

# FREMONT COUNTY, COLORADO ZONING RESOLUTION

ADOPTED JANUARY 15, 2009, BY RESOLUTION # 9 SERIES OF 2009



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***USERS OF THIS RESOLUTION SHOULD CONTACT THE DEPARTMENT OF PLANNING AND ZONING FROM TIME TO TIME, TO DETERMINE IF AMENDMENTS HAVE TAKEN PLACE.***

*Updated 2/17/16*

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## **1 GENERAL PROVISIONS:**

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

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

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

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

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

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

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

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

**1.5.2.2** is subordinate in area, extent, or purpose to the principal building or principal use served;

**1.5.2.3** contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and

**1.5.2.4** is located on the same lot as the principal building or principal use.

**1.5.2.5** Single-family dwelling accessory use examples, not limited to the following personal uses such as garages, storage sheds, greenhouses (*non-commercial*), gardens, trees, swimming pools, pets, home occupation (*refer to 5.2.1 through 5.2.5 of this Resolution for requirements*), towers and antennas, (*non-commercial*) that do not exceed fifty (50) feet in height, Small Wind Energy System that does not exceed fifty (50) feet in height (*refer to 5.2.7 of this Resolution for requirements*).

**1.5.2.6** Such uses may be subject to zone district development requirements and the requirements of the Building Code of Fremont County.

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

**1.5.3.1 Specified sexual activity:**

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

**1.5.3.1.2** acts of human masturbation, sexual intercourse, or sodomy;

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

**1.5.3.2 Specified anatomical areas:**

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

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

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

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

**1.5.5 AGRICULTURAL LAND:**

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

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

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

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

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

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

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

**1.5.9 AIRPORT, PRIVATE:** Any area of land or water that is used, or intended for use, for the landing and takeoff of aircraft and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities located thereon. The term

"private" applies to any airport that restricts usage to the owner or person authorized by the owner.

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

**1.5.11 AIRPORT RELATED USE:** A use that supports airport operations including, but not limited to, aircraft repair and maintenance, flight instruction and aircraft chartering.

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

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

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

<u>Type of Animal</u>	<u>Number of animals per animal unit</u>
1.5.14.1 Cow	----- 1 or;
1.5.14.2 Buffalo	----- 1 or;
1.5.14.3 Cattalo	----- 1 or;
1.5.14.4 Horse	----- 1 or;
1.5.14.5 Mule	----- 1 or;
1.5.14.6 Donkey	----- 1 or;
1.5.14.7 Elk	----- 1 or;



<b>1.5.14.8 Fallow deer</b>	-----	<b>1 or;</b>
<b>1.5.14.9 Llama</b>	-----	<b>2 or;</b>
<b>1.5.14.10 Swine</b>	-----	<b>2 or;</b>
<b>1.5.14.11 Ostriches</b>	-----	<b>4 or;</b>
<b>1.5.14.12 Emus</b>	-----	<b>5 or;</b>
<b>1.5.14.13 Alpacas</b>	-----	<b>5 or;</b>
<b>1.5.14.14 Sheep</b>	-----	<b>5 or;</b>
<b>1.5.14.15 Goats</b>	-----	<b>5 or;</b>
<b>1.5.14.16 Poultry</b>	-----	<b>25 or;</b>
<b>1.5.14.17 Rabbit</b>	-----	<b>25 or;</b>

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

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

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

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

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

**1.5.16 APARTMENT HOUSE:** See dwelling, multiple.

**1.5.17 APPLICANT:** The applicant is the person, persons or entity who is responsible for organization and submittal of an application. The applicant may be the owner of property of which the application consists or a documented representative of the owner

authorized to speak and make commitment for the owner with regard to all aspects of the application process.

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

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

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

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

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

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

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

**1.5.25 AUTOMOBILE SERVICE STATION:** A building or part of a building including a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles. Vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of motor vehicles are executed

or performed, but shall not include a car wash, major mechanical automobile repair shop or automobile body shop.

