





# FREMONT COUNTY – COLORADO

## DEPARTMENT OF PLANNING AND ZONING

615 MACON AVE., CANON CITY, COLORADO

719-276-7360 PH / 719-276-7374 FAX

Email: [Planning@fremontco.com](mailto:Planning@fremontco.com)

### STAFF REPORT

Project Name: Rewrite – Chapter 5 General Requirements

Name(s) Planning and Zoning Director- Daniel Victoria

#### **Request: Zone Consolidation and rewrite.**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made a few changes, deletions, and additions to this chapter. All changes are highlighted and noted for your review.

*Highlights are what we are proposing to the new regulations.*

*Strikethroughs are what we are proposing to delete and/or move to another section of the regulations.*

#### **Proposed Timeline:**

Proposed rewrite if viewed as favorable will have an adoption date of April 2024. If any substantial changes are made to this draft, these sections will be presented to this commission for further recommendations.

# Table of Contents

- Chapter 5 GENERAL REQUIREMENTS ..... 2
  - 5.1 MINIMUM SIZE OF DWELLING UNITS: ..... 2
    - 5.1.1 Dwelling Unit sizes: ..... 2
  - 5.2 ALLOWED USES REQUIRING A PERMIT ~~Special Development Requirements~~ ..... 2
    - 5.2.1 Accessory Dwelling Unit: ..... 3
    - 5.2.2 Agritainment ..... 3
    - 5.2.3 Home Occupations ..... 4
    - 5.2.4 Fire and/or Police Stations ..... 7
  - 5.3 SPECIAL DEVELOPMENT REQUIREMENTS: ..... 7
    - 5.3.1 Contractor’s yard #1 ..... 7
    - 5.3.2 Contractor’s yard #2 Refer to section 8.2.5 ..... 7
    - 5.3.3 Farm & Ranch Hand Quarters ..... 7
    - 5.3.4 Limited Winery ..... 8
    - 5.3.5 Wind Energy System, Small – Requirements: ..... 8
  - 5.4 OTHER DEVELOPMENT REQUIREMENTS: ..... 8
    - 5.4.1 Buffering, Landscaping, & Screening Requirements ..... 8
    - 5.4.2 Screening Requirements: ..... 9
    - 5.4.3 Off Street Parking Requirements ..... 9
      - 5.4.3.1 Surfacing: ..... 9
      - 5.4.3.2 Lighting: ..... 10
      - 5.4.3.3 Landscaping: ..... 10
      - 5.4.3.4 Minimum Number of Parking Spaces: ..... 10
      - 5.4.3.5 ACCESSIBILITY SPACES: ..... 13
      - 5.4.3.6 Loading Area Requirements ..... 15
  - 5.5 NON-CONFORMING USES, BUILDINGS, LOTS, PARCELS, OR TRACTS: ..... 15
    - 5.5.1 Continuation of Use: ..... 15
    - 5.5.2 Change of Use: ..... 15
    - 5.5.3 Loss of right to use: ..... 15
    - 5.5.4 Change of ownership: ..... 16
    - 5.5.5 Restoration: ..... 16
    - 5.5.6 Alteration of a Non-Conforming Use: ..... 16

5.5.7	Alteration of a Non-Conforming Building:	16
5.5.8	Non-Conforming Lots of Record:	16
5.6	ENFORCEMENT / AUTHORITY:	16
5.7	BUILDING PERMITS:	16
5.7.1	Requirements for Building Permit Issuance:	16
5.7.2	Disapproval:	17
5.7.3	Validity of Permit:	17
5.7.4	Expiration:	17
5.7.5	Suspension or Revocation	17
5.7.6	Schedule of Permit Fees:	17
5.8	DRAINAGE PLAN AND REPORT:	17
5.9	ROADWAY IMPACT ANALYSIS:	17

## Chapter 5 GENERAL REQUIREMENTS

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

### 5.1 MINIMUM SIZE OF DWELLING UNITS:

#### 5.1.1. Dwelling Unit sizes:

Accessory Dwelling Unit:

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

Cabin:

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

Cabin, recreational:

Shall have a minimum gross floor area of two-hundred (200) square feet and a building footprint not to exceed six-hundred (600) square feet exclusive of porches, decks, etcetera;

Efficiency unit:

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

Manufactured Home:

Shall have a minimum gross floor area of four-hundred (400) square feet and a minimum width of twenty-four (24) feet;

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.*)

Single-family:

Shall have a gross floor area of four-hundred (400) square feet;

### 5.2 ALLOWED USES REQUIRING A PERMIT ~~Special Development Requirements~~

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

### 5.2.1 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.

### 5.2.2 General Provisions:

- a. The construction or placement of the ADU must comply with Fremont County building, sanitation, and codes, as well as all applicable federal, state, and local laws and regulations.
- b. ADU's shall follow all development requirements of the zone district.
- c. The ADU shall be a minimum of 250 sq. ft. and a maximum of 1,250 sq. ft.
- d. Modular construction shall comply with current building and sanitation codes.
- e. ADU lots or parcels shall contain a minimum lot size of 43,560 sq. ft. (1acre). All lot sizes shall meet the requirements for the zone district.
- f. ADU utilities shall be connected using the meters for the primary dwelling when possible. All utility connections shall be made in conformance with the provider requirements.
- g. No lot or parcel shall contain more than one ADU.
- h. The property shall contain one parking space designated for the ADU.
- i. 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:
  - j. Prohibits the sale of the ADU separate from the primary unit.
  - k. Prohibits the subdivision of the lot/parcel in a manner that separates the ADU from the primary dwelling.
  - l. Prohibits modification of the size of the ADU, without approval from the Department.
- m. Requires the property/landowner to live in one of the dwelling units.
- n. States that the covenant is binding on any successors, heirs, assigns.
- o. Creates and grants a private cause of action for enforcement.
- p. Parcels containing an ADU shall use the street address for the primary dwelling, designating each unit as A and B.
- q. 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 use. 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.
- r. 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.
- s. The ADU shall be used for residential purposes only.
- t. The ADU (separate structure only) shall be placed no less than ten (10) feet from the rear of the primary dwelling.

### 5.2.2 Application Requirements:

- a. An application form as provided by the Department with the required application fee.
- b. A copy of the deed showing ownership of the parcel.
- c. A signed Declaration of Covenant and Restriction stating ADU restrictions shall be completed and recorded prior to issuance of a building permit.
- d. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
- e. 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.
- f. Floor plan of the ADU.

### 5.2.2 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, hay rides, hay mazes, petting zoos, and pumpkin patches.

#### 5.2.2.1 General Provisions:

- a. The Agritainment shall only be operated by the owner or lessee of the property.
- b. 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.
- c. All parking shall be off street and located on the subject property.
- d. The site shall have sanitation facilities for patron use.
- e. The housing of animals shall be located a minimum of twenty (20) feet from all property lines for Agritainment that incorporates animals.
- f. Agritainment involving animals shall require an animal maintenance plan.
- g. Agritainment shall be conducted in compliance with all applicable county, state, and federal laws.
- h. Buildings or structures that are open to the public or employees shall be subject to the requirements of the building code.

#### 5.3.1.2 Application Requirements:

- a. An application form as provided by the Department with the required application fee.
- b. A copy of the deed showing ownership of the parcel.
- c. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
- d. The Applicant shall notify adjoining property or lot owners of the intent of the Agritainment permit. 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.
- e. A plot plan showing:
  1. All structures proposed or existing with dimensions to property lines.
  2. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
  3. All parking areas.
  4. All exterior access points.

### 5.2.3 Home Occupations

This accessory use is intended to be allowed in zone districts where residential uses are permitted, and where they are clearly incidental and secondary, do not change the character and where the home occupations have minimal impact on adjacent uses.

