rezoning and Special Use applications, if the provisions of the Physical Standard of Access were not reviewed during the process, then those provisions must be satisfied prior to the issuance of the building permit. (orig. 4-20-10)

## ~~2.~~ Fence Permit

- a. ~~It shall be unlawful for any person, firm or corporation to erect or construct a fence above 42 inches in height without first obtaining a permit from Planning and Zoning. The permit shall be valid for one year, all work must be completed within this time frame or a new or renewal permit will be required. (orig. 8-6-80; am. 5-25-04; am. 5-20-08; am. 3-26-13)~~
- b. ~~A nonrefundable processing fee in an amount established by the Board of County Commissioners will be charged for each permit issued. (orig. 8-6-80; am. 5-3-94)~~
- c. ~~A noise barrier fence, maximum of 8 feet in height, may be constructed adjacent to right-of-way for an arterial or higher class street or road. (orig. 7-1-03; am. 7-17-18)~~
- d. ~~It shall be unlawful for any person, firm or corporation to erect or construct a gate, regardless of height, across access that serves a parcel or parcels, a tract or tracts, or a lot or lots without first obtaining a permit from Planning and Zoning and approval from the appropriate Fire Protection District. The permit shall be valid for one year, all work must be completed within this time frame or a new or a renewal permit will be required. (orig. 11-24-15)~~
- e. ~~Fences on corner lots must comply with vision clearance triangle requirements. (orig. 7-17-18)~~
- f. ~~Fences more than 42 inches in height shall be permitted within the side-to-street setback, provided such fence is set back to the edge of the sidewalk, or at least 10 feet from the flowline of adjacent streets if no sidewalk exists. (orig. 7-17-18)~~
- g. ~~Within the front setback, fences over 42 inches in height must be set back to the edge of the sidewalk, or at least 10 feet from the flowline of adjacent streets if no sidewalk exists, when the zoning allows such fences in the front setback. (orig. 7-17-18)~~
- h. ~~Fences over 42 inches in height must maintain a 25'x25' sight triangle for all driveways, both on-site and off-site, which is measured from the edge of driveway and the flowline of street/road. (orig. 7-17-18)~~

## 23. Miscellaneous Zoning Permit

- a. It shall be unlawful for any person, firm or corporation to erect, construct, reconstruct, structurally alter any building or structure, and/or commence any of the following activities without first obtaining a Miscellaneous Zoning Permit. The permit shall be valid for one year, all work must be completed within this time frame or a new or renewal permit will be required. Planning and Zoning may request documentation to ensure compliance with the regulations. (orig. 5-3-94; am. 3-28-00; am. 5-25-04; am. 5-20-08; am. 3-26-13)
- (1) Any structure not requiring a Building Permit, including but not limited to mini structures, entry features, gazebos, retaining walls over 36 inches in height, decks less than 30 inches but greater than 12 inches in height, ~~sheds~~, chicken coops, and beehives. (orig. 5-3-94; am 3-28-00; am. 12-17-02; am. 3-26-13; am xx-xx-xx)
- (a) Mini-structures that are less than 200 square feet and do not house livestock do not require a permit.-(orig. xx-xx-xx);
- (2) Recreation facilities, including but not limited to tennis courts, swimming pools, playgrounds, and golf courses. (orig. 5-3-94; am. 7-17-18)
- (3) Broadcasting and receiving devices, including but not limited to private satellite dishes over 18 inches in diameter, television and/or radio towers, cellular towers, antenna, and ham radio towers. (orig. 5-3-94; am. 3-28-00; am. 12-17-02)

