





# FREMONT COUNTY – COLORADO

## DEPARTMENT OF PLANNING AND ZONING

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### STAFF REPORT

Project Name: Zone Consolidation and Rewrite- No Changes

Name(s) Planning and Zoning Director- Daniel Victoria

#### **Request: Zone Consolidation and rewrite.**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made no changes to the following zone districts besides a new format to be compatible with the other sections of the Fremont County Zoning Resolution.

- Airport Zone
- Low Density Residential
- Manufactured Home Park

#### **Proposed Timeline:**

Proposed Zone Consolidation and 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 recommendations.

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## 4.10 Airport

The following Districts are the Special Zone Districts. These districts are intended for specific uses and design.

**A. Airport Park (AP):** MINIMUM AREA IS 120 ACRES This zone district is established to provide for placement and protection of airports and airport related uses

**B.**

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
<i>MINIMUM AREA 120 ACRES</i>						
1 Acre with public water and sewer	100'	40/40	15/15	20/20	In accordance with Federal Aviation Administration Guidelines (FAR Part 77 Airspace Surfaces) Any structure over 50' above ground shall include obstruction lights.	80%
2 Acres with public water and OWTS	100'		20' Adjacent to a street	25' Adjacent to a State or Federal Highway		
4.5 Acres for well and OWTS	100'		Runway Setbacks shall meet FAA guidelines			

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & A COMMERCIAL DEVELOPMENT PLAN		
USE		
<a href="#">ACCESSORY USE:</a>		
Air cargo terminal and associated freight forwarding facilities		
Aircraft charter service		
Aircraft maintenance facility		
Aircraft restoration facility		
Aircraft manufacturing and sales		
Airport, public and private		
Airport related uses		
Airport terminal and related supporting facilities		
Car rental and associated storage areas		
Emergency medical services associated with an airport		
Fire station associated with an airport		
Flight kitchens and related facilities		

Flight school		
Government staging facilities that are aviation related		
Government training facilities that are aviation related		

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & A COMMERCIAL DEVELOPMENT PLAN -Continues		
USE		
<u>ACCESSORY USE:</u>		
Ground transportation facilities, such as taxi and / or bus terminals		
Heliport		
Lounge and/or restaurant, located within the airport terminal, catering to aviation passengers and employees		
Manufacturing and distribution of aviation related items		
Mini-storage facility, when used in association with an airport or other uses allowed within the zone district		
Parking lot and / or garage, in association with an airport or other uses allowed within the zone district		
Personal service outlets located within the airport terminal, catering to aviation passengers and employees		
Professional offices, in association with an airport or other uses allowed within the zone district		
Public utilities ( <i>distribution elements only, not to include regulators and substations</i> )		
Restaurant and/or lounge located within the airport terminal, catering to aviation passengers and employees		
Retail outlets located within the airport terminal, catering to aviation passengers and employees		
Trade or training school that is associated with aviation		

USES SUBJECT TO ISSUANCE OF A CONDITIONAL USE PERMIT		
USE	DEVELOPMENT REQUIRMENTS	
NONE		

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE	DEVELOPMENT REQUIRMENTS	
<a href="#">TOWER</a>		

USES SUBJECT TO ISSUANCE OF A TEMPORARY USE PERMIT		
USE	DEVELOPMENT REQUIRMENTS	
<a href="#">CONSTRUCTION OFFICE</a>		
<a href="#">SPECTATOR EVENT</a>		

4.10.1 Airport Overlay

**Airport Overlay District**

1. **DESCRIPTION:** This section and the referenced maps establish an overlay zone district in Fremont County regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Fremont County Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Fremont County Airport FAR Part 77 Airspace Drawing and Off Airport Land Use Drawing which are incorporated in and made a part of this regulation by reference.
2. **PURPOSE:** The purpose of the airport overlay zone district is to protect the viability of the Fremont County Airport as a significant resource to the community by encouraging compatible land uses, densities and reducing hazards that may endanger the lives and property of the public and aviation users. The Airport Overlay (AP-O) Zone District classification identifies a series of virtual surfaces and compatibility zones within the airport influence area that have historically been prone to hazards associated with aircraft and airports. The AP-O zone district classification is laid over the existing Fremont County Zoning Districts.
3. **SHORT TITLE:** This zone district shall hereafter be referred to as the Fremont County Airport Overlay Zone District.
4. **DEFINITIONS:** As used in this Airport Overlay Zone District, unless the context otherwise requires:
  - a) **AIRPORT ELEVATION:** The highest point of an airport's usable landing area measured in feet from mean sea level.
  - b) **APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4.18.6 of this Resolution. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
  - c) **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES:** These zones are set forth in Section 5.
  - d) **CONICAL SURFACE:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
  - e) **HAZARD TO AIR NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
  - f) **HEIGHT (AIRPORT):** For the purpose of determining the height limits in the AP-O zone district

and as shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

- g) **HELIPORT PRIMARY SURFACE:** The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
  - h) **HORIZONTAL SURFACE:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
  - i) **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
  - j) **NAVD 88 North American Vertical Datum 1988:** All elevations in this Resolution are referenced to the 1988 North American Vertical Datum.
  - k) **NONCONFORMING USE (AIRPORT):** Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this zone district or any amendment thereto.
  - l) **NONPRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.
  - m) **OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5.
  - n) **PERSON (AIRPORT):** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
  - o) **PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR) or a Global Positioning System (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.
  - p) **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
  - q) **RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
  - r) **STRUCTURE (AIRPORT):** An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
  - s) **TRANSITIONAL SURFACES:** These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
  - t) **TREE (AIRPORT):** Any object of natural growth.
  - u) **UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
  - v) **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.
5. **AIRPORT HEIGHT RESTRICTION ZONES:** In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the

approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Fremont County Airport. Such zones are shown on the Fremont County Airport Federal Aviation Regulation (FAR) Part 77 Airspace Drawing. Two (2) original, official, and identical copies of the FAR Part 77 Airspace Drawing reflecting the boundaries of the airport height restriction overlay zoning districts of Fremont County are hereby adopted, and the Board of County Commissioners and the Fremont County Clerk & Recorder are hereby authorized to sign and attest each map as the official Fremont County Airport FAR Part 77 Airspace Drawing of Fremont County, and such maps shall be filed as follows

- a) One (1) copy shall be filed in the office of the Fremont County Department of Planning and Zoning. The Department will keep on file all authorized amendments to the document.
- b) One (1) copy shall be provided to the office of the Fremont County Airport Manager. The Fremont County Department of Planning and Zoning shall provide the Fremont County Airport Manager with copies of all amendments to the document.
- c) Each portion of an area located in more than one (1) of the following zones shall be evaluated independently according to the zone in which it is located. The various zones are hereby established and defined as follows:
  - a. **PRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY)** – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  - b. **NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY)** – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  - c. **NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT)** – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  - d. **VISUAL RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY)** – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  - e. **VISUAL RUNWAY APPROACH ZONE (UTILITY AIRCRAFT)** – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach surface expands uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is a continuation of the centerline of the runway.
  - f. **TRANSITIONAL ZONE** – The transitional zones are the areas beneath the transitional surfaces.
  - g. **HORIZONTAL ZONE** – The horizontal zone is established by swinging arcs of 5,000 or 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The horizontal zone was constructed with 10,000 feet radii.

h. **CONICAL ZONE** – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

6. **AIRPORT ZONE HEIGHT LIMITATIONS:** Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any AP-O zone, to a height in excess of the applicable height limit herein established. Such applicable height limitations are hereby established for each of the zones in question as follows:

- a) **PRECISION INSTRUMENT RUNWAY APPROACH ZONE** – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. Then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first 10,000 feet and extending to a horizontal distance of 40,000 feet along the extended runway centerline.
- b) **NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY)** - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- c) **NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT)** – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- d) **VISUAL RUNWAY APPROACH ZONE** – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- e) **TRANSITIONAL ZONE** - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
- f) **HORIZONTAL ZONE** – Established at 150 feet above the airport elevation.
- g) **CONICAL ZONE** – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

7. **COMPATIBLE LAND USE REGULATIONS**

- a) **AIRPORT COMPATIBLE LAND USE OVERLAY ZONING DISTRICTS** – For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety, and general welfare of property users, the controlled area of Fremont County Airport is divided into Airport Compatible Land Use Overlay Zoning districts. Compatible Land Use Overlay Zoning districts established herein shall be known as:

Off Airport Land Use Zone  
1  
2

Zoning District Name Number  
Airport Influence Zone (AIZ)  
Traffic Pattern Zone (TPZ)



**b) OFF AIRPORT LAND USE MAP**

- a. The boundaries of the Airport Compatible Land Use Overlay Zoning Districts set out herein are delineated upon the Off-Airport Land Use Map of Fremont County, said Off Airport Land Use Map being adopted by reference and made a part of this resolution as fully as if the same were set forth herein in detail.
- b. Two (2) original, official, and identical copies of the Off Airport Land Use Map reflecting the boundaries of the Airport Compatible Land Use Overlay Zoning Districts of Fremont County are hereby adopted, and the Board of County Commissioners, Chairman and the Fremont County Clerk & Recorder are hereby authorized to sign and attest each map as the official Off Airport Land Use Map of Fremont County, Colorado, and such maps shall be filed and maintained as follows:
- c. One (1) copy shall be filed in the office of the Fremont County Department of Planning and Zoning. The Department will keep on file all authorized amendments to the maps.
- d. One (1) copy shall be provided to the office of the Fremont County Airport Manager. The Fremont County Department of Planning and Zoning shall provide the Airport Manager with copies of all amendments to the maps.

**8. AIRPORT COMPATIBLE LAND USE OVERLAY ZONING DISTRICT BOUNDARIES**

- a) The Airport Compatible Land Use Overlay Zoning District boundary lines shown on the Off-Airport Land Use Map shall be located and delineated along contour lines established for the Fremont County Airport. Where uncertainty exists as to the boundaries of the Airport Compatible Land Use Overlay Zoning Districts as shown on the official Map, the following rules shall apply:
  - b) Boundaries shall be scaled from the nearest runway end shown on the map.
  - c) Boundaries shall be scaled from the nearest physical feature shown on the map.
  - d) Boundaries shall be scaled from the nearest platted lot line as shown on the map.
  - e) Distances not specifically indicated on the original Off Airport Land Use Map shall be determined by a scaled measurement on the map.
  - f) Where physical features on the ground differ from the information shown on the Off-Airport Land Use Map or when there is a question about how or where a parcel of property is zoned and such questions cannot be resolved by the application of Section 5, the property shall be classified in the most restrictive Airport Compatible Land Use Overlay Zoning District.
  - g) Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zoning District, the zone within which each portion

**9. USE OF LAND AND BUILDINGS**

- a) Within the Airport Compatible Land Use Overlay Zoning Districts as defined herein, no land shall be used and no structure or other object shall be erected, altered, converted, or modified other than for those compatible land uses permitted by underlying comprehensive zoning districts, as specified in the Fremont County Zoning Resolution. Additional land uses are prohibited in the Airport Compatible Land Use Overlay Zoning Districts, regardless of underlying zoning, as set forth in the Land Use Compatibility Table included in Table 4.10.2.

- b) Where any use of land and buildings set forth above conflicts with any use of land and buildings set forth in the Fremont County Zoning Resolution, as an allowed use on the Zoning District Map, use of land and buildings shall apply.
- c) Use of land and buildings. shall not apply to land within the property boundaries of the airport.
- d) No building permit for construction within an Airport Compatible Land Use Overlay Zoning District shall be approved for those uses specified on the Airport Compatible Land Use Table, until the property owner(s) dedicates an Avigation Easement to Fremont County over and across the property (See Avigation Easement Form and Disclosure Form available from the Department). The purpose of this easement shall be to establish a maximum height restriction for the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft landing at, taking off from, or operating on, or at, public airport facilities.

**10. ADDITIONAL LAND USE REGULATIONS**

- a) Within Fremont County the more restrictive of either the Fremont County Zoning Resolution shall apply to the development of all property covered by the Off-Airport Land Use Map.
- b) On property within the Off-Airport Land Use Map, Section 12 below shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions.
- c) When a provision of this section conflicts with any airport height hazard restrictions, the most restrictive provision shall apply.
- d) Notwithstanding any other provisions of this section or other section of the Fremont County Zoning Resolution, no use may be made of land, water, or structures within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.
- e) When a subdivision plat is required for any property within an Airport Compatible Land Use Overlay Zoning District or within an area shown on the FAR Part 77 Airspace Drawing for Fremont County, the property owner shall dedicate an Avigation Easement to Fremont County over and across that property (See Avigation Easement Form and Disclosure Form available from the Department). This easement shall establish a height restriction for the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Fremont County Airport.

**11. NONCONFORMING USES**

- a) **REGULATIONS NOT RETROACTIVE** - The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the date of adoption, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this resolution, and is diligently prosecuted. Nonconforming land uses existing as of the effective date of this resolution may be modified such that 1) only existing structures may be enlarged or expanded; 2) they do not result in any greater violation of height restrictions; and 3) a variance in accordance with Section 12 (below) is obtained.

- b) **MARKING AND LIGHTING** - Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Fremont County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Fremont County Airport.

**12. PERMITS**

- a) **FUTURE USES** - Except as specifically provided hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted by the Fremont County Airport Manager. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. An FAA Form 7460-1, Notice of Proposed Construction or Alteration, shall accompany each application. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this resolution shall be granted unless a variance has been approved in accordance with section 15 variances below.
  - a. In the area lying within the limits of the approach zone, transition zone, horizontal zone, and conical zone, no permit shall be required by this resolution for any tree or structure less than 200 feet above ground level which is also lower than a virtual surface extending outward and upward at a slope of 100 feet horizontal for each 1 foot vertical beginning at the closest point of the closest runway.
  - b. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this resolution.

- 13. EXISTING USES** - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this resolution or any amendments thereto or when the application for a permit was made.

- 14. NONCONFORMING USES ABANDONED OR DESTROYED** - Whenever a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

- 15. VARIANCES** - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this resolution, may apply to the Board of Zoning Adjustment (BOZA) for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this resolution.

- 16. OBSTRUCTION MARKING AND LIGHTING** - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may require in accordance with FAA provisions.

#### 4.10.2 Land Use Category Table

Land use	Airport Influence Zone (AIZ)	Traffic Pattern Zone (TPZ)	Approach Zone (AZ)	Runway Protection Zone (RPZ)
<b>RESIDENTIAL</b> Single-Family, Nursing Homes, Mobile Homes, Multi-Family, Apartments, Condominiums	+	0 (3)	= (1,3)	**
<b>Public</b> Schools, Libraries, Hospitals, Churches, Auditoriums, Concert Halls	++	0 (3)	= (3)	**
Transportation, Parking, Cemeteries	++	++	++	= (2, 5)
<b>Commercial &amp; Industrial</b> Offices, Retail Trade Service, Commercial Wholesale Trade, Warehousing, Light Industrial, General Manufacturing, Utilities, Extractive Industry	++	+	0 (3)	**
<b>Agricultural &amp; Recreational</b> Cropland	++	++	++	++
Livestock Breeding	++	++	**	= (2)
Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation	++	++	**	= (2)
Outdoor Spectator Sports	++	+	- (3)	=
Amphitheaters	0	- (4)	=	=
Open Space	++	++	++	++

++ Clearly Acceptable + Normally Acceptable 0 Marginally Acceptable - Normally Unacceptable = Clearly Unacceptable

#### Conditions:

1. If allowed, aviation easements and disclosure must be required as a condition of development.
2. Any structures associated with uses allowed in the RPZ must be located outside the RPZ.
3. If no reasonable alternative exists, use should be located as far from extended centerline as possible.
4. If no reasonable alternative exists, use should be located as far from extended runway centerline and traffic patterns as possible.
5. Transportation facilities in the RPZ (i.e. roads, railroads, waterways) must be configured to comply with Part 77 requirements.

Note: Development projects which are wildlife attractant, including sewerage ponds and landfills, within 10,000 feet of the airport are unacceptable. (Ref.: FAA AC 150/5200-33)

## AVIGATION EASEMENT

WHEREAS, \_\_\_\_\_, hereinafter called the Grantor, is the owner in fee of that certain parcel of land situated in Fremont County, State of Colorado, more particularly described as follows and hereinafter called “Grantor’s Property” (see attached legal description): NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell, and convey unto Fremont County hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, as easement and right-of-way, appurtenant to the Fremont County Airport for the unobstructed use and passage of all types of aircraft by whomsoever owned and operated.

Said easement shall be appurtenant to and for the benefit of the real property now known as Fremont County Airport including any additions thereto wherever located, thereafter made by the Fremont County Airport or its successors and assigns, guests, and invites, including any and all persons, firms, or corporations operating aircraft to or from the airport.

Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all air space above or in the vicinity of the surface of Grantor’s property such noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the vicinity of Grantor’s property or in landing at or taking off from, or operating at or on said Fremont County Airport, and Grantor does hereby fully waive, remise, and release any right or cause of action which he may now have or which he may have in the future against Airport Zone District 4.16 – 4.16.19.5 Section 4 – Page 90

Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Fremont County Airport.

As used herein, the term “aircraft” shall mean any and all types of aircraft, whether now in existence or thereafter manufactured and developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whomsoever owned or operated.

The easement and right-of-way hereby granted includes the continuing right in the Grantee to prevent the erection or growth upon Grantor’s property of any building, structure, tree, or other object which constitutes an obstruction to navigable airspace [OR SPECIFIC HEIGHT RESTRICTION DESIRED], and to remove from said air space, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantor’s property, together with the right of ingress to, egress from, and passage over Grantor’s property for the above purpose.

TO HAVE AND TO HOLD said easement and right-of-way, and all rights appertaining thereto unto the Grantee, its successors and assigns, until said Fremont County Airport shall be abandoned and shall cease to be used for public airport purposes.

AND for the consideration hereinabove set forth, the Grantor, for himself, his heirs, administrators, executors, successors, and assigns, does hereby agree that for and during the life of said easement and right-of-way, he will not hereafter erect, park, permit the erection or growth of, or permit or suffer to remain upon Grantor’s property, any building, structure, tree or other object that creates an obstruction to navigable airspace, and that he shall not hereafter use or permit or suffer the use of Grantor’s property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and other, or to permit any use of the Airport Zone District 4.16 – 4.16.19.5 Section 4 – Page 91

Grantor’s property that causes a discharge of fumes, dust or smoke so as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft. Grantor furthermore waives all damages and claims for damages caused or alleged to be caused by or incidental to such activities.