#### 5.2.3.1 General Requirements:

- a. 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
- b. There shall be only incidental sale of stocks, supplies, or products conducted on the premises
- c. 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 noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. 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.
- d. A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.
- e. 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

### 5.2.3.2 Home Occupation I:

- a. Such use shall be conducted by the inhabitants living in the principal dwelling and no more than one (1) employee
- b. The home occupation shall be wholly contained within the residence.
- c. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- d. 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.
- e. Not more than one (1) commercially licensed vehicle or vehicle containing equipment or advertising related to the home occupation is parked on the premises.
- f. 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, 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, medical, dental, surveying, engineering, architectural, planning, accounting, insurance
- g. A Home Occupation I shall not be to 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.

### 5.2.3.3 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.

- a. Such use shall be conducted by the inhabitants living in the principal dwelling and no more than one (1) employee.
- b. The home occupation shall be wholly contained within the residence.
- c. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- d. 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.
- e. Not more than one (1) commercially licensed vehicle or vehicle containing equipment or advertising related to the home occupation is parked on the premises.
- f. 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, 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, medical, dental, surveying, engineering, architectural, planning, accounting, insurance
- g. A Home Occupation I shall not be to 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.

#### 5.2.3.4 Home Occupation III:

This use is intended to be allowed in zone districts where residential uses are permitted in combination with large acreage parcels (nine (9) acres or larger). This use is an accessory use provided all the following conditions are met.

- a. Such use shall be conducted by the inhabitants living in the principal dwelling and no more than one (2) employees.
- b. 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.
- c. 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 used within a residence, the home occupation may be wholly contained within the residence.
- d. 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.
- e. 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 will be required to be screened by an opaque security fence six (6) feet in height constructed of metal, wood, or masonry.
- f. 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 include paint and body work also not to allow the storage of inoperable vehicles and boats) gun repair shop, taxidermy, personal semi-tractor/trailer parking (two (2) units maximum), dog grooming, paint striping, 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, surveying, engineering, architectural, planning, accounting, insurance), and contractor's yard.
- g. 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, medical clinic, kennel, restaurant, lounge, financial institution, paint shop, rafting office, museum, and boarding and rooming houses.

#### 5.2.3.5 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.

- a. An application form as provided by the Department with the required non-refundable application fee.
- b. A copy of the deed showing ownership of the parcel.
- c. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
- d. All applications shall include all agencies of local, state, or federal government that will be required to issue any permit, license or the like for all or any part of the activity that comprises the Home Occupation use.
  1. This item shall include 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 whom the applicant has been in contact with.
  2. This item 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.



- d. A plot plan showing:
  - 1. All structures proposed or existing with dimensions to property lines.
  - 2. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
  - 3. All parking areas.
  - 4. All exterior access points.

#### 5.2.4 Fire and/or Police Stations

In some zone districts this will require a Special Review Use Permit.

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 the 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.

### 5.3 SPECIAL DEVELOPMENT REQUIREMENTS:

#### 5.3.1 Contractor's yard #1

- a. The outdoor storage area for vehicles and equipment shall set back a minimum of seventy-five (75) feet from all property lines.
- b. The outdoor storage area for vehicles and equipment is contained by an opaque screen (fence or vegetation), in accordance with Section 5.4.2 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.
- c. The outdoor storage area is no more than five thousand (5,000) square feet.
- d. There are no more than five (5) commercially used passenger vehicles used in association with the contractor's yard.
- e. All Special Mobile Machinery (SMM) shall be registered, and/or appear on the personal property tax schedule filed with the County Assessor.

#### 5.3.2 Contractor's yard #2- Refer to section 8.2.5

**NOTE: ALL CONTRACTOR'S YARDS AND BUILDINGS IN EXISTENCE AS OF APRIL 26, 2011, WILL BE ALLOWED TO CONTINUE AS THEY EXISTED ON THE SPECIFIED DATE AND WILL BE SUBJECT TO SECTION 5.4 OF THE FREMONT COUNTY ZONING RESOLUTION.**

#### 5.3.3 Farm & Ranch Hand Quarters

- a. Agricultural Declaration and documents from the Fremont County Assessor's Office.
- b. 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.
- c. Compliance with the zone district setback, building height, and lot coverage requirements.
- d. 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.
- e. Proof of sewage disposal, which may be a letter from a public sewer district or a copy of an individual percolation test

for the specific use.

- f. A minimum of forty (40) acres is required.
- g. Plot Plan indicating all structures proposed and existing locations, and dimensions. Distances from at least two property lines.

#### 5.3.4 Limited Winery

- a. The associated structures are no more than five thousand (5000) square feet.
- b. The Tasting rooms do not exceed seven hundred fifty (750) square feet in size.
- c. Sale rooms do not exceed seven-hundred-fifty (750) square feet
- d. A combined tasting and sales room does not exceed one-thousand five-hundred (1500) square feet in size.
- e. There are no more than five (5) employee vehicles used in association with the limited winery.
- f. Off street parking is provided.
- g. A State of Colorado Limited Winery License is obtained.

#### 5.3.5 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; however, it will be subject to standards of Section 5.7 and [Fremont County Building Codes](#), provided it complies with the following requirements:

- a. Only one free standing or roof mounted System will be allowed per building. All additional Systems will only be allowed through the issuance of a Special Review Use Permit.
- b. 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.
- c. The height of the System generator, including blades, shall not exceed fifty (50) feet. Any System that will exceed fifty (50) feet in height shall only be allowed through the issuance of a Special Review Use Permit.
- d. 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.
- e. 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 it is to be mounted on.
- f. Minimum height of the blades of a System shall be not less than ten (10) feet above the ground or a structure.
- g. 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.
- h. The system shall not emit noise onto adjoining properties in excess of the limits established by Colorado Law.
- i. No lights shall be installed on the System unless required by a governmental agency or entity.
- j. If the premise is connected to an electric utility service area, no System shall be installed until documentation (certified mail, return receipt) had been provided that the electric utility company had been notified.
- k. All system facilities shall be maintained in a condition that poses no potential safety hazard.

### 5.4 OTHER DEVELOPMENT REQUIREMENTS:

#### 5.4.1 Buffering, Landscaping, & Screening Requirements

The applicant shall be required to provide a buffering, landscaping, or screening for uses listed below unless waived by the board. The material shall consist of wooden, fencing, slat fencing, stone or brick walls, or natural vegetation meeting the requirements below:

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

**A. Development Requiring Screening:**

- a. Contractors’ yards shall have an opaque screening at least six (6) feet in height for all outdoor storage areas
- b. Junk Yards, automobile graveyards, and vehicle impoundment yards shall have an adequately maintained eight (8) foot opaque screening.
- c. Between commercial and/or industrial uses and agricultural or residential zoning or use.
- d. Between business or industrial zoned properties and agricultural or residential uses.
- e. Between Manufactured Home Parks and neighboring properties.
- f. For other uses and/or properties where determined by the Board that buffering, or screening is necessary to mitigate impacts between properties

**B. Placement:**

- a. Unless otherwise specified the placement shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements
- b. Contractors’ yards: Placement may be immediately adjacent to the outdoor storage areas

**C. Maintenance:** The buffering/screening shall be attractively maintained and kept clear of all debris and rubbish.

**5.4.2 Screening Requirements:**

All junkyards, automobile graveyards, and vehicle impoundment yards shall have adequately maintained eight (8) foot opaques screening of the junkyard and/or automobile graveyard and/or vehicle impoundment yard. 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.

**5.4.3 Off Street Parking Requirements**

General Vehicular parking shall comply with the following minimum requirements. For the purposes of this regulation, accessory off-street parking is considered 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 B.O.Z.A. 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 of Section The applicant may submit an alternate general parking plan, with justification, for consideration and approval by the Planning Commission and Board of County Commissioners

**5.4.3.1 Surfacing:**

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

### 5.4.3.2 Lighting:

The Board may require applicants to provide adequate lighting for the safety of patrons. Said lighting shall be shielded or otherwise deflected to not protrude onto neighboring properties.

### 5.4.3.3 Landscaping:

The board may require that landscaping be installed in parking areas to break up the expanse of the parking areas

### 5.4.3.4 Minimum Number of Parking Spaces:

The parking space amount shall be at a minimum in accordance with the following tables unless an alternative parking plan is approved by the Board.

