

RESOLUTION NO. _____, Series of 2024

**RESOLUTION ADOPTING THE 20th 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 nineteen amendments to date; and

WHEREAS, on January 9, 2024, the Fremont County Board of County Commissioners considered a 20th Amendment to the Zoning Resolution, which recommended certain changes, additions and deletions to the regulations and provisions regarding new formatting with minor changes in CHAPTER TWO, ESTABLISHMENT OF ZONING DISTRICTS, CHAPTER FIVE GENERAL REQUIREMENTS, & CHAPTER SEVEN BOARD OF ZONING ADJUSTMENT; minor changes including formatting and referencing the adopted zone districts, adding additional allowed uses & special development requirements, and deleting the consolidated zone districts, and removing the Building Permit section, attached hereto as Exhibit A through Exhibit C and incorporated herein by reference;

WHEREAS, the Board of Commissioners held a Public Hearing on the proposed 20th amendment on January 9, 2024, and considered all public input regarding the proposed 20th Amendment; and

WHEREAS, the Board is persuaded that the proposed 20th 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, will delete and replace all of CHAPTER TWO ESTABLISHMENT OF ZONING DISTRICTS to become the new CHAPTER TWO ESTABLISHMENT OF ZONING DISTRICTS , the 20th 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Resolution, to be effective as of April 15, 2024 and continuing in full force and effect until amended, deleted or superseded by subsequent action of the Fremont County Board of County Commissioners.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Exhibit B, will delete and replace all of CHAPTER FIVE GENERAL REQUIREMENTS to become the new CHAPTER FIVE GENERAL REQUIREMENTS, the 20th 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 April 15, 2024 and continuing in full force and effect until amended, deleted or superseded by subsequent action of the Fremont County Board of County Commissioners.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Exhibit C, will delete and replace all

of CHAPTER SEVEN BOARD OF ZONING ADJUSTMENT to become the new CHAPTER SEVEN BOARD OF ZONING ADJUSTMENT, the 20th 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 April 15, 2024 and continuing in full force and effect until amended, deleted or superseded by subsequent action of the Fremont County Board of County Commissioners

Commissioner _____ moved the adoption of the foregoing Resolution, seconded by Commissioner _____ and approved by roll call vote as follows:

Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Grantham: Aye / Nay / Abstain / Absent

Commissioner McFall: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: _____

CHAIR, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

FREMONT COUNTY CLERK TO THE BOARD

Exhibit A

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CHAPTER 2 ESTABLISHMENT OF ZONING DISTRICTS

2.1 ZONING DISTRICTS

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

2.2 EFFECTS OF DISTRICTING

2.2.1 APPLICATION

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

2.2.2 CLASSIFICATION: The following shall prevail.

1. Uses not specifically permitted are considered prohibited unless they meet the following criteria:
 - a. Uses, other than those hereinafter specifically mentioned as uses in each of the districts, may be permitted therein, provided such uses are similar to those specifically mentioned and are, in the opinion of the Commission and the Board as evidenced by a resolution of record, consistent with the intent of the zone district and are not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective district.
 - b. The commission may recommend to the Board a reclassification of a use when such reclassification does not violate the intent of this resolution and provided said official body publishes newspaper notification and holds at least one (1) public hearing thereon, at the expense of the parties applying.

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

2.2.3 ZONING MAPS

The location of the zoning districts hereby established are shown on the accompanying maps titled, ""Official Zoning Maps of Fremont County, Colorado", as subsequently amended, and hereby made, along with explanatory matter thereon, a part of this resolution. The official maps shall be filed at the office of the Fremont County Department of Planning and Zoning, and shall be kept current at all times. All amendments to the maps made in conformity with Chapter 9 of this Resolution, shall be recorded on the maps showing general location, effective date, and nature of change. Each map amendment shall become an amendment to this resolution; it shall be dated; shall contain a legal description of the area to be changed, as well as the nature of the change. No change shall be made to the Official Zoning Maps except in the manner heretofore set forth. Any unauthorized change to the Official Zoning Maps by any person or persons shall be punishable as a misdemeanor and shall receive the same penalty as set forth in Section 1 of this Resolution. any street, alley or public way is vacated by official action of the Board of County Commissioners, the zoning district(s) of the land to which the vacated land becomes a part shall be automatically extended to the land subject to the vacation, and all area included in the vacation will be subject to the regulations of the extended district.

