



FREMONT COUNTY – COLORADO

DEPARTMENT OF PLANNING AND ZONING

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STAFF REPORT

Project Name: Rewrite - Chapter 1 Provisions, Definitions & Violations

Name(s) Planning and Zoning Director- Daniel Victoria

Request: Rewrite Chapter 1 – Provisions, Definitions & Violations

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has removed General from the title, added new definitions and revised existing definitions of chapter 1. 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 1 PROVISIONS, DEFINITIONS, & VIOLATIONS:

1.1 TITLE:

A resolution and maps establishing zoning districts in Fremont County, Colorado, regulation the use of buildings, structures and land for trade, industry, residence, recreation, public and other purposes; the location, height, bulk and size of buildings and other structures; the lot size and percentage that may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; and providing further a description of certain terms used herein, penalties to be prescribed for the violation of the provisions and methods of administration and enforcement to be applied.

1.2 SHORT TITLE:

For the purpose of brevity, this resolution shall hereafter be referred to as the Fremont County Zoning Resolution and Maps.

1.3 PURPOSE:

These regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Fremont County, Colorado, including lessening the congestion in the streets or roads, or reducing the waste of excessive amounts of roads; promoting energy conservation, securing safety from fire, floodwater and other dangers; providing adequate light and air; classifying land uses and land development and utilization,

protecting the tax base, securing economy in governmental expenditures, fostering the State's agricultural and other industries and protecting both urban and non-urban development.

1.4 AUTHORITY:

The Fremont County Zoning Resolution and Maps are authorized in the Colorado Revised Statutes, and are hereby declared to be in accordance with all provisions of these statutes.

1.5 DEFINITIONS:

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

ACCESS:

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

ACCESSORY USE/BUILDING:

A building or use which: Is subordinate to and serves a principal building or use; Is subordinate in area, extent, or purpose to the principal building or principal use served; Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and Is located on the same lot and in the same zoning district as the principal use. Single-family dwelling accessory use examples, not limited to the following personal uses such as **accessory dwelling units**, garages, storage sheds, greenhouses (non-commercial), gardens, trees, swimming pools, pets, home occupation (refer to 5.2.1 through 5.2.5 of this resolution for requirements), towers and antennas, (non-Commercial) that do not exceed fifty (50) feet in height (refer to 5.2.7 of this Resolution for requirements). Such uses may be subject to zone district development requirements and the requirements of the Building Code of Fremont County.

ADULT USES:

~~Any property or structure used for an adult amusement or entertainment business, such as an adult book store, adult photo studio, adult theater, adult drive-in theater, adult movie arcade, adult establishment serving food and beverages, adult tanning salon, and other similar adult business uses characterized by offering patrons material depicting, exhibiting, describing, or relating to specific sexual activities or specified anatomical areas for observation, amusement, enjoyment, satisfaction, or gratification, whether for a fee or not. The uses contemplated by this definition customarily, although not always, offer adult amusement or entertainment activities or materials as a principal, significant or emphasized part of their enterprise, and such uses customarily, although not always, exclude minors by virtue of age.~~

~~Specified sexual activity:~~

~~Human genitals in a state of sexual stimulation or arousal;~~

~~Acts of human masturbation, sexual intercourse, or sodomy;~~

~~Fondling or other erotic touching of human genitals, pubic regions, buttocks, vulva or female breasts.~~

~~Specified anatomical areas:~~

~~human genitals, pubic hair or vulva;~~

~~female breasts below a point immediately above the areola; and~~

~~human male genitals in a discernible turgid state, even if completely and opaquely covered.~~

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

AGRICULTURAL BUILDING:

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

AGRICULTURAL LAND

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

AGRICULTURAL SALES:

The sale of related to food and crop production and providing customer service as representatives of their companies.

AGRICULTURE:

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

AGRITAINMENT:

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

AIR BED & BREAKFAST:

A single family dwelling designed for short term rentals to customers where the owner/operator does not reside within the dwelling and breakfast is not provided, created, or served on site.

AIRCRAFT:

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

AIRPORT HAZARD:

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

AIRPORT, PRIVATE:

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

AIRPORT, PUBLIC:

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

AIRPORT RELATED USE:

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

ALLEY:

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

ALTERED:

Any alteration to a building or structure shall mean to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members to the type of construction of the exterior walls or roof thereof. When used in reference to use, it shall mean to discontinue and replace the use with a use that is defined herein as being distinct from the discontinued use.

ANIMAL UNIT:

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

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

Type of animal— Number of animals per animal unit

- Cow 1 or;
- Buffalo 1 or;
- Cattalo 1 or;
- Horse 1 or;
- Mule 1 or;
- Donkey 1 or;
- Elk 1 or;
- Fallow deer 1 or;
- Llamas 2 or;
- Swine 2 or;
- Ostriches 4 or;
- Emus 5 or;
- Alpacas 5 or;
- Sheep 5 or;
- Goats 5 or;
- Poultry 25 or;
- Rabbits 25 or;

Offspring for **category one** cattle, horses, **and the like** llamas, swine, ostriches, emus, alpacas, sheep, and goats will not count against the number of permitted animal units for a period of time, not to exceed one (1) year; all other **categories not to exceed** six (6) months.

Any combination of the above animal units and their equivalents as a Use by Right shall not exceed the maximum of three (3) animal units per acre as allowed in the ~~Agricultural Rural, Agricultural Estates and the Agricultural Suburban Zone Districts~~ **Residential One, Residential Two, and Residential Three Zone Districts.**

Miniature breeds are considered the same animal unit as their full size counterpart.

The ~~Commission and the Board~~ **Planning & Zoning Director** may determine the number of animal units on a case by case basis for any animals not listed.

ANTENNA:

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

APARTMENT HOUSE:

See dwelling, multiple.

APPLICANT:

The applicant is the person, persons, or entity who is responsible for organization and submittal of an application. The applicant may be the owner of the property of which the application consists or a documented representative of the owner authorized to speak and make commitment for the owner with regard to all aspects of the application process.

ASSEMBLY PLANT:

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

ASSISTED LIVING RESIDENCE:

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

AUCTION YARD:

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

AUDITORIUM:

A large building for public meetings or artistic performances.

AUTOMOBILE BODY SHOP:

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

AUTOMOBILE GRAVEYARD:

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

AUTOMOBILE REPAIR SHOP:

A shop or place of business for repair and maintenance, pursuant to a work order, of automobiles, trucks and other automotive equipment that carry a valid title. All others shall be classified as a salvage and/or junkyard.

AUTOMOBILE SERVICE STATION:

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

AUTOMOBILE & TRAILER SALES LOT:

A building, structure or open area for the display of new or used, fully assembled passenger automobiles, motor vehicles, trailers, trucks, equipment, machinery or boats in operable condition, which are continually available for sale or rent. The term shall also include automobile body shop, auto repair shop and car wash.

BAKERY, FACTORY:

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

BAKE SHOP:

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

BANK, DRIVE IN:

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

BED & BREAKFAST:

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

BOARD:

Shall mean the Fremont County Board of County Commissioners.

BOARDING & ROOMING HOUSE:

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

BOTTLING PLANT:

The act or the process of putting anything into bottles and sealing the bottles.

B.O.Z.A.:

Shall mean the Fremont County Board of Zoning Adjustment.

BREWERY:

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

BUILDING:

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

BUILDING AREA:

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

BUILDING HEIGHT:

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

BUILDING, PRIMARY:

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

BUILDING, TEMPORARY:

Any building that can be moved by one individual, without any mechanical aide.

BULK FUEL STORAGE:

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

BUS TERMINAL:

A place from which bus services are provided or operations are directed, including maintenance and parking of buses.

CAMPGROUND:

A tract of land in single ownership that has been developed or is intended to be developed into tent sites.

CAR RENTAL & STORAGE AREA:

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

CAR WASH:

A facility for the cleansing of automobiles, trucks and other vehicles and trailers.

CARPENTER SHOP:

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

CEMETERY:

Land used for the interment of the dead, including columbarium's, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and located on the same premises as the cemetery.

CHILD CARE CENTER:

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

CHRISTMAS TREE CUTTING & SALES:

The harvest of trees usually smaller in size for the purpose of retail sales to customers for decorations during holidays.

CISTERN:

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

CLUB:

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

COLLEGE/UNIVERSITY:

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

COMMERCIAL DEVELOPMENT PLAN:

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

COMMISSION:

Shall mean the Fremont County Planning Commission.

COMMUNITY BUILDING:

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

COMPOUNDING:

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

COMMERCAIL FIREWOOD CUTTING & SALES:

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

CONDITIONAL USES:

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

CONSTRUCTION OFFICE:

A structure erected on a building development site to be used for administrative purposes Uses of a special nature as to make impractical their predetermination as a principal use in a district.

CONTRACTOR'S YARD OR BUILDING:

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

CONVENIENCE STORE:

A store that may provide grocery and drug items and automobile fuel products for the primary benefit of the local neighborhood.

CORRECTIONAL FACILITY, PRIVATE:

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

CORRECTIONAL FACILITY, PUBLIC:

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

CREMATORY:

A place where a deceased person's body is cremated or disposed of by burning it to ashes.

DAIRY FARM:

A lot(s), parcel(s), or tract(s) of land used as a farm and a dairy animal operation that produces a raw, unprocessed animal product (milk), that produces dairy calves raised for replacement or sold as a meat product, and that grows feed and utilizes grazing within the operation.

