

### **9.3.8 Trash and Trash Containers.**

**9.3.8.1 Containment.** In all Districts, trash, stored outside in dumpsters, vehicles or other containers, must be 100% held within the covered containers.

**9.3.8.2 Screening.** In all districts, trash containers must be locally screened unless a total peripheral screen is installed.

**9.3.8.3 Vehicle as Container.** Operable vehicles fully enclosed, opaque on all sides, can be used as trash containers. If under 16 feet in length, the body walls are considered the screen and no additional visual barrier is required; if over 16 feet in length, the vehicle shall be screened.

### **9.3.9 Construction Materials and Debris.**

**9.3.9.1 Sites.** Construction sites in all districts shall be kept free of debris to reduce fire hazard.

**9.3.9.2 Materials.** Construction materials stored on site pending installation shall be neatly stacked and may remain on the premises during the life of the Building Permit or until 1 year (365 days) after the Certificate of Occupancy is granted, whichever time is greater.

**9.3.9.3 Time Limit.** If the construction is of a type not requiring a Building Permit, accumulations of trash and materials unused for a period exceeding 6 months shall be deemed trash and must be screened or removed from the premises.

**9.3.10 Exceptions.** In accordance with 30-15-401 CRS, Section 9.3 of these regulations shall not apply to agricultural land currently in agricultural use as defined in 39-1-103(6)(a)(I) CRS.

## **9.4 RESIDENTIAL USE BY RIGHT**

Residential use is a use by right in any zoning district in Gilpin County. All residential use in districts other than residential shall meet the same standards as to minimum lot size, setback, building area, and other requirements of use as in R-1 districts.

## **9.5 HEIGHT OF BUILDINGS OR STRUCTURES**

**9.5.1 General Height Formula.** The maximum height of buildings or structures shall be forty (40) feet computed as follows: The sum of the height of each side, measured from the lowest point of exposed foundation to the highest point of the structure, divided by the number of sides shall not exceed forty feet.

## **9.6 PROHIBITED EMISSIONS FROM ANY PROPERTY**

To promote compatibility between adjacent properties, the following types of emissions will be considered zoning violations and are prohibited. Enforcement of these prohibitions

will be as any zoning violation pursuant to 30-28-124 CRS, and shall be in addition to other remedies.

**9.6.1 Exterior Light.** Exterior lighting, except for overhead public street lighting and warning, emergency or traffic signals, shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential area. The installation or erection of any lighting that may be confused with warning signals, emergency signals or traffic signals is prohibited.

**9.6.1.1 Private Residential**

**9.6.1.1.1** Maximum total outdoor light output shall not exceed 2000 lumens per 1000 square feet of living space to a maximum of 12,500 lumens.

**9.6.1.1.2** All residential outdoor lights shall be fully shielded. No privately owned light source shall be visible from a point more than 6 inches above the property line of the lot on which the light source is located. Light Source is defined as a light emitting fixture.(e.g. bulb, globe) A light source is visible when direct and/or diffused light emitted from a fixture is visible. A light source is not visible if only reflective or refracted light is visible.

**9.6.1.2 Private Commercial**

**9.6.1.2.1** Maximum total outdoor light output shall not exceed 10,000 lumens per 1000 square feet of ground floor commercial space to a maximum of 75,000 lumens.

**9.6.1.2.2** Under canopy lighting shall not exceed 15 lumens per square foot. Total output from such uses shall be applied toward the above total lumen cap at a 50% rate.

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

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

$$.25 \times \text{Total Visible Indoor Lumens} \times (\text{window area} / \text{front elevation area})$$

**9.6.1.2.5** All commercial outdoor light sources shall be fully shielded. Shields shall extend below the horizontal plane running through the lowest point of the light source a distance of 1 inch for

every 1 foot of height. Shielding shall direct light downward a minimum of 45 degrees from the horizontal.

**9.6.1.3** Exceptions to Sections 1 and 2 above shall be limited to:

**9.6.1.3.1** Security lights activated by motion detectors under the following conditions:

- Illumination cycle shall be less than 5 minutes.
- Activation shall be triggered only by motion originating from within the bounds of the lot on which the light is installed.
- Maximum upward angle a concentrated light source ( e.g. flood light) may be directed is 45 degrees from straight down. The light source shall not be directly visible to motor vehicle operators on adjacent public roads.

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

**9.6.1.3.3** By Special Use Permit only, lights used to illuminate outdoor recreation facilities owned or operated by Gilpin County or other government entities. All such lights must be fully shielded so that no light is directed beyond the field of play.

**9.6.1.3.4** Public. Overhead public street lighting shall be so shielded that the light element is not visible from outside the dedicated right of way. Illumination at street level directly under a light shall not exceed 1 fc.

**9.6.1.3.5** Amortization: Non conforming commercial lights, and impinging residential lights in existence before January 14, 2003 must come into compliance on or before January 13, 2008, being five year after the adoption of revised Section 9.6.1 inclusive.

**9.6.2** Smoke and Fugitive Dust. All activities or operation that produce smoke, fumes, dust, or introduce any type of airborne contaminant shall be subject to the jurisdiction and regulations of the Air Quality Division of the Colorado Department of Health. Gilpin County reserves the right, prior to approving any industrial or commercial application, to require from the applicant evidence of compliance with Colorado Department of Health or applicable federal agency regulations.

**9.6.3** Regulated Materials and Wastes. Any regulated material or waste present as a result of commercial, industrial, or other activity shall be confined solely within areas designated and constructed to insure the proper storage of the material or waste within property boundaries, and shall be subject to the jurisdiction and regulations of the appropriate Division of the Colorado Department of Health. Gilpin County reserves the right, prior to approving any industrial, commercial or other application, to require from the applicant evidence of compliance with Colorado Department of Health or applicable federal agency regulations.