

Section 2: General Provisions and Regulations

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

A. Amendment of Underlying Zones

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

B. Modification of Lots or Structures

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

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

C. Structures Per Lot

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

D. Permit Requirements

1. Building Permit
 - a. It shall be unlawful for any person, firm or corporation to erect, construct, reconstruct or structurally alter any building or other structure without first obtaining the following: (orig. 5-6-46-§28; am. 12-26-62-§28; am. 9-6-77-§27; am. 8-6-80; am. 5-3-94)
 - (1) Zoning approval from Planning and Zoning including payment of a nonrefundable processing fee in an amount established by the Board of County Commissioners. (orig. 5-3-94; am. 5-25-04; am. 5-20-08)
 - (2) A Building Permit from the Division of Building Safety. (orig. 5-3-94; am. 5-25-04)
 - b. A Building Permit shall not be issued unless the lot or parcel is a proper division of land in accordance with Section 30-28-101(10) et.seq. C.R.S., as amended, unless it is the result of a process that has been exempted from the term "subdivision" and "subdivided land" by the Board of County Commissioners. (orig. 4-20-10)
 - c. A Building Permit shall not be issued unless the plans and the use conform to this Zoning Resolution and are approved by Planning and Zoning and the Division of Building Safety. (orig. 5-6-46-§28; am. 12-26-62-§28; am. 9-6-77-§27; am. 5-25-04; am. 5-20-08)

- d. Any building, structure or use which is not in compliance with the plans or use approved by Planning and Zoning shall constitute a violation of this Zoning Resolution. (orig. 6-14-88; am. 5-25-04; am. 5-20-08)
- e. The owner, at the time of issuance of the Building Permit, and the person to whom the permit is issued shall be responsible for compliance with all setback requirements set forth in this Zoning Resolution for the building or structure covered by the permit. (orig. 9-6-77)
- f. Access Standards: Before any Building Permit for a new dwelling, commercial building, industrial building, or other main building, or to replace an existing dwelling, commercial building, industrial building, or other main building, or for additional space of 400 square feet or more, measured cumulatively, may be issued, the applicant must meet the access requirements listed below. These access standards shall be deemed to be general standards that supersede conflicting provisions in any Official Development Plan. (orig. 9-6-77; am. 12-5-95; am. 12-17-02; am. 5-20-08, am. 4-20-10))
 - (1) Right of Access: Evidence must be submitted demonstrating that the applicant has a right of access to a county, state or city maintained street/road. If the applicant's property does not have direct access to a county, state or city maintained street/road, then the offsite portion of the access that connects to the county, state or city maintained street/road must be in conformance with one or more of the following: (orig. 12-5-95; am. 12-17-02; am. 7-1-03; am. 10-25-05; am. 5-20-08; am. 4-20-10)
 - (a) Right-of-way that has been dedicated and accepted by the county, the state or a city, but is not maintained by the county, the state or a city. (orig. 4-20-10)
 - (b) Right-of-way that has been dedicated to the county or the public, but has not been accepted by the county, and is not maintained by the county, the state or a city. (orig. 4-20-10)
 - (c) A recorded easement that gives the applicant a right of use. Planning and Zoning will review the access information provided by the applicant and information of public record, to determine the apparent right to use the access easement. Planning and Zoning is not making a legal determination as to the right of the use, only a determination that the access is sufficient for the issuance of a building permit. (orig. 4-20-10)
 - (d) A declared access from a recorded court decree that gives the applicant a right of use. (orig. 4-20-10)
 - (e) An existing access across privately owned property that has been declared a "road of record" by the Zoning Administrator. The Zoning Administrator's determination of a "road of record" is a determination of an apparent right to use the access for the purpose of issuing the building permit, not a legal determination as to the right of the use. The Zoning administrator may declare an access a "road of record" if it meets the following criteria: (orig. 4-20-10)
 - (e-1) The access serving the parcel has been used for at least twenty (20) consecutive years. (orig. 4-20-10)
 - (e-2) The access does not cross property owned by a public entity or other entity over which prescriptive rights cannot be established. (orig. 4-20-10)
 - (e-3) The applicant has made a reasonable attempt to obtain an access easement or other acceptable legal right to use the access road and has been unsuccessful. (orig. 4-20-10)
 - (f) Any access right that is not identified above, but is deemed sufficient by the County Attorney's Office for the purpose of issuing a building permit. An example of when this provision may be used would be when an access crosses property that is owned

by a public entity or other entity over which prescriptive rights cannot be established, and a letter of authorization for such access road is provided by such entity. (orig. 4-20-10)