- (4) Temporary structures not requiring a Building Permit, including but not limited to ~~construction/sales and/or security trailers, temporary buildings and/or facilities, and mobile homes.~~ Temporary uses and/or structures, including but not limited to fireworks stands, Christmas tree sale lots, parking lot sales and seasonal produce and/or flower stands. (orig. 5-3-94; am xx-xx-xx)
- ~~(5) Temporary uses and/or structures, including but not limited to fireworks stands, Christmas tree sale lots, parking lot sales and seasonal produce and/or flower stands. (orig. 5-3-94; am. 3-28-00)~~
- (5) Home occupations as outlined in the Home Occupations Section of this Zoning Resolution. (orig. 5-3-94; am. 3-26-13)
- ~~(6) Group living facility for more than 3 unrelated persons. (orig. 5-25-04)~~
- (7) Any gate across access that serves a parcel or parcels, a tract or tracts, or a lot or lots. Any Miscellaneous Zoning Permit issued for such purpose shall first be approved by the applicable fire protection district. Access through the gate shall be granted to beneficiaries of any easements and emergency service providers. –(orig. xx-xx-xx)
- (8) A noise barrier fence, maximum of 8 feet in height, may be constructed adjacent to right-of-way for an arterial or higher class street or road. (orig. 7-1-03; am. 7-17-18)
- b. A Miscellaneous Zoning Permit shall not be issued unless the plans and the use conform to the provisions of this Zoning Resolution. (orig. 5-3-94)
- c. The owner, at the time of issuance of a Miscellaneous Zoning Permit, and the person to whom the permit is issued shall be responsible for compliance with all the requirements set forth in this Zoning Resolution for the building, structure and/or activity covered by the permit. (orig. 5-3-94; am. 12-17-02)

#### 34. Short-Term Rental Permit

- a. It shall be unlawful for any person, firm or corporation to operate a short-term rental without obtaining an approved Short-Term Rental Permit. In addition, the following criteria must be met before the issuance of a Short-term Rental Permit: (orig. 1-1-12)
  - (1) The property owner shall notify each adjacent property owner in writing by certified mail of the name and contact information for the 24-hour local primary and secondary contacts. If such local contacts change, the property owner shall notify the adjacent property owners and the Jefferson County Planning and Zoning Division of the new local contacts' information in writing by certified mail within five (5) business days of the change in local contacts. (orig. 1-1-12)
  - (2) The dwelling shall be equipped with operable smoke alarms, fire extinguishers and carbon monoxide alarms. An operable carbon monoxide alarm shall be installed within fifteen (15) feet of the entrance to each room used for sleeping purposes. The smoke alarms shall be installed pursuant to the current International Building Code as adopted by the Jefferson County Division of Building Safety. (orig. 1-1-12)
  - (3) The proposed short-term rental shall provide a minimum of one (1) off street parking spaces, plus one (1) additional space per sleeping room. (orig. 1-1-12)
  - (4) Proof of adequate water and sewer. (orig. 1-1-12)
  - (5) Legal access in conformance with the access requirements of this Zoning Resolution. (orig. 1-1-12)
  - (6) Proof of Fire Protection. (orig. 1-1-12)
    - (a) Outdoor fires using wood or charcoal for fuel are always prohibited. (orig. 1-1-12)
  - (7) The property owner shall provide a current sales tax license for the short-term rental issued by the Colorado Department of Revenue. (orig. 1-1-12)
- b. A permit for a short-term rental shall be obtained within thirty (30) days following review by the Board of Adjustment for approval or renewal of a special exception to allow a short-term rental of a single-family dwelling. The review of the Short-Term Rental Permit application will include but is not limited to: failure to comply with any conditions set by the Board of Adjustment on approval of the special exception for short-term rentals, complaints received by the Sheriff's Office for noise or improper

