



FREMONT COUNTY

DEPARTMENT OF PLANNING AND ZONING

615 MACON AVENUE, ROOM 210, CAÑON CITY, COLORADO, 81212

Telephone 719-276-7360 / Facsimile 719-276-7374

Email: Planning@fremontco.com

Non-Conforming Use, Status, & Rebuild Letter Application Packet

Note: All applications prior to submittal must have gone through a pre-application meeting.

FREMONT COUNTY PLANNING & ZONING

Process & Requirements Overview

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.

Continuation of Use:

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

Change of Use:

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

Loss of right to use:

Mobile homes are exempt from this section.

Abandonment or Discontinuance:

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.

Except as set forth hereafter, if any non-conforming use or the use of any non-conforming building is discontinued for a period of one (1) year, whether such period of time begins prior to or after the enactment of this Resolution or any amendment hereto, the right to continue that non-conforming use or building shall terminate upon expiration of the one (1) year period, and such non-conforming use shall not be reestablished, and such non-conforming building shall either be altered to a conforming use or shall be removed.

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

"Discontinuance" shall mean cessation of use.

Change of ownership:

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

Restoration:

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

Alteration of a Non-Conforming Use:

A non-conforming use may not be altered, enlarged, or expanded except as provided in this Resolution. Prior to any change in any non-conforming use that would require special review under this Resolution,

an application for special review must be approved by the Board.

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.

Non-Conforming Lots of Record:

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

Any application which is not complete or does not include all minimum submittal requirements will be rejected by the Fremont County Department of Planning and Zoning (Department). The department requires one (1) electronic copy, one (1) hard copy of the application, one (1) hard copy all required submittals, and two (2) hard copies of the site plan.

Upon receipt of a complete application, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter), which will state the submittal deficiencies which must be addressed by the applicant, Department comments and/or questions about the application, and the number of revised application packets to be supplied to the Department. An additional full application fee may be charged to the applicant, as per Resolution approved by the Board of County Commissioners (Board), if all deficiencies as per the initial D & C Letter are not adequately addressed or provided. Each subsequent D & C Letter, based on resubmitted items, will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

The Department, Commission, and/or Board of County Commissioners (Board) may require additional information at any time during the application process as may be deemed necessary for thorough consideration of the application and to enable an informed final decision.

Applicants shall pay all application fees to the Fremont County Treasurer's Office. Upon receipt of a complete application, a Department representative will provide the applicant with an invoice to present to the Treasurer's Office with payment.



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Check the Applicable Application

| | | |
|---|--|--|
| <input type="checkbox"/> Non-Conforming Use \$200.00 | <input type="checkbox"/> Non-Conforming Status \$200.00 | <input type="checkbox"/> Non-Conforming Rebuild Letter \$200.00 |
|---|--|--|

PROPERTY INFORMATION: Provide information to identify the property.

| | |
|------------------------------|------------------------------|
| Property Address: | |
| Tax ID/Parcel Number: | Parcel size in Acres: |
| Zone District: | Land Use: |

PROPERTY OWNER(S) INFORMATION: Indicate the person(s) or organization(s) who own the property. Attach additional sheets if there are multiple property owners.

| |
|--|
| Name(s) (Individual or Organization): |
| Mailing Address: |
| Telephone: |
| Email Address: |

AUTHORIZATION REPRESENTATIVE / AGENT / CONSULTANT: Indicate person(s) submitting the application if different than the property owner(s). Attach additional sheets if necessary.

| |
|--|
| Name(s) (Individual or Organization): |
| Mailing Address: |
| Telephone: |
| Email Address: |

By signing this Application, the Applicant, or the agent / representative / consultant acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of the Applicant's knowledge and belief.

The Applicant understands that required private or public improvements imposed as a contingency of approval for the application may be required as a part of the approval process.

Fremont County hereby advises the Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of County Commissioners may take any and all reasonable and appropriate steps to declare null and void, any actions of the Board regarding the Application.

Signing this Application is a declaration by the applicant that all plans, drawings and commitments submitted with or contained within this Application are or will be in conformance with the requirements of the Fremont County Zoning Resolution.

| | | |
|--------------|---------------------|-------|
| _____ | _____ | _____ |
| Printed Name | Applicant Signature | Date |

| | | |
|--------------|-----------------|-------|
| _____ | _____ | _____ |
| Printed Name | Owner Signature | Date |



Fremont County Planning & Zoning Department
 Non-Conforming Use/Status/Rebuild Application

1. Explain in detail what the non-conforming use and/or building is:

1. 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.

REQUIRED EXHIBITS

Submittals and exhibits should be clearly identified with section located on the bottom right-hand corner, or otherwise tabbed or marked. Any waiver requests shall be labeled as the same exhibit number.

REQUIRED ATTACHMENTS – SECTION TWO

| | |
|--|---|
| <input type="checkbox"/> EXHIBIT 2.1 | A copy of the most recent recorded deed. |
| <input type="checkbox"/> EXHIBIT 2.2 <input type="checkbox"/> N/A | If the subject property is considered a non-conforming lot, parcel or tract and such is required in the application for non conforming status then a copy of the deed of record or the plat of record creating the subject property should be provided; |
| <input type="checkbox"/> EXHIBIT 2.3 | Documentation evidencing the date that non-conforming use was established and or non-conforming building was constructed. |

| | |
|--|--|
| | <p>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;</p> |
| | <p>Documentation evidencing that the non-conforming use was established on or before January 1, 1995;</p> <p>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;</p> |
| <p><input type="checkbox"/> EXHIBIT 2.4</p> | <p>Documentation that non-conforming building was constructed legally prior to January 1, 1970, (required for non-conforming building applications only).</p> |
| <p><input type="checkbox"/> EXHIBIT 2.5</p> | <p style="text-align: center;">Site Plan</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> If the request for non-conforming use status is for the purpose of a non-conforming mobile home park or manufactured home park.</p> <ul style="list-style-type: none"> <input type="checkbox"/> The total property boundary shall be depicted with bearings and dimensions. <input type="checkbox"/> 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. <input type="checkbox"/> The location and size of the unit occupying the space shall be shown by dimension. <input type="checkbox"/> 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. <input type="checkbox"/> 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. |