- (2) Right of Access Width: The right of access shall have a minimum width of 20 feet, and shall not be less than the minimum width required for the type of access based on provisions of the Roadway Design and Construction Manual. (orig. 12-5-95; am. 12-17-02; am. 7-1-03; am. 10-25-05, am. 4-20-10)
- (3) Physical Location of Access: The physical location of the access must closely align with the described limits of the right of access. If the right of access is based on a centerline description, then the centerline of the physical access shall be located along the centerline description. The evaluation of the physical location of the access shall be completed to a point where the street/road connects to a county, state or city maintained street/road. Planning and Zoning will review the physical location of the access based on documents provided by the applicant, information of public record and with the use of cartographic information. If necessary to locate and clarify access, a survey may be required. Planning and Zoning is not making a legal determination as to the location of the street/road with respect to the right of access. The provisions of this section do not apply if the right of access is a "road of record". The provisions of this section may be determined not to apply to an alternate right of access approved by the County Attorney's Office. (orig. 4-20-10)
- (4) Physical Standard of Access: The physical access must comply with the standards of the Roadway Design and Construction Manual. The evaluation of the physical access shall be completed to on-site and off-site to a point where the street/road or driveway connects to a county, state or city maintained street/road. The Roadway Design and Construction Manual standards for streets/roads and driveways is established based on the existing and potential use of the access system, and does allow for alternate standards to be approved by the appropriate fire protection district. The fire protection district may require additional improvements such as fire sprinklers and cisterns as a condition of their support of an alternate standard. If improvements are required based on this evaluation, then the following shall apply: (orig. 12-5-95; am. 6-18-02; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 4-20-10)
 - (a) Design and construction compliance, through the appropriate county process, shall be required for those portions of the access that are located within county right-of-way, public right-of-way or on land under the control of the person or entity seeking the Building Permit, and for any additional requirements that the fire protection district may have as a condition for their support of an alternate access standard. A Stop Work Order for a building permit may be issued for failure to construct the improvements required by this section in accordance with the approved plans. (orig. 12-5-95; am. 12-17-02; am. 10-25-05; am. 4-20-10)
 - (b) When design and construction compliance would involve construction on land that is not under the control of the person or entity for whom a Building Permit is sought, and is not located within county or public right-of-way, then the applicant shall submit a written advisory statement from the local Fire Protection District describing whether such portion of the private street/road and/or driveway is deemed acceptable for emergency vehicle use. If access is not deemed acceptable for emergency vehicle use by the Fire Protection District, the letter shall identify the improvements that the Fire Protection District believes are necessary in order for the access to be acceptable for emergency vehicle use. (orig. 5-20-08; am. 10.13.09; am. 4-20-10)

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

 - (b-1) Arrange to correct all access deficiencies and obtain a new advisory statement from the Fire Protection District stating that the access is acceptable for emergency vehicle use, or (orig. 5-20-08)