#### Tables

Agricultural Uses		
Use Category	Specific Use	Minimum Number of Spaces
Agritainment	All	Accumulative of the uses
Nursery/Commercial Greenhouse	All	5 spaces + 1 space 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
Stable	Commercial	1 per 5 stalls
Winery, Limited	All Types	Cumulative of the use(s)
Winery	All	Cumulative of the use(s)

Civic & Institutional		
Use Category	Specific Use	Minimum Number of Spaces
Colleges, Universities, & Trade Schools	College	1/2 /faculty member & employee + 1 per 6 students
	University	1/2 /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 pre 750 sq. ft + 1 per piece of equipment + 1 per company vehicle
Group Living	All	1 Space per bed + 1 space 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 per 10 employees
	Fire Station	1 per employee + 1 visitor per 10 employees
	Police Station	1 per employee + 1 visitor per 10 employees
	¼ to 10 acres	2 per 1 acre or portion of acre +

Parks		cumulative of other uses
	10.01 to 25 acres	1 per 1 acres 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 art work	1 space per exhibit
	With covered pavilion	2 per 1000 sq. Ft if pavilion
	With over 2 miles of trails	2 for each 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
Recreational Facilities Rural & Urban	Spectator Events	1 per 4 anticipated attendees
	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 + 1per employee

**Commercial General**

Use Category	Specific Use	Minimum Number of Spaces
Auto Uses	Automobile Service Station or Body Shop	1 space / employee on maximum shift + 1 space per 250 sq. ft. of convenience store area + 2 spaces / pump island
	Carwash/detail Shop/lube oil change	1 space / bay or stall
Bus Terminal/Train Depot	All	1 space / 250 sq. ft. of waiting area
Child Care	24 Hour Centers	maximum shift + 1 space / 8 beds
	Family child care home	1 space 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 space per 300 sq. ft. of floor area up to 100,000 sq. ft. or 1 space per employee on maximum shift, whichever is greater, if larger than 100,000 sq. ft., also include 6 spaces / employee over 300 employees
	Industrial Use (e.g. Construction, Batch plant, Contractors Yard, or outdoor industrial use, etc.)	1 space per 750 sq. ft. of used space+ 1 space / piece of construction equipment used + 1 space per company vehicle
	Warehouse & Distribution	1 space per 100 sq. ft

Residential		
Use Category	Specific Use	Minimum Number of Spaces
Residential (Single Family)	Accessory Dwelling Unit	2 for ADU + 2 for Primary
	Cabin	2 spaces per unit
	Ranch Hand Quarters	2 spaces per unit
	Single-Family	2 spaces per unit
	Two – Family	2 spaces per unit
	Watchman’s Quarters	2 spaces per unit
Residential	Efficiency Unit/Studio	1 per dwelling unit
	Bedroom	1.5 per dwelling unit

(Multi- Family)	Bedroom	1.7 per dwelling unit
	3-Bedroom	2 per dwelling unit
Group Living	All Types	1 Space per bed + 1 space per caregiver/employee
Manufactured Home Parks	All	2 per unit space + 1 per every four-units
Home Occupations	All	Cumulative of the use(s)

#### 5.4.3.5 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

#### A. 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 designed "van accessible."

#### B. 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 not have any curbs or stairs and shall be at least 3 feet wide and shall 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.

#### C. 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.

**D. Van Accessible Parking Spaces**

- a. Van-accessible parking spaces requirements are the same as accessible parking spaces for cars except for the following three features that are required:
- b. A wider access aisle (96) inches to accommodate a wheelchair lift;
- c. 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
- d. an additional sign that identifies the parking spaces as “Van Accessible” below the symbol of accessibility.

**E. Dimensions**

STANDARD SPACES						
Parking Angle <sup>1</sup>	Width of <sup>2</sup> Space	Depth of Space	Aisle Width One Way	Aisle Width Two-way	Depth of interlocking spaces	Overhang <sup>3</sup>
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 <sup>1</sup>	Width of <sup>2</sup> Space	Depth of Space	Aisle Width One Way	Aisle Width Two-way	Depth of interlocking spaces	Overhang <sup>3</sup>
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.

#### 5.4.3.6 Loading Area Requirements

In all non-residential districts, adequate loading, maneuvering, or unloading areas shall be provided completely off public ways and so that no vehicles back onto any public way.

### 5.5 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.

#### 5.5.1 Continuation of Use:

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

#### 5.5.2 Change of Use:

A non-conforming use may be changed to any conforming use.

#### 5.5.3 Loss of right to use:

##### 5.5.3.1 Abandonment or Discontinuance:

- a. 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.
- b. 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 so as to become a conforming use or it shall be removed.
- c. In the case of a mobile home, if the non-conforming mobile home, including a mobile home used as a rental unit, is discontinued for a period of six (6) months, 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 mobile home use shall terminate upon expiration of the six (6) month period. If a non-conforming mobile home is removed from a site or is destroyed, such nonconforming mobile home shall not be reestablished.
- d. In the case of a mobile home being removed from a space in a non-conforming mobile home park or nonconforming manufactured home park, the mobile home cannot be replaced by a manufactured home or manufactured home single-wide which exceeds the size or footprint of the mobile home or increases the degree of non-conformity in any way.
- e. In the case of a non-conforming mobile home park or manufactured home park, if a space has been vacant for more than six (6) months, the use of the space will be discontinued.
- f. "Abandonment" shall mean discontinuance of use coupled with the intent not to reestablish the use"

- g. "Discontinuance" shall mean cessation of use whether or not there is an intent to abandon the use"

#### 5.5.4 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 5.7 of this Resolution.

#### 5.5.5 Restoration:

A non-conforming building may be restored whenever necessary or desirable to the use of such building or structure, restoration must be started within twelve (12) months of such destruction and completed within twenty-four (24) months of initiating restoration.

#### 5.5.6 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, etc., in any allowed use that requires special review under this Resolution, an application for special review must be approved by the Board.

#### 5.5.7 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.

#### 5.5.8 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 district in which it is located, 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 district where located. Variance of yard requirements shall be granted only through action of the B.O.Z.A.

### 5.6 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 for attorneys who are not salaried employees of Fremont County.

### 5.6 BUILDING PERMITS:

**Planning Commission Recommendation: Refer to Fremont County Building Department, & delete the section.**

**Permits Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert any residential, commercial, or industrial structure which is regulated by the current Fremont County Building Code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

#### 5.7.1 Requirements for Building Permit Issuance:

- a. The requirements for the issuance of a building permit shall be in accordance with the currently adopted building code of Fremont County.
- b. If it is determined by the Building Official, the proposed building lies within a FEMA Special Flood Hazard Area (SFHA), as indicated in the Federal Insurance Rate Map (FIRM), all FEMA and currently adopted Fremont County Flood Damage Prevention Regulations shall apply.

- c. If the Building Official is satisfied that the proposed work conforms to the requirements of the currently adopted building code of Fremont County and laws and ordinances applicable thereto, the Building Official shall issue a permit therefor as soon as practicable.

#### 5.7.2 Disapproval:

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reason therefor.

#### 5.7.3 Validity of Permit:

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of Fremont County. Permits presuming the give authority to violate or cancel the provisions of this code or other ordinances of Fremont County shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents or other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of Fremont County.

#### 5.7.4 Expiration:

Every permit issued by the building official under the provisions of this code shall expire one year from the date of issuance and become invalid. The building official is authorized to grant the renewal of any permit for an additional year provided the request comes from the permit holder along with the required renewal fee submitted to the building department prior to the expiration of the active permit. No permit may be renewed more than once. Any project which will not be completed before the end of the renewal period will be eligible for application for a new permit for a fee that is equal to one half the original permit fee. This regulation does not apply to demolition, re-roofing, and mobile placement permits.

#### 5.7.5 Suspension or Revocation

The building official is authorized to suspend or revoke a permit issued under the provisions of the current Fremont County adopted building code wherever the permit is issued in error or on a basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any provisions of the current Fremont County adopted building code.

