CHAPTER 4: DISTRICT REGULATIONS

4.1 COMPLIANCE WITH DISTRICT STANDARDS

4.1.1 No building or structure may be erected, converted, enlarged, reconstructed, altered for use, or used except in accordance with all of the district regulations established by this Code for the zoning district in which the building or structure or land is located.

4.1.2 No land, building or structure may be used, designated or intended to be used for any use or activity except in accordance with all of the district regulations established by this Code for the zoning district in which the building or structure or land is located.

4.1.3 No yard, setback or other open space provided about any building or structure for the purpose of complying with provisions of this Code shall be considered as providing a yard, setback or open space for a building or structure on any other lot.

4.2 ZONING DISTRICTS

4.2.1 RUR, Rural District. Intended to allow for the preservation of large tracts of land that were acquired primarily for water rights and open space, and were not acquired for the primary purposes of residential, commercial, or industrial development. The minimum land area required for this zoning district is 320 acres.

4.2.2 AF, Agricultural and Forestry District. Intended to protect the productive agricultural and forested lands of Lake County and foster the development of these lands with low-density and relatively non-intensive uses and activities consistent with their agricultural and forestry characteristics. The minimum land area required for this zoning district is 160 acres.

4.2.3 AR, Agricultural Residential District. Intended to allow the establishment of low density residential uses and appropriate structures and related uses in essentially rural areas of Lake County. The minimum land area required for this zoning district is 40 acres.

4.2.4 UR, Urban Residential District. Intended to accommodate the urbanizing areas of Lake County where moderate to high density residential and associated service development has occurred, is occurring or is desired to occur in the near future. The minimum land area required for this zoning district is 10 acres.

4.2.5 RM, Urban Multi-Family Residential District. Intended to allow relatively high density single and multi-family residential development and associated uses in patterns of urban and urbanizing land use. The minimum land area required for this zoning district is 5 acres.

4.2.6 B, Business District. Intended to allow for the establishment of medium-intensity commercial and service uses, including residential uses, at designated locations by major highways or in close proximity to urban and urbanizing areas within Lake County, except that such districts shall not be created or expanded in a fashion that would allow or encourage strip highway development. The minimum land area required for this zoning district is 10 acres.
4.2.7  **CI, Commercial Industrial District.** Intended to allow for the establishment of a variety of medium- to high-industry commercial and industrial uses, excluding mining. The minimum land area required for this zoning district is 2 acres.

4.2.8  **IM, Industrial and Mining District.** Intended to allow for the establishment of exclusive areas for the construction, fabrication, assembly and other industrial processing of goods and other materials and for mining, concentrating, refining, mixing or other, related mineral extraction, processing and disposal activities at appropriate locations within Lake County. The minimum land area required for this zoning district is 10 acres.

4.2.9  **RC, Recreational District.** Intended to allow for the establishment of small and medium size recreational developments with mixed land uses and low to moderate densities of residential housing and predominantly low-intensity land use patterns. The minimum land area required for this zoning district is 20 acres.

4.2.10 **R, Resort District.** Intended to allow for the establishment of medium to large size recreational developments with mixed land uses, moderate to high densities of residential housing and predominantly high-intensity patterns of land use with the patterns and intensities varying on a seasonal basis. Creative, innovative and attractive site planning and design is required in Resort districts. The minimum land area required for this zoning district is 160 acres.

4.2.11  **PUD, Planned Unit Development District.** Intended to allow flexibility in the development of medium and large scale sites in a manner allowing for more innovative design, higher quality developments, and the use of commonly shared open space and common facilities, where those characteristics would better meet the goals of the Lake County Comprehensive Plan. Additionally, PUD’s are intended to promote the unified and integrated development and use of land consistent with the uses provided by underlying zoning, while protecting the natural physical environment of Lake County.