- parking, any active zoning violations or other impacts that cause the short-term rental to become incompatible with the surrounding land uses. (orig. 1-1-12)
- c. The owner at the time of issuance of a short-term rental permit and the person to whom the permit is issued shall be responsible for compliance with all the requirements set forth in this Zoning Resolution for the building, structure and/or activity covered by the permit. (orig. 1-1-12)
- d. Once the short-term rental permit has been issued, the owner shall provide all rental dates to the Jefferson County Planning & Zoning Division. In turn, Planning & Zoning shall provide this information to the Jefferson County Assessor and the Colorado Department of Revenue. This report shall be filed quarterly. (orig. 1-1-12)
- e. The property owner shall post the 24-hour local contact information as well as the Short-Term Renter Good Neighbor Brochure as created by the Planning and Zoning Division at a prominent location within the structure. In addition, the property owner shall provide each renter with a copy of the brochure at the time of occupancy. (orig. 1-1-12)
- f. The County may revoke a Short-Term Rental Permit at any time for failure to comply with the provisions of this Zoning Resolution concerning short-term rentals and/or confirmed violation(s) of any federal, state, or local law, ordinance, or regulation. The decision of the County to revoke a Short-Term Rental Permit may be appealed to the Board of Adjustment. No short-term rental of the subject property may occur while an appeal is pending. (orig. 1-1-12)

**45. Setback Criteria from Streets/Roads:** Setbacks shall be measured from the private access easements, easements associated with public street/road templates set forth in the Jefferson County Transportation Design and Construction Manual or flow line/edge of pavement of public and private streets or roads, except where Planning and Zoning finds that the private access easement functions as a shared driveway, based upon criteria including the following: (orig. 3-15-82; am. 12-17-02; am. 5-20-08; am. 10-13-09; am. 3-3-15; am. 11-24-15; am. 7-17-18)

- a. Estimated current or projected average daily traffic (ADT); (orig. 3-15-82; am.10-13-09)
- b. Design and topography; (orig. 3-15-82)
- c. Providing connection between thoroughfares. (orig. 3-15-82)
- d. Number of properties served by the easement. (orig. 7-17-18)

In the event the private access easement is determined to be functionally equivalent to a shared driveway, a minimum setback from the access easement of five (5) feet shall apply. (orig. 7-17-18)

**56. General Setback Criteria:**

- a. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, and fireplaces may protrude 24 inches into the setback. Underground counterforts and window wells may protrude into setbacks. (am. 7-17-18)
- b. The placement of improvements on any such zoned property may be further restricted by plat notes approved by the Board of County Commissioners in conjunction with an approved Plat, Exemption from Platting, or other process subject to the Land Development Regulations. (reloc. 7-17-18)

**E. Zone District Boundaries**

For purposes of determining zone district boundaries after vacation of a right of way dedicated or deeded to the County, the zoning applicable to the property abutting on either side of the right of way shall, after vacation, be deemed to extend to the centerline of such vacated right of way. (orig. 9-6-77)

**F. Street/Road Setbacks**

For purposes of measuring front, side and rear setbacks, all measurements shall be measured from the future right of way line when the street or road is designated on the "County Major Thoroughfare Plan". (orig. 7-28-58; am. 9-6-77; am. 12-17-02; am. 10-13-09)

**G. Front Yard**

- 1. On a through lot, the front yard requirements of the applicable zone district shall apply to each lot line fronting on a street. (orig. 5-6-46; am. 9-6-77)
- 2. Regardless of the location of, or the direction that any structure faces and regardless of where the main entryway into the structure is located, the front lot line of a lot shall be as indicated on the subdivision plat

or if not shown on a Subdivision Plat, it shall be determined by the main route of access into the property. (orig. 7-28-58; am. 9-6-77; am. 12-17-02)

3. Every part of the required front yard shall be open and unobstructed from its lowest point to the sky, except for landscaping and fencing not prohibited by the appropriate Section of this Zoning Resolution; and except for entry features with a minimum 14 foot height clearance. (orig. 5-6-46; am. 12-26-62; am. 9-6-77; am. 8-6-80; am. 12-17-02; am 7-17-18)

#### **H. Side Yard**

Every part of the required side yard shall be open and unobstructed from its lowest point to the sky, except for landscaping, accessories such as clothes lines, swing sets up to 8 feet in height and fencing not prohibited by the appropriate Section of this Zoning Resolution. (orig. 5-6-46; am. 9-6-77; am. 8-6-80; am. 12-17-02)