#### 5.7.6 Schedule of Permit Fees:

On buildings, structures, additions, alterations, or repairs requiring a permit, a fee for each permit shall be paid as required, in accordance with the Fremont County Building Department Fee Schedule as established by Resolution of the Fremont County Board of County Commissioners.

### 5.8 DRAINAGE PLAN AND REPORT:

See Chapter Ten

### 5.9 ROADWAY IMPACT ANALYSIS:

A DETAILED ROADWAY IMPACT ANALYSIS (ON A FORM OBTAINED FROM THE Department) 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, which at a minimum shall address the following:

- a. 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.
- b. Identify any hazardous conditions such as any unacceptable lines of sight from all accesses and/or driveways, entering or exiting the property, etc.;
- c. Average daily traffic and maximum capacity for all roads which will be used as access from the property to the nearest arterial, collector or state highway.
- d. 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 which will

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.

## 5 GENERAL REQUIREMENTS

### 5.1 MINIMUM SIZE OF DWELLING UNITS:

- 5.1.1** Single-family, Two-family, and Multi-family shall have a minimum gross area of four hundred (400) square feet;
- 5.1.2** Efficiency unit shall have a minimum gross floor area of four-hundred (400) square feet;
- ~~**5.1.3** Factory Built Home and Manufactured Home shall have a minimum gross floor area of four hundred (400) square feet per unit and a minimum width of twenty-four (24) feet;~~
- ~~**5.1.4** Manufactured home, single wide shall have a minimum gross floor area of four hundred (400) square feet;~~
- 5.1.5** Cabin shall have a minimum gross floor area of four-hundred (400) square feet;
- 5.1.6** Cabin, recreational shall have a minimum gross floor area of two-hundred (200) square feet and a building footprint no to exceed six hundred (600) square feet exclusive of porches, decks, etcetera;
- 5.1.7** 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.*)

### 5.2 ~~SPECIAL DEVELOPMENT REQUIREMENTS:~~



- 5.2.1 HOME OCCUPATION I:** This use is intended to be allowed in zone districts where residential uses are permitted and where the home occupations have minimal impact on adjacent uses. This use is an accessory use provided all of the following conditions are met:
- 5.2.1.1** Such use shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall not change the character so as to give an outward appearance nor manifest any characteristic of a business.
- 5.2.1.2** 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.

- 5.2.1.3** Such use shall be conducted by the inhabitants living in the principal dwelling and no more than one (1) employee.
- 5.2.1.4** The use shall be conducted within the residence only and shall not be allowed in any detached structure.
- 5.2.1.5** The home occupation shall be wholly contained within the residence.
- 5.2.1.6** There shall be only incidental sale of stocks, supplies, or products conducted on the premises.
- 5.2.1.7** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- 5.2.1.8** A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.
- 5.2.1.9** Not more than one (1) commercially licensed vehicle or vehicle containing equipment or advertising related to the home occupation is parked on the premises.
- 5.2.1.10** 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 noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. 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.
- 5.2.1.11** 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.
- 5.2.1.12** 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, 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, medical, dental, surveying, engineering, architectural, planning, accounting, insurance).
- 5.2.1.13** A Home Occupation I 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, 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.

**5.2.1.14** All applications for Home Occupation shall include the identity of all agencies of local, state, or federal government that will be required to issue any permit, license or the like for all or any part of the activity that comprises the Home Occupation use.

**5.2.1.14.1** This item shall include the full name of the agency, contact information for the agency (mailing address, telephone number, email address) and the name of the contact person at the agency whom the applicant has been in contact with.

**5.2.1.14.2** This item 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.

**5.2.1.15** The applicant shall provide any other information as may be required by the Department so as to determine the impacts of the proposed Home Occupation and whether or not approval of the same is appropriate.

**5.2.2 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 of the following conditions are met:

**5.2.2.1** Such use shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall not change the character so as to give an outward appearance nor manifest any characteristic of a business.

**5.2.2.2** 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.

**5.2.2.3** Such use shall be conducted by the inhabitants living in the principal dwelling and no more than one (1) employee.

**5.2.2.4** The use 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.

- 5.2.2.5** The maximum area devoted to the home occupation by the use of a detached structure is one-thousand (1000) square feet. If the home occupation is to be used within a residence, the home occupation may be wholly contained within the residence.
- 5.2.2.6** There shall be only incidental sale of stocks, supplies, or products conducted on the premises.
- 5.2.2.7** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- 5.2.2.8** A Home Occupation II shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.
- 5.2.2.9** Not more than one (1) commercially licensed vehicle or vehicle containing equipment or advertising is parked on the premises related to the home occupation.
- 5.2.2.10** 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 noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. 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.
- 5.2.2.11** 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 II.
- 5.2.2.12** 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, gun repair shop, personal semi-tractor/trailer parking (one (1) unit maximum), dog grooming, paint striping, nail salon, family child care home (not more than eight (8) children, not including the resident's children) and professional offices (i.e., legal, medical, dental, surveying, engineering, architectural, planning, accounting, insurance).



**5.2.2.13** A Home Occupation II 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, medical clinic, veterinary premises, kennel, restaurant, lounge, financial institution, vehicle or boat repair shop, paint shop, machine shop, carpentry shop, upholstery shop, rafting office, museum, and boarding and rooming houses.

**5.2.2.14** All applications for Home Occupation shall include the identity of all agencies of local, state, or federal government that will be required to issue any permit, license or the like for all or any part of the activity that comprises the Home Occupation use.

**5.2.2.14.1** This item shall include 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 whom the applicant has been in contact with.

**5.2.2.14.2** This item 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.

**5.2.2.15** The applicant shall provide any other information as may be required by the Department so as to determine the impacts of the proposed Home Occupation and whether or not approval of the same is appropriate.

**5.2.3 HOME OCCUPATION III:** This use is intended to be allowed in zone districts where residential uses are permitted in combination with large acreage parcels (nine 9 acres or larger). This use is an accessory use provided all of the following conditions are met:

**5.2.3.1** Such use shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall not change the character so as to give an outward appearance nor manifest any characteristic of a business.

**5.2.3.2** 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.

- 5.2.3.3** Such use shall be conducted by the inhabitants living in the principal dwelling and no more than two (2) employees.
- 5.2.3.4** 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.
- 5.2.3.5** 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 used within a residence, the home occupation may be wholly contained within the residence.
- 5.2.3.6** There shall be only incidental sale of stocks, supplies, or products conducted on the premises.
- 5.2.3.7** 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 will be required to be screened by an opaque security fence six (6) feet in height constructed of metal, wood, or masonry, except for contractor's yard or building. Outdoor storage of vehicles, and material used as part of the contractor's yard will be allowed if the following requirements are met as per the following:
- 5.2.3.7.1** The outdoor storage area for vehicles and equipment shall be set back a minimum of seventy-five (75) feet from all property lines;
- 5.2.3.7.2** If the outdoor storage area shall be contained by an opaque screen (fence or vegetation), in accordance with Section 5.7.15.1 of this resolution, along all portions of the property being used for the outdoor storage area, which do not meet the required seventy-five (75) foot setback from the property line, then the following will be allowed:
- 5.2.3.7.2.1** A maximum of five-thousand (5,000) square feet for the outdoor storage area.
- 5.2.3.7.2.2** A maximum of five (5) vehicles which are used or associated with the home occupation.

NOTE: ALL CONTRACTOR'S YARDS AND BUILDINGS IN EXISTENCE AS OF APRIL 26, 2011 WILL BE ALLOWED TO CONTINUE AS THEY

EXISTED ON THE SPECIFIED DATE AND WILL BE SUBJECT TO SECTION 5.7 OF THE FREMONT COUNTY ZONING RESOLUTION.

