



FREMONT COUNTY – COLORADO

DEPARTMENT OF PLANNING AND ZONING

615 MACON AVE., CANON CITY, COLORADO

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

Email: Planning@fremontco.com

STAFF REPORT

Project Name: Rewrite - Chapter 2 Establishment of Zoning Districts

Name(s) Planning and Zoning Director- Daniel Victoria

Request: Rewrite Chapter 2

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made no changes to the following chapter 2 besides a new format, and referenced the new proposed chapter, this is noted and highlighted for your review.

Proposed Timeline:

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

Table of Contents

CHAPTER 2 ESTABLISHMENT OF ZONING DISTRICTS	1
2.1 ZONING DISTRICTS	1
2.2 EFFECTS OF DISTRICTING	1
2.2.1 APPLICATION	1
2.2.2 CLASSIFICATION: The following shall prevail.....	1
2.2.3 ZONING MAPS	2
2.2.4 INTERPRETTION OF DISTRICT BOUNDARIES:	2

CHAPTER 2 ESTABLISHMENT OF ZONING DISTRICTS

2.1 ZONING DISTRICTS

R1	Residential One
R2	Residential Two
R3	Residential Three
LDR	Low Density Residence
HDR	High Density Residence
MDR	Manufactured Home Park
RHB	Rural Highway Business
B	Business
IP	Industrial Park
AP	Airport
I	Industrial
PUD	Planned Unit Development

Commented [DA1]: New Zone Districts

Commented [DA2]: Consolidated with MDR

2.2 EFFECTS OF DISTRICTING

2.2.1 APPLICATION

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

2.2.2 CLASSIFICATION: The following shall prevail.

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

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

2.2.3 ZONING MAPS

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

Commented [DA3]: This will be a new proposed Chapter

2.2.4 INTERPRETTION OF DISTRICT BOUNDARIES:

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

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

2 ESTABLISHMENT OF ZONING DISTRICTS

2.1 ZONING DISTRICTS

AF	Agricultural Forestry Zone District
AF&R	Agricultural Farming & Ranching Zone District
AL	Agricultural Living Zone District
AR	Agricultural Rural Zone District
AE	Agricultural Estates Zone District
AS	Agricultural Suburban Zone District
LDR	Low Density Residence Zone District
MDR	Medium Density Residence Zone District
HDR	High Density Residence Zone District
MHP	Manufactured Home Park Zone District
TTP&CG	Travel Trailer Park & Campground Zone District
NB	Neighborhood Business Zone District
RHB	Rural Highway Business Zone District
B	Business Zone District
IP	Industrial Park Zone District
AP	Airport Zone District
I	Industrial Zone District
PUD	Planned Unit Development

2.2 EFFECTS OF DISTRICTING

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

2.2.2 CLASSIFICATION: The following shall prevail:

2.2.2.1 Uses not specifically permitted are considered prohibited unless they meet the following criteria.

2.2.2.2 Uses, other than those hereinafter specifically mentioned as uses in each of the districts, may be permitted therein, provided such uses are similar to those specifically mentioned and are, in the opinion of the Commission and the Board as evidenced by a resolution of record, consistent with the intent of the zone district and are not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective district.

2.2.2.3 The Commission may recommend to the Board a reclassification of a use when such reclassification does not violate the intent of this resolution and provided said official body publishes newspaper notification and holds at least one (1) public hearing thereon, at the expense of the parties applying.

2.3 ZONING MAPS: The location of the zoning districts hereby established are shown on the accompanying maps titled, "Official Zoning Maps of Fremont County, Colorado", as subsequently amended, and hereby made, along with explanatory matter thereon, a part of this resolution. The official maps shall be filed at the office of the Fremont County Department of Planning and Zoning, and shall be kept current at all times. All amendments to the maps made in conformity with **8.12 and 8.13** of this Resolution, shall be recorded on the maps showing general location, effective date, and nature of change. Each map amendment shall become an amendment to this resolution; it shall be dated; shall contain a legal description of the area to be changed, as well as the nature of the change. No change shall be made to the Official Zoning Maps except in the manner heretofore set forth. Any unauthorized change to the Official Zoning Maps by any person or persons shall be punishable as a misdemeanor and shall receive the same penalty as set forth in Section 1 of this Resolution.

2.4 INTERPRETATION OF DISTRICT BOUNDARIES: When uncertainty exists as to boundaries of a Zoning District as shown, the following shall apply:

2.4.1 All zone district boundaries are intended to parallel street lines or to follow lot or property lines as they exist at the time of passage of this resolution or amendments, hereto, unless specifically shown otherwise.

2.4.2 Where a zone district boundary line divides a lot in single ownership the regulation of the least restrictive zone shall prevail for the remaining portion of the lot.

2.4.3 When a boundary or lot line is adjusted or a lot line is vacated, the zone district that exists for the property receiving the additional property shall prevail, provided that the parcel gaining the area does not increase the total by more than twenty-five (25) percent. If the property receiving the additional area increases in area by more than twenty-five (25) percent, a formal application for a zone change will be required pursuant to County Regulations for a zone change. A successive application for Boundary/Lot Line Adjustments or Vacation of Interior Lot Lines shall not be permitted if the cumulative effect of all Boundary/Lot Line Adjustments or Vacation of Interior Lot Lines affecting such parcel of land results in an increase of more than twenty-five (25) percent in the area of such parcel. The area of the parcel at the time of the first application for Boundary/Lot Line Adjustment or Vacation of Interior Lot Line shall be the area used for purposes of determining the amount of land area that may be added to such parcel through a Boundary/Lot Line Adjustment or Vacation of Interior Lot Line procedure.

2.4.4 In the event of further uncertainty, the Commission and Board shall interpret intent as to the boundary location.

2.4.5 In the event a dedicated right-of-way is hereafter vacated or abandoned, the zone district abutting the property shall apply to that portion of such right-of-way.