It being understood and agreed that aforesaid covenants and agreements shall run with the land and shall be forever binding upon the heirs, administrators, executors, successors, and assigns of the Grantor.

IN WITNESS WHEREOF the Grantor has hereunto set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Grantor

Signed, sealed and delivered in the presence of:

STATE OF COLORADO )  
 ) SS  
COUNTY OF FREMONT )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ (Grantor).

WITNESS my hand and official seal.

My Commission expires:

\_\_\_\_\_ Notary Public

**DISCLOSURES BY (OWNER) (BUYER)  
OF REAL PROPERTY IN FREMONT COUNTY, COLORADO**

This is a notification, disclosure, and acknowledgement by (Owner) (Buyer) of real property located in the vicinity of the Fremont County Airport in Fremont County, Colorado.

\_\_\_\_\_ hereby acknowledges the following:  
(Owner) (Buyer) Print Name

**AIRPORT**

**1. Proximity to the Airport**

The subject parcel, located in Section \_\_\_ Township \_\_\_ Range \_\_\_\_, is less than \_\_\_ mile(s) from the Fremont County Airport. The parcel is also located within the airport influence area. Airplanes may fly at low elevations over the parcel as they operate to, from, or at the airport. The airport is operational 24 hours per day. Flights may occur at all hours of the day or night.

**2. Disclosure of Noise Impacts**

Due to the proximity of the parcel to the airport, and the airport's associated flight patterns; owner(s) / buyer(s) should expect varying degrees of noise from these aircraft, which some persons may find intrusive.

**3. Future Improvements and Aircraft Operations**

The airport plans to expand its facilities and operations in the future. The plans include, but are not limited to those shown on the approved Airport Layout Plan. These improvements may result in increased aircraft operations, operations by larger aircraft, and increased nighttime operations which could increase the noise levels within the vicinity of the airport.

**CERTIFICATION**

This undersigned owner(s) / purchaser(s) of said parcel of land certify(ies) that (he/she) (they) (has) (have) read the above disclosure statement and acknowledge(s) the pre or planned existence of the airport named above and the noise exposure due to the operation of said airport.

\_\_\_\_\_ (SIGNATURE) DATE

## **4.16 AP - AIRPORT ZONE DISTRICT**

**4.16.1 DESCRIPTION:** This zone district is established to provide for placement and protection of airports and airport related uses.

**4.16.2 ALLOWED USES:** Notes: (1) This zone district is subject to Section 3 “General Regulations” of this Resolution; (2) Development of undeveloped property; any substantial change of use (*or occupancy as per the Building Code of Fremont County*) from one use to another use; or any substantial expansion or enlargement of an existing use in this zone district will require compliance with Section 8.15 Commercial Development Plan of this Resolution; (3) All proposals or development will be subject to Federal Aviation Administration (FAA) requirements.

**4.16.2.1** Accessory buildings and accessory uses, in association with an airport or other uses allowed within the zone district;

**4.16.2.2** Air cargo terminal and associated freight forwarding facilities;

**4.16.2.3** Aircraft charter service;

**4.16.2.4** Aircraft maintenance facility;

**4.16.2.5** Aircraft restoration facility;

**4.16.2.6** Aircraft manufacturing and sales;

**4.16.2.7** Airport, public and private;

**4.16.2.8** Airport related uses (*such as, but not limited to, aircraft tie-down facilities, aprons, runways, taxiways, air traffic control towers, aircraft fuel storage and dispensing facilities, aircraft hangers, airport related weather stations, noise monitoring stations, spill cleanup facilities, deicing facilities, stormwater drainage facilities, items required by the FAA for safe operation, etcetera*);

**4.16.2.9** Airport terminal and related supporting facilities;

**4.16.2.10** Car rental and associated storage areas;

**4.16.2.11** Emergency medical services associated with an airport;

**4.16.2.12** Fire station associated with an airport;

**4.16.2.13** Flight kitchens and related facilities;

**4.16.2.14** Flight school;



- 4.16.2.15** Government staging facilities that are aviation related;
- 4.16.2.16** Government training facilities that are aviation related;
- 4.16.2.17** Ground transportation facilities, such as taxi and / or bus terminals;
- 4.16.2.18** Heliport;
- 4.16.2.19** Lounge and/or restaurant, located within the airport terminal, catering to aviation passengers and employees;
- 4.16.2.20** Manufacturing and distribution of aviation related items;
- 4.16.2.21** Mini-storage facility, when used in association with an airport or other uses allowed within the zone district;
- 4.16.2.22** Parking lot and / or garage, in association with an airport or other uses allowed within the zone district;
- 4.16.2.23** Personal service outlets located within the airport terminal, catering to aviation passengers and employees;
- 4.16.2.24** Professional offices, in association with an airport or other uses allowed within the zone district;
- 4.16.2.25** Public utilities (*distribution elements only, not to include regulators and substations*);
- 4.16.2.26** Restaurant and/or lounge located within the airport terminal, catering to aviation passengers and employees;
- 4.16.2.27** Retail outlets located within the airport terminal, catering to aviation passengers and employees;
- 4.16.2.28** Trade or training school that is associated with aviation.

**4.16.3 CONDITIONAL USES:**

NONE

**4.16.4 SPECIAL REVIEW USES:**

- 4.16.4.1** Towers and antennas, located outside the airport terminal;

**4.16.5 DEVELOPMENT REQUIREMENTS:**

**4.16.5.1** Minimum area: One-hundred and twenty (120) acres

**4.16.5.2** Minimum lot size: Lots comprising an area of one (1) acre but less than two (2) acres shall be serviced by public water and sewer. Lots comprising two (2) acres or more but less than four and one-half (4½) acres shall be serviced by public water. Lots comprising four and one-half (4½) acres or more may be serviced by an individual well and an individual sewage disposal system.

**4.16.5.3** Maximum lot coverage: Eighty (80) percent.

**4.16.5.4** Minimum lot width: One-hundred (100) feet.

**4.16.5.5** Maximum building height: In accordance with Federal Aviation Administration Guidelines (FAR Part 77 Airspace Surfaces). Any structure over fifty (50) feet, above ground level, shall include obstruction lights.

**4.16.5.6** Minimum setback requirements: The setback for all runways and related facilities shall be set according to Federal Aviation Administration (FAA) requirements. All buildings shall be set back a minimum of the following distances from lot lines:

**4.16.5.6.1** Front yard: Forty (40) feet.

**4.16.5.6.2** \*Side yard: Fifteen (15) feet.

**4.16.5.6.3** \*If a street is adjacent to the side property line, the side setback adjacent to the street shall be twenty (20) feet.

**4.16.5.6.4** \*Rear yard: Twenty (20) feet.

**\*NOTE:** A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway.

**4.16.5.6.5** Construction in lease areas:

**4.16.5.6.5.1** Minimum separations of buildings and/or structures for leased areas shall be determined in the lease agreement with considerations of the requirements of the Building Code of Fremont County. Items that may be considered are, but are not limited to, building and or structure size, height, use, occupancy, openings, construction methods, construction materials, etcetera.

**NOTES:**

- a. Consultation with the Fremont County Building Department is required regarding minimum separations of buildings and/or structures, prior to finalization of construction plans for new construction.
- b. Consultation with the Fremont County Building Department is required regarding minimum separations of buildings and/or structures for placement of a use or occupancy in an existing building or structure that is different than the use or occupancy proposed at the time of issuance of the original building permit for the existing building or structure.

**4.16.6 TEMPORARY USES:** Approval as noted below will be required for the following uses:

**4.16.6.1** Construction office (*office use only*) and or material or equipment storage containers used during construction of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required;

**4.16.6.2** Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. If a temporary use permit is required refer to Section 8.16 for requirements.

**4.16.7 OFF STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.16.8 OFF STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

**4.16.9 PLATTING REQUIREMENTS:** Any parcel of land which is to be used for any multiple business units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.

**4.16.10 AP-O AIRPORT OVERLAY ZONE DISTRICT**

**4.16.11 DESCRIPTION:** This section and the referenced maps establish an overlay zone district in Fremont County regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Fremont County Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Fremont County Airport FAR Part 77 Airspace Drawing and Off Airport Land Use Drawing which are incorporated in and made a part of this regulation by reference.

- 4.16.12 PURPOSE:** The purpose of the airport overlay zone district is to protect the viability of the Fremont County Airport as a significant resource to the community by encouraging compatible land uses, densities and reducing hazards that may endanger the lives and property of the public and aviation users. The Airport Overlay (AP-O) Zone District classification identifies a series of virtual surfaces and compatibility zones within the airport influence area that have historically been prone to hazards associated with aircraft and airports. The AP-O zone district classification is laid over the existing Fremont County Zoning Districts.
- 4.16.13 SHORT TITLE:** This zone district shall hereafter be referred to as the Fremont County Airport Overlay Zone District.
- 4.16.14 DEFINITIONS:** As used in this Airport Overlay Zone District, unless the context otherwise requires:
- 4.16.14.1 AIRPORT ELEVATION:** The highest point of an airport's usable landing area measured in feet from mean sea level.
- 4.16.14.2 APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4.18.6 of this Resolution. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- 4.16.14.3 APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES:** These zones are set forth in Section 4.18.5 of this Resolution.
- 4.16.14.4 CONICAL SURFACE:** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 4.16.14.5 HAZARD TO AIR NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- 4.16.14.6 HEIGHT (AIRPORT):** For the purpose of determining the height limits in the AP-O zone district and as shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- 4.16.14.7 HELIPORT PRIMARY SURFACE:** The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- 4.16.14.8 HORIZONTAL SURFACE:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

- 4.16.14.9 LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- 4.16.14.10 NAVD 88 North American Vertical Datum 1988:** All elevations in this Resolution are referenced to the 1988 North American Vertical Datum.
- 4.16.14.11 NONCONFORMING USE (AIRPORT):** Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this zone district or any amendment thereto.
- 4.16.14.12 NONPRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.
- 4.16.14.13 OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4.18.6.
- 4.16.14.14 PERSON (AIRPORT):** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- 4.16.14.15 PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR) or a Global Positioning System (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.
- 4.16.14.16 PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 4.18.5. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- 4.16.14.17 RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- 4.16.14.18 STRUCTURE (AIRPORT):** An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- 4.16.14.19 TRANSITIONAL SURFACES:** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope

of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

**4.16.14.20 TREE (AIRPORT):** Any object of natural growth.

**4.16.14.21 UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

**4.16.14.22 VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

**4.16.15 AIRPORT HEIGHT RESTRICTION ZONES:** In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Fremont County Airport. Such zones are shown on the Fremont County Airport Federal Aviation Regulation (FAR) Part 77 Airspace Drawing. Two (2) original, official, and identical copies of the FAR Part 77 Airspace Drawing reflecting the boundaries of the airport height restriction overlay zoning districts of Fremont County are hereby adopted, and the Board of County Commissioners and the Fremont County Clerk & Recorder are hereby authorized to sign and attest each map as the official Fremont County Airport FAR Part 77 Airspace Drawing of Fremont County, and such maps shall be filed as follows:

- One (1) copy shall be filed in the office of the Fremont County Department of Planning and Zoning. The Department will keep on file all authorized amendments to the document.
- One (1) copy shall be provided to the office of the Fremont County Airport Manager. The Fremont County Department of Planning and Zoning shall provide the Fremont County Airport Manager with copies of all amendments to the document.

**4.16.15.1** Each portion of an area located in more than one (1) of the following zones shall be evaluated independently according to the zone in which it is located. The various zones are hereby established and defined as follows:

**4.16.15.1.1 PRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY)** – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**4.16.15.1.2 NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY)** – The inner edge of this approach zone

coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**4.16.15.1.3 NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT)** – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**4.16.15.1.4 VISUAL RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY)** – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

**4.16.15.1.5 VISUAL RUNWAY APPROACH ZONE (UTILITY AIRCRAFT)** – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach surface expands uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is a continuation of the centerline of the runway.

**4.16.15.1.6 TRANSITIONAL ZONE** – The transitional zones are the areas beneath the transitional surfaces.

**4.16.15.1.7 HORIZONTAL ZONE** – The horizontal zone is established by swinging arcs of 5,000 or 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The horizontal zone was constructed with 10,000 feet radii.

**4.16.15.1.8 CONICAL ZONE** – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

**4.16.16 AIRPORT ZONE HEIGHT LIMITATIONS** : Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any AP-O zone, to a height in excess of the applicable height limit herein established. Such applicable height limitations are hereby established for each of the zones in question as follows:

**4.16.16.1 PRECISION INSTRUMENT RUNWAY APPROACH ZONE** – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. Then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first 10,000 feet

and extending to a horizontal distance of 40,000 feet along the extended runway centerline.

**4.16.16.2 NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY)** - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

**4.16.16.3 NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT)** – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

**4.16.16.4 VISUAL RUNWAY APPROACH ZONE** – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

**4.16.16.5 TRANSITIONAL ZONE** - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

**4.16.16.6 HORIZONTAL ZONE** – Established at 150 feet above the airport elevation.

**4.16.16.7 CONICAL ZONE** – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

1.1.1.1

## **2 4.16.17 COMPATIBLE LAND USE REGULATIONS**

**4.16.17.1 AIRPORT COMPATIBLE LAND USE OVERLAY ZONING DISTRICTS** – For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety, and general welfare of property users, the controlled area of Fremont County Airport is divided into Airport Compatible Land Use Overlay Zoning districts. The Airport



Compatible Land Use Overlay Zoning districts established herein shall be known as:

Off Airport Land Use Zone Number	Zoning District Name
1	Airport Influence Zone (AIZ)
2	Traffic Pattern Zone (TPZ)
3	Approach Zone (AZ)
4	Runway Protection Zone (RPZ)

#### **4.16.17.2 OFF AIRPORT LAND USE MAP**

**4.16.17.2.1** The boundaries of the Airport Compatible Land Use Overlay Zoning Districts set out herein are delineated upon the Off Airport Land Use Map of Fremont County, said Off Airport Land Use Map being adopted by reference and made a part of this resolution as fully as if the same were set forth herein in detail.

**4.16.17.2.2** Two (2) original, official, and identical copies of the Off Airport Land Use Map reflecting the boundaries of the Airport Compatible Land Use Overlay Zoning Districts of Fremont County are hereby adopted, and the Board of County Commissioners, Chairman and the Fremont County Clerk & Recorder are hereby authorized to sign and attest each map as the official Off Airport Land Use Map of Fremont County, Colorado, and such maps shall be filed and maintained as follows:

**4.16.17.2.2.1** One (1) copy shall be filed in the office of the Fremont County Department of Planning and Zoning. The Department will keep on file all authorized amendments to the maps.

**4.16.17.2.2.2** One (1) copy shall be provided to the office of the Fremont County Airport Manager. The Fremont County Department of Planning and Zoning shall provide the Airport Manager with copies of all amendments to the maps.

#### **4.16.17.3 AIRPORT COMPATIBLE LAND USE OVERLAY ZONING DISTRICT BOUNDARIES**

**4.16.17.3.1** The Airport Compatible Land Use Overlay Zoning District boundary lines shown on the Off Airport Land Use Map shall be located and delineated along contour lines established for the Fremont County Airport. Where uncertainty exists as to the boundaries of the Airport Compatible Land Use Overlay Zoning Districts as shown on the official Map, the following rules shall apply:

**4.16.17.3.1.1** Boundaries shall be scaled from the nearest runway end shown on the map.

**4.16.17.3.1.2** Boundaries shall be scaled from the nearest physical feature shown on the map.

**4.16.17.3.1.3** Boundaries shall be scaled from the nearest platted lot line as shown on the map.

**4.16.17.3.1.4** Distances not specifically indicated on the original Off Airport Land Use Map shall be determined by a scaled measurement on the map.

**4.16.17.3.2** Where physical features on the ground differ from the information shown on the Off Airport Land Use Map or when there is a question about how or where a parcel of property is zoned and such questions cannot be resolved by the application of Section 4.18.7.3.1, the property shall be classified in the most restrictive Airport Compatible Land Use Overlay Zoning District.

**4.16.17.3.3** Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zoning District, the zone within which each portion of the property is located shall apply separately to each portion of the development.

#### **4.16.17.4 USE OF LAND AND BUILDINGS**

**4.16.17.4.1** Within the Airport Compatible Land Use Overlay Zoning Districts as defined herein, no land shall be used and no structure or other object shall be erected, altered, converted, or modified other than for those compatible land uses permitted by underlying comprehensive zoning districts, as specified in the Fremont County Zoning Resolution. Additional land uses are prohibited in the Airport Compatible Land Use Overlay Zoning Districts, regardless of underlying zoning, as set forth in the Land Use Compatibility Table included in Table 4.18.

**4.16.17.4.2** Where any use of land and buildings set forth in Section 4.16.17.4.1 conflicts with any use of land and buildings set forth in the Fremont County Zoning Resolution, as an allowed use on the Zoning District Map, Section 4.16.17.4.1 shall apply.

**4.16.17.4.3** Section 4.16.17.4 shall not apply to land within the property boundaries of the airport.

**4.16.17.4.4** No building permit for construction within an Airport Compatible Land Use Overlay Zoning District shall be approved for those uses specified on the Airport Compatible Land Use Table, until the property owner(s) dedicates an Avigation Easement to Fremont County over and across the property (*See Avigation Easement Form and Disclosure Form available from the Department*). The purpose of this easement shall be to establish a maximum height restriction for the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft landing at, taking off from, or operating on, or at, public airport facilities.

#### **4.16.17.5 ADDITIONAL LAND USE REGULATIONS**

**4.16.17.5.1** Within Fremont County the more restrictive of either the Fremont County Zoning Resolution or Section 4.18.7 shall apply to the development of all property covered by the Off Airport Land Use Map.

**4.16.17.5.2** On property within the Off Airport Land Use Map, Section 4.18.7 shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions.

**4.16.17.5.3** When a provision of this section conflicts with any airport height hazard restrictions, the most restrictive provision shall apply.

**4.16.17.5.4** Notwithstanding any other provisions of this section or other section of the Fremont County Zoning Resolution, no use may be made of land, water, or structures within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.