- 5.2.3.8** A Home Occupation III shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation, including one (1) space for each employee.
- 5.2.3.9** Not more than two (2) commercially licensed vehicles or vehicles containing equipment or advertising is parked on the premises related to the home occupation.
- 5.2.3.10** 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 noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. 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.
- 5.2.3.11** 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 III.
- 5.2.3.12** 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 include paint and body work also not to allow the storage of inoperable vehicles and boats) gun repair shop, taxidermy, personal semi-tractor/trailer parking (two (2) units maximum), dog grooming, paint striping, 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, surveying, engineering, architectural, planning, accounting, insurance), and contractor's yard (see Section 5.2.3.7).
- 5.2.3.13** 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, medical clinic, kennel, restaurant, lounge, financial institution, paint shop, rafting office, museum, and boarding and rooming houses.

**5.2.3.14** All applications for Home Occupation shall include the identity of all agencies of local, state, or federal government that will be required to issue any permit, license or the like for all or any part of the activity that comprises the Home Occupation use.

**5.2.3.14.1** This item shall include 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 whom the applicant has been in contact with.

**5.2.3.14.2** This item 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.

**5.2.3.15** The applicant shall provide any other information as may be required by the Department so as to determine the impacts of the proposed Home Occupation and whether or not approval of the same is appropriate.

**5.2.3.16** 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.

**5.2.3.17** A non-refundable application fee shall be established from time to time by resolution of the Board for all Home Occupation applications.



**5.2.4**

**BUFFERING & LANDSCAPING REQUIREMENTS:** The applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, unless waived by the Board. Where, in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip 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 (evergreen)	4' height
Trees	2 and ½" caliper
Ground cover	2 and ½" pot

The entire buffer strip shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass, or a combination thereof. The buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

In required buffer strips where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Board.

**5.2.5 WIND ENERGY SYSTEM, SMALL – REQUIREMENTS:**

**5.2.5.1** One (1) 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; however, it will be subject to standards of Section 1.5.2 and provided it complies with the following requirements:

**5.2.5.1.1** Only one free standing or roof mounted System will be allowed per building. All additional Systems will only be allowed through the issuance of a Special Review Use Permit.

**5.2.5.1.2** 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.

**5.2.5.1.3** The height of the System generator, including blades, shall not exceed fifty (50) feet. Any System that will exceed fifty (50) feet in height shall only be allowed through the issuance of a Special Review Use Permit.

**5.2.5.1.4** 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.

- 5.2.5.1.5** 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 it is to be mounted on.
- 5.2.5.1.6** Minimum height of the blades of a System shall be not less than ten (10) feet above the ground or a structure.
- 5.2.5.1.7** 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.
- 5.2.5.1.8** The system shall not emit noise onto adjoining properties in excess of the limits established by Colorado Law.
- 5.2.5.1.9** The entire System shall be a non-reflective material.
- 5.2.5.1.10** No lights shall be installed on the System unless required by a governmental agency or entity.
- 5.2.5.1.11** If the premise is connected to an electric utility service area, no System shall be installed until documentation (certified mail, return receipt) has been provided that the electric utility company has been notified.
- 5.2.5.1.12** All System facilities shall be maintained in a condition that poses no potential safety hazard.

### **5.3 OFF STREET PARKING:**

- 5.3.1** General Vehicular parking shall comply with the following minimum requirements. For the purposes of this regulation, accessory off-street parking is considered 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 B.O.Z.A. 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 of Section

5.4. No more than twenty-five percent (25%) of the parking may be for compact car spaces, if so marked.

When an activity or facility is composed of two (2) or more separate uses, the parking ratios for each separate activity shall be calculated and applied in the aggregate to the entire tract.

When a use requires separate shifts for employees, employee parking shall be based on the shift with the maximum number of employees. Overlapping shifts will require one-third additional spaces of the maximum shift.

It is important to remember that these are minimums and therefore may not be adequate for a particular proposed activity.

Uses not specifically listed shall require the same number of parking spaces, as required by a similar use, as determined by the Planning Director or authorized Department representative.

The following are the minimum required parking spaces by use:

Use type	Minimum Number of Parking Spaces
<b>Adult Care, Group or Convalescent Home</b>	
Adult (for persons under 60)	1 space / bed + 1 space / caregiver
Adult (only for persons over 60)	½ space / bedroom + 1 space / caregiver
<b>Amusements / Recreation Centers</b>	
Amphitheater	1 space / 4 seats
Amusement Park	30 spaces / acre
Arcade or Game Room	1 space / 300 sq. ft. of floor area
Billiard Room	2 spaces / table
Bowling Alley	4 spaces / lane
Commercial Stable	1 space / 5 stalls
Exercise Facility, Indoor	1 space / 150 sq. ft. of floor area
Exercise Facility, Outdoor	1 space / 300 sq. ft. of use area
Golf Course	4 spaces / hole
Golf Driving Range	1 space / tee position
Ice or Roller Skating Rink	Ice or Roller Skating Rink
Miniature Golf Course	1 space / hole
Movie Theater	1 space / 4 seats

Race Track	1 space / 4 seats
Rafting Office	1 space / 200 sq. ft. of floor area + estimated number of customers
Recreation Activity Office	1 space / 100 sq. ft. of floor area
Recreation Camp	1 space / housing unit & ½ space / employee
Recreation Facility, Rural	cumulative of the uses contained
Recreation Facility, Urban	cumulative of the uses contained
Riding Academy	1 space / 500 sq. ft. of arena area
Rodeo Grounds	1 space / 4 seats
Shooting Facility (Archery-Skeet-Rifle-Gun)	1 space / platform
Spectator Event, Carnival, Circus, Bazaar, Fairs & Tent Meetings	1 space / 4 anticipated attendees / event
Sports Field Complex, Local	22 spaces / field or court
Stadium or Sports Arena	1 space / 4 seats
Swimming Pool	1 space / 150 sq. ft. of pool area
Tennis, Handball, Racquetball	3 spaces / court
<b>Facility</b>	
Zip Lines	1 space / line & ½ space / employee
Auditorium or similar place of Public assembly	The greater of 1 space / 4 fixed seats or 1 space / 100 sq. ft. of floor area
Automobile, Motorcycle, Truck, Recreational Vehicle & Boat Sales	1 space/ 1,000 sq. ft. of display area, + 1 space / 450 sq. ft. of office space
Automobile Service Station, Repair, Body Shop	1 space / employee on maximum shift + 3 spaces / bay or stall
Automobile Service Station – Self Service / Convenience Store	1 space / employee on maximum shift + 1 space / 250 sq. ft. of convenience store area + 2 spaces / pump island
Beauty Parlor / Barber Shop or other personal services	1 space / 200 sq. ft.
Bed and Breakfast Inn	1 space / guest room + 1 space for residence
Boarding House, Group Home, Dormitory, Fraternity, Sorority, Emergency Shelter or other Communal Living (i.e. common kitchen facilities service for the occupants)	0.5 spaces / bed + ½ space / employee
Bus Terminal or Train Depot	1 space / 250 sq. ft. of waiting area
Car Wash / Detail shop, Lube / oil change	1 space / bay or stall
Child Care Center (24 hour)	maximum shift + 1 space / 8 beds