- (b-2) Sign an affidavit of understanding, on a form provided by Planning and Zoning, stating that the applicant is aware that emergency services may be nonexistent, diminished, or slowed for the site and agreeing to indemnify, defend, save and hold the County, its agents and employees harmless from any claims, demands and liability resulting from or arising out of the construction, installation and use of the structures, devices or improvements by the Owner(s), their heirs, successors and assigns. If the applicant chooses this option, then both the affidavit of understanding and the statement from the Fire Protection District shall be recorded with the Jefferson County Clerk and Recorder. (orig. 5-20-08; am. 4-20-10)
- (5) Previous Review of Access: If the property for which the building permit is sought has gone through an approved Rezoning, Special Use, Plat, Exemption, Minor Adjustment, Site Development Plan, Grading Permit, or Notice of Intent subsequent to April 20, 2010, then the access verification that occurred during that process shall be deemed sufficient for the building permit process, unless the access being proposed for the building permit is not consistent with what was previously reviewed or the access standards of this section have been revised subsequent to the approval of the application. For Rezoning and Special Use applications, if the provisions of the Physical Standard of Access were not reviewed during the process, then those provisions must be satisfied prior to the issuance of the building permit. (orig. 4-20-10)
- g. Property Merger:
- (1) A property merger shall be required at the time of permit review if any of the following situations exists: (orig. 6-15-04)
 - (a) Multiple lots or parcels are needed in order to meet minimum zoning for lot size or the Jefferson County Public Health requirements at the time of permit application. Only those lots or parcels needed in combination to meet minimum zoning requirements shall be required to be merged; (orig. 6-15-04; am. 10.13.09)
 - (b) Underlying setback(s) cannot be met from interior property line(s) and multiple lots are utilized as part of permit process; (orig. 6-15-04)
 - (c) A well is located on a separate lot or parcel where multiple lots or parcels are used in combination to meet minimum zoning requirements at the time of permit application; (orig. 6-15-04)
 - (d) An accessory structure proposed on an adjoining lot where the primary structure is located on a separate lot (excluding barns in agricultural zone districts); or (orig. 6-15-04, am. 10-25-05)
 - (e) An Individual Sewage Disposal System is located on a separate lot or parcel where multiple lots or parcels are used in combination to meet minimum zoning requirements at the time of permit application. (orig. 6-15-04; am. 10-25-05)
 - (2) Any lot or parcel to be merged must be a proper division. (orig. 4-20-10)
 - (3) The lots or parcels proposed to be merged must have at least 20 feet of contiguity. (orig. 6-15-04)
 - (4) The owners of all affected parcels must consent in writing to the merger. (orig. 6-15-04)
 - (5) When the owners of the affected lots or parcels still seek the building permit for which the merger is required, but do not consent to the merger, the County shall send notice of the requirement to complete the merger to each owner of the affected parcels by certified mail. (orig. 6-15-04)

- (a) The notice shall specify that each such owner may request a hearing on the proposed merger. Any such request for public hearing must be made in writing to the Zoning Administrator within 120 days of the date the notice is received by said owner. (orig. 6-15-04)
 - (b) If each owner of the affected parcels has timely requested a hearing on the proposed merger, a public hearing shall be held before the Board of County Commissioners for the purpose of allowing the Board to discuss with the owner of each affected parcel its reasons for proceeding with the merger and to give each owner the opportunity to submit any basis provided under law for challenging the merger. Notice of the time, place and manner of the hearing shall be provided to each owner of the affected parcels and also published in a newspaper of general circulation in the County in a manner sufficient to notify the public of the time, place and nature of the hearing. The hearing shall take place no sooner than 90 calendar days following the date of the notice required by this section. (orig. 6-15-04)
 - (c) Where the owner of each affected parcel fails to timely request a hearing on the proposed merger, no such hearing is required. (orig. 6-15-04)
 - (d) The proposed merger shall be effective if each owner of the affected parcels has given his, her or its consent to the merger or if the merger is approved by a majority of the Board of County Commissioners. (orig. 6-15-04)
- h. Lot Area Computations
- (1) The area within private access easements within a lot shall be included in the minimum lot area calculation if it serves as access for 3 or less lots, building sites and/or dwelling units. This applies in all zone districts, except for Commercial and Industrial or equivalent use areas of Planned Development Zone Districts. (orig. 3-15-82)
 - (2) The area within private access easements or public and private streets or roads which passes through the subject property and serves as access for 4 or more lots, building sites and/or dwelling units shall be excluded in any minimum lot area calculation and setbacks shall be measured from these private access easements or public and private streets or roads, except where the Zoning Administrator or his/her appointed designee finds that the private access easement is not functionally equivalent to a public street or road, based upon criteria including the following: (orig. 3-15-82; am. 12-17-02; am. 5-20-08; am. 10-13-09)
 - (a) Width of right-of-way; (orig. 3-15-82)
 - (b) Estimated current or projected average daily traffic (ADT); (orig. 3-15-82; am.10-13-09)
 - (c) Design and topography; (orig. 3-15-82)
 - (d) Providing connection between thoroughfares. (orig. 3-15-82)
 - (3) In Commercial and Industrial Zone Districts, and equivalent use areas of Planned Development Zone Districts, the area of all private access easements shall be included in the minimum lot area calculation. (orig. 3-15-82)
2. Fence Permit
- a. It shall be unlawful for any person, firm or corporation to erect or construct a fence above 42 inches in height without first obtaining a permit from Planning and Zoning. (orig. 8-6-80; am. 5-25-04; am. 5-20-08)
 - b. A nonrefundable processing fee in an amount established by the Board of County Commissioners will be charged for each permit issued. (orig. 8-6-80; am. 5-3-94)