DEPARTMENT:

Shall mean the Fremont County Department of Planning and Zoning.

DISTILLERY:

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

DISTRIBUTION CENTER:

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

DRY CLEANING SERVICE:

Any cleaning process for clothing and textiles using a solvent.

DWELLING UNIT:

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

1. *Single-family:*

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

2. *Two-family:*

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

3. *Multi-family:*

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

4. *Efficiency unit:*

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

5. *Accessory Dwelling Unit:*

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

6. *Factory Built Home:*

A structure which is built in a factory, or other location, complies with the International Residential Code or any building code currently in effect for Fremont County and is designed to be transported in one or more sections to a permanent location and placed on a foundation which is designed by a Colorado licensed professional engineer or architect, and intended for use as a single-family dwelling. ~~The minimum dimensions of a factory built home shall be twenty four (24) feet in width.~~

7. *Manufactured Home:*

A manufactured home is a single-family dwelling that meets all of the following characteristics: Is partially or entirely manufactured in a factory; Is installed on a permanent foundation, designed by an engineer or architect licensed by the State of Colorado. A manufactured home that is to be placed in a Manufactured Home Park may be placed on the manufacturer's recommended foundation design; ~~is not less than twenty four (24) feet in width and shall not be less than seven-hundred and fifty (750) square feet in size; Has brick, wood, or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent, continuous facade from the bottom of the soffit (top of wall section), downward to the top of the exposed perimeter wall, foundation, or to grade, whichever is applicable; and has a pitched roof;~~ Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and is built in accordance with HUD or IBC standards; Has been constructed after December 31, 1974.

8. *Cabin:*

A building used exclusively as a single-family dwelling or single-family lodging unit. This definition is not intended to include mobile homes or travel trailers. The construction of a cabin is subject to the requirements of any building code currently in effect for Fremont County and is also subject to the requirements of the Individual Sewage Disposal Regulations. This type of cabin is only allowed in the Agricultural Forestry Zone District.

9. *Cabin, recreational:*

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

EMERGENCY SHELTER:

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

EMERGENCY SERVICE STATION:

A building where law enforcement officers and/or firemen and/or ambulance personnel and equipment are housed.

ENCLOSED:

Surrounded by a fence or wall, on all sides.

EXERCISE FACILITY:

A health club (also known as a fitness club, fitness center, health spa, and commonly referred to as a gym) is a place that houses exercise equipment for the purpose of physical exercise

ENLARGED OR EXPANDED:

Any change to one or more of the external dimensions of such building or structure. When used in reference to use, it shall mean the addition of acreage to be used in connection with the existing use.

FABRICATION:

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

FAMILY:

Two or more persons related by birth, marriage, or adoption; A group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including fraternity, sorority, club, dormitory, emergency shelter, or customers of a hotel, motel, bed and breakfast, boarding and rooming house, lodging house, or institution of any kind.

FAMILY CHILD CARE HOME:

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

FARM:

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

products, fish and shellfish, and any products thereof, and any and all products raised or produced on farms and any processed or manufactured products thereof. Farm shall not include dairy farm, feedlot, commercial greenhouse, nursery, meat products plant or vegetable food products factory.

FARM & RANCH SUPPLIES, SALES, & SERVICE:

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

FARM & RANCH HAND QUARTERS:

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

FEEDLOT:

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

FENCE:

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

FINAL DISPOSAL AND FINAL TREATMENT:

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

FINANCIAL INSTITUTION:

A state bank or bank and trust company chartered by the State of Colorado or a national bank or an industrial bank chartered by the State of Colorado or a federal credit union or a state credit union or a domestic savings and loan association organized under the laws of the State of Colorado, or a foreign savings and loan association organized under federal laws.

FIRE AND/OR POLICE STATION:

A building where law enforcement officers and/or firemen and/or ambulance personnel and equipment are housed.

FLEA MARKET:

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

FORESTRY:

The science and art of cultivating, maintaining, managing, and developing forests.

FORESTRY SALES:

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

FUNERAL HOME:

A building where ceremonies are held in connection with the burial or cremation of the dead.

FUR BEARING ANIMAL FARMS:

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

GOLF COURSE:

An area of land laid out for the game of golf, excluding miniature golf course.

GOVERNMENT ROAD MAINTENANCE FACILITY:

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

GREENHOUSE, COMMERCIAL:

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

GROUP HOME:

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

GROUND TRANSPORTATION FACILITIES:

Any tangible means of moving people and things from place to place and/or the structures necessary to support the process of moving people and things from place to place. For the purpose of this definition the term shall include bus, cab, taxi and railroad terminals.

HAZARDOUS WASTE:

Includes any substance that is described by either below:

Any substance meeting the definition of hazardous waste set forth in Title 40 Code of Federal Regulations (CFR) Section 261.3, as that section may be amended by the United States Environmental Protection Agency, except this definition shall not be deemed to include wastes that are exempted from the requirements of Title 40 Code of Federal Regulations (CFR) Part 270 (or the Colorado equivalent thereof) by Title 40 Code of Federal Regulations (CFR) Sections 261 (or the Colorado equivalent thereof);

Any substance burned or processed in a boiler or industrial furnace (as defined by Title 40 Code of Federal Regulations (CFR) Section 260.10) irrespective of the purpose of burning or processing, provided that such substance meets the definition of hazardous waste set forth in Title 40 Code of Federal Regulations (CFR) Section 261.3, as that section may be amended by the United States Environmental Protection Agency.

HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL SITE AND FACILITY:

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

HEAVY EQUIPMENT & COMMERCIAL TRUCK REPAIR:

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

HELIPORT:

An airport, landing place or structures designed and intended for the storage and operation of helicopters.

HOME OCCUPATION:

An accessory use in zone districts where residential uses are permitted and have minimal impacts on adjacent uses.

HOSPITAL:

A building used for the accommodation, nursing and medical, surgical or psychiatric care of the sick, injured, or infirm, including clinics, sanitariums, convalescent and nursing homes, boarding hospitals, and homes for children or the aged.

HOTEL/MOTEL:

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

INDUSTRIAL PRINTING FACTORY:

A building designed for printing large scale items such as wallpaper or large quantity printings.

INDUSTRIAL REPAIRS:

The repair of motors and other machinery used in industrial and or commercial operations (temporary storage outside of a building of items for repair shall be only in conjunction with screening requirements found at 5.7.15 of this Resolution).

INDUSTRY, HEAVY:

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

INDUSTRY, LIGHT:

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

JUNK:

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

JUNKYARD:

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

KENNEL:

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

KITCHEN:

Any area equipped for cooking or the preparation of food.

LABORATORY:

A building designed and equipped for scientific experimentation and testing.

LANDFILL:

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

LIMITED WINERY:

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

LIQUOR STORE:

A store where alcoholic beverages are sold.

LIVESTOCK:

Includes horses, cattle, mules, donkeys, goats, sheep, swine, buffalo, ~~cattle~~, poultry, rabbits, and includes "alternate livestock" such as domesticated elk, fallow deer, emus, ostriches, llamas, alpacas, and similar domesticated animals.

LOADING AREA:

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

LOT:

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

LOT, ADJOINING:

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

LOT COVERAGE:

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

LOT LINE:

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

LOT, PARCEL, OR TRACT SIZE:

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

LOT WIDTH:

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

LOUNGE:

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

MACHINE SHOP:

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

MANUFACTURED HOME PARK:

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

MANUFACTURED HOME SALES LOT:

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

MANUFACTURED HOME SPACE:

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

MANUFACTURED HOME REPAIR, REMODELING, REFURBISHING or DISMANTLING:

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

MANUFACTURING:

The processing and converting of raw unfinished materials or products, or any of these into an articles or substance of different character or purpose; also, industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

Compounding:

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

MASTER PLAN:

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

MEAT LOCKER:

A refrigerated room for storing meat.

MEAT PRODUCTS PLANT:

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

MEDICAL CLINIC:

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

MILLING:

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

MINERAL:

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

MINI-STORAGE FACILITY:

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

MINING:

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

MOBILE FOOD SERVICE:

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

MOBILE HOME:

A detached, single-family housing unit with all of the following characteristics: Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, and that has plumbing and electrical connections provided for attachment to outside systems;

Designed to be transported after fabrication, on its own wheels or flatbed, other trailers, or on detachable wheels; Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, such as location on foundation supports or jacks, underpinned, connections to utilities, and the like; Exceeding eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers. Is without motive power; and Is constructed prior to January 1, 1975.

MOBILE HOME DISMANTLING:

The dismantling of mobile homes.

MOTEL:

Two (2) or more accommodations for sleeping within a building used mainly by transients with an individual private on-site parking area attached or accessible to each unit.

MUSEUM:

A building or structure for the display of natural, scientific, literary, or artistic objects of general, historic, or other special interest.

NATURAL FEATURES:

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

NON-CONFORMING:

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

NURSERY:

Land used to raise trees, shrubs, flowers, and plants for sale at wholesale or retail, or for transplanting, or for use as stocks for bedding and grafting.

NURSING HOME:

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

OPEN SPACE:

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

OPERATOR:

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

ORCHARD AND VINEYARD:

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

PARCEL:

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

PARK SUPPORT FACILITIES:

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

PARKS:

Open space lands whose primary purpose is recreation.