Club-membership, Community building	1 space / 150 sq. ft. of floor area
<b>Educational Institutions</b>	
Elementary or Junior High	2 spaces / classroom
Senior High	1 space / 4 students
College or University	½ space / faculty member and employee, + 1 space / 6 students
Trade / Training School	1 space / 100 sq. ft. plus 1 space / employee
Family Child Care Home, (day care- less than 24 hour) Pre-school, Nursery	1 space / 400 sq. ft., plus 1 10' x 20' loading area / 8 children licensed. Loading area shall have an unobstructed view.
Financial Institution	1 space / 100 sq. ft. of floor area, + 6 stacking / drive-up window
Fire, Police Station and Emergency Services	1 space / employee + 1 visitor space / 10 employees
Funeral Home/Mortuary	1 space / 100 sq. ft. of floor area open for public use, + 1 space / 400 sq. ft. of office area
Hospital	2 spaces / bed
Hotel / Motel	1 space / guest room or suite, + ¼ space / 100 sq. ft. of restaurant space & ½ space per 4 seats of meeting space
Industrial Use (e.g. Construction, Batch plant, Contractors Yard, or outdoor industrial use, etc.)	1 space / 750 sq. ft. of used space+ 1 space / piece of construction equipment used + 1 space / company vehicle
Industrial Use (e.g. laboratory, manufacturing, refining, processing, fabricating, assembly, bottling, etc.)	The greater of 1 space / 300 sq. ft. of floor area up to 100,000 sq. ft. or 1 space / employee on maximum shift, whichever is greater, if larger than 100,000 sq. ft., also include 6 spaces / employee over 300 employees
Lounge, Bar, Night Club or similar	1 space / 3 seats, + 1 space / employee on maximum shift
Lumber Yard	1 space / 300 sq. ft. of floor area + 1 space / 1000 sq. ft. of outdoor display area
Manufactured Home Park	2 spaces / manufactured home, + 1 guest parking space / 4 manufactured home spaces
Manufactured Home Sales	1 space / 1000 sq. ft. of display area
Medical Clinic, Dental Offices, Veterinary Premises	1 space / 200 sq. ft.
Mini-Storage Facility	1 space / 100 units + 1 space / employee
Museum, Library, Gallery	1 space / 400 sq. ft. of floor area

Nursery / Greenhouse, Commercial	5 spaces, + 1 space / acre of indoor / outdoor display or growing area + 1 space / 250 sq. ft. indoor retail area
Nursing Home	1 space / 5 beds + 1 space / 2 employees + 1 space / visiting doctor/nurse
<b>Parks</b>	
1/4 acre to 10 acres	2 spaces / 1 acre or portion of an acre + cumulative of other uses
over 10 acres to 25 acres	1 space / 1 acre or portion of an acre + cumulative of other uses
over 25 acres to 50 acres	1 space / 3 acres or portion of an acre + cumulative of other uses
over 50 acres	1 space / 5 acres or portion of an acre + cumulative of other uses
with playground	1 space / 1500 sq. ft.
with picnic table	1 space / table
with picnic table(s) & fire pit / grill	2 spaces / table with fire pit or grill
with memorial exhibit or art work	1 space / memorial exhibit or art work
with covered pavilion	2 spaces / 1000 sq. ft. of covered pavilion
with trail over 2 miles in length	2 spaces for each trail head
Post Office or similar public building	1 space / 300 sq. ft. of floor area + 1 space / agency-owned vehicle
Professional Office	1 space / 200 sq. ft.
Recycling Facility / Transfer Station	1 space / 750 sq. ft. + 1 space / employee
Religious Institutions	1 space / 4 seats
Rental Store	1 space / 500 sq. ft. of floor area
<b>Residential</b>	
Single-family	2 spaces / dwelling unit
Two-family	2 spaces / dwelling unit
Cabin	2 spaces / dwelling unit
Watchman's Quarters	2 spaces / dwelling unit
Ranch Hand Quarters	2 spaces / dwelling unit
<b>Residential-Multi-family</b>	

Efficiency unit-Studio	1 space / dwelling unit
1-Bedroom	1.5 spaces / dwelling unit
2-Bedrooms	1.7 spaces / dwelling unit
3 Bedroom	2.0 spaces / dwelling unit
<b>Restaurants</b>	
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.
Retail, General (e.g., Department Store, Grocery store, liquor, etc.)	1 space / 250 sq. ft. of floor area + 6 stacking spaces / drive-up window
Retail, (e.g. Furniture, appliance electronic, sporting goods, etc.)	1 space / 600 sq. ft. of floor area
Travel Trailer Park & Campground	1 space / campsite (tent) / trailer / recreational cabin / park-model + cumulative of other uses housed
Warehouse & Distribution	1 space / 1000 sq. ft.

The applicant may submit an alternate general parking plan, with justification, for consideration and approval by the Planning Commission and Board of County Commissioners.

**5.3.2 Surfacing:** Surfacing for all business, commercial, or industrial off-street parking areas shall be graded and surfaced so as to control dust and provide proper drainage. The driveway and parking spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed so as to prevent parking vehicle from extending over any lot lines.

**5.3.3 Lighting:** All off-street business, commercial, or industrial parking spaces may be required to be adequately lighted so as to protect the safety of the individual using the area. Said lighting shall not be directed toward surrounding properties.

**5.3.4 Landscaping:** All parking areas used for business, commercial, or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

**5.4 PARKING SPACE REQUIREMENTS:**

**5.4.1 Parking Space Dimensional Requirements – Standard Spaces**

Parking Angle <sup>1</sup>	Width of Space	Depth <sup>2</sup> of Space	Aisle Width Two-way	Aisle Width One-way	Depth of Interlocking Spaces	Overhang <sup>3</sup>
0°	9 feet	22 feet	20 feet	12 feet	18 feet	0 feet

45°	9 feet	21 feet	20 feet	12 feet	32 feet	1½ feet
60°	9 feet	20 feet	20 feet	16 feet	35½ feet	2 feet
75°	9 feet	19½ feet	22 feet	18 feet	37 feet	2 feet
90°	9 feet	18 feet	24 feet	24 feet	36 feet	2 feet

<sup>1</sup>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.

<sup>2</sup>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.

<sup>3</sup>Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

#### 5.4.2 Parking Space Dimensional Requirements – Compact Spaces

Parking Angle <sup>1</sup>	Width of Space	Depth of Space	Aisle Width Two-way	Aisle Width One-way	Depth of Interlocking Spaces	Overhang <sup>2</sup>
0°	8 feet	20 feet	20 feet	12 feet	16 feet	0 feet
45°	8 feet	19 feet	20 feet	12 feet	28½ feet	1½ feet
60°	8 feet	18 feet	20 feet	16 feet	31½ feet	2 feet
75°	8 feet	17½ feet	22 feet	18 feet	33 feet	2 feet
90°	8 feet	15 feet	24 feet	24 feet	32 feet	2 feet

<sup>1</sup>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.

<sup>2</sup>Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

The applicant may submit an alternate plan for the dimensional specifications for standard spaces and / or compact spaces, with justification, for consideration and approval by the Planning Commission and Board of County Commissioners.

#### 5.4.3 Parking Space Requirements for Individuals with Disabilities

- 5.4.3.1** 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

**5.4.3.1.1 Exceptions:**

**5.4.3.1.1.1** For outpatient medical offices and treatment facilities, ten percent (10%) of the total spaces shall be handicapped accessible.

**5.4.3.1.1.2** 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.

**5.4.3.1.1.3** 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 designed "van accessible."

**5.4.3.2 Location:**

**5.4.3.2.1** 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.

**5.4.3.2.1.1** An accessible route shall always be provided from the accessible parking to the accessible entrance.

**5.4.3.2.1.2** An accessible route shall not have any curbs or stairs and shall be at least 3 feet wide and shall 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.

### **5.4.3.3 Accessible Parking Spaces for Cars**

- 5.4.3.3.1** Accessible parking spaces for cars shall have at least a 60 inch wide access aisle located adjacent to the designated parking space.
- 5.4.3.3.2** The parking space shall be identified with a sign and shall be located on level ground (1:50 maximum slope in all directions).
- 5.4.3.3.3** The parking space shall connect to an accessible route to the building and shall be hard surfaced (asphalt or concrete).
- 5.4.3.3.4** Two parking spaces for cars may share an access aisle.
- 5.4.3.3.5** 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.

### **5.4.3.4 Van-Accessible Parking Spaces**

- 5.4.3.4.1** Van-accessible parking spaces requirements are the same as accessible parking spaces for cars except for the following three features that are required:
  - 5.4.3.4.1.1** A wider access aisle (96) inches to accommodate a wheelchair lift;
  - 5.4.3.4.1.2** 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
  - 5.4.3.4.1.3** an additional sign that identifies the parking spaces as “Van Accessible” below the symbol of accessibility.