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

### 4.3 OVERLAY ZONES

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

4.3.2  **APO Airport Protection Overlay District.**
A) **Purpose and Jurisdiction.**

1) **Purpose.** The Airport Protection Overlay District (APO) is intended to provide for the safety and convenience of airport users and the general public by preventing the creation of incompatible land uses and the erection of obstructing structures in the vicinity of airports and heliports in Lake County. The APO district is established to minimize exposure of residential and other sensitive land uses to aircraft noise areas, to avoid danger from aircraft accidents, to reduce the possibility of such accidents, to discourage traffic congestion within the area of the district, and to restrict compatible land uses in proximity to and within airport influence areas.

2) **Jurisdiction.** This zoning district shall be applied in the vicinity of all general aviation airports and public and private heliports which would be significantly affected by air traffic, noise or any hazard related to the establishment, operation or maintenance of an airport or heliport facility.

3) **Disclaimer.** The degree of protection provided by this overlay district is considered reasonable and prudent for land use regulatory purposes and is based on established parameters of control. Establishment of this district, however, does not imply that areas outside of the district will be totally free from airport and aircraft related hazards, nor that all hazards within the district will be completely mitigated.

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

1) Uses of land within the district must not generate electrical interference with radio and navigation communication between an airport/heliport and aircraft. Nor shall land uses make it difficult for pilots to distinguish between airport/heliport lights and other lights, cause glare in the eyes of pilots using the airport/heliport, impair visibility in the vicinity of the airport/heliport or otherwise endanger the taking off or the maneuvering of aircraft in the vicinity of the airport/heliport. Noise attenuation in building design shall be encouraged and may be required, within the district.

2) Nothing in this subsection shall be construed to require the removal, lowering or other change or alteration of any structure or object of natural growth not conforming to these provisions or otherwise interfere with the continuance of any nonconforming use, except as specifically stated.

3) The owner of any nonconforming structure or object of natural growth shall permit the installation, operation, or maintenance of such markers or lights as shall be deemed necessary by the Board of County Commissioners or any other appropriate authority to indicate to the operators of aircraft in the vicinity of the airport or heliport the presence of such nonconforming structures or objects of natural growth. Such markers and lights shall be installed, operated and maintained at the expense of the owners and/or operators.

4) Aviation easements may be required as a condition on the approval of new construction that will expand the number of residents or uses or the intensity of uses within the APO
district.

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

1) **Relationship to Underlying Zoning.** The Airport Protection Overlay district is a supplemental district that shall overlay any standard zoning district. Any use by right or conditional use permitted in the underlying district is also permitted in an APO district so long as that use meets the special conditions required in an APO district listed below in this Section 4.3.2 C).

2) **Height Limitations.** The height limitation within the APO is 35 feet in all areas lying easterly from the west boundary of the Transitional Surface area as well as the Approach Surface areas E and F east to the APO Outer Ring. In all other areas, the height limitation is 100 feet. No structure, excepting natural growth, shall be constructed, erected, altered or maintained in excess of the height limitations within these areas. (See “Off Airport Land Use Plan” map on Page 4-6a).

3) **Surface Limitations.** Surface limitations within an APO district include all land and air space within the district that would be hazardous to air navigation if infringed upon. Surface limitations include areas above imaginary surfaces and in the clear zone and are established to regulate the height of structures and natural objects in the vicinity of an airport or heliport. These surface limitations are set forth by the Federal Aviation Administration in the Federal Aviation Regulations, Part 77, as amended, and any successor Federal aviation regulations, which are hereby adopted by Lake County by reference as minimum standards that the Board of County Commissioners may, upon due determination, amend to incorporate differing or more stringent provisions to accommodate the needs of airports and heliports in Lake County. In addition, before any structure or natural object is permitted to be erected, altered, maintained or allowed to grow above the imaginary surfaces established herein, a Notice of Construction or Alteration shall be filed with the Federal Aviation Administration for a determination of the impact on the navigable airspace. The Board of County Commissioners shall not approve any such development until after receiving and considering the Federal Aviation Administration determination on the matter.