- c. A noise barrier fence, maximum of 10 feet in height, may be constructed within right-of-way for an arterial. (orig. 7-1-03)

3. Miscellaneous Zoning Permit

- a. It shall be unlawful for any person, firm or corporation to erect, construct, reconstruct, structurally alter any building or structure, and/or commence any of the following activities without first obtaining a Miscellaneous Zoning Permit. Planning and Zoning may request documentation to ensure compliance with the regulations. (orig. 5-3-94; am. 3-28-00; am. 5-25-04; am. 5-20-08)
 - (1) Any structure not requiring a Building Permit, including but not limited to mini-structures, entry features, gazebos, retaining walls over 36 inches in height, decks less than 30 inches in height, and sheds. (orig. 5-3-94; am 3-28-00; am. 12-17-02)
 - (2) Recreation facilities, including but not limited to tennis courts, swimming pools, playgrounds, golf courses, and hot tubs and/or spas. (orig. 5-3-94)
 - (3) Broadcasting and receiving devices, including but not limited to private satellite dishes over 18 inches in diameter, television and/or radio towers, cellular towers, antenna, and ham radio towers. (orig. 5-3-94; am. 3-28-00; am. 12-17-02)
 - (4) Temporary structures not requiring a Building Permit, including but not limited to construction/sales and/or security trailers, temporary buildings and/or facilities, and mobile homes. (orig. 5-3-94)
 - (5) Temporary uses and/or structures, including but not limited to fireworks stands, Christmas tree sale lots, parking lot sales and seasonal produce and/or flower stands. (orig. 5-3-94; am. 3-28-00)
 - (6) Home occupations as outlined in Section 8 of this Zoning Resolution. (orig. 5-3-94)
 - (7) Group living facility for more than 3 unrelated persons. (orig. 5-25-04)
- b. A Miscellaneous Zoning Permit shall not be issued unless the plans and the use conform to the provisions of this Zoning Resolution. (orig. 5-3-94)
- c. The owner, at the time of issuance of a Miscellaneous Zoning Permit, and the person to whom the permit is issued shall be responsible for compliance with all of the requirements set forth in this Zoning Resolution for the building, structure and/or activity covered by the permit. (orig. 5-3-94; am. 12-17-02)

E. Zone District Boundaries

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

F. Street/Road Setbacks

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

G. Front Yard

- 1. On a through lot, the front yard requirements of the applicable zone district shall apply to each lot line fronting on a street. (orig. 5-6-46-§23; am. 9-6-77-§27)
- 2. Regardless of the location of, or the direction that any structure faces and regardless of where the main entryway into the structure is located, the front lot line of a lot shall be as indicated on the

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

3. Every part of the required front yard shall be open and unobstructed from its lowest point to the sky, except for landscaping and fencing not prohibited by the appropriate Section of this Zoning Resolution; and except for entry features with a minimum 14 foot height clearance, open fire escapes and stairways, chimneys and one-story unenclosed porches which extend not more than 8 feet into the required front yard. (orig. 5-6-46-§23; am. 12-26-62-§23; am. 9-6-77-§27; am. 8-6-80; am. 12-17-02)

H. Side Yard

Every part of the required side yard shall be open and unobstructed from its lowest point to the sky, except for landscaping, accessories such as clothes lines, swing sets up to 8 feet in height and fencing not prohibited by the appropriate Section of this Zoning Resolution. (orig. 5-6-46-§23; am. 9-6-77-§27; am. 8-6-80; am. 12-17-02)

I. Rear Yard

Every part of the required rear yard shall be open and unobstructed from its lowest point to the sky, except for landscaping and accessories such as clothes lines, swing sets up to 8 feet in height and fencing not prohibited by the appropriate Section of this Zoning Resolution. (orig. 5-6-46-§23; am. 9-6-77-§27; am. 8-6-80; am. 12-17-02)

J. Rubbish

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

K. Height Regulation

1. The height limitations established for each zone district shall apply to flagpoles; and radio, television or microwave towers (including antennas), except as otherwise provided within this section. Noncommercial antenna installations for home use of radio or television are excluded. (orig. 6-14-88; am. 6-7-94; am. 12-17-02; am. 4-20-10)
2. The height limitations established for any zone district, except Planned Development, shall not apply to chimneys, stacks, water towers, grain elevators, silos, elevators, monuments, dome spires, belfries, hangars and accessory symbols of government, religious, fraternal and civic organizations when attached to the respective building. (orig. 5-6-46-§23; am. 9-6-77-§27; am. 6-14-88; am. 4-20-10)