#### **I. Rear Yard**

Every part of the required rear yard shall be open and unobstructed from its lowest point to the sky, except for landscaping and accessories such as clothes lines, swing sets up to 8 feet in height and fencing not prohibited by the appropriate Section of this Zoning Resolution. (orig. 5-6-46; am. 9-6-77; am. 8-6-80; am. 12-17-02)

#### **J. Fences**

1. Fences shall meet the standards set forth in the Zoning Resolution and applicable County Regulations. (orig. xx-xx-xx)
2. A noise barrier fence, maximum of 8 feet in height, may be constructed adjacent to right-of-way for an arterial or higher class street or road. (orig. 7-1-03; am. 7-17-18; reloc. xx-xx-xx)
3. Fences on corner lots must comply with vision clearance triangle requirements. (orig. 7-17-18; reloc. xx-xx-xx)
4. Fences more than 42 inches in height are allowed, subject to the following development standards:
  - a. Side-to-street setback: Fence shall be set back to the edge of the sidewalk, or at least 10 feet from the flowline of adjacent streets if no sidewalk exists. (orig. 7-17-18; reloc. xx-xx-xx)
  - b. Front setback: Fences shall be set back to the edge of the sidewalk, or at least 10 feet from the flowline of adjacent streets if no sidewalk exists, provided the applicable zone district allows fences in the front setback. (orig. 7-17-18; reloc xx-xx-xx)
  - c. Fences shall maintain a 25'x25' sight triangle for all driveways, both on-site and off-site, which is measured from the edge of driveway and the flowline of street/road. (orig. 7-17-18; reloc. xx-xx-xx)

#### **JK. Rubbish**

The outdoor storage of rubbish is prohibited unless expressly allowed by the applicable zone district. (orig. 5-20-08)

#### **LK. Height Regulation**

1. The height limitations established for each zone district shall apply to flagpoles; and radio, television or microwave towers (including antennas), except as otherwise provided within this section. Noncommercial antenna installations for home use of radio or television are excluded. (orig. 6-14-88; am. 6-7-94; am. 12-17-02; am. 4-20-10)
2. The height limitations established for any zone district, except Planned Development, shall not apply to chimneys, stacks, water towers, grain elevators, silos, elevators, monuments, dome spires, belfries, hangars and accessory symbols of government, religious, fraternal and civic organizations when attached to the respective building. (orig. 5-6-46; am. 9-6-77; am. 6 14 88; am. 4-20-10)

#### **ML. Dangerous and/or Wild Animals**

1. Notwithstanding any other provision of this Zoning Resolution and except as provided in paragraphs L.2. and L.3. below, no person shall own, possess, harbor, maintain or keep any of the following species of animals, other than wildlife in existing natural habitat, on any property within any zone district (other than as specified in the Agricultural-Two (A-2) and Agricultural Thirty-Five (A-35) Zone Districts) in the unincorporated area of Jefferson County. The restrictions within this section apply to the A-2 and A-35 Zone Districts, when the property is at least 10 acres in size, and the keeping of dangerous and wild

animals is done in accordance with an approved Special Use. (orig. 8-1-78; am. 3-28-00; am. 12-17-02; am. 3-26-13)

