

FREMONT COUNTY, COLORADO ZONING RESOLUTION

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Amendment	Resolution	Effective Date	Reception No.

USER OF THIS RESOLUTION SHOULD CONTACT THE DEPARTMENT OF PLANNING AND ZONING FROM TIME TO TIME, TO DETERMINE IF AMENDMENTS HAVE TAKEN PLACE.

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Chapter 1. PROVISIONS, DEFINITIONS, & VIOLATIONS:

Section 1.01 TITLE:

A resolution and maps in Fremont County, Colorado, regulating by districts or zones the location, height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, access to sunlight for solar energy devices, and the uses of land for trade, industry, recreation, or other purposes. Additionally, the resolution and maps provide a description of certain terms used herein, penalties to be prescribed for the violation of the provisions, and methods of administration and enforcement to be applied.

Section 1.02 SHORT TITLE:

This Resolution shall hereafter be referred to as the Fremont County Zoning Resolution and Maps. References shall also include "Resolution" and "FCZR".

Section 1.03 PURPOSE:

These regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Fremont County, Colorado, including lessening the congestion in the streets or roads, or reducing the waste of excessive amounts of roads; promoting energy conservation; securing safety from fire, floodwater and other dangers; providing adequate light and air; classifying land uses and land development and utilization; protecting the tax base; securing economy in governmental expenditures;., fostering the State's agricultural and other industries; and protecting both urban and non-urban development.

Section 1.04 AUTHORITY:

The Fremont County Zoning Resolution and Maps are authorized in the Colorado Revised Statutes and are intended to be interpreted so as to be in compliance and harmony with all provisions of these statutes.

Section 1.05 DEFINITIONS:

Certain words and phrases are defined, and all provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning. All words used in the present tense include the future; all words in the singular include the plural; the word "building" includes the word "structure"; the word "shall" is mandatory; the word "person" includes a "firm", "association", "corporation", "partnership" and "natural person"; the word "used" includes the words "occupied", "arranged"; "construct" includes the words "erect", "reconstruct", "alter", "move-in" and "move-upon".

1) ACCESS:

The ability to enter a site from a public roadway and exit a site onto a public roadway by motorized vehicle.

2) ACCESSORY USE/BUILDING:

A building or use which: is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and is located on the same lot and in the same zone district as the principal use. Single-family dwelling accessory use includes, but is not limited to, accessory dwelling units, garages, storage sheds, greenhouses (non-commercial), gardens, trees, swimming pools, pets, home occupation (refer to [section 5.02 \(c\)](#)) and towers and antennas, (non-Commercial) that do not exceed fifty (50) feet in height. Such uses are subject to zone district development requirements and the requirements of the Building Code of Fremont County.

3) ADULT USES:

Adult uses means a use of property where the primary, accessory or other use, or a significant adjunct to another use of the property, is the sale, rental, display, or offering of books, magazines, publications, tapes or films, live entertainment, dancing, or material, that is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to sexual activities or special anatomical areas that include the following body parts, when they are less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola. An adult-oriented use includes, but is not limited to, an adult bookstore; adult club, cabaret, or restaurant, with or without a liquor license; and adult motion picture or audio-visual theatre.

4) AGRICULTURAL BUILDING:

A structure with the sole purpose being to house farm implements, hay, grain, feeds, poultry, livestock, and horticultural products, which are directly associated with agricultural use and are constructed on property which has received agricultural declaration status through the Fremont County Assessor's Office. Such buildings and/or structures are to be used solely for providing shelter for agricultural implements, farm products, livestock, or poultry and shall not contain any other uses that are not involved with agricultural production. An agricultural building shall not be a place of human habitation, a place of employment not related to agriculture, or where agricultural products are processed, treated, or packaged. The type of construction does not determine the use of the building.

5) AGRICULTURAL LAND

- A. A parcel of land that is used as a farm or is being restored through conservation practices.
- B. A parcel of land consisting of at least forty (40) acres of forest land, used to produce tangible wood products originating from the productivity of such land for the primary purpose of obtaining a monetary profit, that is subject to a forest management plan, and that is not a farm or ranch as defined in this zoning Resolution.
- C. A parcel of land that consists of at least eighty (80) acres, or of less than eighty acres if such parcel does not contain any residential improvements, that is subject to a perpetual conservation easement, if the grant of the easement was to a qualified organization, if the easement was granted exclusively for conservation purposes, and if all current and contemplated future uses of the land are described in the conservation easement; not including any such portion of such land that is actually used for nonagricultural commercial or residential purposes.
- D. A parcel of land used for hunting, fishing, or other wildlife purposes.

6) **AGRICULTURAL SALES:**

An establishment engaged in the retail or wholesale sale of feed, grain, fertilizers, pesticides, farm equipment sales, and similar goods.

7) **AGRICULTURE:**

The use of the land for agricultural purposes including farming, ranching, pasturage, apiculture, horticulture, floriculture, raising of livestock, poultry, fowl, rabbits, excepting household pets. For the purpose of this definition, agriculture includes buying and selling of commodities, crops, animals as are necessary to support the agriculture operations, but does not include feedlots, dairy farms, kennels or agricultural businesses or industries.

8) **AGRITAINMENT:**

Continuous or seasonal events and/or activities of an agricultural nature that are offered to the public for the purpose of recreation, entertainment, and/or educational purposes. Such uses include pumpkin patches, corn mazes, hay mazes, hayrides, produce picking and other similar uses.

9) **AIRCRAFT:**

Any machine or device capable of atmospheric flight including but not limited to airplanes, helicopters, and gliders.

10) **AIRPORT HAZARD:**

Any structure, tree, or use of land that obstructs or creates a dangerous condition in the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or takeoff at the airport.

11) **AIRPORT, PRIVATE:**

Any area of land or water that is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities located thereon. The term "private" applies to any airport that restricts usage to the owner or person authorized by the owner.

12) **AIRPORT, PUBLIC:**

Any area of land or water that is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended to be used, for buildings or other facilities or rights-of-way related to aircraft use, together with all airport buildings and facilities located thereon. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation of the public, including, but not limited to, parking, dining, recreational, and hotel facilities. The term "public" applies to any airport that is open to the general public and does not require permission of the owner of the land for the use of the same.

13) **AIRPORT RELATED USE:**

A use that supports airport operations including, but not limited to, aircraft repair and maintenance, flight instruction, and aircraft chartering.

14) ALLEY:

A narrow service way, either public or private, that provides a permanently reserved but secondary means of public access not intended for general traffic circulation. Alleys typically are located along rear property lines.

15) ALTERATION:

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

16) ANIMAL UNIT:

A term and number used to establish an equivalency for various species of livestock (e.g., one (1) cow is equivalent to twenty-five (25) rabbits).

17) ANTENNA:

Any exterior transmitting or receiving device mounted on a tower, building or structure used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

18) APARTMENT HOUSE:

See dwelling, multiple.

19) APPLICANT:

The person, persons, or entity responsible for organization and submission of a land use or development application. The applicant may be the owner of the property, or a representative of the owner authorized to speak and make commitments for the owner regarding all aspects of the application process.

20) ASSEMBLY PLANT:

A building or structure in which manufactured parts are assembled or fitted into a complete machine, unit of a machine, or structure. (The definition does not include minor assembly of items for retail sales)

21) ASSISTED LIVING RESIDENCE:

A residential facility that makes available to three or more adults not related to the owner of such facility, either directly or indirectly through an agreement with the resident, room and board and at least the following services: Personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty- four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. The term "assisted living residence" does not include any facility licensed in this state as a group home for individuals with developmental disabilities or the elderly.

22) AUCTION YARD:

An area or facility where a public sale of real or personal property is held.

23) AUDITORIUM:

A building or structure where facilities are provided for athletic, civic, education, political, religious or social events, public meetings, or artistic performances.

24) AUTOMOBILE BODY SHOP:

A business that performs rehabilitative, restorative, or cosmetic work, including painting, to the shell of the vehicle.

25) AUTOMOBILE GRAVEYARD:

Any property consisting of one (1) lot, tract, or parcel or more, or a place of business which is maintained, used, or operated for storing, dismantling, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, unlicensed, or inoperable motor vehicles and/or motor vehicle parts. For the purposes of this regulation, vehicles used in ranching or farming in the zone districts permitting agricultural uses and the storing of three (3) or fewer vehicles is not deemed to be an automobile graveyard.

26) AUTOMOBILE REPAIR SHOP:

A shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment.

27) AUTOMOBILE SERVICE STATION:

A building or part of a building on a clearly defined space or a lot used for the retail sale of automobile accessories, and where only the servicing and minor repairs essential to the operation of motor vehicles are executed or performed.

28) AUTOMOBILE & TRAILER SALES LOT:

A building, structure or open area for the display of new or used, fully assembled passenger automobiles, motor vehicles, trailers, trucks, equipment, machinery or boats in operable condition, which are continually available for sale or rent.

29) BACKYARD POULTRY & FOWL:

Domesticated chickens and ducks often kept for producing eggs. This definition does not include roosters, cockerel, or drakes.

30) BAKERY, FACTORY:

A factory in which the primary products are baked goods and the packaging of the same for distribution and sale. This use may also include the operational offices and the storage and maintenance of the delivery vehicles.

31) BAKE SHOP:

A shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.

32) BANK, DRIVE IN:

A financial institution, including structures designed to contain an automatic teller machine, designed to provide financial services to patrons.

33) **BED & BREAKFAST:**

A single-family dwelling in which no more than five (5) rooms are used for the purpose of providing short-term lodging, with or without meals, to the traveling public for commercial purposes and operated by a person(s) who's ordinary and principal residence is within such single-family dwelling.

34) **BOARD:**

The Fremont County Board of County Commissioners.

35) **BOARDING & ROOMING HOUSE:**

A building other than a hotel, motel, or bed and breakfast where lodging for five (5) or more persons is provided for compensation; meals may be provided for such lodgers. This term shall not include childcare center or family childcare home.

36) **BOTTLING PLANT:**

A building where the act or the process of putting anything into bottles and sealing the bottles takes place.

37) **BOZA:**

Shall mean the Fremont County Board of Zoning Adjustment.

38) **BREWERY:**

A duly-licensed establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces no more than 30,000 barrels (930,000 gallons) of beer per year.

39) **BUILDING:**

A roofed structure intended for supporting, enclosing, or sheltering any use or occupancy, but not including a trailer.

40) **BUILDING AREA:**

The total horizontal area bounded by the exterior walls of the building at the floor levels, including garages, car ports, porches, and breezeways.

41) **BUILDING HEIGHT:**

The vertical distance from the average contact ground level of a building to the highest point of the roof.

42) **BUILDING, PRIMARY:**

A building in which the principal use of the lot or parcel upon which it is situated is conducted.

43) **BULK FUEL STORAGE:**

Lands, buildings, and structures for the storage of chemicals, petroleum products, and other similar materials, for subsequent resale to distributors, retail dealers, or outlets.

44) **BUS TERMINAL:**

A building or premises where commercial buses or vehicles pick up and discharge fare-paying passengers, including maintenance and parking of buses.

45) CAMPGROUND:

A tract of land in single ownership that has been developed or is intended to be developed into tent sites, travel trailers, recreational vehicles, campers, cabins and other temporary accommodations.

46) CAR RENTAL:

A company that has an inventory of vehicles on-site available to rent for periods of time.

47) CAR WASH:

A facility where mechanical equipment is used for the cleansing of automobiles, trucks and other vehicles and trailers.

48) CARPENTER SHOP:

A place or building for constructing, finishing, or repairing wood products or objects.

49) CEMETERY:

Land used for the interment of the dead, including columbaria, crematoriums and mausoleums.

50) CHILDCARE CENTER:

A facility, by whatever name known, that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes but is not limited to, facilities commonly known as daycare centers, school-age childcare centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four (24) hour care for children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades. The term shall not include any facility licensed as a family childcare home or foster care home.

51) CHRISTMAS TREE CUTTING & SALES:

The harvest of trees for the purpose of retail sales to customers for decoration.

52) CISTERN:

An artificial reservoir or tank for storing water. Constructed to a size and of materials consistent with intended purposes and industry standards.

53) CLUB:

A meeting place for an association of people organized for a common purpose; this term shall include country clubs, lodges, and other membership associations.

54) COLLEGE/UNIVERSITY:

An educational institution of higher learning with teaching and learning facilities that grants associates, bachelors, masters, or doctorate degrees in liberal arts or sciences or both.

55) COMMERCIAL DEVELOPMENT PLAN:

A plan and criteria for uses within certain zone districts to ensure compatibility with the neighborhood and to evaluate impacts.

56) COMMISSION:

The Fremont County Planning Commission.

57) COMMUNITY BUILDING:

A meeting place used by members of the community for social, cultural, or recreational purposes.

58) COMMERCIAL FIREWOOD CUTTING & SALES:

Cutting, splitting, storage and sales of timber cut into small sections for sale to customers for heating and other general uses.

59) CONDITIONAL USES:

Uses of a special nature as to make impractical their predetermination as a principal use in a district. Uses that may be included based on conditions determined by the Commission and the Board.

60) CONSTRUCTION OFFICE:

A structure erected on a building development site to be used for administrative purposes temporarily and which is removed after construction is completed.

61) CONTRACTOR'S YARD OR BUILDING:

A yard and/or building used by a general contractor, excavation contractor, landscaping contractor, building contractor, oil or well drilling contractor, builder, or similar occupation, where vehicles, equipment and materials are stored or where a contractor performs maintenance, shop, or assembly work. The use may also contain the operational offices of the contractor. This definition does not include any other yard or establishment otherwise defined and does not include wholesale or retail sales or a temporary job construction site.

62) CONVENIENCE STORE:

A retail store supplying groceries, drugs, periodicals, automobile fuel products, and other daily household necessities for the primary benefit of the local neighborhood.

63) CORRECTIONAL FACILITY, PRIVATE:

A facility owned by an individual, firm, corporation, etc., where persons convicted or accused of crimes are confined.

64) CORRECTIONAL FACILITY, PUBLIC:

A facility owned by a government entity where persons convicted or accused of crimes are confined.

65) CREMATORY:

A facility fitted with the proper appliances for the cremation of human remains and includes everything incidental or ancillary thereto.

66) DAIRY FARM:

A lot(s), parcel(s), or tract(s) of land used as a farm and a dairy animal operation that produces raw, unprocessed animal products (milk), dairy calves raised for replacement or sold as a meat product, and feed. Grazing may be included in the operation.

67) DEPARTMENT:

The Fremont County Department of Planning and Zoning.

68) DISTILLERY:

A duly-licensed establishment primarily engaged in on-site distillation of spirits in quantities not to exceed 75,000 gallons per year. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The distillery operation does not include the production of any other alcoholic beverage.

69) DISTRIBUTION CENTER:

A building designed for the warehousing of items awaiting distribution and for housing of the vehicles used in the distribution.

70) DRY CLEANING SERVICE:

Any cleaning process for clothing and textiles using a solvent.

71) DWELLING UNIT:

Any building, or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, but shall not include hotels, motels, clubs, boarding or rooming houses, fraternity or sorority houses, institutions or other structures designed or used primarily for transient residents.

a) *Single-family:*

A building containing one (1) dwelling unit designed and/or used to house not more than one (1) family or household, including necessary employees of the family or household.

b) *Two-family:*

A building containing not more than two (2) dwelling units designed and/or used to house two (2) families or households, living independently of each other, including necessary employees of each family or household.

c) *Multi-family:*

A building designed and/or used to house three (3) or more dwelling units, three (3) or more families or households, living independently of each other, including necessary employees of each such family or household.

d) *Efficiency unit:*

An attached dwelling unit containing only one (1) habitable room, a separate closet, a kitchen sink, cooking appliance, refrigeration facilities, a separate bathroom containing a water closet, lavatory, and bathtub and/or shower.

e) *Accessory Dwelling Unit:*

ADU (Accessory Dwelling Unit): A small, secondary dwelling unit located on the same lot/parcel containing a larger, primary dwelling unit. An ADU contains independent living quarters with provisions for sleeping, cooking and sanitation.

f) *Factory Built Home:*

A structure which is built in a factory, or other location, complies with the International Residential Code or any building code currently in effect for Fremont County and is designed to be transported in one or more sections to a permanent location and placed on a foundation which is designed by a Colorado licensed professional engineer or architect, and intended for use as a single-family dwelling.

g) *FARM & RANCH HAND QUARTERS:*

Accessory use Quarters that have a certificate of occupancy, issued by the Fremont County Building Department, and which are occupied by a person(s) employed as a farm or ranch hand, who assists in the operation of the farm or ranch.

h) *Manufactured Home:*

A single-family dwelling that meets all of the following characteristics: partially or entirely manufactured in a factory; installed on a permanent foundation designed by an engineer or architect licensed by the State of Colorado. A manufactured home that is to be placed in a Manufactured Home Park may be placed on the manufacturer's recommended foundation design; Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and is built in accordance with HUD or IBC standards; has been constructed on or after June 15, 1976.

i) *MOBILE HOME:*

A detached, single-family housing unit with all of the following characteristics: Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections for attachment to outside systems. A mobile home is: Designed to be transported after fabrication, on its own wheels or flatbed, other trailers, or on detachable wheels; Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, such as location on foundation supports or jacks, underpinned, connections to utilities, and the like; Is without motive power; and Is constructed prior to June 15, 1976.

j) *Cabin, recreational:*

A building used exclusively in conjunction with an approved Travel Trailer Park and Campground which may have indoor plumbing facilities. If the cabin has indoor plumbing facilities, proof of an acceptable water source (public water district or a Colorado Division of Water Resources well permit) and an acceptable sewage disposal method (public sanitation district or a Fremont County Individual Sewage Disposal System) will be required. All construction shall conform to any building

code currently in effect for Fremont County. This type of cabin is only allowed in the Travel Trailer Park & Campground Zone District.

72) EMERGENCY SHELTER:

A nonprofit, charitable, or religious organization providing boarding and/or lodging and ancillary services on its premises to primarily indigent, needy, homeless, or transient persons.

73) EMERGENCY SERVICES STATION:

A building where law enforcement officers and/or firefighters and/or emergency medical and ambulance personnel and equipment are housed.

74) ENCLOSED:

Surrounded by a fence or wall, on all sides.

75) EXERCISE FACILITY:

A health club (also known as a fitness club, fitness center, health spa, and commonly referred to as a gym) that houses exercise equipment for the purpose of physical exercise, by members of the general public, or members of the facility.

76) ENLARGED OR EXPANDED:

Any change to one or more of the external dimensions of such building or structure. In reference to site use, it shall mean the addition of acreage to the existing use.

77) FABRICATION:

The stamping, cutting, assembling or shaping of the processed material into a useful object(s). The definition does not include the refining or initial processing of basic raw materials.

78) FAMILY:

Two or more persons related by birth, marriage, or adoption; one or more persons living together as a housekeeping unit in a dwelling unit, not including fraternity, sorority, club, dormitory, emergency shelter or customers of a hotel, motel, bed-and-breakfast, boarding and rooming house, lodging house or institution of any kind. Notwithstanding the foregoing, the number of persons occupying each dwelling unit shall not exceed the maximum permitted by the applicable adopted building code or safety code, or by any applicable state or federal law or regulation, or by affordable housing guidelines applicable to the dwelling unit.

79) FAMILY CHILDCARE HOME:

A facility for childcare for more than eight (8) children in a place of residence of a family or person for the purpose of providing less than twenty-four (24) hour care for children under the age of eighteen (18) years who are not related to the head of such home.

80) FARM:

A parcel of land that is used to produce agricultural products that originate from the land's productivity for the primary purpose of obtaining a monetary profit. A farm may include a dwelling unit to house the owner or operator and their immediate family or as otherwise may be permitted in this Resolution.

“Agricultural products” includes agriculture, horticulture, viticulture, rabbits, poultry, bees, forest products, fish and shellfish, and any products thereof, and any and all products raised or produced on farms and any processed or manufactured products thereof. Farm shall not include dairy farm, feedlot, commercial greenhouse, nursery, meat products plant or vegetable food products factory.

81) FARM & RANCH SUPPLIES, SALES, & SERVICE:

Stores that sell a variety of home improvement, gardening, livestock, and crop products as well as offer services related to farming and ranching. This term shall include feed stores.

82) FARM & RANCH HAND QUARTERS:

A dwelling unit, that is used as an accessory use in the zone district and that is occupied by a person(s) employed as a farm or ranch hand, who assists in the operation of the farm or ranch.

83) FEEDLOT:

A plot of ground where livestock are confined for the sole purpose of feeding livestock to finish prior to slaughter: excepting the normal, day-to-day operations, such as, weaning, calving, medical care, youth projects (e.g., 4-H, Future Farmers of America), dairying, and slaughter for personal use.

84) FENCE:

A structure or barrier intended to prevent escape or intrusion or to mark a boundary, or to provide a visual barrier, constructed of various materials to include but not limited to posts and wire, chain-link, wood, concrete blocks or bricks, piping, and similar materials.

85) FINAL DISPOSAL AND FINAL TREATMENT:

Includes waste-to-energy incineration as well as other forms of disposal.

86) FINANCIAL INSTITUTION:

The premises of a bank, trust company, savings and loan association, credit union, finance company, mortgage company or investment company.

87) FLEA MARKET:

A location or activity where new or used goods or second-hand personal property are offered for sale or exchange to the general public by a multitude of individual sellers, usually in compartmentalized spaces, and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term flea market is interchangeable with and applicable to: swap markets, open air markets, farmer's markets, or other similar activities, but the term does not include usual supermarket or department store retail operations.

88) FORESTRY:

The management, development, and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and the preservation of recreational resources.

89) FORESTRY SALES:

Sales of trees used to make lumber (sawtimber), fuelwood, whole tree chips, pulp, or any combination of these products.

90) FUNERAL HOME:

A building or part thereof used for human funeral services or mortuaries. Such building may contain space and facilities for:

- a. embalming and the performance of other services used in preparation of the dead for burial;
- b. the performance of autopsies and other surgical procedures;
- c. the storage of caskets, funeral urns, and other related funeral supplies; and
- d. the storage of funeral vehicles, but shall not include facilities for cremation.

91) FUR BEARING ANIMAL FARMS:

The raising of any animal for the purpose of producing pelts to be sold commercially, or the raising of breeding stock for such commercial fur pelts, including, but not limited to, fox, mink, lynx, and chinchilla.

92) GOLF COURSE:

A public or private area operated for the purpose of playing golf, including a par 3 course, club house, recreational facilities, accessory driving ranges and similar uses, excluding miniature golf course.

93) GOVERNMENT ROAD MAINTENANCE FACILITY:

Building(s) or yard(s) used for housing of equipment that is used for maintenance of roads, streets, highways, or interstates by local, state, or federal government agencies.

94) GREENHOUSE, COMMERCIAL:

A structure used to raise flowers, shrubs, trees, plants and similar vegetation for sale at wholesale or retail or for transplanting.

95) GROUP HOME:

A state-licensed residential facility for persons with intellectual and developmental disabilities, or the aged (sixty (60) years of age or older), for not more than eight (8) persons, in accordance with applicable Colorado Law, as amended.

96) GROUND TRANSPORTATION FACILITIES:

Any tangible means of moving people and things from place to place and/or the structures necessary to support the process of moving people and things from place to place. The term includes bus, cab, taxi and railroad terminals.

97) HAZARDOUS WASTE:

Includes any substance that is described by either below: Any substance meeting the definition of hazardous waste set forth in Title 40 Code of Federal Regulations (CFR) Section 261.3, as that section may be amended by the United States Environmental Protection Agency, except this definition shall not be deemed to include wastes that are exempted from the requirements of Title 40 Code of Federal Regulations (CFR) Part 270 (or the Colorado equivalent thereof) by Title 40 Code of Federal Regulations (CFR) Sections 261 (or the Colorado equivalent thereof); Any substance burned or processed in a boiler or industrial furnace (as defined by Title 40 Code of Federal Regulations (CFR) Section 260.10) irrespective of

the purpose of burning or processing, provided that such substance meets the definition of hazardous waste set forth in Title 40 Code of Federal Regulations (CFR) Section 261.3, as that section may be amended by the United States Environmental Protection Agency.

98) HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL SITE AND FACILITY:

Any location at which the treatment, storage, or disposal, as defined below, of hazardous waste, as defined above, occurs.

99) HEAVY EQUIPMENT & COMMERCIAL TRUCK REPAIR:

A location where repairs are completed on heavy machinery, equipment, and commercial trucks.

100) HELIPORT:

An airport, landing place or structures designed and intended for the storage and operation of helicopters, including all necessary passenger and cargo facilities, storage, tie-down areas, hangars and other necessary buildings and open spaces.

101) HOME OCCUPATION:

An accessory use in zone districts where residential uses are permitted and the primary use on the property.

102) HOSPITAL:

A building used for the accommodation, nursing, medical, surgical, or psychiatric care of persons afflicted with or suffering from sickness, disease, or injury or for the convalescent or chronically ill persons, including clinics, sanitariums, convalescent and nursing homes, boarding hospitals, and homes for children or the aged.

103) HOTEL/MOTEL:

A facility in which guest rooms or suites are offered to the general public for lodging with or without meals and for compensation, and where no provision is made for cooking in any individual guest room or suite.

104) HUMAN HABITATION:

The use of a structure for living for any period of time for activities such as sleeping, eating or cooking, or combination thereof.

105) INDUSTRIAL REPAIRS:

The repair of motors and other machinery used in industrial and or commercial operations (temporary storage outside of a building of items for repair shall be only in conjunction with screening requirements found at [section 5.04](#) of this Resolution).

106) INDUSTRY, HEAVY:

Any manufacturing or industrial processing that, by nature of the material, equipment and process utilized, produces objectionable levels of noise, fumes, light, or smoke, which may or may not have hazardous effects.

107) INDUSTRY, LIGHT:

Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process that is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly to adjoining property owners or to the public generally, and that operates independently of railroad sidings, extensive loading docks, and steam generation as prime power.

108) JUNK:

Old, broken, abandoned, or discarded items, or any item in disrepair, including but not limited to: unusable or broken machinery, metal or scrap; unlicensed or inoperable vehicles or motor vehicle parts or tires; unlicensed or inoperable trailers or their parts; uninhabitable or decaying mobile or manufactured homes or their parts; unused construction or repair materials (without building permits); unwanted or discarded household items including but not limited to appliances, household waste, trash, paper, sporting equipment, and furniture; or any object or material whether of value or valueless which causes or is likely to cause a public hazard or nuisance.

109) JUNKYARD:

Any property consisting of one (1) lot, tract, or parcel or more, or a place of business that is maintained, operated, or used for storing, dismantling, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary landfills. Vehicles used in ranching or farming in the zone districts permitting agricultural uses and the storing of three (3) or fewer vehicles do not constitute a junkyard.

110) KENNEL:

Any lot, tract, parcel, or structure used in whole or in part for the purposes of grooming (where the animals are housed overnight), housing, boarding, breeding, raising and/or training of five (5) or more pets, six (6) months old or older. The term "kennel" as applied to these regulations does not include pet shops or veterinary premises.

111) KITCHEN:

Any area equipped for cooking or the preparation of food.

112) LABORATORY:

A building designed and equipped for scientific experimentation and testing.

113) LANDFILL:

A site and facility providing for the deposit and final treatment of solid waste.

114) LIMITED WINERY:

A site where a maximum of one-hundred thousand gallons (100,000) of vinous liquor is manufactured, stored and sold.

115) LIQUOR STORE:

A licensed retail premises where packaged alcoholic beverages are sold.

116) LIVESTOCK:

Domestic animals which are used for food for human or animal consumption, breeding, draft, or profit.

117) LOADING AREA:

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles during the handling of merchandise or materials.

118) LOT:

A portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development, or for other purposes.

119) LOT, ADJOINING:

The lot separated from the lot under consideration by one of the following: lot line, street, alley, or easement.

120) LOT COVERAGE:

The percentage of a lot that, when viewed directly from above, would be covered by a structure(s) or building(s) or any part thereof, excluding projecting roof eaves, uncovered porches, terraces, decks, steps, sidewalks, and concrete slabs.

121) LOT LINE:

The boundary of a lot, or legally defined limits of any lot.

122) LOT, PARCEL, OR TRACT SIZE:

The total acreage or square footage of the property not including any portion of the property used for a public road.

123) LOT WIDTH:

The distance parallel to the front lot line, measured between side lot lines at the front building setback line.

124) LOUNGE:

A business or portion of a business where alcoholic beverages may be served.

125) MACHINE SHOP:

A workshop in which metal and other substances are cut, shaped, etc., by machine tools.

126) MANUFACTURED HOME PARK:

Any lot, parcel, or tract used for residential purposes, containing more than one (1) manufactured home.

127) MANUFACTURED HOME SALES LOT:

An area where temporary placement of manufactured homes is displayed for the purpose of retail sale or ordering from a manufacturer.

128) MANUFACTURED HOME SPACE:

A parcel of land in an approved manufactured home park for the placement of a single-family manufactured home.

129) MANUFACTURED HOME REPAIR, REMODELING, REFURBISHING or DISMANTLING:

An area, building or structure where manufactured homes are temporarily stored for the purpose of renovation, repairs, or dismantling.

130) MANUFACTURING:

The use of land, buildings, or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article, thing or service.

131) COMPOUNDING:

Producing a product by combining two (2) or more distinct elements, ingredients, or parts.

132) MASTER PLAN:

A compendium of County policies regarding long-term development, in the form of maps and accompanying text.

133) MEAT LOCKER:

A refrigerated room for storing meat.

134) MEAT PRODUCTS PLANT:

A canned meat factory, factory meat processing plant and any other factory where meat, poultry, or eggs are cooked, cured, smoked, or otherwise processed or packed, but does not include a delicatessen shop, stockyard, slaughterhouse, tannery or hide processing plant, a poultry killing establishment, an animal food factory or an animal by-products plant.

135) MEDICAL CLINIC:

A facility, often associated with a hospital or medical school, that is devoted to the diagnosis and care of outpatients. A medical establishment run by several specialists working in cooperation and sharing the same facilities.

136) MILLING:

An act or process of grinding (especially grain into flour or meal), the operation of cutting, shaping, finishing, or working metal, cloth or any other similar product.

137) MINERAL:

A constituent of the earth in a solid, liquid, or gaseous state that, when extracted from the earth, is usable in its natural form or capable of conversion into a usable form as a metal, a metallic compound, a chemical, an energy source, or a material for manufacturing or construction material. For the purposes of this Resolution, this definition does not include surface or subsurface water, geothermal resources, or natural oil and gas together with other chemicals recovered therewith but does include oil shale.

138) MINI-STORAGE FACILITY:

A building or portion thereof dividable into separate compartments that are individually rented or leased for the purpose of storing the renter's or leaseholder's property. Goods stored within the building shall not be offered or displayed for sale at the building site. Accessory uses may include the exterior storage of camping trailers, motorized homes, boats, etc., in areas designated for such storage.

139) MINING:

The act of recovering minerals, sand, and gravel, whether above or below ground. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging, hauling or removal from the site. Mining shall not include removal of loose surface stone or preparation of an individual building site.

140) MOBILE FOOD SERVICE:

A commercial refreshment operation which is established at a location on a temporary basis, and which may change location from time to time through the use of motorized transportation and is not located in a permanent building or structure. Mobile Food Service does not include the delivery of goods and services which have been pre-arranged.

141) MOBILE HOME DISMANTLING:

The dismantling of mobile homes.

142) MUSEUM:

A building or structure for acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of natural, scientific, literary, or artistic objects of general, historic, or other special interest.

143) NATURAL FEATURES:

A physical feature of the land or located on the land that is not man-made including but not limited to bluffs, cliffs, ravines, debris fans, springs, creeks, streams, rivers, dry gulches, drainageways, lakes, etcetera.

144) NON-CONFORMING:

A term describing a building, mobile home, structure, lot, or land use that was valid or lawful when brought into existence, but as of the effective date of this Zoning Resolution or its subsequent amendments, is prohibited by or inconsistent with the requirements of the Zoning Resolution or its subsequent amendments.

145) NURSERY:

A place used to raise trees, shrubs, flowers, and plants for sale at wholesale or retail, or for transplanting, or for use as stocks for bedding and grafting, and may also include the sale of related accessory supplies.

146) NURSING HOME:

An establishment that maintains and operates continuous day and night facilities providing room and board, personal services, and nursing care (not hospital care) for two (2) or more persons not related to the proprietor, who by reason of illness or infirmity are unable to care properly for themselves.

147) OPEN SPACE:

A parcel or parcels of land, or an area of water, or a combination of land and water, on a site designated, designed, and intended for the use or enjoyment of residents. Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents.

148) OPERATOR:

Any person, firm, or corporation engaged in or controlling an operation.

149) ORCHARD AND VINEYARD:

A group of trees or vines, grown or cultivated, which bear fruit, nuts or berries.

150) PARCEL:

A plot of land usually considered a unit for the purposes of development.

151) PARK SUPPORT FACILITIES:

Supportive facilities (e.g., swimming pool, club house, sauna, laundry room, restroom, recreational vehicle storage areas, and open space) that supplement the recreational or service need of a Manufactured Home Park and/or travel trailer park and campground residents but are not available for use by the general public.

152) PARKS:

Open space lands for which the primary purpose is recreation.

a. *Memorial Park:*

A park designed for contemplation or recreation, commemorating an individual or group of individuals.

b. *Mini Park:*

A park that contains specialized facilities that serve a concentrated or limited population or specific group such as children or senior citizens. This type of park usually contains one (1) acre or less and serves the population within less than one-quarter ($\frac{1}{4}$) mile radius. This type of park is found within neighborhoods and in close proximity to apartment complexes, townhouse developments, or housing for the elderly.

c. *Neighborhood Park/Playground:*

An area for intense recreational activities, such as field games, court games, crafts, playground apparatus area, skating, picnicking, wading pools, etc. This type of park usually contains fifteen (15) acres or more and serves the population within one-quarter ($\frac{1}{4}$) mile to one-half ($\frac{1}{2}$) mile radius. This type of park should be located next to elementary schools so both indoor and outdoor activities can be included. The park should also be easily accessible to neighborhood population geographically centered and within safe walking distance of the homes it serves.

d. *Community Park:*

An area of diverse environmental quality that may include areas suited for intense recreational facilities, such as athletic complexes, large swimming pools, areas of natural quality outdoor recreation, such as walking, viewing, sitting, and picnicking. This type of park usually contains twenty-five (25) acres and serves several neighborhoods within a one (1) to two (2) mile radius. This type of park should be centrally located to the neighborhood and ideally, should adjoin a high school so use can be made of its athletic field for team sports.

e. Regional Park:

An area of natural or ornamental quality for outdoor recreation such as boating, swimming, picnicking, hiking, fishing, camping, and trail uses; may include play areas. This park usually contains two hundred (200) acres and serves the entire area. This type of park is normally found or is contiguous to or encompassing natural resources.

153) PARKING LOT OR GARAGE:

An area for the sole purpose of parking operational motor vehicles.