**4.16.17.5.5** When a subdivision plat is required for any property within an Airport Compatible Land Use Overlay Zoning District or within an area shown on the FAR Part 77 Airspace Drawing for Fremont County, the property owner shall dedicate an Avigation Easement to Fremont County over and across that property (*See Avigation Easement Form and Disclosure Form available from the Department*). This easement shall establish a height restriction for the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Fremont County Airport.

#### **4.16.18 NONCONFORMING USES**

**4.16.18.1 REGULATIONS NOT RETROACTIVE** - The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the date of adoption, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this resolution, and is diligently prosecuted. Nonconforming land uses existing as of the effective date of this resolution may be modified such that 1) only existing structures may be enlarged or expanded; 2) they do not result in any greater violation of height restrictions; and 3) a variance in accordance with Section 4.18.9.4 is obtained.

**4.16.18.2 MARKING AND LIGHTING** - Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Fremont County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Fremont County Airport.

#### **4.16.19 PERMITS**

**4.16.19.1 FUTURE USES** - Except as specifically provided in 4.16.19.1.1 and 4.16.19.1.2 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted by the Fremont County Airport Manager. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. An FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, shall accompany each application. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this resolution shall be granted unless a variance has been approved in accordance with Section 4.16.19.4.

**4.16.19.1.1** In the area lying within the limits of the approach zone, transition zone, horizontal zone, and conical zone, no permit shall be required by this resolution for any tree or structure less than 200 feet above ground level which is also lower than a virtual surface extending outward and upward at a slope of 100 feet horizontal for each 1 foot vertical beginning at the closest point of the closest runway.

**4.16.19.1.2** Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this resolution.

**4.16.19.2 EXISTING USES** - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this resolution or any amendments thereto or when the application for a permit was made.

**4.16.19.3 NONCONFORMING USES ABANDONED OR DESTROYED** - Whenever a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

**4.16.19.4 VARIANCES** - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this resolution, may apply to the Board of Zoning Adjustment (BOZA) for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this resolution.

**4.16.19.5 OBSTRUCTION MARKING AND LIGHTING** - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may require in accordance with FAA provisions.

**TABLE 4.16.10**

2.1.1.1.1.1.1 LAND USE COMPATIBILITY TABLE

<b>2.1.2 LAND USE CATEGORY</b>	<b>AIRPORT INFLUENCE ZONE (AIZ)</b>	<b>TRAFFIC PATTERN ZONE (TPZ)</b>	<b>APPROACH ZONE (AZ)</b>	<b>RUNWAY PROTECTION ZONE (RPZ)</b>
<b>RESIDENTIAL</b>				
Single-Family, Nursing Homes, Mobile Homes, Multi-Family, Apartments, condominiums	+	O <sup>(3)</sup>	_(1,3)	--
	+	O <sup>(3)</sup>	_(1,3)	--
<b>PUBLIC</b>				
Schools, Libraries, Hospitals	+	O <sup>(3)</sup>	_(3)	--
Churches, Auditoriums, Concert Halls	+	O <sup>(3)</sup>	_(3)	--
Transportation, Parking, Cemeteries	++	++	++	_(2)(5)
<b>2.1.2.1.1.1 COMMERCIAL &amp; INDUSTRIAL</b>				
Offices, Retail Trade	++	+	O <sup>(3)</sup>	--
Service Commercial, Wholesale Trade, Warehousing, Light Industrial				
General Manufacturing, Utilities, Extractive industry				
<b>AGRICULTURAL &amp; RECREATIONAL</b>				
Cropland	++	++	++	++
Livestock Breeding	++	++	--	_(2)
Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation	++	++	--	_(2)
Outdoor Spectator Sports,	++	+	_(3)	--
Amphitheaters	O	_(4)	--	--
Open Space	++	++	++	++

++ Clearly Acceptable + Normally Acceptable O Marginally Acceptable - Normally Unacceptable -- Clearly Unacceptable

Note: Development projects which are wildlife attractant, including sewerage ponds and landfills, within 10,000 feet of the airport are unacceptable. (Ref.: FAA AC 150/5200-33)

**3**

**4 Conditions:**

- (1) If allowed, avigation easements and disclosure must be required as a condition of development.
- (2) Any structures associated with uses allowed in the RPZ must be located outside the RPZ.
- (3) If no reasonable alternative exists, use should be located as far from extended centerline as possible.
- (4) If no reasonable alternative exists, use should be located as far from extended runway centerline and traffic patterns as possible.
- (5) Transportation facilities in the RPZ (i.e. roads, railroads, waterways) must be configured to comply

with Part 77 requirements.

**NOTE:** *The Avigation Easement and Disclosure Forms which follow will be available from the Department, but will not appear in the text of the Zoning Resolution. They are incorporated by reference only.*

## **AVIGATION EASEMENT**

WHEREAS, \_\_\_\_\_, hereinafter called the Grantor, is the owner in fee of that certain parcel of land situated in Fremont County, State of Colorado, more particularly described as follows and hereinafter called “Grantor’s Property” (see attached legal description):

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell, and convey unto Fremont County hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, as easement and right-of-way, appurtenant to the Fremont County Airport for the unobstructed use and passage of all types of aircraft by whomsoever owned and operated.

Said easement shall be appurtenant to and for the benefit of the real property now known as Fremont County Airport including any additions thereto wherever located, thereafter made by the Fremont County Airport or its successors and assigns, guests, and invites, including any and all persons, firms, or corporations operating aircraft to or from the airport.

Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all air space above or in the vicinity of the surface of Grantor’s property such noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the vicinity of Grantor’s property or in landing at or taking off from, or operating at or on said Fremont County Airport, and Grantor does hereby fully waive, remise, and release any right or cause of action which he may now have or which he may have in the future against

Grantee, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Fremont County Airport.

As used herein, the term “aircraft” shall mean any and all types of aircraft, whether now in existence or thereafter manufactured and developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whomsoever owned or operated.

The easement and right-of-way hereby granted includes the continuing right in the Grantee to prevent the erection or growth upon Grantor’s property of any building, structure, tree, or other object which constitutes an obstruction to navigable airspace [OR SPECIFIC HEIGHT RESTRICTION DESIRED], and to remove from said air space, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantor’s property, together with the right of ingress to, egress from, and passage over Grantor’s property for the above purpose.

TO HAVE AND TO HOLD said easement and right-of-way, and all rights appertaining thereto unto the Grantee, its successors and assigns, until said Fremont County Airport shall be abandoned and shall cease to be used for public airport purposes.

AND for the consideration hereinabove set forth, the Grantor, for himself, his heirs, administrators, executors, successors, and assigns, does hereby agree that for and during the life of said easement and right-of-way, he will not hereafter erect, park, permit the erection or growth of, or permit or suffer to remain upon Grantor’s property, any building, structure, tree or other object that creates an obstruction to navigable airspace, and that he shall not hereafter use or permit or suffer the use of Grantor’s property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and other, or to permit any use of the



Grantor's property that causes a discharge of fumes, dust or smoke so as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft. Grantor furthermore waives all damages and claims for damages caused or alleged to be caused by or incidental to such activities.

It being understood and agreed that aforesaid covenants and agreements shall run with the land and shall be forever binding upon the heirs, administrators, executors, successors, and assigns of the Grantor.

IN WITNESS WHEREOF the Grantor has hereunto set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Grantor

Signed, sealed and delivered in the presence of:

STATE OF COLORADO )  
 ) SS  
COUNTY OF FREMONT )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ (Grantor).

WITNESS my hand and official seal.

My Commission expires:

\_\_\_\_\_  
Notary Public

**DISCLOSURES BY (OWNER) (BUYER)**

**5 OF REAL PROPERTY IN FREMONT COUNTY, COLORADO**

This is a notification, disclosure, and acknowledgement by (Owner) (Buyer) of real property located in the vicinity of the Fremont County Airport in Fremont County, Colorado.

\_\_\_\_\_ hereby acknowledges the following:  
(Owner) (Buyer) Print Name

**6 AIRPORT**

**1. Proximity to the Airport**

The subject parcel, located in Section \_\_\_ Township \_\_\_ Range \_\_\_\_, is less than \_\_\_\_ mile(s) from the Fremont County Airport. The parcel is also located within the airport influence area. Airplanes may fly at low elevations over the parcel as they operate to, from, or at the airport. The airport is operational 24 hours per day. Flights may occur at all hours of the day or night.

**2. Disclosure of Noise Impacts**

Due to the proximity of the parcel to the airport, and the airport’s associated flight patterns; owner(s) / buyer(s) should expect varying degrees of noise from these aircraft, which some persons may find intrusive.

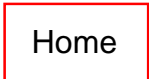
**3. Future Improvements and Aircraft Operations**

The airport plans to expand its facilities and operations in the future. The plans include, but are not limited to those shown on the approved Airport Layout Plan. These improvements may result in increased aircraft operations, operations by larger aircraft, and increased nighttime operations which could increase the noise levels within the vicinity of the airport.

**CERTIFICATION**

This undersigned owner(s) / purchaser(s) of said parcel of land certify(ies) that (he/she) (they) (has) (have) read the above disclosure statement and acknowledge(s) the pre or planned existence of the airport named above and the noise exposure due to the operation of said airport.

\_\_\_\_\_  
(SIGNATURE) DATE



#### 4.4 Low Density Residential (LDR)

This district is established to provide areas of low-density residential development characteristically and primarily for single-family dwelling units.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
8,500 sq. ft with public water & sewer	85'	25/25	10/5	20/10	35'	35%
1 acre with public water & OWTS	85'		15' Adjacent to a street	25' Adjacent to a State or Federal Highway		
4.5 acres with well & OWTS	85'					

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, POSSIBLE LIMITATIONS, AND PERMIT		
USE		COMMENTS
<a href="#">ACCESSORY BUILDINGS &amp; USE:</a>		
<a href="#">DWELLING UNIT</a>		Single Family Manufactured Homes Accessory Dwelling Unit
<a href="#">ELEMENTARY SCHOOL</a>		
<a href="#">GROUP HOME</a>		
<a href="#">HOME OCCUPATION</a>		Refer to 5.2.3 of this resolution for additional development requirements
<a href="#">PARK</a>		Mini
<a href="#">RELIGIOUS INSTITUTION</a>		

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		COMMENTS
<a href="#">ASSISTED LIVING RESIDENCE</a>		

<a href="#"><u>BED &amp; BREAKFAST</u></a>		
<a href="#"><u>CHILD CARE CENTER</u></a>		
<a href="#"><u>FAMILY CHILD CARE HOME</u></a>		
<a href="#"><u>GOLF COURSE</u></a>		
<a href="#"><u>FIRE, POLICE STATION, &amp; EMS FACILITIES</u></a>		Refer to section 5.2.4 for development requirements
<a href="#"><u>HOSPITAL</u></a>		
<a href="#"><u>NURSING HOME</u></a>		
<a href="#"><u>PARK</u></a>		Neighborhood
<a href="#"><u>UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS &amp; TRANSMISSION LINES</u></a>		
<a href="#"><u>RECREATIONAL FACILITY, URBAN</u></a>		
<a href="#"><u>SCHOOLS</u></a>		High School Junior High School
<a href="#"><u>TOWER</u></a>		Exceeding 50' in height

**Temporary Uses:** None

## **4.7 LDR - LOW DENSITY RESIDENCE ZONE DISTRICT**

**4.7.1 DESCRIPTION:** This district is established to provide areas of low density residential development characteristically and primarily for single-family dwelling units.

**4.7.2 ALLOWED USES:** Note: This zone district is subject to Section 3 “General Regulations” of this Resolution.

**4.7.2.1** Accessory buildings and uses;

**4.7.2.2** Dwelling, manufactured home (*does not include manufactured home single-wide, refer to Section 1.5.58.6 & 1.5.58.7 of this Resolution for definitions*);

**4.7.2.3** Dwelling, single-family;

**4.7.2.4** Elementary school;

**4.7.2.5** Group home;

**4.7.2.6** Park, mini;

**4.7.2.7** Religious institution;

**4.7.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit. NONE

**4.7.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

**4.7.4.1** Assisted living residence or residence;

**4.7.4.2** Bed and breakfast;

**4.7.4.3** Child care center;

**4.7.4.4** Family child care home;

**4.7.4.5** Fire and/or police station;

**4.7.4.6** Golf course;

**4.7.4.7** High school;

**4.7.4.8** Hospital;

**4.7.4.9** Junior high school;

**4.7.4.10** Nursing home;

**4.7.4.11** Park, Neighborhood;

**4.7.4.12** Public utility building, regulators, and substations;

**4.7.4.13** Recreational facility, Urban;

**4.7.4.14** Towers that exceed fifty (50) feet.

### **4.7.5 DEVELOPMENT REQUIREMENTS:**

**4.7.5.1** Minimum lot area: Eighty-five-hundred (8,500) square feet.

**4.7.5.1.1** Lots comprising an area of eighty-five-hundred (8,500) square feet or more but less than one (1) acre shall be serviced by public water and sewer systems. Lots comprising an area of one acre or more but less than four and one-half (4 ½) acres shall be serviced by a public domestic water system but may be serviced by an individual sewage disposal system. Lots comprising four and one-half (4 ½) acres or more may be serviced by an individual well and individual sewage disposal system.

**4.7.5.2** Maximum lot coverage: Thirty-five (35) percent.

**4.7.5.3** Maximum building height: Thirty-five (35) feet.

**4.7.5.4** Minimum lot width: Eighty-five (85) feet.

**4.7.5.5** Minimum setback requirements:

**4.7.5.5.1** Front yard: Twenty-five (25) feet.

**4.7.5.5.2** \*Side yard: Ten (10) feet for primary buildings and five (5) feet for accessory buildings.

**4.7.5.5.2.1** If a street is adjacent to the side property line, the side yard setback adjacent to the street shall be fifteen (15) feet.

**4.7.5.5.3** \*Rear yard: Twenty (20) feet for primary buildings and ten (10) feet for accessory buildings.

**\*NOTE:** A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway.

**4.7.6 TEMPORARY USES:**

NONE

**4.7.7 OFF-STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.7.8 OFF-STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

#### 4.6 Manufactured Home Park (MHP)

This zone district is established to provide for manufactured home parks and for ensuring and promoting an acceptable living environment for manufactured home park occupants.

Minimum Lot Size/Area	Space Dimension		Interior Set Back Requirements Principal/Accessory			Exterior Boundary Set backs			Max Building Height
	Width	Depth	Front	Side	Rear	Front	Side	Rear	
4.5 acres	40'	100'	20'	5'	10'	75' All State or Federal Highways 25' Public Streets & adjacent property lines			25'

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, POSSIBLE LIMITATIONS, AND PERMIT		
USE		
<a href="#">ACCESSORY BUILDINGS &amp; USES:</a>		
<a href="#">DWELLING UNIT</a>		Manufactured Home*
<a href="#">HOME OCCUPATION</a>		
<a href="#">PARK</a>		Mini
<a href="#">PARK SUPPORT FACILITIES</a>		
<a href="#">WATCHMAN'S QUARTERS</a>		

\*Manufactured homes shall not be placed on a permanent foundation. However, the foundation design shall be as per the manufacturer's recommended foundation.

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
<a href="#">ASSISTED LIVING RESIDENCE</a>		
<a href="#">COMMUNITY BUILDING</a>		
<a href="#">CHILD CARE CENTER</a>		
<a href="#">FAMILY CHILD CARE HOME</a>		
<a href="#">GROUP HOME</a>		

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**Temporary Uses: None**

#### 4.6.1 Manufactured Home Park Development

Site plan requirements:

- a. Title: (Name)Manufactured Home Park Development Plan
- b. Property size in acreage or square footage
- c. Legal description of the property
- d. Zoning of the subject and adjacent parcels
- e. Vicinity map
- f. Boundary drawing of the property with bearings and dimensions
- g. Spaces to be contained within the park
  - i. Size of each space
  - ii. Total amount of spaces
  - iii. Setbacks for each space (at least two property lines)
- h. Dimensions and square footage of each unit
- i. Entrance and exit points of access
- j. All other existing and proposed structures
  - i. Type
  - ii. Size: Dimensions and square footage
  - iii. Height
- k. Interior Roadways
  - i. Width
  - ii. Surface type & thickness
  - iii. Circulation patterns
- l. Parking areas
  - i. Type & number for each unit space
  - ii. Other parking areas: type(s) and sizes
  - iii. Total area
  - iv. Surface type and thickness
- m. Storage areas
  - i. Total area
- n. Open Space Areas
- o. Safety Lighting
  - i. Type
  - ii. Height
- p. Floodplain and drainage ways
- q. Landscaping
- r. Any Special Features of the property



- s. Any other design features

### Development Requirements

- t. **Access:** At minimum one (1) permanent access and one (1) emergency access shall be provided.
- u. **Roadway entrance:** At least fifty (50) feet in width, to taper to a minimum of thirty-eight (38) feet in width no sooner than fifty (50) feet from the junction of the roadway and the public street.
- v. **Right-of-way and roadway widths:** Fifty (50) foot rights-of-way for roadways to be maintained by the County, with a thirty-eight (38) foot asphalt or concrete roadway surface with curb, gutter, and a five (5) foot sidewalk on each side of the right-of-way, shall be required unless waived by the Board. Thirty-eight (38) feet roadway width, if roadway is to be privately maintained. If asphalt or concrete surface is not required, the roadways shall be constructed to County gravel street standards.
- w. **Street, curb and gutter, and sidewalks:** Street, curb and gutter and sidewalk plans and profiles shall be signed and sealed by a Colorado Licensed Professional Engineer and approved by the County Engineer and/or County Road Foreman, if the roadways are to be County maintained streets. If streets are to be County maintained, the streets shall be constructed to County street specifications. Typical street cross sections, for private streets.
- x. **Buffering and landscaping:** Unless waived by the Board a buffering and landscaping in accordance with [Section 5.4](#) shall be required.
- y. **Open Space Requirements:** A minimum four (4) percent of the total manufactured home park area shall be set aside for open space, which may be used for recreational purposes. Adequate access shall be provided to all open space areas.

**Storage Areas:** A separate area that consists of a minimum one-hundred (100) square feet per manufactured home unit shall be set aside for storage of boats, boat trailers, motor homes, trailers, or similar recreational vehicles within the development.

## **4.10 MHP - MANUFACTURED HOME PARK ZONE DISTRICT**

**4.10.1 DESCRIPTION:** This zone district is established to provide for manufactured home parks and for ensuring and promoting an acceptable living environment for manufactured home park occupants.

