



FREMONT COUNTY – COLORADO

DEPARTMENT OF PLANNING AND ZONING

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STAFF REPORT

Project Name: Rewrite – Chapter 3 Regulations

Name(s) Planning and Zoning Director- Daniel Victoria

Request: Rewrite Chapter 3 - Regulations

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has removed General from the title, added new regulations and revised existing regulations of chapter 3. We have also changed the format to match the format of the new Fremont County Zoning Resolution.

~~Strikethrough~~ show what is being proposed to be removed.

Yellow Highlighted items show proposed additions to this section.

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.

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Chapter 3 Regulations

3.1 Structures and Yards

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

- 1. No building or structure shall hereafter be erected or altered:**
 - a. To exceed the height;
 - b. To accommodate or house a larger number of families;
 - c. To occupy a greater percentage of the lot; and
 - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than is herein permitted in the district in which the building or structure is located, except wherever a building or structure is to be erected on an interior lot between two existing

buildings or structures distant not more than one-hundred (100) feet from the proposed building or structure: the proposed building or structure shall have a front yard of a depth at least as great as the average depth of the front yards of said adjacent building or structures

2. Yards, lots, loading areas and open space

- a. No part of a yard or loading area, or open space needed by any building or structure to meet the requirements of this resolution may be included in whole or in part in meeting the requirements of any other building or structure
 - b. No Yards or lots existing at the time of the adoption of this resolution shall hereafter be reduced below the minimum dimensions or areas required by this resolution.
 - c. Principal Structures/Uses: No single tract, parcel, or lot shall contain more than one (1) principal use or structure
3. **Mobile Homes:** Mobile homes shall not be permitted or used for any use in any zone district. All existing legally placed mobile homes will be considered a nonconforming use.

4. Fencing

- a. Contact the Fremont County Building Department for fencing requirements for fencing that is seven feet (7') in height or greater.
- b. Setbacks shall not apply to fencing.
- c. All corner lots adjacent to roadways shall follow these regulations:
 1. Solid fences or fences that are less than fifty (50%) open shall not exceed forty inches (40") in height, within fifty feet (50') from the corners adjacent to the roadway of the property.
 2. Fences that are fifty (50%) or more open shall not exceed forty-eight inches (48") in height, within fifty feet (50') from the corners adjacent to the roadway of the property.
- d. This does not include agricultural fences such as barbed wire, barbed less wire, woven field fence, hog panels, continuance pipe fence, or corral panels.
 1. Any verification needed for compliance to fencing contact the Planning & Zoning Department.

Section 3.2 Manufactured Home Storage

~~A manufactured home or manufactured home single-wide may be stored in Agricultural Forestry, Agricultural Farming and Ranching, Agricultural Living, Agricultural Estates, Manufactured Home Park, Travel Trailer Park and Campground, Business, and Industrial Zone Districts consistent with policies and procedures adopted by the Department and Board.~~

~~3.7.1.1 A manufactured home or manufactured home single-wide storage permit shall be obtained prior to storing a manufactured home or manufactured home single-wide in any district that allows such storage.~~

~~3.7.1.2 A stored manufactured home or manufactured home single-wide shall not be used as a dwelling or storage building and shall not be connected to any utilities.~~

~~3.7.1.3 A stored manufactured home or manufactured home single-wide shall not encroach into the setbacks required by the zone district in which the property is located.~~

~~3.7.2 Manufactured home single-wide shall not be stored in the Agricultural Rural, Agricultural Suburban, Low Density Residence, Medium Density Residence, High Density Residence, Neighborhood Business, Industrial Park, or Airport Industrial Park Zone Districts~~

3.2 Storage Structures

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

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

3.3 Setback Clarification

1. Cornices, eaves, canopies, sunshades, gutters, beltcourses, leaders, sills, lintels, hung bay windows, and ornamental features that are supported by the building or structure may project not more than three (3) feet into a required setback, for the primary building or structure only, as established by coverage standards, and in no case shall any feature of any structure project beyond the property line.
2. Cantilever projections shall be considered a portion of the building or structure and shall not protrude into the required setback.
3. ~~Carports are not allowed to infringe upon the setback requirement whether attached or free standing.~~
4. ~~Decks shall not be allowed to infringe upon the setback requirements whether attached or free standing.~~
5. Accessory buildings or structures shall not protrude in any way into any required setback.
6. If property is used as a road right-of-way, setbacks shall start from the edge of the right-of-way.
7. For determining the lot width distance parallel to the front lot or property line, the front line may be considered the line extended between the two front property corners (chord line of the curve) not the curve. The minimum lot width of the district shall be no closer than the minimum setback requirement of the zone district.
8. For determining the lot width distance parallel to the front or property line using a curve parallel to the lot or property curve line, the front lot or property line shall be at a point where the minimum lot or property width meets the minimum lot or property width requirement and the minimum setback requirement of the zone district. If this method is used the line shall be identified in the field by a registered land surveyor.
9. The front line shall be the side of the property or lot by which the property or lot gains access.
10. Height Measurement methods:
 - a. Height shall be measured from grade to the top of the structure.
 - b. For structures with sloping grade, height shall be measured at the average area of the grade.