- a. Poisonous reptiles, species of nonpoisonous snakes which ordinarily grow to more than 6 feet in length when mature, and lizards belonging to the family Varanidae; (orig. 8-1-78)
  - b. Crocodilians; (orig. 8-1-78)
  - c. All species of non-human mammals except the following: (orig. 8-1-78)
    - (1) Domestic cat (*Felis catus*); (orig. 8-1-78)
    - (2) Chinchilla (*Chinchilla laniger*); (orig. 8-1-78)
    - (3) Domestic dog (*Canis familiaris*); (orig. 8-1-78)
    - (4) Domestic ferret (*Mustela putorius furo*); (orig. 8-1-78)
    - (5) Mongolian gerbil (*Meriones unguicularus*); (orig. 8-1-78)
    - (6) Guinea pig (*Cavia porcellus*); (orig. 8-1-78)
    - (7) Hamster (*Mesocricetus auratus*); (orig. 8-1-78)
    - (8) Domestic laboratory mouse (*Mus domesticus*); (orig. 8-1-78)
    - (9) Domestic rabbit (*Oryctolagus cuniculus*); (orig. 8-1-78)
    - (10) Domestic laboratory rat (*Rattus rattus albino strain*); (orig. 8-1-78)
    - (11) Squirrel monkey (*Saimiri seinrous*); (orig. 8-1-78)
    - (12) Owl monkey (*Aotus trivirgatus*); (orig. 8-1-78)
    - (13) Woolly monkey (*Lagothrix lagothrica*); (orig. 8-1-78)
    - (14) Pygmy Goat (*Goatus Minimus*); (orig. 7-17-18)
    - (15) Miniature Pig (*Göttinger minipig*); (orig. 7-17-18)
    - (14) Domestic livestock including, but not limited to the following: horses, cattle, sheep, goats, swine, mules, donkeys, burros, llamas, alpacas, emu, and ostrich. (orig. 8-1-78; am. 12-17-02)
2. For any property zoned Agricultural-Two (A-2) and Agricultural Thirty-Five (A-35), the owner thereof shall receive Special Use approval in order to be permitted to own, possess, harbor, maintain or keep any one or more animals of the species listed in paragraph L.1. above, where the ownership, possession, harboring, maintenance or keeping of such animal(s) is necessary to a use which is otherwise in compliance with the applicable zone district regulations and is specifically for one of the following purposes: (orig. 8-1-78; am. 12-17-02; am. 3-26-13)
    - a. To be used for scientific research or for production of scientific or commercial supplies or as breeding stock in connection with a business or other commercial operation or research facility established as a use upon the premises; or (orig. 8-1-78)
    - b. To be used for purposes of public commercial exhibition, whether as a profit or nonprofit operation, such as a permanent zoological gardens or a temporary or traveling menagerie, circus, rodeo or livestock show. (orig. 8-1-78)
  3. For any property zoned Agricultural-Two (A-2) and Agricultural Thirty-Five (A-35), the owner thereof shall receive Special Use approval in order to be permitted to own, possess, harbor, maintain or keep any one or more animals of the species prohibited under paragraph L.1. above, where the applicant demonstrates a special interest and competency in caring for such an animal or animals, and where the applicant demonstrates to the satisfaction of the Planning Commission and the Board of County Commissioners that the health, safety and welfare of humans and domestic animals in the area and of the general public is adequately safeguarded. (orig. 8-1-78; am. 12-17-02; am. 3-26-13)
  4. The application for a Special Use under paragraphs: L.2. and L.3. above, shall be made to the Planning Commission. If approved by the Planning Commission, the application shall proceed to the Board of County Commissioners, which must also approve the application for the Special Use to be permitted. (orig. 8-1-78; am. 12-17-02)

5. One criterion relevant to the determination of whether to approve the Special Use shall be the agreement by the applicant that proposed facilities for the keeping of such animal(s) will be constructed and maintained in accordance with the requirements of the Colorado Division of Wildlife. (orig. 8-1-78)

As a condition of the continued validity of any Special Use granted under paragraphs L.2 and L.3 above, the applicant must at all times ensure that adequate safeguards for the health and security of both the animal(s) and humans and domestic animals in its (their) vicinity are provided, and must at all times be in compliance with all rules and regulations of the Colorado Division of Wildlife, including permit requirements; and, in addition, the applicant must at all times keep the animal(s) securely locked in the facilities approved by the Colorado Division of Wildlife which provide such adequate safeguards. (orig. 8-1-78)