154) PARKING SPACE:

The space required to park one motorized vehicle, which space shall be not less than nine (9) feet by eighteen (18) feet for standard sized vehicles and not less than seven (7) feet by fifteen (15) feet for compact vehicles.

155) PERSONAL SERVICES:

A business where professional or personal services are provided for gain and where the sale at retail of goods, wares, merchandise, articles or things is only accessory to the provision of such services, including but without limiting the generality of the foregoing, the following: barber shops, beauty shops, tailor shops, laundry, shoe and luggage repair, photography, and similar services.

156) PET:

A domestic animal kept for pleasure rather than utility. If such animal is raised or kept for the purpose of sale or food, it shall be presumed not to be a pet. This term is not to include Livestock, defined herein.

157) PHARMACY:

A retail outlet which dispenses drugs by prescription.

158) PLANNED UNIT DEVELOPMENT:

A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, and providing common open space, density increases, and a mix of building types and land uses.

159) POST OFFICE:

A government department or agency handling the transmission of mail the public department or corporation responsible for mail services and telecommunications; the postal service.

160) POULTRY:

Domestic fowl, such as chickens, turkeys, ducks, or geese.

161) PRINTING AND COPY SHOP:

A place or facility for the preparation and issuance of printed material for public distribution or sale. This term shall not include facilities for newspaper printing, job printing, and lithographing.

162) PRINTING INDUSTRIAL:

Using print technologies within the process of manufacturing, where ink or another substance is printed onto a product for either functional or decorative purposes.

163) PROCESSING:

The creation of a product by following a specific sequence of determined events, modifications, or assembly, excluding refining. May include washing, cleaning, dusting, waxing, or preparing and packaging agricultural produce, meat, and poultry for shipping to a wholesale or retail outlet.

164) PROFESSIONAL OFFICE:

General business offices, medical, legal, engineering, real estate, and other similar professional offices, administrative or headquarters office for wholesaling or manufacturing operations, and research and development.

165) PROPERTY SALES OFFICE:

A building, structure, facility, or trailer on a lot used for the sale of dwelling units.

166) RAFTING:

Recreational outdoor activities which use an inflatable raft or similar equipment to navigate a river or other body of water.

167) RANCH:

A parcel of land that is used for raising or grazing livestock and the cultivation of food for livestock, for the primary purpose of obtaining a monetary profit. A ranch may include a dwelling unit to house the owner or operator and their immediate family or as otherwise may be provided in this document. Ranch shall not include dairy farm or feedlots as defined in these regulations.

168) RECLAMATION:

The rehabilitation of land affected by mining or oil or gas extraction by means of replanting, soil stabilization, water resource restoration, and other measures appropriate to the subsequent beneficial use of such mined reclaimed lands.

169) RECREATION ACTIVITY OFFICE:

Ticket office, booking office, staging, and loading, to include ATVs, rafting, bike tours, zip lines or similar uses or impacts.

170) RECREATION CAMP:

A place used for vacationing or other recreational purposes consisting of permanent structures that may contain cooking facilities, and used for temporary occupancy, including educational and religious camps.

This term shall not be interpreted to include hotels, motels, restaurants, theaters, travel trailer parks, or campgrounds.

171) RECREATION FACILITY, RURAL:

A place including recreation camps, guest ranches, resorts, ski areas, racetracks, zip lines, swimming pools, tennis courts, amphitheaters, shooting facilities, country clubs, summer camps, hunting and fishing clubs, historic/scenic railroads, associated facilities, and similar uses, operated for use by the public. This term shall not be interpreted to include travel trailer parks and/or campgrounds and any use for residents of the property and their family members.

172) RECREATIONAL FACILITY, URBAN:

A place including swimming pools, tennis and basketball courts, athletic fields, gyms, exercise facilities, country clubs, operated for use by the public. This term shall not be interpreted to include any use for residents of the property and their family members.

173) RECREATIONAL AND OUTDOOR AMUSEMENT OR AMUSEMENT PARK:

A recreational establishment where permanent buildings or structures have been erected for the purposes of providing amusement rides, zip lines, games, arcades and machines, refreshments, or other similar uses or forms of entertainment.

174) RECYCLING FACILITY:

That part of a solid waste disposal facility or a part of a general disposal facility at which recyclable materials may be separated from other materials for further processing, not including automobile graveyards or junkyards.

175) REFINING:

To reduce to a pure state, to purify, or to become free of impurities.

176) RELIGIOUS INSTITUTION:

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.

177) RETAIL STORE:

A place of business where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail.

a. Farm and Ranch Supply Store:

A retail store that sells a variety of home improvement, pet, gardening, livestock, and crop products as well as offers services related to farming and ranching.

b. Feed Store:

A retail store that sells animal feed/supplies to the public.

c. Grocery Store:

A retail store that sells food and household supplies.

d. Rental Store/Shop:

A physical retail business that rents items such as movies, heavy equipment, tools, farming equipment, to customers under conditions and terms agreed upon in a rental agreement or contract, which may be implied, explicit, or written.

e. Retail Outlet(s):

A singular or group of retail stores in which a manufacturer sells its own branded goods, often at discounted prices. Such stores are usually situated in a continuous building separated by interior walls.

178) RESTAURANT:

A building or structure where food and drink are sold and served to the public for consumption on the premises, carry-out or delivery.

179) RIDING ACADEMY:

Land and buildings used to house horses and for their exercise and training and may include a school, educational center for horse training, handling, care, boarding stables, tack shop or other related uses.

180) ROAD, PUBLIC:

A right-of-way or easement for purposes of access that is not in private ownership. This term shall include rights-of-way and easements, however acquired by the public, including dedication and prescription.

181) ROADSIDE STAND:

A booth, stall, or counter for the display and sale of agricultural or seasonal products, produced onsite.

182) RODEO GROUND:

A track or parcel of ground where rodeos can take place. The events are divided into two basic categories: the rough stock events and the timed events.

183) SAWMILL:

A building, structure, mill or machine used to process wood from saw logs to another use and may include land for open storage of raw or finished lumber or products.

184) SCHOOLS:

An educational institution for children and teens.

a. Elementary School:

An educational institution for the first four to six grades, and usually including kindergarten.

b. Junior High School:

An educational institution for grades ranging from sixth (6) to ninth (9) grades.

c. High School:

An educational institution for grades ranging from ninth (9) to twelfth (12th) grades.

185) SEASONAL EMPLOYEE HOUSING:

The use of lodging designed for habitation, in conjunction with a permitted use, contained on the same property, for a temporary period of time.

186) SETBACK:

The horizontal distance, measured at right angles, between the property or lot line and the nearest portion of a building or structure located on the property or lot. Property used as road rights-of-way shall be excluded from the measurement of the setback.

187) SHORT-TERM RENTAL:

Rental of a dwelling or lodging unit for less than 30 continuous days. "Lodging unit" excludes a hotel or motel unit.

188) SIGN:

Any device, letter, figure, symbol, emblem, or picture which is affixed to or represented directly or indirectly upon a building, structure, or a piece of land and which identifies or advertises any object, product, place, activity, person, organization, or business in such a way as to be visible to the public on any street or thoroughfare.

189) SITE PLAN:

A scale drawing showing the relationship between the lot or property lines and the uses housed on the property, buildings, or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tanks and fields, utility lines, or a special or particular use.

190) SLAUGHTERHOUSE:

A building or structure specifically designed to accommodate the penning and slaughtering of live animals and the processing of animal carcasses, and may include the packing, treating, storing, and sale of the produce on the premises, for food or market, excepting personal use.

191) SLUDGE:

Any solid or semi-solid waste generated by a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility that has been treated to obtain pathogen destruction, odor control, or putrescibles control.

192) SMALL ENGINE REPAIR SHOP:

A shop or place of business for repair and maintenance, pursuant to a work order, of small engines and equipment, excluding automotive, all-terrain vehicles, boats, and motorcycles.

193) SOLAR PANEL FIELD:

Any arrangement or configuration of devices and related accessories to convert energy or forces generated by the sun into electricity. Solar Panel Field shall not include rooftop solar installations on residences or businesses, or solar installations designed to supply electricity to no more than one residence or business.

194) SOLID WASTE:

Any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial or commercial operations or from community activities. "Solid waste" does not include any solid or dissolved materials in domestic sewage or agricultural wastes, or solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under the provisions of the "Colorado Water Quality Control Act," Article 8 of Title 25, C.R.S., or materials handled at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25, C.R.S.

195) SOLID WASTE DISPOSAL:

The collection, storage, treatment, utilization, processing, or final disposal of solid wastes.

196) SOLID WASTE DISPOSAL SITE AND FACILITY:

The location and facility at which the deposit and final treatment or disposal of solid wastes occur.

197) SPECIAL REVIEW USE PERMIT:

Required for long-term uses of a special nature as to make impractical their predetermination as a principal use in a zone district uses that may only be established after review by the Commission, approval by the Board and issuance of a Special Review Use Permit by the Department. The Board may require conditions or special requirements of operation to make the proposed use compatible with the neighborhood.

198) SPECTATOR EVENT:

A public or private group gathering of twenty-five (25) persons or more assembled together for a sporting, musical, or other entertainment event, meeting, festival, social gathering or for other similar purposes on public or private property. A private group gathering that will not exceed ten (10) hours and that is on private property is exempt.

199) STABLE:

A building for the purpose of housing, feeding, riding, breaking, training, or fitting for show of horses to include the storage of equipment relating to the care, maintenance, and operation of the horses.

200) STRUCTURAL ALTERATIONS:

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists.

201) STRUCTURE:

Anything constructed, erected, or placed, the use of which requires location on the ground or attachment to something located on the ground; but not including earthworks, corrals, ditches, pipelines, telephone or electric power lines, walks, driveways, curbs, signs, antennas, fences under seven feet in height, or other similar uses.

202) SUBSTANTIAL CHANGE:

Any redesign or planned construction that significantly changes the planned design performance of a Conditional Use or Special Review Use facility including the addition of a type of wastes or other waste

handling processes that were not identified as wastes to be processed or processes to be used, expansion or modification that results in additional or increased off-site or on-site impacts, , or the selling or transferring of a Conditional Use Permit or Special Review Use Permit to a new owner or operator.

203) TEMPORARY USE:

A use not involving a permanent structure, established for a fixed period of time, and with the intent to discontinue such use upon the expiration of the time period. Commonly used to characterize short-term events such as spectator events.

204) TENT:

A portable shelter usually made of fabric, supported by one or more poles, and stretched tight by cords or loops attached to pegs driven into the ground.

205) TENT SITES:

A tract, parcel, or lot within a Travel Trailer Park and Campground designed for the accommodation of one (1) or more tents for temporary or seasonal occupancy.

206) TINY HOME:

A single-household that is permanently constructed on a vehicle chassis, or built on-site; is not self-propelled, is designed for long-term residency; contains less than 400 square feet of gross floor area; includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; is constructed to the International Residential Code as adopted by the Building Codes and Standards Program of the Colorado Division of Housing; if constructed on a vehicle chassis it has affixed to it a metal plate insignia certifying that it is built to those standards.

207) TINY HOME COMMUNITY:

A collection of three (3) or more tiny homes on one (1) lot.

208) TOWER:

Any structure that is designed and constructed commonly for the purpose of supporting one or more antennas for transmitting or receiving television, telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes microwave, common-carrier, cellular telephone, alternative structures, internet, and broadband, recreational and similar uses. The term includes accessory structures.

209) TOWER CO-LOCATE:

The placement of additional antennas and similar equipment on existing towers without a change in height, replacement, addition, or relocation.

210) TOWER, TEMPORARY:

Any temporary structure (two (2) year maximum from date of approval) that is designed and constructed commonly for a specific purpose, such as collecting meteorological data. The term includes all other accessory structures necessary for the operation of the temporary tower.

211) TRADE OR TRAINING SCHOOL:

A building in which education is provided for vocations and occupations that require manual and or mechanical skills.

212) TRAILER:

The following shall be considered a trailer:

- a. *Camping Trailer:*
A canvas, or other type material, folding vehicle mounted on wheels and designed for travel and recreation that is normally dependent upon a service building for toilet facilities.
- b. *Motorized Home:*
A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation, and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- c. *Pick-up Coach:*
A device designed to be mounted on a truck chassis or placed in the bed of a truck for use as a temporary dwelling for travel and recreation.
- d. *Park Model:*
A recreational vehicle, that has a floor area of less than four hundred (400) square feet, which is transportable by another vehicle and is primarily designed for long-term or permanent placement and for temporary residency in a Travel Trailer Park and Campground. Proof of an acceptable water source and an acceptable sewage disposal method will be required. A Park model which is from four-hundred (400) square feet to less than four-hundred and eighty (480) square feet will be allowed in the Travel Trailer Park & Campground Zone District, provided it is placed on a manufacturer's recommended foundation and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et, seq., as amended and is built in accordance with HUD or IBC standards. Park Models are subject to "placement permits" as may be required by building codes in effect for Fremont County.
- e. *Travel Trailer:*
A vehicle built on a chassis, designed as a temporary dwelling for travel and recreation.
- f. *Travel Trailer, Self-Contained:*
A trailer that can be operated independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

213) TRAILER SPACE:

An area for the parking of a single trailer, or similar vehicle and with adequate access to a driveway or public street.

214) TRAIN TERMINAL/DEPOT:

The use of land, building or structure for loading and unloading freight and passengers on and off trains, including ticket offices, restaurant, luggage checking facilities and similar uses.

215) TRANSFER STATION:

A facility at which refuse awaiting transfer to a disposal site is transferred from one type of containerized collection receptacle and placed into another or is processed for compaction.

216) TRAVEL TRAILER PARK & CAMPGROUND:

Any tract, parcel, or lot permitted for a Travel Trailer Park & Campground as a Special Review Use; designed for temporary recreational stays, or temporary storage/parking of two (2) or more trailers.

217) TREATMENT, STORAGE AND DISPOSAL:

When used in the context of treatment, storage, or disposal of hazardous waste, shall have the meaning set forth in Title 40 Code of Federal Regulations (CFR) Part 260.10, except that the term "Storage" shall not be deemed to include temporary accumulation of hazardous waste by the generator of that waste, provided that such accumulation is consistent with the requirements and time limits of Title 40 Code of Federal Regulations (CFR), Section 262.34, and the term "Storage" shall not be deemed to include temporary holding of hazardous waste by the transporter of that waste, provided that such holding is consistent with the requirements and time limits of Title 40 Code of Federal Regulations (CFR), Section 263.12.

218) TRUCK STOP:

Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities.

219) TRUCKING TERMINAL:

A building, structure, or place where trucks or tractor trailers are loaded, repaired, rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports stored or parked on the property are dispatched for hire as common carriers. The use does not include automobile service stations or transportation sales or rentals.

220) UPHOLSTERY SERVICES:

The work of providing furniture, especially seats, with padding, springs, webbing, and fabric or leather covers.

221) UTILITY, DISTRIBUTION ELEMENTS:

Power lines, whether above or below ground, pumps, and similar elements designed to distribute by means of transfer and/or reduction utilities from transmission networks.

222) UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS, ENERGY STORAGE, & TRANSMISSION LINES:

Buildings, regulators, substations, energy storage, and transmission lines that are for the purpose of transmitting, pumping, or otherwise providing service in high volumes and/or of higher pressure or voltage from a main source and location to several locations and/or regulating such service.

223) VARIANCE:

A device that grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in unnecessary or undue hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

224) VEGETABLE FOOD PRODUCTS FACTORY:

A factory used for the purpose of blending, processing, or preparing various cereal food products, popcorn, jelly powder, baking powder, flavoring extract, beverage powder, tea, coffee, spice, yeast, sugar, dextrin, starch, glucose or other vegetable food product or other similar uses. The use does not include a brewery, distillery, winery, soft drink bottling works, bakery, or other uses otherwise classified.

225) VEHICLE:

A device that is capable of moving itself, or of being moved, from place to place upon wheels, excluding special mobile machinery, farm tractors and implements, implements of husbandry designed primarily or exclusively for use and used in agricultural operations.

226) VEHICLE IMPOUNDMENT YARD:

A lot or yard, whether or not enclosed by a fence, used for the storage of licensed vehicles that have been seized, taken, or appropriated, and storage of licensed vehicles awaiting repairs.

227) VETERINARY PREMISES:

Any veterinary office, hospital, or clinic in which veterinary medicine is being practiced by or under the direct supervision of a licensed veterinarian. The term shall not be interpreted to include kennels, although temporary boarding is allowed.

228) VISIBLE:

Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.

229) WASTE-TO-ENERGY INCINERATION:

The use of flammable waste material as a primary or supplemental fuel.

230) WASTE-TO-ENERGY INCINERATION SYSTEM:

The utilization of waste-to-energy incineration as a means of creating heat for industrial or commercial purposes.

231) WATCHMEN'S QUARTERS:

A single-family dwelling, or efficiency unit, attached or detached, whose use is as an accessory to a permitted use in the zone district and that is occupied by a person(s) who either owns the primary use or is employed as a manager, maintenance person, or similar function.

232) WHOLESALE SALES/STORAGE:

The storage and sale of goods to retailers or jobbers, to industrial, commercial, institutional, or professional users; or other wholesalers.

233) WILDFIRE:

An uncontrolled fire burning in vegetation, structures, or other improvements.

234) WILDLIFE:

All wild vertebrates, mollusks, and crustaceans, whether alive or dead, including any part, product, egg, or offspring thereof, that exist as a species in a natural wild state in their place of origin, presently or historically, except those species determined to be domestic animals under these regulations.

235) WILDLIFE, COMMERCIAL PARK:

A parcel of land containing lawfully acquired captive wildlife, on which wildlife and/or non-native wildlife are held, exhibited, or used for educational, commercial, charitable, or promotional purposes.

236) WILDLIFE, GAME:

Those wildlife species that may be lawfully hunted or taken for food, sport, or profit and that are classified as game.

237) WILDLIFE HABITAT:

That natural or man-made environment that contains the elements of food, shelter, water, and space in a combination and quantity necessary for the survival of one or more wildlife species.

238) WILDLIFE, NON-NATIVE, OR EXOTIC:

Those species, subspecies, and hybrids of wildlife not originating naturally, either presently or historically, in Colorado, except those that have been introduced into the wild in Colorado by the Division of Wildlife or classified as native wildlife by the commission.

239) WIND ENERGY SYSTEM, SMALL:

A wind energy system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than one hundred (100) kilowatt (kw) and which is intended to primarily reduce on-site consumption of utility power from off-site sources in association with a dwelling or business or other uses (i.e. cell towers, water wells, temporary lighted signs).

240) WIND ENERGY SYSTEM, LARGE:

A system of components which converts the kinetic energy of the wind into electrical or mechanical power, and which comprises all necessary components including energy storage, power conditioning, control systems, transmission systems, and structural support systems, to provide electricity or mechanical power for residential, commercial, industrial, utility, or governmental use.

241) WINERY:

A facility where one-hundred thousand (100,000) gallons or more of vinous liquor is produced, stored, and sold.

242) YARD:

The unoccupied or vacant portion of a property or lot that has a building or structure located thereon.

a. YARD, FRONT:

A yard extending across the width of the property or lot and measured from the front line of the property or lot to the nearest line of the building or structure on which it fronts. The front line shall be the side of the property or lot by which the property or lot gains access.

b. YARD, REAR:

A yard extending across the width of the lot and measured between the rear line of the lot and the nearest line of the building. The rear line of the lot shall be that line most nearly parallel with the said lot as it faces on that street. For dwellings located on corner lots if the actual front entry way of the dwelling does not face the same street where vehicular access is taken, the rear yard may be interpreted as the yard opposite of the front entryway or the opposite of the vehicular access.

c. YARD, SIDE:

A yard on each side of the building between the building and the sideline of the lot and extending from the front yard to the rear yard.

Section 1.06 VIOLATIONS AND PENALTIES

(a) Complaints:

Any person aggrieved by a violation or apparent violation of the provisions of this Resolution may file a written complaint with the Code Enforcement Officer, who shall investigate such complaint. Legal action may be taken by the County to have a confirmed violation penalized and removed.

(b) Violation & Penalties:

Any person, firm, or corporation violating any provision of these regulations shall be subject to the penalties set forth in the Colorado Revised Statutes, as amended, and other legal action provided by law.

(c) Notice of Violation:

For any property that has formally been placed under violation of the provisions of this Resolution, Fremont County may record a copy of the notice of violation in the real property records of Fremont County as maintained by the Clerk and Recorder, for Fremont County. Once the property is brought into compliance, a compliance letter will be recorded in the land records noting that the property has been brought into compliance with this Resolution.

Section 1.07 INTERPRETATION, CONFLICTS AND VALIDITY:

(a) Interpretation:

The provisions of this Resolution shall be interpreted and applied to be the minimum required for the proper protection of public health and morals, and the promotion of safety and general welfare.

(b) Conflict:

When this Resolution imposes a greater restriction upon the use of land, or upon height, bulk, location, or use of buildings than is required by existing provisions of law or by private covenant or other restriction, the provisions of this Resolution shall prevail. This Resolution does not supersede any restriction, private covenant, or deed restrictions that impose more restrictive conditions than herein contained.

(c) Validity:

Should any section of this Resolution be found by the courts to be invalid, such decision shall not invalidate any other section or provision herein.

Chapter 2. ESTABLISHMENT OF ZONING DISTRICTS

Section 2.01 ZONING DISTRICTS

R1	Residential One
R2	Residential Two
R3	Residential Three
LDR	Low Density Residence
HDR	High Density Residence
MHP	Manufactured Home Park
TTP&CG	Travel Trailer Park & Campground
RHB	Rural Highway Business
B	Business
IP	Industrial Park
AP	Airport
I	Industrial
PUD	Planned Unit Development

Section 2.02 EFFECTS OF DISTRICTING

(a) Application:

The provisions of this Resolution governing the use of land, buildings, and structures, the size of yards, height and bulk of buildings, density of population, and other provisions are hereby declared to be in effect upon all land within the boundaries of each and every district herein established.

(b) Classification: The following shall prevail.

1. Uses not specifically permitted are considered prohibited unless they meet the following criteria:
 - a. Uses, other than those herein after specifically mentioned as uses in each of the districts, may be permitted therein, provided such uses are similar to those specifically mentioned and are, in the opinion of the Commission and the Board as evidenced by a resolution of record, consistent with the intent of the zone district and are not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective district.
 - b. The commission may recommend to the Board a reclassification of a use when such reclassification does not violate the intent of this resolution and provided

said official body publishes newspaper notification and holds at least one (1) public hearing thereon, at the expense of the parties applying.

2. When a parcel of land is divided by a zoning district boundary line at the time of enactment of this Resolution or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

(c) **Zoning Maps**

The location of the zoning districts hereby established are shown on the accompanying maps titled, "Official Zoning Maps of Fremont County, Colorado", as subsequently amended, and hereby made, along with explanatory matter thereon, a part of this Resolution. The official maps shall be filed at the office of the Fremont County Department of Planning and Zoning and shall be kept current at all times. All amendments to the maps made in conformity with [Chapter Nine](#) of this Resolution shall be recorded on the maps showing general location, effective date, and nature of change. Each map amendment shall become an amendment to this Resolution; it shall be dated; and shall contain a legal description of the area to be changed, as well as the nature of the change. No change shall be made to the Official Zoning Maps except in the manner herein set forth. Any unauthorized change to the Official Zoning Maps by any person or persons shall be punishable as a misdemeanor and shall receive the same penalty as set forth in [Chapter Two](#) of this Resolution. In the event that any street, alley or public way is vacated by official action of the Board of County Commissioners, the zoning district(s) of the land to which the vacated land becomes a part, shall be automatically extended to the land subject to the vacation, and all area included in the vacation will be subject to the regulations of the extended district.

(d) **Interpretation of Boundaries**

When uncertainty exists as to boundaries of a Zoning District as shown, the following shall apply:

1. All zone district boundaries are intended to parallel street lines or to follow lot or property lines as they exist at the time of passage of this Resolution or amendments, hereto, unless specifically shown otherwise.
2. Where a zone district boundary line divides a lot in single ownership, the regulation of the least restrictive zone shall prevail for the remaining portion of the lot.
3. When a boundary or lot line is adjusted or a lot line is vacated, the zone district that exists for the property receiving the additional property shall prevail, provided that the parcel gaining the area does not increase the total by more than twenty-five (25) percent. If the property receiving the additional area increases in area by more than twenty-five (25) percent, a formal application for a zone change will be required. A successive application for Boundary/Lot Line Adjustments or Vacation of Interior Lot Lines shall not be permitted if the cumulative effect of all Boundary/Lot Line Adjustments or Vacation of Interior Lot Lines affecting such parcel of land results in an increase of more than twenty-five (25) percent in the area of such parcel. The area of the parcel at the time of the first application for Boundary/Lot Line Adjustment or Vacation of Interior Lot Line shall be the area used for purposes of determining the amount of land area that

may be added to such parcel through a Boundary/Lot Line Adjustment or Vacation of Interior Lot Line procedure.

4. In the event of further uncertainty, the Commission and Board shall interpret intent as to the boundary location.
5. In the event a dedicated right-of-way is hereafter vacated or abandoned, the zone district abutting the property shall apply to that portion of such right-of-way.

Chapter 3. GENERAL REGULATIONS

Section 3.01 STRUCTURES AND YARDS

No building, structure, or land shall hereinafter be occupied or used, and no building or structure, or part thereof, shall be erected, moved, or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

- 1. No building or structure shall hereafter be erected or altered:**
 - a. To exceed the maximum height requirements;
 - b. To accommodate or house a larger number of families;
 - c. To occupy a greater percentage of the lot than permitted in the zone district; and
 - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than is herein permitted in the district in which the building or structure is located, except wherever a building or structure is to be erected on an interior lot between two existing buildings or structures distant not more than one-hundred (100) feet from the proposed building or structure: the proposed building or structure shall have a front yard of a depth at least as great as the average depth of the front yards of said adjacent building or structures

- 2. Yards, lots, loading areas and open space.**
 - a. No part of a yard or loading area, or open space needed by any building or structure to meet the requirements of this Resolution may be included in whole or in part in meeting the requirements of any other building or structure.
 - b. No Yards or lots existing at the time of the adoption of this Resolution shall hereafter be reduced below the minimum dimensions or areas required by this Resolution.
 - c. Principal Structures/Uses: No single tract, parcel, or lot shall contain more than one (1) principal use or structure.

- 3. Fencing**
 - a. The Department shall provide verification of fencing requirements pursuant to this Resolution, upon request.
 - b. The Fremont County Building Department requires a permit for fencing that is seven feet (7') in height or greater.
 - c. Setbacks shall not apply to fencing.
 - d. All corner lots adjacent to roadways shall follow these regulations:
 1. Solid fences or fences that are less than fifty (50%) open shall not exceed forty inches (40") in height within fifty feet (50') from the corners adjacent to the

roadway of the property.

2. Fences that are fifty (50%) or more open shall not exceed forty-eight inches (48") in height within fifty feet (50') from the corners adjacent to the roadway of the property.

- e. This does not include agricultural fences that do not obstruct vision.

Section 3.02 STORAGE STRUCTURES

No manufactured home, trailer, tent, truck, tractor trailer, bus, automobile, railroad car, caboose, coach, streetcar body, or shipping or storage container may be used as a storage structure in any zone district except as noted below.

1. A tractor trailer, railroad car, caboose or shipping or storage container may be used as a storage structure in the Residential One (R1), Residential Two (R2), Residential Three (R3) Zone Districts and in the Industrial Zone District as an accessory use to the principal use.
2. A shipping or storage container may be used for storage in the Low-Density Residence, High Density Residence, Rural Highway Business, Business, Airport, and Industrial Park Zone Districts
3. Any tractor-trailer, railroad car, caboose, shipping or storage container, whether used for a temporary use or as a permanent use, shall meet minimum development requirements of the zone district in which it is located.

Section 3.03 SETBACK CLARIFICATION

1. Cornices, eaves, canopies, sunshades, gutters, belt courses, leaders, sills, lintels, hung bay windows, and ornamental features that are supported by the building or structure may project no more than three (3) feet into a required setback, for the primary building or structure only, as established by coverage standards, and in no case shall any feature of any structure project beyond the property line.
2. Cantilever projections shall be considered a portion of the building or structure and shall not protrude into the required setback.
3. Accessory buildings or structures shall not protrude in any way into any required setback.
4. If property is used as a road right-of-way, setbacks shall start from the edge of the right-of-way.
5. For determining the lot width distance parallel to the front lot or property line, the front line may be considered the line extended between the two front property corners (chord line of the curve) not the curve. The minimum lot width of the district shall be no closer than the minimum setback requirement of the zone district.
6. For determining the lot width distance parallel to the front or property line using a curve parallel to the lot or property curve line, the front lot or property line shall be at a point where the minimum lot or property width meets the minimum lot or property width requirement and the

minimum setback requirement of the zone district. If this method is used the line shall be identified in the field by a registered land surveyor.

7. The front yard setback shall be the side of the property or lot by which the property or lot gains access.
8. Height Measurement methods:
 - a. Height shall be measured from grade to the top of the structure.
 - b. For structures with sloping grade, height shall be measured at the average area of the grade.

Section 3.04 VALIDITY OF APPLICATION

All information provided in any application and supporting documents submitted in accordance with this Zoning Resolution shall be valid, true, and correct to the best of the applicant's knowledge and belief. If any portion of the application, at any stage of review or approval, is found to be misrepresented, misleading, inaccurate, invalid, or false then the application shall be rendered null and void. Further, in such circumstances any approvals granted shall be rescinded and any plats or drawings shall be invalid. There will not be a refund of application fees or additional fees for any application determined to be null and void or if approval has been granted and subsequently rescinded. A new application submittal and all appropriate fees will be required for any application determined to be null and void or in such circumstances where approval has been rescinded.

Section 3.05 CONFORMANCE TO PLANS

By signing an application, the applicant is agreeing to conform to all plans, drawings, and commitments submitted with or contained within the Application, provided that the same is in conformance with the Fremont County Zoning Resolution and granted approvals. As part of the approval process, the applicant shall be required to complete any private or public improvements imposed as a contingency for approval of the Application.

Section 3.06 PROFESSIONAL REVIEW FEES

In addition to the non-refundable application fee imposed by the Board through a separate resolution, the Board may at its discretion, assess additional fees in amounts deemed appropriate by the Board, for the purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert review or investigative assistance for any portion of the application or its accompanying documents.

Section 3.07 TRAILER OR TENT CAMPING

No trailer or tent may be occupied as a primary or temporary residence for more than the equivalent of three (3) months per year in the Residential Three (R3) Zone District, or two weeks per year in the Residential One (R1), Residential Two (R2), Low Density Residence (LDR), or High-Density Residence (HDR) Zone Districts. Except as expressly permitted by this regulation, the use of tents and trailers for human habitation is prohibited, provided however that this provision shall not prevent the use of tents or travel trailers for children's play or for picnics.

Three (3) Months Per Year	Two (2) Weeks Per Year	No Camping
Residential Three (R3)	Residential One (R1)	Manufactured Home Park (MHP)
	Residential Two (R2)	Rural Highway Business (RHB)
	Low Density Residence (LDR)	Business (B)
	High Density Residence (HDR)	Industrial Park (IP)
		Industrial (I)
		Airport (AIP)

Temporary dwelling use of a travel trailer, during the construction of the principal building, may be granted pursuant to an Agreement to Abate. The travel trailer shall be fully self-contained, be current on registration, and owned by the property owner. The Agreement can only be used in conjunction with an active building permit. If construction has not actively progressed for three months, or the building permit expires, the agreement to abate shall not be renewed. The temporary dwelling use shall be removed within ten (10) days after the final inspection and approval by the Fremont County Building Department. The property owner shall agree in the event that they fail to comply with this agreement, and the County initiates litigation to enforce this agreement, the owner shall reimburse the County for all expenses, including attorney fees, costs, deposition fees, expert witness fees, and all other costs and fees incurred by the County in enforcement of this agreement, both prior to and after the time of entry of judgment, and for similar associated costs and fees incurred in enforcing the provisions of the Fremont County Zoning Resolution applicable to this temporary use.

Section 3.08 HUMAN HABITATION

No truck, tractor trailer, bus, automobile, railroad car, caboose, coach, or streetcar body or shipping or storage container shall be used for human habitation whether the same is mounted on wheels or not, unless habitation is permitted and approved by the Fremont County Building Department.

Section 3.09 DEVELOPMENT

No building permit shall be issued for a building or structure until the pending zone change, conditional use permit, or special review use permit has been approved and recorded in accordance with this Zoning Resolution. The Board may authorize issuance upon a showing of good cause, however early building permit issuance shall not authorize or guarantee approval of any pending application under this Resolution.

Section 3.10 AUCTIONS

More than three (3) auctions within a calendar year shall constitute a business use of a tract, parcel, or lot.

Section 3.11 MECHANICAL WORK AND/OR REPAIRING

Mechanical work and repairing of motor vehicles, boats, trailers, snowmobiles, recreation vehicles, or any similar vehicle not owned by or leased to the occupant of the dwelling for his or her own personal use is prohibited in all Residential Zone Districts unless expressly permitted by the County.

Section 3.12 PETS

Pets, as defined herein, are allowed in all zone districts. A kennel or fur bearing animal farm, as defined herein, shall comply with all applicable regulations for the zone district. If the zone district does not allow such use, the use shall not be permitted.

(a) Backyard Poultry

Backyard poultry may be permitted in the Low-Density Residential zone districts as an accessory use.

No more than six (6) hens shall be allowed on any property, unless the property is zoned for additional animal units, see [Section 1.05, 16 in FCZR](#).

Roosters, cockerel, or drakes are prohibited in Low-Density Residential zone districts.

All hens shall be provided with a covered indoor and outdoor enclosure.

All enclosures shall meet the minimum setback requirements of the zone district.

Section 3.13 ANIMAL UNITS

A term and number used to establish an equivalency for various species of livestock (e.g., one (1) cow is equivalent to twenty-five (25) rabbits). The number of livestock allowed by right is dependent upon bulk requirements of the Zone Districts. All livestock shall have the following bulk requirements.

Category One (1 Unit)	Category Two (2 per Unit)	Category Three (5 per Unit)	Category Four (25 per Unit)
Cow/Buffalo/Yak	Llamas/Alpacas	Ostriches/Emus	Poultry/Fowl
Horse/Mule	Swine	Sheep	Rabbits
Donkey	Fallow Deer	Goats	
Elk			

(a) Offspring

Offspring for category one will not count as animal units for one year after birth; offspring for all other categories will be counted as animal units after six (6) months following birth.

(b) Allowable Units

Any combination of the above animal units and their equivalents as a Use by Right shall not exceed the maximum of three (3) animal units per acre as allowed. The miniature breeds are considered the same animal unit as their full-size counterpart. The Planning & Zoning Director may determine the number of animal units on a case-by-case basis, considering similar impacts, for any animals not listed.