3.4 Validity of Applications

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

3.5 Conformance to Plans

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

3.6 Professional Review Fees

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

3.7 Trailer or Tent Camping

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

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

3.8 Human Habitation

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

3.9 Development

No building permit shall be issued for a building or structure until the pending zone change, conditional use permit, or special review use permit has been approved and recorded in accordance with this Zoning Resolution. The Board may authorize issuance, upon a showing of good cause.

3.10 Auctions

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

3.11 Mechanical Work or/and Repairing

Mechanical work and repairing of motor vehicles, boats, trailers, snowmobiles, recreation vehicles, or any similar vehicle not owned by or leased to the occupant of the dwelling for his or her own personal use is prohibited in **all Residential Zone** ~~the Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, and the High Density Residence Zone~~ Districts unless otherwise **permitted by the County**, ~~as a home occupation.~~

3.12 Pets

Pets as defined herein, are allowed in all zone districts. However, if the housing of pets meets the parameters of a kennel or a fur bearing animal farm, as defined herein, the owner of such pets shall comply with the applicable regulation, if the zone district allows such usage. If the zone district does not allow such usage, the use shall be discontinued.

3.13 Mobile Food Service

A Mobile Food Service may be used for a daily route or in conjunction with a construction site for the duration of the construction activity or in conjunction with a Special Event that has been issued a Temporary Use Permit for the duration of the Special Event.

3.14 Agricultural Buildings

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

3.15 Permitted Dwelling Unit:

In Residential One (R1), Residential Two (R2), and Residential Three (R3) zone districts, permitted dwelling units are allowed in conjunction with an approved permitted use. ~~one (1) permitted dwelling use for the owner or operator of the agricultural use, except as otherwise may be allowed in this document. For the purposes of this regulation agricultural uses are uses such as but not limited to forestry, farming, ranching, firewood cutting, fur bearing animal farms, commercial greenhouse, nursery, orchard and vineyard, riding academy, stable, veterinary premises.~~

3.16 Public Utilities

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

3.17 Yard or Garage Sales:

More than three (3) yard and / or garage sales within a calendar year shall constitute a business use of a tract, parcel or lot, **and shall be subject to permitting.**

3.18 Explosive Characteristics

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

3.19 Hazardous Waste

Solid wastes disposal, hazardous waste treatment, storage, or disposal, and waste-to energy incineration are prohibited within the incorporated or unincorporated portion of Fremont County except on or at a site and facility for which a conditional use permit or a special review use permit approval has been obtained

as provided in the Fremont County Zoning Resolution, as amended, or that has been approved by a city or town within the boundaries of which the site and facility are situated. Refer to the Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-To-Energy Incineration Systems Section 8.2.8, or subsequent section of the Fremont County Zoning Resolution.

3 GENERAL REGULATIONS

- 3.1** No building, structure, or land shall hereinafter be occupied or used, and no building or structure, or part thereof, shall be erected, moved, or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.
- 3.2** No building or structure shall hereafter be erected or altered:
- 3.2.1** To exceed the height;
 - 3.2.2** To accommodate or house a larger number of families;
 - 3.2.3** To occupy a greater percentage of the lot; and
 - 3.2.4** To have narrower or smaller rear yards, front yards, side yards, or other open spaces than is herein permitted in the district in which the building or structure is located, except wherever a building or structure is to be erected on an interior lot between two existing buildings or structures distant not more than one-hundred (100) feet from the proposed building or structure: the proposed building or structure shall have a front yard of a depth at least as great as the average depth of the front yards of said adjacent building or structures.
- 3.3** No part of a yard or loading area, or open space needed by any building or structure to meet the requirements of this resolution may be included in whole or in part in meeting the requirements of any other building or structure.
- 3.4** No yards or lots existing at the time of the adoption of this resolution shall hereafter be reduced below the minimum dimensions or areas required by this resolution.
- 3.5** No single tract, parcel, or lot shall contain more than one (1) principal use or structure.
- 3.5.1** Watchman's Quarters shall be an accessory use that is either permitted or allowed through the issuance of a Special Review Use Permit in the Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Industrial and Industrial Park Zone Districts. However, only one watchman's quarters per tract, parcel or lot shall be permitted
- 3.6** Mobile homes shall not be permitted or used for any use in any zone district. All existing legally placed mobile homes will be considered a nonconforming use.
- ~~**3.7** Manufactured Home Storage:~~
- ~~**3.7.1** A manufactured home or manufactured home single wide may be stored in Agricultural Forestry, Agricultural Farming and Ranching, Agricultural Living, Agricultural Estates, Manufactured Home Park, Travel Trailer Park and~~