1. Memorial park:

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

2. Mini Park:

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

3. Neighborhood Park/Playground:

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

4. Community Park:

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

5. Regional Park:

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

PARKING LOT OR GARAGE:

An area for the sole purpose of parking motor vehicles in legal operating condition, and that is striped for parking spaces, if appropriate.

PARKING SPACE:

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

PERSONAL SERVICES:

Services of a personal convenience nature, as opposed to products that are sold to individual consumers. Personal services include barber and beauty shops, shoe and luggage repair, fortune tellers, photographers, laundry services (excluding dry cleaning), copying, repair and fitting of clothes, and similar services.

PET:

A domestic animal kept for pleasure rather than utility. If such animal is raised or kept for the purpose of sale or food, it shall be presumed not to be a pet. This term is not to include horses, cows, sheep, goats, llamas, ostriches, emus, alpacas, poultry, or swine (excluding pot-bellied pigs).

PHARMACY:

A store where prescriptions are filled, and drugs are sold.

PLANNED UNIT DEVELOPMENT:

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

POST OFFICE:

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

POULTRY:

Including but not limited to domestic fowl, such as chickens, turkeys, ducks, or geese.

PRINTING AND COPY SHOP:

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

PRINTING INDUSTRIAL:

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

PROCESSING:

The creation of a product by following a specific sequence of determined events, modifications or assembly, excluding refining.

PROFESSIONAL OFFICE:

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

PROPERTY SALES OFFICE:

(On-Site Only) the part of a company that sells the company's products or services in a particular area.

RAFTING:

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

RANCH:

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

RECLAMATION:

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

RECREATION ACTIVITY OFFICE:

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

RECREATION CAMP:

A place used for vacationing or other recreational purposes consisting of permanent structures that may contain cooking facilities, and used for temporary occupancy to include educational and religious camps. This term shall not be interpreted to include hotels, motels, restaurants, theaters, travel trailer parks, or campgrounds.

RECREATION FACILITY, RURAL:

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

RECREATIONAL FACILITY, URBAN:

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

RECREATIONAL AND OUTDOOR AMUSEMENT OR AMUSEMENT PARK:

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

RECYCLING FACILITY:

That part of a solid waste disposal facility or a part of a general disposal facility at which recyclable materials may be separated from other materials for further processing. Not to include automobile graveyard or junkyard.

REFINING:

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

RELIGIOUS INSTITUTION:

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

RETAIL STORE:

A place of business usually owned and operated by a retailer but sometimes owned and operated by a manufacturer or by someone other than a retailer in which merchandise is sold primarily to ultimate customers.

1. Farm and Ranch Supply Store:

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

2. Feed Store:

A retail store who sales animal feed/supplies to the public.

3. Grocery Store:

A retail store whose primary goods are foods and household supplies.

4. Rental Store/Shop:

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

5. Retail Outlet(s):

A singular or group of retail stores whose goods and products are associated with a brand or particular company. Such stores are usually situated in a continuous building separated by interior walls. Similar Use Stores in terms of use and impacts

RESTAURANT:

A building or structure where meals are sold.

RIDING ACADEMY:

A facility providing for equestrian instruction, which does not include rodeo ground.

ROAD, PUBLIC:

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

ROADSIDE STAND:

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

RODEO GROUND:

A tract or parcel of ground used for public entertainment, including but not limited to rough stock events and sanctioned by a rodeo association.

SAWMILL:

A mill or machine for sawing logs

SCHOOLS:

An educational institution for children and teens.

1. Elementary School:

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

2. Junior High School:

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

3. High School:

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

SEASONAL EMPLOYEE HOUSING:

The use of tent sites, trailer spaces, in conjunction with a permitted use, contained on the same property, for a period of time usually during the spring and summer months.

SETBACK:

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

SIGN:

Any representation (written or pictorial) used to convey information or to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or form of entertainment and placed on, suspended from, or in any way attached to any structure, vehicle, or feature of the natural or manmade landscape.

SITE PLAN:

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

SLAUGHTERHOUSE:

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

SLUDGE:

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

SMALL ENGINE REPAIR SHOP:

A shop or place of business for repair and maintenance, pursuant to a work order, of small engines and equipment. Not to include automotive, all-terrain vehicles, boats, motorcycles and repair is excluded.

SOLAR PANEL FIELD:

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

SOLID WASTE:

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

SOLID WASTE DISPOSAL:

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

SOLID WASTE DISPOSAL SITE AND FACILITY:

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

SPECIAL REVIEW USE PERMIT:

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

SPECIAL MOBILE MACHINERY (SMM):

Machinery that is pulled, hauled, or driven over a highway and is either: a vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highways; or a motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been redesigned or modified by the addition of mounted equipment or machinery, and is only incidentally operated or moved over the public highways. Special Mobile Machinery includes vehicles commonly used in the construction, maintenance, and repairs of roadways, the drilling of wells, and the digging of ditches. (C.R.S. 42-1-102(93.5))

SPECTATOR EVENT:

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

STABLE:

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

STREET:

A public right-of-way that provides vehicular and pedestrian access to adjacent properties.

STRUCTURAL ALTERATIONS:

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

STRUCTURE:

Anything constructed, erected or placed, the use of which requires a more or less permanent location on the ground or which is attached to something located on the ground; including, but not limited to building as defined hereunder and Manufactured Home, as defined hereunder; but not including earthworks, corrals, ditches, canals, dams, reservoirs, pipelines, telephone or electric power lines, walks, driveways, curbs, signs, antennas, or other similar uses.

SUBSTANTIAL CHANGE:

Any redesign or planned construction that significantly changes the planned design performance of a facility as originally designated in the application for Conditional Use Permit or Special Review Use Permit, the addition of a type of wastes or other waste handling processes that were not identified as wastes to be processed or processes to be used in the application for Conditional Use Permit or Special Review Use Permit, or the selling or transferring of a Conditional Use Permit or Special Review Use Permit to a new owner or operator.

TEMPORARY USE:

A use that has a defined and limited expected life mainly for short term events such as spectator events.

TENT:

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

TENT SITES:

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

TOWER:

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

TOWER CO-LOCATE:

The placement of additional antennas and similar equipment on existing towers that will not require a change in height, replacement, relocation of an existing tower or additional towers.

TOWER, TEMPORARY:

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

TRADE OR TRAINING SCHOOL:

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

TRAILER:

The following shall be considered a trailer:

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

TRAILER SPACE:

An area for the parking of a single trailer for the exclusive use of its occupants.

TRAIN TERMINAL/DEPOT:

A terminal where trains load or unload passengers or goods railroad station, railway station, train depot, train station depot, terminal, terminus- station where transport vehicles load or unload passengers or goods.

TRANSFER STATION:

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

TRAVEL TRAILER PARK:

Any open area, other than a street, alley or other public place, used exclusively for the parking, or temporary storage of two or more trailers containing living and/or sleeping accommodations that are designed and used for highway travel.

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

TREATMENT, STORAGE AND DISPOSAL:

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

TRUCK STOP:

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

TRUCKING TERMINAL:

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

UPHOLSTERY SERVICES:

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

UTILITY, DISTRIBUTION ELEMENTS:

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

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

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

VARIANCE:

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

VEGETABLE FOOD PRODUCTS FACTORY:

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

VEHICLE:

Any mechanical device on wheels designed mainly for use, or used, which requires registration to operate on public highways, **designed for self propulsion, usually to transport people or cargo, or both.** ~~or that equipment designed to be transported from one place to another upon wheels or continuous tracks except motorized bicycles, vehicles propelled or drawn by horses or human power, vehicles used exclusively on fixed rails or tracks, low power scooters, motorized wheelchairs operated by handicapped persons.~~ **This definition is not to include special mobile machinery,** or farm tractors and implements, implements of husbandry designed exclusively for use and used in agricultural operations, ~~or any device designed to move primarily through the air.~~

VEHICLE IMPOUNDMENT YARD:

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

VETERINARY PREMISES:

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

VISIBLE:

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

WASTE-TO-ENERGY INCINERATION:

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

WASTE-TO-ENERGY INCINERATION SYSTEM:

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

WATCHMEN'S QUARTERS:

A single-family dwelling, or efficiency unit, attached or detached, whose use is as an accessory to a permitted use in the zone district and that is occupied by a person(s) who either owns the primary use or is employed as a manager, maintenance person, or similar function, ~~with the exception of the following: A detached single-family dwelling or efficiency unit, recreational cabin or park model is allowed in the Travel Trailer Park and Campground Zone District.~~

~~A detached manufactured home, or manufactured home single-wide is allowed in the Manufactured Home Park Zone District.~~

WHOLESALE SALES/STORAGE:

The storage and sale of goods in bulk at a discount to merchants for resale to retailers; industrial, commercial, institutional, or professional users; or other wholesalers.