2.2.4 INTERPRETTION OF DISTRICT BOUNDARIES:

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

1. All zone district boundaries are intended to parallel street lines or to follow lot or property lines as they exist at the time of passage of this resolution or amendments, hereto, unless specifically shown otherwise.
2. Where a zone district boundary line divides a lot in single ownership the regulation of the least restrictive zone shall prevail for the remaining portion of the lot.
3. When a boundary or lot line is adjusted or a lot line is vacated, the zone district that exists for the property receiving the additional property shall prevail, provided that the parcel gaining the area does not increase the total by more than twenty-five (25) percent. If the property receiving the additional area increases in area by more than twenty-five (25) percent, a formal application for a zone change will be required pursuant to County Regulations for a zone change. A successive application for Boundary/Lot Line Adjustments or Vacation of Interior Lot Lines shall not be permitted if the cumulative effect of all Boundary/Lot Line Adjustments or Vacation of Interior Lot Lines affecting such parcel of land results in an increase of more than twenty-five (25) percent in the area of such parcel. The area of the parcel at the time of the first application for Boundary/Lot Line Adjustment or Vacation of Interior Lot Line shall be the area used for purposes of determining the amount of land area that may be added to such parcel through a Boundary/Lot Line Adjustment or Vacation of Interior Lot Line procedure.
4. In the event of further uncertainty, the Commission and Board shall interpret intent as to the boundary location.
5. In the event a dedicated right-of-way is hereafter vacated or abandoned, the zone district abutting the property shall apply to that portion of such right-of-way.

Exhibit B

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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.

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

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 per 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
Parks	¼ to 10 acres	2 per 1 acre or portion of acre + 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
Spectator Events	1 per 4 anticipated attendees	
Recreational Facilities Rural & Urban	Amphitheaters	1 per 4 seats
	Clubs: Country, Fishing, Hunting, Etc.	1 per 150 sq. ft floor area
	Courts: Tennis, basketball, etc.	3 per court
	Guest Ranch	1 per housing unit + 1 per employee
	Historic/Scenic Railroads	Cumulative of the uses
	Race Tracks	1 per 4 seats
	Rafting Office	1 per 200 sq. ft + estimated # of customers
	Zip Lines	1 per line + 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,	1 per 600 sq. ft of floor area

	etc.	
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 (Multi- Family)	Efficiency Unit/Studio	1 per dwelling unit
	Bedroom	1.5 per dwelling unit
	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 ¹	Width of ² Space	Depth of Space	Aisle Width One Way	Aisle Width Two-way	Depth of interlocking spaces	Overhang ³
0°	9 feet	20 feet	12 feet	20 feet	18 feet	0 feet
45°	9 feet	20 feet	12 feet	20 feet	32 feet	1½ feet
60°	9 feet	20 feet	16 feet	20 feet	35½ feet	2 feet
75°	9 feet	22 feet	18 feet	22 feet	37 feet	2 feet
90°	9 feet	24 feet	24 feet	24 feet	36 feet	2 feet

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

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

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

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

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

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

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

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.

5.7 BUILDING PERMITS:

Refer to Fremont County Building Department

5.7 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.

Exhibit C

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CHAPTER 7 Board of Zoning Adjustment (B.O.Z.A.)

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

7.1 Membership

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

of his term.

7.2 Duties

- A. To vote at the first meeting of each calendar year to elect a chairman and vice chairman from the regular members appointed to the B.O.Z.A. The chairman, or vice chairman in the chairman's absence, shall be responsible for the normal administrative duties of the position.
- B. To meet monthly (if necessary) or at the call of the chairman.
- C. To adopt any rules necessary to transact the B.O.Z.A. business or to expedite its functions consistent with Colorado State Statutes and the provision of this Resolution
- D. To permit the public to attend and to be heard at its meetings.
- E. To keep minutes of its proceedings indicating the vote of each member upon each question; absences and abstentions. To keep records of its examinations and other official action. To file minutes and records in the offices of the Department as public records.
- F. To publish notice of hearings to be held by the B.O.Z.A. Such publication shall be in an official County newspaper at least ten (10) days prior to the hearing and shall be paid for by the applicant. Said notice shall contain:
 - a. Legal description of the property and its street address.
 - b. Present zoning classification of the property and the nature of the variance requested.
 - c. Date, time, and place of hearing.
- G. To vote upon the granting of a variance from the requirements of the zoning resolution. To reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant or appellant, the concurrence of four (4) members of the B.O.Z.A. shall be required.
- H. To hear and vote on appeals taken by any person aggrieved by an inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolution.
- I. Any member of the B.O.Z.A. who has a direct or indirect interest in any property or in the decision relating to such property, which is the subject matter of, or is affected by, a decision of the B.O.Z.A., shall be disqualified from participating in discussion, decision, or proceedings of the B.O.Z.A. in connection therewith.
- J. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses upon application to the district court.

