No fee

724948

724948 5/12/2016 3:25 PM Debra A Green
1 of 32 RESOL R$0.00 D$0.00 Park County Clerk

PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

Resolution No. 2016 - 17

A RESOLUTION REPEALING AND REENACTING TABLES 5-301, 5-302, 5-304, 5-305, 5-306, 5-309, 5-309A, AND 5-310; ARTICLE 5, DIVISION 9; AND SECTION 4-200 OF THE PARK COUNTY LAND USE REGULATIONS.

BE IT RESOLVED BY THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS, THAT:

1. Tables 5-301, 5-302, 5-304, 5-305, 5-306, 5-309, 5-309a and 5-301; Article 5, Division 9, and Section 4-200 of the Park County Land Use Regulations are hereby repealed and reenacted to read as set forth in the attached Exhibit A.

Moved, seconded, and approved this 12th day of May, 2016.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS

Mike Brazell, Chairperson

ATTEST:

Park County Clerk & Recorder

724948
724948 5/12/2016 3:25 PM Debra A Green
2 of 32 RESOL R$0.00 D$0.00 Park County Clerk

Exhibit A

Land Use Regulation Changes

May 12, 2016

Section 4-200 Definitions.

Manufactured Home: A dwelling unit which is partially or entirely manufactured in a factory; is installed on a permanent foundation meeting all applicable provisions of the County Building Code; has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. §§ 5401 et seq., as amended. The term Manufactured Home does not include Mobile Homes or Recreational Vehicles.

Recreational Vehicle: A motorized vehicle or trailer intended for transportation by means of attachment to a motorized vehicle, other than a Mobile Home, and which is designed as a camping unit for travel, recreation, or vacation use. Examples include, but are not limited to, currently licensed and registered motor homes, travel trailers, travel coaches, truck campers, camping trailers, and fifth wheel vehicles.

Section 5-301 Agricultural Zone District (A).

A. Purpose. The purpose of the Agricultural Zone District is to protect lands for uses consistent with agricultural and ranching activities.

B. Special Note. Tracts zoned within the Agricultural Zone District that were divided into lots of less than 160 acres, or 35 acres or more prior to August 2, 1983, or tracts less than 35 acres created prior to June 1, 1972, are recognized as non-conforming and legal lots within the Agricultural Zone District for which development permits may be issued for the uses permitted in this Section.

TABLE 5-301
Schedule of Uses – Agricultural Zone District

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Agricultural & Ranching	See Section 5-701.	X		
Agricultural Associated Housing (2 Dwelling Units or Less) Agricultural Associated Housing (3 Dwelling Units or More)		X	X	
Animal Feed Operation		X		
Animal Sanctuary on lots ≥ 35 acres			X	
Bed & Breakfast	See Section 5-702	X		
Camping	See Definitions	X		
Campground, Commercial	See Section 5-312		X	
Cemetery Commercial Family	See Definitions	X	X	
Church In-home Neighborhood Scale Mega-Church		X	X X	
Community / Central Water or Wastewater System	With Applicable Local, State & Federal Permits	X		
Concentrated Feed Operations			X	
Construction Dwelling	See Section 5-705	X		
Conference & Retreat Facility			X	
County Facilities		X		
Craft Studio		X		
Crisis Center		X		
Day Care, Commercial			X	
Day Care, Home	With Applicable Local and/or State License(s)	X		
Emergency Services Facility			X	
Fraternal Organization	See Definitions		X	
Golf Course	With Applicable Local, State & Federal Permits		X	
Group Home, Residential & Specialized, on 160 Acre or Larger	With Applicable Local, State & Federal License(s)		X	
Greenhouse (Commercial)		X		
Guest House		X		
Guest Ranch ≥160 acres		X		
Guest Ranch <160 and ≥ 35 acres			X	

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Heavy Industrial Use, Road Construction Related on ≥ 160 acres	See Art. V Div. 6			X
Kennel on lot ≥ 35 acres		X		
Landfill			X	
Museum		X		
Nursery Retail / Wholesale		X		
Outdoor Event	See Section 5-707			X
Parking Lot				X
Private Air Strip, Helipad (FAA Sanctioned)		X		
Professional Office		X		
Racetrack, Animals			X	
Racetrack, Motorized Vehicles			X	
Recycling Facility			X	
Marijuana Cultivation – Optional Premises (Medical) and Retail (Recreational)	With Applicable Local and/or State License(s)	X		
Marijuana Infused Product Manufacturing – Retail (Recreational) and Medical	With Applicable Local and/or State License(s)	X		
Riding Arena, Private or Commercial Indoor Outdoor		 X X		
Sand and Gravel Extraction			X	
Single Family Dwelling Unit & Accessory Structures* on 160 Acres or Larger Lot Accessory Uses Home Occupation, Minor Home Occupation, Major		X X	 X	
Shooting Range (Commercial/Private)			X	
Stable Private Commercial ≥ 35 acres		 X X		
Telecommunication Facility	Special Use Permit Required, see Division 9 of Article V			
Transfer Station			X	
Utility Facility County Major Minor		 X X	 X	
Veterinarian Small Animal Large Animal		 X X		

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

724948
724948 5/12/2016 3:25 PM Debra A Green
4 of 32 RESOL R$0.00 D$0.00 Park County Clerk

724948
724948 5/12/2016 3:25 PM Debra A Green
5 of 32 RESOL R$0.00 D$0.00 Park County Clerk

TABLE 5-301a

New Lot Development Standards – Agricultural Zone District

Standards	Maximum	Minimum
Lot Area	N/A	160 Acres
*Floor Area Per Unit – Principal Structure Residential Non-Residential	 N/A N/A	 N/A N/A
Structure Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

* Structures must meet applicable building codes

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

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

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

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Agricultural & Ranching	See Section 5-701	X		
Agricultural Associated Housing			X	
Camping	See Definitions	X		
Bed & Breakfast	See Section 5-702	X		
Campground, Commercial	See Section 5-312		X	
Cemetery Commercial Family	See Definitions		 X X	
Church In-home Neighborhood Scale		X	 X	
Community Center			X	
Community / Central Water or Wastewater System	With Applicable Local, State & Federal Permits	X		
Construction Dwelling	See Section 5-705	X		
Conference & Retreat Facility			X	
County Facilities		X		
Craft Studio		X		
Crisis Center			X	
Day Care, Home	With Applicable Local and/or State License(s)	X		
Emergency Services Facility			X	
Fraternal Organization	See Definitions		X	
Golf Course	With Applicable Local, State & Federal Permits		X	
Greenhouse (Commercial)		X		
Group Home, Residential & Specialized	With Applicable Local, State & Federal License(s)		X	
Guest House		X		
Guest Ranch			X	
Kennel			X	
Marijuana Cultivation –Optional Premises (Medical) and Retail (Recreational)	With Applicable Local and/or State License(s)	X		
Marijuana Infused Product Manufacturing – Retail (Recreational) and Medical	With Applicable Local and/or State License(s)	X		
Outdoor Event	See Section 5-707			X
Private Air Strip, Helipad (FAA Sanctioned)			X	
Professional Office		X		
Recreational Facility, Indoor or Outdoor			X	
Racetrack, Animals			X	
Racetrack, Motorized Vehicles			X	
Riding Arena, Indoor or Outdoor Private Commercial		X	 X	

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Single Family Dwelling Unit & Accessory Structures* (Not more than 4 Accessory Structures) Accessory Uses Home Occupation, Minor Home Occupation, Major	See Definitions	 X X	 X	
Stable Private Commercial		X	X	
Telecommunication Facility	Special Use Permit Required, see Division 9 of Article V			
Utility Facility County Major Minor		X X	X	
Veterinarian Small Animal Large Animal		X X		

*An accessory structure, regardless of primary structure, is permitted on parcels thirty-five (35) acres or larger. Lots in the A35 Zone District may have no more than four accessory structures.