WILDFIRE:

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

WILDLIFE:

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

WILDLIFE, COMMERCIAL PARK:

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

WILDLIFE, GAME:

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

WILDLIFE HABITAT:

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

WILDLIFE, NON-NATIVE, OR EXOTIC:

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

WIND ENERGY SYSTEM, SMALL:

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

WINERY:

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

YARD:

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

1. *YARD, FRONT:*

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

2. *YARD, REAR:*

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

3. *YARD, SIDE:*

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

1.6 VIOLATIONS AND PENALTIES

1.6.1 COMPLAINTS:

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

1.6.2 VIOLATION & PENALTY:

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

1.6.3 NOTICE OF VIOLATION:

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

1.7 INTERPRETATION, CONFLICTS AND VALIDITY:

1.7.1 INTERPRETATION:

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

1.7.2 CONFLICT:

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

1.7.3 VALIDITY:

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

1 ~~GENERAL~~ PROVISIONS: DEFINITIONS, & VIOLATIONS

1.1 TITLE: A resolution and maps establishing zoning districts in Fremont County, Colorado, regulating the use of buildings, structures and land for trade, industry, residence, recreation, public and other purposes; the location, height, bulk and size of buildings and other structures; the lot size and percentage that may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; and providing further a description of certain terms used herein, penalties to be prescribed for the violation of the provisions and methods of administration and enforcement to be applied.

1.2 SHORT TITLE: For the purpose of brevity, this resolution shall hereafter be referred to as the Fremont County Zoning Resolution and Maps.

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

1.4 AUTHORITY: The Fremont County Zoning Resolution and Maps are authorized in the Colorado Revised Statutes, and are hereby declared to be in accordance with all provisions of these statutes.

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

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

1.5.2 ACCESSORY BUILDING OR USE: A building or use which;

1.5.2.1 is subordinate to and serves a principal building or principal use;

- 1.5.2.2 is subordinate in area, extent, or purpose to the principal building or principal use served;
- 1.5.2.3 contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and
- 1.5.2.4 is located on the same lot as the principal building or principal use.
- 1.5.2.5 Single-family dwelling accessory use examples, not limited to the following personal uses such as garages, storage sheds, greenhouses (*non-commercial*), gardens, trees, swimming pools, pets, home occupation (*refer to 5.2.1 through 5.2.5 of this Resolution for requirements*), towers and antennas, (*non-commercial*) that do not exceed fifty (50) feet in height (*refer to 5.2.7 of this Resolution for requirements*).
- 1.5.2.6 Such uses may be subject to zone district development requirements and the requirements of the Building Code of Fremont County.

1.5.3 ADULT USES: ~~Any property or structure used for an adult amusement or entertainment business, such as an adult book store, adult photo studio, adult theater, adult drive in theater, adult movie arcade, adult establishment serving food and beverages, adult tanning salon, and other similar adult business uses characterized by offering patrons material depicting, exhibiting, describing, or relating to specific sexual activities or specified anatomical areas for observation, amusement, enjoyment, satisfaction, or gratification, whether for a fee or not. The uses contemplated by this definition customarily, although not always, offer adult amusement or entertainment activities or materials as a principal, significant or emphasized part of their enterprise, and such uses customarily, although not always, exclude minors by virtue of age.~~

~~**1.5.3.1 Specified sexual activity:**~~

~~**1.5.3.1.1** Human genitals in a state of sexual stimulation or arousal;~~

~~**1.5.3.1.2** Acts of human masturbation, sexual intercourse, or sodomy;~~

~~**1.5.3.1.3** Fondling or other erotic touching of human genitals, pubic regions, buttocks, vulva or female breasts.~~

~~**1.5.3.2 Specified anatomical areas:**~~

~~**1.5.3.2.1** human genitals, pubic hair or vulva;~~

~~1.5.3.2.2 female breasts below a point immediately above the areola;
and~~

~~1.5.3.2.3 human male genitals in a discernible turgid state, even if
completely and opaquely covered.~~

1.5.4 AGRICULTURAL BUILDING: A structure with the sole purpose being to house farm implements, hay, grain, feeds, poultry, livestock and horticultural products used in direct association with an agricultural use on the property. An agricultural building shall not be a place of human habitation or a place of employment not related to agriculture, or where agricultural products are processed, treated, or packaged. The type of construction does not determine the use of the building.



1.5.5 AGRICULTURAL LAND:

1.5.5.1 A parcel of land that is used as a farm or that is in the process of being restored through conservation practices.

1.5.5.2 A parcel of land that consists of at least forty (40) acres that is forest land, that is used to produce tangible wood products that originate from the productivity of such land for the primary purpose of obtaining a monetary profit, that is subject to a forest management plan, and that is not a farm or ranch as defined in this zoning resolution.

1.5.5.3 A parcel of land that consists of at least eighty (80) acres, or of less than eighty acres if such parcel does not contain any residential improvements, that is subject to a perpetual conservation easement, if the grant of the easement was to a qualified organization, if the easement was granted exclusively for conservation purposes, and if all current and contemplated future uses of the land are described in the conservation easement; not including any such portion of such land that is actually used for nonagricultural commercial or residential purposes.

1.5.5.4 A parcel of land used for hunting, fishing, or other wildlife purposes, but not including use as a commercial wildlife park as defined herein.

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

- 1.5.7 AIRCRAFT:** Any machine or device capable of atmospheric flight including but not limited to airplanes, helicopters and gliders capable of atmospheric flight.
- 1.5.8 AIRPORT HAZARD:** Any structure, tree, or use of land which obstructs or creates a dangerous condition in the airspace required for, or otherwise hazardous to, the flight of aircraft in landing or takeoff at the airport.
- 1.5.9 AIRPORT, PRIVATE:** Any area of land or water that is used, or intended for use, for the landing and takeoff of aircraft and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities located thereon. The term "private" applies to any airport that restricts usage to the owner or person authorized by the owner.
- 1.5.10 AIRPORT, PUBLIC:** Any area of land or water that is used, or intended for use, for the landing and takeoff of aircraft and any appurtenant areas that are used, or intended to be used, for buildings or other facilities or rights-of-way related to aircraft use, together with all airport buildings and facilities located thereon. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation of the public, including, but not limited to, parking, dining, recreational, and hotel facilities. The term "public" applies to any airport that is open to the general public and does not require permission of the owner of the land for the use of the same.
- 1.5.11 AIRPORT RELATED USE:** A use that supports airport operations including, but not limited to, aircraft repair and maintenance, flight instruction and aircraft chartering.
- 1.5.12 ALLEY:** A narrow service way, either public or private, that provides a permanently reserved but secondary means of public access not intended for general traffic circulation. Alleys typically are located along rear property lines.
- 1.5.13 ALTERED:** Any alteration to a building or structure shall mean to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members to the type of construction of the exterior walls or roof thereof. When used in reference to use, it shall mean to discontinue and replace the use with a use that is defined herein as being distinct from the discontinued use.

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

<u>Type of animal</u>	<u>Number of animals per animal unit</u>
1.5.14.1 Cow	----- 1 or;
1.5.14.2 Buffalo	----- 1 or;
1.5.14.3 Cattalo	----- 1 or;
1.5.14.4 Horse	----- 1 or;
1.5.14.5 Mule	----- 1 or;
1.5.14.6 Donkey	----- 1 or;
1.5.14.7 Elk	----- 1 or;
1.5.14.8 Fallow deer	----- 1 or;
1.5.14.9 Llamas	----- 2 or;
1.5.14.10 Swine	----- 2 or;
1.5.14.11 Ostriches	----- 4 or;
1.5.14.12 Emus	----- 5 or;
1.5.14.13 Alpacas	----- 5 or;
1.5.14.14 Sheep	----- 5 or;
1.5.14.15 Goats	----- 5 or;
1.5.14.16 Poultry	----- 25 or;
1.5.14.17 Rabbits	----- 25 or;

1.5.14.18 Offspring for cattle, horses, llamas, swine, ostriches, emus, alpacas, sheep and goats will not count against the number of permitted animal units for a period of time not to exceed one (1) year; all other six (6) months.

1.5.14.19 Any combination of the above animal units and their equivalents as a Use by Right shall not exceed the maximum of three (3) animal units per acre as allowed in the Agricultural Rural, Agricultural Estates and the Agricultural Suburban Zone Districts.

1.5.14.20 Miniature breeds are considered the same animal unit as their full size counterpart.

1.5.14.21 The Commission and the Board may determine the number of animal units on a case by case basis for any animals not listed.



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

1.5.16 APARTMENT HOUSE: See dwelling, multiple.

1.5.17 APPLICANT: The applicant is the person, persons or entity who is responsible for organization and submittal of an application. The applicant may be the owner of property of which the application consists or a documented representative of the owner authorized to speak and make commitment for the owner with regard to all aspects of the application process.

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

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

1.5.20 AUCTION YARD: An area or facility where a public sale of real or personal property is held.

1.5.21 AUDITORIUM: A large building for public meetings or artistic performances.

1.5.22 AUTOMOBILE BODY SHOP: A business that performs rehabilitative, restorative or cosmetic work, including painting, to the shell of the vehicle.