**4.10.2 ALLOWED USES:** Note: (1) This zone district is subject to Section 3 “General Regulations” of this Resolution; (2) A zone change request for this zone district and any development of a parcel zoned Manufactured Home Park, expansion or enlargement within this zone district shall comply with all requirements of this Section.

**4.10.2.1** Accessory buildings and uses;

**4.10.2.2** Dwelling, manufactured home, provided it is not placed on a permanent foundation. However, the foundation design shall be as per the manufacturer’s recommended foundation;

**4.10.2.3** Dwelling, manufactured home single-wide;

**4.10.2.4** Mini-storage facility (*only in conjunction with the Manufactured Home Park*);

**4.10.2.5** Park, mini;

**4.10.2.6** Park support facilities;

**4.10.2.7** Watchman’s quarters, manufactured home or manufactured home (1) single-wide, only in conjunction with a manufactured home park and only one such unit per park.

**4.10.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.  
NONE

**4.10.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

**4.10.4.1** Assisted living residence or residence;

**4.10.4.2** Community building;

**4.10.4.3** Child care center;

**4.10.4.4** Family child care home;

**4.10.4.5** Group home;

**4.10.4.6** Public utility building, regulators, and substations;

**4.10.5 DEVELOPMENT REQUIREMENTS:**

**4.10.5.1** Minimum park area: Four and one-half (4 ½) acres.

**4.10.5.2** Maximum building height: Twenty-five (25) feet.

**4.10.5.3** Minimum manufactured home space dimensions:

**4.10.5.3.1** Forty (40) feet in width.

**4.10.5.3.2** One-hundred (100) feet in depth.

**4.10.5.4** Minimum setback requirements: (*for all structures primary or accessory*)

**4.10.5.4.1** \*Front yard: Twenty (20) feet (*interior only*).

**4.10.5.4.2** \*Side yard: Five (5) feet (*interior only*).

**4.10.5.4.3** \*Rear yard: Ten (10) feet (*interior only*).

**4.10.5.4.4** Exterior Boundary Setback: Seventy-five (75) feet from all state or federally designated rights-of-way; twenty-five (25) feet from all other public rights-of-way.

**\*NOTE:** Setback for side and rear from all adjacent property lines and public streets: Twenty-five (25) feet.

**4.10.6 GENERAL REQUIREMENTS** – Three (3) copies (*one (1) original and two (2) copies*) of the required documents shall be submitted. The applicant will be notified as to how many additional copies will be required within the Department comment and submittal deficiency letter.

**4.10.6.1** Building permits: Building permits will be required prior to the placement of the manufactured home or manufactured home single-wide on a manufactured home park space. Building permits will not be issued until all required improvements are complete.

**4.10.6.1.1** In the case of nonconforming mobile home parks or nonconforming manufactured home parks, building permits will not be issued until a non-conforming use application has been submitted to the Department and approved.

**4.10.6.2** Fee: A nonrefundable application fee shall be established from time to time by Resolution of the Board.

- 4.10.6.3** Access: Proof of access rights to public road(s). At a minimum one (1) permanent access and one (1) emergency access shall be provided.
- 4.10.6.4** Minimum roadway entrance: At least fifty (50) feet in width, to taper to a minimum of thirty-eight (38) feet in width no sooner than fifty (50) feet from the junction of the roadway and the public street.
- 4.10.6.5** Street, curb and gutter, and sidewalks: Street, curb and gutter and sidewalk plans and profiles shall be signed and sealed by a Colorado Licensed Professional Engineer and approved by the County Engineer and/or County Road Foreman, if the roadways are to be County maintained streets. If streets are to be County maintained, the streets shall be constructed to County street specifications. Typical street cross sections, for private streets.
- 4.10.6.6** Minimum right-of-way and roadway widths: Fifty (50) foot right-of-way for roadways to be maintained by the County, with a thirty-eight (38) foot asphalt or concrete roadway surface with curb, gutter, and a five (5) foot sidewalk on each side of the right-of-way, shall be required unless waived by the Board. Thirty-eight (38) feet roadway width, if roadway is to be privately maintained. If asphalt or concrete surface is not required, the roadways shall be constructed to County gravel street standards.
- 4.10.6.7** Buffering and landscaping: Buffering and landscaping plan, in accordance with Section 5.2.6 of this Resolution, unless waived by the Board. Buffering and landscaping shall be completed prior to recording of the development plan.
- 4.10.6.8** Open Space Requirements: A minimum four (4) percent of the total manufactured home park area shall be set aside for open space, which may be used for recreational purposes. Adequate access shall be provided to all open space areas.
- 4.10.6.9** Storage areas: A separate area that consists of a minimum one-hundred (100) square feet per manufactured home unit shall be set aside for storage of boats, boat trailers, motor homes, trailers, or similar recreational vehicles within the development.
- 4.10.6.10** Water supply: Proof of water may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources or other appropriate representative that notes that the proposed use can be serviced by a well.

- 4.10.6.11** Sewage disposal: Proof of sewage disposal may be a letter from a public sanitation district or a copy of an individual percolation test performed on the subject property, adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.
- 4.10.6.12** Refuse disposal plan: The storage, collection, and disposal of refuse in the manufactured home park shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view. *(A review by the Fremont County Environmental Health Office shall be required).*
- 4.10.6.13** Roadway impact analysis: A detailed roadway impact analysis *(on a form obtained from the Department)*: Prepared by a professional engineer licensed to work in Colorado as per Section 5.11 of this Resolution, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.
- 4.10.6.14** Fire Protection: A fire protection plan *(on a form obtained from the Department)* addressing method of fire protection, location of fire hydrants or other means of fire protection. If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
- 4.10.6.15** Drainage Plan and Report: The owner, applicant and / or developer shall provide a drainage plan and report as per Section 5.10 of this Resolution.
- 4.10.6.16** Soil types and descriptions.
- 4.10.6.17** Detailed utility plan: A detailed utility plan showing the proposed location of all utilities *(water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical)*, as proposed by the developer. Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider.
- 4.10.6.18** Current deed of record: A copy of current deed of record identifying the current owner of the subject property including:
- 4.10.6.18 .1** Authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which representation is authorized.
- 4.10.6.19** Legal description: A complete legal description of the proposed site.

**4.10.6.20** Intent and purposes statement: Statement that the proposal complies with the intent and purposes of this Resolution and the Fremont County Master Plan.

**4.10.6.21 DRAWING REQUIREMENTS:** Three (3) copies of a site plan, professionally drawn, minimum size of 18" X 24", maximum size of 24" X 36", drawn to scale, between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and at least three (3) copies reduced (*to 8 ½" x 11" or 11" x 17"*), which shall include the following: (*More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

**4.10.6.21.1** Site plan shall contain a title: "Manufactured Home Park for \_\_\_\_\_ (*name*)".

**4.10.6.21.2** The site plan subtitle shall contain a brief description of the proposed operation.

**4.10.6.21.3** Written and graphic scale.

**4.10.6.21.4** North arrow.

**4.10.6.21.5** Legal description of the property.

**4.10.6.21.6** Boundary description dimensions of the area which illustrate the legal description of the subject property.

**4.10.6.21.7** Vicinity map locating the proposed development in relation to the surrounding area, streets, etcetera.

**4.10.6.21.8** Zoning classification for all adjoining lots, parcels or tracts.

**4.10.6.21.9** Identify by label or note all existing manufactured homes or other buildings and/or structures which will remain on the subject property after development including:

**4.10.6.21.9.1** Dimensions from at least two property lines for each manufactured home, building and/or structure.

**4.10.6.21.9.2** Square footage and dimensions of all manufactured homes, buildings and structures to verify square footage of each.

**4.10.6.21.9.3** Building height of each building and/or structure.

- 4.10.6.21.9.4** Proposed use of all the existing buildings and/or structures to remain on the subject property after development.
- 4.10.6.21.10** Identify by label or note all proposed manufactured homes, buildings and/or structures which will be located on the subject property including:
  - 4.10.6.21.10.1** Dimensions from at least two property lines for each proposed manufactured home, building and/or structure.
  - 4.10.6.21.10.2** Square footage and dimensions of all manufactured homes, buildings and structures to verify square footage of each.
  - 4.10.6.21.10.3** Building height of each building and/or structure.
  - 4.10.6.21.10.4** Proposed use of each of the proposed buildings and/or structures to be located on the subject property.
- 4.10.6.21.11** Identify by label or note each internal roadway proposed on the subject property after development including:
  - 4.10.6.21.11.1** Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.
  - 4.10.6.21.11.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.
  - 4.10.6.21.11.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
  - 4.10.6.21.11.4** All internal traffic circulation patterns by line symbol.
  - 4.10.6.21.11.5** The surface type, the width and thickness, of each internal roadway.
- 4.10.6.21.12** Identify by label or note any off-street parking areas on the subject property including:

**4.10.6.21.12.1** Dimensions of overall size of all off-street parking areas.

**4.10.6.21.12.2** Proposed surface type for all off-street parking areas. (*See Section 5.3.2 of this resolution for requirements*).

**4.10.6.21.12.2.1** Proposed thickness of the surface materials of the off-street parking areas.

**4.10.6.21.12.3** Identify by label or note and locate different types of off-street parking spaces. (*Such as full size spaces, compact spaces and spaces for individuals with disabilities*). (*Map symbol may be used*)

**4.10.6.21.12.3.1** Dimension each type of off-street parking space proposed to be used on the subject property. (*A typical for each type of space is acceptable*).

**4.10.6.21.12.3.2** A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each category.

**4.10.6.21.13** Identify by label or note all off-street loading areas proposed to be contained on the subject property. (*See Section 5.5 of this Resolution for requirements*) including:

**4.10.6.21.13.1** Location and size, by dimension, all off-street loading areas.

**4.10.6.21.13.2** Proposed surface type for all off-street loading areas. See Section 5.3.2 of this Resolution.

**4.10.6.21.13.2.1** Proposed thickness of the surface materials of the off-street loading areas.

**4.10.6.21.14** Identify by label or note, the specific type and height (*at maturity for vegetation and an estimated time to reach maturity*) and locate, by dimension, all landscaping to be used within the off-street parking and loading areas. (*See Section 5.3.4 of this Resolution*).



**4.10.6.21.15** Identify by label or note, all pedestrian areas and walkways located outside of manufactured homes, buildings and/or structures, on subject property, including:

**4.10.6.21.15.1** Dimensions of all pedestrian areas and walkways.

**4.10.6.21.15.2** Surface type, width, length and thickness of all pedestrian areas and walkways.

**4.10.6.21.16** Identify by label or note all existing or proposed easements located on the subject property after development including:

**4.10.6.21.16.1** Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.

**4.10.6.21.16.2** Width at the beginning and the end of the easement and at any points along the easement where the width changes.

**4.10.6.21.17** Identify by label or note and locate and size, by dimensions all service and refuse areas.

**4.10.6.21.18** Identify by label or note, and locate by dimension, the specific type of lighting proposed for off-street parking and loading areas (*See Section 5.3.3 of this Resolution*) including:

**4.10.6.21.18.1** The height of light poles and illustrate the lighting coverage area. Lighting shall not be directed toward surrounding properties and shielding of lighting may be required to mitigate impacts to surrounding properties.

**4.10.6.21.19** Identify by label or note, and locate by dimension, the specific type of on-site identification signage proposed, including:

**4.10.6.21.19.1** Total square footage of all signs, the width and length of the signs.

**4.10.6.21.19.2** Total height of proposed signs, including poles and/or pedestals.

**4.10.6.21.19.3** How signs are to be illuminated and how light will be directed away from adjoining properties.

**4.10.6.21.20** Identify by label or note, locate and dimension all open space areas, if provided.

**4.10.6.21.21** Identify and locate all drainage facilities, including:

**4.10.6.21.21.1** Dimension all drainage facilities.

**4.10.6.21.21.2** All drainage facilities shall be designated as a drainage easement.

**4.10.6.21.22** Locate all drainageways including FEMA flood areas, by dimensions from property lines or other natural features having an effect on or which would be affected by the proposed use.

**4.10.6.21.23** Topography of site (*two (2) foot contours or less*).

**4.10.6.21.24** Final grading plan (*not greater than two (2) foot intervals*).

**4.10.6.21.25** Designate soil type areas.

**4.10.7 TEMPORARY USES:** NONE

**4.10.8 OFF STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.10.9 OFF-STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

**4.10.10 REVIEW OF DEVELOPMENT PLAN:** The application for a development plan may be approved by the Department if the development plan meets the following requirements. If any of the following requirements are not met, as determined by the Department, then the application shall proceed in accordance with the provisions of Section 8.2, 8.3, 8.4 and 8.5, Fremont County Zoning Resolution:

**4.10.10.1** The subject property is currently zoned Manufactured Home Park.

**4.10.10.2** The development, amendment or enlargement does not require a variance or waiver of any of the development requirements.

**4.10.10.3** The development, amendment or enlargement does not adversely affect adjoining lots.

**4.10.10.4** The development, amendment or enlargement meets the general intent of the Zoning Resolution.

**4.10.10.5** A nonrefundable application fee shall be established from time to time by Resolution of the Board.

**4.10.11 RECORDING OF THE DEVELOPMENT PLAN:** If the application is approved by the Planning Director or Board, and all contingencies, and improvements have been completed, a copy of the site plan and other pertinent documents shall be recorded with the County Clerk and Recorder. A building permit will not be issued for any construction until the site plan has been recorded.

**4.10.12 MODIFICATION OF A RECORDED DEVELOPMENT PLAN:** A recorded development plan shall not be modified without Department approval for all minor changes and Commission and Board approval for major changes. All major changes will be required to follow all requirements of this Section. Minor changes shall be changes that do not result in an increased impact to the neighborhood and do not require a major change to the site plan.



# 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](mailto:Planning@fremontco.com)

### STAFF REPORT

Project Name: Zone Consolidation and Rewrite- Minor Changes

Name(s) Planning and Zoning Director- Daniel Victoria

#### **Request: Zone Consolidation and rewrite.**

Planning and Zoning has recognized the need for a review and update to the regulations. The following zone districts have updated uses and new formatting for compatibility with other sections of the Fremont County Zoning Resolution.

The Planned Unit Development had the procedure requirements and standards for approval moved to a new chapter where all procedure requirements will be.

- Business
- Industrial
- Industrial Park
- Planned Unit Development
- Rural Highway Business

#### **Proposed Timeline:**

Proposed Zone Consolidation and 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 recommendations.

#### 4.8 Business (B)

This district is to provide for the development of business uses that would serve the public.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
7,500 sq. ft	75'	40'	10'	20'	50'	65%
2 Acres with public water and OWTS	100'		15' Adjacent to a street 2' for each story over 1	25' Adjacent to a State or Federal Highway		
4.5 Acres for well and OWTS	100'					

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & A COMMERCIAL DEVELOPMENT PLAN		
USE		CONDITIONS
<a href="#">ACCESSORY BUILDINGS &amp; USES:</a>		
<a href="#">ASSISTED LIVING RESIDENCE</a>		
<a href="#">AUTOMOBILE REPAIR SHOP</a>		
<a href="#">AUTOMOBILE SERVICE STATION</a>		
<a href="#">AUTOMOBILE &amp; TRAILER SALES LOT</a>		
<a href="#">BAKE SHOP</a>		
<a href="#">BANK, DRIVE IN</a>		
<a href="#">BUS TERMINAL</a>		
<a href="#">CAR WASH</a>		
<a href="#">CHILD CARE CENTER</a>		
<a href="#">CLUB</a>		
<a href="#">COMMUNITY BUILDING</a>		
<a href="#">CONVENIENCE STORE</a>		

<a href="#"><u>DISTILLERY</u></a>		
<a href="#"><u>DRY CLEANING SERVICE</u></a>		
<a href="#"><u>DWELLING UNIT</u></a>		Multi-Family – 3 units or more per structure; primary use on property. No additional uses permitted. Subject to approval of a commercial site development plan. Watchman’s Quarters
<a href="#"><u>EMERGENCY SHELTER</u></a>		
<a href="#"><u>EXERCISE FACILITY AND GYM</u></a>		
<a href="#"><u>FARM &amp; RANCH SUPPLIES, SALES, &amp; SERVICE</u></a>		
<a href="#"><u>FINANCIAL INSTITUTION</u></a>		
<a href="#"><u>FUNERAL HOME</u></a>		
<a href="#"><u>GOVERNMENT ROAD MAINTENANCE FACILITY</u></a>		
<a href="#"><u>GREENHOUSE, COMMERCIAL</u></a>		
<a href="#"><u>GROCERY STORE</u></a>		
<a href="#"><u>HOTEL/MOTEL</u></a>		
<a href="#"><u>LIQUOR STORE</u></a>		
<a href="#"><u>LOUNGE</u></a>		
<a href="#"><u>MANUFACTURED HOME SALES LOT</u></a>		
<a href="#"><u>MEAT LOCKER</u></a>		
<a href="#"><u>MEDICAL CLINIC</u></a>		
<a href="#"><u>MINI-STORAGE FACILITY</u></a>		
<a href="#"><u>MUSEUM</u></a>		
<a href="#"><u>PARKS</u></a>		Mini
<a href="#"><u>PARKING LOT OR GARAGE</u></a>		Refer to section 5.4.3 FCZR
<a href="#"><u>PERSONAL SERVICES</u></a>		

<a href="#">PHARMACY</a>		
<a href="#">POST OFFICE</a>		
<a href="#">PRINTING AND COPY SHOP</a>		
<a href="#">PROFESSIONAL OFFICE</a>		
<a href="#">RAFTING</a>		
<a href="#">RECREATIONAL AND OUTDOOR AMUSEMENT OR AMUSEMENT PARK</a>		
<a href="#">RELIGIOUS INSTITUTION</a>		
<a href="#">RETAIL STORE</a>		
<a href="#">RESTAURANT WITH OR WITHOUT BREWERY</a>		
<a href="#">SOLAR FIELDS</a>		
<a href="#">VETERINARY PREMISES</a>		
<a href="#">WINERY</a>		

USES SUBJECT TO ISSUANCE OF A CONDITIONAL USE PERMIT		
USE		CONDITIONS
<a href="#">RECYCLE FACILITY</a>		

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		CONDITIONS
<a href="#">ADULT USES</a>		
<a href="#">AUCTION YARD</a>		
<a href="#">AUDITORIUM</a>		

<a href="#"><u>AUTOMOBILE BODY SHOP</u></a>		
<a href="#"><u>CARPENTER SHOP</u></a>		
<a href="#"><u>COLLEGE/UNIVERSITY</u></a>		
<a href="#"><u>CONTRACTOR'S YARD #1 OR #2</u></a>		Refer to section 5.3.1 & 8.2.5 of FCZR
<a href="#"><u>CREMATORY</u></a>		
<a href="#"><u>FIRE, POLICE STATION, &amp; EMS FACILITIES</u></a>		
<a href="#"><u>FLEA MARKET</u></a>		
<a href="#"><u>INDUSTRY, LIGHT</u></a>		
<a href="#"><u>KENNEL</u></a>		
<a href="#"><u>LABORATORY</u></a>		
<a href="#"><u>MANUFACTURED HOME REPAIR, REMODELING, REFURBISHING or DISMANTLING:</u></a>		
<a href="#"><u>SCHOOLS</u></a>		High School Junior High School Trade or Training School
<a href="#"><u>TOWERS</u></a>		That exceed fifty (50) feet
<a href="#"><u>TRAVEL TRAILER PARK</u></a>		Refer to section 8.2.9 of FCZR
<a href="#"><u>TRUCK STOP</u></a>		
<a href="#"><u>UPHOLSTERY SERVICES</u></a>		
<a href="#"><u>UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS &amp; TRANSMISSION LINES</u></a>		
<a href="#"><u>VEHICLE IMPOUNDMENT YARD</u></a>		
<a href="#"><u>WHOLESALE SALES/STORAGE</u></a>		



**TEMPORARY USES:** Approval as noted below will be required for the following uses:

Construction office (office use only) used during construction of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. A temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events.