4) **Land Use Limitations.** Land use patterns will be encouraged that avoid danger to public health and safety or to property due to aircraft operations. In areas with a high volume of public activity, subject to flight hazards, uses such as schools, churches, hospitals and libraries, are prohibited. Any proposed use shall be accompanied by written evidence that the proposed development poses no significant threat to public health and safety or to property. Approval of the proposed use by the Land Use Department shall be required before the proposed use may be conducted and such use may be contingent on the applicant granting an aviation easement.

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

Revised July 18, 2005 (Resolution No. 05-24)
1) A map or graphic description of existing and proposed airport facilities including towers, lights, terminals, hangers, aprons, parking areas, taxiways and runways.

2) A map showing the height of all existing and proposed structures within the contemplated development.

4.3.3 SCO Scenic Conservation Overlay District.

A) Purpose and Jurisdiction.

1) Purpose. This overlay district, which is established to supplement part or all of an underlying zone district, imposes additional requirements and regulations intended to protect the major scenic vistas from visual obstruction and aesthetic intrusion.

2) Jurisdiction. The Scenic Conservation Overlay (SCO) zoning district includes the following areas:

a) Along Colorado Highway 91 north of Leadville, Colorado from milepost marker 1 to milepost marker 9, extending a lateral distance of 250 feet on each side, as measured from the centerline of the paved roadway.

b) Along U.S. Highway 24 north of Leadville, Colorado from milepost marker 172 to milepost marker 169, extending a lateral distance of 1,000 feet on each side, as measured from the centerline of the paved roadway.

c) Along U.S. Highway 24 north of Leadville, Colorado from milepost marker 169 to milepost marker 166, extending a lateral distance of 250 feet on each side, as measured from the centerline of the paved roadway.

d) Along U.S. Highway 24 south of Leadville, Colorado from milepost marker 182 to milepost marker 189, extending a lateral distance of 1,000 feet on each side, as measured from the centerline of the paved roadway.

e) Along Colorado Highway 82 from milepost marker 84 to milepost marker 79, extending a lateral distance of 250 feet on the north side of the Highway, as measured from the centerline of the paved roadway.

f) Along Colorado Highway 82 from milepost marker 84 to milepost marker 74, extending a lateral distance of 1,000 feet on the south side of the highway, as measured from the centerline of the paved roadway.

g) Along Colorado Highway 82 from milepost marker 74 to the westerly border of Lake County extending a lateral distance of 250 feet on each side, as measured from the centerline of the paved roadway.

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

C) Standards.
1) All buildings and other structures including towers, poles, silos and other structural features located in an SCO district shall be sited, constructed and finished in a manner that will cause the minimum possible intrusion on and disruption of established scenic views. Buildings and other structures that fail to meet these conditions shall be prohibited in the district.

2) All structures in the zoning district, including roofs and roof appurtenances, manufactured homes, and metal structures, shall be constructed of materials, textures, colors and tones that blend harmoniously and inconspicuously with the indigenous landscape and shall, to the greatest possible extent, be screened by natural slopes from highway view. Towers and antennae are prohibited, unless wholly screened from highway view.

D) Site Plan Review. Any land use application that would result in the construction, enlargement or structural alteration of any building or other structure within a SCO District, and which would fall within the scope or jurisdiction of this Code, shall require the Planning Commission review of the site plan, plat, and other submittal materials that may be required to assess the visual and aesthetic impact of the proposed building or structure, pursuant to Section 3.15. The Planning Commission shall only approve or recommend approval of such application if it meets the standards established in section C above.
### 4.4 DENSITY AND DIMENSIONAL STANDARDS

