



FREMONT COUNTY – COLORADO DEPARTMENT OF PLANNING AND ZONING

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STAFF REPORT

Project Name: Residential 2 - Zone Consolidation and Rewrite

Name(s) Planning and Zoning Director- Daniel Victoria

Request: Zone Consolidation and rewrite.

Planning and Zoning has recognized the need for a review and update to the regulations. This rewrite and consolidation is to address the Agricultural Rural and Agricultural Living zone districts.

The proposal in front of you is a consolidation of these two districts into the new Residential 2 (R2) zone district. The changes include reformatting, renaming, a new zone description, the development requirements of the smaller zone district (AR) becoming the standard, consolidating the uses of the two zone districts and adding new uses into the regulations.

Intent.

The intent of this consolidation is to address many issues and deficiencies in the current regulations such as but not limited to.

- 1) Citizens having confusion about the zone district they reside in (6 agricultural zone districts currently with minimal differences).
- 2) Zone district name causing difficulty for individuals to get financing as banks do not like offering loans to agricultural operations.
- 3) Uses needed updating.
- 4) Current regulations propose barriers for housing.
- 5) Consolidation will offer the citizens of Fremont the opportunity to have more opportunities on the land they own.
- 6) Current regulations had descriptions of uses in the allowed uses table. The description of uses has been moved to the General Requirements section or detailed in the Definitions section and will be presented at a later date.

In the attached regulations you will see strike throughs, as well as red and yellow highlighting.

- Strike through details items that were moved to the general requirements section or the definitions section.
- Red details uses by consolidation.
- Yellow details new uses.

Residential Two (R2)

This district is intended to provide low density residential development and retain lands for agriculture, livestock or the raising of crops. Commercial uses will be limited by acreage.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements			Max Building Height	Maximum Lot Coverage
		Front	Side Int./Corner	Rear		
4 1/2 Acres	300'	50'	25'/50'	50'	35'	15%

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, POSSIBLE LIMITATIONS, AND PERMIT		
USE	MINIMUM ACRES	CONDITIONS
ACCESSORY BUILDINGS & USES		
AGRICULTURE		Including livestock, poultry, and rabbits. This use shall not include feedlots, dairy farms, and fur bearing animal farms.
AGRITAINMENT		Refer to section 5.2.10 FCZR
ANIMAL UNITS		Refer to section 1.5.6 FCZR
CEMETERY	9 ACRES	
CHILD CARE CENTER		
CHRISTMAS TREE CUTTING STORAGE AND SALES		
CONTRACTOR'S YARD #1	9 ACRES	Refer to 5.7.15 of this Resolution for additional development requirements
DWELLING UNIT		Single Family Manufactured Home Accessory Dwelling Unit
ELEMENTARY SCHOOL		
FARM		
GOLF COURSE	9 ACRES	
GOVERNMENT ROAD MAINTENANCE FACILITY		
GREENHOUSE, COMMERCIAL		
GROUP HOME		
HOME OCCUPATIONS		Refer to 5.2 of this resolution for additional requirements.
LIMITED WINERY		Refer to 5.2.8 of this resolution for additional requirements.
NURSERY		
ORCHARD AND VINEYARD		
RANCH		
RIDING ACADEMY		provided that all housing and accessory uses are located at

		least three-hundred (300) feet from property lines;
ROADSIDE STAND		Agricultural products only
STABLE		provided all housing and accessory buildings are located at least three-hundred (300) feet from all property lines;
VETERINARY PREMISES		

CONDITIONAL USE PERMIT: Subject to issuance of a CUP		
USE	MINIMUM ACRES	CONDITIONS
MILLING	9 ACRES	
MINING	9 ACRES	

SPECIAL REVIEW USES: Subject to issuance of a SRU		
USE	MINIMUM ACRES	CONDITIONS
ASSISTED LIVING RESIDENCE OR RESIDENCE		
BED & BREAKFAST		
CEMETERY	4.5-9 ACRES	
COMMERCIAL FIREWOOD	9 ACRES	cutting, splitting, storage, and sales, provided there is no firewood cutting within two hundred (200) feet of any property line,
CONTRACTOR'S YARD #2		<i>Refer to 5.7 of this Resolution for additional development requirements</i>
CORRECTIONAL FACILITY		
FARM & RANCH SUPPLIES & SERVICE		
FEED STORE		
FIRE, POLICE STATION, & EMS FACILITIES		lot size may deviate from the minimum lot size development requirements for the zone district. Refer to section 5.2.11 for development requirements.
FUR BEARING ANIMAL FARM	9 ACRES	
GOLF COURSE		
HIGH SCHOOL		
JUNIOR HIGH SCHOOL		
KENNEL		
MINI-STORAGE FACILITY		
PARK		Regional or Neighborhood
PUBLIC UTILITY BUILDING,		