(c) Exemption for Animal Units

Properties that are eighteen (18) or more acres may be exempt from animal unit requirements, if devoted primarily to qualifying agricultural use, and intensity of use compatible with surrounding farming and ranching properties. If the property is used for more than one purpose, the primary use must be agricultural. For example, a hobby vegetable garden on residential property is not exempt; land used primarily for feed crops (alfalfa meadows & pastures, forage for hay crops, & silage crops harvested to feed livestock) is exempt from animal unit limits, during the non-growing season.

Properties in the Residential Two (R2), & Residential Three (R3) Zone Districts may be exempt from animal unit limits, for ranching and farming operations (e.g. vetting, calving, branding, breeding, raising, producing, transportation) for no more than three months each year, provided the property is in conformance with local, state and federal laws and regulations.

Section 3.14 MOBILE FOOD SERVICE

A Mobile Food Service may be used for any daily route and at any location with lawful authority from private or public locations.

Section 3.15 AGRICULTURAL BUILDING

An agricultural building, as defined, shall comply with all setbacks, lot coverage, and building height requirements of the zone district in which the subject property lies. Note: Agricultural uses and buildings are not permitted in the Low-Density Residence, High Density Residence, Manufactured Home Park, Travel Trailer Park & Campground, Business, or Airport Industrial Park Zone Districts

Section 3.16 PERMITTED DWELLING UNIT

In Residential One (R1), Residential Two (R2), Residential Three (R3), Low Density Residential (LDR) and High Density Residential (HDR), dwelling units are allowed in conjunction with an approved permitted use.

Section 3.17 PUBLIC UTILITIES

Public utilities (distribution elements only) not including regulators and substations are considered permitted uses in all zone districts.

Section 3.18 YARD OR GARAGE SALES

More than three (3) yard and / or garage sales within a calendar year shall constitute a business use of a tract, parcel or lot, requiring a permit.

Section 3.19 EXPLOSIVE CHARACTERISTICS

Any use in any zone district that poses a fire hazard or has explosive characteristics shall be subject to approval as a Special Review Use Permit.

Section 3.20 HAZARDOUS WASTE

Solid wastes disposal, hazardous waste treatment, storage, or disposal, and waste-to energy incineration are prohibited within the incorporated or unincorporated portion of Fremont County except on or at a site and facility for which a special review use permit approval has been obtained as provided in the Fremont County Zoning Resolution, as amended, or that has been approved by a city or town within the boundaries of which the site and facility are situated. Refer to the Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-To-Energy Incineration Systems [Section 8.01 \(g\)](#), or subsequent section of the Fremont County Zoning Resolution

Section 3.21 HOME BURIALS

Refer to the Fremont County Coroner for current information.

Chapter 4. DISTRICT REGULATIONS AND PRINCIPAL PERMITTED USES

Section 4.01 RESIDENTIAL ONE (R1)

This district is established for residential, agricultural and accessory uses, together with limited business uses and community projects by permitting.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
15,000 sq. ft. with public water & sewer	100'	25'	10/5	20/5	35'	15%
1 acre with public water & OWTS			15' Adjacent to a street			
4.5 acres with well & OWTS			20' for livestock housing	20' for livestock housing		

Note: All setbacks adjacent to a State or Federal Highway shall be twenty-five feet (25').

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, LIMITATIONS, AND PERMIT		
USE		CONDITIONS
ACCESSORY BUILDINGS & USES		
AGRICULTURE		Including livestock, poultry, rabbits, and sale of agricultural and forestry products produced on the property, with adequate off-street parking for customers.
ANIMAL UNITS		Refer to Section 3.13 FCZR
DWELLING UNIT		Single Family Manufactured Home Mobile Home Accessory Dwelling Unit – Refer to Section 5.02 (a) FCZR
ELEMENTARY SCHOOL		
GOLF COURSE		
GROUP HOME		

ORCHARD & VINEYARD		
HOME OCCUPATIONS		Refer to Section 5.02 (c) FCZR for additional development requirements.
PARK		Mini
ROADSIDE STAND		No agricultural products may be sold that are not produced on the premises
SCHOOLS		Junior High, & High School

(b) Special Review Uses

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		CONDITIONS
AGRITAINMENT		
ASSISTED LIVING RESIDENCE		
BED & BREAKFAST		
CEMETERY		Must comply with all state requirements (25-2-111, C.R.S)
CHILDCARE CENTER		
COMMUNITY BUILDING		
CONTRACTOR'S YARD #1 & #2		Refer to Section 5.03 (a) & 8.01 (d) of this Resolution for additional development requirements
FAMILY CHILDCARE HOME		
FIRE, POLICE STATION, & EMS FACILITIES		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to Section 5.02(d) of this Resolution.
HOSPITAL		
NURSING HOME		
PARK		Neighborhood
PUBLIC UTILITY BUILDINGS, REGULATORS, & SUBSTATIONS		
RECREATIONAL FACILITY		Urban
RELIGIOUS INSTITUTION		
TOWER		Exceeding 50' in height

TEMPORARY USES: Approval as stated below will be required for the following uses: Lots shall be 4 ½ acres or more.

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 is not 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. Organized athletic events that do not require roadway closures are exempt.

If a temporary use permit is required refer to [Section 8.12 of FCZR](#).

Section 4.02 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%

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, LIMITATIONS, AND PERMIT		
USE	MINIMUM ACRES	CONDITIONS
ACCESSORY BUILDINGS & USES		
AGRICULTURE		Including livestock, poultry, rabbits, and sale of agricultural and forestry products produced on the property, with adequate off-street parking for customers.
AGRITAINMENT		Refer to Section 5.02 (b) FCZR
ANIMAL UNITS		Refer to Section 3.13 FCZR
CEMETERY	9 ACRES	Must comply with all state requirements (25-2-111, C.R.S)
CHILDCARE CENTER		
CHRISTMAS TREE CUTTING STORAGE AND SALES		
CONTRACTOR'S YARD #1	9 ACRES	Refer to Section 5.03 (a) FCZR for additional development requirements
DWELLING UNIT		Single Family Manufactured Home Mobile Home Accessory Dwelling Unit – Refer to Section 5.02 (a) FCZR
ELEMENTARY SCHOOL		
FARM		
GOLF COURSE	9 ACRES	
GOVERNMENT ROAD MAINTENANCE FACILITY		

GREENHOUSE, COMMERCIAL		
GROUP HOME		
HOME OCCUPATIONS		Refer to Section 5.02 (c) FCZR for additional requirements.
LIMITED WINERY		Refer to Section 5.03 (d) FCZR for additional requirements.
NURSERY		
ORCHARD AND VINEYARD		
RANCH		
RIDING ACADEMY		Provided all housing and accessory uses are located at least three hundred (300) feet from property lines;
ROADSIDE STAND		No agricultural products may be sold that are not produced on the premises
STABLE		provided all housing and accessory buildings are located at least three hundred (300) feet from all property lines;
VETERINARY PREMISES		
SCHOOLS		Junior High, & High School

(b) Conditional Use Permit

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

(c) Special Review Uses

SPECIAL REVIEW USES: Subject to issuance of an SRU		
USE	MINIMUM ACRES	CONDITIONS
AGRICULTURAL SALES	9 ACRES	
ASSISTED LIVING RESIDENCE OR RESIDENCE		
BED & BREAKFAST		
CEMETERY	4.5-9 ACRES	Must comply with all state requirements (25-2-111, C.R.S)

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		Refer to Section 8.01 (d) FCZR for additional development requirements
CORRECTIONAL FACILITY		
FARM & RANCH SUPPLIES & SERVICE		
FIRE, POLICE STATION, & EMS FACILITIES		lot size may deviate from the minimum lot size development requirements for the zone district. Refer to Section 5.02(d) FCZR for development requirements.
FUR BEARING ANIMAL FARM	9 ACRES	
GOLF COURSE		
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 PANEL FIELD	9 ACRES	
TINY HOME COMMUNITIES		Refer to Section 8.01(h)
TOWERS		That exceed fifty feet (50’)
TRAVEL TRAILER PARK & CAMPGROUND		Refer to Section 8.01 (i) FCZR
WINERY	9 ACRES	

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

Trailer when use is incidental to construction of the primary use building on the premises. Use always requires valid building permit in effect. 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 is not 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.

If a temporary use permit is required refer to [Section 8.12 FCZR](#).

Section 4.03 RESIDENTIAL THREE (R3)

Non-urban areas established primarily for the purpose of efficiently using land to conserve forest resources, protect the natural environment, and allow for residential, farming, and ranching activities.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
18 Acres	500'	75'	50'	50'	45'	7%

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE		
USE		Conditions
ACCESSORY BUILDINGS AND USES		
AGRICULTURE		Including livestock, poultry, rabbits and sale of agricultural and forestry products, with adequate off-street parking for customers.
AGRITAINMENT		Refer to Section 5.02 (b) FCZR for additional development requirements
ANIMAL UNITS		Refer to Section 3.13 FCZR
CEMETERY		Must comply with all state requirements (25-2-111, C.R.S)
CHRISTMAS TREE CUTTING, STORAGE, AND SALES		
COMMERCIAL FIREWOOD		Cutting, splitting, storage, and sales, provided there is no firewood cutting within two hundred (200) feet of any property line
CONTRACTOR'S YARD #1		Refer to Section 5.03 (a) FCZR for additional development requirements
DWELLING UNIT		Single Family Manufactured Home Mobile Home Accessory Dwelling Unit – Refer to Section 5.02 (a) FCZR <u>Cabin</u>
FARM		
FARM & RANCH HAND QUARTERS		Refer to Section 5.03 (c) FCZR for additional development requirements
FORESTRY		

FUR BEARING ANIMAL FARMS		
GOLF COURSE		
GOVERNMENT ROAD MAINTENANCE FACILITY		
GREENHOUSE, COMMERCIAL		
GROUP HOME		
HOME OCCUPATION		Refer to Section 5.02 (c) FCZR for additional development requirements.
LIMITED WINERY		Refer to Section 5.03 (d) FCZR for additional development requirements
NURSERY		
ORCHARD AND VINEYARD		
RANCH		
RIDING ACADEMY		Provided all housing and accessory buildings are located at least three hundred (300) feet from all property lines
ROADSIDE STAND		No agricultural products may be sold that are not produced on the premises
SCHOOLS		Elementary, Junior High, High School
STABLE		Provided all housing and accessory buildings are located at least three hundred (300) feet from all property lines
VETERINARY PREMISES		

(b) Conditional Use Permit

ALLOWED USES: SUBJECT TO ISSUANCE OF A CONDITIONAL USE PERMIT		
USE		Conditions
MILLING		
MINING		
RECYCLING FACILITY		
SAWMILL		
TRANSFER STATION		

(c) Special Review Use

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		Conditions
AIRPORT, PRIVATE		
BED & BREAKFAST		
CHILDCARE CENTER		
COMMUNITY BUILDING		
CONTRACTOR'S YARD #2		Refer to Section 8.01 (d) FCZR for additional development requirements
CONVENIENCE STORE		
CORRECTIONAL FACILITY		Public and Private
DAIRY FARM		Provided all animal feeding areas, housing and accessory buildings are located at least three hundred (300) feet from all property lines
DISTILLERY		
FARM & RANCH SUPPLIES, SALES, & SERVICE		
FEEDLOT		Provided all animal feeding areas, housing and accessory buildings are located at least three hundred (300) feet from all property lines
FIRE, POLICE STATION, & EMS FACILITIES		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to Section 5.02 (d) FCZR for development requirements.
KENNEL		Refer to Section 8.01(e) FCZR for development requirements.
LANDFILL		
MINI-STORAGE FACILITY		
MUSEUM		
PARK, REGIONAL		
PUBLIC UTILITY BUILDING, REGULATORS, & SUBSTATION		
RECREATION FACILITY, RURAL		
RELIGIOUS INSTITUTION		

RESTAURANT		
RODEO GROUND		
SLAUGHTERHOUSE		
SOLAR FIELD		
TOWERS		Exceeding 50' in height.
TINY HOME COMMUNITIES		Refer to Section 8.01(h)
TRAVEL TRAILER PARK & CAMPGROUND		<i>Refer to Section 8.01 (i) of this Resolution for additional development requirements</i>
WILDLIFE, COMMERCIAL PARK		
WINERY		

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

Property sales office, (i.e.: Manufactured home, or manufactured office building), (on site only). Included with and dependent upon the issuance of a building permit, if required. If a building permit is not required, Department approval will be required.

Trailer when use is incidental to construction of the primary use building on the premises. Use requires valid building permit in effect at all times. 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 is not required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, weddings 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.

If a temporary use permit is required refer to [Section 8.12 FCZR](#) for requirements

Section 4.04 LOW-DENSITY RESIDENTIAL (LDR)

This district is established to provide areas of low-density residential development characteristically and primarily for single-family, and two-family dwelling units.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
8,500 sq. ft. with public water & sewer	85'	25/25	10/5	20/10	35'	35%
1 acre with public water & OWTS	85'		15' Adjacent to a street			
4.5 acres with well & OWTS	85'					

Note: All setbacks adjacent to a State or Federal Highway shall be twenty-five feet (25').

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, LIMITATIONS, AND PERMIT		
USE		COMMENTS
ACCESSORY BUILDINGS & USE		
ANIMAL UNITS		Refer to Section 3.13 FCZR
DWELLING UNIT		Single Family Two-Family - Provided public water and sewer service is available. Manufactured Home Mobile Home Accessory Dwelling Unit – Refer to Section 5.02 (a) FCZR
ELEMENTARY SCHOOL		
GROUP HOME		
HOME OCCUPATION		Refer to Section 5.02 (c) FCZR for additional development requirements
PARK		Mini
RELIGIOUS INSTITUTION		

SCHOOLS		High School Junior High School
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(b) Special Review Use

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		COMMENTS
ASSISTED LIVING RESIDENCE		
BED & BREAKFAST		
CHILDCARE CENTER		
FAMILY CHILDCARE HOME		
GOLF COURSE		
FIRE, POLICE STATION, & EMS FACILITIES		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to Section 5.02(d) of this Resolution.
HOSPITAL		
NURSING HOME		
PARK		Neighborhood
UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS & TRANSMISSION LINES		
RECREATIONAL FACILITY, URBAN		
TOWER		Exceeding 50' in height

Temporary Uses: None

Section 4.05 HIGH DENSITY RESIDENTIAL (HDR)

This district is established to provide for high density residential developments.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
8,500 sq. ft. Single Family	85'	25/25	10/10	20/10	50'	50%
8500 sq. ft. Two-Family	85'		15' Adjacent to a street			
Additional 1000 sq. ft. of lot area for each additional unit	85'		2' for each story			

Note: All setbacks adjacent to a State or Federal Highway shall be twenty-five feet (25').

If any three (3) or more unit structure is from one (1) to three (3) habitable stories, at least twenty (20) percent of the parcel shall be landscaped open space, if more than four (4) habitable stories at least forty (40) percent of the parcel shall be landscaped open space.

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, LIMITATIONS, AND PERMIT		
USE		
ACCESSORY BUILDINGS & USES		
ANIMAL UNITS		Refer to Section 3.13 FCZR
ASSISTED LIVING RESIDENCE		
BOARDING & ROOMING HOUSE		
CHILDCARE CENTER		
DWELLING UNIT		Single Family Two-Family Manufactured Home Mobile Home Multi-Family Accessory Dwelling Unit – Refer to Section 5.02 (a) FCZR
FAMILY CHILDCARE HOME		
GROUP HOME		
HOME OCCUPATION		Refer to Section 5.02 (c) FCZR for additional development requirements.
MEDICAL CLINIC		

PARK		Mini Neighborhood
RELIGIOUS INSTITUTION		
SCHOOLS		Elementary High School Junior High School

(b) Special Review Use

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
BANK, DRIVE IN		
COLLEGE/UNIVERSITY		
FIRE, POLICE STATION, & EMS FACILITIES		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to Section 5.02(d) of this Resolution.
GOLF COURSE		
HOSPITAL		
MINI-STORAGE FACILITY		
NURSING HOME		
PARK		Community
PROFESSIONAL OFFICE		
UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS & TRANSMISSION LINES		
RECREATIONAL FACILITY		Urban
TOWER		Exceeding 50' in height

(c) Temporary Uses

USES SUBJECT TO ISSUANCE OF A TEMPORARY USE PERMIT		
USE		
CONSTRUCTION OFFICE		Trailer when use is incidental to construction of the primary use building on the premises. Use requires valid building permit in effect at all times. If a building permit is not required, Department approval will be required.

Platting Requirements: Any parcel of land that is to be used for two family dwellings, apartments, or any other multi-family dwelling units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, obtained County approval for a multi-family filing or plat.

Section 4.06 MANUFACTURED HOME PARK (MHP)

This zone district is established to provide for manufactured home parks and for ensuring and promoting an acceptable living environment for manufactured home park occupants.

Minimum Lot Size/Area	Space Dimension		Interior Set Back Requirements Principal/Accessory			Exterior Boundary Setbacks			Max Building Height
	Width	Depth	Front	Side	Rear	Front	Side	Rear	
4.5 acres	40'	100'	20'	5'	10'	75' All State or Federal Highways 25' Public Streets & adjacent property lines			25'

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, POSSIBLE LIMITATIONS, AND PERMIT		
USE		
ACCESSORY BUILDINGS & USES		
DWELLING UNIT		Manufactured Home* Mobile Home
HOME OCCUPATION		Refer to Section 5.02 (c) FCZR for additional development requirements.
PARK		Mini
PARK SUPPORT FACILITIES		
WATCHMAN'S QUARTERS		

*The foundation design shall be as per the manufacturer's recommended foundation, or an Engineered permanent foundation.

(b) Special Review Use

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
ASSISTED LIVING RESIDENCE		
COMMUNITY BUILDING		
CHILDCARE CENTER		
FAMILY CHILDCARE HOME		

GROUP HOME		
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Temporary Uses: None

Section 4.07 [MANUFACTURED HOME PARK DEVELOPMENT](#)

(a) Site plan requirements:

- a. Title: (Name)Manufactured Home Park Development Plan
- b. Property size in acreage or square footage
- c. Legal description of the property
- d. Zoning of the subject and adjacent parcels
- e. Vicinity map
- f. Boundary drawing of the property with bearings and dimensions
- g. Spaces to be contained within the park.
 - i. Size of each space
 - ii. Total amount of spaces
 - iii. Setbacks for each space (at least two property lines)
- h. Dimensions and square footage of each unit
- i. Entrance and exit points of access.
- j. All other existing and proposed structures
 - i. Type
 - ii. Size: Dimensions and square footage
 - iii. Height
- k. Interior Roadways
 - i. Width
 - ii. Surface type & thickness
 - iii. Circulation patterns
- l. Parking areas
 - i. Type & number for each unit space
 - ii. Other parking areas: type(s) and sizes
 - iii. Total area
 - iv. Surface type and thickness
- m. Storage areas

- i. Total area
 - n. Open Space Areas
 - o. Safety Lighting
 - i. Type
 - ii. Height
 - p. Floodplain and drainage ways
 - q. Landscaping
 - r. Any Special Features of the property
 - s. Any other design features.
- (b) Development Requirements
 - a. **Access:** A minimum of one (1) permanent access and one (1) emergency access shall be provided.
 - b. **Roadway entrance:** At least fifty (50) feet in width, tapering to a minimum of thirty-eight (38) feet in width within fifty (50) feet from the junction of the roadway and the public street.
 - c. **Right-of-way and roadway widths:** Fifty (50) foot rights-of-way for roadways to be maintained by the County, with a thirty-eight (38) foot asphalt or concrete roadway surface with curb, gutter, and a five (5) foot sidewalk on each side of the right-of-way, shall be required unless waived by the Board. Thirty-eight (38) feet roadway width if roadway is to be privately maintained. If asphalt or concrete surface is not required, the roadways shall be constructed to County gravel street standards.
 - d. **Street, curb and gutter, and sidewalks:** If streets are to be County-maintained, street, curb and gutter and sidewalk plans and profiles shall be signed and sealed by a Colorado Licensed Professional Engineer and approved by the County Engineer and/or Fremont County Transportation Director and constructed to County Street specifications. For private streets, typical street cross sections shall be submitted.
 - e. **Buffering and landscaping:** Unless waived by the Board a buffering and landscaping plan and construction in accordance with [Section 5.04 \(a\) FCRZ](#) shall be required.
 - f. **Open Space Requirements:** A minimum of four (4) percent of the total manufactured home park area shall be set aside for open space, which may be used for recreational purposes. Adequate access shall be provided to all open space areas.
 - g. **Storage Areas:** A separate area within the development, that consists of a minimum of one hundred (100) square feet per manufactured home unit shall be set aside for storage of boats, boat trailers, motor homes, trailers, or similar recreational vehicles.

Section 4.08 RURAL HIGHWAY BUSINESS (RHB)

This district is intended to accommodate certain business uses that are highway oriented.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
2 Acres with public water & sewer	100'	40'	30'	30'	35'	35%
4.5 Acres with well & OWTS						

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & COMMERCIAL DEVELOPMENT PLAN		
USE		CONDITIONS
ACCESSORY BUILDINGS & USE		
AUTOMOBILE REPAIR SHOP		
AUTOMOBILE SERVICE STATION		
BAKE SHOP		
BED & BREAKFAST		
BUS TERMINAL		
CAR WASH		
CHILDCARE CENTER		
COMMUNITY BUILDING		
CONVENIENCE STORE		
DISTILLERY		
EXERCISE FACILITY & GYMS		
FARM & RANCH SUPPLIES, SALES & SERVICE		
GOVERNMENT ROAD MAINTENANCE FACILITY		

GREENHOUSE, COMMERCIAL		
HOTEL/MOTEL		
LIQUOR STORE		
LOUNGE		
MUSEUM		
PERSONAL SERVICES		
PHARMACY		
POST OFFICE		
PROFESSIONAL OFFICE		
RAFTING		
RESTAURANT WITH OR WITHOUT BREWERY		
RETAIL STORE		
RIDING ACADEMY		Provided all housing and accessory uses are located at least three hundred (300) feet from property lines;
STABLE		
VETERINARY PREMISES		
WATCHMEN'S QUARTERS		
WINERY		

(b) Special Review Use

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
AIRPORT, PRIVATE		
ASSISTED LIVING RESIDENCE		
AUDITORIUM		

AUTOMOBILE & TRAILER SALES LOT		
BANK, DRIVE IN		
CARPENTER SHOP		
CLUB		
CONTRACTOR'S YARD #1 OR #2		Refer to Section 5.03 (a) & 8.01 (d) of FCZR for development requirements.
DRY CLEANING SERVICE		
FIRE, POLICE STATION, & EMS FACILITIES		Refer to Section 5.02 (d) FCZR for development requirements.
GOLF COURSE		
KENNEL		
PARKING LOT OR GARAGE		When this is a primary use of the property as opposed to an accessory use to another primary use housed on the property. Refer to Section 5.05 FCZR for development requirements.
RECREATION CAMP		
RECREATIONAL AND OUTDOOR AMUSEMENT OR AMUSEMENT PARK		
SEASONAL EMPLOYEE HOUSING		
TINY HOME COMMUNITIES		Refer to Section 8.01(h)
TOWER		Exceeding 50 feet in height
TRANSFER STATION		
TRAVEL TRAILER PARK & CAMPGROUND		Refer to Section 8.01 (i) FCZR for development requirements.
TRUCK STOP		
WILDLIFE, COMMERCIAL PARK		

TEMPORARY USES: Approval as noted below will be required for the following uses:
Roadside Stand (seasonal business) for the duration of the growing season.
If a temporary use permit is required refer to [Section 8.12 FCZR](#).

Section 4.09 BUSINESS (B)

This district is to provide for the development of business uses that would serve the public.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
7,500 sq. ft.	75'	40'	10'	20'	50'	65%
2 Acres with public water and OWTS	100'		15' Adjacent to a street			
4.5 Acres for well and OWTS	100'		2' for each story over 1			

Note: All setbacks adjacent to a State or Federal Highway shall be twenty-five feet (25') unless required setback is more stringent.

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & COMMERCIAL DEVELOPMENT PLAN		
USE		CONDITIONS
ACCESSORY BUILDINGS & USE		
ASSISTED LIVING RESIDENCE		
AUTOMOBILE REPAIR SHOP		
AUTOMOBILE SERVICE STATION		
AUTOMOBILE & TRAILER SALES LOT		
BAKE SHOP		
BANK, DRIVE IN		
BUS TERMINAL		
CAR WASH		
CHILDCARE CENTER		
CLUB		
COMMUNITY BUILDING		

CONVENIENCE STORE		
DISTILLERY		
DRY CLEANING SERVICE		
DWELLING UNIT		<p>Single Family Manufactured Home Mobile Home Multi-Family – 3 units or more; primary use on property. No additional uses permitted. Subject to approval of a commercial site development plan. Watchman’s Quarters</p>
EMERGENCY SHELTER		
EXERCISE FACILITY AND GYM		
FARM & RANCH SUPPLIES, SALES, & SERVICE		
FINANCIAL INSTITUTION		
FUNERAL HOME		
GOVERNMENT ROAD MAINTENANCE FACILITY		
GREENHOUSE, COMMERCIAL		
GROCERY STORE		
HOTEL/MOTEL		
LIQUOR STORE		
LOUNGE		
MANUFACTURED HOME SALES LOT		
MEAT LOCKER		
MEDICAL CLINIC		
MINI-STORAGE FACILITY		

MUSEUM		
PARKS		Mini
PARKING LOT OR GARAGE		Refer to Section 5.05 FCZR
PERSONAL SERVICES		
PHARMACY		
POST OFFICE		
PRINTING AND COPY SHOP		
PROFESSIONAL OFFICE		
RAFTING		
RECREATIONAL AND OUTDOOR AMUSEMENT OR AMUSEMENT PARK		
RELIGIOUS INSTITUTION		
RETAIL STORE		
RESTAURANT WITH OR WITHOUT BREWERY		
SCHOOLS		High School Junior High School
SOLAR PANEL FIELDS		
VETERINARY PREMISES		
WINERY		

(b) Conditional Use Permit

USES SUBJECT TO ISSUANCE OF A CONDITIONAL USE PERMIT		
USE		CONDITIONS
RECYCLE FACILITY		

(c) Special Review Use

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		CONDITIONS
ADULT USES		
AUCTION YARD		
AUDITORIUM		
AUTOMOBILE BODY SHOP		
CARPENTER SHOP		
COLLEGE/UNIVERSITY		
CONTRACTOR'S YARD #1 OR #2		Refer to Section 5.03 (a) & 8.01 (d) FCZR
CREMATORY		
FIRE, POLICE STATION, & EMS FACILITIES		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to Section 5.02(d) of this Resolution.
FLEA MARKET		
INDUSTRY, LIGHT		
KENNEL		
LABORATORY		
MANUFACTURED HOME REPAIR, REMODELING, REFURBISHING or DISMANTLING		
SCHOOLS		Trade or Training School

TINY HOME COMMUNITIES		Refer to Section 8.01(h)
TOWERS		Exceeding fifty (50) in height.
TRAVEL TRAILER PARK & CAMPGROUND		Refer to Section 8.01 (i) FCZR
TRUCK STOP		
UPHOLSTERY SERVICES		
UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS & TRANSMISSION LINES		
VEHICLE IMPOUNDMENT YARD		
WHOLESALE SALES/STORAGE		

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

Construction Office Trailer (office use only) when use is incidental to construction of the primary use building on the premises. Use requires valid building permit in effect at all times. If a building permit is not required, Department approval will be required.

Spectator events, athletic events, carnivals, circuses, 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 8.12 FCZR](#) for requirements.

Roadside stand (seasonal business) for the duration of the growing season.

Section 4.10 INDUSTRIAL PARK (IP)

This zone district is established to provide for light industrial and light manufacturing uses that are complemented by administrative establishments in a planned development complex.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
PARK AREA MINIMUM 4.5 acres						
1 Acre with public water and sewer	100'	40'	15'	20'	50'	50%
2 Acres with public water and OWTS	100'		20' Adjacent to a street			
4.5 Acres with well and OWTS	100'					

Note: All setbacks adjacent to a State or Federal Highway shall be twenty-five feet (25') unless required setback is more stringent.

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & COMMERCIAL DEVELOPMENT PLAN		
USE		CONDITIONS
ACCESSORY BUILDINGS/USE		
ASSEMBLY PLANT		
BAKERY, FACTORY		
CHILDCARE CENTER		Only in conjunction with providing services to employees of the industrial park
CREMATORY		
FABRICATION		Indoors Only
GOVERNMENT ROAD MAINTENANCE FACILITY		

GREENHOUSE, COMMERCIAL		
HEAVY EQUIPMENT & COMMERCIAL TRUCK REPAIR		
HOTEL/MOTEL		
INDUSTRIAL REPAIRS		
MANUFACTURING		Including compounding indoor only
MINI-STORAGE FACILITY		
PARKS		Mini
PROCESSING		Indoors only
PROFESSIONAL OFFICE		
RETAIL STORE		In conjunction with a primary use.
TRADE OR TRAINING SCHOOL		

(b) Special Review Use

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
AIRPORT		Private
AGRICULTURE		
AUTOMOBILE BODY SHOP		
AUTOMOBILE SERVICE STATION		
BANK, DRIVE IN		
BOTTLING PLANT		
BULK FUEL STORAGE		
CARPENTER SHOP		
CONTRACTOR’S YARD #1 or #2		Refer to Section 5.03 (a) & 8.01 (d) FCZR
CONVENIENCE STORE		

CORRECTIONAL FACILITY		Public & Private
DISTRIBUTION CENTER		
DRY CLEANING SERVICE		
FABRICATION		Outdoors
FIRE, POLICE STATION, & EMS FACILITIES		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to Section 5.02 (d) FCZR for development requirements.
GOLF COURSE		
INDUSTRIAL REPAIRS		Outdoors
LABORATORY		
MACHINE SHOP		
MANUFACTURING		Including compounding, outdoors
MEMORIAL PARK		
MILLING		
MUSEUM		
PARKING LOT OR GARAGE		
PRINTING INDUSTRIAL		
PROCESSING		Outdoors
RECREATIONAL FACILITY		Urban
RECYCLING FACILITY		
RESTAURANT WITH OR WITHOUT BREWERY		
SLAUGHTERHOUSE		
SOLAR PANEL FIELDS		
TOWER		Exceeding 50' in height

TRUCKING TERMINAL		
UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS & TRANSMISSION LINES		
VEHICLE IMPOUNDMENT YARD		
WATCHMEN'S QUARTERS		
WHOLESALE SALES/STORAGE		

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

Construction Office Trailer (office use only) when use is incidental to construction of the primary use building on the premises. Use requires valid building permit in effect at all times. If a building permit is not required, Department approval will be required.

Spectator events, athletic events, carnivals, circuses, 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 is not 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 8.12 FCZR](#).

Section 4.11 AIRPORT

This District is established to provide for placement and protection of airports and airport related uses.

You must notify the Federal Aviation Administration if you establish a new private use facility. Private-use facilities must comply with 14 CFR Part 157, Notice of Construction, Alteration, Activation, and Deactivation.

A. Airport Park (AP):

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
<i>MINIMUM AREA 120 ACRES</i>						
1 Acre with public water and sewer	100'	40/40	15/15	20/20	In accordance with Federal Aviation Administration Guidelines (FAR Part 77 Airspace Surfaces) Any structure over 50' above ground shall include obstruction lights.	80%
2 Acres with public water and OWTS	100'		20' Adjacent to a street			
4.5 Acres for well and OWTS	100'		Runway Setbacks shall meet FAA guidelines			

Note: All setbacks adjacent to a State or Federal Highway shall be twenty-five feet (25') unless required setback is more stringent.

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & COMMERCIAL DEVELOPMENT PLAN		
USE		
ACCESSORY USE		
AIR CARGO TERMINAL AND ASSOCIATED FREIGHT FORWARDING FACILITIES		
AIRCRAFT CHARTER SERVICE		
AIRCRAFT MAINTENANCE FACILITY		
AIRCRAFT RESTORATION FACILITY		
AIRCRAFT MANUFACTURING AND SALES		
AIRPORT, PUBLIC AND PRIVATE		
AIRPORT RELATED USES		
AIRPORT TERMINAL AND RELATED SUPPORTING FACILITIES		
CAR RENTAL AND ASSOCIATED STORAGE AREAS		

<u>EMERGENCY MEDICAL SERVICES ASSOCIATED WITH AN AIRPORT</u>		
<u>FIRE STATION ASSOCIATED WITH AN AIRPORT</u>		
<u>FLIGHT KITCHENS AND RELATED FACILITIES</u>		
<u>FLIGHT SCHOOL</u>		
<u>GOVERNMENT STAGING FACILITIES THAT ARE AVIATION RELATED</u>		
<u>GOVERNMENT TRAINING FACILITIES THAT ARE AVIATION RELATED</u>		
<u>GROUND TRANSPORTATION FACILITIES, SUCH AS TAXI AND / OR BUS TERMINALS</u>		
<u>HELIPORT</u>		
<u>LOUNGE AND/OR RESTAURANT, LOCATED WITHIN THE AIRPORT TERMINAL, CATERING TO AVIATION PASSENGERS AND EMPLOYEES</u>		
<u>MANUFACTURING AND DISTRIBUTION OF AVIATION RELATED ITEMS</u>		
<u>MINI-STORAGE FACILITY, WHEN USED IN ASSOCIATION WITH AN AIRPORT OR OTHER USES ALLOWED WITHIN THE ZONE DISTRICT</u>		
<u>PARKING LOT AND / OR GARAGE, IN ASSOCIATION WITH AN AIRPORT OR OTHER USES ALLOWED WITHIN THE ZONE DISTRICT</u>		
<u>PERSONAL SERVICE OUTLETS LOCATED WITHIN THE AIRPORT TERMINAL, CATERING TO AVIATION PASSENGERS AND EMPLOYEES</u>		
<u>PROFESSIONAL OFFICES, IN ASSOCIATION WITH AN AIRPORT OR OTHER USES ALLOWED WITHIN THE ZONE DISTRICT</u>		
<u>PUBLIC UTILITIES (DISTRIBUTION ELEMENTS ONLY, NOT TO INCLUDE REGULATORS AND SUBSTATIONS)</u>		
<u>RETAIL OUTLETS LOCATED WITHIN THE AIRPORT TERMINAL, CATERING TO AVIATION PASSENGERS AND EMPLOYEES</u>		

TRADE OR TRAINING SCHOOL THAT IS ASSOCIATED WITH AVIATION		

(b) Conditional Use Permit

USES SUBJECT TO ISSUANCE OF A CONDITIONAL USE PERMIT		
USE	DEVELOPMENT REQUIREMENTS	
SEE AIRPORT RULES AND REGULATIONS		

(c) Special Review Use Permit

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE	DEVELOPMENT REQUIREMENTS	
TOWER		

(d) Temporary Use Permit

USES SUBJECT TO ISSUANCE OF A TEMPORARY USE PERMIT		
USE		
CONSTRUCTION OFFICE		
SPECTATOR EVENT		

Section 4.12 AIRPORT OVERLAY DISTRICT

(a) DESCRIPTION:

This section and the referenced maps establish an overlay zone district in Fremont County regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Fremont County Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Fremont County Airport FAR Part 77 Airspace Drawing and Off Airport Land Use Drawing which are incorporated in and made a part of this regulation by reference.