TABLE 5-302a
New Lot Development Standards – Agricultural Small Lot Zone District (A-35)

Standards	Maximum	Minimum
Lot Area	N/A	35 Acres
*Floor Area Per Unit - Principal Structure Residential Non-Residential	 N/A N/A	 N/A N/A
Structure Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

* Structures must meet applicable building codes.

724948
724948 5/12/2016 3:25 PM Debra A Green
8 of 32 RESOL R$0.00 D$0.00 Park County Clerk

Section 5-304 Residential Zone District (R).

Purpose. The purpose of the Residential Zone District is to provide for residential neighborhoods comprised of detached, single-family dwellings at relatively low density. See Section 5-701 for Animal Regulations.

TABLE 5-304
Schedule of Uses – Residential Zone District

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Bed & Breakfast	See Section 5-702		X	
Camping	See Definitions	X		
Church In-home Neighborhood Scale		X	 X	
Community Center			X	
Community / Central Water or Wastewater System	With Applicable Local, State & Federal Permits	X		
Construction Dwelling	See Section 5-705	X		
County Facility		X		
Crisis Center			X	
Day Care, Home	With Applicable Local and/or State License(s)	X		
Dwelling Units, Duplex*			X	
Educational Facility, Primary		X		
Educational Facility, Secondary (or Primary and Secondary)			X	
Educational Facility, Post-Secondary			X	
Educational Facility, Trade/Business School			X	
Emergency Services Facility			X	
Fraternal Organization	See Definitions		X	
Golf Course	With Applicable Local, State & Federal Permits		X	
Group Home, Residential & Specialized	With Applicable Local, State & Federal License(s)		X	
Guest House			X	
Model Home (associated with 25 lot or larger Subdivision)				X
Recreational Facility, Indoor or Outdoor	With Applicable Local, State & Federal License(s)		X	
Single Family Dwelling Unit & Accessory Structures* (Not more than 2 Accessory Structures) Home Occupation, Minor Home Occupation, Major		X X	 X	
Telecommunication Facility	Special Use Permit Required. See Division 9 of Article V.			
Utility Facility County Major Minor		X X	 X	

* A Single Family Residence or a Duplex, but not both, can occupy a lot.

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

Standards	Maximum	Minimum
Lot Area		
>50% of Lot 20% Slope or Less	N/A	5 Acres
>50% of Lot 20% Slope or More	N/A	6 Acres
>50% of Lot Greater than 30% Slope	N/A	8 Acres
Lot Width	N/A	50 Feet
*Floor Area Per Unit - Principal Structure		
Residential	N/A	N/A
Non-Residential	N/A	N/A
*Structure Height	35 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

* Structures must meet applicable building codes.

724948
724948 5/12/2016 3:25 PM Debra A Green
9 of 32 RESOL R$0.00 D$0.00 Park County Clerk

Section 5-305 Mountain Residential Zone District (MR).

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

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

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Camping	See Definitions	X		
Church In-home Neighborhood Scale		X	 X	
Community Center			X	
Community / Central Water or Wastewater System	With Applicable Local, State & Federal Permits	X		
Construction Dwelling	See Section 5-705	X		
County Facilities		X		
Crisis Center			X	
Day Care, Home	With Applicable Local and/or State License(s)	X		
Dwelling Units, Duplex	See Table Footnote 2	X		
Educational Facility, Primary		X		
Educational Facility, Secondary (or Primary and Secondary)		X		
Educational Facility, Post-Secondary			X	
Educational Facility, Trade/Business School			X	
Emergency Services Facility			X	
Fraternal Organization	See Definitions		X	
Golf Course	With Applicable Local, State & Federal Permits		X	
Group Home, Residential & Specialized	With Applicable Local, State & Federal License(s)		X	
Guest House			X	
Model Home (associated with 25 lot or larger Subdivision)				X
Recreational Facility, Indoor or Outdoor			X	
Riding Arena, Private Indoor Outdoor		 X X		
Single Family Dwelling Unit & Accessory Structures* (Not more than 2 Accessory Structures) Home Occupation, Major Home Occupation, Minor Livestock (Horses Only)	See Table Footnote 1	X X X	X	
Stable, Private		X		
Telecommunication Facility	Special Use Permit Required. See Division 9 of Article V.			

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Utility Facility County Major Minor		 X X	 X	

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

Standards	Maximum	Minimum
Lot Area	N/A	10 Acres
*Floor Area Per Unit Residential (Principal Structure) Non-Residential	 N/A N/A	 N/A N/A
*Structure Height	35 Feet	
Setbacks – Principal & Accessory Structures (No more than two Accessory Structures per lot.)		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		30 Feet
Side		30 Feet
Rear		20 Feet

* Structures must meet applicable building codes.

Table Footnotes:

1. Livestock in Mountain Residential (MR) Zone District. No Livestock, other than horses and youth agrarian project animals, shall be permitted to be raised, pastured, quartered, or otherwise maintained within the Mountain Residential (MR) Zone District. Subsequent properties are subject to compliance of the following regulations:

   A. The minimum area of open lot space area not having structures/buildings shall be 20,000 square feet for the keeping of one horse, and the total number of horses that may be kept shall not exceed one horse for each additional 20,000 square feet of a Lot that is not devoted to structures.

   B. All horses shall be kept corralled within a fenced area, suitable to manage and prevent escape of the animal, consisting of materials such as rails, pipes, boards, or chain link fabric. The use of barbed wire is prohibited for fencing corral areas for horses. Barbed wire may be used in outer perimeter fences to exclude cattle pursuant to Colorado Fence Law Colorado Revised Statutes §35-46-101 through Colorado Revised Statutes §35-46-114.

   C. All corrals, stalls, and barns shall be located at least one hundred (100) feet from any dwelling unit or water supply source.

   D. Temporary storage of manure and/or odor and/or dust producing material shall be located at least one hundred (100) feet from any dwelling unit.

   E. All corrals, stalls, and barns shall be routinely cleared of waste products, which shall be removed from the property to prevent unsightliness and potential health hazards.

2. A single family-dwelling unit or duplex is permitted, but not both.

Section 5-306 Rural Center Mixed Use (MU).