REGULATORS, & SUBSTATION		
RECREATIONAL FACILITY, RURAL		
RELIGIOUS INSTITUTION		
RESTAURANT WITH OR WITHOUT BREWERY	9 ACRES	
RODEO GROUND	9 ACRES	
SOLAR FIELD	9 ACRES	
TOWERS THAT EXCEED 50' FEET		
TRAVEL TRAILER PARK & CAMPGROUND		Refer to section 5.6
WINERY	9 ACRES	

TEMPORARY USES: Approval as stated below will be required for the following uses:

Trailer incidental in construction on the premises of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

Spectator events, athletic events, organized events, carnivals, circus, concerts, fairs, festivals, flea markets, public recreational events, tent meetings, wedding venues or other similar uses require the issuance of a temporary use permit by the Board.

A temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, festivals, flea markets, public recreational events, tent meetings, wedding venues, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events. Organized athletic events that do not require roadway closures are exempt from requiring a temporary use permit.

If a temporary use permit is required refer to Section 8.16 for requirements.

4.3 AL - AGRICULTURAL LIVING ZONE DISTRICT

4.3.1 DESCRIPTION: This district is established to provide and retain certain lands for agriculture and to provide for orderly low density residential development.

4.3.2 ALLOWED USES: Note: This zone district is subject to Section 3 “General Regulations” of this Resolution.

4.3.2.1 Accessory buildings and uses;

4.3.2.2 Agriculture, including livestock, poultry, and rabbits. This use shall not include feed lots, dairy farms, and fur bearing animal farms;
Agritainment

4.3.2.3 Cemetery;

4.3.2.4 Christmas tree cutting, storage, and sales;

4.3.2.5 Contractor’s yard or building; ~~#1 provided that the following is met:~~

~~**4.3.2.5.1** The outdoor storage area for vehicles and equipment shall be set back a minimum of seventy five (75) feet from all property lines;~~

~~**4.3.2.5.2** The outdoor storage area for vehicles and equipment is contained by an opaque screen (fence or vegetation), in accordance with Section 5.7.15.1 of this resolution, along all portions of the property being used for the outdoor storage area, which do not meet the required seventy five (75) foot setback from the property line;~~

~~**4.3.2.5.3** The outdoor storage area is no more than five thousand (5,000) square feet;~~

~~**4.3.2.5.4** There are no more than five (5) vehicles used in association with the contractor’s yard.~~

4.3.2.6 Dwelling, manufactured home;

ADU

~~**4.3.2.7** Dwelling, manufactured home single wide;~~

~~**4.3.2.8** Dwelling, single family;~~

Elementary School

4.3.2.9 Farm;

4.3.2.10 Golf course;

- 4.3.2.11 Government road maintenance facility;
- 4.3.2.12 Greenhouse, commercial;
- 4.3.2.13 Group home;
- HOME OCCUPATIONS**
- 4.3.2.14 Limited Winery provided the following is met:
 - 4.3.2.14.1 The production of vinous liquors does not exceed 100,000-gallons annually;
 - 4.3.2.14.2 The associated structures are no more than five thousand (5,000) square feet;
 - 4.3.2.14.3 Tasting rooms do not exceed seven hundred fifty (750) square feet in size;
 - 4.3.2.14.4 Sale rooms do not exceed seven hundred fifty (750) square feet in size;
 - 4.3.2.14.5 A combined tasting and sales room does not exceed one-thousand five hundred (1500) square feet in size;
 - 4.3.2.14.6 There are no more than five (5) employee vehicles used in association with the limited winery;
 - 4.3.2.14.7 Off street parking is provided;
 - 4.3.2.14.8 A State of Colorado Limited Winery License is obtained.
- 4.3.2.15 Nursery;
- 4.3.2.16 Orchard and vineyard;
- 4.3.2.17 Ranch;
- 4.3.2.18 Riding academy, provided that all housing and accessory uses are located at least three-hundred (300) feet from all property lines;
- 4.3.2.19 Roadside stand (*agricultural products only*);
- 4.3.2.20 Stable, provided that all housing and accessory uses are located at least three-hundred (300) feet from all property lines;
- 4.3.2.21 Veterinary premises.