#### **NM. Sexually Oriented Businesses**

1. No person may operate or cause to be operated a sexually oriented business within 1,000 feet of any of the following, whether the use or zone district listed below is unincorporated Jefferson County, an adjacent county, or within an incorporated municipality. (orig. 7-8-97)
  - a. A Religious Assembly. (orig. 7-8-97; am. 3-26-13)
  - b. A school meeting all requirements of the compulsory education laws of the state. (orig. 7-8-97)
  - c. The boundary of any zone district in which one of the primary uses is residential. (orig. 7-8-97)
  - d. A dwelling unit (single or multiple). (orig. 7-8-97)
  - e. A public park. (orig. 7-8-97)
  - f. A licensed childcare center. (orig. 7-8-97)
  - g. An establishment holding a liquor license. (orig. 7-8-97)
2. No person may operate or cause to be operated a sexually oriented business within 1,000 feet of another sexually oriented business. (orig. 7-8-97)
3. No person may cause or permit the operation, establishment or maintenance of more than one sexually oriented business within the same building or structure or portion thereof, such as in a shopping center. A sexually oriented business may include one or more types of sexually oriented business provided it has one address and is operated as a single business entity that has one sales tax license number. (orig. 7-8-97)
4. For the purposes of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, streets, or political boundaries, from the closest exterior structural wall of each business. (orig. 7-8-97)
5. For purposes of this section, the distance between any sexually oriented business and any Religious Assembly, school, child care center, public park, establishment holding a liquor license, dwelling unit (single or multiple) or residential zone district shall be measured in a straight line, without regard to intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which the sexually oriented business is located to the nearest property line of the premises of a Religious Assembly, school, child care center, an establishment holding a liquor license, or dwelling unit (single or multiple), or the nearest boundary of an affected public park or residential zone district, whichever is closest. (orig. 7-8-97; am. 3-26-13)
6. If two or more sexually oriented businesses are within 1,000 feet of one another and are otherwise in a permissible location, the sexually oriented business which was first established and continually operating at its particular location will be deemed to be in compliance with this Zoning Resolution and the later established business(es) will be deemed to be in violation of this Zoning Resolution. (orig. 7-8-97; am. 12-17-02)
7. A sexually oriented business lawfully operating is not rendered in violation of this Zoning Resolution by the subsequent location of a Religious Assembly, school, childcare center, dwelling unit (single or multiple), public park, establishment holding a liquor license, or residential zone district within 1,000 feet of the sexually oriented business. (orig. 7-8-97; 12-17-02; am. 3-26-13)
8. All sexually oriented business shall blacken their windows or arrange the business so that the interior of the business and its stock in trade cannot be viewed from the exterior of the business. (orig. 7-8-97)

#### **ON. Bars and Taverns**

1. No establishment holding a liquor license may operate within 1000 feet of a sexually oriented business. (orig. 7-8-97)
2. For purposes of this section, the distance between any sexually oriented business and any establishment holding a liquor license shall be measured in a straight line, without regard to intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which the sexually oriented business is located to the nearest property line of the premises of an establishment holding a liquor license. (orig. 7-8-97)

**PQ. Rural Cluster**

Permitted uses, lot and building standards, and general requirements for specific zone districts may differ from the standards specified in this Zoning Resolution for applications undergoing a rural cluster land division. When the regulations of the rural cluster process, as contained in the Land Development Regulation, conflict with any provision of this Zoning Resolution, the provision of the rural cluster process shall control. (orig. 10-13-98; am. 12-17-02)

**PQ. Marijuana**

1. Private Marijuana Clubs are prohibited in all zone districts as principal or accessory uses, regardless of whether any such use is operated for profit or not for profit. (orig. 4-14-14)
2. Cultivation or processing of marijuana is only allowed in an enclosed, locked structure located on a residential property which constitutes the primary residence of the cultivator/processor, and only for personal use of the cultivator/processor. No more than 6 plants may be grown on each residential property for each registered medical marijuana patient or adult age 21 or older, and in no case may more than 12 plants be grown on a residential property. Nothing in this section shall be construed to prohibit the cultivation or processing of medical marijuana by a primary caregiver for his or her patients, provided that any such primary caregiver does not exceed the limitations on number of plants set forth in this section and is growing the plants in accordance with applicable provisions of Article XVIII, Section 14 of the Colorado Constitution; C.R.S. § 25-1.5-106, as amended; and any applicable rules promulgated under state law. (orig. 4-14-14)