



FREMONT COUNTY – COLORADO DEPARTMENT OF PLANNING AND ZONING

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STAFF REPORT

Project Name: Residential 1 - 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 Agricultural Suburban and Agricultural Estates zone districts.

The proposal in front of you is a consolidation of these two districts into the new Residential 1 (R1) zone district. The changes include reformatting, renaming, a new zone description, the development requirements of the smaller zone district (AS) 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) Citizens having confusion about the zone district they reside in (6 agricultural zone districts currently with minimal differences).
- 2) Zone district name causing difficulty for individuals to get financing as banks do not like offering loans to agricultural operations.
- 3) Uses needed updating.
- 4) Current regulations propose barriers for housing.
- 5) Consolidation will offer the citizens of Fremont the opportunity to have more opportunities on the land they own.
- 6) 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 strike throughs, as well as red and yellow highlighting.

- Strike through details items that were moved to the general requirements section or the definitions section.
- Red details uses by consolidation.
- Yellow details new uses.

Residential One (R1)

This district is established for residential use in addition to agricultural and accessory uses. It provides opportunities for limited business uses and community projects by permitting.

| Minimum Lot Size/Area | Minimum Lot Width | Set Back Requirements Principal/Accessory | | | Max Building Height | Maximum Lot Coverage |
|---|-------------------|---|--|--|---------------------|----------------------|
| | | Front | Side | Rear | | |
| 15,000 sq. ft with public water & sewer | 100' | 25' | 10/5 | 20/5 | 35' | 15% |
| 1 acre with public water & OWTS | | | 15' Adjacent to a street 25' Adjacent to a State or Federal Highway | 25' Adjacent to a State or Federal Highway | | |
| 4.5 acres with well & OWTS | | | 20' for livestock housing | 20' for livestock housing | | |

| ALLOWED USES: SUBJECT TO ZONING COMPLIANCE, POSSIBLE LIMITATIONS, AND PERMIT | | |
|--|--|---|
| USE | | CONDITIONS |
| ACCESSORY BUILDINGS & USES: | | |
| AGRICULTURE | | Including livestock, poultry and rabbits. In addition, the sale of agricultural and forestry products produced on the premise provided that no on-street parking is allowed and a minimum one hundred (100) foot setback from all property lines is provided; |
| ANIMAL UNITS | | Refer to section 1.5.6 FCZR |
| DWELLING UNIT | | Single Family Manufactured Home Accessory Dwelling Unit – Refer to section 9 FCZR |
| Elementary School | | |
| GOLF COURSE | | |
| GROUP HOME | | |
| ORCHARD & VINEYARD | | |
| HOME OCCUPATIONS | | Refer to 5.2.1 of this resolution for additional development requirements. |
| PARK | | Mini |
| ROADSIDE STAND | | No agricultural products may be sold that are not produced on the premises |

| USES SUBJECT TO ISSUANCE OF A SPECIAL REVIEW USE PERMIT | | |
|---|--|--|
| USE | | CONDITIONS |
| AGRITAINMENT | | including livestock, poultry, and rabbits. This use shall not include feedlots, dairy farms, and fur bearing animal farms. |
| ASSISTED LIVING RESIDENCE | | |
| BED & BREAKFAST | | |
| CEMETERY | | |
| CHILD CARE CENTER | | |
| COMMUNITY BUILDING | | |
| CONTRACTOR'S YARD #1 & #2 | | Refer to 5.2.6 & 5.2.7 of this Resolution for additional development requirements |
| FAMILY CHILD CARE HOME | | |
| FIRE, POLICE STATION, & EMS FACILITIES | | Lot size may deviate from the minimum lot size development requirements for the zone district. |
| HOSPITAL | | |
| NURSING HOME | | |
| PARK | | Neighborhood |
| PUBLIC UTILITY BUILDINGS, REGULATORS, & SUBSTATIONS | | |
| RECREATIONAL FACILITY | | Urban |
| RELIGIOUS INSTITUTION | | |
| SCHOOLS | | Junior High, & High School |
| TOWER | | Exceeding 50' in height |

TEMPORARY USES: Approval as stated below will be required for the following uses: Lots shall be 4 ½ acres or more.

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.

4.6 AS — AGRICULTURAL SUBURBAN ZONE DISTRICT — Residential 1

4.6.1 DESCRIPTION: This district is established for limited agricultural purposes with appropriate ~~single-family residence~~ residential and accessory uses. ~~and which~~ It provides separation from ~~opportunities for limited business and industrial uses.~~ **by permitting.**

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

4.6.2.1 Accessory buildings and uses;

4.6.2.2 Agriculture, including livestock, poultry and rabbits. This use shall not include feed lots, dairy farms and fur bearing animal farms. In addition, the following shall apply:

4.6.2.2.1 No agricultural products may be sold that are not produced on the premises.

4.6.2.2.2 There shall be fifteen-thousand (15,000) square feet for each such animal unit of permitted livestock on the premises. Any portion of the remaining square footage, after the division of the parcel size by the fifteen-thousand (15,000) square feet, exceeding seven-thousand five-hundred (7,500) square feet will be considered as one (1) additional animal unit.