4.3.3 CONDITIONAL USES: Subject to the issuance of a Conditional Use Permit.

4.3.3.1 ~~Fur bearing animal farm;~~ **SRU**

4.3.3.2 Milling;

4.3.3.3 Mining.

4.3.4 SPECIAL REVIEW USES: Subject to the issuance of a Special Review Use Permit.

4.3.4.1 ~~Agricultural sales;~~

ASSISTED LIVING RESIDENCE OR RESIDENCE

4.3.4.2 Bed and breakfast;

CEMETERY IF LOT IS UNDER 4.5 ACRES

4.3.4.3 Child care center;

4.3.4.4 Commercial firewood cutting, splitting, storage, and sales;

4.3.4.5 Community building;

4.3.4.6 Contractor's yard or building **# 2** (*refer to 5.7.15 of this Resolution for additional development requirements*);

4.3.4.7 Correctional facility, public and private;

4.3.4.8 Elementary school;

FARM AND RANCH SUPPLIES & SERVICE

4.3.4.9 ~~Family child care home;~~

FEED STORE

4.3.4.10 Fire and/or Police Station (*minimum of four and one-half (4½) acres if platted as outlot which is specifically limited to these uses*);

FUR BEARING ANIMAL FARM

GOLF COURSE

4.3.4.11 High school;

4.3.4.12 Junior high school;

4.3.4.13 Kennel;

4.3.4.14 ~~Limited Winery;~~ **ALLOWED USE**

4.3.4.15 Mini-storage facility;

4.3.4.16 Park, Regional; **NEIGHBORHOOD**

4.3.4.17 Public utility buildings, regulators, or substations;

- 4.3.4.18 Recreational facility, Rural;
- 4.3.4.19 Religious institution;
- 4.3.4.20 Restaurant; **WITH OR WITHOUT BREWERY**
- 4.3.4.21 Rodeo ground;
SOLAR FIELD 9 ACRES OR MORE
- 4.3.4.22 Towers that exceed fifty (50) feet;
- 4.3.4.23 Travel Trailer Park & Campground (refer to Section 5.6 of this resolution for additional development requirements);
- 4.3.4.24 Winery.

4.3.5 DEVELOPMENT REQUIREMENTS:

- 4.3.5.1 Minimum lot size: Nine (9) acres. **4 ½ ACRES**
- 4.3.5.2** Maximum lot coverage: ~~Ten (10) percent.~~ **15%**
- 4.3.5.3 Maximum building height: Thirty-five (35) feet.
- 4.3.5.4 Minimum lot width: Three-hundred (300) feet.
- 4.3.5.5 Minimum setback requirements:
 - 4.3.5.5.1** Front yard: ~~Seventy-five (75) feet.~~ **50**
 - 4.3.5.5.2** Side yards: ~~Fifty (50) feet.~~ **25' INTERIOR LINES AND 50' FOR CORNER LOTS**
 - 4.3.5.5.3 Rear yard: Fifty (50) feet.

4.3.6 TEMPORARY USES: Approval as stated below will be required for the following uses:

- 4.3.6.1 ~~Manufactured home single wide~~ incidental in construction on the premises of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required Department approval will be required.
- 4.3.6.2 Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. A temporary use permit will not be required for athletic events, carnivals, circus,

concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events. If a temporary use permit is required refer to Section 8.16 for requirements.

~~4.3.6.3 Tower, temporary: Subject to the issuance of a temporary use permit by the Board or Department.~~

~~4.3.7 OFF-STREET PARKING REQUIREMENTS: See 5.3 of this Resolution.~~

~~4.3.8 OFF-STREET LOADING REQUIREMENTS: See 5.5 of this Resolution.~~

4.4 AR - AGRICULTURAL RURAL ZONE DISTRICT

4.4.1 DESCRIPTION: ~~This district is intended to promote a rural residential environment. Residential uses in the district will be primarily in conjunction with agricultural activities such as the raising of crops and livestock. Commercial uses will be limited to defined home occupations of a professional nature and commercial uses related to agriculture.~~

4.4.2 ALLOWED USES: ~~Note: This zone district is subject to Section 3 “General Regulations” of this Resolution.~~

4.4.2.1 Accessory buildings and uses;

4.4.2.2 Agriculture, including livestock, poultry, and rabbits. This use shall not include feed lots, dairy farms, and fur-bearing animal farms;

~~**4.4.2.2.1** There shall be fifteen thousand (15,000) square feet for each such animal unit of permitted livestock on the premises. Any portion of the remaining square footage, after the division of the parcel size by the fifteen thousand (15,000) square feet, exceeding seventy five hundred (7,500) square feet will be considered as one (1) additional animal unit.~~