(b) PURPOSE:

The purpose of the airport overlay zone district is to protect the viability of the Fremont County Airport as a significant resource to the community by encouraging compatible land uses, densities and reducing hazards that may endanger the lives and property of the public and aviation users. The Airport Overlay (AP-O) Zone District classification identifies a series of virtual surfaces and compatibility zones within the airport influence area that have historically been prone to hazards associated with aircraft and airports. The AP-O zone district classification is laid over the existing Fremont County Zoning Districts.

(c) **SHORT TITLE:**

This zone district shall hereafter be referred to as the Fremont County Airport Overlay Zone District.

(i) **DEFINITIONS:**

As used in this Airport Overlay Zone District, unless the context otherwise requires:

- 1) **AIRPORT ELEVATION:**
The highest point of an airport's usable landing area measured in feet from mean sea level.
- 2) **APPROACH SURFACE:**
A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in [Section 4.11 FCZR](#) of this Resolution. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- 3) **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES:**
These zones are set forth in Section 4.
- 4) **CONICAL SURFACE:**
A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 5) **HAZARD TO AIR NAVIGATION:**
An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- 6) **HEIGHT (AIRPORT):**
For the purpose of determining the height limits in the AP-O zone district and as shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- 7) **HELIPORT PRIMARY SURFACE:**
The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- 8) **HORIZONTAL SURFACE:**
A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- 9) **LARGER THAN UTILITY RUNWAY:**
A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- 10) **NAVD 88 North American Vertical Datum 1988:**

All elevations in this Resolution are referenced to the 1988 North American Vertical Datum.

- 11) NONCONFORMING USE (AIRPORT): Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this zone district or any amendment thereto.
- 12) NONPRECISION INSTRUMENT RUNWAY:
A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non precision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.
- 13) OBSTRUCTION:
Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in [Section 4.11 FCZR](#).
- 14) PERSON (AIRPORT):
An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- 15) PRECISION INSTRUMENT RUNWAY:
A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR) or a Global Positioning System (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.
- 16) PRIMARY SURFACE:
A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- 17) RUNWAY:
A defined area on an airport prepared for landing and takeoff of aircraft. along its length.
- 18) STRUCTURE (AIRPORT):
An object, including mobile object, constructed, or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- 19) TRANSITIONAL SURFACES:
These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot

vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

20) TREE (AIRPORT):

Any object of natural growth.

21) UTILITY RUNWAY:

A runway that is constructed for and intended to be used by propeller driven aircraft. of 12,500 pounds maximum gross weight and less.

22) VISUAL RUNWAY:

A runway intended solely for the operation of aircraft. using visual approach procedures.

(d) AIRPORT HEIGHT RESTRICTION ZONES:

In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Fremont County Airport. Such zones are shown on the Fremont County Airport Federal Aviation Regulation (FAR) Part 77 Airspace Drawing. Two (2) original, official, and identical copies of the FAR Part 77 Airspace Drawing reflecting the boundaries of the airport height restriction overlay zoning districts of Fremont County are hereby adopted, and the Board of County Commissioners and the Fremont County Clerk & Recorder are hereby authorized to sign and attest each map as the official Fremont County Airport FAR Part 77 Airspace Drawing of Fremont County, and such maps shall be filed as follows

- 1) One (1) copy shall be filed in the office of the Fremont County Department of Planning and Zoning. The Department will keep on file all authorized amendments to the document.
- 2) One (1) copy shall be provided to the office of the Fremont County Airport Manager. The Fremont County Department of Planning and Zoning shall provide the Fremont County Airport Manager with copies of all amendments to the document.
- 3) Each portion of an area located in more than one (1) of the following zones shall be evaluated independently according to the zone in which it is located. The various zones are hereby established and defined as follows:
 - a) PRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY) – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - b) NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY) – The inner edge of this approach zone coincides with the

width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- c) NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT.) – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- d) VISUAL RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY) – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- e) VISUAL RUNWAY APPROACH ZONE (UTILITY AIRCRAFT.) – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach surface expands uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is a continuation of the centerline of the runway.
- f) TRANSITIONAL ZONE – The transitional zones are the areas beneath the transitional surfaces.
- g) HORIZONTAL ZONE – The horizontal zone is established by swinging arcs of 5,000 or 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The horizontal zone was constructed with 10,000 feet radii.
- h) CONICAL ZONE – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

(e) AIRPORT ZONE HEIGHT LIMITATIONS:

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any AP-O zone, to a height in excess of the applicable height limit herein established. Such applicable height limitations are hereby established for each of the zones in question as follows:

- 1) PRECISION INSTRUMENT RUNWAY APPROACH ZONE – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. Then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first 10,000 feet and extending to a horizontal

distance of 40,000 feet along the extended runway centerline.

- 2) NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY) - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- 3) NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT) – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- 4) VISUAL RUNWAY APPROACH ZONE – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- 5) TRANSITIONAL ZONE - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
- 6) HORIZONTAL ZONE – Established at 150 feet above the airport elevation.
- 7) CONICAL ZONE – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(f) COMPATIBLE LAND USE REGULATIONS

- 1) AIRPORT COMPATIBLE LAND USE OVERLAY ZONING DISTRICTS – For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety, and general welfare of property users, the controlled area of Fremont County Airport is divided into Airport Compatible Land Use Overlay Zoning districts. Compatible Land Use Overlay Zoning districts established herein shall be known as:

Off Airport Land Use Zone	Zoning District Name Number
1	Airport Influence Zone (AIZ)
2	Traffic Pattern Zone (TPZ)
3	Approach Zone (AZ)
4	Runway Protection Zone (RPZ)

2) OFF AIRPORT LAND USE MAP

- a) The boundaries of the Airport Compatible Land Use Overlay Zoning Districts set out herein are delineated upon the Off-Airport Land Use Map of Fremont County, said Off Airport Land Use Map being adopted by reference and made a part of this Resolution as fully as if the same were set forth herein in detail.
- b) Two (2) original, official, and identical copies of the Off Airport Land Use Map reflecting the boundaries of the Airport Compatible Land Use Overlay Zoning Districts of Fremont County are hereby adopted, and the Board of County Commissioners, Chairman and the Fremont County Clerk & Recorder are hereby authorized to sign and attest each map as the official Off Airport Land Use Map of Fremont County, Colorado, and such maps shall be filed and maintained as follows:
- c) One (1) copy shall be filed in the office of the Fremont County Department of Planning and Zoning. The Department will keep on file all authorized amendments to the maps.
- d) One (1) copy shall be provided to the office of the Fremont County Airport Manager. The Fremont County Department of Planning and Zoning shall provide the Airport Manager with copies of all amendments to the maps.

(g) AIRPORT COMPATIBLE LAND USE OVERLAY ZONING DISTRICT BOUNDARIES

- 1) The Airport Compatible Land Use Overlay Zoning District boundary lines shown on the Off-Airport Land Use Map shall be located and delineated along contour lines established for the Fremont County Airport. Where uncertainty exists as to the boundaries of the Airport Compatible Land Use Overlay Zoning Districts as shown on the official Map, the following rules shall apply:
 - 2) Boundaries shall be scaled from the nearest runway end shown on the map.
 - 3) Boundaries shall be scaled from the nearest physical feature shown on the map.
 - 4) Boundaries shall be scaled from the nearest platted lot line as shown on the map.
 - 5) Distances not specifically indicated on the original Off Airport Land Use Map shall be determined by a scaled measurement on the map.
 - 6) Where physical features on the ground differ from the information shown on the Off-Airport Land Use Map or when there is a question about how or where a parcel of property is zoned and such questions cannot be resolved by the application of Section 4, the property shall be classified in the most restrictive Airport Compatible Land Use Overlay Zoning District.
 - 7) Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zoning District, the zone within which each portion.

(h) USE OF LAND AND BUILDINGS

- 1) Within the Airport Compatible Land Use Overlay Zoning Districts as defined herein, no land shall be used and no structure or other object shall be erected, altered, converted, or modified other than for those compatible land uses permitted by underlying comprehensive zoning districts, as specified in the Fremont County Zoning Resolution. Additional land uses are prohibited in the Airport Compatible Land Use Overlay Zoning Districts, regardless of underlying zoning, as set forth in the Land Use Compatibility Table included in Table 4.10.2.
- 2) Where any use of land and buildings set forth above conflicts with any use of land and buildings set forth in the Fremont County Zoning Resolution, as an allowed use on the Zoning District Map, use of land and buildings set forth in this part shall apply.
- 3) Use of land and buildings. shall not apply to land within the property boundaries of the airport.
- 4) No building permit for construction within an Airport Compatible Land Use Overlay Zoning District shall be approved for those uses specified on the Airport Compatible Land Use Table, until the property owner(s) dedicates an Avigation Easement to Fremont County over and across the property (See Avigation Easement Form and Disclosure Form available from the Department). The purpose of this easement shall be to establish a maximum height restriction for the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft landing at, taking off from, or operating on, or at, public airport facilities.

(i) ADDITIONAL LAND USE REGULATIONS

- 1) Within Fremont County the more restrictive of either the Fremont County Zoning Resolution or Section _____, shall apply to the development of all property covered by the Off-Airport Land Use Map.
- 2) On property within the Off-Airport Land Use Map, Section 12 below shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions.
- 3) When a provision of this section conflicts with any airport height hazard restrictions, the most restrictive provision shall apply.
- 4) Notwithstanding any other provisions of this section or other section of the Fremont County Zoning Resolution, no use may be made of land, water, or structures within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.
- 5) When a subdivision plat is required for any property within an Airport Compatible Land Use

Overlay Zoning District or within an area shown on the FAR Part 77 Airspace Drawing for Fremont County, the property owner shall dedicate an Avigation Easement to Fremont County over and across that property (See Avigation Easement Form and Disclosure Form available from the Department). This easement shall establish a height restriction for the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Fremont County Airport.

(i) NONCONFORMING USES

- a) REGULATIONS NOT RETROACTIVE - The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the date of adoption, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Resolution and is diligently prosecuted. Nonconforming land uses existing as of the effective date of this Resolution may be modified such that 1) only existing structures may be enlarged or expanded; 2) they do not result in any greater violation of height restrictions; and 3) a variance in accordance with Section 12 (below) is obtained.
- b) MARKING AND LIGHTING - Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Fremont County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Fremont County Airport.

(ii) PERMITS

- a) FUTURE USES - Except as specifically provided hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted by the Fremont County Airport Manager. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. An FAA Form 7460-1, Notice of Proposed Construction or Alteration, shall accompany each application. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Resolution shall be granted unless a variance has been approved in accordance with section 12 variances below.
 - 1) In the area lying within the limits of the approach zone, transition zone, horizontal zone, and conical zone, no permit shall be required by this Resolution for any tree or structure less than 200 feet above ground level which is also lower than a virtual surface extending outward and upward at a slope of 100 feet horizontal for each 1-foot vertical beginning at the closest point of the closest runway.
 - 2) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or

growth of any tree in excess of any of the height limits established by this Resolution.

- b) **EXISTING USES** - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Resolution or any amendments thereto or when the application for a permit was made.
- c) **NONCONFORMING USES ABANDONED OR DESTROYED** - Whenever a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- d) **VARIANCES** - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Resolution, may apply to the Board of Zoning Adjustment (BOZA) for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Resolution.
- e) **OBSTRUCTION MARKING AND LIGHTING** - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may require in accordance with FAA provisions.

Section 4.13 LAND USE CATEGORY TABLE

Land use	Airport Influence Zone (AIZ)	Traffic Pattern Zone (TPZ)	Approach Zone (AZ)	Runway Protection Zone (RPZ)
RESIDENTIAL Single-Family, Nursing Homes, Mobile Homes, Multi-Family, Apartments, Condominiums	+	0 (3)	= (1,3)	**
Public Schools, Libraries, Hospitals, Churches, Auditoriums, Concert Halls	++	0 (3)	= (3)	**
Transportation, Parking, Cemeteries	++	++	++	= (2, 5)
Commercial & Industrial Offices, Retail Trade Service, Commercial Wholesale Trade, Warehousing, Light Industrial, General Manufacturing, Utilities, Extractive Industry	++	+	0 (3)	**

<u>Agricultural & Recreational</u>	++	++	++	++
Cropland				
Livestock Breeding	++	++	**	= (2)
Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation	++	++	**	= (2)
Outdoor Spectator Sports	++	+	- (3)	=
Amphitheaters	0	- (4)	=	=
Open Space	++	++	++	++

++ Clearly Acceptable + Normally Acceptable 0 Marginally Acceptable - Normally Unacceptable = Clearly Unacceptable

Conditions:

1. If allowed, aviation easements and disclosure must be required as a condition of development.
2. Any structures associated with uses allowed in the RPZ must be located outside the RPZ.
3. If no reasonable alternative exists, use should be located as far from extended centerline as possible.
4. If no reasonable alternative exists, use should be located as far from extended runway centerline and traffic patterns as possible.
5. Transportation facilities in the RPZ (i.e. roads, railroads, waterways) must be configured to comply with Part 77 requirements.

Note: Development projects which are wildlife attractants, including sewerage ponds and landfills, within 10,000 feet of the airport are unacceptable. (Ref.: FAA AC 150/5200-33)

Section 4.14 AVIGATION EASEMENT

AVIGATION EASEMENT

WHEREAS, _____, hereinafter called the Grantor, is the owner in fee of that certain parcel of land situated in Fremont County, State of Colorado, more particularly described as follows and hereinafter called “Grantor’s Property” (see attached legal description): NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell, and convey unto Fremont County hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, as easement and right-of-way, appurtenant to the Fremont County Airport for the unobstructed use and passage of all types of aircraft by whomsoever owned and operated.

Said easement shall be appurtenant to and for the benefit of the real property now known as Fremont County Airport including any additions thereto wherever located, thereafter made by the Fremont County Airport or its successors and assigns, guests, and invites, including any and all persons, firms, or corporations operating aircraft to or from the airport.

Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all air space above or in the vicinity of the surface of Grantor’s property such noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the vicinity of Grantor’s property or in landing at or taking off from, or operating at or on said Fremont County Airport, and Grantor does hereby fully waive, remise, and release any right or cause of action which he may now have or which he may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Fremont County Airport.

As used herein, the term “aircraft” shall mean any and all types of aircraft, whether now in existence or thereafter manufactured and developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whomsoever owned or operated.

The easement and right-of-way hereby granted includes the continuing right in the Grantee to prevent the erection or growth upon Grantor’s property of any building, structure, tree, or other object which constitutes an obstruction to navigable airspace [OR SPECIFIC HEIGHT RESTRICTION DESIRED], and to remove from said air space, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantor’s property, together with the right of ingress to, egress from, and passage over Grantor’s property for the above purpose.

Section 4.15 DISCLOSURES

**DISCLOSURES BY (OWNER) (BUYER)
OF REAL PROPERTY IN FREMONT COUNTY, COLORADO**

This is a notification, disclosure, and acknowledgement by (Owner) (Buyer) of real property located in the vicinity of the Fremont County Airport in Fremont County, Colorado.

_____ hereby acknowledges the following:
(Owner) (Buyer) Print Name

AIRPORT

1. Proximity to the Airport

The subject parcel, located in Section ___ Township ___ Range ____, is less than ___ mile(s) from the Fremont County Airport. The parcel is also located within the airport influence area. Airplanes may fly at low elevations over the parcel as they operate to, from, or at the airport. The airport is operational 24 hours per day. Flights may occur at all hours of the day or night.

2. Disclosure of Noise Impacts

Due to the proximity of the parcel to the airport, and the airport's associated flight patterns; owner(s) / buyer(s) should expect varying degrees of noise from these aircraft, which some persons may find intrusive.

3. Future Improvements and Aircraft Operations

The airport plans to expand its facilities and operations in the future. The plans include, but are not limited to those shown on the approved Airport Layout Plan. These improvements may result in increased aircraft operations, operations by larger aircraft, and increased nighttime operations which could increase the noise levels within the vicinity of the airport.

CERTIFICATION

This undersigned owner(s) / purchaser(s) of said parcel of land certify(ies) that (he/she) (they) (has) (have) read the above disclosure statement and acknowledge(s) the pre or planned existence of the airport named above and the noise exposure due to the operation of said airport.

_____ (SIGNATURE) DATE

Section 4.16 INDUSTRIAL (I)

The following Districts are the Industrial Zone Districts. These districts are intended for industrial uses and manufacturing.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
1 Acre with public water and sewer	100'	40'	10'	20'	50'	65%
2 Acres with public water and OWTS	100'		20' Adjacent to a street			
4.5 Acres for well and OWTS	100'					

Note: All setbacks adjacent to a State or Federal Highway shall be twenty-five feet (25') unless required setback is more stringent.

(a) Allowed Uses

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & COMMERCIAL DEVELOPMENT PLAN		
USE		CONDITIONS
ACCESSORY USE		
ASSEMBLY PLANT		
AUTOMOBILE BODY SHOP		
AUTOMOBILE REPAIR SHOP		
AUTOMOBILE GRAVEYARD		
BAKERY, FACTORY		
BOTTLING PLANT		
CARPENTER SHOP		
CONTRACTOR'S YARD #1 or #2		Refer to Section 5.03 (a) & 8.01 (d) FCZR
CREMATORY		
DISTRIBUTION CENTER		

DRY CLEANING SERVICE		
FABRICATION		
FARM & RANCH SUPPLIES, SALES, & SERVICE		
GOVERNMENT ROAD MAINTENANCE FACILITY		
GREENHOUSE, COMMERCIAL		
HEAVY EQUIPMENT & COMMERCIAL TRUCK REPAIR		
INDUSTRIAL REPAIRS		
JUNKYARD		Refer to Section 8.01 (f) FCZR
LABORATORY		
MACHINE SHOP		
MANUFACTURING		Including Compounding
MEAT LOCKER		
MEAT PRODUCTS PLANT		
MILLING		
MINI-STORAGE FACILITY		
MANUFACTURED HOME SALES, REPAIR, REMODELING, REFURBISHING or DISMANTLING		
PRINTING INDUSTRIAL		
PROFESSIONAL OFFICE		
PROCESSING		
RECYCLING FACILITY		

RETAIL STORE		Including Rental Store
TRADE OR TRAINING SCHOOL		
TRAIN TERMINAL/DEPOT		
TRUCKING TERMINAL		
UPHOLSTERY SERVICES		
VEGETABLE FOOD PRODUCTS FACTORY		
VEHICLE IMPOUNDMENT YARD		
VETERINARY PREMISES		
WATCHMEN’S QUARTERS		
WHOLESALE SALES/STORAGE		
WINERY		

(b) Conditional Use Permit

USES SUBJECT TO ISSUANCE OF A CONDITIONAL USE PERMIT		
USE		
FEEDLOT		
FORESTRY SALES		
MINING		
SAWMILL		

(c) Special Review Use

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
AIRPORT		Private
AGRICULTURE		Including livestock and poultry
BULK FUEL STORAGE		

CORRECTIONAL FACILITY		Public & Private
DAIRY FARM		
FIRE, POLICE STATION, & EMS FACILITIES		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to Section 5.02 (d) FCZR for development requirements.
FLEA MARKET		
KENNEL		
LANDFILL	35 ACRES	
PARKING LOT OR GARAGE		
PUBLIC UTILITY BUILDINGS, REGULATORS, AND SUBSTATIONS		
RECREATIONAL FACILITY		Rural
REFINING		
RESTAURANT WITH OR WITHOUT BREWERY		
SLAUGHTERHOUSE		
SOLAR PANEL FIELDS		
TOWERS		Exceeding fifty (50) feet in height.
TRANSFER STATION		
TRUCK STOP		

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

Property sales office, (i.e.: Manufactured home, manufactured home single-wide or manufactured office building), (on site only). Included with and dependent upon the issuance of a building permit, if required. If a building permit is not required, Department approval will be required.

Construction Office Trailer (office use only) when use is incidental to construction of the primary use building on the premises. Use requires valid building permit in effect at all times. 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 is not 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. 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 8.12 FCZR](#).

(i) Platting Requirements:

Any parcel of land that is to be used for multiple business units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, obtained County approval for a multi-business filing or plat.

(ii) Signage Standard:

There shall be no commercial signs other than one (1) free-standing sign for each street frontage announcing the name and insignia of the company on the property and one (1) flush wall sign or window sign. The free-standing sign shall not exceed thirty-two (32) square feet in area and the flush wall sign or window sign shall not exceed one (1) square foot in area per one (1) linear foot of exterior wall.

Section 4.17 PLANNED UNIT DEVELOPMENTS (PUD)

To promote more efficient use of land to preserve and enhance the natural characteristics and unique features of a development; to improve the design, character, and quality of new development; to encourage integrated planning to achieve the objectives of the Fremont County Master Plan; to preserve open areas; to facilitate the adequate and economical provision of streets and utilities, and to reduce the burden on existing streets and utilities by more efficient development; and to conserve the value of land.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
3 Acres	Per Underlying Zone District	Per Underlying Zone District	Per Underlying Zone District	Per Underlying Zone District	Per Underlying Zone District	Varies

All Uses				
Use	Definition	Requirements	Parking	Special Requirements
<i>Uses by right, commercial development plans, conditional uses, and special review uses of the zone districts associated with the Zone Districts of the PUD.</i>				

Section 4.18 RESIDENTIAL PLANNED UNIT DEVELOPMENT:

To preserve Fremont County's agricultural lands for the continuation of agriculture and its related uses; to discourage the conversion of agricultural lands within Fremont County and to encourage the continuation of agricultural or nonurban uses; to provide for the preservation of environmental resources; to provide that future urban development should be located within or adjacent to existing urban areas; to discourage the conversion of agricultural water to urban uses; to provide an incentive to the rancher to keep the major part of his land in agricultural production by allowing the conveyance of small land parcels; to provide for a variety of lifestyles in Fremont County Residential Planned Unit Developments (RPUD) are permitted in the R1, R2, R3 LDR, and HDR Zoning Districts subject to the provisions of this article and the conditions set forth in a development plan that has been reviewed and approved by the Board.

- (a) RPUD Zoning Requirements:
 - A. The RPUD contains an area of not less than three (3) acres;
 - B. The overall density of the RPUD does not exceed the total number of allowable units allowed by the underlying zoning;
 - C. The total area devoted to residential use(s) does not exceed twenty-five percent (25%) of the RPUD area;
 - D. The total area committed to agricultural or other open use(s) is not less than seventy-five percent (75%) of the RPUD area; and
 - E. Conservation easements, pursuant to CRS 38-30.5-101 through 110, or other acceptable means are affected to prevent further subdivision or development of lands committed for agricultural or other open use(s);

- F. Land in the Residential One zoning district may be included in RPUD's comprised of non-contiguous parcels provided that:
- a. The R1 zoned land consists of more than forty (40) contiguous acres;
 - b. The residential lots are proposed for transfer or development at a density allowed within the underlying zoning;
 - c. The R1 zoned land includes an environmental or cultural feature or area identified for preservation by Fremont County; and
 - d. No transfer of dwelling units into the R1 zone district is proposed.

Section 4.19 MOUNTAIN PLANNED UNIT DEVELOPMENT:

To minimize service and management costs of lands located in mountain areas. To provide flexibility and to accommodate personal desires in the sale of mountain properties. To encourage the retention of large areas of mountain land in forestry uses by allowing the conveyance of small land parcels. To provide flexibility in the location of residential lots in mountain areas. To provide a means of development sensitive to environmental concerns and existing capital services such as roads. Mountain Planned Unit Developments may be permitted in Residential Three Zone District subject to the provisions of this article and the conditions set forth in a development plan that has been reviewed and approved by the Board.

(a) Development Requirements

- a. The PUD shall include an area of not less than three (3) acres;
- b. The density, minimum lot area, front yard, side yard, and rear yard requirements of the zoning district(s) in which the PUD is located may be altered, provided:
- c. The rear yard requirements of such zoning district(s) shall be met along the boundaries of the PUD;
- d. The total number of units within the PUD shall not exceed that number that would otherwise be permitted within the development area under the respective zoning district(s) requirements of this Resolution;
- e. The distribution of units within the PUD need not conform to the boundaries of the zoning districts contained therein so long as such distribution can be accomplished in conformance with the PUD standards set forth in this article;
- f. The minimum amount of functional open space (exclusive of parking or streets) shall be twenty-five percent (25%) of the total acreage; and
- g. The maximum allowable total number of units permitted within the PUD under the respective zoning district requirements of this Resolution shall be calculated by:
 - i. i. Multiplying the area of the property within each zoning district by the gross density specifications found in the zoning district; or
 - ii. Where no such applicable density specifications exist for the zoning district, divide the area within the zoning district by the applicable minimum lot area

requirements of such zoning district; and

lii. Totaling the number of units in all districts of the PUD; and

lv. Rounding down to the nearest whole number of units to be permitted within the PUD; and

h. In measuring the area of the property within each zoning district, one-half ($\frac{1}{2}$) of the area of adjacent public rights-of-way may be included provided such measured public rights-of-way do not exceed ten percent (10%) of the property.

Section 4.20 COORDINATION WITH OTHER PROVISIONS:

In cases where conditional use or special review use approval is required for a proposed use, review of the PUD application under this article shall be carried out simultaneously with conditional use and special review use review.

Review of a PUD application under this article shall be carried out simultaneously, and under the same application, referral, notice, and public meeting procedural requirements as is provided for Sketch Plan review within the Fremont County Subdivision Regulations. Tentative approval of the PUD application by the Board, subject to modifications through the subdivision review process, shall be obtained prior to application for Preliminary Plan or Final Plat, except for subdivisions where simultaneous Sketch Plan/Preliminary Plan/Final Plat processing is approved by the Commission. The Commission shall take into consideration among other things the size, complexity, and potential hazards of the proposed development. Final Board approval of the PUD shall occur at the same time as Final Plat approval of the development.

Section 4.21 MODIFICATIONS:

No substantial modification, removal, or release of the provisions of the PUD shall be permitted by the Board except upon a finding, following review and a public hearing, that the modification, removal, or release is consistent with the standards and conditions of this Resolution, is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a road from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person.

Chapter 5. GENERAL REQUIREMENTS

All allowed or primary uses require zoning compliance. Certain uses within districts are allowed only through application, review, and permits.

Section 5.01 MINIMUM SIZE OF DWELLING UNITS:

(a) Dwelling Unit Sizes:

(i) Accessory Dwelling Unit:

Shall have a minimum gross floor area of two hundred fifty (250) square feet.

(ii) Efficiency unit:

shall have a minimum gross floor area of four hundred (400) square feet.

(iii) Manufactured Home:

Shall have a minimum gross floor area of four hundred (400) square feet.

(iv) Park Model:

Shall have a minimum gross floor area of two hundred (200) square feet and a maximum of three hundred and ninety-nine (399) square feet. (Units four hundred (400) square feet and larger must comply with manufactured home construction and placement standards.)

(v) Single-family:

Shall have a minimum gross floor area of four hundred (400) square feet.

Section 5.02 ALLOWED USES REQUIRING A PERMIT

The following uses require approval and a permit prior to development and/or use.

(a) Accessory Dwelling Unit:

Accessory Dwelling Unit (ADU) is established to provide alternative and affordable housing and productive economic use of lands within Fremont County. The purpose of the ADU is to allow ADU's only when impacts to existing infrastructure, adjoining lands and uses, and neighborhoods are minimal, and no life safety issues are created. The intent is to provide affordable housing, consistent with the Fremont County Zoning Resolution.

(i) General Provisions:

1. The construction or placement of the ADU must comply with Fremont County building and sanitation codes, as well as all applicable federal, state, and local laws and regulations.
2. ADU's shall follow all development requirements of the zone district.
3. The ADU shall be a maximum of 1,250 sq. ft.
4. Modular construction shall comply with current building and sanitation codes.
5. A tiny home may be permitted as an ADU if placed on a permanent foundation and constructed in accordance with Appendix Q of the IRC.
6. ADU utilities shall be connected using the meters for the primary dwelling when possible. All

- utility connections shall be made in conformance with the service provider requirements.
7. No lot or parcel shall contain more than one ADU.
 8. The property shall contain one parking space designated for the ADU.
 9. Prior to issuance of a building permit for the ADU, the property owner shall execute and record a Declaration of Covenant and Restriction with the Fremont County Clerk and Recorder, which contains the legal description for the property, references the most current deed for the property and:
 - a. Prohibits the sale of the ADU separate from the primary unit;
 - b. Prohibits the subdivision of the lot/parcel in a manner that separates the ADU from the primary dwelling, unless the ADU meets all the minimum requirements of the zone district;
 - c. Requires the property/landowner to live in one of the dwelling units;
 - d. States that the covenant is binding on any successors, heirs, assigns;
 10. Parcels containing an ADU shall use the street address for the primary dwelling, designating each unit as A and B.
 11. ADU's shall gain access from the same frontage road as the main dwelling.
 12. If access is in proximity of a CDOT controlled State Highway an approved access permit is required. All CDOT requirements shall be met.
 13. A property owner may apply to the Department for "lawful status" designation for any ADU constructed or placed on the property prior to the date of adoption of the accessory dwelling unit regulations. Any pre-existing ADU shall conform to all applicable building and zoning codes, and applicable federal, state, and local laws and regulations. The Board of Zoning Adjustment, upon a showing of good cause, may waive regulatory requirements for any ADU in existence prior to the adoption of these regulations and for any proposed ADU.
 14. ADU shall have lawfully connected utility services (water, sanitation, electric, gas). The property owner shall provide written documentation from an entity with appropriate jurisdiction, that the potable water and sanitation/septic systems are adequate for all uses on the parcel.
 15. The ADU shall be used for residential purposes only.
 16. The ADU (separate structure only) shall be placed at least ten (10) feet from the primary dwelling.

(ii) Application Requirements:

1. An application form as provided by the Department with the required application fee.
2. A copy of the deed showing ownership of the parcel.
3. A signed Declaration of Covenant and Restriction stating ADU restrictions shall be completed and recorded prior to issuance of a building permit.
4. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
5. A plot plan showing:
 - a. All structures proposed or existing with dimensions to property lines.
 - b. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
 - c. All parking areas.
 - d. All exterior access points.
6. Floor plan of the ADU.

(b) Agritainment

Agritainment permits are designed for long term agricultural uses that contain entertainment, or educational aspects associated with the use and includes but is not limited to orchards, corn mazes, hayrides, hay mazes, petting zoos, and pumpkin patches.

(i) General Provisions:

1. The Agritainment shall only be operated by the owner or lessee of the property.
2. The lot/parcel shall be 4 ½ acres or larger to accommodate the proposal together with parking and loading areas, open spaces, fences, sanitation facilities, and other such provisions.
3. All parking shall be off street and located on the subject property.
4. The site shall have sanitation facilities for patron use.
5. The housing of animals shall be located a minimum of twenty (20) feet from all property lines for Agritainment that incorporates animals.
6. Agritainment involving animals shall require an animal maintenance plan.
7. Agritainment shall be conducted in compliance with all applicable county, state, and federal laws.
8. Buildings or structures that are open to the public or employees shall be in compliance with building code requirements.

(ii) Application Requirements:

1. An application form as provided by the Department with the required application fee.
2. General Description of the Agritainment:
 - a. Location and/or street address.
 - b. Day(s) & Hours
3. Right to Occupy.
 - a. A copy of the most recent recorded deed.
 - b. If the applicant is not the owner of the property, then documentation from the property owner indicating authority for the applicant to submit the application shall be attached.
4. Signage Plan.
 - a. Provide a statement as to the type(s) of signs, size, & location(s).
 - b. Number of signs.
 - d. Copies of any agreements and/or contracts with the appropriate property owners, agencies, or companies, if applicable.
5. A Fire Protection Plan addressing methods of fire protection, location of fire hydrants or other fire protection improvements. If the project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
6. If access is from a Fremont County Maintained road a Roadway Impact Form is required.
7. If access is in proximity of a CDOT controlled State Highway an approved access permit is required.
8. The applicant shall provide a list of agencies that require the issuance of a permit, license, or other authority.
9. General Liability Insurance.
10. Refuse Disposal Plan.

- a. Address how any litter and debris will be handled and the method of disposal. Attach copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 11. Vehicular & Pedestrian Traffic Plan.
- 12. Emergency Service Operation Plan.
- 13. Parking Plan.

The following will require review and approval by the Fremont County Environmental Health Officer:

- 14. Drinking Water Plan.
- 15. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
- 16. Concession Plan:
 - a. Include a list of food and or beverage venders and a copy of permits, and/or licenses.
 - b. Venders shall provide documentation of sales tax license.
- 17. The Department, the Commission and or the Board may require additional information at any time during the application process as may be deemed necessary for adequate review of the application and to make informed decision with appropriate recommendations, approval or disapproval of the application.
- 18. The Applicant shall notify adjoining property or lot owners of the intent of the Agritainment permit, by certified mailings. All certified receipts shall be returned to the Planning & Zoning Office. Comments will be reviewed by the department. If any comments state a valid, lawful objection to the permit, the application will be referred to the Board of County Commissioners for review at a public meeting.
- 19. A site plan showing:
 - a. All structures proposed or existing with dimensions to property lines.
 - b. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
 - c. All parking areas, vendor areas.
 - d. All exterior access points.
 - e. Natural Features (*waterways, cliffs*).
 - f. Vicinity map.

(c) Home Occupations

This accessory use is intended to be allowed in zone districts where residential uses are permitted, and where the home occupation is clearly incidental and secondary to the residential use, does not change the character and nature of the community, and has minimal impact on adjacent uses.

(i) General Requirements:

- 1. Except as otherwise provided, there shall be no exterior advertising other than identification of the home occupation; such sign shall not be larger than two (2) square feet and shall not be illuminated; such sign shall be subject to other portions of this Resolution pertaining to signs.
- 2. There shall be only incidental sale of stocks, supplies, or products conducted on the premises.
- 3. No mechanical equipment is operated except such as normally used for purely domestic

or household purposes; and provided further that in the pursuit of such home occupation, no equipment shall be used that creates off-site noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

4. A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.
5. If access is in proximity of a CDOT controlled State Highway an approved access permit is required.
6. More than one (1) home occupation may be conducted in or on the same premises provided that the cumulative affect does not exceed any of the requirements of Home Occupation I, II, or III, as applicable.

(ii) Home Occupation I:

1. Such use shall be conducted by the inhabitants living in the principal dwelling, with no more than one (1) employee
2. The home occupation shall be wholly contained within the residence.
3. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
4. Not more than one (1) commercially licensed vehicle or vehicle containing equipment or advertising related to the home occupation is parked on the premises.
5. A Home occupation I may include the following uses or any similar use or use which has similar neighborhood and infrastructure impacts: art studio, beauty parlor, barber shop, dressmaking, photography services, telephone marketing, dog grooming, nail salons, family child care home (not more than eight (8) children, not including the resident's children) and professional offices (i.e., legal, surveying, engineering, architectural, planning, accounting, insurance.)
6. A Home Occupation I shall not include the following or any similar use or use which has similar neighborhood and infrastructure impacts: retail store, nursing home, hospital, medical clinic, veterinary premises, school, restaurant, lounge, financial institution, vehicle or boat repair shop, paint shop, machine shop, carpentry shop, upholstery shop, museum, rafting office, boarding and rooming houses, bed and breakfast.