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

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

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Bar or Tavern		X		
Bed & Breakfast	See Section 5-702	X		
Car Wash	With Applicable Local, State & Federal Permits	X		
Church In-home Neighborhood Scale		X	X	
Conference & Retreat Facility	With Applicable Local and/or State License(s)	X		
Community / Central Water or Wastewater System	With Applicable Local, State & Federal Permits	X		
County Facilities		X		
Craft Studio		X		
Crisis Center		X		
Day Care, Commercial or Home	With Applicable Local and/or State License(s)	X		
Dwelling Units Single Family Duplex Multi-family		 X X X		
Educational Facility, Primary		X		
Educational Facility, Secondary (or Primary and Secondary)			X	
Educational Facility, Post-Secondary			X	
Educational Facility, Trade/Business School			X	
Emergency Services Facility			X	
Fraternal Organization	See Definition		X	
Group Home, Residential & Specialized	With Applicable Local, State & Federal License(s)		X	
Guest House		X		
Health Clinic		X		
Home Occupation Major Minor		 X X		
Hotel or Motel (Inn)		X		
Kennel			X	
Laundry & Dry-Cleaning Facility, Individual Service		X		

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Laundry & Dry-Cleaning Plant, Commercial	With Applicable Local, State & Federal Permits		X	
Mortuary or Funeral Home		X		
Nursery Retail / Wholesale		X		
Outdoor Event				X
Park and Ride		X		
Parking Lot, Commercial			X	
Personal Services		X		
Professional Office		X		
Recreational Facility, Indoor		X		
Recreational Facility, Outdoor			X	
Refurbishing			X	
Restaurant		X		
Retail Store (Excluding Slaughterhouses)		X		
Shooting Range, Indoor			X	
Storage Structures		X		
Mixed Use Development		X		
Taxicab Service		X		
Telecommunication Facility	Special Use Permit Required. See Division 9 of Article V.			
Utility Facility County Major Minor		 X X	 X	
Vehicle Repair Service		X		
Vehicle Sales or Rental			X	
Vehicle Service Station		X		
Veterinarian, Small or Large Animal		X		

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

Standards	Maximum	Minimum
*Floor Area Per Unit – Principal Structure Residential		N/A
*Structure Height	40 Feet	
Setbacks – Principal & Accessory Structures (No more than two Accessory Structures per lot)		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		10 Feet
Front: Adjacent to All Other Roads		5 Feet
Side		0 Feet
Rear		5 Feet

* Structures must meet applicable building codes.

Section 5-309 Commercial Zone District (C).

Purpose. The purpose of the Commercial Zone District is to provide for commercial and service business in areas designated as appropriate for such activity by the strategic master plan.

TABLE 5-309
Schedule of Uses – Commercial Zone District

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Bar or Tavern		X		
Bed & Breakfast		X		
Car Wash	With Applicable Local, State & Federal Permits	X		
Church In-home Neighborhood Scale		 X X		
Community / Central Water or Wastewater System	With Applicable Local, State & Federal Permits	X		
Community Center			X	
Conference & Retreat Facility	With Applicable Local, State & Federal License(s)	X		
County Facilities		X		
Crisis Center		X		
Day Care, Commercial or Home	With Applicable Local and/or State License(s)	X		
Educational Facility, Trade/Business School			X	
Emergency Services Facility			X	
Fraternal Organization	See Definitions		X	
Group Home, Residential & Specialized	With Applicable Local, State & Federal License(s)		X	
Health Clinic		X		
Home Occupation (in existing Nonconforming Single Family Residential Dwelling Unit) Major Minor		 X X		
Homeless Shelter			X	
Hospital			X	
Hotel or Motel (Inn)		X		
Industrial, Light	With Applicable Local, State & Federal Permits	X		
Kennel			X	
Laundry & Dry-Cleaning Facility, Individual Service		X		
Laundry & Dry Cleaning Plant, Commercial	With Applicable Local, State & Federal Permits	X		
Marijuana Cultivation –Optional Premises (Medical) and Retail (Recreational)	With Applicable Local and/or State License(s)	X		
Marijuana Infused Product Manufacturing – Retail (Recreational) and Medical	With Applicable Local and/or State License(s)	X		
Marijuana Retail Store and Medical Marijuana Center	With Applicable Local and/or State License(s)	X		
Marijuana Testing Facility	With Applicable Local and/or State License(s)	X		
Mortuary or Funeral Home		X		

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Nursery Retail / Wholesale		X		
Outdoor Event				X
Park and Ride		X		
Parking – Commercial			X	
Personal Services		X		
Private Club		X		
Professional Office		X		
Racetrack Animals Motorized Vehicles			X X	
Recreational Facility, Indoor or Outdoor			X	
Recycling Facility		X		
Refurbishing		X		
Retail Store (Excluding Slaughterhouses)		X		
Restaurant		X		
Salvage Yard			X	
Sexually Oriented Business	See Section 5-509		X	
Shooting Range, Indoor			X	
Storage Units, Rental		X		
Taxi Cab Service		X		
Telecommunication Facility	Special Use Permit Required. See Division 9 of Article V.			
Utility Facility County Major Minor		X X	X	
Vehicle Body Repair		X		
Vehicle Service Station		X		
Vehicle Repair Service		X		
Vehicle Sales or Rental		X		
Vehicle Storage Yard		X		
Veterinarian Small Animal Large Animal		X X		
Warehouse		X		

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

Standards	Maximum	Minimum
Floor Area Per Unit – Principal Structure		N/A
Lot Area		N/A
*Structure Height	40 Feet	N/A
Setbacks – Principal and Accessory Structures (No more than two Accessory Structures per Lot)		
Any Side From Any Watercourse		50 FEET
Any Side From Any Wetland		50 FEET
Front: Adjacent to State/Federal Highway		10 FEET
Front: Adjacent to All Other Roads		5 FEET
Side		0 FEET
Rear		5 FEET

* Structures must meet applicable building codes.

Section 5-310 Industrial Zone District (I).

A. Purpose. This zoning district is created for the purpose of regulating lands for industrial uses.

B. Special Note: The Industrial Zone District is intended for application to areas designated as appropriate for commercial and industrial development by the Park County Strategic Master Plan.

TABLE 5-310
Schedule of Uses – Industrial Zone District

Use See Article IV for Definitions	SPECIAL REGULATIONS	USE AUTHORIZED AS:		
		Permitted	Conditional (See Division 5 Article V)	Temporary (See Division 6 Article V)
Community Waste Water System		X		
Crisis Center		X		
**Educational Facility, Trade/Business School			X	
***Emergency Services Facility			X	
**Fraternal Organization			X	
Group Home, Residential & Specialized	With Applicable Local, State & Federal License(s)		X	
Heavy Vehicle and Equipment Storage Yard		X		
Industrial Heavy Light		 X	X	
Jail			X	
Landfill			X	
Marijuana Cultivation – Optional Premises (Medical) and Retail (Recreational)	With Applicable Local and/or State License(s)	X		
Marijuana Infused Product Manufacturing – Retail (Recreational) and Medical	With Applicable Local and/or State License(s)	X		
Marijuana Retail Store and Medical Marijuana Center	With Applicable Local and/or State License(s)	X		
Marijuana Testing Facility	With Applicable Local and/or State License(s)	X		
Mortuary, Funeral Home			X	
Nursery Retail/Wholesale		X		
Oil and Gas Production	Special Use Permit Required. See division 10 Of Article V			
Optional Premises Medical & Retail Marijuana Cultivation	With Applicable Local and/or State License(s)	X		
Park & Ride			X	
Pipeline, Gas or Slurry			X	
Recycling Facility			X	
Refurbishing		X		
Salvage Yard		X		
Shooting Range, Indoor		X		
Telecommunication Facility	Special Use Permit Required. See division 9 of Article V			
Transfer Station	With Applicable Local, State & Federal Permits	X		
***Utility Facility County ***Major Minor		 X X	X	
Vehicle Body Repair		X		
Vehicle Center		X		
Vehicle Gas Station		X		
Vehicle Repair Service		X		
Vehicle Sales		X		
Vehicle Storage Yard		X		
Warehouse		X		

[6] See Division 4 of this Article V for Rural Center Overlay Areas

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

Standards	Maximum	Minimum
Building Height	50 Feet	
Setbacks – Principal & Accessory Structures		
Any Side From Any Watercourse		50 Feet
Any Side From Any Wetland		50 Feet
Front: Adjacent to State/Federal Highway		50 Feet
Front: Adjacent to All Other Roads		25 Feet
Side		25 Feet
Rear		25 Feet

* Structures must meet applicable building codes.