L. Dangerous and/or Wild Animals

1. Notwithstanding any other provision of this Zoning Resolution and except as provided in paragraphs L.2. and L.3. below, no person shall own, possess, harbor, maintain or keep any of the following species of animals, other than wildlife in existing natural habitat, on any property within any zone district (other than as specified in the Agricultural-Two (A-2) and Agricultural Thirty-Five (A-35) Zone Districts) in the unincorporated area of Jefferson County. The restrictions within this section apply to the A-2 and A-35 Zone Districts, when the property is at least 10 acres in size, except a Special Use is not required. (orig. 8-1-78; am. 3-28-00; am. 12-17-02)
 - a. Poisonous reptiles, species of nonpoisonous snakes which ordinarily grow to more than 6 feet in length when mature, and lizards belonging to the family Varanidae; (orig. 8-1-78)
 - b. Crocodilians; (orig. 8-1-78)
 - c. All species of non-human mammals except the following: (orig. 8-1-78)
 - (1) Domestic cat (*Felis catus*); (orig. 8-1-78)

- (2) Chinchilla (*Chinchilla laniger*); (orig. 8-1-78)
 - (3) Domestic dog (*Canis familiaris*); (orig. 8-1-78)
 - (4) Domestic ferret (*Mustela putorius furo*); (orig. 8-1-78)
 - (5) Mongolian gerbil (*Meriones unguicularus*); (orig. 8-1-78)
 - (6) Guinea pig (*Cavia porcellus*); (orig. 8-1-78)
 - (7) Hamster (*Mesocricetus auratus*); (orig. 8-1-78)
 - (8) Domestic laboratory mouse (*Mus domesticus*); (orig. 8-1-78)
 - (9) Domestic rabbit (*Oryctolagus cuniculus*); (orig. 8-1-78)
 - (10) Domestic laboratory rat (*Rattus rattus albino strain*); (orig. 8-1-78)
 - (11) Squirrel monkey (*Saimiri seinrous*); (orig. 8-1-78)
 - (12) Owl monkey (*Aotus trivirgatus*); (orig. 8-1-78)
 - (13) Woolly monkey (*Lagothrix lagothrica*); (orig. 8-1-78)
 - (14) Domestic livestock including, but not limited to the following: horses, cattle, sheep, goats, swine, mules, donkeys, burros, llamas, alpacas, emu, and ostrich. (orig. 8-1-78; am. 12-17-02)
2. For any property located in any zone district other than a Residential District of this Zoning Resolution or residential or open space use areas of Planned Development Districts, as set forth on the Official Development Plan (ODP), the owner thereof shall receive Special Use approval in order to be permitted to own, possess, harbor, maintain or keep any one or more animals of the species listed in paragraph L.1. above, where the ownership, possession, harboring, maintenance or keeping of such animal(s) is necessary to a use which is otherwise in compliance with the applicable zone district regulations and is specifically for one of the following purposes: (orig. 8-1-78; am. 12-17-02)
 - a. To be used for scientific research or for production of scientific or commercial supplies or as breeding stock in connection with a business or other commercial operation or research facility established as a use upon the premises; or (orig. 8-1-78)
 - b. To be used for purposes of public commercial exhibition, whether as a profit or non-profit operation, such as a permanent zoological gardens or a temporary or traveling menagerie, circus, rodeo or livestock show. (orig. 8-1-78)
 3. For any property located in any zone district other than a Residential District or residential or open space use areas of Planned Development Districts, as set forth on the Official Development Plan, the owner thereof shall receive Special Use approval in order to be permitted to own, possess, harbor, maintain or keep any one or more animals of the species prohibited under paragraph L.1. above, where the applicant demonstrates a special interest and competency in caring for such an animal or animals, and where the applicant demonstrates to the satisfaction of the Planning Commission and the Board of County Commissioners that the health, safety and welfare of humans and domestic animals in the area and of the general public is adequately safeguarded. (orig. 8-1-78; am. 12-17-02)
 4. The application for a Special Use under paragraphs: L.2. and L.3. above, shall be made to the Planning Commission. If approved by the Planning Commission, the application shall proceed to the Board of County Commissioners, which must also approve the application in order for the Special Use to be permitted. (orig. 8-1-78; am. 12-17-02)
 5. One criterion relevant to the determination of whether or not to approve the Special Use shall be the agreement by the applicant that proposed facilities for the keeping of such animal(s) will be

constructed and maintained in accordance with the requirements of the Colorado Division of Wildlife. (orig. 8-1-78)