7.3 Powers

- A. Interpretation: The B.O.Z.A. shall have the power to interpret this resolution, including any uncertainty as to boundary location, or meaning of wording, so long as this interpretation is not contrary to the purposes and intent of this Resolution.
- B. Upon application for variance, the B.O.Z.A. shall have the power to grant a variance from strict application of the zoning resolution to relieve difficulties or hardship if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning maps and zoning resolution. Such variance may be granted when the exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or when exceptional topographic conditions or other extraordinary and exceptional situation or condition of a parcel of property results in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property.
- C. The B.O.Z.A. shall have the power to grant variances from the provisions of this resolution, but only

where all of the following conditions are found to exist:

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

7.4 Medical Hardship Waiver:

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

Where feasible, special exception may be made for the purpose of providing access to sunlight for solar energy devices.

7.5 Appeals to B.O.Z.A

Appeals to the B.O.Z.A. may be submitted to the Department by any person aggrieved by an inability to obtain a building permit or by the decision of any administrative official or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolution. Appeals to the B.O.Z.A. shall be made in writing and must be made within thirty (30) days from the date on which the appellant was aggrieved by such action. The appeal shall be filed with the Department, which shall schedule a hearing for the next regularly scheduled meeting of the B.O.Z.A. The administrative official whose decision is being appealed shall provide the B.O.Z.A. with all documents constituting the record upon which the appeal is based. The official shall also provide the B.O.Z.A. with a written statement of findings of fact and justification for the decision. The B.O.Z.A. shall have the right to require further information from the appellant or administrative official as it deems necessary. A copy of all documents submitted to the B.O.Z.A. by either the appellant or the administrative official shall be provided to the opposing party at least one week prior to the B.O.Z.A. meeting at which the appeal is heard. The fee for appeals shall be the same as variance requests that are established by resolution of the Board. If the B.O.Z.A. finds in favor of the appellant, the appeal fees will be refunded to the appellant. No appeal to the B.O.Z.A. shall be allowed for building use violations that may be prosecuted pursuant to C.R.S. 30-28-124 (1) (b) as amended.

7.6 Procedure

The B.O.Z.A. shall act in strict accordance with all of the laws of the State of Colorado and regulations or ordinances of the County of Fremont. All applications and appeals to the B.O.Z.A. shall be in writing and on such form as shall be prescribed by the B.O.Z.A. Every application and appeal shall indicate what provisions of this Resolution are involved, what relief is being sought, and the grounds upon which such appeal is being sought.

7.7 Variance Submittals:

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

regularly scheduled B.O.Z.A. meeting.

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

7.7.1 Medical Hardship Waiver

- A. A completed B.O.Z.A application
- B. A statement on a form provided by the Department from a doctor licensed to practice in the State of Colorado indicating the medical need for a hardship waiver and the requirement of daily assistance.
- C. A letter from the applicant requesting the waiver, explaining the circumstances of the waiver, and listing the occupants of both living units.
- D. A notarized letter on a form provided by the Department from the property owner indicating their knowledge of how the medical hardship waiver is administered and stating that the temporary single-wide manufactured home or the temporary manufactured home shall be removed within ninety (90) days of the date the hardship ceases or the B.O.Z.A. terminates the waiver.
- E. An improvement location certificate or a survey plat for the property evidencing the location of existing improvements and all proposed improvements. The certificate or plat shall be performed, signed, and sealed by a professional land surveyor registered with the State of Colorado.
- F. A complete building permit application.
- G. Extensions of a Medical Hardship Waiver: Extensions may be granted in one (1) year increments provided the following is submitted to the Department by the submittal deadline of the monthly B.O.Z.A. meeting for the month in which the waiver is to expire:
 - a. A letter from the applicant stating that the circumstances found to constitute the hardship still exist and have not materially changed;
 - b. A letter from a doctor advising the B.O.Z.A. on the status of the medical hardship.
 - c. In addition to the above, no extension will be granted until the Department performs an on-site inspection to determine if the applicant is in compliance with the conditions of the waiver for which extension is being sought.

7.8 Additional Requirements:

In granting a variance, the B.O.Z.A. may impose additional requirements on the applicant as a condition of approval.

7.9 Attendance of Applicant

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

7.10 Term of Variance

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

7.11 Appeals of a decision by the B.O.Z.A

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