If a temporary use permit is required refer to Section 8.16 for requirements.

Roadside stand (seasonal business). For the duration of the growing season

## **4.14 B - BUSINESS ZONE DISTRICT**

**4.14.1 DESCRIPTION:** This district is to provide for the development of business uses that would serve the public.

**4.14.2 ALLOWED USES:** Notes: (1) This zone district is subject to Section 3 “General Regulations” of this Resolution; (2) Development of undeveloped property; any substantial change of use (or occupancy as per the Building Code of Fremont County) from one use to another use; or any substantial expansion or enlargement of an existing use in this zone district will require compliance with Section 8.15 Commercial Development Plan of this Resolution.

**4.14.2.1** Accessory buildings and uses;

**4.14.2.2** Assisted living residence or residence;

**4.14.2.3** Automobile repair shop;

**4.14.2.4** Automobile service station;

**4.14.2.5** Automobile and trailer sales lot;

**4.14.2.6** Bake shop;

**4.14.2.7** Bank, drive-in;

**4.14.2.8** Bus terminal;

**4.14.2.9** Car wash;

**4.14.2.10** Child care center;

**4.14.2.11** Club;

**4.14.2.12** Community building;

**4.14.2.13** Convenience store;

**4.14.2.14** Dry cleaning service;

**4.14.2.15** Dwelling, multi-family (3 units or more per structure); primary use on property. No additional uses permitted. Subject to approval of a commercial site development plan.

**4.14.2.16** Emergency shelter;

- 4.14.2.17** Exercise facility and gym;
- 4.14.2.18** Farm and ranch supplies, sales, and service;
- 4.14.2.19** Financial institution;
- 4.14.2.20** Funeral home;
- 4.14.2.21** Government road maintenance facility;
- 4.14.2.22** Greenhouse, commercial;
- 4.14.2.23** Grocery store;
- 4.14.2.24** Hotel;
- 4.14.2.25** Liquor store;
- 4.14.2.26** Lounge;
- 4.14.2.27** Manufactured home sales lot;
- 4.14.2.28** Meat locker;
- 4.14.2.29** Medical clinic;
- 4.14.2.30** Mini-storage facility;
- 4.14.2.31** Motel;
- 4.14.2.32** Museum;
- 4.14.2.33** Park, mini;
- 4.14.2.34** Parking lot and garage; (refer to Sections 5.2.6, 5.3.2, 5.3.2, 5.3.4, 5.10 and 5.11 for additional requirements when this is the primary use of the property as opposed to an accessory use to another primary use housed on the property);
- 4.14.2.35** Personal services;
- 4.14.2.36** Pharmacy;
- 4.14.2.37** Post office;

- 4.14.2.38 Printing or copy shop;
- 4.14.2.39 Professional office;
- 4.14.2.40 Rafting;
- 4.14.2.41 Recreational and outdoor amusements or amusement facility;
- 4.14.2.42 Religious institution;
- 4.14.2.43 Rental store;
- 4.14.2.44 Retail store;
- 4.14.2.45 Restaurant;
- 4.14.2.46 Solar Panel field; subject to approval of a commercial/site development plan.
- 4.14.2.47 Veterinary premise;
- 4.14.2.48 Watchman's quarters, single-family dwelling or efficiency unit dwelling only, attached or detached, only one (1) such dwelling per premise;
- 4.14.2.49 Winery.

**4.14.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.

- 4.14.3.1 Recycle facility.

**4.14.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

- 4.14.4.1 Adult uses;
- 4.14.4.2 Auction yard;
- 4.14.4.3 Auditorium;
- 4.14.4.4 Automobile body shop;
- 4.14.4.5 Carpenter shop;

- 4.14.4.6 College and university;
- 4.14.4.7 Contractor's yard or building (refer to 5.7.15 of this Resolution for additional development requirements);
- 4.14.4.8 Crematory;
- 4.14.4.9 Fire and/or police station;
- 4.14.4.10 Flea market;
- 4.14.4.11 High school;
- 4.14.4.12 Industry, light;
- 4.14.4.13 Junior high school;
- 4.14.4.14 Kennel;
- 4.14.4.15 Laboratory;
- 4.14.4.16 Manufactured home repair, remolding, or refurbishing;
- 4.14.4.17 Public utility building, regulators, and substations;
- 4.14.4.18 Towers that exceed fifty (50) feet;
- 4.14.4.19 Trade or training school;
- 4.14.4.20 Travel Trailer Park & Campground (refer to Section 5.6 of this resolution for additional development requirements);
- 4.14.4.21 Truck stop;
- 4.14.4.22 Upholstery service;
- 4.14.4.23 Vehicle impoundment yard (refer to 5.7.15 of this Resolution for additional development requirements);
- 4.14.4.24 Wholesale sales/storage.

**4.14.5 DEVELOPMENT REQUIREMENTS:**

- 4.14.5.1 Minimum lot area: Lots comprising an area of seventy-five-hundred (7,500) square feet or more but less than two (2) acres shall be serviced

by public water and sewer. Lots comprising an area of two (2) acres or more but less than four and one-half (4 ½) acres shall be serviced by public water. Lots comprising four and one-half (4 ½) acres or more may be serviced by an individual well and an individual sewage disposal system.

**4.14.5.2** Maximum lot coverage: Sixty-five (65) percent.

**4.14.5.3** Minimum lot width:

**4.14.5.3.1** Seventy-five (75) feet with public sewer and water.

**4.14.5.3.2** One-hundred (100) feet without public sewer and water.

**4.14.5.4** Maximum building height: Fifty (50) feet.

**4.14.5.5** Minimum setback requirements:

**4.14.5.5.1** Front yard: Forty (40) feet.

**4.14.5.5.2** \*Side yard: Ten (10) feet.

**4.14.5.5.2.1** If a street is adjacent to the side property line, the side yard setback adjacent to the street shall be fifteen (15) feet.

**4.14.5.5.2.2** Two (2) additional feet for each story over one (1) story.

**4.14.5.5.2.3** \*Rear yard: Twenty (20) feet.

**\*NOTE:** A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway.

**4.14.6 TEMPORARY USES:** Approval as noted below will be required for the following uses:

**4.14.6.1** Construction office (office use only) used during construction of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

**4.14.6.2** Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. A

temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events. If a temporary use permit is required refer to Section 8.16 for requirements.

**4.14.6.3** Roadside stand (seasonal business). For the duration of the growing season.

**4.14.7 OFF STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.14.8 OFF STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

**4.14.9 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for any multiple business units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.

#### 4.11 Industrial (I)

The following Districts are the Industrial Zone Districts. These districts are intended for industrial uses and manufacturing.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
1 Acre with public water and sewer	100'	40'	10'	20'	50'	65%
2 Acres with public water and OWTS	100'		20' Adjacent to a street	25' Adjacent to a State or Federal Highway		
4.5 Acres for well and OWTS	100'					

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & A COMMERCIAL DEVELOPMENT PLAN		
USE		CONDITIONS
<a href="#">ACCESSORY USE:</a>		
<a href="#">ASSEMBLY PLANT</a>		
<a href="#">AUTOMOBILE BODY SHOP</a>		
<a href="#">AUTOMOBILE REPAIR SHOP</a>		
<a href="#">AUTOMOBILE GRAVEYARD</a>		
<a href="#">BAKERY, FACTORY</a>		
<a href="#">BOTTLING PLANT</a>		
<a href="#">CARPENTER SHOP</a>		
<a href="#">CONTRACTOR'S YARD #1 or #2</a>		Refer to section 5.3.1 & 8.2.5 FCZR
<a href="#">CREMATORY</a>		
<a href="#">DISTRIBUTION CENTER</a>		
<a href="#">DRY CLEANING SERVICE</a>		



<a href="#"><u>FABRICATION</u></a>		
<a href="#"><u>FARM &amp; RANCH SUPPLIES, SALES, &amp; SERVICE:</u></a>		
<a href="#"><u>GOVERNMENT ROAD MAINTENANCE FACILITY</u></a>		
<a href="#"><u>GREENHOUSE, COMMERCIAL</u></a>		
<a href="#"><u>HEAVY EQUIPMENT &amp; COMMERCIAL TRUCK REPAIR</u></a>		
<a href="#"><u>INDUSTRIAL REPAIRS</u></a>		
<a href="#"><u>JUNKYARD</u></a>		Refer to section 8.2.7 FCZR
<a href="#"><u>LABORATORY</u></a>		
<a href="#"><u>MACHINE SHOP</u></a>		
<a href="#"><u>MANUFACTURING</u></a>		Including Compounding
<a href="#"><u>MEAT LOCKER</u></a>		
<a href="#"><u>MEAT PRODUCTS PLANT</u></a>		
<a href="#"><u>MILLING</u></a>		
<a href="#"><u>MINI-STORAGE FACILITY:</u></a>		
<a href="#"><u>MANUFACTURED HOME SALES, REPAIR, REMODELING, REFURBISHING or DISMANTLING:</u></a>		
<a href="#"><u>PRINTING INDUSTRIAL</u></a>		
<a href="#"><u>PROFESSIONAL OFFICE</u></a>		
<a href="#"><u>PROCESSING</u></a>		
<a href="#"><u>RECYCLING FACILITY</u></a>		
<a href="#"><u>RETAIL STORE</u></a>		Rental Store
<a href="#"><u>TRADE OR TRAINING SCHOOL</u></a>		

<a href="#"><u>TRAIN TERMINAL/DEPOT</u></a>		
<a href="#"><u>TRUCKING TERMINAL</u></a>		
<a href="#"><u>UPHOLSTERY SERVICES</u></a>		
<a href="#"><u>VEGETABLE FOOD PRODUCTS FACTORY:</u></a>		
<a href="#"><u>VEHICLE IMPOUNDMENT YARD</u></a>		
<a href="#"><u>VETERINARY PREMISES</u></a>		
<a href="#"><u>WATCHMEN'S QUARTERS</u></a>		
<a href="#"><u>WHOLESALE SALES/STORAGE</u></a>		
<a href="#"><u>WINERY</u></a>		

USES SUBJECT TO ISSUANCE OF A CONDITIONAL USE PERMIT		
USE		
<a href="#"><u>FEEDLOT</u></a>		
<a href="#"><u>FORESTRY SALES</u></a>		
<a href="#"><u>MINING</u></a>		
<a href="#"><u>SAWMILL</u></a>		

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
<a href="#"><u>AIRPORT</u></a>		Private
<a href="#"><u>AGRICULTURE</u></a>		Including livestock and poultry
<a href="#"><u>BULK FUEL STORAGE</u></a>		
<a href="#"><u>CORRECTIONAL FACILITY</u></a>		Public & Private
<a href="#"><u>DAIRY FARM</u></a>		

<a href="#">FIRE, POLICE STATION, &amp; EMS FACILITIES</a>		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to section 5.2.4 for development requirements.
<a href="#">FLEA MARKET</a>		
<a href="#">KENNEL</a>		
<a href="#">LANDFILL</a>	35 ACRES	
<a href="#">PARKING LOT OR GARAGE</a>		
<a href="#">PUBLIC UTILITY BUILDINGS, REGULATORS, AND SUBSTATION</a>		
<a href="#">RECREATIONAL FACILITY</a>		Rural
<a href="#">REFINING</a>		
<a href="#">RESTAURANT WITH OR WITHOUT BREWERY</a>		
<a href="#">SLAUGHTERHOUSE</a>		
<a href="#">TOWERS</a>		Exceeding 50' FEET
<a href="#">TRANSFER STATION</a>		
<a href="#">TRUCK STOP</a>		

**TEMPORARY USES:** Approval as stated below will be required for the following uses:

Property sales office, (i.e.: Manufactured home, manufactured home single-wide or manufactured office building), (on site only). Included with and dependent upon the issuance of a building permit, if required. If a building permit is not required, Department approval will be required.

Trailer incidental in construction on the premises of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

Spectator events, athletic events, organized events, carnivals, circus, concerts, fairs, festivals, flea markets, public recreational events, tent meetings, wedding venues or other similar uses require the issuance of a temporary use permit by the Board.

A temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar

permanent place of assembly, if such place or facility was constructed and approved for such events. Organized athletic events that do not require roadway closures are exempt from requiring a temporary use permit.

If a temporary use permit is required refer to Section 8.16 for requirements.

#### 4.11.1 Platting Requirements:

Any parcel of land that is to be used for any multiple business units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.

#### 4.11.2 Performance Standard:

There shall be no commercial signs other than one (1) free-standing sign for each street frontage announcing the name and insignia of the company on the property and one (1) flush wall sign or window sign. The free-standing sign shall not exceed thirty-two (32) square feet in area and the flush wall sign or window sign shall not exceed one (1) square foot in area per one (1) linear foot of exterior wall.

## **4.17 I - INDUSTRIAL ZONE DISTRICT**

**4.17.1 DESCRIPTION:** This zone district is established to provide for general industrial and manufacturing activities.

**4.17.2 ALLOWED USES:** Notes: (1) This zone district is subject to Section 3 “General Regulations” of this Resolution; (2) Development of undeveloped property; any substantial change of use (*or occupancy as per the Building Code of Fremont County*) from one use to another use; or Any substantial expansion or enlargement of an existing use in this zone district will require compliance with Section 8.15 Commercial Development Plan of this Resolution.

**4.17.2.1** Accessory buildings and uses;

**4.17.2.2** Assembly plant;

**4.17.2.3** Automobile body shop;

**4.17.2.4** Automobile repair shop;

**4.17.2.5** Automobile graveyard (*refer to 5.7.15 of this Resolution for additional development requirements*);

**4.17.2.6** Bakery, factory;

**4.17.2.7** Bottling plant;

**4.17.2.8** Carpenter shop;

**4.17.2.9** Compounding;

**4.17.2.10** Contractor's yard or building (*refer to 5.7.15 of this Resolution for additional development requirements*);

**4.17.2.11** Crematory;

**4.17.2.12** Distribution center;

**4.17.2.13** Dry cleaning service;

**4.17.2.14** Fabrication;

**4.17.2.15** Farm and ranch supplies, sales, and service;

**4.17.2.16** Government road maintenance facility;

- 4.17.2.17 Greenhouse, commercial;
- 4.17.2.18 Heavy equipment/commercial truck repair;
- 4.17.2.19 Industrial repairs;
- 4.17.2.20 Junkyard (*refer to 5.7.15 of this Resolution for additional development requirements*);
- 4.17.2.21 Laboratory;
- 4.17.2.22 Machine shop;
- 4.17.2.23 Manufacturing;
- 4.17.2.24 Meat locker;
- 4.17.2.25 Meat products plant;
- 4.17.2.26 Milling;
- 4.17.2.27 Mini-storage facility;
- 4.17.2.28 Manufactured home storage, sales, repair, remolding, refurbishing and dismantling;
- 4.17.2.29 Mobile home dismantling;
- 4.17.2.30 Printing, industrial factory;
- 4.17.2.31 Professional office;
- 4.17.2.32 Processing;
- 4.17.2.33 Recycling facility;
- 4.17.2.34 Rental store;
- 4.17.2.35 Retail sales and services, warehousing and storage operated on the same property and in conjunction with a use specifically allowed in this district;
- 4.17.2.36 Trade or training school;
- 4.17.2.37 Train terminal;
- 4.17.2.38 Trucking terminal;

**4.17.2.39** Upholstery service;

**4.17.2.40** Vegetable food products factory;

**4.17.2.41** Vehicle impoundment yard (*refer to 5.7.15 of this Resolution for additional development requirements*);

**4.17.2.42** Veterinary premises;

**4.17.2.43** Watchman's quarters, single-family dwelling or efficiency unit dwelling only, attached or detached, and only one (1) such dwelling per premise;

**4.17.2.44** Wholesale storage/sales;

**4.17.2.45** Winery.

**4.17.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.

**4.17.3.1** Feedlot;

**4.17.3.2** Forestry sales;

**4.17.3.3** Mining;

**4.17.3.4** Sawmill.

**4.17.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

**4.17.4.1** Airport, private;

**4.17.4.2** Agriculture, including livestock and poultry;

**4.17.4.3** Bulk fuel storage;

**4.17.4.4** Correctional facility, public and private;

**4.17.4.5** Dairy farm;

**4.17.4.6** Fire and/or police station;

**4.17.4.7** Flea market;

**4.17.4.8** Kennel;

- 4.17.4.9 Landfill, minimum of thirty-five (35) acres required;
- 4.17.4.10 Parking lot or garage (*when this is the primary use of the property as opposed to an accessory use to another primary use housed on the property*);
- 4.17.4.11 Public utility buildings, regulators, and substations;
- 4.17.4.12 Recreational facility, Rural;
- 4.17.4.13 Refining;
- 4.17.4.14 Restaurant;
- 4.17.4.15 Slaughterhouse;
- 4.17.4.16 Towers that exceed fifty (50) feet;
- 4.17.4.17 Transfer station;
- 4.17.4.18 Truck stop.