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

M. Sexually Oriented Businesses

1. No person may operate or cause to be operated a sexually oriented business within 1,000 feet of any of the following, whether the use or zone district listed below is unincorporated Jefferson County, an adjacent county, or within an incorporated municipality. (orig. 7-8-97)
 - a. A church. (orig. 7-8-97)
 - b. A school meeting all requirements of the compulsory education laws of the state. (orig. 7-8-97)
 - c. The boundary of any zone district in which one of the primary uses is residential. (orig. 7-8-97)
 - d. A dwelling unit (single or multiple). (orig. 7-8-97)
 - e. A public park. (orig. 7-8-97)
 - f. A licensed child care center. (orig. 7-8-97)
 - g. An establishment holding a liquor license. (orig. 7-8-97)
2. No person may operate or cause to be operated a sexually oriented business within 1,000 feet of another sexually oriented business. (orig. 7-8-97)
3. No person may cause or permit the operation, establishment or maintenance of more than one sexually oriented business within the same building or structure or portion thereof, such as in a shopping center. A sexually oriented business may include one or more types of sexually oriented business provided it has one address and is operated as a single business entity that has one sales tax license number. (orig. 7-8-97)
4. For the purposes of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, streets, or political boundaries, from the closest exterior structural wall of each business. (orig. 7-8-97)
5. For purposes of this section, the distance between any sexually oriented business and any church, school, child care center, public park, establishment holding a liquor license, dwelling unit (single or multiple) or residential zone district shall be measured in a straight line, without regard to intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which the sexually oriented business is located to the nearest property line of the premises of a church, school, child care center, an establishment holding a liquor license, or dwelling unit (single or multiple), or the nearest boundary of an affected public park or residential zone district, whichever is closest. (orig. 7-8-97)
6. Any sexually oriented business lawfully operating on July 8, 1997, the effective date of this Zoning Resolution regulating the location of sexually oriented businesses, that is in nonconformance with this Zoning Resolution shall have 6 months to cease operations and after such time all nonconforming sexually oriented businesses must be in compliance with this Zoning Resolution. Notwithstanding the above, the Board of Adjustment shall grant an extension of time during which a sexually oriented business in violation of this Zoning Resolution will be permitted to continue upon a showing by a preponderance of the evidence, which is credible and which to the extent practical meets the admissibility standards of the Colorado Rules of Evidence, that the owner of the business

has not had a reasonable time to recover the initial investment in the business that was made or irrevocably committed to prior to July 8, 1997, the date of the enactment of this Zoning Resolution. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his or her initial financial investment in the business. The procedure for obtaining permission from the Board of Adjustment to continue the business shall be the same procedure as for Variances. The Board of Adjustment shall have the right to refer any evidence submitted to Planning and Zoning or any other division or agency for its review and comment, and may continue any hearing as necessary to do so. Any application for an extension must be submitted on or before the last day of the 6 month amortization period, and such application shall toll the deadline for ceasing the nonconforming use until such time as the Board of Adjustment renders its decision. A sexually oriented business in violation of this Zoning Resolution may continue during any extension period granted by the Board of Adjustment, unless the business is sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such business shall not be enlarged, extended, or altered except that the business may be brought into compliance with this Zoning Resolution. (orig. 7-8-97; am. 12-17-02; am. 5-25-04; am. 5-20-08)

7. If two or more sexually oriented businesses are within 1,000 feet of one another and are otherwise in a permissible location, the sexually oriented business which was first established and continually operating at its particular location will be deemed to be in compliance with this Zoning Resolution and the later established business(es) will be deemed to be in violation of this Zoning Resolution. (orig. 7-8-97; am. 12-17-02)
8. A sexually oriented business lawfully operating is not rendered in violation of this Zoning Resolution by the subsequent location of a church, school, child care center, dwelling unit (single or multiple), public park, establishment holding a liquor license, or residential zone district within 1,000 feet of the sexually oriented business. (orig. 7-8-97; 12-17-02)
9. All sexually oriented business shall blacken their windows or arrange the business so that the interior of the business and its stock in trade cannot be viewed from the exterior of the business. (orig. 7-8-97)

N. Bars and Taverns

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

O. Rural Cluster

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