- 1.5.23 AUTOMOBILE GRAVEYARD:** Any property consisting of one (1) lot, tract, or parcel or more, or a place of business which is maintained, used, or operated for storing, dismantling, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, unlicensed, or inoperable motor vehicles and/or motor vehicle parts. For the purposes of this regulation, vehicles used in ranching or farming in the zone districts permitting agricultural uses and the storing of three (3) or fewer vehicles is not deemed to be an automobile graveyard.
- 1.5.24 AUTOMOBILE REPAIR SHOP:** A shop or place of business for repair and maintenance, pursuant to a work order, of automobiles, trucks and other automotive equipment that carry a valid title. All others shall be classified as a salvage and/or junkyard.
- 1.5.25 AUTOMOBILE SERVICE STATION:** A building or part of a building including a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles. Vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed, but shall not include a car wash, major mechanical automobile repair shop or automobile body shop.
- 1.5.26 AUTOMOBILE & TRAILER SALES LOT:** A building, structure or open area for the display of new or used, fully assembled passenger automobiles, motor vehicles, trailers, trucks, equipment, machinery or boats in operable condition, which are continually available for sale or rent. The term shall also include automobile body shop, auto repair shop and car wash.
- 1.5.27 BAKERY, FACTORY:** A factory in which the primary products are baked goods and the packaging of the same for distribution and sale. This use may also include the operational offices and the storage and maintenance of the delivery vehicles.
- 1.5.28 BAKE SHOP:** A shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only.
- 1.5.29 BANK, DRIVE IN:** A financial institution, including structures designed to contain an automatic teller machine, designed to provide financial services to patrons.
- 1.5.30 BED & BREAKFAST:** A single-family dwelling in which no more than five (5) rooms are used for the purpose of providing short-term lodging, with or

without meals, to the traveling public for commercial purposes and that is operated by a person(s) whose ordinary and principle residence is within such single-family dwelling.

- 1.5.31 BOARD:** Shall mean the Fremont County Board of County Commissioners.
- 1.5.32 BOARDING & ROOMING HOUSE:** A building other than a hotel, motel, or bed and breakfast where lodging for five (5) or more persons is provided for compensation; meals may be provided for such lodgers. This term shall not include child care center or family child care home.
- 1.5.33 B.O.Z.A.:** Shall mean the Fremont County Board of Zoning Adjustment.
- 1.5.34 BUILDING:** A roofed structure intended for supporting or sheltering any use or occupancy, but not including a trailer.
- 1.5.35 BUILDING AREA:** The total area bounded by the exterior walls of the building at the floor levels, including garages, car ports, porches, and breezeways.
- 1.5.36 BUILDING HEIGHT:** The vertical distance from the average contact ground level of a building to the highest point of the roof.
- 1.5.37 BUILDING, PRIMARY:** A building in which the principal use of the lot or parcel upon which it is situated is conducted.
- 1.5.38 BULK FUEL STORAGE:** Lands, buildings, and structures for the storage of chemicals, petroleum products, and other similar materials, in above-ground containers for subsequent resale to distributors, retail dealers, or outlets.
- 1.5.39 BUS TERMINAL:** A place from which bus services are provided or operations are directed, including maintenance and parking of buses.
- 1.5.40 CAMPGROUND:** A tract of land in single ownership that has been developed or is intended to be developed into tent sites.
- 1.5.41 CAR WASH:** A facility for the cleansing of automobiles, trucks and other vehicles and trailers.
- 1.5.42 CARPENTER SHOP:** A place or building for constructing, finishing, or repairing wood products or objects.
- 1.5.43 CEMETERY:** Land used for the interment of the dead, including columbariums, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and located on the same premises as the cemetery.

- 1.5.44 CHILD CARE CENTER:** A facility, by whatever name known, that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four (24) hour care for children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades. The term shall not include any facility licensed as a family child care home or foster care home.
- 1.5.45 CLUB:** A meeting place for an association of persons organized for a common purpose; this term shall include country clubs, lodges, and other membership associations.
- 1.5.46 COLLEGE OR UNIVERSITY:** An educational institution of higher learning with teaching and learning facilities that grant bachelors, masters, or doctorate degrees in liberal arts or sciences or both.
- 1.5.47 COMMISSION:** Shall mean the Fremont County Planning Commission.
- 1.5.48 COMMUNITY BUILDING:** A meeting place used by members of the community for social, cultural, or recreational purposes.
- 1.5.49 COMPOUNDING:** Producing a product by combining two (2) or more distinct elements, ingredients, or parts.
- 1.5.50 CONDITIONAL USES:** Uses of a special nature as to make impractical their predetermination as a principal use in a district. Uses that may be included based on condition determined by the Commission and the Board.
- 1.5.51 CONTRACTOR'S YARD OR BUILDING:** A yard and/or building used by a general contractor, excavation contractor, landscaping contractor, building contractor, oil or well drilling contractor, or similar where vehicles, equipment and materials are stored or where a contractor performs maintenance, shop, or assembly work. If a building is housed on the property, the use may also contain the operational offices of the contractor. For the purpose of this definition, this definition does not include any other yard or establishment otherwise defined or

classified herein. For the purposes of this definition, this definition does not include wholesale or retail sales or temporary job construction site.

1.5.52 CONVENIENCE STORE: A store that may provide grocery and drug items and automobile fuel products for the primary benefit of the local neighborhood.

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

1.5.54 CORRECTIONAL FACILITY, PUBLIC: A facility owned by a government agency where persons convicted or accused of crimes are confined.

1.5.55 DAIRY FARM: A lot(s), parcel(s), or tract(s) of land used as a farm and a dairy animal operation that produces a raw, unprocessed animal product (milk), that produces dairy calves raised for replacement or sold as a meat product, and that grows feed and utilizes grazing within the operation.

1.5.56 DEPARTMENT: Shall mean the Fremont County Department of Planning and Zoning.

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

1.5.58 DWELLING UNIT: Any building, or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, but shall not include hotels, motels, clubs, boarding or rooming houses, fraternity or sorority houses, institutions or other structures designed or used primarily for transient residents. A mobile home is not considered a dwelling.

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

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

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

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

1.5.58.5 Factory Built Home: A structure which is built in a factory, or other location, complies with the International Residential Code or any building code currently in effect for Fremont County and is designed to be transported in one or more sections to a permanent location and placed on a foundation which is designed by a Colorado licensed professional engineer or architect, and intended for use as a single-family dwelling. The minimum dimensions of a factory built home shall be twenty-four (24) feet in width.

1.5.58.6 Manufactured Home: A manufactured home is a single-family dwelling that meets all of the following characteristics:

1.5.58.6.1 Is partially or entirely manufactured in a factory;

1.5.58.6.2 Is installed on a permanent foundation, designed by an engineer or architect licensed by the State of Colorado. A manufactured home that is to be placed in a Manufactured Home Park may be placed on the manufacturer's recommended foundation design;

~~**1.5.58.6.3** Is not less than twenty-four (24) feet in width and shall not be less than seven hundred and fifty (750) square feet in size;~~

~~**1.5.58.6.4** Has brick, wood, or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent, continuous facade from the bottom of the soffit (top of wall section), downward to the top of the exposed perimeter wall, foundation, or to grade, whichever is applicable; and has a pitched roof;~~

1.5.58.6.5 Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and is built in accordance with HUD or IBC standards;

1.5.58.6.6 Has been constructed after December 31, 1974.

~~1.5.58.7 **Manufactured Home Single Wide:** A single family dwelling that meets all of the following characteristics:~~

~~1.5.58.7.1 Is partially or entirely manufactured in a factory;~~

~~1.5.58.7.2 Has brick, wood, or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent, continuous facade from the bottom of the soffit (top of wall section), downward to the top of the exposed perimeter wall, foundation, or to grade, whichever is applicable; and has a pitched roof;~~

~~1.5.58.7.3 Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended and is built in accordance with HUD or IBC standards;~~

~~1.5.58.7.4 Is a minimum size of four hundred and eighty (480) square feet;~~

~~1.5.58.7.5 Has been constructed after December 31, 1974;~~

~~1.5.58.7.6 Is placed on the manufacturer's recommended foundation.~~

1.5.58.8 Cabin: A building used exclusively as a single-family dwelling or single-family lodging unit. This definition is not intended to include mobile homes or travel trailers. The construction of a cabin is subject to the requirements of any building code currently in effect for Fremont County and is also subject to the requirements of the Individual Sewage Disposal Regulations. This type of cabin is only allowed in the Agricultural Forestry Zone District.

1.5.58.9 Cabin, recreational: A building used exclusively in conjunction with an approved Travel Trailer Park and Campground and that may have indoor plumbing facilities. If the cabin has indoor plumbing facilities, proof of an acceptable water source (public water district or a Colorado Division of Water Resources well permit) and an acceptable sewage disposal method (public sanitation district or a Fremont County Individual Sewage Disposal System) will be required. All construction shall conform to any building code currently in effect for Fremont County. This type of cabin is only allowed in the Travel Trailer Park & Campground Zone District.

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

1.5.60 ENCLOSED: Surrounded by a fence or wall, on all sides.

1.5.61 ENLARGED OR EXPANDED: Any change to one or more of the external dimensions of such building or structure. When used in reference to use, it shall mean the addition of acreage to be used in connection with the existing use.

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

1.5.63 FAMILY:

1.5.63.1 Two or more persons related by birth, marriage, or adoption;

1.5.63.2 A group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including fraternity, sorority, club, dormitory, emergency shelter, or customers of a hotel, motel, bed and breakfast, boarding and rooming house, lodging house, or institution of any kind.

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

1.5.65 FARM: A parcel of land that is used to produce agricultural products that originate from the land's productivity for the primary purpose of obtaining a monetary profit. A farm may include a dwelling unit to house the owner or operator and their immediate family or as otherwise may be permitted in this Resolution. "Agricultural products" includes agriculture, horticulture, viticulture, rabbits, poultry, bees, forest products, fish and shellfish, and any products thereof, and any and all products raised or produced on farms and any processed or manufactured products thereof. Farm shall not include dairy farm, feedlot, commercial greenhouse, nursery, meat products plant or vegetable food products factory.