~~Campground, Business, and Industrial Zone Districts consistent with policies and procedures adopted by the Department and Board.~~

~~3.7.1.1 A manufactured home or manufactured home single wide storage permit shall be obtained prior to storing a manufactured home or manufactured home single wide in any district that allows such storage.~~

~~3.7.1.2 A stored manufactured home or manufactured home single wide shall not be used as a dwelling or storage building and shall not be connected to any utilities.~~

~~3.7.1.3 A stored manufactured home or manufactured home single wide shall not encroach into the setbacks required by the zone district in which the property is located.~~

~~3.7.2 Manufactured home single wide shall not be stored in the Agricultural Rural, Agricultural Suburban, Low Density Residence, Medium Density Residence, High Density Residence, Neighborhood Business, Industrial Park, or Airport Industrial Park Zone Districts.~~

3.8 Storage Structures:

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

3.8.1.1 A tractor trailer, railroad car, caboose or shipping or storage container may be used as a storage structure in the ~~Agricultural Forestry, Agricultural Farming & Ranching, Agricultural Living, Agricultural Estates, Agricultural Suburban or Agricultural Rural Zone Districts~~ and in the Industrial Zone District as an accessory use to the principal use.

3.8.1.2 A shipping or storage container may be used for storage in the ~~Medium Density Residence, High Density Residence, Neighborhood Business,~~ Rural Highway Business, Business, Airport, and Industrial Park Zone Districts.

3.8.1.3 Any tractor-trailer, railroad car, caboose, shipping or storage container, whether used as a temporary use or as a permanent use, shall meet minimum development requirements of the zone district in which it is located.

3.9 No trailer or tent may be occupied as a primary or temporary residence for more than the equivalent of three (3) months per year in the ~~Agricultural Forestry, Agricultural Farming & Ranching, or Agricultural Living~~ Zone Districts. Except as expressly permitted by this regulation, the use of tents and trailers for human habitation is prohibited provided,

Added Per Year

however, that this provision shall not prevent the use of tents or travel trailers for children's play or for picnics or for the occasional accommodation (*NOT TO EXCEED TWO (2) WEEKS*) of guests in the Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, or High Density Residence Zone Districts.

- 3.10** No truck, tractor trailer, bus, automobile, railroad car, caboose, coach, or streetcar body or shipping or storage container shall be used for human habitation whether the same is mounted on wheels or not.
- 3.11** No building permit shall be issued for a building or structure until the pending zone change, conditional use permit, or special review use permit has been approved and recorded in accordance with this Zoning Resolution. The Board may authorize issuance, upon a showing of good cause.
- 3.12** More than three (3) auctions within a calendar year shall constitute a business use of a tract, parcel, or lot.
- 3.13** Mechanical work and repairing of motor vehicles, boats, trailers, snowmobiles, recreation vehicles, or any similar vehicle not owned by or leased to the occupant of the dwelling for his or her own personal use is prohibited in the ~~Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, and the High Density Residence~~ Zone Districts unless otherwise ~~permitted as a home occupation.~~

3.14 SETBACK CLARIFICATIONS

- 3.14.1** Cornices, eaves, canopies, sunshades, gutters, beltcourses, leaders, sills, lintels, hung bay windows, and ornamental features that are supported by the building or structure may project not more than three (3) feet into a required setback, for the primary building or structure only, as established by coverage standards, and in no case shall any feature of any structure project beyond the property line.
- 3.14.2** Cantilever projections shall be considered a portion of the building or structure and shall not protrude into the required setback.
- ~~**3.14.3** Carports are not allowed to infringe upon the setback requirement whether attached or free standing.~~
- ~~**3.14.4** Decks shall not be allowed to infringe upon the setback requirements whether attached or free standing.~~
- 3.14.5** Accessory buildings or structures shall not protrude in any way into any required setback.
- 3.14.6** Property used as road right-of-ways shall be excluded from the measurement of the setback.