- 5.4.3.5 Additional requirements** – For additional requirements or information refer to the American Disabilities Act web site which provides access to the ADA Business Connection and the ADA design standards, ADA regulations, ADA policy letters, technical assistance materials and general ADA information. The web site address is: [www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

**5.5 OFF-STREET LOADING:** In all non-residential districts, adequate loading, maneuvering, or unloading areas shall be provided completely off public ways and so that no vehicles back onto any public way.

**5.6 TRAVEL TRAILER PARK & CAMPGROUND** 

**5.6.1** 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.

**5.6.2** Each trailer site shall have a minimum of two-thousand (2,000) square feet.

**5.6.3** Each recreational cabin and park model site shall have a minimum of one-thousand-five-hundred (1,500) square feet.

**5.6.4** Each tent site shall have a minimum of one-thousand (1,000) square feet.

**5.6.5** 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.

**5.6.6** 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.

**5.6.7** 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 way. 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.

**5.6.8** All roadways and walkways within the travel trailer park or campground shall be lighted at night to provide safe access.

- 5.6.9** All interior roadways and sidewalks shall be maintained so as to provide a safe driving and walking surface and limit pollution.
- 5.6.10** Every travel trailer park or campground shall provide one or more service buildings adequately equipped with flush-type toilet fixtures and lavatories.
- 5.6.11** All spaces in a travel trailer park and campground shall provide an electrical outlet supplying at least 110 volts or 11-/220 volts. The installation shall comply with all state and local electrical regulations.
- 5.6.12** 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.
- 5.6.13** The density of campsites shall not exceed 25 campsites per acre excluding roads, buildings, and other common use areas.

## **5.7 NON-CONFORMING USES, BUILDINGS, LOTS, PARCELS OR TRACTS:**

Note: A use or building is not considered non-conforming (see definition in this Resolution) unless an application for Non-conforming Status, Section 5.7.2 below has been approved by the Department.

- 5.7.1 CONTINUATION OF USE:** A non-conforming use may be continued and a non-conforming building may continue to be occupied, except as otherwise provided for in this section.
- 5.7.2 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:
  - 5.7.2.1** 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;
  - 5.7.2.2** Address of the property that houses the use and or building for which non-conforming use status has been applied;
  - 5.7.2.3** Legal description of the subject property, which shall consist of a copy of the current deed of record for the subject property;
    - 5.7.2.3.1** 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;

- 5.7.2.4** Detailed description of the non-conforming use and or building;
- 5.7.2.5** 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;
- 5.7.2.6** Documentation evidencing that the non-conforming use was established on or before January 1, 1995;
  - 5.7.2.6.1** 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;
- 5.7.2.7** Documentation that non-conforming building was constructed legally prior to January 1, 1970, (required for non-conforming building applications only).
- 5.7.2.8** 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;
- 5.7.2.9** Name of the current zone district for the subject property;
- 5.7.2.10** Site plan identifying uses, locating building, structures and all improvements;
  - 5.7.2.10.1** 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.
  - 5.7.2.10.2** If the request for non-conforming use status is for the purpose of a non-conforming mobile home park or manufactured home park;
    - 5.7.2.10.2.1** The total property boundary shall be depicted with bearings and dimensions;

**5.7.2.10.2.2** 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;

**5.7.2.10.2.3** The location and size of the unit occupying the space shall be shown by dimension;

**5.7.2.10.2.4** 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;

**5.7.2.10.2.5** 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.

**5.7.2.11** Such other and additional information as required by the Department necessary in establishing the non-conformance.

**5.7.3 CHANGE OF USE:** A non-conforming use may be changed to any conforming use.

**5.7.4 LOSS OF RIGHT TO USE:**

**5.7.4.1 ABANDONMENT OR DISCONTINUANCE:**

**5.7.4.1.1** 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.

**5.7.4.1.2** 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 re-established, and such non-conforming building shall either be altered so as to become a conforming use or it shall be removed.

**5.7.4.1.3** In the case of a mobile home, if the non-conforming mobile home, including a mobile home used as a rental unit, is

discontinued for a period of six (6) months, 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 mobile home use shall terminate upon expiration of the six (6) month period. If a non-conforming mobile home is removed from a site or is destroyed, such non-conforming mobile home shall not be reestablished.

**5.7.4.1.3.1** In the case of a mobile home being removed from a space in a non-conforming mobile home park or non-conforming manufactured home park, the mobile home cannot be replaced by a manufactured home or manufactured home single-wide which exceeds the size or footprint of the mobile home or increases the degree of non-conformity in any way.

**5.7.4.1.3.2** In the case of a non-conforming mobile home park or manufactured home park, if a space has been vacant for more than six (6) months, the use of the space will be discontinued.

**5.7.4.1.4** "Abandonment" shall mean discontinuance of use coupled with the intent not to reestablish the use.

**5.7.4.1.5** "Discontinuance" shall mean cessation of use whether or not there is an intent to abandon the use.

**5.7.4.2 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 5.7 of this Resolution.

**5.7.5 RESTORATION:** A non-conforming building may be restored whenever necessary or desirable to the use of such building or structure, ~~but if a non-conforming building is damaged by fire or other cause and the cost of replacement of the building is greater than eighty percent (80%) of the market value of the building prior to being damaged, a future structure or use on the property shall conform to the provisions of Section 5.7. If the cost of replacement of the building is eighty percent (80%) or less than the market value of the building prior to being damaged,~~ restoration must be started within twelve (12) months of such destruction and completed within twenty-four (24) months of initiating restoration.

**5.7.6 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, etc., in any allowed use that requires special review under this Resolution, an application for special review must be approved by the Board.

**5.7.7 ALTERATION OF A NON-CONFORMING BUILDING:** A non-conforming 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 non-conforming building that would increase the degree of non-conformity with the location and bulk regulations of this Resolution and all other applicable regulations.

~~**5.7.8 ALTERATION OF NON-CONFORMING BUSINESS USE:**~~

~~**5.7.8.1** A non conforming business use may continue in existence and may be enlarged, expanded, or extended, so long as such enlargement, expansion, or extension does not increase the total land area. A non-conforming business use may be altered to another, different, non-conforming use only through approval of a special review use permit from the Board.~~

~~**5.7.8.2** A non conforming business building may continue in existence and may be enlarged or expanded, so long as such enlargement or expansion does not increase the total building square footage by more than twenty five percent (25%) of the building square footage that was existing at the time of passage of this resolution.~~

~~**5.7.8.3** Any such enlargement, extension, or expansion of land or building area shall be allowed only if the same can be completed without variance from the restrictions in this Resolution on area, lot coverage, height, setbacks, or other characteristics of the building or location of such building on the lot.~~

~~**5.7.8.4** Any proposed enlargement, extension, or expansion that will increase the total building square footage by more than twenty five (25) percent or will increase the total land area may be approved by the Board as a special review use permit, even though the proposed use will be non-conforming in the zone district established by this Resolution.~~

~~**5.7.9 NON-CONFORMING DAIRY FARMS:** Non conforming dairy farms may expand in buildings and operations within their current operation and any contiguous property in their ownership at the time of passage of this Resolution. A special review use permit will be required for any expansion of property purchased after the effective date of this Resolution. A special review use permit~~

~~shall adhere to a one hundred (100) foot setback from all property lines for buildings or holding pens and any other condition deemed appropriate by the Board.~~

~~**5.7.10 ALTERATION OF A NON-CONFORMING MOBILE HOME:** A non-conforming mobile home may be structurally altered or repaired in any way permitted by these regulations. However, no alterations or repairs shall be made that would create a non-conformance or increase the degree of non-conformity with the location and bulk regulations of this Resolution and all other applicable regulations. The non-conforming mobile home shall not be enlarged or replaced.~~

~~**5.7.11 UNSAFE BUILDINGS:** Any buildings or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe by the building inspector shall be strengthened or restored to a safe condition.~~

**5.7.12 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 district in which it is located, 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 district where located. Variance of yard requirements shall be granted only through action of the B.O.Z.A.