1.5.66 FARM & RANCH HAND QUARTERS: A ~~manufactured home, manufactured home single wide~~, that is used as an accessory use in the zone district and that is occupied by a person(s) employed as a farm or ranch hand, who assists in the operation of the farm or ranch.



- 1.5.67 FEEDLOT:** A plot of ground where livestock are confined for the sole purpose of feeding livestock to finish prior to slaughter: excepting the normal, day-to-day operations, such as, weaning, calving, medical care, youth projects (e.g., 4-H, Future Farmers of America), dairying, and slaughter for personal use.
- 1.5.68 FENCE:** A structure or barrier intended to prevent escape or intrusion or to mark a boundary, or to provide a visual barrier, usually constructed of posts and wire, chain link, wood, concrete block or similar materials. ~~Fences constructed using scrap materials, tires, pallets or materials not listed above or any other material deemed unacceptable shall not be allowed unless approved by formal action of the Board.~~
- 1.5.69 FINAL DISPOSAL AND FINAL TREATMENT:** Includes waste-to-energy incineration as well as other forms of disposal.
- 1.5.70 FINANCIAL INSTITUTION:** A state bank or bank and trust company chartered by the State of Colorado or a national bank or an industrial bank chartered by the State of Colorado or a federal credit union or a state credit union or a domestic savings and loan association organized under the laws of the State of Colorado, or a foreign savings and loan association organized under federal laws.
- 1.5.71 FIRE AND/OR POLICE STATION:** A building where law enforcement officers and/or firemen and/or ambulance personnel and equipment are housed.
- 1.5.72 FLEA MARKET:** An indoor or outdoor place, location or activity where new or used goods or second-hand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces, and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term flea market is interchangeable with and applicable to: swap markets, open air markets, farmer's markets, or other similar activities, but the term does not include the usual supermarket or department store retail operations.
- 1.5.73 FORESTRY:** The science and art of cultivating, maintaining, managing, and developing forests.
- 1.5.74 FUNERAL HOME:** A building where ceremonies are held in connection with the burial or cremation of the dead.
- 1.5.75 FUR BEARING ANIMAL FARMS:** The raising of any animal for the purpose of producing pelts to be sold commercially, or the raising of breeding stock for such commercial fur pelts, including, but not limited to, fox, mink, lynx, and chinchilla.

- 1.5.76 GOLF COURSE:** An area of land laid out for the game of golf, excluding miniature golf course.
- 1.5.77 GOVERNMENT ROAD MAINTENANCE FACILITY:** Building(s) or yard(s) used for housing of equipment that is used for maintenance of roads, streets, highways, or interstates by local, state, or federal government agencies.
- 1.5.78 GREENHOUSE, COMMERCIAL:** A structure used to raise flowers, shrubs, trees, and plants for sale at wholesale or retail or for transplanting.
- 1.5.79 GROUP HOME:** A state-licensed residential facility for the disabled, mentally ill, or aged (sixty (60) years of age or older), for not more than eight (8) persons, in accordance with applicable Colorado Law, as amended.
- 1.5.80 HAZARDOUS WASTE:** Includes any substance that is described by either below:
- 1.5.80.1** Any substance meeting the definition of hazardous waste set forth in Title 40 Code of Federal Regulations (CFR) Section 261.3, as that section may be amended by the United States Environmental Protection Agency, except this definition shall not be deemed to include wastes that are exempted from the requirements of Title 40 Code of Federal Regulations (CFR) Part 270 (or the Colorado equivalent thereof) by Title 40 Code of Federal Regulations (CFR) Sections 261 (or the Colorado equivalent thereof);
 - 1.5.80.2** Any substance burned or processed in a boiler or industrial furnace (as defined by Title 40 Code of Federal Regulations (CFR) Section 260.10) irrespective of the purpose of burning or processing, provided that such substance meets the definition of hazardous waste set forth in Title 40 Code of Federal Regulations (CFR) Section 261.3, as that section may be amended by the United States Environmental Protection Agency.
- 1.5.81 HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL SITE AND FACILITY:** Any location at which the treatment, storage or disposal, as defined below, of hazardous waste, as defined above, occurs.
- 1.5.82 HOSPITAL:** A building used for the accommodation, nursing and medical, surgical or psychiatric care of the sick, injured, or infirm, including clinics, sanitariums, convalescent and nursing homes, boarding hospitals, and homes for children or the aged.
- 1.5.83 HOTEL:** A facility in which guest rooms or suites are offered to the general public for lodging with or without meals and for compensation, and where no provision is made for cooking in any individual guest room or suite.

- 1.5.84 INDUSTRIAL PRINTING FACTORY:** A building designed for printing large scale items such as wallpaper or large quantity printings.
- 1.5.85 INDUSTRIAL REPAIRS:** The repair of motors and other machinery used in industrial and or commercial operations (temporary storage outside of a building of items for repair shall be only in conjunction with screening requirements found at 5.7.15 of this Resolution).
- 1.5.86 INDUSTRY, HEAVY:** Any manufacturing or industrial processing that, by nature of the material, equipment and process utilized, produces objectionable levels of noise, fumes, light, or smoke, which may or may not have hazardous effects.
- 1.5.87 INDUSTRY, LIGHT:** Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process that is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly to adjoining property owners or to the public generally, and that operates independently of railroad sidings, extensive loading docks, and steam generation as prime power.
- 1.5.88 JUNK:** Old, used, discarded or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, abandoned or dismantled mobile homes, appliances, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material of any kind whether of value or valueless. 
- 1.5.89 JUNKYARD:** Any property consisting of one (1) lot, tract, or parcel or more, or a place of business that is maintained, operated, or used for storing, dismantling, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary landfills. For the purpose of this regulation, vehicles used in ranching or farming in the zone districts permitting agricultural uses and the storing of three (3) or fewer vehicles do not constitute a junkyard.
- 1.5.90 KENNEL:** Any lot, tract, parcel, or structure used in whole or in part for the purposes of grooming (where the animals are housed over night), housing, boarding, breeding, raising and/or training of five (5) or more dogs or cats, six (6) months old or older. The term "kennel" as applied to these regulations does not include pet shops or veterinary premises.
- 1.5.91 KITCHEN:** Any area equipped for cooking or the preparation of food.
- 1.5.92 LABORATORY:** A building designed and equipped for scientific experimentation and testing.

- 1.5.93 LANDFILL:** A site and facility providing for the deposit and final treatment of solid waste.
- 1.5.94 LIQUOR STORE:** A store where alcoholic beverages are sold.
- 1.5.95 LIVESTOCK:** Includes horses, cattle, mules, donkeys, goats, sheep, swine, buffalo, cattalo, poultry, rabbits, and includes "alternate livestock" such as domesticated elk, fallow deer, emus, ostriches, llamas, alpacas, and similar domesticated animals.
- 1.5.96 LOADING AREA:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles during the handling of merchandise or materials.
- 1.5.97 LOT:** A portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development, or for other purposes.
- 1.5.98 LOT, ADJOINING:** The lot separated from the lot under consideration by one of the following: lot line, street, alley, or easement.
- 1.5.99 LOT COVERAGE:** The percentage of a lot that, when viewed directly from above, would be covered by a structure(s) or building(s) or any part thereof, excluding projecting roof eaves, uncovered porches, terraces, decks, steps, sidewalks, and concrete slabs.
- 1.5.100 LOT LINE:** The percentage of a lot that, when viewed directly from above, would be covered by a structure(s) or building(s) or any part thereof, excluding projecting roof eaves, uncovered porches, terraces, decks, steps, sidewalks, and concrete slabs.
- 1.5.101 LOT, PARCEL, OR TRACT SIZE:** The total acreage of the property not including any portion of the property used for a public road.
- 1.5.102 LOT WIDTH:** The distance parallel to the front lot line, measured between side lot lines at the front building setback line.
- 1.5.103 LOUNGE:** A business or portion of a business where alcoholic beverages may be served.
- 1.5.104 MANUFACTURING:** The processing and converting of raw unfinished materials or products, or any of these into an article or substance of different character or purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

- 1.5.105 MANUFACTURED HOME PARK:** Any lot, parcel, or tract used for living purposes of more than one (1) manufactured home.
- 1.5.106 MANUFACTURED HOME SPACE:** A parcel of land in an approved manufactured home park for the placement of a single-family manufactured home for the exclusive use of its occupants.
- 1.5.107 MASTER PLAN:** A compendium of County policies regarding long-term development, in the form of maps and accompanying text.
- 1.5.108 MEAT PRODUCTS PLANT:** A canned meat factory, factory meat processing plant and any other factory where meat, poultry, or eggs are cooked, cured, smoked, or otherwise processed or packed, but does not include a delicatessen shop, stockyard, slaughterhouse, tannery or hide processing plant, a poultry killing establishment, an animal food factory or an animal by-products plant.
- 1.5.109 MILLING:** An act or process of grinding (especially grain into flour or meal), the operation of cutting, shaping, finishing, or working metal, cloth or any other similar product.
- 1.5.110 MINERAL:** An inanimate constituent of the earth in a solid, liquid, or gaseous state that, when extracted from the earth, is usable in its natural form or capable of conversion into a usable form as a metal, a metallic compound, a chemical, an energy source, or a material for manufacturing or construction material. For the purposes of this resolution, this definition does not include surface or subsurface water, geothermal resources, or natural oil and gas together with other chemicals recovered therewith, but does include oil shale.
- 1.5.111 MINI-STORAGE FACILITY:** A building or portion thereof dividable into separate compartments that are individually rented or leased for the purpose of storing the renter's or lease holder's property. Goods stored within the building shall not be offered or displayed for sale at the building site. Accessory uses may include the exterior storage of camping trailers, motorized homes, boats, etc., in areas designated for such storage.
- 1.5.112 MINING:** The act of exploring for or recovering minerals, sand, and gravel, whether above or below ground. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging, hauling or removal from the site. Mining shall not include removal of loose surface stone or preparation of individual building site.
- 1.5.113 MOBILE FOOD SERVICE:** The act of exploring for or recovering minerals, sand, and gravel, whether above or below ground. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining,

quarrying and dredging, hauling or removal from the site. Mining shall not include removal of loose surface stone or preparation of individual building site.