- 3.14.7** For determining the lot width distance parallel to the front lot or property line, the front line may be considered the line extended between the two front property corners (*chord line of the curve*) not the curve. The minimum lot width of the district shall be no closer than the minimum setback requirement of the zone district.
- 3.14.8** For determining the lot width distance parallel to the front or property line using a curve parallel to the lot or property curve line, the front lot or property line shall be at a point where the minimum lot or property width meets the minimum lot or property width requirement and the minimum setback requirement of the zone district. If this method is used the line shall be identified in the field by a registered land surveyor.
- 3.15** Pets as defined herein, are allowed in all zone districts. However if the housing of pets meets the parameters of a kennel or a fur bearing animal farm, as defined herein, the owner of such pets shall comply with the applicable regulation, if the zone district allows such usage. If the zone district does not allow such usage, the use shall be discontinued.
- 3.16** A Mobile Food Service may be used for a daily route or in conjunction with a construction site for the duration of the construction activity or in conjunction with a Special Event that has been issued a Temporary Use Permit for the duration of the Special Event.
- 3.17** An agricultural building, as defined, shall comply with all setback, lot coverage, and building height requirements of the zone district in which the subject property lies. Note: Agricultural uses and buildings are not permitted in the Low Density Residence, Medium Density Residence, High Density Residence, Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Business, or Airport Industrial Park Zone Districts.
- ~~**3.18** Permitted Dwelling Unit: In zone districts where agricultural uses are allowed as a permitted use those uses may include one (1) permitted dwelling unit use for the owner or operator of the agricultural use, except as otherwise may be allowed in this document. For the purposes of this regulation agricultural uses are uses such as but not limited to forestry, farming, ranching, firewood cutting, fur bearing animal farms, commercial greenhouse, nursery, orchard and vineyard, riding academy, stable, veterinary premises.~~
- 3.19** Public utilities (*distribution elements only*) not including regulators and substations are considered permitted uses in all zone districts.
- 3.20** Yard or Garage Sales: More than three (3) yard and / or garage sales within a calendar year shall constitute a business use of a tract, parcel or lot.
- 3.21** Any use, in any zone district, that is subject to a fire hazard or has explosive characteristics shall be subject to approval as a Special Review Use Permit.

- 3.22** Solid wastes disposal, hazardous waste treatment, storage, or disposal, and waste-to-energy incineration are prohibited within the incorporated or unincorporated portion of Fremont County except on or at a site and facility for which a conditional use permit or a special review use permit approval has been obtained as provided in the Fremont County Zoning Resolution, as amended, or that has been approved by a city or town within the boundaries of which the site and facility are situated. Refer to the Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-To-Energy Incineration Systems Section 6, or subsequent section of the Fremont County Zoning Resolution.
- 3.23** **VALIDITY OF APPLICATIONS** – All information provided in any application and supporting documents submitted in accordance with this Zoning Resolution shall be valid, true and correct to the best of the applicant’s knowledge and belief. If any portion of the application, at any stage of review or approval, is found to be misrepresented, misleading, inaccurate, invalid or false then the application shall be rendered null and void. Further in such circumstances any approvals granted shall be rescinded and any plats or drawings shall be invalid. There will not be a refund of application fees or additional fees for any application determined to be null and void or if approval has been granted and subsequently rescinded. A complete new application submittal and all appropriate fees will be required for any application determined to be null and void or in such circumstances where approval has been rescinded in order to reapply.
- 3.24** **CONFORMANCE TO PLANS** - By signing an application the applicant is declaring to conform to all plans, drawings, and commitments submitted with or contained within the Application, provided that the same is in conformance with the Fremont County Zoning Resolution and granted approvals. Further the applicant shall be required as part of the approval process to complete any private or public improvements imposed as a contingency for approval of the Application.
- 3.25** **PROFESSIONAL REVIEW FEES** - In addition to the non-refundable application fee imposed by the Board through a separate resolution, the Board may at its discretion, assess additional fees in amounts deemed appropriate by the Board, for the purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert review or investigative assistance for any portion of the application or its accompanying documents.