DIVISION 9 TELECOMMUNICATION FACILITIES

Section 5-900 Purpose and Exemption.

A. General. The general purpose of this Division is to regulate the placement, construction, and modification of Towers and Telecommunications Facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Park County, Colorado. More specifically, the purposes of this Division are:

1. To regulate the location of Towers and Telecommunications Facilities in Park County;

2. To protect residential areas and land uses from potential adverse impact of Towers and Telecommunications Facilities;

3. To minimize adverse visual impact of Towers and Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques;

4. To promote and encourage shared use/collocation of Telecommunication Sites as the preferred option to construction of additional single-use Towers;

5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new or multiple Tower structures to support Antenna and Telecommunications Facilities;

6. To avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and

7. To ensure that Towers and Telecommunications Facilities are compatible with surrounding land uses.

B. Exemption. This Division shall not apply to property owned or controlled by Park County, Colorado.

Section 5-901 Definitions.

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

Applicant: Any Person that applies for a special use permit in accordance with this Division and, in the event the Applicant is not the Owner of the property affected by the application for a special use permit, such Applicant is acting with the lawful written consent of the Owner.

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

Freestanding Facility: A Telecommunication Facility that consists of a stand-alone structure such as a Monopole or Lattice Tower, attached Antenna(e), and associated equipment storage shelter(s).

Lattice Tower: Any Tower or structure designed and constructed primarily to support Antennae for the purpose of providing Telecommunications Services and comprised of interconnected poles, pipes, bars,

beams, strips, wires, or cross-members. A Lattice Tower shall include any type or form of Tower that incorporates guy or supporting wires.

Monopole Tower: Any structure designed and constructed to support Antennae for the purpose of providing Telecommunications Services and which consists solely of a stand-alone ground mounted support pole, pipe, or other solid structure. A Monopole Tower shall not include any Tower supported or attached to guy or support wires.

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

Panel Antenna: Any Antenna(e) with both a vertical and horizontal plane designed to receive, transmit, direct, relay, aim, or switch signals associated with Telecommunication Services.

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

Structure or Building-mounted Facility: Any Telecommunication Facility, Antenna, or equipment attached to or mounted upon any already existing structure or building.

Substantial Change: A modification substantially changes the physical dimensions of a Tower, or other structure or building already supporting an Antenna, if it meets any of the following criteria:

1. For Towers outside of public rights-of-way, it increases the height of the tower by more than 20 feet or 10%, whichever is greater; for those Towers in public rights-of-way and for all other structures or buildings already supporting an Antenna, it increases the height of the Tower or other structure or building by more than 10% or 10 feet, whichever is greater;
2. For Towers outside of public rights-of-way, it protrudes from the edge of the Tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those Towers in public rights-of-way and for all other structures or buildings already supporting an Antenna, it protrudes from the edge of the structure more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
4. It entails any excavation or deployment outside the current site of the Tower or other structure or building already supporting an Antenna;
5. It would defeat any existing concealment elements of the Tower or other structure or building already supporting an Antenna; or
6. It does not comply with conditions associated with the prior approval of construction or modification of the Tower or other structure or building already supporting an Antenna unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds identified above.

Whether a modification constitutes a substantial change is determined by measuring the change in height as originally approved or as of the most recent modification prior to February 22nd, 2012, whichever is greater. Also, for structures where colocations are separated horizontally rather than vertically (such as building rooftops), substantial change must be measured from the height of the original structure, rather than the height of a previously approved antenna.

Support Facilities: Support buildings, structures, equipment cabinets, electrical and mechanical equipment, utility poles and lines, and other forms of physical improvements used in support of Towers or Structure-or Building-mounted Facility for the provision of Telecommunication Services.

Telecommunications Facility: The plant, equipment, buildings, fencing, and other real and personal property, including but not limited to cables, wires, conduits, ducts, pedestals, Antennae, Towers,

structures, electronics, and other appurtenances used to transmit, receive, distribute, provide or offer Telecommunications Services. The term Telecommunications Facility shall not include:

- Amateur radio operators' equipment licensed by the Federal Communications Commission;
- Any earth station Antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial;
- Any non-commercial satellite earth station Antenna one (1) meter or less in diameter, regardless of zoning category;
- Utility meters that enable communication between the meter and central utility system;
- Small cells and distributed antennae systems that are mounted upon or completely contained within a residence or commercial operation and have the sole purpose of improving telecommunications service for occupants of the residence or employees of the commercial operation; or
- Temporary mobile facilities used to accommodate short-term demands, such as for emergency communications, or to evaluate the feasibility of a permanent Telecommunication Facility. At the discretion of the Planning Director/County Designee, temporary mobile facilities may require approval of a Temporary Use Permit.

Telecommunications Provider: A Person, whether public or private, providing a Telecommunications Service.

Telecommunications Service: Any transmission, reception, relay, aiming, switching, or other manipulation of voice, data, image, graphic, and video programming, or other form of information between or among points by electromagnetic signals transmitted wirelessly.

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

Tower: Any structure designed and constructed primarily to support one or more Antennae for the purpose of providing Telecommunications Service, including but not limited to, Monopole Towers and Lattice Towers. This term also includes any Antenna or Antenna array lawfully attached to the tower.

Tower Height: When referring to a Tower or other structure used for the purpose of erecting, concealing, or supporting one or more Antennae, the distance measured from the base pad to the highest point on the Tower or other structure, including any Antenna attached to the tower.

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

Section 5-902 Permit Required.

A Special Use Permit approved in accordance with this Division shall be required for all Telecommunication Facilities within Park County, except for modifications as described in Section 5-907 below.

Section 5-903 Application for Special Use Permit.

A. All applications for a Special Use Permit to authorize a Telecommunications Facility shall include such plans, pictures, drawings and specifications as may be necessary for the County to determine that the application and the proposed facility is consistent with this Division, the Park County Land Use Regulations, and all state and federal regulations governing such use, if any.

B. An applications shall include, at a minimum, the following:

1. A completed application in a form approved by the Planning Director identifying the Applicant and the Owner, and to identify the Applicant's authority to submit the application on behalf of the Owner.

2. Payment of a non-refundable application fee in an amount established by resolution of the Board of County Commissioners to cover the administrative costs of processing the application.