**4.17.5 DEVELOPMENT REQUIREMENTS:**

- 4.17.5.1 Minimum lot size: Lots comprising an area of one (1) acre or more but less than two (2) acres shall be serviced by public water and sewer. Lots comprising two (2) acres or more but less than four and one-half (4 ½) acres shall be serviced by public water. Lots comprising four and one-half (4 ½) acres or more may be serviced by an individual well and an individual sewage disposal system.
- 4.17.5.2 Maximum building height: Fifty (50) feet.
- 4.17.5.3 Maximum lot coverage: Sixty-five (65) percent.
- 4.17.5.4 Minimum lot width: One-hundred (100) feet.
- 4.17.5.5 Minimum setback requirements:
  - 4.17.5.5.1 Front yard: Forty (40) feet.
  - 4.17.5.5.2 \*Side yard: Ten (10) feet.
    - 4.17.5.5.2.1 If a street is adjacent to the side property line, the side yard setback adjacent to the street shall be twenty (20) feet.



**4.17.5.5.3** \*Rear yard: Twenty (20) feet.

**\*NOTE:** A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway.

**4.17.6 TEMPORARY USES:** Approval as stated below will be required for the following uses:

**4.17.6.1** Construction office (*office use only*) used during construction of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

**4.17.6.2** Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. A temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events. If a temporary use permit is required refer to Section 8.16 for requirements.

**4.17.6.3** Tower, temporary: Subject to the issuance of a temporary use permit by the Board or Department.

**4.17.7 OFF STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.17.8 OFF STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

**4.17.9 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for any multiple business units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.

**4.17.10 PERFORMANCE STANDARD:** There shall be no commercial signs other than one (1) free-standing sign for each street frontage announcing the name and insignia of the company on the property and one (1) flush wall sign or window sign. The free-standing sign shall not exceed thirty-two (32) square feet in area and the flush wall sign or window sign shall not exceed one (1) square foot in area per one (1) linear foot of exterior wall.

#### 4.9 Industrial Park (IP)

This zone district is established to provide for light industrial and light manufacturing uses that are complemented by administrative establishments in a planned development complex.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
<b>PARK AREA MINIMUM 4.5 acres</b>						
1 Acre with public water and sewer	100'	40'	15'	20'	50'	50%
2 Acres with public water and OWTS	100'		20' Adjacent to a street	25' Adjacent to a State or Federal Highway		
4.5 Acres for well and OWTS	100'					

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & A COMMERCIAL DEVELOPMENT PLAN		
USE		CONDITIONS
<a href="#">ACCESSORY USE:</a>		
<a href="#">ASSEMBLY PLANT</a>		
<a href="#">BAKERY, FACTORY</a>		
<a href="#">CHILD CARE CENTER</a>		Only in conjunction with providing services to employees of the industrial park
<a href="#">CREMATORY</a>		
<a href="#">FABRICATION</a>		Indoors Only
<a href="#">GOVERNMENT ROAD MAINTENANCE FACILITY</a>		
<a href="#">GREENHOUSE, COMMERCIAL</a>		

<a href="#">HEAVY EQUIPMENT &amp; COMMERCIAL TRUCK REPAIR</a>		
<a href="#">HOTEL/MOTEL</a>		
<a href="#">INDUSTRIAL REPAIRS</a>		
<a href="#">MANUFACTURING</a>		Including compounding indoor only
<a href="#">MINI-STORAGE FACILITY:</a>		
<a href="#">PARKS</a>		Mini
<a href="#">PROCESSING</a>		Indoors only
<a href="#">PROFESSIONAL OFFICE</a>		
<a href="#">RETAIL STORE</a>		In conjunction with a primary use.
<a href="#">TRADE OR TRAINING SCHOOL</a>		

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
<a href="#">AIRPORT</a>		Private
<a href="#">AGRICULTURE</a>		
<a href="#">AUTOMOBILE BODY SHOP</a>		
<a href="#">AUTOMOBILE SERVICE STATION</a>		
<a href="#">BANK, DRIVE IN</a>		
<a href="#">BOTTLING PLANT</a>		
<a href="#">BULK FUEL STORAGE</a>		
<a href="#">CARPENTER SHOP</a>		
<a href="#">CONTRACTOR'S YARD #1 or #2</a>		Refer to section 5.3.1 & 8.2.5 of FCZR
<a href="#">CONVENIENCE STORE</a>		
<a href="#">CORRECTIONAL FACILITY,</a>		Public & Private

<a href="#">DISTRIBUTION CENTER</a>		
<a href="#">DRY CLEANING SERVICE</a>		
<a href="#">FABRICATION</a>		Outdoors
<a href="#">FIRE, POLICE STATION, &amp; EMS FACILITIES</a>		Lot size may deviate from the minimum lot size development requirements for the zone district. Refer to section 5.2.4 for development requirements.
<a href="#">GOLF COURSE</a>		
<a href="#">INDUSTRIAL REPAIRS</a>		Outdoors
<a href="#">LABORATORY</a>		
<a href="#">MACHINE SHOP</a>		
<a href="#">MANUFACTURING</a>		To include compounding outdoors
<a href="#">MEMORIAL PARK</a>		
<a href="#">MILLING</a>		
<a href="#">MUSEUM</a>		
<a href="#">PARKING LOT OR GARAGE</a>		
<a href="#">PRINTING INDUSTRIAL</a>		
<a href="#">PROCESSING</a>		Outdoors
<a href="#">RECREATIONAL FACILITY</a>		Urban
<a href="#">RECYCLING FACILITY</a>		
<a href="#">RESTAURANT WITH OR WITHOUT BREWERY</a>		
<a href="#">SLAUGHTERHOUSE</a>		
<a href="#">SOLAR FIELDS</a>		
<a href="#">TOWER</a>		Exceeding 50' in height
<a href="#">TRUCKING TERMINAL</a>		

<a href="#">UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS &amp; TRANSMISSION LINES</a>		
<a href="#">VEHICLE IMPOUNDMENT YARD</a>		
<a href="#">WATCHMEN'S QUARTERS</a>		
<a href="#">WHOLESALE SALES/STORAGE</a>		

**TEMPORARY USES:** Approval as noted below will be required for the following uses:

Construction office (office use only) used during construction of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. A of a temporary use permit by the Board. A temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events.

If a temporary use permit is required refer to Section 8.16 for requirements.

## 4.17 IP - INDUSTRIAL PARK ZONE DISTRICT

**4.17.1 DESCRIPTION:** This zone district is established to provide for light industrial and light manufacturing uses that are complemented by administrative establishments in a planned development complex.

**4.17.2 ALLOWED USES:** Notes: (1) This zone district is subject to Section 3 “General Regulations” of this Resolution. (2) Development of undeveloped property; any substantial change of use (*or occupancy as per the Building Code of Fremont County*) from one use to another use; or any substantial expansion or enlargement of an existing use in this zone district will require compliance with Section 8.15 Commercial Development Plan of this Resolution.

**4.17.2.1** Accessory buildings and uses;

**4.17.2.2** Assembly plant;

**4.17.2.3** Bakery, factory;

**4.17.2.4** Child care center (*only in conjunction with providing service to employees of the industrial park*);

**4.17.2.5** Compounding, indoor;

**4.17.2.6** Crematory;

**4.17.2.7** Fabrication, indoor;

**4.17.2.8** Government road maintenance facility;

**4.17.2.9** Greenhouse, commercial;

**4.17.2.10** Heavy equipment/commercial truck repair, indoor (*temporary storage of items outside of a building shall be in conjunction with the development requirements found at Section 5.7.15 of this Resolution*);

**4.17.2.11** Hotel;

**4.17.2.12** Industrial repairs, indoor (*temporary storage of items outside of a building shall be in conjunction with the development requirements found at Section 5.7.15 of this Resolution*);

**4.17.2.13** Manufacturing, indoor;

**4.17.2.14** Mini-storage facility;

**4.17.2.15** Motel;

**4.17.2.16** Park, mini;

**4.17.2.17** Processing, indoor;

**4.17.2.18** Professional office;

**4.17.2.19** Retail sales and services, warehousing and storage, operated on the same property and in conjunction with a use specifically permitted in this district (*temporary storage of items outside of a building shall be in conjunction with the development requirements found at Section 5.7.15 of this Resolution*).

**4.17.2.20** Trade or training school.

**4.17.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.  
NONE

**4.17.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

**4.17.4.1** Airport, private;

**4.17.4.2** Agriculture;

**4.17.4.3** Automobile body shop (*temporary storage of items outside of a building shall be in conjunction with the development requirements found at Section 5.7.15 of this Resolution*);

**4.17.4.4** Automobile service station (*temporary storage of items outside of a building shall be in conjunction with the development requirements found at Section 5.7.15 of this Resolution*);

**4.17.4.5** Bank, drive-in;

**4.17.4.6** Bottling plant;

**4.17.4.7** Bulk fuel storage;

- 4.17.4.8** Carpenter shop;
- 4.17.4.9** Compounding, outdoor;
- 4.17.4.10** Contractors yard or building (*temporary storage of items outside of a building shall be in conjunction with the development requirements found at Section 5.7.15 of this Resolution*);
- 4.17.4.11** Convenience store;
- 4.17.4.12** Correctional facility, public and private;
- 4.17.4.13** Distribution center;
- 4.17.4.14** Dry cleaning service;
- 4.17.4.15** Fabrication, outdoor;
- 4.17.4.16** Fire and/or police station;
- 4.17.4.17** Golf course;
- 4.17.4.18** Industrial repairs, outdoor;
- 4.17.4.19** Laboratory (*may be subject to hazardous materials regulations*);
- 4.17.4.20** Machine shop (*temporary storage of items outside of a building shall be in conjunction with the development requirements found at Section 5.7.15 of this Resolution*);
- 4.17.4.21** Manufacturing outdoor (*refer to 5.7.15 of this Resolution for minimum development requirements*);
- 4.17.4.22** Memorial park;
- 4.17.4.23** Milling;
- 4.17.4.24** Museum;
- 4.17.4.25** Parking lot or garage (*when this is the primary use of the property as opposed to an accessory use to another primary use housed on the property*);



- 4.17.4.26 Printing, industrial factory;
- 4.17.4.27 Processing, outdoor;
- 4.17.4.28 Public utility building, regulators, and substations;
- 4.17.4.29 Recreational facility, urban;
- 4.17.4.30 Recycling facility;
- 4.17.4.31 Restaurant;
- 4.17.4.32 Slaughterhouse;
- 4.17.4.33 Solar Panel Field;
- 4.17.4.34 Towers that exceed fifty (50) feet;
- 4.17.4.35 Trucking terminal;
- 4.17.4.36 Vehicle impoundment yard (*refer to 5.7.15 of this Resolution for additional development requirements*);
- 4.17.4.37 Watchman's quarters, single-family dwelling or efficiency unit dwelling only, attached or detached, and only one (1) such dwelling per premise;
- 4.17.4.38 Wholesale sales/storage (*temporary storage of items outside of a building shall be in conjunction with the development requirements found at Section 5.7.15 of this Resolution*).

#### **4.17.5 DEVELOPMENT REQUIREMENTS:**

- 4.17.5.1 Minimum park area: Four and one-half (4 ½) acres.
- 4.17.5.2 Minimum lot size: Lots comprising an area of one (1) acre or more but less than two (2) acres shall be serviced by public water and sewer. Lots comprising two (2) acres or more but less than four and one-half (4-½) acres shall be serviced by public water. Lots comprising four and one-half (4-½) acres or more may be serviced by an individual well and an individual sewage disposal system.
- 4.17.5.3 Maximum lot coverage: Fifty (50) percent.

**4.17.5.4** Minimum lot width: One-hundred (100) feet.

**4.17.5.5** Maximum building height: Fifty (50) feet.

**4.17.5.6** Minimum setback requirements: All buildings shall be set back a minimum of the following distances:

**4.17.5.6.1** Front yard: Forty (40) feet.

**4.17.5.6.2** \*Side yard: Fifteen (15) feet.

**4.17.5.6.2.1** If a street is adjacent to the side property line, the side setback adjacent to the street shall be twenty (20) feet.

**4.17.5.6.3** \*Rear yard: Twenty (20) feet.

\*NOTE: A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway.

**4.17.6 TEMPORARY USES:** Approval as noted below will be required for the following uses:

**4.17.6.1** Construction office (office use only) used during construction of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

**4.17.6.2** Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. A temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events. If a temporary use permit is required refer to Section 8.16 for requirements.

**4.17.7 OFF STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.17.8 OFF STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

**4.17.9 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for any multiple units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.

**4.17.10 PERFORMANCE STANDARDS:**

**4.17.10.1** Every effort shall be made to prevent any noise being emitted beyond the boundaries of the property.

**4.17.10.2** No use shall emit odorous gases or other odorous matter in such quantities beyond the property boundaries that are not in compliance with applicable Colorado Department of Health Regulations.

**4.17.10.3** No use shall produce a strong, dazzling light at any point or beyond the boundaries of the property.

**4.17.10.4** Noise, smoke, dust, dirt, fly ash, or vibrations emitted shall comply with applicable Colorado Department of Public Health and Environment Regulations and/or Colorado Revised Statutes.

**4.17.10.5** In conjunction with an airport, no electromagnetic or microwave radiation shall be permitted at or beyond the boundaries of the property.

**4.17.10.6** No activity shall be conducted that creates a public nuisance. No material of hazardous characteristics shall be stored, deposited, or transmitted that creates a public nuisance.

**4.17.10.7** Industrial uses that cause adverse impacts to the environment, street, utility and drainage systems, adjoining neighborhoods, or the utility's ability to provide adequate levels of service shall be prohibited.

**4.17.10.8** There shall be no advertising signs other than one (1) flush wall sign or window sign. The flush wall sign or window sign shall not exceed one (1) square foot in area per one (1) linear foot of exterior wall upon which the sign will be placed. For purposes of this Section, 4.15.10.8, "sign" shall not include insignia, logo, or commercial references displayed on vehicles, or attachments to vehicles that are used by the owner or occupant of the property in the business conducted on the property;

- 4.17.10.9** Landscaping of area around buildings and parking areas shall be required and shall consist of, but not be limited to, shrubs, vines, trees, lawn areas, fences, walls, and non-living materials such as wood chips, gravel, brick, rock, and ornamental features. Dry landscaping is encouraged as a water conservation measure.
- 4.17.10.10** All outdoor storage areas shall be enclosed in opaque or solid fencing or closely planted landscape material (evergreens) in accordance with Section 5.7.15 of the Zoning Resolution.
- 4.17.10.11** All landscaping shall be adequately maintained.
- 4.17.10.12** All properties shall have an implemented weed control plan, which shall be approved by the Fremont County Noxious Weed Control Officer.
- 4.17.10.13** No trash shall be stored on the site unless it is stored temporarily in trash containers while awaiting proper disposal.
- 4.17.10.14** No activity shall create a safety hazard or nuisance nor cause water and/or air pollution to surrounding areas.
- 4.17.10.15** Surfacing for all business, commercial, or industrial off-street parking areas, spaces, and driveways shall be asphalt or concrete surface unless waived by the Board. If the off-street parking areas, spaces, and driveways are not asphalt or concrete surface then they shall be graded and surfaced to County gravel road standards, so as to control dust and to provide appropriate drainage. If asphalt or concrete, all spaces shall be clearly marked. Curbs or barriers shall be installed so as to prevent parking vehicle from extending over any lot lines.

## 4.12 Planned Unit Developments (PUD)

To promote more efficient use of land to preserve and enhance the natural characteristics and unique features of a development; to improve the design, character, and quality of new development; to encourage integrated planning to achieve the objectives of the Fremont County Master Plan; to preserve open areas; to facilitate the adequate and economical provision of streets and utilities, and to reduce the burden on existing streets and utilities by more efficient development; and to conserve the value of land

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
3 Acres	Per Underlying Zone District	Per Underlying Zone District	Per Underlying Zone District	Per Underlying Zone District	Per Underlying Zone District	Varies

All Uses				
Use	Definition	Requirements	Parking	Special Requirements
<i>Uses by right, commercial development plans, conditional uses, and special review uses of the zone districts associated with the Zone Districts of the PUD.</i>				

### 4.12.1 Residential Planned Unit Development:

In order to preserve Fremont County's agricultural lands for the continuation of agriculture and its related uses; to discourage the conversion of agricultural lands within Fremont County and to encourage the continuation of agricultural or nonurban uses; to provide for the preservation of environmental resources; to provide that future urban development should be located within or adjacent to existing urban areas; to discourage the conversion of agricultural water to urban uses; to provide an incentive to the rancher to keep the major part of his land in agricultural production by allowing the conveyance of small land parcels; to provide for a variety of lifestyles in Fremont County; Residential Planned Unit Developments (RPUD) may be permitted in the R1, R2, R3 LDR, and HDR Zoning Districts subject to the provisions of this article and the conditions set forth in a development plan that has been reviewed and approved by the Board.

#### 4.12.1.1 RPUD zoning requirements:

- A. The RPUD contains an area of not less than three (3) acres;
- B. The overall density of the RPUD does not exceed the total number of allowable units allowed by the underlying zoning;
- C. The total area devoted to residential use(s) does not exceed twenty-five percent (25%) of the RPUD area;
- D. The total area committed to agricultural or other open use(s) is not less than seventy-five percent (75%) of the RPUD area; and
- E. Conservation easements, pursuant to CRS 38-30.5-101 through 110, or other acceptable means are affected to prevent further subdivision or development of lands committed for agricultural or other open use(s);
- F. Land in the Residential One zoning district may be included in RPUD's comprised of non-contiguous parcels provided that:
  - a. The R1 zoned land consist of more than forty (40) contiguous acres;
  - b. The residential lots are proposed for transfer or development at a density allowed within the underlying zoning;
  - c. The R1 zoned land included an environmental or cultural feature or area identified for preservation by Fremont County; and
  - d. No transfer of dwelling units into the R1 zone district is proposed.