(iii) Home Occupation II:

This use is intended to be allowed in zone districts where residential uses are permitted in combination with large acreage parcels (one (1) acre or larger). This use is an accessory use provided all the following conditions are met.

1. Such use shall be conducted by the inhabitants living in the principal dwelling with no more than one (1) employee.
2. The home occupation may be conducted within a residence or a detached structure provided it complies with the size requirements and any other applicable regulations. Such use may be conducted outdoors provided all other provisions of the home occupation are met.
3. There shall be no exterior storage on the premises of material or equipment used as a

part of the home occupation.

4. The maximum area devoted to the home occupation by the use of a detached structure is one thousand (1000) square feet.
5. Not more than one (1) commercially licensed vehicle or vehicle containing equipment or advertising related to the home occupation is parked on the premises.
6. A Home occupation II may include the following uses or any similar use or use which has similar neighborhood and infrastructure impacts: art studio, beauty parlor, barber shop, dressmaking, photography services, telephone marketing, dog grooming, paint striping, nail salons, family child care home (not more than eight (8) children, not including the resident's children) and professional offices (i.e., legal, surveying, engineering, architectural, planning, accounting, insurance)
7. A Home Occupation II shall not include the following or any similar use or use which has similar neighborhood and infrastructure impacts: retail store, nursing home, hospital, medical clinic, veterinary premises, kennel, school, restaurant, lounge, financial institution, vehicle or boat repair shop, paint shop, machine shop, carpentry shop, upholstery shop, museum, rafting office, boarding and rooming houses, bed and breakfast.

(iv) Home Occupation III:

This use is intended to be allowed in zone districts where residential uses are permitted in combination with large acreage parcels (four and a half (4 ½) acres or larger). This use is an accessory use provided all the following conditions are met.

1. Such use shall be conducted by the inhabitants living in the principal dwelling with no more than two (2) employees.
2. The use may be conducted within a residence and/or a detached structure provided it complies with the size requirements and any other applicable regulations. Such use may be conducted outdoors provided all other provisions of the home occupation are met.
3. The maximum area devoted to the home occupation by the use of a detached structure is one-thousand-five hundred (1500) square feet. If the home occupation is to be conducted within a residence, the home occupation must be wholly contained within the residence.
4. There shall be no exterior advertising other than identification of the home occupation; such sign shall not be larger than ten (10) square feet and shall not be illuminated; such sign shall be subject to other portions of this Resolution pertaining to signs.
5. Outdoor Storage on the premises of material or equipment used as a part of the home occupation will be allowed but shall be limited to one thousand (1,000) square feet and is required to be screened by an opaque security fence six (6) feet in height constructed of metal, wood, or masonry.
6. A Home Occupation III may include the following uses or any similar use or use which has similar neighborhood and infrastructure impacts: art studio, beauty parlor, barber shop, dressmaking, photography services, telephone marketing, machine shop, carpentry shop, upholstery shop, minor vehicle or boat repair shop (not to allow the outdoor storage of inoperable vehicles and boats) gun repair shop,

taxidermy, personal semi-tractor/trailer parking (two (2) units maximum), dog grooming, paint striping, paint shop, nail salon, family child care home (not more than eight (8) children, not including the resident's children), professional offices (i.e., legal, medical, dental, veterinarian office with no outdoor kennels, surveying, engineering, architectural, planning, accounting, insurance), and contractor's yard. For a contractor's yard refer to [section 5.03\(a\)](#).

7. A Home Occupation III shall not be interpreted to include the following or any similar use or use which has similar neighborhood and infrastructure impacts: retail store, nursing home, hospital, restaurant, lounge, financial institution, rafting office, museum, and boarding and rooming houses.

(v) Home Occupation Application Requirements:

All Home Occupations shall be required to process an application with the Department prior to operation. Said application shall be reviewed and approved or disapproved administratively by the Department except as stated above. Prior to approval of any home occupation the applicant will be required to comply with any requirements of the Building Code in effect for Fremont County and the Environmental Health Regulations in effect for Fremont County. Said application review will be completed by the Department within twenty (20) working days of the date submitted.

1. An application form as provided by the Department with the required non-refundable application fee.
2. A copy of the deed showing ownership of the parcel.
3. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
4. All applications shall list all agencies of local, state, or federal government that will be required to issue any permit, license, or other authorization for all or any part of the activity that comprises the Home Occupation, including the full name of the agency, contact information for the agency (mailing address, telephone number, and email address) and the name of the contact person at the agency with whom the applicant has been in contact. This item shall include a summary of any permits, licenses or authorizations required, status of pending applications for the same, copies of pending applications and or copies of issued permits.
5. A plot plan showing:
 - a. All structures proposed or existing with dimensions to property lines.
 - b. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
 - c. All parking areas.
 - d. All exterior access points.

(d) Fire and/or Police Stations

A Special Review Use Permit is required in some zone districts.

Fire, Police, and EMS facilities lot size may deviate from the minimum lot size development requirements for the zone district.

If the lot is intended to be developed for fire, police, or EMS facilities, the lot shall be platted as an outlot with language included on the plat to specifically limit use of the lot for an emergency service facility in perpetuity.

The lot size for fire, police, and EMS facilities shall be large enough to accommodate minimum separation distances for placement of a water well and OWTS, regardless of whether a well and OWTS are actually constructed or installed on the lot at the time of development for fire, police, and EMS facilities.

Section 5.03 SPECIAL DEVELOPMENT REQUIREMENTS:

NOTE: ALL CONTRACTOR'S YARDS AND BUILDINGS IN EXISTENCE AS OF APRIL 26, 2011, WILL BE ALLOWED TO CONTINUE AS THEY EXISTED ON THAT DATE AND WILL BE SUBJECT TO SECTION 5.04 OF THE FREMONT COUNTY ZONING RESOLUTION.

(a) Contractor's yard #1

Contractors' yards shall have an opaque screening at least six (6) feet in height for all outdoor storage areas.

1. The outdoor storage area for vehicles and equipment shall be set back a minimum of seventy-five (75) feet from all property lines.
2. The outdoor storage area for vehicles and equipment shall be contained by an opaque screen (fence or vegetation), in accordance with [Section 5.04 FCZR](#) 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.
3. The outdoor storage area shall be no more than five thousand (5,000) square feet.
4. A maximum of five (5) commercially used passenger vehicles in association with the contractor's yard may be stored on the property.
5. All Special Mobile Machinery (SMM) shall be registered, and/or be declared on the personal property tax schedule filed with the County Assessor.

(b) Contractor's yard #2

Refer to [Section 8.01 \(d\)](#)

(c) Farm & Ranch Hand Quarters

1. Agricultural Declaration and documents from the Fremont County Assessor's Office.
2. Letter stating the circumstances requiring the accessory use and building, and the terms of employment for the person(s) who will inhabit the accessory building.
3. Compliance with the zone district setback, building height, and lot coverage requirements.
4. Proof of water, which may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources, which notes that the proposed use can be serviced by a well.
5. Proof of sewage disposal, which may be a letter from a public sewer district, or verification from the Fremont County Department of Health and Environment (or Building Department) stating the property contains an adequate OWTS for the proposed use.
6. A minimum of forty (40) acres is required.
7. Plot Plan indicating all structures proposed and existing locations, and dimensions. Distances from at least two property lines shall be dimensioned.

(d) Limited Winery

The associated structures are no more than five thousand (5000) square feet.

1. The Tasting rooms do not exceed seven hundred fifty (750) square feet in size.
2. Salerooms do not exceed seven hundred fifty (750) square feet.
3. A combined tasting and sales room does not exceed one-thousand five hundred (1500) square feet in size.
4. There are no more than five (5) employee vehicles used in association with the limited winery.
5. Off-street parking is provided.
6. A State of Colorado Limited Winery License is obtained.

(e) Wind Energy System, Small – Requirements:

One private freestanding or roof mounted, Small Wind Energy System will be allowed as an accessory use in all zone districts, for each building located on the property, subject to provisions of Section 5.03 and Fremont County Building Codes, provided it complies with the following requirements:

1. Only one free standing or roof mounted System will be allowed per building. Any additional Systems will require issuance of a Special Review Use Permit.
2. The System shall be located on the same lot, tract, or parcel as the structure that it serves; however, excess energy may be sold as allowed by law.
3. The height of the System generator, including blades, shall not exceed fifty (50) feet. Any System that exceeds fifty (50) feet in height requires issuance of a Special Review Use Permit.
4. All Systems shall be in compliance with any applicable Federal Aviation Administration and other federal, state and local regulations, and if a System is to be located within twenty-thousand (20,000) feet of an established airport runway or Heli-port, proof of notice of the proposed System (certified mail, return receipt requested) to the Federal Aviation Administration and Airport Operator shall be provided at the time of building permit application.
5. The minimum setback distance from all property lines shall be equal to the total System height. A lesser setback distance may be authorized if a Colorado Registered Professional Engineer specifies in writing that the collapse of the system will occur within a lesser distance under all foreseeable circumstances; however, no system shall be located within any minimum zone district setback. A roof mounted system may not extend further into any setback than the building.
6. The minimum height of the blades of a System shall be not less than ten (10) feet above the ground or a structure.
7. If battery storage is proposed for the System, the batteries shall be isolated from living areas and shall comply with all applicable regulations as per the Fremont County Building Department or other agencies having authority.
8. The system shall not emit noise onto adjoining properties in excess of the limits established by Colorado Law.
9. The system shall not cause a glare hazard to surrounding properties.
10. No lights shall be installed on the System unless required by a governmental agency or entity.
11. If the premise is connected to an electric utility service area, no System shall be installed until documentation (certified mail, return receipt) is provided showing notice to the electric utility company.

12. All system facilities shall be maintained in a condition that poses no potential safety hazard.

Section 5.04 OTHER DEVELOPMENT REQUIREMENTS:

(a) Buffering, Landscaping, & Screening Requirements

The applicant shall be required to provide buffering, landscaping, or screening as required by this Resolution, unless waived by the board. The material shall consist of wooden, fencing, slat fencing, stone or brick walls, or natural vegetation.

Natural vegetation screening shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

Deciduous Shrubs	4' height
Spreading evergreens	30" spread
Tall Evergreens	3' height
Screen planting	4' height
Trees	2 & 2 ½ caliper
Ground Cover	2 & ½ pot

(b) Development Requiring Screening:

- 1) Junk Yards, automobile graveyards, and vehicle impoundment yards shall have an adequately maintained eight (8) foot opaque screening. This screening shall consist of wooden fencing, slate fencing, stone, or brick wall, closely planted natural vegetation, or other appropriate visual barriers, as approved by the Board. If natural vegetation is utilized, it shall consist of plants at least thirty (30) inches in height when planted and maintained in a healthy condition to provide minimum capacity to a height of eight (8) feet within two (2) years from the date of planting. If natural vegetation is to be used, a fence as required above, shall be constructed, and shall remain in place until vegetation reaches required height of eight (8) feet.
- 2) Between commercial and/or industrial uses and agricultural or residential zoning or use.
- 3) Between business or industrial zoned properties and agricultural or residential uses.
- 4) Between Manufactured Home Parks and neighboring properties.
- 5) For other uses and/or properties where determined by the Board that buffering, or screening is necessary to mitigate impacts between properties. The height of the screening shall be adequate to block normal viewing of the operation from neighboring properties. When no height is specified, screening shall be six feet in height.

(c) Placement:

- 1) Unless otherwise specified the placement shall be immediately adjacent to the lot line or portion thereof, with consideration given to protection of utility or drainage easements.
- 2) Contractors' yards: Placement should may be immediately adjacent to the outdoor

storage areas, unless placement elsewhere would provide more effective screening.

(d) Maintenance:

- 1) The buffering/screening shall be maintained in good condition and kept clear of all debris and rubbish.

Section 5.05 OFF STREET PARKING REQUIREMENTS

General Vehicular parking shall comply with the following minimum requirements. Accessory off-street parking is a support function of the principal activity on a property. If, for any reason, the required minimum parking spaces cannot be accommodated on the same property as the principal activity, then the BOZA may entertain a variance request to permit off-site parking provided such site is not more than five hundred (500) feet removed from the property on which the principal activity is conducted. Each parking space shall meet the requirements herein. The applicant may submit an alternate general parking plan, with justification for deviations from this Resolution, for consideration and approval by the Planning Commission and Board of County Commissioners.

(a) Surfacing:

Surfacing of off-street parking areas for business, commercial, or industrial areas shall be graded and surfaced to control dust, provide proper drainage, and be concrete or asphalt, unless waived by the board. Asphalt or concrete parking areas shall be clearly marked and have curbs or barriers installed to prevent parked vehicles from extending over any lot lines.

(b) Lighting:

The Board may require applicants to provide adequate parking area lighting for safety. Said lighting shall be shielded or otherwise deflected to minimize glare and prevent light trespass onto neighboring properties.

(c) Landscaping:

The board may require that landscaping be installed in business, commercial or industrial parking areas to break up the expanse of the parking area.

(d) Minimum Number of Parking Spaces:

The number of parking spaces shall meet or exceed the number shown on following tables unless an alternative parking plan is approved by the Board.

(i) Tables

Agricultural Uses		
Use Category	Specific Use	Minimum Number of Spaces
Agritainment	All	1 per 4 attendees, or cumulative of the use(s) as determined by the Department.
Nursery/Commercial Greenhouse	All	5 + 1 per acre of indoor/outdoor display or grow area + 1 per 250 sq. ft. of retail space

Riding Academy	All	1 per 500 sq. ft. of arena area
Stable	Commercial	1 per 5 stalls
Winery, Limited	All	Cumulative of the use(s)
Winery	All	Cumulative of the use(s)
Distillery	All	Cumulative of the use(s)

Civic & Institutional		
Use Category	Specific Use	Minimum Number of Spaces
Colleges, Universities, & Trade Schools	College or University	1/2 per faculty member & employee + 1 per 6 students
	Trade School	1 per 100 sq. ft. + 1 per employee
Community Services	Community Building	1 per 150 sq. ft.
	Emergency Shelter	.5 per bed + .5 per employee
	Library	1 per 400 sq. ft.
	Museums	1 per 400 sq. ft.
Detention Facilities	Private or Public	1.5 per employee
Government Road Facility	All	1 per 750 sq. ft. + 1 per piece of equipment + 1 per company vehicle
Group Living	All	1 per bed + 1 per caregiver/employee
Hospitals and Clinics	Hospital	2 per bed
	Clinic	1 per 200 sq. ft.

Civic & Institutional II		
Use Category	Specific Use	Minimum Number of Spaces
Public Safety Facilities	Emergency Medical Station	1 per employee + 1 visitor space per 10 employees
	Fire Station	1 per employee + 1 visitor space per 10 employees
	Police Station	1 per employee + 1 visitor space per 10 employees
Parks	¼ to 25	2 per 1 acre or portion of acre + cumulative of other uses
	25.01 to 50 acres	1 per 3 acres or portion of acre + cumulative of other uses

	Over 50 acres	1 per 5 acres or portion of acre + cumulative of other uses
	With playground	1 per 1500 sq. ft.
	With picnic table	1 per table
	With picnic table & fire pit/grill	2 per table with grill or pit
	With memorial exhibit or artwork	1 per exhibit
	With covered pavilion	2 per 1000 sq. ft. of pavilion
	With over 2 miles of trails	2 per trailhead
Schools	Elementary	2 per classroom
	Junior High School	2 per classroom
	High School	1 per 4 students
Utilities	All	Cumulative of uses & elements vehicle

Commercial Entertainment		
Use Category	Specific Use	Minimum Number of Spaces
Entertainment	Adult Uses	1 per 150 sq. ft. of floor area
	Amusement Park	30 per acre
	Arcade/Game Room	1 per 300 sq. ft.
	Bars	1 per 3 seats + 1 per employee
	Billiard Room	2 per table
	Bowling Alley	4 per lane
	Clubs	1 per 150 sq. ft. of floor area
	Golf Course	4 per hole
	Golf Driving Range	1 per tee position
	Lounge	1 per 3 seats + 1 per employee
	Night Club	1 per 3 seats + 1 per employee
	Mini golf Course	1 per hole
	Movie Theater	1 per 4 seats
	Rodeo Grounds	1 per 4 seats
Spectator Events	1 per 4 anticipated attendees	
Recreational Facilities Rural & Urban	Amphitheaters	1 per 4 seats
	Clubs: Country, Fishing, Hunting, Etc.	1 per 150 sq. ft. floor area
	Courts: Tennis, basketball, etc.	3 per court
	Guest Ranch	1 per housing unit + 1 per employee
	Historic/Scenic Railroads	Cumulative of the uses
	Race Tracks	1 per 4 seats
	Rafting Office	1 per 200 sq. ft. + estimated # of customers
Zip Lines	1 per line + 1 per employee	

Commercial General		
Use Category	Specific Use	Minimum Number of Spaces
Auto Uses	Automobile Service Station or Body Shop	1 per employee on maximum shift + 1 per 250 sq. ft. of convenience store area + 2 per pump island
	Carwash/detail Shop/lube oil change	1 per bay or stall
Bus Terminal/Train Depot	All	1 per 250 sq. ft. of waiting area
Childcare	24 Hour Centers	maximum shift + 1 per 8 beds
	Family childcare home	1 per 400 sq. ft. plus + a 10' x 20' loading area for each 8 children
Financial Institution	All	1 per 100 sq. ft. + 6 stacking/drive up window
Hotel/Motel	All	1 per guest or suite + 1 per 100 square feet of restaurant space + 1 per 4 seats of meeting space
Offices Professional	All	1 per 200 sq. ft.
Lounge, Bar, Night Club	All	1 per 3 seats + 1 per employee on max shift
Parking Garage or lot	All	cumulative of uses
Personal services	All	1 per 200 sq. ft.
Retail Stores	Dept. Grocery, Liquor, Etc.	1 per 250 sq. ft. + 6 stacking per drive up window
	Furniture, appliance, sporting goods, etc.	1 per 600 sq. ft. of floor area
Sales Lots	Automobile, Motorcycle, Truck, Recreational Vehicle & Boat Sales	1 space/ 1,000 sq. ft. of display area, + 1 space per 450 sq. ft. of office space
	Manufacture Home Sales	1 per 1000 sq. ft. of display
Storage Facilities	All	1 per 100 units + 1 per employee
Travel Trailer Park/Campground	All	1 space / campsite (tent) / trailer / recreational cabin / park-model + cumulative of other uses housed
Veterinary Premises	All	1 per 200 sq. ft. of space

Commercial Restaurants		
Use Category	Specific Use	Minimum Number of Spaces
Restaurants	Drive-in or fast food	1 space per 100 sq. ft. + 6 stacking spaces / drive-up window

	Indoor Seating	1 space per 100 sq. ft.
	Outdoor Seating	1 space per 200 sq. ft.

Industrial		
Use Category	Specific Use	Minimum Number of Spaces
Industrial Uses	Industrial Use (e.g. laboratory, manufacturing, refining, processing, fabricating, assembly, bottling, etc.)	The greater of 1 per 300 sq. ft. of floor area up to 100,000 sq. ft. or 1 per employee on maximum shift, whichever is greater, if larger than 100,000 sq. ft., also include 6 per employee over 300 employees
	Industrial Use (e.g. Construction, Batch plant, Contractors Yard, or outdoor industrial use, etc.)	1 per 750 sq. ft. of used space+ 1 per piece of construction equipment used + 1 per company vehicle
	Warehouse & Distribution	1 per 100 sq. ft.

Residential		
Use Category	Specific Use	Minimum Number of Spaces
Residential (Single Family)	Accessory Dwelling Unit	1 for ADU + 2 for Primary
	Cabin	2 per unit
	Ranch Hand Quarters	2 per unit
	Single-Family	2 per unit
	Two – Family	2 per unit
	Watchman’s Quarters	2 per unit
Residential (Multi-Family)	Efficiency Unit/Studio	1 per dwelling unit
	1-Bedroom	1.5 per dwelling unit
	2-Bedroom	1.7 per dwelling unit
	3-Bedroom	2 per dwelling unit
Group Living	All Types	1 per bed + 1 per caregiver/employee
Manufactured Home Parks	All	2 per unit space + 1 per every four-units
Home Occupations	All	Cumulative of the use(s)

(ii) ACCESSIBILITY SPACES:

ACCESSIBILITY SPACES: All parking facilities shall comply with the Code of Federal Regulations 28 C.F.R. Part 36, as published by the Department of Justice and the Americans with Disabilities Act Accessibility Guidelines for Facilities and Buildings (ADAAG).			
Total parking spaces in lot			Minimum Number of Accessible Spaces
1	to	25	1
26	to	50	2
51	to	75	3
76	to	100	4
101	to	150	5
151	to	200	6
201	to	300	7
301	to	400	8
401	to	500	9
501	to	1000	2% of total
1001	and	over	20 plus 1 for each 100 or fraction thereof over 1000

1) Exceptions

- a. For outpatient medical offices and treatment facilities, ten percent (10%) of the total spaces shall be handicapped accessible.
- b. At units or facilities that specialize in treatment or services for persons with mobility impairments, twenty percent (20%) of the total number of spaces shall be accessible.
- c. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle of ninety-six (96) inches wide minimum and shall be designated "van accessible."

2) Location

- a. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible building entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- b. An accessible route shall always be provided from the accessible parking to the accessible entrance.

- c. An accessible route shall have no curbs or stairs; be at least 3 feet wide; and be a firm, stable, slip resistant surface (asphalt or concrete). The slope along the accessible route shall not be greater than 1:12 in the direction of travel and 1:48 for actual parking space and access aisle.

3) Accessible Spaces for Cars

- a. Accessible parking spaces for cars shall have at least a 60-inch-wide access aisle located adjacent to the designated parking space.
- b. The parking space shall be identified with a sign and shall be located on level ground (1:50 maximum slope in all directions).
- c. The parking space shall connect to an accessible route to the building and shall be hard surfaced (asphalt or concrete).
- d. Two parking spaces for cars may share an access aisle.
- e. Parking access aisles shall be part of an accessible route to the building or facility entrance, shall not overlap the vehicular way and shall comply with the ADAAG accessible route requirement.

4) Van Accessible Parking Spaces

- a. Van-accessible parking spaces requirements are the same as accessible parking spaces for cars with three additional features:
 - 1. A wider access aisle (96) inches to accommodate a wheelchair lift;
 - 2. Vertical clearance (minimum 98-inch-high clearance) to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
 - 3. An additional sign that identifies the parking spaces as “Van Accessible” below the symbol of accessibility.

5) Dimensions

STANDARD SPACES						
Parking Angle ¹	Width of ² Space	Depth of Space	Aisle Width One Way	Aisle Width Two-way	Depth of interlocking spaces	Overhang ³
0°	9 feet	20 feet	12 feet	20 feet	18 feet	0 feet
45°	9 feet	20 feet	12 feet	20 feet	32 feet	1½ feet
60°	9 feet	20 feet	16 feet	20 feet	35½ feet	2 feet

75°	9 feet	22 feet	18 feet	22 feet	37 feet	2 feet
90°	9 feet	24 feet	24 feet	24 feet	36 feet	2 feet

1. Parking angle is measured as the angle defined by the line of travel of a drive aisle and the line of the longest side of a parking space.

2. Unless otherwise depicted above, the minimum drive-aisle shall be a minimum of 24 feet. In the instance the fire department standards are greater, the fire department standards shall be applied.

3. Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

COMPACT SPACES						
Parking Angle ¹	Width of ² Space	Depth of Space	Aisle Width One Way	Aisle Width Two-way	Depth of interlocking spaces	Overhang ³
0°	8 feet	20 feet	12 feet	20 feet	16 feet	0 feet
45°	8 feet	20 feet	12 feet	20 feet	28 ½ feet	1½ feet
60°	8 feet	18 feet	16 feet	20 feet	31½ feet	2 feet
75°	8 feet	17 ½ feet	18 feet	22 feet	33 feet	2 feet
90°	8 feet	15 feet	24 feet	24 feet	32 feet	2 feet

1. Parking angle is measured as the angle defined by the line of travel of a drive aisle and the line of the longest side of a parking space.

2. Unless otherwise depicted above, the minimum drive-aisle shall be a minimum of 24 feet. In the instance the fire department standards are greater, the fire department standards shall be applied.

3. Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

6) Loading Area Requirements

In all non-residential districts, adequate loading, maneuvering, or unloading areas shall be provided completely off public ways and configured to avoid vehicles backing onto any public way.

Section 5.06 NON-CONFORMING USES, BUILDINGS, LOTS, PARCELS, OR TRACTS:

A use or building is not considered non-conforming (see definition in this Resolution) unless an application for Non-conforming Status has been approved by the Department.

(a) Continuation of Use:

A non-conforming use may be continued, and a non-conforming building may continue to be occupied, except as otherwise provided in this section.

(b) Change of Use:

A non-conforming use may be changed to any conforming use that is allowed in the zone district.

(c) Loss of right to use:

Mobile homes are exempt from this section.

(i) *Abandonment or Discontinuance:*

- 1) If a non-conforming use or building is abandoned, the right to continue that non-conforming use or building shall terminate upon expiration of a six (6) month period of abandonment.
- 2) Except as set forth hereafter, if any non-conforming use or the use of any non-conforming building is discontinued for a period of one (1) year, whether such period of time begins prior to or after the enactment of this Resolution or any amendment hereto, the right to continue that non-conforming use or building shall terminate upon expiration of the one (1) year period, and such non-conforming use shall not be reestablished, and such non-conforming building shall either be altered to a conforming use or shall be removed.
- 3) "Abandonment" shall mean discontinuance of use coupled with the intent not to reestablish the use"
- 4) "Discontinuance" shall mean cessation of use.

(d) Change of ownership:

A contractor's yard or building in existence as of April 26, 2011 will be allowed to continue as it existed on the specified date. If the ownership of the property changes or the use is altered, enlarged, or expanded after the above specified date, the property and / or use shall conform to the provisions of [Section 5.04 FCZR](#) of this Resolution.

(e) Restoration:

In the event that a non-conforming building or structure is damaged or destroyed, the Director of Planning & Zoning, or the Director's designee, is authorized to confirm in writing to or for the benefit of the property owner that the building or structure may be restored or rebuilt to its original dimensions and function without additional application for non-conforming use status. The time to begin rebuilding is twelve months from the date of damage or destruction, after which the right to rebuild may be forfeited. If the rebuilding is not completed within twelve months after commencement of construction, the right to rebuild shall be forfeited.

(f) Alteration of a Non-Conforming Use:

A non-conforming use may not be altered, enlarged, or expanded except as provided in this Resolution. Prior to any change in any non-conforming use that would require special review under this Resolution, an application for special review must be approved by the Board.

(g) Alteration of a Non-Conforming Building:

A nonconforming building may be structurally altered, repaired, or enlarged in any way permitted by these regulations. Except as otherwise provided in this Resolution; no alterations, repairs, or enlargements shall be made in a nonconforming building that would increase the degree of non-conformity with the location and bulk regulations of this Resolution and all other applicable regulations.

(h) **Non-Conforming Lots of Record:**

In any district, permitted structures and customary accessory buildings may be erected on any single lot or parcel of land that existed as a legally valid lot or parcel of land of record as of date of enactment, notwithstanding limitations imposed by other provisions of this Resolution, if the requirements of this section are satisfied. The provisions of this section shall apply even though such lot or parcel of land fails to meet the requirements for area or width or both that are applicable in the zone district, provided that yard dimensions and requirements other than those applying to area or width, or both of the lot or parcel of land shall conform to the requirements of this Resolution for the zone district. Variance of yard requirements shall be granted only through action of the BOZA.

(i) **APPLICATION FOR NON-CONFORMING USE AND/OR BUILDING STATUS**

Application for non-conforming use and/or building status shall contain at a minimum the following information:

1. Name, mailing address and all pertinent contact information of current subject property owner; the same shall be provided for the applicant if different than the owner;
2. Address of the property that houses the use and or building for which non-conforming use status has been applied;
3. Legal description of the subject property, which shall consist of a copy of the current deed of record for the subject property;
 - a. If the subject property is considered a non-conforming lot, parcel or tract and such is required in the application for non conforming status then a copy of the deed of record or the plat of record creating the subject property should be provided;
4. Detailed description of the non-conforming use and or building;
5. Documentation evidencing the date that non-conforming use was established and or non-conforming building was constructed. Evidence could consist of, but not be limited to items such as copies of assessment records, income tax records, verifiable utility records, building permits, etcetera;
6. Documentation evidencing that the non-conforming use was established on or before January 1, 1995;
 - a. Documentation evidencing that the non-conforming use was in operation continuously for each year since January 1, 1995 and that the use was not discontinued for more than one (1) continuous year from the beginning of the non-conformance to the present;
7. Documentation that non-conforming building was constructed legally prior to January 1, 1970, (required for non-conforming building applications only).
8. Name of the zone district in place for the subject property at the time the non-conforming use was established and or non-conforming building was constructed;
9. Name of the current zone district for the subject property;
10. Site plan identifying uses, locating building, structures and all improvements;
 - a. All buildings, structures and improvements shall be sized (width, length, height and total square footage) and shall be located by providing all setback dimensions from the property lines.

- b. If the request for non-conforming use status is for the purpose of a non-conforming mobile home park or manufactured home park;
 - i. The total property boundary shall be depicted with bearings and dimensions;
 - ii. All mobile home spaces, manufactured home spaces, and manufactured home single-wide spaces shall be clearly identified showing the space boundary lines and shall be located and sized by dimensions;
 - iii. The location and size of the unit occupying the space shall be shown by dimension;
 - iv. The identification, location, size of all other improvements to the property (such as service buildings, internal roadways, parking areas, septic systems, etcetera) shall be provided by dimensions;
 - v. In the case of a vacant space, the size and footprint of the last unit which was in the space will be used to determine the non-conforming location and setbacks.
- 11. Such other and additional information as required by the Department necessary in establishing the non-conformance.

Section 5.07 ENFORCEMENT / AUTHORITY:

If Fremont County brings legal action to enforce the provisions of the Fremont County Zoning Resolution, and the County is the prevailing party in such legal action, County shall be entitled to recover its costs in enforcing the Fremont County Zoning Resolution, including reasonable attorney fees.

Section 5.08 BUILDING PERMITS:

No person, firm or corporation shall erect, construct, alter, convert, enlarge, or move a residential, commercial or industrial building or structure in the County, or cause the same to be done, without first obtaining a separate building permit for each building or structure from the Fremont County Building Department. The requirements for building permit issuance shall be in accordance with any building code in effect for Fremont County.

Section 5.09 DRAINAGE PLAN AND REPORT:

See [Chapter Ten](#)

Section 5.10 ROADWAY IMPACT ANALYSIS:

A detailed roadway impact analysis (on a form from the Department) prepared by a Professional Engineer licensed to work in Colorado is required, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use. The impact analysis shall address the following:

1. Estimated average daily traffic to be generated by the proposed use(s), using the Institute of Transportation Engineers, Trip Generation Handbook, Second or Subsequent Editions, and the Trip Generation Manuals, Volume 1, 2 & 3, or Subsequent Editions.
2. Any hazardous conditions such as any unacceptable lines of sight from all accesses and/or driveways, entering or exiting the property, etc.
3. Average daily traffic and maximum capacity for all roads from the property to the nearest arterial, collector or state highway which will be used as access.
4. Whether the roads, which serve the development currently, have the capacity to handle the

additional estimated traffic. Recommendations shall be made for improvements which will increase the capacity of the roads and mitigate any hazardous conditions, inadequate lines of sight, and other circumstances of concern or other items noted in the analysis. In addition, the analysis shall address how the increased traffic will change the level of required maintenance and make recommendations addressing potential impacts to the maintenance requirements for the County. All improvements will be required to be completed and accepted by the County prior to recording of the appropriate final approval documents.



Chapter 6. REVIEW PROCEDURES

The general provisions of this section apply to all development applications and procedures under this Chapter unless otherwise stated.

Section 6.01 SUMMARY OF REVIEW PROCEDURES

The following table summarizes the procedures for review of applications for land use and development activity.

(a) Table 6-1a

Procedure	Planning and Zoning Director	Planning Commission	Board of County Commissioners	Chapter / Section
Accessory Dwelling Unit	✓			Chapter 5 5.01 (a)
Agritainment	✓ 	✓*	✓	Chapter 5 5.02 (b)
Commercial Development Plan	✓	✓	✓	Chapter 8 8.03
Conditional Use Permit	✓	✓	✓	Chapter 8 8.01
Home Occupations	✓			Chapter 5 5.02 (c)
Non-Conformance	✓			Chapter 5 5.06
Major Modifications: CDP, CUP, SRU	✓	✓	✓	Chapter 8 8.07 (b)
Minor Modifications to existing CDP, CUP, SRU	✓	✓	✓	Chapter 8 8.07 (a)
Planned Unit Development	✓	✓	✓	Chapter 4 4.17
Special Review Use	✓	✓	✓	Chapter 8 8.01
Temporary Use Permit	✓ 		✓	Chapter 8 8.12
Tower Co-locate	✓			Chapter 8 8.01 (c)
Transfer of ownership	✓		✓	Chapter 8 8.06
Zone Change I & II	✓	✓	✓	Chapter 9
Zoning Resolution Amendments	✓	✓	✓	Chapter 6 6.02

 **The Planning Director may approve eligible applications.**

* **Only when it is a Special Review Use Permit see chapter 9**

Section 6.02 GENERAL NOTES

No Zone change, conditional use permit, special review use permit, or commercial development plan application that has been denied by formal action of the Board can be resubmitted within three (3) years of the date of the denial unless there is valid new evidence, a substantial change in circumstances from the original application or a substantial change of area conditions as determined by formal action of the Board.

Amendments, supplements, changes, or repeal of this Resolution or any section thereof, or the official zoning maps or applications for conditional use permits, special review use permits, or commercial development plans may be initiated by:

- A. Any citizen, firm, or organization residing, owning, or leasing property in the County.
- B. The Commission.
- C. The Board.

When the Board of County Commissioners makes a final decision, appeals shall be taken to the courts, as provided by law and court rule.