#### 4.4.1 Table of Density and Dimensional Standards.

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

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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Min. Lot Size</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Cover (%)</th>
<th>Minimum Occupied Structure Size (sq ft)</th>
<th>Maximum Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RUR 35 acres</td>
<td>300</td>
<td>50 25 25</td>
<td>N/A</td>
<td>N/A</td>
<td>35</td>
</tr>
<tr>
<td>AF 5 acres</td>
<td>200</td>
<td>50 25 25</td>
<td>20</td>
<td>600</td>
<td>35</td>
</tr>
<tr>
<td>AR 3 acres</td>
<td>100</td>
<td>50 20 20</td>
<td>30 600</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>RC 3 acres [3]</td>
<td>50</td>
<td>20 10 20</td>
<td>50 600</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>UR 7,500</td>
<td>50</td>
<td>20 10 20</td>
<td>50 600</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>CI 10,000</td>
<td>50</td>
<td>0 10</td>
<td>67 450</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>IM 21,780</td>
<td>50</td>
<td>10 25 25</td>
<td>50 450</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

[1]: See also Section 4.4.3, Highway Setbacks;
[2]: Per Dwelling Unit.
[3]: Minimum lot size may be reduced to 1 acre if central water and central sewer systems are provided.
[4]: Maximum height is 35 feet in the APO zone district.
[5]: Residential setback in Business Zoning District must meet ten foot side setback.

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

1) Agricultural uses, including large animal ownership: As specified for the AF Agricultural and Forestry district

2) Residential uses: As specified for the RM Urban Multi-family district

3) Commercial, office business and related uses: As specified for the B business district
4. Recreational and resort uses: As specified for the RC Recreational district.

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

A) All buildings constructed along a State or U.S. Highway must maintain a setback from the right-of-way property line that abuts the roadway of at least 100 feet. Where a State of Colorado or U.S. Highway is located within a Scenic Conservation Overlay zoning district, that minimum setback distance shall be increased to 200 feet. All buildings constructed along a road that meet the functional classification of either an Arterial Road or a Collector Road (reference the Roadway Design Standards and Construction Specifications for Lake County, Colorado for definitions) must maintain a setback from the right-of-way of at least 50 feet and where an Arterial Road or a Collector Road is located within a SCO zoning district that minimum setback distance shall be increased to 100 feet.

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

C) Excepting from the highway setback requirements of this Section 4.4.3 is that portion of Poplar Street (Hwy 24) extending from 12th Street on the south to CR 8 on the north. Minimum street setback requirements are as listed in Section 4.4.1.

(Amended. Resolution 2015-24)

4.4.4 Height Limitation Exemptions/Variance Procedure

A) The maximum building height limitations contained in this Section may be varied in those cases where an applicant can demonstrate that by reason of fire sprinkler systems that conform with National Fire Protection Association or equivalent standards, or by reason of private fire-fighting equipment, or by other means acceptable measures, fires can be controlled and/or persons can be rescued in structures that exceed the height limitations otherwise included within this Section. Any such variances, however, may not exceed the additional height limitations established within an APO district.

B) Any application for a building height variance under the provisions of this Section shall state the location of the property, the proposed building height, the proposed method(s) of fire suppression and rescue of occupants, and shall explain why and how these mitigation measures will prove sufficient to accomplish the purposes of fire suppression and/or rescue. Such applications shall be processed in the same administrative manner as applications for a variance and shall be heard before the Board of Adjustment. See Section 3.21.

4.4.5 Measurements and Exceptions.

A) Residential Density. Maximum density is measured as the number of dwelling units per gross acre of land. Maximum density is measured by dividing the number of dwelling units on a lot or parcel by the gross area (in acres) of a residential parcel or by the gross area (in acres) of that portion of a mixed use parcel devoted to residential uses.
Maximum Density = Number of Dwelling Units ÷ Gross Land Area (Acres)

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

Floor Area Ratio = Proposed Floor Area ÷ Gross Land Area

C) **Lot Area**

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

2) **Exceptions.** No building permit or development approval shall be issued for a lot that does not meet the minimum lot area requirements of this Land Development Code except in the following cases.

   a) **Utilities and Unoccupied Buildings.** Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from minimum lot area standards.

   b) **Detached Dwelling Unit Exemption.** The minimum lot area standards of this Land Development Code shall not prohibit the construction of a detached dwelling unit on a lot that was legally platted or recorded before the adoption of this Land Development Code, provided that the dwelling unit is constructed in compliance with all other applicable dimensional standards (e.g., setback requirements).