3. A properly executed "Agreement for Payment of Development Review Expenses" in the same form as contained in Appendix C.

4. A complete legal description of the property on which the Telecommunication Site is proposed, prepared by a licensed registered Colorado land surveyor.

5. Evidence of Ownership and Encumbrances for the property on which the Telecommunication Site is proposed.

6. A list of the names and mailing addresses of any owners of property within seven hundred and fifty (750) feet of the proposed Telecommunications Facility as this information appears of record with the County Assessor's Office

7. The names, addresses, and telephone numbers of all owners of other Telecommunication Facilities within a six (6) mile radius of the proposed new facility.

8. A sworn and notarized affidavit attesting to the fact and describing the Applicant's diligent, but unsuccessful, efforts to obtain permission to install or collocate the Applicant's proposed Telecommunications Facilities on other Telecommunication Facilities located within a six (6) mile radius of the proposed site or attesting to the fact and describing, in detail, why such collocation would be technologically impossible. Documentation evidencing diligence in seeking permission and the denial of such permission or documentation of the technological impossibility of collocation, as the case may be, shall be included with the affidavit.

9. A site plan containing a graphic representation of the property subject to the proposed Special Use Permit prepared at a commonly used engineering or architectural scale. The site plan shall include or illustrate:

   a. A general vicinity map of the property subject to the Special Use Permit illustrating the property's location within the County.
   b. Date of preparation, map scale, north arrow, and revision box.
   c. A title that prominently identifies the name of the Applicant and the phrase "Special Use Permit Site Plan."
   d. Information identifying all Telecommunications Facilities, setbacks, maximum heights, proposed conditions or restrictions upon use, and relevant requirements and restrictions applicable to the zone district(s) in which the property subject to the proposed Special Use Permit is located, as identified in these Land Use Regulations.
   e. A signature block that reads: BOARD OF COUNTY COMMISSIONER APPROVAL: The Park County Board of County Commissioners by Resolution No. _____ approved this Site Plan and a Special Use Permit for the illustrated Telecommunication Facility on the _____ day of _____, _____.

   _____
   Chairperson

   Attest: _____
   County Clerk (County Seal)

f. Location and type of natural features within seven hundred and fifty (750) feet of the proposed Telecommunications Facility including watercourses, lakes, topography at not more than ten foot vertical intervals, one-hundred (100) year floodplain, wildlife corridors and known wildlife foraging areas, and significant trees and vegetation.

g. Location of all existing man-made structures, utilities, streets, driveways, ditches, fences, or other physical improvements within seven hundred and fifty (750) feet of the proposed Telecommunications Facility.

h. Approximate location of recorded easements or rights-of-way on the property and within seven hundred and fifty (750) feet of the proposed Telecommunications Facility.

i. Location of vehicular or pedestrian access to the Tower and/or Antenna, equipment, and Support Facilities.

j. The County may require any other information essential to the evaluation of the proposed special use.

C. Special Use Proposal. Illustrations, maps, photographs, and textual descriptions that provide the following information:

1. A written evaluation and report of the visual impact of the proposed facility, including color photographic simulations of the proposed site of the proposed Telecommunication Facility as it would appear from at least three different locations near the facility and legally accessible to the public. The Planning Commission or Board of County Commissioners may request additional simulations to assess the visual impact of the proposed facility. Applicants are encouraged to provide photographic examples of similar facilities and samples of proposed architectural colors and materials to permit the County and interested parties to understand the visual impact of the proposed special use. The report or evaluation shall include a landscape, screening, and fencing plan showing specific landscape materials and locations, fencing materials and colors, and other screening techniques together with illustrative drawings or photographic simulations showing the visual effect of the proposed landscaping and screening from at least three different locations near the facility and legally accessible to the public.

2. Architectural elevation drawings of at least two sides of the proposed Telecommunication Facility.

3. A technological design plan for the proposed Telecommunication Facility. The design plan shall identify the type of telecommunication service to be provided by the Telecommunication Site, the frequency or bandwidths, a general description of the equipment types and models, and a graphic representation of the area to be provided service by the Telecommunication Facility.

4. A copy of any lease or other agreement(s) authorizing the use of the property for the proposed Telecommunication Facility. Applicants may excise or delete from such lease or agreement(s) information considered proprietary or pertaining to rental or lease payment amounts.

5. Description of the size, type, and visibility of any proposed illumination for the site, specifically including lighting attached to any Tower.

6. Information sufficient to demonstrate that the Telecommunications Site is a necessary component of the Applicant's overall communication network and is integrated into a

coordinated communication service plan for the community and for the area. Conformance with this requirement may be established by evidence presented to the County which demonstrates that the proposed site is necessary in order to: (i) provide appropriate signal coverage and quality to the area; (ii) connect and to relay services between existing facilities; (iii) connect and relay services between facilities that are reasonably likely to be constructed within one-hundred eighty (180) days of the application; (iv) handle increased capacity due to customer demand; (v) overcome existing topography and/or structures in the surrounding area that preclude other preferred locations in the same area; or (vi) overcome engineering and technical constraints which require the site to be in the desired location in relation to other existing sites and potential site locations.

7. Information sufficient to demonstrate location of the proposed Antenna and facility upon Towers or structures at other existing Telecommunication Sites and Facilities has been thoroughly explored and is rendered impossible due to one or more of the following: (i) absence of other existing Telecommunication Sites within the area; (ii) incompatibility of an engineering or technical nature between the Applicant's proposed Antenna and Telecommunication Service and existing Telecommunication Sites and Facilities; (iii) lack of sufficient space on existing Telecommunication Sites to permit attachment of the Applicant's proposed Antenna or equipment; (iv) inability to obtain a lease for or permission to use existing Telecommunication Sites despite the exercise of due diligence to do so.

8. Evidence that the Telecommunications Provider has obtained or secured a performance bond, letter of credit, or other surety ("performance guarantee") acceptable to the County Attorney in an amount of one-hundred twenty percent (120%) of the estimated cost and expense of removing the Telecommunication Facility in accordance with Sections 5-908, 5-909 and/or 5-911. All performance guarantees shall authorize the County to obtain the funds secured by the guarantee upon the County's determination that the Telecommunications Facility has not been removed in accordance with this Division or as otherwise required by law. The amount of such performance guarantee shall be based upon an estimate obtained by the Telecommunications Provider, which shall be subject to review and approval of the County. In the event that the County rejects an estimate as inaccurate, incomplete, or incorrect, the County may obtain, at its cost and expense, an estimate, which shall be used for purposes of determining the amount of the performance guarantee. The Telecommunications Provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Upon any renewal of the Special Use Permit or the modification of an approved Telecommunication Facility, the Planning Director/County designee shall cause the performance guarantee to be reviewed, the appropriate amount of the guarantee reassessed, and a new guarantee shall be posted or secured by the service provider in accordance with this subsection. Expiration of a performance guarantee may, at the option of the County and notice to the Telecommunications Provider, result in the expiration of the Special Use Permit for the Telecommunications Facility.

9. Proof of insurance to insure the public against personal and property damage resulting from negligent installation and/or damages caused by or arising from the construction and maintenance of the Telecommunications Facility site.

Section 5-904 Procedures for Review of Special Use Permit Applications.