Section 6.03 REVIEW PROCEDURES

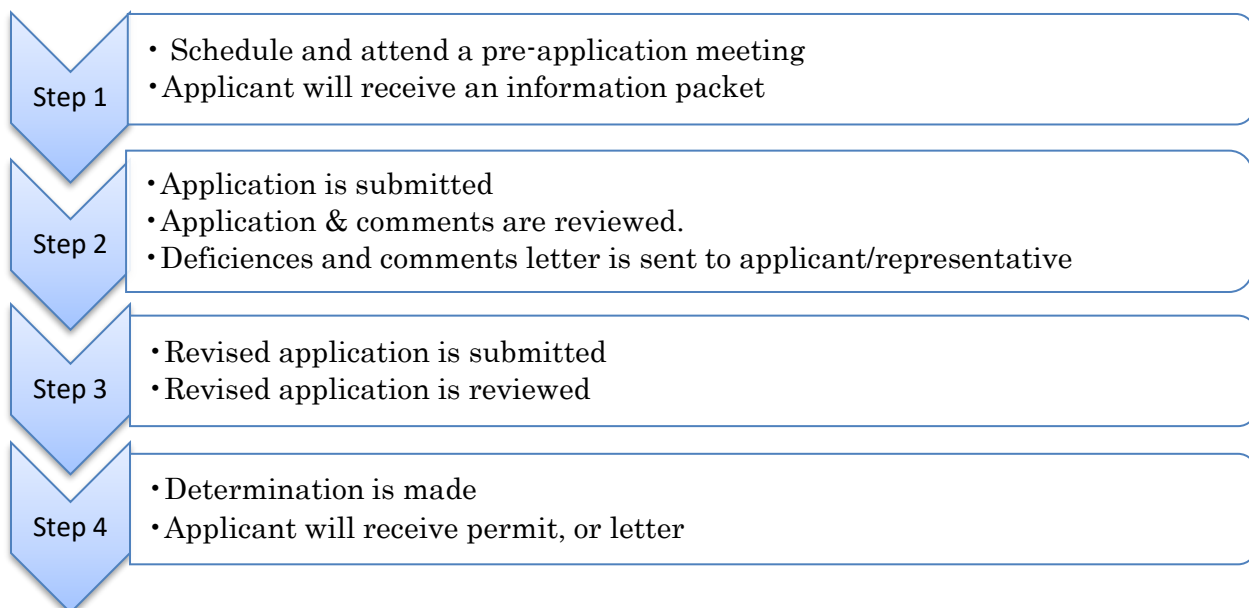
(a) Applicability:

This section sets out the required review and approval procedures for Administrative Approvals, Planning Commission Recommendation and Board of County Commissioners Approval, Board of County Commissioners Approval and Board of Zoning Adjustment Approvals.

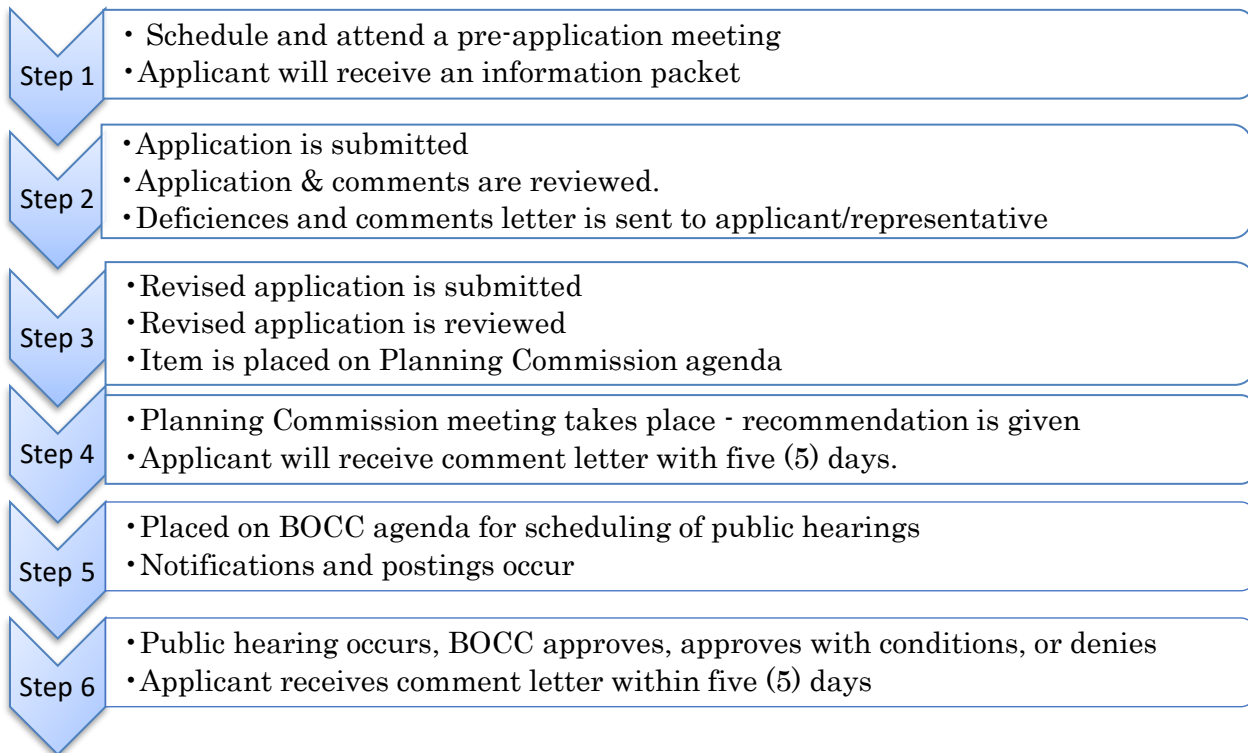
(b) Procedure:

The following figures identify the review and application procedures for all permit types within the Fremont County Zoning Resolution.

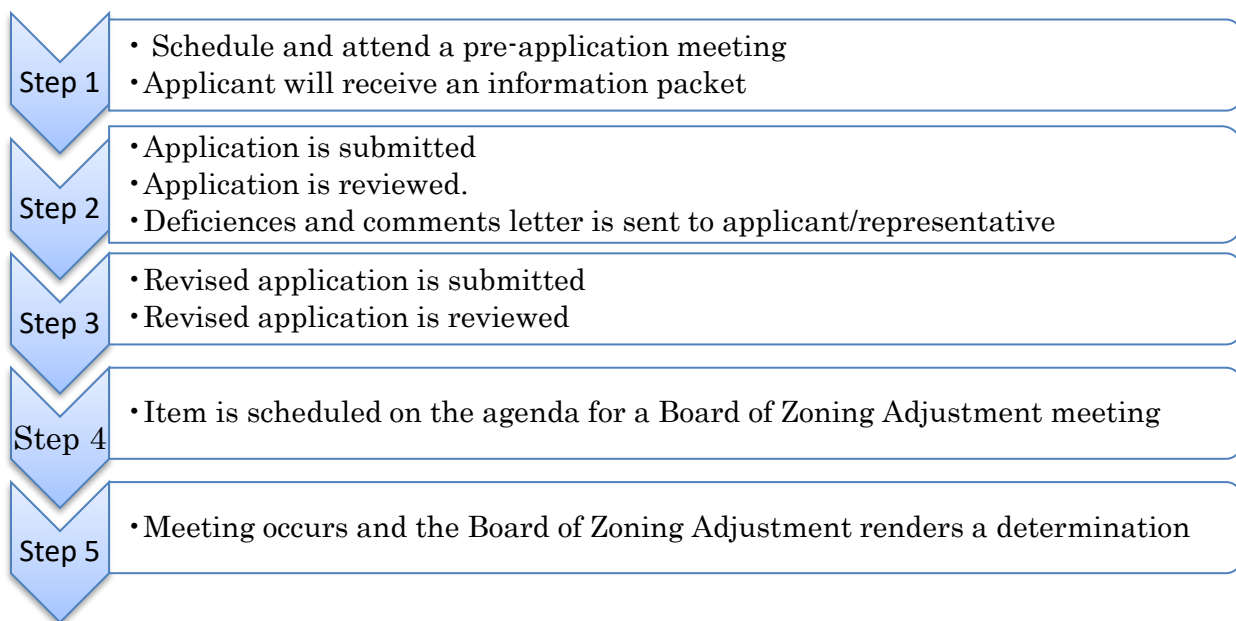
Section 6.04 ADMINISTRATIVE APPROVALS



Section 6.05 PLANNING COMMISSION AND COUNTY COMMISSIONER APPROVAL



Section 6.06 BOARD OF ZONING ADJUSTMENT APPROVAL



Section 6.07 PRE-APPLICATION MEETING

Fremont County welcomes new business and industrial enterprises to the community. To streamline the process and ensure the applicant is aware of all the rules and regulations, Fremont County requires potential applicants to meet with the Planning and Zoning staff before application submittal to gain familiarity with the application process, determine application eligibility and continue communication throughout the application process.

The potential applicant will be required to provide general information regarding the proposal including: proposed water and sanitation sources, access, address or parcel number of the subject property and a general overview of the proposal (use, number of buildings, hours of operation, equipment used, etc.) This information should be provided to the Department prior to the meeting to allow preparation and determination of meeting attendants. Potential applicants are encouraged to discuss the proposal in general terms with the respective utility and access providers to determine feasibility and requirements prior to the application meeting

Applicants shall meet with the Department Staff, by appointment, unless waived in writing by the Planning Director or Planning Coordinator. The meeting shall address:

1. Whether the proposal is an allowed use in the current zone district of the property.
2. The appropriate application and permit for the proposal.
3. Provide the applicant with the appropriate information handout packet that will contain a zone district handout, the appropriate application and fees, procedural requirements, a general time frame of the process, goals, objectives, and planning district of the current Master Plan for the subject property.
4. Discussion of various specific aspects associated with the proposal and;
5. Any additional information, licenses, or procedures and necessary for the proposal.

Section 6.08 ADDITIONAL MEETINGS

Department staff will meet with the applicant by appointment, if requested: after Applicant's receipt of the Department's Deficiency and Comment letter; after the Planning Commission meeting to discuss recommendations; and after the Board meeting to discuss any conditions and/or contingencies of approval, or denial of the application.

Section 6.09 APPLICATION SUBMITTAL

Unless otherwise stated all applications shall be submitted on a form provided by the Department.

(a) Application Filing Fees

Applications must be accompanied by the fee that has been established by the Board of County Commissioners.

(b) Application Completeness

An application will be considered complete if it is submitted in the required form; includes all

mandatory accompanying material; and is accompanied by the applicable fee. The Department representative may reject the application if all submittal requirements are not presented at time of submission.

(c) **Application Copies**

The initial application shall consist of one (1) original and one (1) electronic copy of the appropriate application form and all required accompanying materials for the type of application being made. (Two (2) complete packets – one (1) hard and one (1) electronic).

Section 6.10 APPLICATION REVIEW

In conducting required reviews, the Director shall be authorized to distribute the application and other submittals to County departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Comments received from reviewers shall be addressed by the Applicant.

The department will conduct a preliminary review of the application to determine the adequacy of the application for Commission or Board Review. The applicant will be notified of the results of the department review via a department deficiency and comment letter:

1. If there are deficiencies in the application that would make the application incomplete or otherwise unacceptable for review by the Commission, the Department will provide the applicant with a time frame in which to address the deficiencies.
2. The applicant will be notified in the deficiency and comment letter of how many revised copies of the application and accompanying materials shall be provided to the Department for distribution.

(a) **Revised Application Review:**

1. The Department will conduct a review of the revised application to determine the adequacy of the application for Commission or Board review and notify the applicant of the results.
2. Once all deficiencies have been satisfied, the Department will provide the applicant and Commission with a staff review of the application.
3. If the deficiencies are not addressed or good cause provided as to why the application should be placed on the Commission agenda without addressing the deficiencies within the established time frame, the Department will not place the application on the Commission agenda.
 - a. A full application fee will be charged to the applicant, if all deficiencies as per the initial deficiency and comment letter are not adequately addressed, thereby requiring additional review by the Department.
 - b. Each subsequent department deficiency and comment letter prompted by a failure to meet minimum requirements may result in another full application fee.
 - c. All such fees shall be paid along with a deficiency submittal, prior to any other review of

the application.

Section 6.11 PLANNING COMMISSION ACTION

1. The applicant or representative shall attend the Commission meeting at which the application is scheduled to be reviewed.
 - 1) Failure of the applicant to attend the meeting will result in tabling of application review by the commission.
 - 2) Failure of the applicant to attend the meeting to which review of the application was tabled will be considered a withdrawal of the application by the applicant. Application fees will not be refunded.
2. The Planning Commission shall consider the application at a public meeting at which time the applicant may offer comments, evidence, and testimony concerning the application. The Commission may hear comments and receive evidence or testimony from interested persons, but shall not hold formal public hearings, unless expressly authorized by law, or upon request of the Board.
3. The Planning Commission may continue or table the review of the application to the next regular meeting of the Commission to receive more comments, enable further study of information and input received at the meeting or to request that the applicant provide additional information regarding the application. No such continuance or tabling shall exceed forty (40) days, except for a PUD, which shall be ninety-five (95) days.
 - 1) The applicant, prior to a motion by the Commission, may request additional time before continued review by the Commission, if the applicant wants to provide additional information in support of the application. Such continuance request shall not exceed ninety (90) days.
4. The planning Commission may recommend approval, approval with contingencies or conditions, or denial of the application to the Board. The Commission may include comments and or suggestions with its recommendations.
5. Proposal Presentation: If the applicant presents a significantly different proposal at the Commission meeting than was submitted in the application to the Department, the Commission shall continue the application to the next regular meeting of the Commission and request a Department review of the proposal.

The Department may require an additional review fee if deemed appropriate.
6. The applicant shall be sent a copy of the Commission comments within five (5) working days after the date of the Commission meeting.
7. The Department shall place the application on the agenda for the next scheduled Board meeting to schedule the date and time for the public hearing.

The applicant may ask for additional time before the public hearing if such time is needed to accommodate the recommendations, comments, or suggestions of the Commission. Such a request shall be made in writing to the Department, which is authorized to grant the request on behalf of the Board

- a) No such request shall exceed ninety (90) days from the date of the Commission meeting.
- b) The applicant shall provide to the Department copies of information and or documentation to accommodate the Commission’s recommendations, comments, or suggestions regarding the application no later than ten (10) working days prior to the scheduled public hearing.
- c) The Board, in its discretion, may require further review of the application by the Commission.
- d) No significant changes in an application shall be proposed after review by the Commission unless such changes are made to accommodate recommendations, comments, or suggestions of the Commission. If significant changes are needed due to change of area conditions or circumstances beyond control of the applicant, then further review by the Commission shall be required prior to review by the Board.

Section 6.12 NOTIFICATIONS

Notice shall be required for applications as shown in [Table 6-4a](#) below unless otherwise expressly provided in state statutes or this FCZR:

Table 6-4a NOTICE REQUIREMENTS				
Application Type	Published	Posted	Certified Mail	Timing: Number of days before hearing/meeting
Board of Zoning Adjustment	✓		✓	10
Conditional Use Permits	✓	✓	✓	14
Fremont County Zoning Resolution Amendments	✓			14
Mineral Interests Notification ***			✓	30
Planned Unit Development Planning Commission Meeting	✓	✓	✓	14
Planned Unit Development Board of County Commissioners	✓	✓	✓	30
Special Review Use	✓	✓	✓	14
Temporary Use Permit	**	**	**	14
Zone Change I & II	✓	✓	✓	14

*Applicant shall mail notifications to adjoining owners prior to application submittal

** Applicant may be required to complete notifications per the Director or Board.

*** Applicants shall notify all Mineral Interests’ Owners a minimum of thirty (30) days prior to the Planning Commission meeting

where required in this Resolution.

(a) Mailed Notice:

The Department shall provide the applicant a notice form, accompanied by a list of owners, and agencies to be notified of the public hearing. **The notice shall contain** the specific subject matter of the hearing including identification of the use, the date, time, location of the hearing and contact information for the Department where additional information may be obtained. Other information may be included at the Department's discretion.

1. All mailings shall be by certified mail, return receipt requested (to the Department), through the United States Postal Service (USPS), labeled to identify the application, in accordance with the dates stated in [Table 6-4a](#) of this Resolution.
 - a. Planned Unit Development applicants shall provide written notice of the Planning Commission meeting to any owners of estates, rights, liens, mortgages, or interests in the property identified within the title report, and to adjacent property owners, with first-class postage prepaid, at least fourteen (14) days prior to the meeting.
 - b. Planned Unit Development applicants shall provide written notice of the Board public hearing to any owners of estates, rights, liens, mortgages, or interests in the property and to adjacent property owners, identified within the title report, with postage prepaid by first class mail, at least thirty (30) days prior to the hearing date.
2. Notice shall be provided to property owners within a radius of 500 feet of the boundaries of the subject property. BOZA notice, however, shall be provided only to the adjacent property owners. The Department, Commission, or Board may require additional notifications and/or distances.
3. All notice mailings shall include a copy of the site plan. BOZA mailings shall include the legal description of the property, street address, zoning, nature of the variance, and date and time of the hearing.
4. The Planning Commission may require additional notice to outside agencies if the Commission requires public and agency input on the application.
5. Ownership information shall be based on the records of the Fremont County Assessor's Office.
6. The applicant shall provide the Department with USPS mailing receipts evidencing the date the notice packets were mailed.

(b) Posted Notice:

1. When the provisions of this FCZR require that notice be posted on the subject property, the applicant shall post the notice using Department Signs, placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-

by.

2. All signs must be continuously posted a minimum of 14 days prior to the Board Meeting. Applicants shall be responsible for maintaining the signs and removing them.
3. Where more than one (1) property is involved and / or more than one (1) public right-of-way provides access to the site, all properties fronting on a public right-of-way shall be posted with a sign.
4. The sign shall be at least three feet by four feet (3'X4') in size with each letter at least two (2) inches in height, containing the specific subject matter of the hearing including identification of the use, the date, time, location of the hearing and contact information for the Department where additional information may be obtained.

(c) **Published Notice**

1. When the provisions of this FCZR require that notice be published, the County shall be responsible for preparing the content of the notice and shall ensure that notice is published in a newspaper selected by the County, or in such other manner as may be approved by the Department.
2. The applicant shall be responsible for costs of mailing, publication and posting.

(d) **Mineral Interests Notification**

1. If the mineral interest for the subject property has been severed from the surface ownership, not less than thirty (30) days before the date of the scheduled Commission meeting, the applicant shall send notice, by certified mail, return receipt requested or by a nationally recognized overnight courier to the mineral interest owner(s), as shown in the county record.

Section 6.13 BOARD ACTION

1. The Board of County Commissioners shall take into consideration, at the public hearing, the application, Commission recommendations, comments, and suggestions (if applicable), minutes from the Commission meeting.
2. The applicant shall attend the Board public hearing.
 - a. Failure of the applicant to attend the public hearing will result in tabling of the application review.
 - b. Failure of the applicant to attend the meeting to which review of the application was tabled will result in a withdrawal of the application. Fees will not be refunded.
3. The Board may hear comments and receive evidence or testimony (sworn or unsworn) from interested people.
4. The applicant may offer comments, evidence and testimony concerning the application.
5. The public hearing may be continued to a later date by the Board, but no such continuance shall

exceed thirty (30) days.

6. The Board shall approve, approve with conditions and/or contingencies, or deny the application within forty-five (45) days after the conclusion of the public hearing or the date to which it was continued; one hundred and eighty (180) days for a PUD.
 - a. All improvements required by the Board as a contingency of approval shall be completed by the applicant and approved by an appropriate County Representative prior to recording of approval documents for the application in the land records of Fremont County.
 - b. Within six (6) months following the date of approval by the Board, the applicant shall submit all contingencies required as part of the approval.

If the contingency items are not submitted by the deadline, the application approval shall be deemed expired. Application fees will not be refunded.

If the application is deemed expired a complete resubmittal of the application, including fees, will be required and the review process will begin again.

- c. The Department shall mail to the applicant the Board's decision within five (5) working days following the date of the Board's final approval.

Section 6.14 AMENDMENT TO CONTINGENCIES OR CONDITIONS OF APPROVAL

The Board may hear requests for amendments or changes to contingencies or conditions of application approval upon a written showing of good cause.

1. No changes to contingencies or conditions of approval may be granted unless a written request detailing the reasons and justification for change, and required fee is submitted to the department.
2. The Department shall schedule the request for change for the next regular Board meeting at which the Board could consider the request.
3. The Board may, at its discretion, require the request to be reviewed by the Commission at its next regularly scheduled meeting.
4. The Board may, at its discretion, require a public hearing, with notice requirements at the applicant's expense, to review the request for change.

(a) Certification of Amendment:

Upon Board approval of an amendment and completion of all contingencies, a certified copy of the amendment shall be filed as a public land record with the County Clerk and Recorder.

Section 6.15 EFFECTS OF APPROVAL

If the application for zone change, conditional use permit, special review use permit or commercial development plan is approved by the Board and all contingencies have been completed, approval documents shall be filed as a public land record with the County Clerk and Recorder.

Section 6.16 BOARD OF ZONING ADJUSTMENT ACTION

The Board of Zoning Adjustment (BOZA) shall hold a public hearing in accordance with the FCZR and BOZA bylaws.

1. The BOZA shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing
2. The public hearing may be continued to a later date by the BOZA, but no such continuance shall exceed thirty (30) days.
3. The BOZA shall approve, approve with conditions and/or contingencies, or deny the application within forty-five (45) days after the conclusion of the public hearing or the date to which it was continued.

Section 6.17 DIRECTOR ACTION

If an application is subject to final decision by the Director per [Table 6-1a](#), the Director shall make a decision based on the review standards for the application type. The decision shall be in writing for approvals and/or approvals with conditions. If denied, denial will be accompanied by written findings of fact.

Section 6.18 DIRECTOR RECOMMENDATION

If an application is subject to final decision by another decision-making body per [Table 6-1a](#), the Director shall prepare a written staff report, accompanied by the application and exhibits, with recommendations of approval or denial.

Section 6.19 FINAL DECISION

Conditions of Approval: In approving applications, the Decision-Making Body shall be authorized to impose higher standards for site development than listed for such use in this Resolution and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to the following considerations:

1. Conformity to plans and drawings submitted with the application.
2. The provision for open spaces, buffer strips, screen walls, fences, hedges, and landscaping.
3. The volume of traffic generated, vehicular movements, and points of vehicular ingress and egress.
4. Performance characteristics related to emission of noise, vibration, and other potentially dangerous or objectionable elements, or environmental impacts.
5. Limits on time and days of operation for the conducting of specific activity.

6. Guarantees as to compliance with the terms of the approval.
7. Obtaining all other permits or licenses required by any governmental or regulatory agency.
8. Other on-site and off-site impacts.

Section 6.20 APPEALS

(a) Administrative Decisions

Appeals of an administrative decision must be filed within thirty (30) days of the decision.

(b) Board of County Commissioners

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

(c) Board of Zoning Adjustment

Appeals of decisions of the Board of Zoning Adjustment shall be made to the courts, as provided by law.

(d) Standing to Appeal

Any appeal of actions taken under this FCZR may only be made to the Colorado Courts as allowed by Colorado law. The standing of any party to pursue such an appeal is only to the extent allowed by Colorado law.

Any other appeal contemplated in this FCZR, besides those filed in Colorado Court proceedings, standing may only extend to those persons who are "Parties of Record," who shall be deemed to include the following:

1. The applicant;
2. The property owner or holder of any interest or easement in the subject property; or
3. Any person who submitted written comments on the application before final action was taken (excluding persons who have only signed petitions or form letters).

Section 6.21 BURDEN OF PROOF OR PERSUASION

The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant.

Section 6.22 SIMULTANEOUS PROCESSING

Whenever two (2) or more forms of review are required, the Director may allow the applications to be processed simultaneously, or combined for convenience and efficiency.

Section 6.23 APPROVAL CRITERIA

(a) Administrative Approvals

1. The proposal meets the intent and purpose of this Zoning Resolution.
2. Regulatory requirements for the proposal are met.

(b) Conditional Use and Special Review Use Permits:

The Board may approve the conditional use permit or special review use permit provided that the proposed use is in accordance with the provisions of the Fremont County Master Plan and the Zoning Resolution, and further that the following criteria have been met to the Board's satisfaction:

(i) The Procedural requirements have been met.

- a) The location of the approved use is compatible and harmonious with the surrounding neighborhood.
- b) The proposed site will not impair public health, welfare, prosperity, and safety by undesirable sanitary conditions, overburdening of utilities, or adverse environmental influences.
- c) The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
- d) The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Resolution.
- e) The proposed use, if it complies with all conditions of the approval, will not adversely affect the general health, safety, and welfare of the inhabitants of the County, and will not cause significant air, water, noise, or other pollution.

(ii) Conditional Use and Special Review Use Permits, Additional Criteria:

In approving an application for a conditional use permit or special review use permit, the Board may require higher standards for site development than listed for such use in this Resolution and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

- a) Conformity to plans and drawings submitted with the application.
- b) The provision for open spaces, buffer strips, screen walls, fences, hedges, and landscaping
- c) The volume of traffic generated, vehicular movements, and points of vehicular ingress and egress.
- d) Performance characteristics related to emission of noise, vibration, and other potentially dangerous or objectionable elements, or environmental impacts.
- e) Limits on time and days of operation for the conducting of specific activity.
- f) Guarantees as to compliance with the terms of the approval.

- g) Obtaining all other permits or licenses required by any governmental or regulatory agency.
- h) Other on-site and off-site impacts

(c) Planned Unit Developments

1. Fully complies with the minimum zoning requirements set forth in the Zoning Resolution (as applicable) and complies with all applicable requirements of the Fremont County Subdivision Regulations;
2. Provides that areas designated as common open space or parks are perpetually protected by appropriate covenants and a homeowner's association organized and approved by the Board to control, construct, and maintain the mutually owned property.
3. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
4. Will be in accordance with the Fremont County Master Plan;
5. Will not result in an over-intensive use of land;
6. Will not have a material adverse effect on community capital improvement programs;
7. Will not require a level of community facilities and services greater than are available;
8. Will not result in undue traffic congestion or traffic hazards;
9. Will not cause significant air, water, or noise pollution;
10. Will be adequately landscaped, buffered, and screened;
11. Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Fremont County;
12. Shall be under unified development control;
13. The maximum reasonable preservation of natural or cultural features;
14. The maximum reasonable preservation and utilization of agricultural lands;
15. Will not result in any significant negative impacts on the surrounding agricultural land and attendant agricultural uses;
16. If granted, the Board may impose such conditions and safeguards as are necessary to ensure compliance with the above standards;
17. The application shall bear the written consent of each and every landowner whose

properties are included within the development; and

18. If a concurrent request for approval is also reviewed, the Board may find that the provisions have been met and authorize execution of an acceptable Development Agreement.

(i) PUD Procedure Requirements

Application for PUD approval shall be filed on forms available through the Department and be accompanied by the following:

- A. A site plan displaying significant topographic features, proposed land uses, basic road and pedestrian access scheme, land survey data, recorded easements/rights-of-way, existing physical features, external features that may influence the proposal, and any other essential data as may be required by the Department.
- B. A development report including a description of site features, soil and geologic characteristics, adequate evidence of a sufficient water supply and sanitation system, an evaluation of any potential radiation hazards; evaluation of the effect of the development on identified environmental resources and any necessary mitigation measures; needed storm drainage and flood control facilities, fire control, road improvements, available service facilities; remedial measures to counteract any hazard; estimated costs of all required improvements and method of financing, construction schedules, proposed maintenance and performance guarantees, a list of individuals responsible for preparation of the development report, and other factors essential for a complete evaluation of the proposal.
- C. Such additional relevant information as the Department may deem necessary.

(d) Zone Change I & II:

The Board may approve a Zone Change I or II with sufficient evidence that one or more of the following exists:

1. Additional land is needed in the proposed zone district.
2. There has been a material change in the neighborhood that justifies the requested zone change.
3. The proposed zone change will be in conformance with the current Fremont County Master Plan.

Section 6.24 CONTINGENCIES – EXTENSION OR RENEWAL

The Director may extend the time period for submittal of contingency items of application approval upon documented showing of good cause.

1. No extensions may be granted unless a written request detailing the reasons and justification for extension is received a minimum of (10) working days prior to the expiration of the initial six (6) month period or previous extension granted.

2. Without explicit justification warranting a longer time frame, extensions shall not be granted for more than six (6) months from the date of the original deadline date. Any subsequent extension shall require Board approval.

3. In the event that any permit contemplated by this Resolution expires solely due to the non-occurrence or failure of one or more contingencies required upon its approval, the Director may renew such permit within six (6) months of its expiration upon the completion or occurrence of such contingency(ies).

Chapter 7. BOARD OF ZONING ADJUSTMENT (BOZA)

Creation and establishment: There is hereby created and established a Board of Zoning Adjustment (B.O.Z.A), the members of which shall be appointed by the Board of County Commissioners. The Board shall fix per diem compensation for members of the B.O.Z.A

Section 7.01 MEMBERSHIP

1. Members of the BOZA shall be residents of Fremont County.
2. The BOZA shall consist of five (5) regular members and one (1) associate member.
3. No more than two (2) Planning Commission members can serve on the BOZA at the same time.
4. The associate member, in the event that any regular member is temporarily unable to act because of absence from the County, illness, interest in an item before the BOZA, or any other cause, shall take the place, temporarily, of the regular member.
5. The term of a BOZA member shall be three (3) years. Members shall be appointed in such a way that at least one (1) member's term of office expires each year.
6. The Planning Director or his designated representative shall sit, ex-officio, on the BOZA.
7. A member or associate member, once qualified, shall thereafter be removed from office by the Board during his term of office only for cause, to include but not be limited to, nonperformance of duty or misconduct or when any member shall fail to be present at three (3) regular meetings during an annual term of the BOZA, unless such absence is excused by the Chairman and so noted. Removal of a member from office shall occur after written notice to the member, and following a public hearing by the Board, at which the member may be present to address the Board concerning removal from the BOZA.
8. In the event of the death, resignation, or removal of any member or associate member before the expiration of his term, a successor shall be appointed by the Board for the unexpired portion of his term.

Section 7.02 DUTIES

1. To vote at the first meeting of each calendar year to elect a chairman and vice chairman from the regular members appointed to the BOZA. The chairman, or vice chairman in the chairman's absence, shall be responsible for the normal administrative duties of the position.
2. To meet monthly (if necessary) or at the call of the chairman.
3. To adopt any rules necessary to transact the BOZA business or to expedite its functions consistent with Colorado State Statutes and the provision of this Resolution.
4. To permit the public to attend meetings and to be heard.
5. To keep minutes of its proceedings indicating the vote of each member upon each question,

absences and abstentions. To keep records of its examinations and other official action. To file minutes and records in the offices of the Department as public records.

6. To publish notice of hearings to be held by the BOZA Such publication shall be in an official County newspaper at least ten (10) days prior to the hearing and shall be paid for by the applicant. Said notice shall contain:
 - a. Legal description of the property and its street address.
 - b. Present zoning classification of the property and the nature of the variance requested.
 - c. Date, time, and place of hearing.
7. To vote upon the granting of a variance from the requirements of the zoning Resolution. To affirm or reverse any order, requirement, decision, or determination of any administrative official. The concurrence of four (4) members of the BOZA shall be required for reversal or partial reversal.
8. To hear and vote on appeals taken by any person aggrieved by an inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning Resolution.
9. Any member of the BOZA who has a direct or indirect interest in any property or in the decision relating to such property, which is the subject matter of, or is affected by, a decision of the BOZA, shall be disqualified from participating in discussion, decision, or proceedings of the BOZA in connection therewith.
10. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses upon application to the district court.

Section 7.03 POWERS

1. Interpretation: The BOZA shall have the power to interpret this Resolution, including any uncertainty as to boundary location, or interpretation consistent with the purposes and intent of this Resolution.
2. Upon application for variance, the BOZA shall have the power to grant a variance from strict application of the zoning Resolution to relieve difficulties or hardship if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning maps and zoning Resolution. Such variance may be granted when the exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or when exceptional topographic conditions or other extraordinary and exceptional situation or condition of a parcel of property results in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. Where feasible, special exception may be made for the purpose of providing access to sunlight for solar energy devices.
3. The BOZA shall have the power to grant variances from the provisions of this Resolution, but only

where all of the following conditions are found to exist:

- a. The variance would not authorize any use other than those enumerated as a use-by-right in the zone district and that the essential character of the zone district would not be altered.
- b. An unnecessary hardship to the owner could be shown to occur if the provisions of this Resolution were strictly interpreted.
- c. The circumstances found to constitute a hardship either were not created by the owner or were in existence at the time of the passage of this Resolution and cannot reasonably be corrected.
- d. The variance would be in harmony with the general purpose and intent with this Resolution, and would not prejudicially affect the health, safety, and general welfare of the inhabitants of the County.

Section 7.04 MEDICAL HARDSHIP WAIVER

The BOZA shall have the power to grant a temporary waiver of provisions of the zoning Resolution in cases where an extreme medical hardship can be shown to exist. This waiver would allow for the temporary placement of one (1) single-wide manufactured home, or one (1) manufactured home on a lot, tract, or parcel that contains an existing dwelling, manufactured home, or single-wide manufactured home. This waiver may only be granted in zone districts that allow manufactured homes. The BOZA may terminate a hardship waiver if the circumstances of hardship change or if an alternative form of relief for the applicant becomes available. Medical hardship waivers shall be granted for a time period not to exceed one (1) year. Extensions may be granted on a case-by-case basis and shall be done annually on a date specified by the BOZA.

Section 7.05 APPEALS TO B.O.Z.A

Appeals to the BOZA may be submitted to the Department by any person aggrieved by an inability to obtain a building permit or by the decision of any administrative official or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning Resolution. Appeals to the BOZA shall be made in writing and must be made within thirty (30) days from the date on which the appellant was aggrieved by such action. The appeal shall be filed with the Department, which shall schedule a hearing for the next regularly scheduled meeting of the BOZA. The administrative official whose decision is being appealed shall provide the BOZA with all documents constituting the record upon which the appeal is based. The official shall also provide the BOZA with a written statement of findings of fact and justification for the decision. The BOZA shall have the right to require further information from the appellant or administrative official as it deems necessary. A copy of all documents submitted to the BOZA by either the appellant or the administrative official shall be provided to the opposing party at least one week prior to the BOZA meeting at which the appeal is heard. The fee for appeals shall be the same as variance requests that are established by Resolution of the Board. If the BOZA finds in favor of the appellant, the appeal fees will be refunded to the appellant. No appeal to the BOZA shall be allowed for building use violations that may be prosecuted pursuant to Colorado Statutes.

Section 7.06 PROCEDURE

The BOZA shall act in strict accordance with all of the laws of the State of Colorado and regulations or

ordinances of the County of Fremont. All applications and appeals to the BOZA shall be in writing and on such form as shall be prescribed by the BOZA. Every application and appeal shall indicate what provisions of this Resolution are involved, what relief is being sought, and the grounds upon which such appeal is being sought.

Section 7.07 VARIANCE SUBMITTALS

Submittal requirements shall be provided to the Department, accompanied by a non-refundable application fee, as established by the Board. The submittal shall be at least twenty (20) days prior to the regularly scheduled BOZA meeting.

1. One hard copy and electronic copy of a complete application accompanied by application fees and the following:
 - a. An improvement location certificate or a survey plat for the property, evidencing the location of existing improvements and all proposed improvements. The certificate or plat shall be performed, signed, and sealed by a professional land surveyor registered with the State of Colorado and shall conform to the requirements of C.R.S. 38-51-108.
 - b. A complete building permit application.