D) **Lot Width.** Lot width is measured between side lot lines along a line that is parallel to the street lot line or its chord and located the minimum street setback distance (including SCO district setback lines) from the street lot line.

E) **Setbacks**

1) **Measurement.** Setbacks are unobstructed, unoccupied open areas, measured as follows.

   a) **Street Setbacks.** Street setbacks shall be measured between the furthermost projection of a structure and any abutting right-of-way line. In the event that lots or parcels abut streets or roads without designated rights-of-way, street setbacks shall be measured as if a right-of-way line had been established for the street or road in accordance with Roadway Design Standards and Construction Specifications for Lake County, Colorado.

   b) **Side and Rear Setbacks.** Side and rear setbacks shall be measured between the furthermost projection of a structure and the property lines of the lot on which such structure is located.

2) **Exceptions and Permitted Encroachments.** Setbacks must be unobstructed from the ground to the sky except that the following features may encroach into required
setbacks:

a) Landscaping;
b) Bay windows, not to exceed 3 feet;
c) Chimneys, not to exceed 2 feet;
d) Clothesline post;
e) Driveways, curbs and sidewalks;
f) Flagpoles;
g) Heating and cooling units, not to exceed 3 feet;
h) Mailboxes;
i) Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 3 feet;
j) Septic systems, wells and underground utilities;
k) Signs (in accordance with Section 6.14);
l) Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;
m) Uncovered, unenclosed terraces or porches not to exceed 6 feet;
n) Accessory buildings, within required rear setbacks only;
o) Fences or walls 6 feet or less in height, if otherwise allowed by County regulations; and
p) Yard and service lighting fixtures, and poles.

3) Setback Averaging. Regardless of the minimum street setback required by the underlying zoning district, street setbacks on a single lot may be reduced to the average of the existing setbacks of the buildings on the lots on both sides of the subject lot, provided that both abutting lots contain buildings that were constructed before the effective date of this Code. The following rules apply in calculating the average setback:

a) Only the setbacks on the lots that abut each side of the subject lot and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used.

b) When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.
4) **Additional Setbacks in Floodplains.** The Planning Commission may recommend and the Board of County Commissioners determine that a setback in excess of 50 feet and up to 100 feet is required along all or a portion of a setback when steep or highly unstable or erodible slopes are present along the stream bank or the proposed use of the land presents a special hazard to the water quality.

F) **Lot Coverage.** Lot coverage is measured as the percentage of the total lot covered by buildings and other impervious surfaces, and is calculated by dividing the square footage of impervious cover by the square footage of the lot.

G) **Minimum Occupied Structure Size.** The minimum square footage required for a structure to be occupied.

H) **Height.**

1) **Measurement.** Height is measured as the vertical distance between the average, naturally occurring grade at the base of the structure which exists prior to construction and the highest point of the structure.

2) **Exceptions.** Zoning district height limits apply to all structures that are not specifically exempted by state or federal law, but Variances may be granted for good reason at the discretion of the Lake County Board of Adjustment (BOA) for the following types of structures: airway beacons, radio communication towers, structures for essential services, chimney flues, church steeples, and radio/television receiving antennas. Variances may also be granted, at the discretion of the BOA, for any non-occupied commercial structure including bulkhead, elevator, water tank, windmill or similar structure or necessary mechanical appurtenance extending above the roof of any building if such a structure does not occupy more than 33-1/3 percent of the area above the roof. Airport Protection Overlay District (APO) height limits do not apply to items in this subsection.

I) **Manufactured Homes.** The square footage of a manufactured home is calculated by multiplying the width of the unit by the length of the unit. All measurements are established using the exterior dimensions of the unit. The hitch or other towing device and any additions to the unit under the current Building Codes are omitted from this calculation.