#### 4.12.2 Mountain Planned Unit Development:

In order to minimize service and management costs of lands located in mountain areas; to provide flexibility and to accommodate personal desires in the sale of mountain properties; to encourage the retention of large areas of mountain land in forestry uses by allowing the conveyance of small land parcels; to provide flexibility in the location of residential lots in mountain areas; to provide a means of development sensitive to environmental concerns and existing capital services such as roads; and in order to fulfill those purposes set forth in this Resolution, Mountain Planned Unit Developments may be permitted in the Agricultural Forestry Zone District subject to the provisions of this article and the conditions set forth in a development plan that has been reviewed and approved by the Board.

#### 4.12.3 Development Requirements

- a. The PUD shall include an area of not less than three (3) acres;
- b. The density, minimum lot area, front yard, side yard, and rear yard requirements of the zoning district(s) in which the PUD is located may be altered, provided:
- c. The rear yard requirements of such zoning district(s) shall be met along the boundaries of the PUD;
- d. The total number of units within the PUD shall not exceed that number that would otherwise be permitted within the development area under the respective zoning district(s) requirements of this Resolution;
- e. The distribution of units within the PUD need not conform to the boundaries of the zoning districts contained therein so long as such distribution can be accomplished in conformance with the PUD standards set forth in this article;
- f. The minimum amount of functional open space (exclusive of parking or streets) shall be twenty-five percent (25%) of the total acreage; and
- g. The maximum allowable total number of units permitted within the PUD under the respective zoning district requirements of this Resolution shall be calculated by:
- h. Multiplying the area of the property within each zoning district by the gross density specifications found in the zoning district; or
- i. Where no such applicable density specifications exist for the zoning district, divide the area within the zoning district by the applicable minimum lot area requirements of such zoning district; and
- j. Totaling the number of units in all districts of the PUD; and
- k. Rounding down to the nearest whole number of units to be permitted within the PUD; and
- l. In measuring the area of the property within each zoning district, one-half ( $\frac{1}{2}$ ) of the area of adjacent public rights-of-way may be included provided such measured public rights-of-way do not exceed ten percent (10%) of the property.

#### 4.12.4 Coordination with other provisions:

In cases where conditional use or special review use approval is required for a proposed use, review of the PUD application under this article shall be carried out simultaneously with conditional use and special review use review.

As subdivision review and approval will always be necessary, review of PUD application under this article shall be carried out simultaneously, and under the same application, referral, notice, and public meeting procedural requirements as is provided for Sketch Plan review within the Fremont County Subdivision

Regulations. Tentative approval of the PUD application by the Board, subject to modifications through the subdivision review process, shall be obtained prior to application for Preliminary Plan or Final Plat, except for subdivisions where simultaneous Sketch Plan/Preliminary Plan/Final Plat processing is approved by the Commission. In making their decision, the Commission shall take into consideration among other things the size, complexity, and potential hazards of the proposed development. Final Board approval of the PUD shall occur at the same time as Final Plat approval of the development.

#### 4.12.5 Modifications:

No substantial modification, removal, or release of the provisions of the PUD shall be permitted by the Board except upon a finding, following review and a public hearing, that the modification, removal, or release is consistent with the standards and conditions of this Resolution, is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a road from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person.

## 4.18 PUD - PLANNED UNIT DEVELOPMENTS

**4.18.1 PURPOSE:** To promote more efficient use of land to preserve and enhance the natural characteristics and unique features of a development; to improve the design, character, and quality of new development; to encourage integrated planning to achieve the objectives of the Fremont County Master Plan; to preserve open areas; to facilitate the adequate and economical provision of streets and utilities, and to reduce the burden on existing streets and utilities by more efficient development; and to conserve the value of land; Planned Unit Developments (*hereinafter known as PUD*) as authorized by CRS 24-67-101 et seq., as amended, may be permitted in any zone district subject to the provisions of this article and the conditions set forth in a development plan that has been reviewed by the Commission and reviewed and approved by the Board.

**4.18.2 PUD ZONING REQUIREMENTS:** The minimum zoning requirements that shall be met by a PUD are as follows:

**4.18.2.1** The uses approved in a PUD shall be limited to those uses permitted by right or by conditional use or special review use in the zoning district(s) contained within the development;

**4.18.2.2** The PUD shall include an area of not less than three (3) acres;

**4.18.2.3** The density, minimum lot area, front yard, side yard, and rear yard requirements of the zoning district(s) in which the PUD is located may be altered, provided:

**4.18.2.3.1** The rear yard requirements of such zoning district(s) shall be met along the boundaries of the PUD;

**4.18.2.3.2** The total number of units within the PUD shall not exceed that number that would otherwise be permitted within the development area under the respective zoning district(s) requirements of this Resolution;

**4.18.2.3.3** The distribution of units within the PUD need not conform to the boundaries of the zoning districts contained therein so long as such distribution can be accomplished in conformance with the PUD standards set forth in this article;

**4.18.2.3.4** The minimum amount of functional open space (*exclusive of parking or streets*) shall be twenty-five percent (25%) of the total acreage; and

**4.18.2.3.5** The maximum allowable total number of units permitted within the PUD under the respective zoning district requirements of this Resolution shall be calculated by:



**4.18.2.3.5.1** Multiplying the area of the property within each zoning district by the gross density specifications found in the zoning district; or

**4.18.2.3.5.2** Where no such applicable density specifications exist for the zoning district, divide the area within the zoning district by the applicable minimum lot area requirements of such zoning district; and

**4.18.2.3.5.3** Totaling the number of units in all districts of the PUD; and

**4.18.2.3.5.4** Rounding down to the nearest whole number of units to be permitted within the PUD; and

**4.18.2.3.5.5** In measuring the area of the property within each zoning district, one-half (½) of the area of adjacent public rights-of-way may be included provided such measured public rights-of-way do not exceed ten percent (10%) of the property.

#### **4.18.3 COORDINATION WITH OTHER PROVISIONS:**

**4.18.3.1** In cases where conditional use or special review use approval is required for a proposed use, review of the PUD application under this article shall be carried out simultaneously with conditional use and special review use review as provided for within 8.14 of this Resolution.

**4.18.3.2** As subdivision review and approval will always be necessary, review of PUD application under this article shall be carried out simultaneously, and under the same application, referral, notice, and public meeting procedural requirements as is provided for Sketch Plan review within the Fremont County Subdivision Regulations. Tentative approval of the PUD application by the Board, subject to modifications through the subdivision review process, shall be obtained prior to application for Preliminary Plan or Final Plat, except for subdivisions where simultaneous Sketch Plan/Preliminary Plan/Final Plat processing is approved by the Commission. In making their decision, the Commission shall take into consideration among other things the size, complexity, and potential hazards of the proposed development. Final Board approval of the PUD shall occur at the same time as Final Plat approval of the development.

#### **4.18.4 PROCEDURE REQUIREMENTS: Moved to new chapter where all**

**Procedure Requirements will be.**

**4.18.4.1** Application for PUD approval shall be filed on forms available through the Department and shall be accompanied by the following:

**4.18.4.1.1** A site plan displaying significant topographic features, proposed land uses, the basic road and pedestrian access scheme, land survey data, recorded easements/rights-of-way, existing physical features, external

features that may influence the proposal, and any other essential data as may be required by the Department;

**4.18.4.1.2** A development report including a description of site features, soil and geologic characteristics, adequate evidence of a sufficient water supply and sanitation system, an evaluation of any potential radiation hazards; evaluation of the effect of the development on identified environmental resources and any necessary mitigation measures; needed storm drainage and flood control facilities, fire control, road improvements, available service facilities; remedial measures to counteract any hazard; estimated costs of all required improvements and method of financing, construction schedules, proposed maintenance and performance guarantees, a list of individuals responsible for preparation of the development report, and other factors essential for a complete evaluation of the proposal;

**4.18.4.1.3** Such additional relevant information as the Department may deem necessary.

**4.18.4.2** The Commission shall review and make recommendations to the Board on the application for a Planned Unit Development following a public meeting, notice of which shall be given as follows:

**4.18.4.2.1** A notice of said meeting shall be published (*cost of publication shall be paid by applicant*) in a newspaper of general circulation within Fremont County at least fourteen (14) days prior to the meeting date. Said notice shall include the days prior to the meeting date. Said notice shall include the time, place, and purpose of said meeting; the address and telephone number of the Department where materials relating to the proposal may be reviewed prior to the meeting; the names of the landowner and applicant; the proposed uses; the zoning; and a general location description of the land. Said general location description shall consist of Section, Township and Range, together with a road address or location by road mileage. The public notice shall state that a complete legal description is available for review and the location of such review materials;

**4.18.4.2.2** The subject property shall be posted in a conspicuous manner at least fourteen (14) days prior to the Commission meeting and shall note the name of the project, the docket number, and the address and telephone number of the Department where the materials relating to the proposal for PUD may be reviewed prior to the meeting;

**4.18.4.2.3** A written notice, on a form provided by the Department, shall be transmitted by the applicant at least fourteen (14) days prior to the meeting by first class mail to other owners of estates, rights, liens, mortgages, or interest in the property and to adjacent property owners identified within the

title report. Inadvertent failure to notify every such property owner shall not affect the validity of any meeting or determination of the Commission;

**4.18.4.2.4** At the meeting, the Commission may table the request but shall take action to recommend approval, conditional approval, or disapproval of the PUD not later than ninety-five (95) days after the initial date of the Commission meeting. The Commission may table a proposal to provide the applicant or staff the proper time to review new technical or other information that was made available without reasonable opportunity for review. At the applicant's request, action by the Commission may be delayed for up to ninety-five (95) additional days.

**4.18.4.3** Upon receipt of Commission action, the Board shall decide the proposed development following a public hearing as set forth below:

**4.18.4.3.1** A notice of said hearing shall be published (*cost of publication shall be paid by applicant*) in a newspaper of general circulation within Fremont County at least thirty (30) days prior to the hearing date;

**4.18.4.3.2** A written notice on a form provided by the Department of said hearing shall be transmitted by the applicant by first class mail, postage prepaid, at least thirty (30) days prior to the hearing date to property owners identified within the title report;

**4.18.4.3.3** A PUD application shall be tentatively approved, conditionally approved, or denied by the Board within one hundred and eighty (180) days of the date the complete application is submitted unless an extension has been consented to by the applicant, or their designated appointee, and the Board.

**4.18.5 STANDARDS AND CONDITIONS FOR APPROVAL:** The PUD shall be approved only if the Board finds that the development meets the following standards and conditions:

**4.18.5.1** Fully complies with the minimum zoning requirements set forth in the Zoning Resolution (*as applicable*) and complies with all applicable requirements of the Fremont County Subdivision Regulations;

**4.18.5.2** Provides that areas designated as common open space or parks are perpetually protected by appropriate covenants and a homeowners association organized and approved by the Board to control, construct, and maintain the mutually owned property;

**4.18.5.3** Will be in harmony and compatible with the character of the surrounding areas and neighborhood;

**4.18.5.4** Will be in accordance with the Fremont County Master Plan;

**4.18.5.5** Will not result in an over-intensive use of land;

**4.18.5.6** Will not have a material adverse effect on community capital improvement programs;

**4.18.5.7** Will not require a level of community facilities and services greater than that which are available;

**4.18.5.8** Will not result in undue traffic congestion or traffic hazards;

**4.18.5.9** Will not cause significant air, water, or noise pollution;

**4.18.5.10** Will be adequately landscaped, buffered, and screened;

**4.18.5.11** Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Fremont County;

**4.18.5.12** Shall be under unified development control;

**4.18.5.13** The application shall bear the written consent of each and every landowner whose properties are included within the development; and

**4.18.5.14** The maximum reasonable preservation of natural or cultural features;

**4.18.5.15** The maximum reasonable preservation and utilization of agricultural lands;

**4.18.5.16** Will not result in any significant negative impacts on the surrounding agricultural land and attendant agricultural uses;

**4.18.5.17** If granted, the Board may impose such conditions and safeguards as are necessary to insure compliance with the above standards;

**4.18.5.18** If a concurrent request for approval is also reviewed, the Board may find that the provisions have been met and authorize execution of an acceptable Development Agreement.

**4.18.6 MODIFICATIONS:** No substantial modification, removal, or release of the provisions of the PUD shall be permitted by the Board except upon a finding, following review and a public hearing, that the modification, removal, or release is consistent with the standards and conditions of this Resolution, is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a

road from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person.

**4.18.7 PURPOSES OF THE RESIDENTIAL PLANNED UNIT DEVELOPMENT:**

In order to preserve Fremont County's agricultural lands for the continuation of agriculture and its related uses; to discourage the conversion of agricultural lands within Fremont County and to encourage the continuation of agricultural or non-urban uses; to provide for the preservation of environmental resources; to provide that future urban development should be located within or adjacent to existing urban areas; to discourage the conversion of agricultural water to urban uses; to provide an incentive to the rancher to keep the major part of his land in agricultural production by allowing the conveyance of small land parcels; to provide for a variety of lifestyles in Fremont County; Residential Planned Unit Developments (RPUD) may be permitted in the AF, AF & R, AL, AR, AE, LDR, MDR, and HDR Zoning Districts subject to the provisions of this article and the conditions set forth in a development plan that has been reviewed and approved by the Board.

**4.18.7.1 RPUD ZONING REQUIREMENTS:** The minimum zoning requirements that shall be met by an RPUD are as follows:

**4.18.7.1.1** The RPUD contains an area of not less than three (3) acres;

**4.18.7.1.2** The overall density of the RPUD does not exceed the total number of allowable units allowed by the underlying zoning;

**4.18.7.1.3** The total area devoted to residential use(s) does not exceed twenty-five percent (25%) of the RPUD area;

**4.18.7.1.4** The total area committed to agricultural or other open use(s) is not less than seventy-five percent (75%) of the RPUD area; and

**4.18.7.1.5** Conservation easements, pursuant to CRS 38-30.5-101 through 110, or other acceptable means are affected to prevent further subdivision or development of lands committed for agricultural or other open use(s);

**4.18.7.1.6** Land in the Agricultural Forestry Zoning District may be included in RPUDs comprised of non-contiguous parcels provided that:

**4.18.7.1.6.1** The Agricultural Forestry zoned land consists of more than forty (40) contiguous acres;

**4.18.7.1.6.2** The residential lots are proposed for transfer or development at a density allowed within the underlying zoning;

**4.18.7.1.6.3** The Agricultural Forestry zoned land includes an environmental or cultural feature or area identified for preservation by Fremont County; and

**4.18.7.1.6.4** No transfer of dwelling units into the Agricultural Forestry Zone District is proposed.

**4.18.8 PURPOSES OF THE MOUNTAIN PLANNED UNIT DEVELOPMENT:** In order to minimize service and management costs of lands located in mountain areas; to provide flexibility and to accommodate personal desires in the sale of mountain properties; to encourage the retention of large areas of mountain land in forestry uses by allowing the conveyance of small land parcels; to provide flexibility in the location of residential lots in mountain areas; to provide a means of development sensitive to environmental concerns and existing capital services such as roads; and in order to fulfill those purposes set forth in this Resolution, Mountain Planned Unit Developments may be permitted in the Agricultural Forestry Zone District subject to the provisions of this article and the conditions set forth in a development plan that has been reviewed and approved by the Board.

**4.18.9 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for any multiple units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.

#### 4.7 Rural Highway Business (RHB)

This district is intended to accommodate certain business uses that are highway oriented.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements			Max Building Height	Maximum Lot Coverage
		Principal	Accessory			
2 Acres with public water & sewer	100'	40'	30'	30'	35'	35%
4.5 Acres with well & OWTS						

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE & A COMMERCIAL DEVELOPMENT PLAN		
USE		CONDITIONS
<a href="#">ACCESSORY BUILDINGS &amp; USE:</a>		
<a href="#">AUTOMOBILE REPAIR SHOP</a>		
<a href="#">AUTOMOBILE SERVICE STATION</a>		
<a href="#">BAKE SHOP</a>		
<a href="#">BED &amp; BREAKFAST</a>		
<a href="#">BUS TERMINAL</a>		
<a href="#">CAR WASH</a>		
<a href="#">CHILD CARE CENTER</a>		
<a href="#">COMMUNITY BUILDING</a>		
<a href="#">CONVENIENCE STORE</a>		
<a href="#">DISTILLERY</a>		
<a href="#">EXERCISE FACILITY &amp; GYMS</a>		
<a href="#">FARM &amp; RANCH SUPPLIES, SALES, &amp; SERVICE:</a>		
<a href="#">GOVERNMENT ROAD MAINTENANCE FACILITY</a>		
<a href="#">GREENHOUSE, COMMERCIAL</a>		

<a href="#">HOTEL/MOTEL</a>		
<a href="#">LIQUOR STORE</a>		
<a href="#">LOUNGE</a>		
<a href="#">MUSEUM</a>		
<a href="#">PERSONAL SERVICES</a>		
<a href="#">PHARMACY</a>		
<a href="#">POST OFFICE</a>		
<a href="#">PROFESSIONAL OFFICE</a>		
<a href="#">RAFTING</a>		
<a href="#">RESTAURANT WITH OR WITHOUT BREWERY</a>		
<a href="#">RETAIL STORE</a>		
<a href="#">RIDING ACADEMY</a>		
<a href="#">STABLE</a>		
<a href="#">VETERINARY PREMISES</a>		
<a href="#">WATCHMEN'S QUARTERS</a>		
<a href="#">WINERY</a>		

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT		
USE		
<a href="#">AIRPORT, PRIVATE</a>		
<a href="#">ASSISTED LIVING RESIDENCE</a>		
<a href="#">AUDITORIUM</a>		
<a href="#">AUTOMOBILE &amp; TRAILER SALES</a>		



<a href="#"><u>LOT</u></a>		
<a href="#"><u>BANK, DRIVE IN</u></a>		
<a href="#"><u>CARPENTER SHOP</u></a>		
<a href="#"><u>CLUB</u></a>		
<a href="#"><u>CONTRACTOR'S YARD #1 OR #2</u></a>		Refer to section 5.3.1 & 8.2.5 of FCZR for development requirements
<a href="#"><u>DRY CLEANING SERVICE</u></a>		
<a href="#"><u>FIRE, POLICE STATION, &amp; EMS FACILITIES</u></a>		Refer to section 5.2.4 of FCZR for development requirements.
<a href="#"><u>GOLF COURSE</u></a>		
<a href="#"><u>KENNEL</u></a>		
<a href="#"><u>PARKING LOT OR GARAGE</u></a>		When this is a primary use of the property as opposed to an accessory use to another primary use housed on the property. Refer to section 5.3 of FCZR for development requirements.
<a href="#"><u>RECREATION CAMP</u></a>		
<a href="#"><u>RECREATIONAL AND OUTDOOR AMUSEMENT OR AMUSEMENT PARK</u></a>		
<a href="#"><u>SEASONAL EMPLOYEE HOUSING</u></a>		
<a href="#"><u>TOWER</u></a>		
<a href="#"><u>TRANSFER STATION</u></a>		
<a href="#"><u>TRAVEL TRAILER PARK</u></a>		Refer to section 8.2.9 of FCZR for development requirements.
<a href="#"><u>TRUCK STOP</u></a>		
<a href="#"><u>WILDLIFE, COMMERCIAL PARK</u></a>		

**TEMPORARY USES:** Approval as noted below will be required for the following uses:

Roadside Stand (seasonal business). For the duration of the growing season.