Section 7.08 MEDICAL HARDSHIP WAIVER

1. A completed BOZA application.
2. A statement on a form provided by the Department from a licensed medical provider licensed to practice in the State of Colorado indicating the medical need for a hardship waiver and the requirement of daily assistance.
3. A letter from the applicant requesting the waiver, explaining the circumstances of the waiver, and listing the occupants of both living units.
4. A notarized letter on a form provided by the Department from the property owner indicating their knowledge of how the medical hardship waiver is administered and stating that the temporary manufactured home shall be removed within ninety (90) days from the date the hardship ceases or the BOZA terminates the waiver.
5. An improvement location certificate or a survey plat for the property evidencing the location of existing improvements and all proposed improvements. The certificate or plat shall be performed, signed, and sealed by a professional land surveyor registered with the State of Colorado.
6. A complete building permit application.
7. Extensions of a Medical Hardship Waiver: Extensions may be granted in one (1) year increments provided the following is submitted to the Department by the submittal deadline of the monthly BOZA meeting for the month in which the waiver is to expire:
 - a. A letter from the applicant stating that the circumstances found to constitute the hardship still exist and have not materially changed.

- b. A letter from a licensed medical provider advising the BOZA on the status of the medical hardship.
- c. In addition to the above, no extension will be granted until the Department performs an on-site inspection to determine if the applicant is in compliance with the conditions of the waiver.

Section 7.09 ADDITIONAL REQUIREMENTS

In granting a variance, the BOZA may impose additional requirements on the applicant as a condition of approval.

Section 7.10 ATTENDANCE OF APPLICANT

All applicants and/or their representatives must attend the BOZA meeting at which their request is to be heard. In addition, the BOZA may require the presence of the applicant at its meeting for which a hardship waiver extension is to be considered.

Section 7.11 TERM OF VARIANCE

Construction for all variances granted shall be completed within one (1) year after the date of approval of variance.

Section 7.12 APPEALS OF A DECISION BY THE B.O.Z.A

Any further appeal from the decision of the BOZA shall be made to the Court, as provided by court rule or state statute.

Chapter 8. LAND USE PERMITS

Section 8.01 SPECIAL REQUIREMENTS FOR CUP & SRU

The following uses have special development requirements and/or require additional information to be provided for review and approval.

(a) Airport, Private

The following information shall accompany the application:

1. Physical description of the landing area and its immediately adjacent area satisfactory to demonstrate the safety of take-offs and landings. Include a vicinity map locating the proposed airport site in relation to surrounding areas, streets, structures, railways, mains, pipes, conduits, wires, cables, poles, and all other facilities and equipment that may interfere with the location, expansion, development, improvement, or use of such airport.
2. Written description of the flight plan or flight plans that will be regularly employed, to include:
 - a. How take-offs and landings will be accomplished, specifically including directions and minimum altitudes necessary to safely operate;
 - b. Minimum altitudes that will be maintained at various relevant points during the normal flight path within Fremont County; and
 - c. A map or other suitable drawing indicating the regular flight paths to be taken within Fremont County.
 - d. Proof that the applicant has liability insurance or the ability to acquire liability insurance of a minimum amount to be determined by the Board. Upon issuance of a special review use permit, applicants shall comply with all terms and conditions of its insurance policy and adhere to all representations made by the applicant therein in order that the coverage not be rendered inapplicable for any reason. Said insurance policy shall also provide for additional insurance as determined by the Board. (A current certificate of insurance shall be continuously on file with the Department.)

(b) Adult Uses

1. No adult use shall be permitted within one thousand (1,000) feet of any residentially zoned property or property used for a dwelling, measured from the closest property line of such residentially zoned property or dwelling property to the property line of the adult use.
2. No adult use shall be permitted within one thousand (1,000) feet of any public park, school, church, other adult use, or liquor licensed establishment subject to the State of Colorado liquor code, measured from the closest property line of such public park, school, church, other adult

use, or liquor licensed establishment to the property line of the adult use.

3. Adult use buildings, entries, windows, and openings shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
4. Adult use structures, signs, and buildings shall not be painted in garish (excessively vivid) colors, nor shall promotional materials or displays be exhibited, such as to effectuate the same purposes as a sign.

(c) *Antenna or Tower*

The following information shall be provided with the application and in addition to the other requirements of the Special Review Use:

1. Setbacks for the antenna and tower shall not be less than the district development regulations or twenty-five (25) per cent of the facility height, whichever is greater, unless waived by the Board.
2. A design plan addressing the materials, colors, textures, screening, and landscaping that will be used in the design of the antenna, tower, or related structures. The materials used shall, to the extent possible, blend into the natural setting and surrounding buildings.
3. A lighting plan if required by the Federal Aviation Administration or other applicable authority.
4. A report by a Colorado registered engineer demonstrating compliance with applicable structural standards and the general capacity of the proposed facility.
5. A report or site plan that addresses the relative shape, size, and location of all existing and proposed antennas, towers, guy wire anchors, warning signs, and fencing within a radius of 500 feet of the boundaries of the property that will house the tower and/or antenna.
6. The distance between the antenna and/or tower from the nearest residential unit.
7. The following is a list of additional factors that may be considered in the granting of a Special Review Use permit for antennas and towers and related structures:
 - a. Height of the tower;
 - b. Proximity of the tower to residential structures;
 - c. Design of tower, in reference to visual impacts.

(i) *Colocation of Antennas*

Colocation of antennas on an existing tower shall require an application provided by the department with a fee. This includes any replacement or attachments of antennas not to exceed the original height.

1) [Application Requirements](#)

- a. Name and file number of existing SRU permit.
- b. SRU permit holder information.
- c. Right to Occupy
 - a) A copy of the current deed of record indicating ownership and the legal description.
 - b) A letter authorizing the application.
- d. Provide a statement for:
 1. Total height of the tower with the existing and proposed antennas.
 2. Current and proposed antennas.
 3. Documentation from a Licensed Professional Engineer demonstrating that the tower can accommodate the proposed number of antennas.
 4. Detail the existing and proposed structures on site.
 5. Detail all off-street parking spaces.
 6. Address surfacing, lighting, and or landscaping.
 7. Address the stormwater drainage plan, if applicable.
 - a. Attach the agreement, lease or the like between the property owner and the existing permit holder allowing for a colocation.
 - b. Attach a copy of the lease or agreement between the permit holder and the colocation applicant as to right to use of the tower by the colocation applicant.

(d) [Contractor's Yard #2](#)

1. The outdoor storage area shall be screened in accordance with [Section 5.04 FCZR](#).
2. The outdoor storage area for vehicles and equipment shall be set back a minimum of seventy-five (75) feet from all property lines.
3. The outdoor storage area for vehicles and equipment shall be contained behind an opaque screen (fence or vegetation), in accordance with Section 5.04 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. The outdoor storage area shall be no more than half (1/2) an acre, twenty-one thousand seven hundred and eighty (21,780) square feet.
5. More than five (5) commercial vehicles used in association with the contractor's yard are permitted. The total number will be limited by the size of the storage area, as determined by the Board. All vehicles shall be operable.

6. All Special Mobile Machinery (SMM) shall be registered, and/or appear on the personal property tax schedule filed with the County Assessor.

(e) Junkyards

All junkyards, automobile graveyards, and vehicle impoundment yards shall have an adequately maintained eight (8) foot opaque screening of the junkyard and/or automobile graveyard and/or vehicle impoundment yard. This screening shall consist of wooden fencing, slat fencing, stone, or brick wall, closely planted natural vegetation, or other appropriate visual barriers, as approved by the Board. If natural vegetation is utilized, it shall consist of plants at least thirty (30) inches in height when planted and maintained in a healthy condition to provide minimum capacity to a height of eight (8) feet within two (2) years from the date of planting. If natural vegetation is to be used, a fence as required above, shall be constructed and shall remain in place until vegetation reaches required height of eight (8) feet.

(f) Kennel

The following requirements shall be included in or with the application:

1. Setbacks for all facilities, including dog runs, shall be a minimum of twenty-five (25) feet from all property lines unless otherwise specified by this Resolution.
2. All facilities must be fenced to restrict dogs or cats from escaping.
3. Proposed method of waste disposal.
4. The kennel shall be conducted in compliance with all applicable County, State, and federal laws. Provide copies of additional licenses.

(g) Solid Waste Disposal Site and Facility

This section shall apply in all zone districts within the unincorporated area of Fremont County, except as noted below,

(i) Special Review Use Permit approval required:

- a. Any person, firm, corporation, etc., who operates a solid wastes disposal site and facility, a hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system shall first obtain a or special review use permit approval from the Board. The special review use permit shall be submitted concurrently with this [Section 8.01 \(g\) FCZR](#) and certificate of designation if required.
- b. Solid wastes disposal, hazardous waste treatment, storage, or disposal, and waste-to-energy incineration are prohibited within the unincorporated portion of Fremont County except on or at a site and facility for which a special review use permit approval has been obtained as provided in the FCZR.

- c. Any person, firm, corporation, etc shall demonstrate that material to be disposed of does not emit radiation in excess of naturally occurring background levels.
- d. Notwithstanding the provisions above, any person may dispose of his own solid waste on his own property, provided such disposal does not include hazardous wastes, fully complies with all state and federal laws and regulations, and does not constitute a nuisance.
- e. Notwithstanding the provisions above, the final use for beneficial purposes, including fertilizer, soil conditioner, fuel, and livestock feed, sludge that is not hazardous waste and has been processed and certified or designated as meeting all applicable regulations of the Colorado Department of Health and the Colorado Department of Agriculture shall not require a special review use permit approval for such final use.

(ii) Application for permit:

- a. Any person desiring to operate a solid wastes disposal site and facility, a hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system within the unincorporated portion of Fremont County shall apply to the Board for approval of a special review use permit. Such application shall be accompanied by a fee fixed by the Board on a schedule available at the Department. For purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert or investigative assistance, the Board may, at its discretion, assess an additional fee of an amount deemed appropriate by the Board. The Board may, at its discretion, require that payment of this additional fee, or any portion thereof, be received before incurring the costs of evaluating the application. Only the unused portion of this additional fee shall be refundable. The application shall be prepared and/or certified by a registered and qualified professional engineer. Sources of information in the application shall be carefully noted. Highly technical or specialized data not easily understood by laymen shall appear in appendices. The application shall, at minimum, contain:
 - i. A description of the location of the site and facility or system and a detailed description of the proposed activity. The description shall include: the type of site and facility or system involved; the type of processing to be used, such as sanitary landfill, composting, burning in an industrial furnace or boiler (including a cement kiln), thermal treatment, or incineration; the hours of operation; the method of supervision; the rates to be charged, if any; the types, locations, and useful lives of any tanks or storage container to be used; the leak prevention and detention methods to be used and the reasons for selection of such methods; the sources and amounts of all solid wastes or hazardous waste to be processed at the site and facility or system; and the composition of such solid wastes or hazardous waste and the methods of waste analysis to be used. If the type of processing to be used includes burning, incineration, or thermal treatment, the applicant shall specify operating temperatures, including the reasons for selection of such temperatures, methods of monitoring and controlling emissions and operating temperatures, including the reasons for selection of such methods. The description shall demonstrate that the site and facility or system

will be located, operated, and maintained in a manner that controls obnoxious odors, prevents rodent and insect breeding and infestation, and complies with the health laws, standards, rules, and regulations of the State Department of Health, the State Air and Water Quality Control Commissions, all Federal agencies, and all applicable zoning laws and ordinances.

- b. A demonstration that no radioactive materials or materials contaminated by radioactive substances will be disposed of in a site and facility or system not specifically designated for that purpose, including specification of methods for preventing inadvertent processing of radioactive substances.
- c. A detailed description of the probable impacts that the proposed activity will have on the environment. The description shall include all technical data, maps, and diagrams reasonably necessary for assessment of such impacts by the county and commenting agencies and citizens. This part of the application shall describe the environment at the site and the surrounding area, as it exists before the proposed activity and without the effects of the proposed activity, in sufficient detail to facilitate an informed assessment by the County and shall include projections as to growth and population. This part of the application shall demonstrate that the site and facility or system will conform to officially adopted land use plans, policies, regulations, and resolutions.
- d. A detailed assessment of the probable positive and negative effects the proposed activity will have on local, regional, and overall public health and safety. If the activity will involve emission or release of solid or hazardous wastes or constituents or byproducts of solid or hazardous wastes or transportation of solid or hazardous wastes, the application shall include a health risk assessment conducted by a qualified professional that shall contain a quantification of risks to human health associated with the proposed activity. The assessment shall include, but not be limited to, consideration of the risk of accidents during the transportation of waste to, from, or at the site. The assessment shall specify the basis for all conclusions and shall identify any assumptions the author or authors of the assessment have made. The application shall contain a statement of the qualifications of the author or authors of the health risk assessment.
 - i. A detailed description of the need, if any, for the site and facility or system by Colorado generators of solid or hazardous wastes.
 - ii. A demonstration that the applicant:
 - (1) has the financial ability to operate the proposed site and facility or system according to all applicable laws and regulations;
 - (2) shall maintain his financial ability to close and maintain the site and facility or system property at and after the end of its useful life in accordance with all applicable laws and regulation;
 - (3) shall maintain adequate liability coverage for sudden accidental and non-sudden accidental occurrences that result in bodily injury or property damage to third parties.

- e. A demonstration that the applicant, taking into account its prior performance record, if any, in the treatment, storage, or disposal of solid or hazardous wastes, has sufficient reliability, expertise, and competency to operate and manage the proposed site and facility or system.
- f. Such engineering, engineering, geological, hydrological, and operational data as is required by the FCZR.
- g. Such other information as may be required by the Board.

(iii) Factors to be Considered:

- a. In considering an application of a special review use permit under this Section, the Board shall take into account:
 - i. The effect that the proposed activity will have on the surrounding property, the health and welfare of the public, and the environment, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;
 - ii. The convenience and accessibility of the site and facility or system to potential users;
 - iii. The ability of the applicant to comply with the health and safety standards and operating procedures provided for by local, state or federal laws and such rules and regulations as may be promulgated pursuant to such laws;
 - iv. Recommendations by other governmental agencies;
 - v. Such other factors as the Board deems appropriate.
- b. The issuance of a special review use permit approval pursuant to this Section shall be discretionary with the Board, subject only to such judicial review by the district court of appropriate jurisdiction as may be otherwise provided by law. If the application provides insufficient information for the Board to reach an informed decision, the Board may, at its discretion, afford the applicant the opportunity to provide additional information.
- c. Prior to a public hearing held by the Board, the application shall be reviewed, and a recommendation as to approval or disapproval made by the Commission. Such recommendation may be conditional. The application, report of the Commission, master plan, and other pertinent information shall be presented to the Board at a public hearing to be held after notice. Such notices shall contain the time and place of the hearing and shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, a hazardous waste treatment, storage or disposal site and facility, or a waste-to-energy incineration system. The notice shall be published in a newspaper having general circulation in Fremont County at least ten (10) but no more than thirty (30) days prior to the date of hearing.

vi. Permit:

If the Board deems that special review use permit approval should be granted to the applicant, it shall issue the permit with such conditions, if any, that the Board deems appropriate, and such permit shall be displayed in a prominent place at the site and facility or system.

vii. Permit required for Operation:

- a. Operation of a solid waste disposal site and facility, hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system for which a review use permit approval has been issued shall not begin until the applicant obtains all state and federal permits required by law or regulation for such operation.
- b. Solid wastes deposited at any site and facility shall not be burned, other than by incineration or industrial burning in accordance with a certificate of designation issued pursuant to Section 30-20-105, C.R.S.; except that in extreme emergencies resulting in the generation of large quantities of combustible materials, authorization for burning under controlled conditions may be given by the State Department of Health.

viii. Procedures Not Exclusive:

The requirements of this Section shall be in addition to and not in lieu of the requirements for a special review use permit approval set forth in Chapter 9 of the Fremont County Zoning Resolution, as amended; provided, however, in the event of any conflict between the provisions of this Chapter of this Resolution, the provisions of this Section shall apply.

ix. Revocation or Suspension of Permit:

- a. The Board, after reasonable notice and public hearing, may revoke or temporarily suspend a conditional use permit or a special review use permit approval that has been issued by it if it finds:
 - i. A failure of a site and facility or system to comply with all applicable laws, resolutions, and ordinances or to comply with any rule or regulation adopted pursuant thereto;
 - ii. There was a material misrepresentation or misstatement of fact in the application for the conditional use permit or special review use permit approval;
 - iii. The site and facility or system is not being operated in substantial compliance with a term, condition, or limitation of its conditional use permit, special review use permit approval or an applicable rule or regulation; or
 - iv. The site and facility or system poses an unreasonable risk to public health or welfare or the environment.
- b. The revocation or suspension of a conditional use permit or a special review use approval shall not relieve the permit holder from any legal liability.

x. Severability:

If any provision of this Section shall be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other part or provision hereof.

xi. Enforcement:

In addition to any other civil or criminal procedure or penalty provided by law or in the Fremont County Zoning Resolution, as amended, any site and facility or system that is found to be abandoned or that is operated and maintained in a manner so as to violate any of the provisions of this Section shall be deemed a public nuisance and such violation may be enjoined by the district court of Fremont County in an action brought by the Board.

(h) **Tiny Home Communities:**

1. Only tiny homes and related accessory structures may be permitted within a tiny home community.
2. Tiny homes within a tiny home community are intended to be used as permanent dwellings and shall meet all applicable building code requirements. All tiny homes must be connected to public water or a permitted well, public sewer or an approved OWTS, and power before they are occupied.
3. Accessory structures to tiny homes as contained within the established space are limited to garages, storage structures and carports. All accessory buildings and structures shall conform to the building code and appropriate sections of this code.
4. Interior roadways are not required for tiny home communities. Tiny home communities with no interior roadways shall contain pedestrian walkways for access to each tiny home. For tiny home communities that will contain roadways, internal roadways shall meet County standards.
5. Motor vehicle parking shall be provided for in parking areas on the site. Adequate parking spaces shall be provided.
6. A tiny home community may contain up to sixteen (16) tiny homes per acre.
7. No more than one (1) tiny home may be placed in a single space.
8. Each tiny home community shall provide the following setbacks along the exterior property line:
 - a. From a state or federally designated highway or County Road: fifty (50) feet;
 - b. From any public right-of-way: fifty (50) feet;
 - c. From the exterior lot line (side or rear): ten (10) feet.
9. Internal setbacks. The placement of any tiny home within a space shall meet the following setbacks:
 - a. If applicable, from the front boundary adjacent to the interior roadway: ten (10) feet;
 - b. From all other space boundaries: five (5) feet;
 - c. From another tiny home: ten (10) feet.

(i) Travel Trailer Park & Campground:

Minimum Park area shall be the same as the minimum lot size for the zone district in which it is located, including variations in acreage based on availability and service to the property of public water and sewer.

1. Each trailer site shall have a minimum of two thousand (2,000) square feet.
2. Each recreational cabin and park model site shall have a minimum of one-thousand-five hundred (1,500) square feet.
3. Each tent site shall have a minimum of one thousand (1,000) square feet.
4. No structures shall be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle.
5. All Travel Trailer Park and Campgrounds shall comply with the “Standards and Regulations for Campgrounds and Recreation Areas” as adopted by the Colorado Department of Public Health and Environment, except that Primitive and Semi Primitive campgrounds as defined by the Colorado Department of Public Health and Environment Standards and Regulations for Campgrounds and Recreation Areas shall not be permitted. Any exemptions set forth in the Colorado Standards and Regulations for Campgrounds and Recreation Areas shall apply to the same category or classification campground and/or recreation area under these regulations
6. The site shall have at least one direct access to a public street by a roadway that shall be at least thirty-two (32) feet in width. The internal street system shall be privately owned, constructed, and maintained and shall be designed for safe and convenient access to all spaces and to facilities for common use by park occupants. The interior roadway shall not be less than sixteen (16) feet in width for one way and twenty-four (24) feet for two ways. A two-way roadway shall have a minimum turning radius of forty (40) feet. Road grades shall not exceed six (6) percent. One-way roadways shall form a loop. All roadways shall be surfaced with at least four (4) inches of gravel, no greater than 1 ½ grade and shall be surfaced with asphalt or concrete, unless the asphalt or concrete requirement is waived by the Board. If one-way roadways are used, one-way directional signs shall be installed
7. All roadways and walkways within the travel trailer park or campground shall be lighted at night to provide safe access.
8. All interior roadways and sidewalks shall be maintained to provide a safe driving and walking surface and limit pollution.
9. Every travel trailer park or campground shall provide one or more service buildings adequately equipped with flush-type toilet fixtures and lavatories.
10. All spaces in a travel trailer park and campground shall provide an electrical outlet supplying at least 110 volts or 110/220 volts. The installation shall comply with all state and local electrical

regulations.

11. Recreation Space Requirements: Space in the amount of at least four (4) percent of the total area of a travel trailer park and campground shall be provided for recreational purposes. At least a ten (10) foot wide access shall be provided to all recreational facilities.
12. The density of campsites shall not exceed 25 campsites per acre excluding roads, buildings, and other common use areas.

Section 8.02 ALLOWED USE BUSINESS PERMIT

An allowed use business permit is required for establishment of a new business or change of use on an existing business location.

(a) Allowed use Business application requirements:

1. An application form as provided by the Department with the required non-refundable application fee.
2. A copy of the deed or lease agreement showing right to occupy.
3. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
4. All applications shall include a summary of any permits, licenses or the like required, status of pending applications for the same, copies of pending applications and or copies of issued permits.
5. A plot plan showing:
 - a. All structures existing with dimensions to property lines.
 - b. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
 - c. All parking areas.
 - d. All exterior access points.

Section 8.03 COMMERCIAL DEVELOPMENT PLAN

(a) Goal

Fremont County welcomes new business and industrial uses while working to enhance conditions for continued success of existing commercial enterprises and land use compatibility for residents and visitors. Fremont County works to ensure an understanding of regulations and will provide information and guidance necessary for applicants to provide representation adequate for review by appropriate entities.

(b) Purpose

Commercial Development Plan Applications provide adequacy review of proposed business, industrial and multi-family developments and significant expansions of the same. These applications provide an opportunity for the governing body, service providers, utility providers, neighborhood property owners and applicants to judge the potential impacts, positive and negative, of a development. Commercial development review provides an opportunity to evaluate existing infrastructure to determine the scope of necessary improvements to adequately service the proposed development or expansion and determine the burden of expense while ensuring a continued level of service to the current

neighborhood. Such applications provide a chance for neighborhood and constituent input for suggestions of ways to make the proposed development as compatible as possible.

(c) **Commercial Development Plan Questionnaire**

To determine if a Commercial Development Plan (CDP) is required, a Commercial Development Plan Questionnaire shall be completed. A CDP Questionnaire shall also be required for a property in Rural Highway Business, Business, Airport, Industrial Park, Industrial, or High-Density Residence Zone Districts, if the Department has a reasonable belief that the property is in violation of the FCZR. Upon receipt of a complete questionnaire the Department will notify the potential applicant and/or violator, in writing, as to whether the Commercial Development Plan is required.

(d) **Phasing**

1. At the time of application, the applicant may propose phasing of the development with a defined time frame for the phasing.
2. No phasing shall be approved that exceeds a total time frame of six (6) years for completion of the development.
3. Completion of all items approved in the application shall be accomplished within the time frame approved by the Board unless an extension has been granted by the Board.

(e) **When Required**

A Commercial Development Plan Application will be required for any of the following:

1. Any proposal to develop vacant property in the High-Density Residence, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.
2. Any substantial change of use, based on on-site and off-site impacts as determined by the Planning and Zoning Department, in the High-Density Residence, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.
3. Any physical expansion and or enlargement of the impervious area of an existing use greater than fifty percent (50%) within a two (2) year period in the High Density Residence, Rural Highway Business, Business, Airport, Industrial Park, and Industrial Zone Districts.
4. Any land use action that creates a change in the lot size in the High-Density Residence, Rural Highway Business, Business, Airport, Industrial Park, and Industrial Zone Districts with an existing business use.

(f) **When Not Required**

A Commercial Development Plan will not be required if any of the following apply:

1. When a Commercial Development Plan has been previously approved and there is no proposed change of use.

2. When a Commercial Development Plan has been previously approved for the subject property and there is no proposed expansion or alteration beyond what is described in [Section 8.03 \(e\) FCZR](#) of the proposed buildings, structures, or improvements.

(g). Board approval of a CDP shall expire after three years, if no development to implement the CDP has occurred.

Section 8.04 APPLICATION REQUIREMENTS FOR CUP, SRU, & CDP

This section sets forth procedures to be followed to determine if a particular use or more than one use is appropriate in a particular district depending upon the parcel, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. It is the purpose of this section to provide a review of such uses to assure that they are compatible with surrounding land uses and are not in conflict with the objectives of the zoning Resolution.

(a) Application Requirements

Application is provided by the department.

20. Right to Occupy

- a. A copy of the current deed of record indicating ownership and the legal description.
- b. A letter authorizing a non-owner occupant to make an application.

21. Proof of water

- a. A letter from a public water provider indicating that service can be provided for the use or that existing service is adequate for the proposal.
- b. A letter or copy of a well permit from the Colorado Division of Water Resources indicating that well use can occur or is adequate for the proposal.

22. Proof of sanitation

- a. A letter from a public sanitation sewer service provider committing to provide service for the proposed use or that existing service is adequate for the use.
- b. A copy of a soils report performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.

23. Refuse disposal plan.

- a. The plan shall outline location, type, service provider, and frequency.
- b. The storage, collection, and disposal of refuse shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view.

- c. A review by the Fremont County Environmental Health shall be required.
24. Proof of Access
 - a. A detailed impact analysis prepared by a professional engineer licensed to work in Colorado, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.
 - b. A Fremont County Driveway Access Permit.
 - c. A Colorado Department of Transportation access permit.
 - d. Proof of notification and comments from the Colorado Department of Transportation. All CDOT requirements shall be met.
 - e. Proof of right to use for private roads, access, or easements.
25. A buffering, screening, or landscaping plan meeting the requirements of [Section 5.04 FCZR](#).
26. Drainage Plan and Report as per [Chapter Ten](#) of this Resolution.
27. The property owner shall execute a Quit Claim deed to the property owner imposing a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities, prior to recording of the use permit. (County will not accept maintenance of these facilities). Such a deed shall be recorded at the time of recording of the use permit.
28. A Fire Protection Plan addressing methods of fire protection, location of fire hydrants or other fire protection improvements. If the project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
29. A detailed utility plan showing location and type(s). This may be included in the site plan. (*Water, sewer, electric, gas, cablevision lines, irrigation ditches, and lines, horizontal and vertical*), as proposed by the developer. The plan shall be accompanied by documentation from the utility providers that service can be provided, and what upgrades are necessary.
30. Statements to include:
 - a. Details of the proposed operation, including days & hours.
 - b. How the proposal meets the intent and purpose of this Resolution [Section 1.03 FCZR](#)
 - c. How the proposed use meets the intent, purpose, and applicable goals and objectives of the current Fremont County Master Plan
<https://www.fremontcountyco.gov/files/planning-and-zoning/masterplan2015.pdf>
31. Evidence that the proposed use will be in harmony and compatible with the surrounding land uses and development in the area.
32. Potential effects the proposed use would have on adjacent uses and properties to include

mitigation measures.

33. Soil types and descriptions.
34. A list of names and mailing addresses for all property owners within five hundred (500') of the boundaries of the subject property
35. A list of names and mailing addresses of all severed mineral interest owners of the subject property.
36. The identity of all local, state and federal agencies that will be required to issue any permit or license or other approval for all or part of the activity. The applicant shall summarize the status of the applications pending before the identified agencies including a copy of any such application and supporting materials.
37. Mining operations shall submit a copy of the mining and reclamation plan.
38. Architectural rendering or perspectives to portray fully the whole project. The rendering shall be a minimum size of 18"x24"; multiple sheets can be used to display the project. CUP applications are excluded from this requirement.
39. Additional information as requested by the Department, Commission, or the Board.

(b) [Site Plan Requirements](#)

Two (2) copies of a drawing shall be prepared to professional standards, minimum size 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application. Two (2) reduced (to 11"x17") copies all of which shall include the following:

- 1) *More than one sheet may be used if it is easier to express the required information, provided that is adequately labeled for identification.*

A site plan containing the following:

1. Titles
 - a. Main Title: _____(name) "Type" _____(permit) Conditional Use, Special Review Use, or Commercial Development Plan
 - b. Subtitle: Brief Description of the Use
2. Boundary drawing of the property with bearings and dimensions showing the legal description of the property.
3. Legal Description of the property.
4. Property size in acreage and square footage.
5. Zoning of the subject and adjacent parcels.

6. Written and graphic scale.
7. North Arrow.
8. Vicinity map locating the subject property in relation to surrounding area, streets, major natural features.
9. A table indicating the relationship between the proposed construction and existing improvements to remain on the property in association with the development requirements of the proposed zone district.
 - a. Minimum lot size.
 - b. Maximum lot coverage.
 - c. Maximum building height.
 - d. Minimum lot width.
 - e. Minimum setbacks requirements
 - a) Front yard.
 - b) Side yards.
 - c) Rear yard.
10. Identify and locate by dimensions from property lines:
 - a. All drainageways.
 - b. FEMA Flood areas.
 - c. Significant Natural Features.
 - d. Drainage Facilities.
 - a) Dimensions of all drainage facilities.
 - b) All drainage facilities shall be designated as drainage easements.
11. The drawing shall illustrate the size, shape, and location of all existing and proposed buildings, structures, and improvements including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*
 - a. Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.
 - b. Location dimensions from at least two property lines for each building, structure and/or improvements.
 - c. Square footage and dimensions of all buildings and structures.
 - d. Building height of each building and/or structure.

Identify by label or note the following: (Note: Typical type drawings and or tables may be used to express the required information if appropriate.)

12. Off-street parking areas to include:
 - a. Dimensions of overall size of all off-street parking areas.
 - b. Proposed surface type, and thickness of the surface materials, for all off-street parking areas. *(See [Section 5.05](#) of this Resolution for requirements.)*
 - c. Different types of off-street parking spaces. *(Such as full-size spaces, compact spaces, and spaces for individuals with disabilities). (Map symbol may be used).*
 - a) Dimensions for each type of off-street parking space proposed to be used on the subject property. *(A typical drawing for each type of space is acceptable.)*

- b) A table based on [Section 5.05](#) of this Resolution specifying the minimum numbers of spaces required for each category in comparison to the numbers proposed by this application.
13. Off-street loading areas to include: (See [Section 5.05](#) of this Resolution for requirements)
- a. Location and size, by dimension, all off-street loading areas.
 - b. Proposed surface type, and thickness of materials, of the off-street loading areas.
14. Landscaping to be used within the off-street parking and loading areas to include: (See [Section 5.04](#) of this Resolution for requirements.)
- a. Specific type and height (at maturity for vegetation and an estimated time to reach maturity) and locate by dimension.
15. Interior roadways to include:
- a. Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.
 - b. Width at the beginning of the roadway and at any points along the roadway where the width changes.
 - c. All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
 - d. All internal traffic circulation patterns by line symbol.
 - e. The surface type, width, and thickness of each internal roadway.
16. Pedestrian areas and walkways located outside of buildings and/or structures to include:
- a. Dimensions of all pedestrian areas and walkways.
 - b. Surface type, width, length and thickness of all pedestrian areas and walkways.
17. Refuse & Service areas by dimension(s) and size.
18. Lighting for off-street parking & loading areas to include: (See [Section 5.05](#) of this Resolution for requirements.)
- a. The height of light poles illustration of the lighting coverage area.
 - 1. Proposed lighting shall not direct light onto any public roadways.
 - 2. Lighting shall not be directed toward surrounding properties. Shielding of lighting, or other methods may be required to mitigate impacts to surrounding properties.
19. On-site identification signage to include:
- a. Total square footage of all proposed signs along with width and length of proposed signs.
 - b. Total height of proposed signs, including poles and/or pedestals.
 - c. A note stating whether the proposed signs will be illuminated.
 - a) Illuminated signage shall not direct light onto any public roadways.
 - b) Illuminated signage shall not direct light onto adjoining properties.
20. Open space areas by dimension if provided.
21. Existing & Proposed Easements to include:
- a. Dimensions from property lines at the beginning and end of the easement and centerline

- information for the entire easement.
- b. Width at the beginning and the end of the easement and at any points along the easement where the width varies.
 - c. If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.
22. Soil type areas. Provide a brief description of the soil characteristics in a table.
23. If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend.
24. If the drawing requires notes to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.
25. Such other additional information on the drawing required by the Department, Commission, or the Board.

Section 8.05 AMENDMENT TO CONTINGENCIES OR CONDITIONS

1. No changes to contingencies or conditions of approval may be granted unless an application, provided by the Department, is submitted detailing the reasons and justification for change, and required fee is submitted to the Department.
2. The Department shall schedule the request for change for the next regular Board meeting at which the Board could consider the request.
3. The Board may, at its discretion, require the request to be reviewed by the Commission at its next regularly scheduled meeting.
4. The Board may, at its discretion, require a public hearing, with notice requirements, at the applicant's expense, to review the request for change.

Section 8.06 CHANGE OF OPERATOR/TRANSFER OF OWNERSHIP

No approved commercial development plan, conditional use permit or special review use permit shall be assigned, conveyed, or transferred without notification to the Department accompanied by a written statement from the assignee or transferee that the assignee or transferee assumes responsibility for the performance of all obligations, conditions, and guarantees imposed upon the approved plan or permit. The statement shall be considered for approval by the Board without the necessity of a public hearing. The Board shall consider the ability of the proposed transferee to comply with the conditions, obligations, and guarantees of the commercial development plan, conditional use permit or special review use permit.

Section 8.07 MODIFICATION OF AN APPROVED PLAN

(a) Minor Modification

A recorded conditional use permit, special review use permit or commercial development plan shall not be modified in any material way without submitting an application, provided by the Department, for a Minor Modification, that is reviewed by the Director of Planning and Zoning.

Minor Modifications: Modifications that meet one or more of the following criteria:

1. Will not result in an increase to existing and approved structures by greater than ten (10) percent.
2. Will not result in an increase to existing and approved disturbance areas by greater than ten (10) percent.
3. Will not result in an increase to other existing and approved development by greater than ten (10) percent.
4. Will not add any additional land to the boundary area.

(i) Application Requirements

- a. An application with supporting documentation which includes the following:
 1. A statement detailing the scope of the minor modification(s).
 2. A site plan, refer to [Section 8.04 \(b\)](#) of this Resolution for requirements.
 3. The Department, Commission and or Board may require additional information from the applicant to perform an adequate review of the application.
- b. A review of the application submitted shall be conducted by the Department within thirty (30) working days of the date the application was submitted to the Department.