A. Review Procedures and Requirements for Approval. Except as described in Section 5-907, all Telecommunication Facilities require approval of a Special Use Permit issued in accordance with this section.

B. Pre-Application Meeting. A pre-application meeting is required. No application shall be accepted or processed by the County unless and until the required pre-application meeting is held.

1. Prior to the formal submission of the application, the Applicant shall contact the Planning Director/County designee in writing to schedule and request an informal meeting with the Planning Director/County designee. Following receipt of a request, the pre-application meeting shall be set for a date within ten (10) days of the date of the Applicant's written request. The Planning Director/County designee shall advise the Applicant of the date and time of the pre-application meeting.

2. The Applicant shall attend the meeting at the designated date and time. The Applicant shall be prepared to discuss the proposed application and the proposed development. The Applicant shall be encouraged to present such plats, plans, diagrams, or other preliminary information sufficient to permit the conceptual review of the proposed application.

3. The purpose of the pre-application meeting shall be to assist the Applicant and Owner in understanding the County's special use permit process and to address any preliminary questions or concerns by the Applicant or the County Staff.

C. Application Completeness Determination. Within fifteen days following receipt of an application for a special use permit for a telecommunication facility, the Planning Director/County designee shall administratively review the application and determine whether the application complies with the applicable application content requirements of this Division.

1. Incomplete Application. The County shall not process or schedule the processing of any incomplete application. In the event the Planning Director/County designee determines that the application is incomplete, the Planning Director/County designee shall inform the Applicant in writing of the deficiencies in the application. No further processing of an incomplete application shall be undertaken until the Planning Director/County designee determines that the Applicant has remedied the application's deficiencies and the application is complete.

2. Complete Application. In the event that the Planning Director/County designee determines that the application complies with the applicable requirements, the Planning Director/County designee shall notify the applicant in writing and schedule the application for public notice and hearing by the Board of County Commissioners.

3. Hearing Notice. Notice of the hearing shall be published in the official County newspaper, mailed to owners of Adjacent Property, and posted on or reasonably near the subject property at least fourteen (14) days before the date of the hearing.

D. Agency Referrals.

1. Following receipt of a completed application, the Planning Director/County designee shall cause the application and supporting materials to be mailed or otherwise delivered to the Local Agencies listed in Section 6-203 (B) for review and comment.

2. It is the responsibility of the agency reviewing the referral to define any potential conflict with the application and to return a written referral response to Park County within the time period specified in the referral letter. A referral response not received in a timely manner may, at the option of the Planning Director/County designee, be excluded from the processing of the application. The lack of response from a referral agency to a request for referral comment shall be interpreted as "no comment" concerning the proposal and shall not be deemed a statement of acceptance or of "no conflict" by the referral agency. The absence of a timely agency comment shall not preclude the Planning Commission or Board of County Commissioners from later seeking a referral agency comment on a specific issue raised during the review process or at any hearing.

3. Failure to forward a referral of an application to an agency as required by this section shall not constitute a material deviation from the review process and shall not void or invalidate any action taken by the Planning Commission or Board of County Commissioners. The requirement of agency referral shall be considered as a preferred, but discretionary, action by Park County.

E. Reasonable Conditions and Term of Permit. The Board of County Commissioners may impose reasonable conditions upon the approval of the Special Use Permit, including a limitation upon the term of the permit. Unless otherwise agreed by the Applicant, the term of a Special Use Permit approved in accordance with this Division shall not be less than fourteen (14) years.

F. Appeal. Any party aggrieved by the final decision of the Board of County Commissioners may appeal to the District Court in accordance with C.R.C.P. 106(a)(4) or other applicable law.

G. Issuance of Building Permit(s). Applicants may receive a building permit for construction of the approved Telecommunication Facility following the date of recordation of a resolution approving or conditionally approving the Special Use Permit provided that all other applicable requirements for a building permit within Park County are satisfied.

Section 5-905 Design and Performance Standards.

A. General Provisions Regarding Conformance with Design and Performance Standards. When considering a special use application for a Telecommunication Facility, the County shall require collocation rather than construction of new facilities whenever feasible. For both collocation and new construction, Applicants shall be required to conform to the requirements of this section. The Planning Commission may recommend, and the Board of County Commissioners may grant, waivers of the design and performance standards of this section where the waiver will allow for an innovative or creative design that reduces or mitigates adverse impacts upon the public related to the siting of the Telecommunication Facility.

B. Criteria Applicable to All Telecommunication Facilities and Sites. The following design and performance criteria and requirements shall apply to all Telecommunication Facilities reviewed under Sections 5-904 and 5-907 C:

1. All Telecommunication Facilities should be designed to be compatible with and incorporated into surrounding and adjacent buildings and existing or planned uses in the area. This requirement shall be accomplished through the use of compatible architectural elements such as color, texture, scale, and character.

2. Siting and installation of Telecommunication Facilities should preserve or enhance the existing character of the topography and vegetation of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively to screen equipment from view, but instead be supplemented with vegetation, berms, and/or landscaping boulders.

3. All Telecommunication Facilities should be sited, designed, and screened to minimize to the greatest degree possible the visibility of such equipment from surrounding properties, public streets, and locations affording public views of the site. An economic or financial hardship, by itself, shall not be considered an impediment to minimizing the visibility of a Tower, Antennae, and Support Facilities.

4. All Towers, Antennae, and equipment should be no taller than necessary for the efficient operation of the antennae equipment and space designed to permit collocation by other Telecommunication Providers as required by Section 5-905 D 3.

5. The use of security fencing should be minimized and be designed to blend into the character of the existing environment. The use of chain link wire, mesh, or metal fencing is discouraged unless substantially shielded from public view by the use of vegetation and/or landscaping boulders and painted to blend into the existing environment.

6. All Towers, Antennae, and Support facilities must be designed and certified by an engineer to be structurally sound and, at minimum, be in conformance with the County-adopted building codes, and any other standards outlined in this Division.

7. The siting of Telecommunications Facilities in areas designated in the Strategic Master Plan Visual Priority Map as "Views into Park County" (1-2-3); "Road Corridor Views" (A, AA, B, C); and "Mountain/Hill Views" (1, 2) should only be permitted if such Telecommunications Facilities are camouflaged, hidden or disguised (and provided that power and transmission lines are buried) so that the rural character of the County and priority view sheds are preserved.

C. Design and Performance Standards for Structure– or Building–Mounted Facilities. All Structure- or Building-mounted Facilities reviewed under Sections 5-904 and 5-907 C shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure.

1. Panel Antennae Standards.

   a. Panel Antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted, textured, and treated to match the building or structure to which the panel is attached.

   b. Panel Antennae attached to the side of a building or structure shall not exceed the height of the roofline above the mounting point.

   c. Panel Antennae mounted on rooftop mounted service equipment shall not exceed the height of the service equipment to which the Panel Antennae are attached.

   d. Panel Antennae shall not be mounted in a freestanding, sled, or rack-mounted fashion on the top of a building unless: (i) there exists unscreened service equipment on the roof which will be screened from view along with the Panel Antennae; and (ii) the screening of the Antennae and equipment will be architecturally compatible with the building.

   e. The County may, as a condition of approval of any special use permit for a Panel Antenna or Antennae attached to a nonconforming building or structure, require that the nonconforming building or structure be brought into conformance with these Land Use Regulations.