4.6.2.3 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~~);

4.6.2.4 Dwelling, single-family;

4.6.2.5 Elementary school;

4.6.2.6 Group home;

4.6.2.7 Orchard and vineyard;

4.6.2.8 Park, mini;

4.6.2.9 Roadside stand (in conjunction with 4.6.2.2.1 above);

4.6.3 CONDITIONAL USES: ~~Subject to the issuance of a Conditional Use Permit.~~ NONE

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

4.6.4.1 Assisted living residence or residence;

4.6.4.2 Bed and breakfast;

4.6.4.3 Cemetery;

4.6.4.4 Child care center;

4.6.4.5 Community building;

4.6.4.6 Contractor’s yard or building (refer to 5.7.15 of this Resolution for additional development requirements);

4.6.4.7 Family child care home;

4.6.4.8 Fire and/or Police Station;

4.6.4.9 Golf course;

4.6.4.10 High school;

4.6.4.11 Hospital;

4.6.4.12 Junior high school;

4.6.4.13 Nursing home;

4.6.4.14 Park, neighborhood;

4.6.4.15 Public utility buildings, regulators and substations;

4.6.4.16 Recreational facility, Urban;

4.6.4.17 Religious institution;

4.6.4.18 Towers that exceed fifty (50) feet.

4.6.5 DEVELOPMENT REQUIREMENTS:

4.6.5.1 Minimum lot area: Fifteen-thousand (15,000) square feet.

4.6.5.1.1 Lots comprising an area of fifteen-thousand (15,000) square feet or more but less than one (1) acre shall be serviced by public water and public sewer systems. Lots comprising an area of one (1) 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 may be serviced by an individual well and individual sewage disposal system.

4.6.5.2 Maximum lot coverage: Twenty-five (25) percent.

4.6.5.3 Minimum lot width:

4.6.5.3.1 One-hundred (100) feet with public water and sewer service.

4.6.5.3.2 One-hundred and fifty (150) feet with public water service and individual sewage disposal.

4.6.5.3.3 Three-hundred (300) feet with individual well and sewage disposal.

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

4.6.5.5 Minimum setback requirements:

4.6.5.5.1 Front yard: Twenty-five (25) feet.

4.6.5.5.2 *Side yard: Ten (10) feet for primary buildings. Five (5) feet for accessory buildings.

4.6.5.5.2.1If side yard is adjacent to a street, fifteen (15) feet.

4.6.5.5.2.2Twenty (20) feet for housing of permitted livestock.

4.6.5.5.3 *Rear yard: Twenty (20) feet for primary buildings.

4.6.5.5.3.1Ten (10) feet for accessory buildings.

4.6.5.5.3.2Twenty (20) feet for housing of permitted livestock.

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

4.6.6 TEMPORARY USES: NONE

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

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

4.5 AE – AGRICULTURAL ESTATES ZONE DISTRICT

4.5.1 DESCRIPTION: This district is established for limited agricultural purposes with appropriate single-family residence and accessory uses and provides separation from business and industrial uses.

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

4.5.2.1 Accessory buildings and uses;

4.5.2.2 Agriculture, including livestock, poultry, and rabbits. This use shall not include feed lots, dairy farms, and fur bearing animal farms. In addition, the following shall apply:

4.5.2.2.1 No agricultural products may be sold that are not produced on the premises.

4.5.2.2.2 There shall be fifteen-thousand (15,000) square feet for each such animal unit of permitted livestock on the premises. Any portion of the remaining square footage, after the division of the parcel size by the fifteen-thousand (15,000) square feet, exceeding seven-thousand five-hundred (7,500) square feet will be considered as one (1) additional animal unit.

4.5.2.3 Dwelling, manufactured home;

4.5.2.4 Dwelling, manufactured home single-wide;

4.5.2.5 Dwelling, single-family;

4.5.2.6 Elementary school;

4.5.2.7 Group home;

4.5.2.8 Orchard and vineyard;

4.5.2.9 Park, mini;

4.5.2.10 Roadside stand (*in conjunction with 4.5.2.2.1 above*);

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

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

4.5.4.1 Assisted living residence or residence;

4.5.4.2 Bed and breakfast;

4.5.4.3 Cemetery;

4.5.4.4 Child care center;

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

4.5.4.6 Family child care home;

4.5.4.7 Fire and/or police station;

4.5.4.8 High school;

4.5.4.9 Hospital;

4.5.4.10 Junior high school;

4.5.4.11 Nursing home;

4.5.4.12 Park, neighborhood;

4.5.4.13 Public utilities buildings, regulators, and substations;

4.5.4.14 Recreational facility, urban;

4.5.4.15 Religious institution;

4.5.4.16 Towers that exceed fifty (50) feet.

**4.5.5 DEVELOPMENT
REQUIREMENTS:**

4.5.5.1 Minimum lot area: Fifteen-thousand (15,000) square feet.

4.5.5.1.1 Lots comprising an area of fifteen-thousand (15,000) square feet or more but less than one (1) acre shall be serviced by public water and public sewer systems. Lots comprising an area of one (1) acre or more but less than four and one-half

4.5.5.1.2 (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.

4.5.5.2 Maximum lot coverage: Twenty-five (25) percent.

4.5.5.3 Minimum lot width:

4.5.5.3.1 One-hundred (100) feet with public water and sewer service.

4.5.5.3.2 One-hundred and fifty (150) feet with public water.

4.5.5.3.3 Three-hundred (300) feet with individual well and sewage disposal.

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

4.5.5.5 Minimum setback requirements:

4.5.5.5.1 Front yard: Twenty-five (25) feet.

4.5.5.5.2 *Side yard: Ten (10) feet for primary buildings. Five (5) feet for accessory buildings.

4.5.5.5.2.1 If side yard is adjacent to a street, fifteen (15) feet.

4.5.5.5.2.2 Twenty (20) feet for housing of permitted livestock.

4.5.5.5.3 *Rear yard: Twenty (20) feet for primary buildings.

4.5.5.5.3.1 Ten (10) feet for accessory buildings.

4.5.5.5.3.2 Twenty (20) feet for housing of permitted livestock.

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

4.5.6 TEMPORARY USES: NONE

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

4.5.8 OFF-STREET LOADING REQUIREMENTS: See 5.5 of this Resolution