~~**5.7.13 DEFAULT TITLE:** If the title to any property shall change by reason of tax delinquency, and such property is not redeemed as provided by law, the future use of such property shall be in conformity with the existing provisions of the zoning regulations of the county or with any amendment of such regulations.~~

~~**5.7.14 AMELIORATION OF CERTAIN NON-CONFORMING USES:** The following uses that are non-conforming to the zone district in which they are located are hereby declared to be a public nuisance and detrimental to the health, safety, and welfare of the County; therefore, the adverse effects of these uses shall be mitigated according to the provisions below:~~

~~**5.7.14.1** Junkyards & Automobile Graveyards, as herein defined, that are commercial or business in nature at the time of enactment of this amendment must be removed or brought into compliance with the zoning regulations within two (2) years of the effective date of this amendment.~~

~~as reasonably may be required by the Building Inspector in the issuance of the permit.~~

~~**5.9.2 DISAPPROVAL:** If an application for a building permit is not approved, the building inspector of the County shall state, in writing, on the application, the reason for such disapproval.~~

~~**5.9.3 NULL OR VOID PERMITS:** Any permit issued in conflict with the provisions of this section shall be null and void and may not be construed as waiving any provision of this resolution.~~

~~**5.9.4 EXPIRATION:** Every building permit will expire and become null and void if the building or work authorized by such permit is not commenced within one hundred and eighty (180) days, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred and eighty (180) days, or if the building or work authorized is not completed within one (1) year after date of issuance. If the permit is not renewed prior to expiration a new permit shall be required. A renewal permit may be renewed once.~~

~~**5.9.5 FEES:** Fees for Building Permits shall be established from time to time by Resolution of the Board.~~

~~Any permittee holding an unexpired permit may apply for an extension of time if the above time frames cannot be met. The Building Official may grant the extension for a period not to exceed one hundred and eighty (180) days, upon a written request that outlines the circumstances that were beyond the permittee's control that prevented the work to commence.~~

~~If a building permit is required for resolution of a violation, then the expiration date of the permit will be the date of compliance for the violation.~~

**5.10 Drainage Plan and Report: See the Section XXIII of the Fremont County Subdivision Regulations for Drainage Plan and Report Requirements.**

**5.11 Roadway Impact Analysis:** A detailed roadway impact analysis (on a form obtained from the Department) 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, which at a minimum shall address the following:

**5.11.1** 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;

- 5.11.2** Identify any hazardous conditions such as any unacceptable lines of sight from all accesses and/or driveways, entering or exiting the property, etc.;
- 5.11.3** Average daily traffic and maximum capacity for all roads which will be used as access from the property to the nearest arterial, collector or state highway;
- 5.11.4** Whether the roads, which serve the development currently, have the capacity to handle the additional estimated average daily traffic. If the roads do not have the capacity to handle the additional estimated traffic, recommendations shall be made for improvements which will increase the capacity of the roads and which will 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.



RESOLUTION NO. 27, SERIES OF 2022

RESOLUTION ADOPTING THE 17th AMENDMENT TO THE  
FREMONT COUNTY ZONING RESOLUTION  
FOR FREMONT COUNTY, COLORADO

WHEREAS, on January 13, 2009, the Fremont County Board of County Commissioners adopted Resolution No. 9, Series of 2009, which readopted the Fremont County Zoning Resolution and incorporated all amendments since the initial adoption on January 1, 1994; and

WHEREAS, the 2009 Fremont County Zoning Resolution remains in full force and effect, together with sixteen amendments to date; and

WHEREAS, on August 9, 2022, the Fremont County Board of County Commissioners considered a 17th Amendment to the Zoning Resolution, which recommended certain changes, additions and deletions to the regulations and provisions regarding Accessory Dwelling Units (ADU), attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Board of Commissioners held a Public Hearing on the proposed 17th amendment on August 9, 2022, and considered all public input regarding the proposed 17th Amendment; and

WHEREAS, the Board is persuaded that the proposed 17th Amendment is reasonable and will promote the health, safety and welfare of the citizens of Fremont County and should be approved and adopted.

NOW, THEREFORE, BE IT RESOLVED that Exhibit A, the 17th Amendment to the Fremont County Zoning Resolution, is hereby approved and adopted, and shall be incorporated into the Fremont County Zoning Resolution, to be effective as of August 9, 2022 and continuing in full force and effect until amended, deleted or superseded by subsequent action of the Fremont County Board of County Commissioners.

Commissioner *V)c.h.,//* moved adoption of the foregoing Resolution, seconded by  
Commissioner */v,\_\_\_* and approved by roll call vote as follows:

Debbie Bell	<i>Aye</i>	Nay	Absent	Abstain
Kevin J. Grantham	<i>Aye</i>	Nay	Absent	Abstain
Dwayne McFall	<i>Aye</i>	Nay	Absent	Abstain

Date: *Oc.1., bec JJ 2022.*

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: *Debbie Bell*  
Chairman

By: *[Signature]*  
Clerk to the Board



[Table of Contents](#)



## EXHIBIT A

### 9. ADU - ACCESSORY DWELLING UNIT

9.1. DESCRIPTION: The ADU – "Accessory Dwelling Unit" 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.

9.2. DEFINITION: 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.

### 9.3. GENERAL PROVISIONS:

~~9.3.1. ADU's are allowed in the following zone districts: Agricultural Forestry, Agricultural Farming and Ranching, Agricultural Living, Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, and High Density Residence.~~

9.3.2. The construction or placement of the ADU must comply with Fremont County building, sanitation, and codes, as well as all applicable federal, state and local laws and regulations.

9.3.3. ADU's shall follow all development requirements of the zone district.

9.3.4. The ADU shall be a minimum of 250 sq. ft. ~~and a maximum of 1,000 sq. ft., with no more than two bedrooms.~~

9.3.5. ~~Construction of an ADU shall be with materials and finishes similar to those used for the primary dwelling.~~ Modular construction shall comply with current building and sanitation codes.

9.3.6. ADU lots or parcels shall contain a minimum lot size of 43,560 sq. ft. (1 acre). All lot sizes shall meet the requirements for the zone district.

9.3.7. ADU utilities shall be connected using the meters for the primary dwelling when possible. All utility connections shall be made in conformance with the provider requirements.

9.3.8. No lot or parcel shall contain more than one ADU.

9.3.9. The property shall contain one parking space designated for the ADU.

9.3.10. 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:

9.3.10.1 Prohibits the sale of the ADU separate from the primary unit;

9.3.10.2. Prohibits the subdivision of the lot/parcel in a manner that separates the ADU from the primary dwelling;

9.3.10.3. Prohibits modification of the size of the ADU; without approval from the Department;

9.3.10.4. Requires the property/land owner to live in one of the dwelling units;

9.3.10.5. States that the covenant is binding on any successors, heirs, assigns;

**9.3.10.6.** Creates and grants a private cause of action for enforcement;

**9.3.11.** Parcels containing an ADU shall use the street address for the primary dwelling, designating each unit as A and B.

**9.3.12.** 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 use. 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.

**9.3.13.** 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.

**9.3.14.** The ADU shall be used for residential purposes only.

**9.3.15.** The ADU (separate structure only) shall be placed no less than ten (10) feet from the rear of the primary dwelling.

**9.4. APPLICATION REQUIREMENTS:**

**9.4.1.** An application form as provided by the Department with the required application fee.

**9.4.2.** A copy of the deed showing ownership of the parcel.

**9.4.2.1.** A signed Declaration of Covenant and Restriction stating ADU restrictions shall be completed and recorded prior to issuance of a building permit.

**9.4.2.2.** Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.

~~**9.4.2.3.** The Applicant shall notify adjoining property or lot owners of the intent to establish an ADU. Comments will be reviewed by the department. If any comments state a valid, lawful objection to the ADU, the ADU application will be referred to the Board of County Commissioners for review at a public meeting.~~

**9.4.2.4.** A plot plan showing:

**9.4.2.4.1.** All structures proposed or existing with dimensions to property lines.

**9.4.2.4.2.** All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.

**9.4.2.4.3.** All parking areas.

**9.4.2.4.4.** All exterior access points.

**9.4.2.S.** Floor plan of the ADU.