(b) Major Modification

Modifications that have the potential to impose additional impacts on the neighborhood or affect the general health and welfare of the citizens of Fremont County shall be considered including, but are not limited to: use of the property; building or structure size, location, height, increase in the numbers, sizes of the buildings or structures; type of vehicles, increase in vehicle trips on or off the property, traffic flows and circulation of traffic; off street parking and loading area requirements, buffering and landscaping of the property; open space, lighting and signage; sewage disposal, water availability; utility service requirements to the property and the neighborhood; fire protection and stormwater drainage.

Major Modifications: Modifications that meet one or more of the following criteria:

1. Results in an increase in existing and approved structures by greater than ten (10) percent.
2. Results in an increase in existing and approved disturbance areas by greater than ten (10) percent.

3. Results in an increase in other existing and approved development by greater than ten (10) percent.
4. Will add additional land to the boundaries of the approved permit.

(i) Application Requirements

For a Major Modification a complete reapplication (see [Section 8.07 \(b\)](#) of this Resolution) for a special review use, conditional use permit, or a commercial development plan shall be submitted to the Planning & Zoning Department and will be reviewed by the Board.

Section 8.08 TIME FRAMES (CUP, SRU, & CDP)

(a) Specified time frames.

1. If a conditional use, or special review use, is issued for a specific time period, the period shall begin to run on the date the application is approved by the Board unless another date is fixed by the Board.
2. The specified term of a CUP & SRU Permit is for the life of the use unless otherwise specified by the Board.

Section 8.09 ABANDONMENT, DISCONTINUANCE, OR TERMINATION

If a conditional use permit or special review use permit approved under this section is abandoned, discontinued or terminated, for a period of six (6) consecutive months, the approval thereof shall be deemed expired, and the use may not be resumed without approval of a new application pursuant to the procedures and conditions of this section. Provided, however, if the holder of the permit intends to, or does temporarily cease the conditional use permit or special review use permit for six (6) consecutive months or more without intending to abandon, discontinue, or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six (6) month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their applications a statement that the use would continue for less than six (6) months in each year, and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.

Section 8.10 SUSPENSION OF CONDITIONAL USE & SPECIAL REVIEW USE PERMITS

The approval of a conditional use permit or special review use permit may be deemed suspended by the Board at a public meeting upon the expiration or termination of the permit holder's right to possession of the permit site, or if any other required permit expires or is terminated or revoked. The suspension shall continue until the permit holder reinstates or renews such right to possession or any required permit. Provided, however, no period of suspension shall extend beyond the term of the permit or any extension thereof. No use authorized by the conditional use permit or special review use permit shall be allowed upon the property during any period of suspension.

The holder of the permit shall be given reasonable notice of the date and time of the Board meeting at which suspension of the permit will be heard. The permit holder will be afforded an opportunity to address the Board on the issue of suspension of the permit at such meeting.

Section 8.11 VIOLATIONS

Operation or continuance of a use that requires a conditional use permit or special review use permit is subject to the penalties in effect set forth in [Section 1.06](#) of this Resolution, together with any penalties provided by state or local law.

The Department, the Code Enforcement Officer, or any other interested person who is affected thereby, may file a written complaint with the Department alleging a violation(s) of one or more conditions of the permit. The Department shall investigate the complaint and determine if the holder of a Conditional Use Permit or Special Review Use Permit has violated one or more conditions of the permit.

If the Department determines that a violation(s) of a permit has occurred or is occurring, written notice of the violation(s) shall be provided to the holder of the permit, which shall be mailed by U.S. Certified Mail, return receipt requested, to the address of the holder as shown by the records of the Department. The notice shall state the alleged violation(s) of the permit conditions. The notice shall provide the permit holder a reasonable time to correct or cure such violation(s) and shall provide that if the violation(s) is not corrected within such time, the permit may be subject to suspension or termination by the Board.

Upon receipt of the notice, the permit holder may respond to the allegations by submitting a written statement to the Department setting forth any facts that may show that no violation(s) has occurred. The Department shall review the response and shall contact the permit holder to attempt to resolve the dispute. If informal discussions do not resolve the dispute, the Department shall schedule the matter for a hearing at a regular meeting of the Board. The permit holder shall be provided with written notice of the date and time of the hearing, which shall be mailed by U.S. Certified Mail, return receipt requested, no later than ten (10) days prior to the hearing date. Electronic notice with proof of receipt may also be used.

Upon receipt of a second or subsequent complaint alleging repeated or new violations of a permit by a permit holder, the Department shall investigate the complaint and determine if the holder of a Conditional Use Permit or Special Review Use Permit has violated one or more conditions of the same. If the Department determines that another violation(s) of a permit has occurred or is occurring, the Department shall schedule the matter on the agenda for hearing at a regular meeting of the Board. The permit holder shall be provided a written notice of the alleged violation(s) and the date and time of the hearing, which shall be mailed by U.S. Certified Mail, return receipt requested, no later than ten (10) days prior to the hearing date. Electronic notice with proof of receipt may also be used.

Upon receipt of the combined notice of violation(s) and notice of hearing for a second or subsequent violation(s) of a permit, the permit holder may respond to the claimed violation(s) by submitting a written statement setting forth any facts that may show that no violation(s) has occurred.

At the hearing conducted by the Board, the Department, the permit holder, and any other interested person shall be allowed to present evidence and testimony concerning the alleged violation(s). The burden of proving the violation by a preponderance of the evidence shall be on the Department.

If the Board determines that one or more violations of the conditions of the permit have occurred, it may take any action it deems appropriate and consistent with the intent and purpose of this Resolution including, but not limited to, termination or limited suspension of the conditional use or special review use permit, providing a reasonable time period for correction of any violation(s), and imposition of additional permit conditions. The decision of the Board shall be final agency action by the County.

Section 8.12 TEMPORARY USE PERMITS (TUP)

A temporary use permit is required for spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses with similar impacts whether public or private, and whether on public or private land. The Department will schedule a pre-submittal meeting if requested by the applicant. The applicant will be required to provide some information (*current use and proposed temporary use, proposed water and sanitation source, proof of access, etc.*) prior to the meeting for the Department to review for the Board meeting. The applicant will be provided with application handouts and information.

(a) Application Requirements for TUP's

A temporary use permit application will be required to be submitted to the Department. *Note: Applications are recommended to be submitted at least 45 days prior to the event.*

The application, at a minimum, shall contain the following:

40. General Description of the Event to include:
 - a. Location and/or street address.
 - b. Date(s) of the event.
 - c. Hours of the day that the event will be held.

41. Drawing of the property on which the event will be held locating items such as:
 - a. Natural Features (waterways, cliffs).
 - b. Existing Improvements (structures, driveways, septic systems).
 - c. Components of the special event (stages, parking areas, venter areas).
 - d. Vicinity map.

42. Right to Occupy.
 - c. If the applicant is not the owner of the property on which the event is to be held, then documentation from the property owner indicating authority for the applicant to submit the application shall be attached.

43. Signage Plan.
 - c. Provide a statement as to the type(s) of signs, size, & location(s).
 - d. Total amount of signs.
 - e. How long the signs will be posted.

- d. Copies of any agreements and or contracts with the appropriate property owners, agencies, or companies, if applicable.
44. A Fire Protection Plan addressing methods of fire protection, location of fire hydrants or other fire protection improvements. If the project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
45. Street Closures.
- a. Any closure of a County roadway will require approval by the Board. Proposed closures of roadways not controlled by the County will require closure approval by the appropriate authority. Provide all details regarding any road closures.
46. The applicant shall provide a list of agencies that require the issuance of a permit, license, or other authority for the event.
47. General Liability Insurance.
- a. In the amount deemed appropriate by the Board.
48. Cash, Surety, or another Bond.
- a. In the amount deemed appropriate by the Board to ensure post-event cleanup of the property and payment for damage associated with the conduct of the event.
49. Refuse Disposal Plan.
- b. Address how any litter and debris will be handled during the event and the method of disposal after the event. Attach copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
50. Security & Crowd Control Plan.
51. Vehicular & Pedestrian Traffic Plan.
52. Emergency Service Operation Plan.
53. Event Parking Plan.

The following will require review and approval by the Fremont County Environmental Health Officer:

54. Drinking Water Plan.
55. Sanitation Plan (restroom facilities).
56. Concession Plan:
- c. Include a list of food and or beverage vendors and a copy of permits, and/or licenses.
 - d. Vendors shall provide documentation of sales tax license.

57. The Department, the Commission and or the Board may require additional information at any time during the application process as may be deemed necessary for adequate review of the application and to make informed decision with appropriate recommendations, approval or disapproval of the application.

(b) *Annual Events Criteria*

A temporary use permit may be approved by the Department if all the following are met:

1. A complete application form, all required documentation as per [Section 8.12](#) this Resolution, and fee have been submitted to the Department a minimum of twenty (20) working days prior to the date of the event.
2. The event has been granted temporary use approval by the Board consecutively for three (3) previous years.
3. The applicant is not requesting a waiver of the application fee or the cash, surety, or other bond (*for clean-up*), unless the Board has granted the waiver for previous application.
4. The applicant/event has been conducted in compliance with the requirements of the three (3) previous temporary use permits.
5. There are no major changes or amendments to the application, compared to the three prior permits.
6. The applicant agrees to any recommendations or requirements of any commenting agency notified of the event.

(i) *Department Notifications*

The Department shall notify the Sheriff's Office (SO), Fremont County Department of Transportation (FCDOT), Colorado State Patrol (CSP), Fremont County Environmental Health, Colorado Department of Transportation (CDOT), and Fremont County Search & Rescue of the event.

1. Notification shall state that written comments, concerns, and recommendations must be received within fourteen (14) days, after notification, and invite representatives from the respective agency to attend the meeting and present recommendations or provide comments regarding the application.
2. Notification shall include:
 - a. A description of the event.
 - b. Location, date(s) and time(s) of the event(s).
 - c. Any proposed road closures.
 - d. The proposed traffic control plan.
 - e. Detailed description of signage and sign location(s).
 - f. Emergency Service Plan.
 - g. Crowd control plan.

3. If the notified agency is aware of a legal prohibition or restriction on the event, and fails to contact the Department by the deadline, the entity should put the applicant on notice of such law or regulation.

Section 8.13 FEES

A nonrefundable application fee shall be established from time to time by resolution of the Board.

Chapter 9. ZONE CHANGES

The rezoning process shall be in conformance with the Fremont County Zoning Resolution, and Fremont County Master Plan. To rezone, the property shall be adjacent to the proposed zone district or be in proximity of the proposed zone district.

Section 9.01 ZONE CHANGE #1

For zone change applications that change property to Residential Zone Districts (Residential One – R1, Residential Two – R2, Residential Three – R3, & Low Density Residential- LDR), the application packets shall contain the following:

(a) Application:

On a form provided by the Department and the following:

1. A statement of justification for the rezoning, including at least one of the following conditions:
 - a. Evidence that additional land is needed in the proposed zone district.
 - b. Evidence that there has been a material change in the neighborhood that justifies the requested zone change.
 - c. Evidence that the proposed zone change will be in conformance with the Fremont County Master Plan for the area. <https://fremontcountyco.gov/files/planning-and-zoning/masterplan2015.pdf>.
 - d. Effects the proposed zoning and proposed use would have on adjacent uses. If there is an adverse effect on adjacent uses, include mitigation measures.
2. Written description of the buildings and or uses proposed.
3. Written description of land and building uses within five hundred (500) feet of the boundary of the proposed area of change in all directions from the subject property.
4. Right to Occupy
 - a. A copy of the current deed of record indicating ownership and the legal description.
 - b. A letter authorizing a non-owner occupant to make an application.
5. Proof of Access
 - a. A Fremont County Driveway Access Permit, if applicable.
 - b. A Colorado Department of Transportation access permit, if applicable.
 - c. Proof of notification and comments from the Colorado Department of Transportation. All CDOT requirements shall be met.
 - d. Right of access to public or private roads when the property does not have adequate frontage on a County Road.
6. A statement of how the proposed use meets the intent, purpose, and applicable goals and objectives of the Fremont County Master Plan. <https://fremontcountyco.gov/files/planning-and-zoning/masterplan2015.pdf>
7. A list of names and mailing addresses for all property owners within five hundred (500') feet of the boundaries of the subject property.

8. A list of names and complete mailing address of all severed mineral interests owners of the subject property, if applicable.
9. Such other and additional information as required by the Department, the Commission, or the Board.

(b) Site Plan

Two (2) copies of a drawing, one hard copy and one electronic copy, drawn to professional standards, minimum size of 24" x 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the department prior to submittal of the application; and two (2) reduced to 11" x 17" copies, all of which shall include the following:

- 2) *More than one sheet may be used to express the required information, adequately labeled for identification.*

A site plan shall contain the following:

1. Titles (Name) Zone Change Request from _____ Zone District (existing) to _____ Zone District (proposed).
2. Boundary drawing of the property with bearings and dimensions to illustrate the legal description of the subject property.
3. Legal Description of the property.
4. Property size acreage or square footage
5. Zoning classification for all adjoining lots, parcels, or tracts.
6. Written and graphic scale.
7. North Arrow.
8. Vicinity map locating the property in relation to the surrounding area, streets, major natural features, etcetera.
9. The size, shape, and location of all existing and proposed buildings, structures, and improvements including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*
 - a. Each such building, structure and or improvement shall have a label and or note that identifies it and states existing and/or proposed use.
 - b. Location dimensions from at least two property lines for each building, structure and/or improvements.
 - c. Square footage and dimensions of all buildings and structures.
10. The drawing shall contain tables or notes comparing:
 - a. The maximum number of lots that could be created from the subject property

taking into consideration the minimum lot size allowed in the proposed zone district and the available potable water and sewage disposal source for the property, to the amount allowed in the current zone district.

- b. The potential maximum amount of the land, in square feet and acres that would be allowed to be covered on the subject property in the proposed zone district, to the amount allowed in the current zone district.
11. Location and dimension(s) of all access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
 12. If drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend.
 13. If the drawing requires notes to understand different aspects of the property and or proposal, the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.

Section 9.02 ZONE CHANGE #2

For zone changes that change property to multi-family, business, or industrial zone districts. (*HDR – High Density Residence, MHP – Manufactured Home Park (Please see [Section 4.06 FCZR](#) for other requirements), RHB – Rural Highway Business, B - Business, A - Airport, IP – Industrial Park, and I - Industrial*):

The zone change classification #2 application process provides two alternatives for applicants. The first alternative allows an applicant to obtain preliminary approval for the zone change through submittal of a Use Designation Plan, together with the appropriate fee. Approval of a Use Designation Plan results in a zone change approval for the use specified in the application, without providing the detailed submittal requirements of a subdivision application, Special Review Use permit, Conditional Use Permit, or a Commercial Development Plan. Use Designation Plan approval shall expire one year after approval if an application for a subdivision has not been submitted. If a subdivision application is not submitted within the one-year time frame the zoning classification will revert back to the original zone classification.

Applications for the Use Designation Plan must adhere to all submittal, review, and notice requirements ([CHAPTER 7](#)) of this Resolution. The application will be reviewed by the Planning Commission at a regular meeting and by the Board at a public hearing. A contingency of approval for any Use Designation Plan shall require the applicant to obtain final approval of a subdivision application prior to any division of property.

If the applicant is ready to develop the property, the Applicant may elect to submit an application for Special Review Use, Conditional Use, or Commercial Development Plan, together with the appropriate fee, and forego the Use Designation Plan process.

Applications for a Special Review Use, Conditional Use, or Commercial Development Plan, must adhere to all submittal, review, and notice requirements ([CHAPTER 7](#)) of this Resolution. The application will be reviewed by the Commission at a regular Commission meeting and by the Board at a public hearing.

Approval of a Special Review Use, Conditional Use, or Commercial Development Plan allows the Applicant to proceed with development, subject to compliance with any contingencies of approval.

The application packets shall include the following:

Use Designation Plan Application

1. A statement of justification for the rezoning, including at least one of the following conditions:
 - a. Evidence that additional land is needed in the proposed zone district.
 - b. Evidence that there has been a material change in the neighborhood that justifies the requested zone change.
 - c. Evidence that the proposed zone change will be in conformance with the Fremont County Master Plan in relation to the area.
2. Written description of the buildings and or uses proposed.
3. Written description of land and building uses within five hundred (500) feet of the boundary of the proposed area of change in all directions from the subject property.
4. Provide Evidence that:
 - a. There is a public need for the zone change.
 - b. The zone change will be a County and or neighborhood benefit, in that it will tend to preserve and promote property values in the neighborhood.
 - c. The proposed zone change, and proposed use will be in harmony and compatible with the surrounding land uses and development in the area.
5. Effects the proposed zoning and proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.
6. Right to Occupy
 - a. A copy of the current deed of record indicating ownership and the legal description.
 - b. Written authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the application is authorized.
 - c. If the proposed zone change application is not intended to cover the entire property described in the current deed of record, then an appropriate subdivision application may be required as a condition of approval.
7. Proof of water
 - a. A letter from a Water district indicating that service can be provided for the use or that existing service is adequate for the proposal.
 - b. A letter or copy of a well permit from the Colorado Division of Water Resources indicating that well use can occur or is adequate for the proposal.
8. Proof of sanitation
 - a. A letter from a public sanitation district committing to provide service for the proposed use or that existing service is adequate for the use.
 - b. A copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or

documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.

9. Refuse Disposal Plan

- a. The storage, collection, and disposal of refuse shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view. (A review by the Fremont County Environmental Health Office shall be required).

10. Proof of Access

- a. A detailed roadway impact analysis prepared by a Colorado professional engineer, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.
- b. A Fremont County Driveway Access Permit
- c. A Colorado Department of Transportation access permit.
- d. Proof of notification and comments from the Colorado Department of Transportation. All CDOT requirements shall be met.
- e. Right of access to public or private roads when the property does not have adequate frontage on a County Road.

11. Drainage Plan and Report as per [Chapter 10](#) of this Resolution.

12. Buffering and Landscaping Plan

- a. Shall be in accordance with [Section 5.04 \(a\)](#) of this Resolution.
- b. Buffering and landscaping shall be completed prior to recording of the zone change.
- c. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

13. A Fire Protection Plan addressing methods of fire protection, location of fire hydrants or other fire protection improvements. If the project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.

14. All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, [Section 8.01 \(g\)](#) of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

15. A statement describing the proposed uses.

16. A Statement that the proposal complies with the intent, purpose of this Resolution ([Section 1.03](#)).

17. A statement of how the proposed use meets the intent, purpose, and applicable goals and objectives of the current Fremont County Master Plan.

<https://fremontcountyco.gov/files/planning-and-zoning/masterplan2015.pdf>

18. A list of names and mailing addresses for all property owners within five hundred (500') feet of the boundaries of the subject property.
19. A list of names and complete mailing address of all severed mineral interests owners of the subject property.
20. Such other and additional information as required by the Department, the Commission, or the Board.

Use Designation Site Plan

Two (2) copies of a drawing, one hard copy and one electronic copy, drawn to professional standards, minimum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and two (2) reduced to 11"x 17" copies, all of which shall include the following:

- 1) At least one (1) copy shall be of adequate size to use for display at public meetings.
- 2) More than one sheet may be used to express the required information, adequately labeled for identification.

A site plan shall contain the following:

1. Titles
 - c. Main Title: _____(name) "Type" _____(permit) Conditional Use, Special Review Use, or Commercial Development Plan.
 - d. Subtitle: Brief Description of the Use.
2. Boundary drawing of the property with bearings and dimensions to illustrate the legal description of the subject property.
3. Legal description of the subject property.
4. The total amount of (approximate) square footage and acreage contained in the subject property.
5. Zoning classification for all adjoining lots, parcels, or tracts.
6. Written and graphic scale.
7. North arrow.
8. Vicinity map locating the property in relation to the surrounding area, streets, major natural features etcetera.
9. Provide a table on the drawing to indicate the relationship between the proposed construction and existing improvements to remain on the property referencing the development requirements of the proposed zone district.
 - f. Minimum lot size.

- g. Maximum lot coverage.
 - h. Maximum building height.
 - i. Minimum lot width.
 - j. Minimum setbacks requirements:
 - d) Front yard.
 - e) Side yards (two).
 - f) Rear yard.
10. The drawing shall illustrate the size, shape, and location of all existing and proposed buildings, structures, and improvements including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*
- e. Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.
 - f. Square footage and dimensions of all buildings and structures.
 - g. Building height of each building and/or structure.

Identify by label or note the following: (Note: Typical type drawings and or tables may be used to express the required information if appropriate.)

11. All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
12. All off-street parking areas on the subject property.
- a. A table based in [Sections 5.05](#) of this Resolution specifying the minimum numbers of spaces required for each use category.
13. All off-street loading areas proposed to be contained on the subject property. (See [Section 5.05](#) of this Resolution for requirements).
14. All existing easements located on the subject property.
- a. If existing easements are to be vacated or relocated, appropriate information shall be provided by label or note.
 - a. All proposed easements to be located on the subject property after the zone change including dimensions from property lines at the beginning and end of the easement.
15. Identify and locate by dimensions from property lines:
- e. All drainageways
 - f. FEMA Flood areas
 - g. Significate Natural Features
 - h. Drainage Facilities
16. If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.

17. If the drawing requires notes to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.
18. Such other additional information on the drawing required by the Department, Commission, or the Board.

Zone Change #2 Application with Land Use Permit

1. A statement of justification for the rezoning, including at least one of the following conditions:
 - a. Evidence that additional land is needed in the proposed zone district.
 - b. Evidence that there has been a material change in the neighborhood that justifies the requested zone change.
 - c. Evidence that the proposed zone change will be in conformance with the Fremont County Master Plan for the area.
2. Written description of the buildings and or uses proposed.
3. Written description of land and building uses within five hundred (500) feet of the boundary of the proposed area of change in all directions from the subject property.
4. Evidence that:
 - a. There is a public need for the zone change.
 - b. The zone change will be a County and or neighborhood benefit and will tend to preserve and promote property values in the neighborhood.
 - c. The proposed zone change, and proposed use will be in harmony and compatible with the surrounding land uses and development in the area.
5. Explain what effect the proposed zoning and proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.
6. Provide a complete application for a Special Review Use, Conditional Use Permit, or Commercial Development Plan see [Chapter 9](#) of this Resolution.

Chapter 10. DRAINAGE PLAN AND REPORT:

1. The owner, applicant and / or developer shall provide a drainage plan and report that shall include necessary drainage facilities to control the surface water entering the site, within the site, and exiting the site. The drainage plan and report shall contain and address at a minimum the following:
2. The drainage plan and report shall be prepared, signed, and sealed by a professional engineer licensed to practice in the State of Colorado, unless otherwise authorized in this section. The drainage report shall be acknowledged by the engineer in a statement in the report substantially similar to the following:

“I hereby state that this Drainage Report for the (Name of Development) was prepared by me (or under my direct supervision) in accordance with the provisions of the Fremont County Zoning Regulations for the owners thereof. I understand that Fremont County does not, and will not, assume liability or responsibility for design, maintenance or functionality of the drainage facilities, unless the County expressly consents to accept responsibility.”

Name
Licensed Professional Engineer
State of Colorado No. _____
(Affix Seal)

3. The Peak flow exiting the developed site for the ten (10) year and one hundred (100) year storm events shall not exceed the respective historic (undeveloped) peak flow of the same storm event.
 - a. The Board may require such drainage facilities as necessary to retain or detain, or infiltrate any flows of surface runoff above the historic flows during a storm event.
 - b. Off-site upstream and on-site storm water runoff shall be considered in the design of all storm water facilities. The storm water facilities within the site shall be designed large enough to handle potential storm water runoff from the entire upstream drainage area and on-site runoff.
 - c. Any drainage facility designed to detain storm water shall not release storm water at a rate higher than the historic flows.
 - d. A statement by the designing engineer supported by detention facility calculations shall be included in the report to show continuous release or infiltration of at least 97% of all the water from a rainfall event that is equal to or less than a five-year storm within 72 hours; and continuously releases or infiltrates all of the water from a rainfall event greater than a five-year storm as quickly as practicable, but in all cases releases or infiltrates at least 99% of all of the water from the rainfall event within 120 hours after

the end of the rainfall event; and operates passively and does not subject the storm water runoff to any active treatment process. Such facilities do not cause material injury to vested water rights, in accordance with CRS §37-92-602(8)(c)(1).

- e. Facilities that do not comply with release/infiltration requirements may require water rights, including plans for augmentation to replace evaporative losses. Detention facilities must undergo a notification process with the Colorado State Engineers Office (SEO) in conformance with CRS §37-92-602(8), as may be amended, and present documentation that drain times conform with the requirements of this statute. Any drainage facility designed to retain storm water, such as by creating a basin without a permanently open drain, shall obtain written approval from the Colorado State Engineer's Office prior to submitting the drainage plan and report to Fremont County.
4. Where a public storm sewer is available within 500 feet, the applicant shall connect to the storm sewer facilities. If there are no physically or legally accessible storm sewers within five hundred (500) feet, or if the cost of the connection to the storm sewer exceeds 10% of the project construction cost, other acceptable provisions shall be considered for the disposal of storm water runoff. Written approval from the owner of the storm sewer must be obtained. Such written approval must include assurance from the storm sewer owner that the system has adequate capacity to handle the proposed flow.
 5. The Board may require the owner, applicant and/or developer to carry away by pipe or open ditch, or to any spring or surface water that may exist prior to or as a result of the proposals in the application.
Any Federal Emergency Management Agency (F.E.M.A.) 100-year Special Flood Hazard Area shall be analyzed for impact in accordance with F.E.M.A. regulations. All FEMA designated Special Flood Hazard Areas should be noted on the final plan.
 - a. A copy of the F.E.M.A. Flood Insurance Rate Map or FIRMap of the general area of the subject property shall be provided with the site location indicated on it.
 6. A determination of the presence of wetlands on the property must be completed and a statement of findings included in the drainage report. Wetlands located on-site or near the property should be noted with locations shown. Federal, state and local wetlands permitting must be completed, if applicable.
 7. All improvements and drainage facilities shall be designed to convey runoff from the one hundred (100) year design frequency storm, without damage to permanent facilities and structures.
 - a. Site grading shall be shown on the plan drawings and grading shall be accomplished in such a way that surface drainage from rainstorms, snow melt, or groundwater is directed away from buildings and is controlled in a manner that eliminates or minimizes impact on adjacent properties.

- b. Refer to the County adopted building code for minimum slopes surrounding structures.
8. All improvements and drainage facilities shall be designed using the precipitation values provided by the U.S. Department of Commerce National Oceanographic and Atmospheric Administration (NOAA) Precipitation Frequency Atlas, or approved equivalent.
9. All drainageways, watercourses, channels, or streams that traverse the site shall be designated as a drainage easement or drainage right-of-way. The easement or right-of-way shall conform to the width of construction plus sufficient additional width to facilitate maintenance and replacement or the width of the drainageway, watercourse, channel, irrigation ditch or stream, whichever is adequate.
10. An operation and maintenance (O&M) plan for all drainage facilities and easements/rights-of-way shall be included by the engineer in the final drainage report. The O&M plan should also be transmitted to the property owner who is responsible for operations and maintenance of the drainage facilities and shall be recorded with the Fremont County Clerk and Recorder to provide notice to subsequent owners of the property. The O&M plan should include instructions for the property owner on safe and correct operations, repair and maintenance of all installed equipment and facilities, and recommended inspection schedules. Maintenance for stormwater storage facilities should follow the recommendations in the (Urban Storm Drainage Criteria Manual (USDCM) Volume 3 Chapter 6, (or newest version of USDCM) unless otherwise specified by the design engineer. Areas designated for stormwater drainage, detention, or stormwater infiltration, are not to be used for materials storage, building, or parking, and should not be modified without approval from Fremont County. Access also must be provided to the drainage facilities for long-term maintenance.
11. Hydraulic methods used:
 - a. For catchment areas less than twenty (20) acres, the Rationale Method or Modified Rational Method shall be used.
 - b. For catchment areas greater than twenty (20) acres, the U.S.D.A. Natural Resources Conservation Service publication "Technical Release 55" (TR-55), published in June 1986, or successor publication, shall be used unless otherwise justified by a Colorado Registered Professional Engineer.

Section 10.01 DRAINAGE MAP

1. The site drainage map shall contain at a minimum the following:
 - a. A drainage basin map showing the subject property site location, site perimeter boundary, and off-site contributing drainage areas;
 - b. Appropriate title, North Arrow, and indication of scale;

- c. The location of any irrigation ditches, natural water courses or dry gulches;
- d. The location and size, by dimension, of any existing and proposed improvements on the property to remain after development;
- e. The location and size, by dimension, of any existing and proposed drainage easements on the property;
- f. The location and size, by dimension, of any existing and proposed drainage structures on the property;
- g. The direction of on-site drainage flows (grading plan) that indicates location and directions of flow patterns of storm water flow by means of arrows and elevation contour lines that direct flows to existing or proposed stormwater management features;
- h. The cumulative on-site drainage peak flows including clear numerical indications of the quantity of storm water flow at key locations on the property, in cubic feet per second, for the ten (10) year and one hundred (100) year design frequency storms;
- i. The location, surface area in acres or square feet, the volume in cubic feet, and the inlet, discharge, and spillway flow rate in cubic feet per second for each detention, infiltration, or retention facility for the ten (10) year and one hundred (100) year design frequency storms;
- j. The slope, size, type of pipe, details of the pipe inlet and outlet, orifice size and location, and rip-rap or headwall details for all detention, infiltration, and retention facilities;
- k. A clear numerical indication of the quantity of storm water flow leaving the property, in cubic feet per second, at the appropriate site discharge locations for the ten (10) year and one hundred (100) year design frequency storms;

Section 10.02 DRAINAGE REPORT

1. The project or site drainage report shall contain at a minimum the following:
 - a. General Information – Provide general project description, names of adjacent subdivisions or developments, area affected by the development in acres, types of soil and ground cover correlated to National Resources Conservation Service (NRCS) types, description of major drainage ways that impact or are impacted by the development, existing utilities that may impact or may be impacted by proposed drainage facilities, general topography, erosion characteristics, F.E.M.A. floodplain, and obstructions.
 - b. Discuss major basin and sub-basin drainage characteristics that affect the proposed

development.

- c. Upstream Drainage Conditions – Discuss upstream drainage patterns and their impact on the proposed development. Provide detailed hydrologic analysis using both the ten (10) year design frequency storm and the one hundred (100) year design frequency. Conclusions must include at the appropriate site entry locations for the ten (10) year and one hundred (100) year design frequency storms.
- d. On-site Drainage Considerations – Discuss existing and proposed drainage patterns within the development site, and how upstream drainage entering the site will be conveyed through the site. Demonstrate through detailed hydrologic and hydraulic analysis that sufficient right-of-way or easement is provided to convey all drainage through the development. Provide detailed engineering calculations and copies of all design charts, tables and figures used in the design of streets, inlets, culverts, storm sewers, channels, detention and retention facilities, and other facilities to be constructed in the development. Discuss maintenance and maintenance responsibilities for drainage facilities, including right-of-way and easement requirements. Discuss floodplain management and channel erosion issues.
- e. Detention, Infiltration, and Retention Facilities – Discuss the location, surface area in acres or square feet, the volume in cubic feet, and the inlet, discharge, and spillway flow rate in cubic feet per second for each detention, infiltration, or retention facility for the ten (10) year and one hundred (100) year design frequency storms. Discuss the slope, size, type of pipe, details of the pipe inlet and outlet, orifice size and location, and rip-rap or headwall requirements for all detention and retention facilities. Show supporting design calculations.
- f. Downstream Drainage Considerations – Identify locations and peak flow rates of drainage leaving the site and discuss their impact on downstream facilities and properties. Provide recommended mitigation measures needed to adequately protect downstream receiving facilities. Include a clear numerical indication of the quantity of storm water flow leaving the property, in cubic feet per second, at the appropriate site discharge locations for the ten (10) year and one hundred (100) year design frequency storms.
- g. Conclusions and Recommendations – Provide a clear synopsis of significant drainage facility requirements, including lengths and sizes of pipelines and channels, location and volume of detention, infiltration, and retention facilities, and flow rates of storm water entering and leaving the property. Clearly state the historical flow rate in cubic feet per second at each site discharge point. Computer generated printouts provided with the drainage report must be accompanied by clearly identified descriptions of procedures, data input values, data sources, relationship of printout sheets to drainage basins, and applicability of answers provided.

Section 10.03 DEFERMENTS

Deferments of Drainage Plan and Report Requirements - A deferment from requirements of Chapter eleven of this Resolution may be authorized by the Board for Commercial Development applications until the Commercial Development Plan or Building Permit Application for each lot is submitted.

Section 10.04 DRAINAGE FACILITIES

1. Any proposed drainage facilities and / or structures shall be designed by a professional engineer licensed to practice in the State of Colorado, and such design plans submitted, unless otherwise authorized in this section.
 - a. The location, placement and construction shall be in accordance with and approved by the engineer who designed the drainage facilities and / or structures.
 - b. A written final inspection report and as-built or record drawings for all drainage improvements are to be submitted to Fremont County Planning & Zoning, which will arrange for review by the Fremont County Engineer. Submission shall include an electronic copy in pdf format including the engineer’s statement, engineer or surveyor’s stamp, signature, and date. A professional engineer or land surveyor registered in the State of Colorado shall undertake such investigation as may be necessary to determine or confirm the as-built detention basin contours, volume, and surface area; outlet structure size and elevations; emergency spillway size and elevations; riprap area and elevations; pipe sizes and invert elevations at inlets and discharge locations; representative open channel cross-sections; and dimensions of all drainage structures. The engineer or surveyor shall verify and state in writing that the pond as-built volume meets the design volume requirements. All appurtenances and related features will be located horizontally and vertically.

"As-built" surveys must include a "red-line" design set that verifies the as-constructed project matches the intent of the original design drawings and which indicates any changes which were made to the original design drawings during construction. If the improvements for a project are constructed in phases, as-built drawings may be required at the completion of each phase. Drawings shall be properly scaled and sized to clearly show the work that was done through construction.

Acknowledgment of the record drawings is required as follows:

"To the best of my knowledge, belief, and opinion, the drainage facilities were constructed in accordance with the design intent of the approved drainage report and plan sheet(s)."

Name

Licensed Professional Engineer or Land Surveyor

State of Colorado No. _____

(Affix Seal)

2. All drainage plans and related reports shall be reviewed and approved by the Fremont County Engineer.
3. The County Engineer, the Department, the Commission, or the Board may require any other information necessary to adequately assess the impacts of drainage by the proposed development.

Fremont County Zoning Regulations

Published in 2024

(Index or Indexes)

Each particular item has been placed under several headings. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Amendments

The publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to the Department of Planning & Zoning and recorded with the Fremont County Clerk & Records Office, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the Department of Planning & Zoning of the publication. As revised pages are received, it will then become the responsibility of the Department to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Fremont County Board of County Commissioners, and Fremont County Attorney's. Credit is gratefully given to the Planning & Zoning Department Daniel Victoria, Planning Director, and Danielle Adamic, Senior Planning Coordinator along with information received during the Obtainable Housing Study. It is hoped that these efforts have resulted in a Land Development Code which will make the active law of the County readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the County's affairs.