2. Whip Antennae Standards.

   a. Where more than one Whip Antenna is attached to one building or structure, such antennae shall not interfere with each other's operations.

   b. No Whip Antenna shall exceed the maximum height limitation for the zone district in which the Antenna is located.

   c. The County may, as a condition of approval of any special use permit for a Whip Antenna or Antennae attached to a nonconforming building or structure, require that the nonconforming building or structure to be brought into conformance with these Land Use Regulations.

724948
724948 5/12/2016 3:25 PM Debra A Green
27 of 32 RESOL R$0.00 D$0.00 Park County Clerk

3. Support Facilities Associated with Structure- or Building-Mounted Antennae. Support Facilities associated with structure- or building-mounted Antennae reviewed under Sections 5-904 and 5-907 C are encouraged to be located in one of the following areas, which are listed in order of preference from most (a) to least (e) preferred:

   a. Inside the building or structure to which the Panel or Whip Antennae are attached.

   b. Inside an existing equipment penthouse on the roof of a building.

   c. Immediately adjacent to the exterior of an existing equipment penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.

   d. Outside of a penthouse on the roof of a building if a parapet exists that is taller than the Support Facility.

   e. On the ground and screened according to the design criteria for other Telecommunications Facilities.

D. Design and Performance Standards for Freestanding Facilities. The following design and performance standards shall apply to all Freestanding Facilities:

1. The height of any Freestanding Facility shall not exceed one hundred ninety-nine feet unless a variance is obtained in accordance with Article III. Measurement of Tower Height for the purpose of determining compliance with all requirements of this section shall be done as described in Section 5-901, Tower Height.

2. No new Freestanding Facility shall be built in the County unless the facility is capable of supporting at least three other operating Telecommunications Facilities. The phrase "capable of supporting" means and includes: (a) the physical capability of connecting Antennae comparable in weight, size, and surface area to the Antenna installed by the Applicant on the Tower; (b) the capability of operation of another Person(s) Antennae in a comparable manner and efficiency as the Applicant's antennae; and (c) a means or system in place to facilitate the ready connection of additional Antennae to the Freestanding Facility such as, but not limited to, a form of contract approved by the Applicant to be offered and made available to others who seek to collocate on the Freestanding Facility. In the event that the Telecommunications Facility is proposed without the capability of supporting at least three other providers, the request must be justified by the applicant and approved by the Board of County Commissioners.

3. As a condition of approval of any Freestanding Facility, the County shall require the Applicant to provide a performance bond or other surety to the County that is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved Freestanding Facility.

4. Freestanding Facilities shall not be located closer to any property line than a 1.1:1 setback to height ratio. The Board of County Commissioners may waive this provision for mitigating circumstances, providing that public safety is not compromised.

5. The County may, as a condition of approval of any Special Use Permit for a Freestanding Facility on a property containing a nonconforming building or structure, require that such a nonconforming building or structure be brought into conformance with these Land Use Regulations.

6. Support Facilities associated with Freestanding Facilities shall meet the following requirements:

   a. Be located in an enclosed building that is architecturally compatible with the surrounding environment or be screened completely with vegetation, berms, landscaping boulders, and/or an architecturally compatible wall or fence so the support facility is not visible from adjacent properties, streets or public areas;

   b. Where security fencing is utilized, such fencing shall enclose the minimum space necessary for safety;

   c. Be grouped as closely as technically possible to each other and the freestanding facility;

   d. Cover a surface area not to exceed four hundred fifty (450) square feet per Telecommunication Provider utilizing the Freestanding Facility;

   e. Be designed with materials, textures, treatments, and colors that are compatible with other structures and vegetation on the same parcel and adjacent parcels; and

   f. Not reduce the parking or landscaped areas below the minimum requirements for other principal uses on the property.

E. Telecommunications Facilities in Specific Zone Districts. Telecommunication facilities shall be permitted within specific zone districts in Park County follows:

1. Structure- or building-mounted facilities are permitted as a special and accessory use in all zone districts except for the P.U.D. zone district if they are attached to a lawful structure and comply with Federal Communications Commission (FCC) emission guidelines.

2. Freestanding Facilities are permitted as a special use in all zone districts except for the P.U.D. zone district if they are located more than 1.1 times their total height from all residential structures and lot lines and comply with FCC emission guidelines.

3. Structure or Building-mounted and Freestanding Facilities are permitted in the P.U.D. zone district only if such use and the specific site and design are expressly identified within the approved or amended P.U.D. plan and comply with FCC emission guidelines.

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

1. Public utility transmission facilities, structures, and transmission poles may be utilized as a Telecommunication Site if: (a) the utility company has granted approval of the use of the facility, structure, or pole; and (b) where located in a residential zone district, the Telecommunication Facility is granted a Special Use Permit pursuant to this division; or where located in a zone district other than residential, the Telecommunication Facility has received administrative review and approval; and (c) where the Telecommunication Facility does not exceed the height of the existing transmission structure or pole.

2. Monopole Towers with a Tower Height at or less than the maximum structure height in the applicable zone district and Structure- or Building-mounted Antennae that are completely screened by RF-transparent material shall be subject to administrative review and approval by the Planning Director/County designee. The Planning Director/County designee shall approve such Towers or Antennae where the Applicant for such use demonstrates that the Towers or Antennae conform to the requirements of this section.

Section 5-906 Standards for Application Approval.

A. Applicant to Bear Burden of Proof. The Applicant shall bear the burden of presenting substantial evidence at the public hearing to support the standards for approval set forth in this section. Any decision by the reviewing body to approve, conditionally approve, or deny an application shall be based upon a consideration of the evidence presented during the public hearing. Where evidence presented is contradictory, the reviewing body shall weigh such evidence and judge the credibility and sufficiency of the evidence in rendering a decision.

B. Written Decision and Resolution Required. Every decision of the Board of County Commissioners shall be made by written resolution approved by a majority of a quorum present and voting at a regular or special meeting. The Board of County Commissioners may, following conclusion of the public hearing and prior to rendering a final decision, direct the Planning Director/County designee or County Attorney to prepare written findings and a resolution memorializing the Board's decision for presentation at a regular meeting of the Board of County Commissioners. Only upon final consideration and approval of the required written resolution shall the Board's decision become final for purposes of this Division and any appeal.

C. No Consideration of Electromagnetic Effects. All transmission Towers (radio, television, telephone, emergency broadcast, paging, etc.) shall comply with the public health standards for the electromagnetic radiation that are promulgated by the FCC. As required by federal law, the reviewing body shall not base any decision of denial of an application upon, or impose a condition upon approval concerning the environmental or health effects of radio frequency emissions of Telecommunication Facilities provided that such facilities are shown to comply with regulations imposed by the FCC concerning such emissions. The receipt of statements, testimony, or other evidence by the reviewing body concerning environmental effects of radio frequency emissions of the telecommunication facility shall not be imputed or implied as a basis for any decision of the reviewing body.

D. Required Findings for Decision.

1. For Unconditional Approval. The reviewing body must find that the application supporting materials, and the record of proceedings before the reviewing body establishes that the Applicant has met:

   a. All applicable requirements of this Division;

   b. All requirements of the applicable Zone District; and

   c. All applicable requirements of these Land Use Regulations.