1.5.114 MOBILE HOME: A detached, single-family housing unit with all of the following characteristics:

1.5.114.1 Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, and that has plumbing and electrical connections provided for attachment to outside systems;

1.5.114.2 Designed to be transported after fabrication, on its own wheels or flatbed, other trailers, or on detachable wheels;

1.5.114.3 Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, such as location on foundation supports or jacks, underpinned, connections to utilities, and the like;

1.5.114.4 Exceeding eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers.

1.5.114.5 Is without motive power; and

1.5.114.6 Is constructed prior to January 1, 1975.

1.5.115 MOTEL: Two (2) or more accommodations for sleeping within a building used mainly by transients with an individual private on-site parking area attached or accessible to each unit.

1.5.116 MUSEUM: A building or structure for the display of natural, scientific, literary, or artistic objects of general, historic, or other special interest.

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

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

- 1.5.119 NURSERY:** Land used to raise trees, shrubs, flowers, and plants for sale at wholesale or retail, or for transplanting, or for use as stocks for bedding and grafting.
- 1.5.120 NURSING HOME:** An establishment that maintains and operates continuous day and night facilities providing room and board, personal services, and nursing care (not hospital care) for two (2) or more persons not related to the proprietor, who by reason of illness or infirmity are unable to care properly for themselves.
- 1.5.121 OPEN SPACE:** A parcel or parcels of land, or an area of water, or a combination of land and water, within the site designated, designed and intended for the use or enjoyment of residents. Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents.
- 1.5.122 OPERATOR:** Any person, firm, or corporation engaged in or controlling a mining operation.
- 1.5.123 ORCHARD AND VINEYARD:** A group of trees or vines, grown or cultivated, which bear fruit, nuts or berries.
- 1.5.124 PARCEL:** A plot of land usually considered a unit for the purposes of development.
- 1.5.125 PARK SUPPORT FACILITIES:** Supportive facilities (e.g., swimming pool, club house, sauna, laundry room, restroom, recreational vehicle storage areas, and open space) that supplement the recreational or service need of the Manufactured Home Park and/or travel trailer park and campground residents, but are not available for use by the general public.
- 1.5.126 PARKS:** Open space lands whose primary purpose is recreation. 
- 1.5.126.1 Mini Park:** A park that contains specialized facilities that serve a concentrated or limited population or specific group such as tots or senior citizens. This type of park usually contains one (1) acre or less and serves the population within less than one-quarter (¼) mile radius. This type of park is found within neighborhoods and in close proximity to apartment complexes, townhouse developments, or housing for the elderly.
- 1.5.126.2 Neighborhood Park/Playground:** An area for intense recreational activities, such as field games, court games, crafts, playground apparatus area, skating, picnicking, wading pools, etc. This type of park usually contains fifteen (15) acres or more and serves the

population within one-quarter (1/4) mile to one-half (1/2) mile radius. This type of park should be located next to elementary schools so both indoor and outdoor activities can be included. The park should also be easily accessible to neighborhood population geographically centered and within safe walking distance of the homes it serves.

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

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

1.5.127 PARKING LOT OR GARAGE: An area for the sole purpose of parking motor vehicles in legal operating condition, and that is striped for parking spaces, if appropriate.

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

1.5.129 PERSONAL SERVICES: Services of a personal convenience nature, as opposed to products that are sold to individual consumers. Personal services include barber and beauty shops, shoe and luggage repair, fortune tellers, photographers, laundry services (excluding dry cleaning), copying, repair and fitting of clothes, and similar services.

1.5.130 PET: A domestic animal kept for pleasure rather than utility. If such animal is raised or kept for the purpose of sale or food, it shall be presumed not to be a pet. This term is not to include horses, cows, sheep, goats, llamas, ostriches, emus, alpacas, poultry, or swine (excluding pot-bellied pigs).

1.5.131 PHARMACY: A store where prescriptions are filled and drugs are sold.

- 1.5.132 PLANNED UNIT DEVELOPMENT (PUD):** A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, and providing common open space, density increases, and a mix of building types and land uses.
- 1.5.133 POULTRY:** Including but not limited to domestic fowl, such as chickens, turkeys, ducks, or geese.
- 1.5.134 PRINTING AND COPY SHOP:** A place or facility for the preparation and issuance of printed material for public distribution or sale. This term shall not include facilities for newspaper printing, job printing, and lithographing.
- 1.5.135 PROCESSING:** The creation of a product by following a specific sequence of determined events, modifications or assembly, excluding refining.
- 1.5.136 PROFESSIONAL OFFICE:** General business offices, medical, legal, engineering, real estate, and other similar professional offices, administrative or headquarters office for wholesaling or manufacturing operations, and research and development.
- 1.5.137 RANCH:** A parcel of land that is used for raising or grazing livestock and the cultivation of food for livestock, for the primary purpose of obtaining a monetary profit. A ranch may include a dwelling unit to house the owner or operator and their immediate family or as otherwise may be provided in this document. Ranch shall not include dairy farm, or feedlots as defined in these regulations.
- 1.5.138 RECLAMATION:** The rehabilitation of affected land by means of replanting, soil stabilization, water resource restoration, and other measures appropriate to the subsequent beneficial use of such mined reclaimed lands.
- 1.5.139 RECREATION ACTIVITY OFFICE:** Ticket office, booking office, staging and loading, to include ATVs, rafting, bike tours, zip lines or similar uses or impacts.
- 1.5.140 RECREATION CAMP:** A place used for vacationing or other recreational purposes consisting of permanent structures that may contain cooking facilities, and used for temporary occupancy to include educational and religious camps. This term shall not be interpreted to include hotels, motels, restaurants, theaters, travel trailer parks, or campgrounds.
- 1.5.141 RECREATION FACILITY, RURAL:** Includes recreation camps, guest ranches, resorts, ski areas, race tracks, zip lines, swimming pools, and tennis courts, amphitheaters, shooting facilities, country clubs, and summer camps, hunting and fishing clubs, historic/scenic railroads, associated facilities, and

the like, operated for use by the public. This term shall not be interpreted to include travel trailer parks and/or campgrounds and any use for residents of the property and their family members.

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

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

1.5.144 RECYCLING FACILITY: That part of a solid waste disposal facility or a part of a general disposal facility at which recyclable materials may be separated from other materials for further processing. Not to include automobile graveyard or junkyard.

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

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

1.5.147 RESTAURANT: A building or structure where meals are sold.

1.5.148 RIDING ACADEMY: A facility providing for equestrian instruction, which does not include rodeo ground.

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

1.5.150 ROAD SIDE STAND: A booth, stall, or counter for the display and sale of agricultural or seasonal products. 

1.5.151 RODEO GROUND: A tract or parcel of ground used for public entertainment, including but not limited to rough stock events and sanctioned by a rodeo association.

- 1.5.152 SAWMILL:** A mill or machine for sawing logs.
- 1.5.153 SETBACK:** The horizontal distance, measured at right angles, between the property or lot line and the nearest portion of a building or structure located on the property or lot. Property used as road right-of-ways shall be excluded from the measurement of the setback.
- 1.5.154 SIGN:** Any representation (written or pictorial) used to convey information or to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or form of entertainment and placed on, suspended from, or in any way attached to any structure, vehicle, or feature of the natural or manmade landscape.
- 1.5.155 SITE PLAN:** A scale drawing showing the relationship between the lot or property lines and the uses housed on the property, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tanks and fields, utility lines, or a special or particular use.
- 1.5.156 SLAUGHTERHOUSE:** A building or structure specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses, and may include the packing, treating, storing, and sale of the produce on the premises, for food or market, excepting personal use.
- 1.5.157 SLUDGE:** Any solid or semi-solid waste generated by a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility that has been treated to obtain pathogen destruction, odor control, or putrescibility control.
- 1.5.158 SOLID WASTE:** Any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial or commercial operations or from community activities. "Solid waste" does not include any solid or dissolved materials in domestic sewage or agricultural wastes, or solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under the provisions of the "Colorado Water Quality Control Act," Article 8 of Title 25, C.R.S., or materials handled at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25, C.R.S.
- 1.5.159 SOLID WASTE DISPOSAL:** The collection, storage, treatment, utilization, processing, or final disposal of solid wastes.