Agritainment

4.4.2.2.2 Christmas tree cutting, storage, and sales;

4.4.2.2.3 Dwelling, ~~manufactured home (does not include manufactured home single wide, refer to Section 1.5.58.6 & 1.5.58.7 of this Resolution for definitions);~~

4.4.2.2.4 Dwelling, single family;

ADU

4.4.2.2.5 Elementary school;

FARM

GOLF COURSE

4.4.2.2.6 Government road maintenance facility;

4.4.2.2.7 Greenhouse, commercial;

4.4.2.2.8 Group home;

HOME OCCUPATIONS

4.4.2.2.9 Nursery;

4.4.2.2.10 Limited Winery provided the following is met:

~~**4.4.2.2.10.1** The production of vinous liquors does not exceed 100,000 gallons annually;~~

- ~~4.4.2.2.10.2~~ The associated structures are no more than five thousand (5000) square feet;
- ~~4.4.2.2.10.3~~ Tasting rooms do not exceed seven hundred fifty (750) square feet in size;
- ~~4.4.2.2.10.4~~ Sale rooms do not exceed seven hundred fifty (750) square feet in size;
- ~~4.4.2.2.10.5~~ A combined tasting and sales room does not exceed one thousand five hundred (1500) square feet in size;
- ~~4.4.2.2.10.6~~ There are no more than five (5) employee-vehicles used in association with the limited winery;
- ~~4.4.2.2.10.7~~ Off street parking is provided;
- ~~4.4.2.2.10.8~~ A State of Colorado Limited Winery License is obtained

4.4.2.2.11 Orchard and vineyard;

RANCH

4.4.2.2.12 Roadside stand (*agricultural products only*);

**RIDING ACADEMY WAS AN SRU
STABLE**

4.4.2.2.13 Veterinary premises.

4.4.3 CONDITIONAL USES: Subject to the issuance of a Conditional Use Permit.
NONE

MILLING

MINING

4.4.4 SPECIAL REVIEW USES: Subject to the issuance of a Special Review Use Permit.

4.4.4.1 Assisted living residence or residence;

4.4.4.2 Bed and breakfast;

4.4.4.3 Cemetery;

4.4.4.4 Child care center;

4.4.4.5 Commercial firewood cutting, splitting, storage, and sales;

4.4.4.6 Community building;

4.4.4.7 Contractor's yard or building #2 (*refer to 5.7.15 of this Resolution for additional development requirements*);

4.4.4.8 Correctional facility, public and private;

ELEMENTARY SCHOOL

~~4.4.4.9~~ Family child care home

Farm and ranch supplies & service

4.4.4.10 Feed store;

4.4.4.11 Fire and/or police station;

FUR BEARING ANIMAL FARM

4.4.4.12 Golf course;

4.4.4.13 High school;

4.4.4.14 Junior high school;

4.4.4.15 Kennel;

4.4.4.16 ~~Limited Winery~~ **ALLOWED USE**

4.4.4.17 Mini-storage facility;

4.4.4.18 Park, neighborhood; **REGIONAL**

4.4.4.19 Public utility building, regulators, and substations;

4.4.4.20 Recreational facility, rural;

4.4.4.21 Religious institution;

RESTAURANT WITH OR WITHOUT BREWERY

4.4.4.22 ~~Riding academy;~~

RODEO GROUND

4.4.4.23 ~~Stable;~~ **ALLOWED USE**

SOLAR FIELD 9 ACRES OR MORE

4.4.4.24 Towers that exceed fifty (50) feet;

4.4.4.25 Travel Trailer Park & Campground (refer to Section 5.6 of this resolution for additional development requirements).

WINERY

4.4.5 DEVELOPMENT REQUIREMENTS:

4.4.5.1 Minimum lot area: Four and one-half (4 ½) acres.

4.4.5.2 Maximum lot coverage: Fifteen (15) percent.

4.4.5.3 Maximum building height: Thirty-five (35) feet.

4.4.5.4 Minimum lot width: Three-hundred (300) feet.

4.4.5.5 Minimum setback requirements:

4.4.5.5.1 Front yard: Fifty (50) feet.

4.4.5.5.2 Side yards: Twenty-five (25) feet for interior lot lines and fifty (50) feet for corner lot lines.

4.4.5.5.3 Rear yard: Fifty (50) feet.

4.4.6 TEMPORARY USES: Approval as noted below will be required for the following uses:

4.4.6.1 Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. A temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events. If a temporary use permit is required refer to Section 8.16 for requirements.

4.4.7 OFF-STREET PARKING REQUIREMENTS: See 5.3 of this Resolution.

4.4.8 OFF-STREET LOADING REQUIREMENTS: See 5.5 of this Resolution.