2. For Approval with Condition(s). The reviewing body must find that the application, supporting materials, and the record of proceedings before the reviewing body establishes that the Applicant has met:

   a. All applicable requirements of this Division;

   b. All requirements of the applicable Zone District; and

   c. All applicable requirements of these Land Use Regulations.

   d. The condition(s) imposed upon such approval are reasonably necessary or desirable to ensure that the special use conforms to (a), (b), or (c) above. In establishing conditions of approval, such conditions shall be specifically stated within the resolution for approval in a form approved by the Planning Director/County designee or County Attorney.

3. For Denial. The reviewing body must find that the application, supporting materials, and the record of proceedings before the reviewing body establishes that the Applicant has failed to satisfy one or more specifically identified requirements imposed by:

   a. All applicable requirements of this Division;

   b. All requirements of the applicable Zone District; and

   c. All applicable requirements of these Land Use Regulations.

4. Prior to construction of an approved facility, an Environmental Assessment of the proposed action, and Wireless Telecommunication Bureau review of the Environmental Assessment, if required by Title 47 of the Code of Federal Regulations, Part 1, Subpart 1, Rule Section 1.1307, shall be conducted.

Section 5-907 Modifications to Approved Facilities.

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

   1. Routine and customary repairs of Towers, Antennae, and equipment that will not alter the physical appearance of the Telecommunication Facility when viewed from any boundary of the property described in the Special Use Permit.

   2. The addition, substitution, replacement, and repair of equipment located within enclosed equipment structures associated with a Telecommunication Facility.

B. Minor Modifications. The Planning Director/County designee may administratively grant approval for a minor modification of an approved Telecommunication Facility where the modification does not meet the definition of Substantial Change contained within this Division.

   The Planning Director/County designee may only request the submission of any plans, drawings, or other information necessary to demonstrate that the modification does not meet this Division's definition of Substantial Change; and that the modification complies with generally applicable building, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety. Within fifteen days following the receipt of an application, the Planning Director/Designee shall review the application and determine whether or not the application is complete and the modification does not meet the definition of Substantial Change. No action shall be taken on incomplete applications, and modifications that meet the definition of Substantial Change shall be reviewed in accordance with Section 5-907 C.

C. Major Modifications. Any modification, other than a minor modification, shall be subject to approval via the following process.

   1. The applicant shall submit a County application, including a detailed narrative and drawings describing the proposed modification. Within fifteen days following receipt of an application for a major modification, the Planning Director/County designee shall administratively review the application and determine whether it complies with the applicable application content requirements of this Division.

      a. Incomplete Application. The County shall not process or schedule the processing of any incomplete application. In the event the Planning Director/County designee determines that the application is incomplete, the Planning Director/County designee shall inform the Applicant in writing of the deficiencies in the application. No further processing of an incomplete application shall be undertaken until the Planning Director/County designee determines that the

Applicant has remedied the application's deficiencies and the application is complete.

b. Complete Application. In the event that the Planning Director/County designee determines that the application complies with the applicable requirements, the Planning Director/County designee shall proceed with the application, as described herein.

2. Upon determination that an application is complete, the County shall post the property, and send notification to adjacent property owners and the homeowners' association of the subdivision in which the facility is located, if existent and active.

3. A minimum of ten days subsequent to posting the property, the Planning Director/County designee shall make administrative determination regarding the application. The decision – approval, approval with conditions, or denial - shall be posted on line; and communicated to the applicant and Board of County Commissioners in writing.

4. The applicant may, within thirty days of the decision date, appeal the administrative decision in accordance with Section 3, Division 2.

Section 5-908 Abandonment.

A. If any Telecommunication Facility shall cease to be used for a period of three hundred sixty-five (365) consecutive days, the Planning Director/County designee shall notify the Owner, with a copy to the Applicant, that the Telecommunication Site will be subject to a hearing and possible determination by the Board of County Commissioners that such site has been abandoned. The Owner and Applicant shall be provided written notice of the hearing and the hearing shall be held not less than fourteen (14) days following the mailing of notice via hand delivery, regular U.S. Mail postage prepaid, or comparable delivery service to the last known addresses of the Owner. The Owner and Applicant shall be provided an opportunity to show at the hearing, by a preponderance of the evidence that the Telecommunication Facility has been in use or under repair during such period. If the Owner or Applicant fails to show that the facility has been in use or under repair during the period, the Board of County Commissioners shall issue a final determination of abandonment for the Telecommunication Site and shall order removal of the Telecommunication Facility by written demand sent via registered U.S. mail, return receipt requested, to the Owner and the Applicant. Upon issuance of the final determination of abandonment and delivery order for removal, the Owner shall, within eighteen (18) months or such longer period determined by the Board of County Commissioners as reasonable to permit removal, cause the Telecommunication Facility to be dismantled and removed.

B. Telecommunication Facilities declared abandoned by the County in accordance with this section and which remain in place following the deadline for removal stated in an order for removal shall:

1. Constitute a public nuisance and shall be subject to abatement as provided by these Land Use Regulations; and

2. Be subject to removal by the County utilizing funds placed into escrow for removal of a Telecommunication Facility and/or public funds; and

3. Be subject to any other remedy available to the County to cause the removal of the Telecommunication Facility; and

4. Result in the immediate termination of the special use permit issued for the Telecommunication Facility.

Section 5-909 Expiration, Revocation, and Inspections

A. Permit Expiration. Special Use Permits for Telecommunication Facilities shall expire upon the end of any term of the permit as stated in Section 5-904 G, as applicable.

B. Permit Revocation. The Board of County Commissioners may, following notice and a hearing as generally provided in Section 5-908 A, revoke any Special Use Permit for Telecommunication Facilities and order the removal of the Telecommunication Facility upon a finding by the Board of County Commissioners that:

1. The Telecommunication Facility fails to substantially conform with a requirement of this Division or a condition of the special use permit and the applicant or Owner failed to remedy such noncompliance within sixty (60) days of the date of mailing of a notice of noncompliance; or

2. The Telecommunication Facility fails to substantially conform with a representation stated in the application, and the Applicant or Owner failed to remedy such noncompliance within sixty (60) days of the date of mailing of a notice of noncompliance.

C. Inspections. The County or its agents shall have authority to enter onto the property upon which a Telecommunication Facility is located to inspect the facility for the purpose of determining whether the facility conforms to the applicable provisions of this Division, these Land Use Regulations, the application, site plan, or special use proposal submitted to and approved by the County, or federal or state law.

Section 5-910 Removal of Facilities.

A. Removal Required. A Telecommunication Facility shall be removed within one hundred eighty (180) days, or such longer period determined by the Board of County Commissioners as reasonable to permit removal, of the following:

1. The date of expiration of the Special Use Permit.

2. The date of a final declaration of abandonment by the Board of County Commissioners.

3. The date of revocation of a permit.

B. Restoration of Property. Where removal of a Telecommunication Facility is required by this Division, the Telecommunications Provider shall, at the provider's cost and expense, remove the facility and restore the property to a condition substantially similar to that existing before the installation. Such removal shall not, however, include removal of any installed landscaping unless the County approves removal of landscaping.