- 1.5.160 SOLID WASTE DISPOSAL SITE AND FACILITY:** The location and facility at which the deposit and final treatment or disposal of solid wastes occur.
- 1.5.161 SPECIAL REVIEW USE PERMIT:** Long-term uses of a special nature as to make impractical their predetermination as a principal use in a zone district: uses that may only be established after review by the Commission, approval by the Board and issuance of a Special Review Use Permit by the Department. The Board may require conditions or special requirements of operation in order to make the proposed use compatible with the neighborhood.
- 1.5.162 SPECTATOR EVENT:** A public or private group gathering of twenty-five (25) persons or more assembled together for a sporting, musical, or other entertainment event, meeting, festival, social gathering or for other similar purposes on public or private property. A private group gathering that will not exceed ten (10) hours and that is on private property is exempt.
- 1.5.163 STABLE:** A building for the purpose of housing, feeding, riding, breaking, training, or fitting for show of horses to include the storage of equipment relating to the care, maintenance, and operation of the horses.
- 1.5.164 STREET:** A public right-of-way that provides vehicular and pedestrian access to adjacent properties.
- 1.5.165 STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists.
- 1.5.166 STRUCTURE:** Anything constructed, erected or placed, the use of which requires a more or less permanent location on the ground or which is attached to something located on the ground; including, but not limited to building as defined hereunder and Manufactured Home, as defined hereunder; but not including earthworks, corrals, ditches, canals, dams, reservoirs, pipelines, telephone or electric power lines, walks, driveways, curbs, signs, antennas, or other similar uses.
- 1.5.167 SUBSTANTIAL CHANGE:** Any redesign or planned construction that significantly changes the planned design performance of a facility as originally designated in the application for Conditional Use Permit or Special Review Use Permit, the addition of a type of wastes or other waste handling processes that were not identified as wastes to be processed or processes to be used in the application for Conditional Use Permit or Special Review Use Permit, or

the selling or transferring of a Conditional Use Permit or Special Review Use Permit to a new owner or operator.

- 1.5.168 TENT SITES:** A tract, parcel, or lot within a Travel Trailer Park and Campground designed for the accommodation of one (1) or more tent sites for temporary or seasonal occupancy.
- 1.5.169 TOWER:** Any structure that is designed and constructed commonly for the purpose of supporting one or more antennas for telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, recreational uses, and other similar uses. The term includes all other accessory structures.
- 1.5.170 TOWER, TEMPORARY:** Any temporary structure (two (2) year maximum from date of approval) that is designed and constructed commonly for the purpose of collecting meteorological data or other similar uses. The term includes all other accessory structures necessary for the operation of the temporary tower.
- 1.5.171 TRACT:** A plot of land usually considered a unit for the purposes of development.
- 1.5.172 TRADE OR TRAINING SCHOOL:** A building in which education is provided for occupations that require manual and or mechanical skills.
- 1.5.173 TRAILER:** The following shall be considered a trailer:
- 1.5.173.1 Camping Trailer:** A canvas, or other type material, folding vehicle mounted on wheels and designed for travel and recreation that is normally dependent upon a service building for toilet facilities;
 - 1.5.173.2 Motorized Home:** A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation, and vacation uses, and constructed as an integral part of a self-propelled vehicle;
 - 1.5.173.3 Pick-up Coach:** A device designed to be mounted on a truck chassis or placed in the bed of a truck for use as a temporary dwelling for travel and recreation;
 - 1.5.173.4 Park Model:** A recreational vehicle, that has a floor area of less than four-hundred (400) square feet, which is transportable by another vehicle and is primarily designed for long-term or permanent placement and for temporary residency in a Travel Trailer Park and

Campground. Proof of an acceptable water source and an acceptable sewage disposal method will be required. A Park model which is from four-hundred (400) square feet to less than four-hundred and eighty (480) square feet will be allowed in the Travel Trailer Park & Campground Zone District, provided it is placed on a manufacturer's recommended foundation and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et, seq., as amended and is built in accordance with HUD or IBC standards. Park Models are subject to "placement permits" as maybe required by building codes in effect for Fremont County;

1.5.173.5 Travel Trailer: A vehicle built on a chassis, designed as a temporary dwelling for travel and recreation;

1.5.173.6 Travel Trailer, Self-Contained: A trailer that can be operated independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer;

1.5.174 TRAILER SPACE: An area for the parking of a single trailer for the exclusive use of its occupants.

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

1.5.176 TRAVEL TRAILER PARK: ~~Any open area, other than a street, alley or other public place, used exclusively for the parking or temporary storage of two or more trailers containing living and/or sleeping accommodations that are designed and used for highway travel.~~



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

- 1.5.178 TRUCK STOP:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities.
- 1.5.179 TRUCKING TERMINAL:** A building, structure, or place where trucks or tractor trailers are loaded, repaired, rented, leased, kept for hire or stored or parked for remuneration, or from which trucks or transports stored or parked on the property are dispatched for hire as common carriers. The use does not include automobile service stations or transportation sales or rentals.
- 1.5.180 VARIANCE:** A device that grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
- 1.5.181 VEGETABLE FOOD PRODUCTS FACTORY:** A factory used for the purpose of blending, processing, or preparing various cereal food products, popcorn, jelly powder, baking powder, flavoring extract, beverage powder, tea, coffee, spice, yeast, sugar, dextrin, starch, glucose or other vegetable food product or other similar uses. The use does not include a brewery, distillery, winery, soft drink bottling works, bakery, or other uses otherwise classified.
- 1.5.182 VEHICLE:** Any mechanical device on wheels designed mainly for use, or used, on public highways, ~~or that equipment designed to be transported from one place to another upon wheels or continuous tracks except motorized bicycles, vehicles propelled or drawn by horses or human power, vehicles used exclusively on fixed rails or tracks, low power scooters, motorized wheelchairs operated by handicapped persons,~~ farm tractors and implements, implements of husbandry designed exclusively for use and used in agricultural operations, ~~or any device designed to move primarily through the air.~~ 
- 1.5.183 VEHICLE IMPOUNDMENT YARD:** A lot or yard, whether or not enclosed by a fence, used for the storage of licensed vehicles that have been seized, taken, or appropriated, and storage of licensed vehicles awaiting repairs.
- 1.5.184 VETERINARY PREMISES:** Any veterinary office, hospital, or clinic in which veterinary medicine is being practiced by or under the direct supervision of a licensed veterinarian. The term shall not be interpreted to include kennels, although temporary boarding is allowed.

- 1.5.185 VISIBLE:** Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.
- 1.5.186 WASTE-TO-ENERGY INCINERATION:** The use of flammable waste material as a primary or supplemental fuel.
- 1.5.187 WASTE-TO-ENERGY INCINERATION SYSTEM:** The utilization of waste-to-energy incineration as a means of creating heat for industrial or commercial purposes.
- 1.5.188 WATCHMEN’S QUARTERS:** A single-family dwelling, or efficiency unit, attached or detached, whose use is as an accessory to a permitted use in the zone district and that is occupied by a person(s) who either owns the primary use or is employed as a manager, maintenance person, or similar function, with the exception of the following:
- 1.5.188.1** A detached single-family dwelling or efficiency unit, recreational cabin or park model is allowed in the Travel Trailer Park and Campground Zone District.
 - 1.5.188.2** A detached manufactured home, or manufactured home single-wide is allowed in the Manufactured Home Park Zone District.
- 1.5.189 WILDFIRE:** An uncontrolled fire burning in vegetation, structures, or other improvements.
- 1.5.190 WILDFIRE:** All wild vertebrates, mollusks, and crustaceans, whether alive or dead, including any part, product, egg, or offspring thereof, that exist as a species in a natural wild state in their place of origin, presently or historically, except those species determined to be domestic animals under these regulations.
- 1.5.191 WILDLIFE, COMMERCIAL PARK:** A parcel of land containing lawfully acquired captive wildlife, on which wildlife and/or non-native wildlife are held, exhibited, or used for educational, commercial, charitable, or promotional purposes.
- 1.5.192 WILDLIFE, GAME:** Those wildlife species that may be lawfully hunted or taken for food, sport, or profit and that are classified as wildlife.
- 1.5.193 WILDLIFE HABITAT:** That natural or man-made environment that contains the elements of food, shelter, water, and space in a combination and quantity necessary for the survival of one or more wildlife species.

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

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

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

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

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

1.5.196.3 YARD, SIDE: A yard on each side of the building between the building and the side line of the lot and extending from the front yard to the rear yard.

1.6 VIOLATIONS AND PENALTIES

1.6.1 COMPLAINTS: Any person aggrieved by a violation or apparent violation of the provisions of this resolution shall file a written complaint with the Code Enforcement Officer, who shall investigate such complaint. Legal action may be taken by the County to have the violation penalized and removed, if such a violation is found to exist.

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

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

1.7 INTERPRETATION, CONFLICTS AND VALIDITY:

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

1.7.2 CONFLICT: When this resolution imposes a greater restriction upon the use of land, or upon height, bulk, location, or use of buildings than is required by existing provisions of law or by private covenant or other restriction, the provisions of this resolution shall prevail; any restriction, private covenant, or deed restrictions that impose more restrictive conditions than herein contained, are not superseded by this resolution.

1.7.3 VALIDITY: Should any section of this resolution be found by the courts to be invalid, such decision shall not invalidate any other section or provision thereof.