If a temporary use permit is required refer to section 8.16 for requirements.

## **4.13 RHB - RURAL HIGHWAY BUSINESS ZONE DISTRICT**

**4.13.1 DESCRIPTION:** This district is intended to accommodate certain business uses that are highway oriented.

**4.13.2 ALLOWED USES:** Notes: (1) This zone district is subject to Section 3 “General Regulations” of this Resolution; (2) Development of undeveloped property; any substantial change of use (*or occupancy as per the Building Code of Fremont County*) from one use to another use; or any substantial expansion or enlargement of an existing use in this zone district will require compliance with Section 8.15 Commercial Development Plan of this Resolution.

**4.13.2.1** Accessory buildings and uses;

**4.13.2.2** Automobile repair shop;

**4.13.2.3** Automobile service station;

**4.13.2.4** Bake shop;

**4.13.2.5** Bed and breakfast;

**4.13.2.6** Bus terminal;

**4.13.2.7** Car wash;

**4.13.2.8** Child care center;

**4.13.2.9** Community building;

**4.13.2.10** Convenience store;

**4.13.2.11** Exercise facility and gyms;

**4.13.2.12** Farm and ranch supplies, sales, and service;

**4.13.2.13** Government road maintenance facility;

**4.13.2.14** Greenhouse, commercial;

**4.13.2.15** Hotel;

**4.13.2.16** Liquor store;

**4.13.2.17** Lounge;

- 4.13.2.18 Motel;
- 4.13.2.19 Museum;
- 4.13.2.20 Personal services;
- 4.13.2.21 Pharmacy;
- 4.13.2.22 Post office,
- 4.13.2.23 Professional office;
- 4.13.2.24 Rafting;
- 4.13.2.25 Restaurant;
- 4.13.2.26 Retail store;
- 4.13.2.27 Riding academy;
- 4.13.2.28 Stable;
- 4.13.2.29 Veterinary premises;
- 4.13.2.30 Watchman’s quarters, single-family dwelling or efficiency unit dwelling, attached or detached and only one (1) such dwelling per premise;
- 4.13.2.31 Winery.

**4.13.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.  
NONE

**4.13.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

- 4.13.4.1 Airport, private;
- 4.13.4.2 Assisted living residence or residence;
- 4.13.4.3 Auditorium;
- 4.13.4.4 Automobile and trailer sales lot;
- 4.13.4.5 Bank, drive-in;
- 4.13.4.6 Carpenter shop;

- 4.13.4.7 Club;
- 4.13.4.8 Contractor's yard or building (*refer to 5.7.15 of this Resolution for additional development requirements*);
- 4.13.4.9 Dry cleaning service;
- 4.13.4.10 Fire and/or police station;
- 4.13.4.11 Golf course;
- 4.13.4.12 Kennel;
- 4.13.4.13 Parking lot or garage (*when this is the primary use of the property as opposed to an accessory use to another primary use housed on the property*);
- 4.13.4.14 Public utility buildings, regulators, and substations;
- 4.13.4.15 Recreation camp;
- 4.13.4.16 Recreational and outdoor amusements or amusement facility;
- 4.13.4.17 Seasonal employee housing, (*i.e., tent sites, trailer spaces, in compliance with Section 4.11.5, Development Requirements; 4.11.6, General Requirements; and 4.11.7, Drawing Requirements*).
- 4.13.4.18 Towers that exceed fifty (50) feet;
- 4.13.4.19 Transfer station;
- 4.13.4.20 Travel Trailer Park & Campground (*refer to Section 5.6 of this resolution for additional development requirements*);
- 4.13.4.21 Truck stop;
- 4.13.4.22 Wildlife, Commercial Park.

**4.13.5 DEVELOPMENT REQUIREMENTS:**

- 4.13.5.1 Minimum lot size: Lots comprising an area of two (2) acres but less than four and one-half (4 ½) acres shall be serviced by public water. Lots comprising four and one-half (4 ½) acres or more may be serviced by an individual well and an individual sewage disposal system.

**4.13.5.2** Maximum lot coverage: Thirty-five (35) percent.

**4.13.5.3** Minimum lot width: One-hundred (100) feet.

**4.13.5.4** Maximum building height: Thirty-five (35) feet.

**4.13.5.5** Minimum setback requirements:

**4.13.5.5.1** Front yard: Forty (40) feet.

**4.13.5.5.2** Side yard: Thirty (30) feet.

**4.13.5.5.3** Rear yard: Thirty (30) feet.

**4.13.6 TEMPORARY USES:** Approval as noted below will be required for the following uses:

**4.13.6.1** Construction office (*office use only*) used during construction of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

**4.13.6.2** Spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses require the issuance of a temporary use permit by the Board. A temporary use permit will not be required for athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses if the event is to be held at an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent place of assembly, if such place or facility was constructed and approved for such events. If a temporary use permit is required refer to Section 8.16 for requirements.

**4.13.6.3** Road-side stand (*seasonal business*). For the duration of the growing season.

**4.13.7 OFF STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.13.8 OFF STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

**4.13.9 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for any multiple business units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.



## 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](mailto:Planning@fremontco.com)

### STAFF REPORT

Project Name: High Density Residential (HDR)- Zone Consolidation and Rewrite  
Name(s) Planning and Zoning Director- Daniel Victoria

#### **Request: Zone Consolidation and rewrite.**

Planning and Zoning has recognized the need for a review and update to the regulations. This rewrite and consolidation is to address the Medium Density Residential and High Density Residential zone districts.

The proposal in front of you is a consolidation of these two districts into the new High Density Residential (HDR) zone district. The changes include reformatting, a new zone description, the development requirements of the smaller zone district (MDR) becoming the standard, consolidating the uses of the two zone districts and adding new uses into the regulations.

#### **Intent.**

The intent of this consolidation is to address many issues and deficiencies in the current regulations such as but not limited to.

- 1) Uses needed updating.
- 2) Current regulations propose barriers for housing.
- 3) Consolidation will offer the citizens of Fremont the opportunity to have more opportunities on the land they own.
- 4) Current regulations had descriptions of uses in the allowed uses table. The description of uses has been moved to the General Requirements section or detailed in the Definitions section and will be presented at a later date.

In the attached regulations you will see yellow highlighting.

- Yellow details differences between the two zone districts.

**Proposed Timeline:**

Proposed Zone Consolidation and 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 recommendations.



#### 4.5 High Density Residential (HDR)

This district is established to provide for high density residential developments.

Minimum Lot Size/Area	Minimum Lot Width	Set Back Requirements Principal/Accessory			Max Building Height	Maximum Lot Coverage
		Front	Side	Rear		
8,500 sq. ft Single Family	85'	25/25	10/10	20/10	50'	50%
8500 sq. ft. Two-Family	85'		15' Adjacent to a street	25' Adjacent to a State or Federal Highway		
Additional 1000 sq. ft. of lot area for each additional unit	85'		2' for each story			

If any three (3) or more unit structure is from one (1) to three (3) habitable stories, at least twenty (20) percent of the parcel shall be landscaped open space; if more than four (4) habitable stories at least forty (40) percent of the parcel shall be landscaped open space.

ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, POSSIBLE LIMITATIONS, AND PERMIT		
USE		
<a href="#">ACCESSORY BUILDINGS &amp; USES:</a>		
<a href="#">ASSISTED LIVING RESIDENCE</a>		
<a href="#">BOARDING &amp; ROOMING HOUSE</a>		
<a href="#">CHILD CARE CENTER</a>		
<a href="#">DWELLING UNIT</a>		Single Family Multi-Family Manufactured Home Accessory Dwelling Unit – Refer to section 5.2.1 FCZR
<a href="#">FAMILY CHILD CARE HOME</a>		
<a href="#">GROUP HOME</a>		
<a href="#">HOME OCCUPATION</a>		Refer to section 5.2.3 FCZR for additional development requirements.
<a href="#">MEDICAL CLINIC</a>		
<a href="#">PARK</a>		Mini Neighborhood
<a href="#">RELIGIOUS INSTITUTION</a>		
<a href="#">SCHOOLS</a>		Elementary High School Junior High School

USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT

<b>USE</b>		
<a href="#">BANK, DRIVE IN</a>		
<a href="#">COLLEGE/UNIVERSITY</a>		
<a href="#">FIRE, POLICE STATION, &amp; EMS FACILITIES</a>		
<a href="#">GOLF COURSE</a>		
<a href="#">HOSPITAL</a>		
<a href="#">MINI-STORAGE FACILITY</a>		
<a href="#">NURSING HOME</a>		
<a href="#">PARK</a>		Community
<a href="#">PROFESSIONAL OFFICE</a>		
<a href="#">UTILITIES, BUILDINGS MAIN LINES, REGULATORS, SUBSTATIONS &amp; TRANSMISSION LINES</a>		
<a href="#">RECREATIONAL FACILITY,</a>		Urban
<a href="#">TOWER</a>		Exceeding 50' in height

USES SUBJECT TO ISSUANCE OF A TEMPORARY USE PERMIT		
USE		
<a href="#">Construction Office</a>		Trailer incidental in construction on the premises of the principal building. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

**Platting Requirements:** Any parcel of land that is to be used for two family dwellings, apartments, or any other multi-family dwelling units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing which complied with the requirements of the Fremont County Subdivision Regulations.

## 4.9 HDR - HIGH DENSITY RESIDENCE ZONE DISTRICT

**4.9.1 DESCRIPTION:** This district is established to provide for high density residential developments.

**4.9.2 ALLOWED USES:** Note: This zone district is subject to Section 3 “General Regulations” of this Resolution.

**4.9.2.1** Accessory buildings and uses;

**4.9.2.2** Assisted living residence or residence; Is an SRU in the MDR

**4.9.2.3** Boarding and rooming house; Is not allowed in the MDR

**4.9.2.4** Child care center;

**4.9.2.5** Dwelling, efficiency unit;

**4.9.2.6** Dwelling, manufactured home (*does not include manufactured home single-wide, refer to Section 1.5.58.6 & 1.5.58.7 of this Resolution for definitions*);

**4.9.2.7** Dwelling, multi-family (*3 units or more per structure*); Limits to 6 units in MDR

**4.9.2.8** Dwelling, single-family;

**4.9.2.9** Dwelling, two-family;

**4.9.2.10** Elementary school;

**4.9.2.11** Family child care home;

**4.9.2.12** Group home;

**4.9.2.13** High school;

**4.9.2.14** Junior high school;

**4.9.2.15** Medical clinic; Not an allowed use in MDR

**4.9.2.16** Park, mini;

**4.9.2.17** Park, Neighborhood;

**4.9.2.18** Religious institution;

**4.9.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.  
NONE

**4.9.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

**4.9.4.1** Bank, drive-in; Is not an SRU in MDR

**4.9.4.2** College and university;

**4.9.4.3** Fire and/or police station;

**4.9.4.4** Golf course;

**4.9.4.5** Hospital;

**4.9.4.6** Mini-storage facility;

**4.9.4.7** Nursing home;

**4.9.4.8** Park, Community;

**4.9.4.9** Professional office;

**4.9.4.10** Public utility building, regulators, and substations;

**4.9.4.11** Recreational facility, Urban;

**4.9.4.12** Towers that exceed fifty (50) feet.

**4.9.5 DEVELOPMENT REQUIREMENTS:**

**4.9.5.1** Public water and sewer services.

**4.9.5.2** Minimum lot area: Eighty-five-hundred (8,500) square feet.

**4.9.5.3** Minimum lot area per dwelling unit:

**4.9.5.3.1** Single-family dwelling: Eighty-five-hundred (8,500) square feet.

**4.9.5.3.2** Two-family dwelling: Eighty-five-hundred (8,500) square feet.

**4.9.5.3.3** Three (3) unit dwelling or more: A minimum eighty-five-hundred (8,500) square feet of lot area for the first two (2) units and an additional one-thousand (1,000) square feet of lot area for each additional unit. (1,500 in MDR)

**4.9.5.3.4** If any three (3) or more unit structure is from one (1) to three (3) habitable stories, at least twenty (20) percent of the parcel shall be landscaped open space; if more than four (4) habitable stories at least forty (40) percent of the parcel shall be landscaped open space. Not stated in the MDR

**4.9.5.4** Maximum lot coverage: Fifty (50) percent.  
(40' MDR)

**4.9.5.5** Maximum building height: Fifty (50) feet.  
(35' in MDR)

**4.9.5.6** Minimum lot width: Eighty-five (85) feet.

**4.9.5.7** Minimum setback requirements:

**4.9.5.7.1** Front yard: Twenty-five (25) feet.

**4.9.5.7.2** \*Side yard: Attached multi-family dwellings shall measure ten (10) feet from exterior of total structure to property line, not from each unit.

**4.9.5.7.2.1** If a street is adjacent to the side property line the side setback adjacent to the street shall be fifteen (15) feet.

**4.9.5.7.2.2** Two (2) additional feet for each story over one (1) story.

**4.9.5.7.3** \*Rear yard: Twenty (20) feet for primary buildings and ten (10) feet for accessory buildings.

**\*NOTE:** A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway.

**4.9.6 TEMPORARY USES:** Approval as noted below will be required for the following uses:

**4.9.6.1** Construction office (*office use only*) used during construction of multi-family dwellings. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

**4.9.7 OFF STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.9.8 OFF-STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

**4.9.9 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for two-family dwellings, apartments, or any other multi-family dwelling units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing which complied with the requirements of the Fremont County Subdivision Regulations.

## **4.8 MDR - MEDIUM DENSITY RESIDENCE ZONE DISTRICT**

**4.8.1 DESCRIPTION:** This district is established to provide areas of medium density residential developments.

**4.8.2 ALLOWED USES:** Note: This zone district is subject to Section 3 “General Regulations” of this Resolution.

**4.8.2.1** Accessory buildings and uses;

**4.8.2.2** Child care center;

**4.8.2.3** Dwelling, efficiency unit;

**4.8.2.4** Dwelling, manufactured home (*does not include manufactured home single-wide, refer to Section 1.5.58.6 & 1.5.58.7 of this Resolution for definitions*);

**4.8.2.5** Dwelling, multi-family (*3 - 6 units per structure*);

**4.8.2.6** Dwelling, single-family;

**4.8.2.7** Dwelling, two-family;

**4.8.2.8** Elementary school;

**4.8.2.9** Family child care home;

**4.8.2.10** Group home;

**4.8.2.11** High school;

**4.8.2.12** Junior high school;

**4.8.2.13** Park, mini;

**4.8.2.14** Park, Neighborhood;

**4.8.2.15** Religious institution;

**4.8.3 CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.

NONE

**4.8.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit.

- 4.8.4.1 Assisted living residence or residence;
- 4.8.4.2 Colleges and universities;
- 4.8.4.3 Fire and/or police station;
- 4.8.4.4 Golf course;
- 4.8.4.5 Hospital;
- 4.8.4.6 Mini-storage facility;
- 4.8.4.7 Nursing home;
- 4.8.4.8 Park, Community;
- 4.8.4.9 Professional office;
- 4.8.4.10 Public utility building, regulators, and substations;
- 4.8.4.11 Recreational facility, Urban;
- 4.8.4.12 Towers that exceed fifty (50) feet.

**4.8.5 DEVELOPMENT REQUIREMENTS:**

- 4.8.5.1 Public water and sewer services.
- 4.8.5.2 Minimum lot area: Eighty-five-hundred (8,500) square feet.
- 4.8.5.3 Minimum lot area per dwelling unit:
  - 4.8.5.3.1 Single-family dwelling: Eighty-five-hundred (8,500) square feet.
  - 4.8.5.3.2 Two-family dwelling: Eighty-five-hundred (8,500) square feet.
  - 4.8.5.3.3 Three (3) unit dwelling or more: A minimum eighty-five-hundred (8,500) square feet of lot area for the first two (2) units and an additional fifteen-hundred (1,500) square feet of lot area for each additional unit.
- 4.8.5.4 Maximum lot coverage: Forty (40) percent.

**4.8.5.5** Maximum building height: Thirty-five (35) feet.

**4.8.5.6** Minimum lot width: Eighty-five (85) feet.

**4.8.5.7** Minimum setback requirements:

**4.8.5.7.1** Front yard: Twenty-five (25) feet.

**4.8.5.7.2** \*Side yard: Ten (10) feet. Attached multi-family dwellings shall measure ten (10) feet from exterior of total structure to property line, not from each unit.

**4.8.5.7.2.1** If a street is adjacent to the side property line, the side setback adjacent to the street shall be fifteen (15) feet.

**4.8.5.7.2.2** Two (2) additional feet for each story over one (1) story.

**4.8.5.7.2.3** \*Rear yard: Twenty (20) feet for a primary building and ten (10) feet for an accessory building.

**\*NOTE:** A minimum twenty-five (25) foot setback is required if property is adjacent to a state or federally designated highway.

**4.8.6 TEMPORARY USES:** Approval as noted below will be required for the following uses:

**4.8.6.1** Construction office (*office use only*) used during construction of multi-family dwellings. Included with and dependent upon the issuance of a building permit. If a building permit is not required, Department approval will be required.

**4.8.7 OFF STREET PARKING REQUIREMENTS:** See 5.3 of this Resolution.

**4.8.8 OFF-STREET LOADING REQUIREMENTS:** See 5.5 of this Resolution.

**4.8.9 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for two-family dwellings, apartments, or any other multi-family dwelling units shall be required to comply with appropriate subdivision requirements unless such parcel of land, when previously subdivided, was accompanied by a filing that complied with the requirements of the Fremont County Subdivision Regulations.