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

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

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

**1.5.29 BANK, DRIVE IN:** A financial institution, including structures designed to contain an automatic teller machine, designed to provide financial services to patrons.

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

**1.5.31 BOARD:** Shall mean the Fremont County Board of County Commissioners.

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

**1.5.33 B.O.Z.A.:** Shall mean the Fremont County Board of Zoning Adjustment.

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

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

**1.5.36 BUILDING HEIGHT:** The vertical distance from the average contact ground level of a building to the highest point of the roof.

**1.5.37 BUILDING, PRIMARY:** A building in which the principal use of the lot or parcel upon which it is situated is conducted.

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

**1.5.39 BUS TERMINAL:** A place from which bus services are provided or operations are directed, including maintenance and parking of buses.

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

**1.5.41 CAR WASH:** A facility for the cleansing of automobiles, trucks and other vehicles and trailers.

**1.5.42 CARPENTER SHOP:** A place or building for constructing, finishing, or repairing wood products or objects.

**1.5.43 CEMETERY:** Land used for the interment of the dead, including columbariums, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and located on the same premises as the cemetery.

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

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

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

**1.5.47 COMMISSION:** Shall mean the Fremont County Planning Commission.

- 1.5.48 COMMUNITY BUILDING:** A meeting place used by members of the community for social, cultural, or recreational purposes.
- 1.5.49 COMPOUNDING:** Producing a product by combining two (2) or more distinct elements, ingredients, or parts.
- 1.5.50 CONDITIONAL USES:** Uses of a special nature as to make impractical their predetermination as a principal use in a district. Uses that may be included based on condition determined by the Commission and the Board.
- 1.5.51 CONTRACTOR'S YARD OR BUILDING:** A yard and / or building used by a general contractor, excavation contractor, landscaping contractor, building contractor, oil or well drilling contractor, or similar where vehicles, equipment and materials are stored or where a contractor performs maintenance, shop, or assembly work. If a building is housed on the property, the use may also contain the operational offices of the contractor. For the purpose of this definition, this definition does not include any other yard or establishment otherwise defined or classified herein. For the purposes of this definition, this definition does not include wholesale or retail sales or temporary job construction site.
- 1.5.52 CONVENIENCE STORE:** A store that may provide grocery and drug items and automobile fuel products for the primary benefit of the local neighborhood.
- 1.5.53 CORRECTIONAL FACILITY, PRIVATE:** A facility owned by an individual, firm, corporation, etc., where persons convicted or accused of crimes are confined.
- 1.5.54 CORRECTIONAL FACILITY, PUBLIC:** A facility owned by a government agency where persons convicted or accused of crimes are confined.
- 1.5.55 DAIRY FARM:** A lot(s), parcel(s), or tract(s) of land used as a farm and a dairy animal operation that produces a raw, unprocessed animal product (milk), that produces dairy calves raised for replacement or sold as a meat product, and that grows feed and utilizes grazing within the operation.
- 1.5.56 DEPARTMENT:** Shall mean the Fremont County Department of Planning and Zoning.
- 1.5.57 DISTRIBUTION CENTER:** A building designed for the warehousing of items awaiting distribution and for housing of the vehicles used in the distribution.
- 1.5.58 DWELLING UNIT:** Any building, or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, but shall not include hotels, motels, clubs, boarding or rooming houses, fraternity or sorority houses, institutions or other structures designed or used primarily for transient residents. A mobile home is not considered a dwelling.

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

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

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

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

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

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

**1.5.58.6.1** Is partially or entirely manufactured in a factory;

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

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

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

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

**1.5.58.6.6** Has been constructed after December 31, 1974.

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

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

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

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

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

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

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

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

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

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

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

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

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

**1.5.63 FAMILY:**

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

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

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

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

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

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

**1.5.68 FENCE:** A structure or barrier intended to prevent escape or intrusion or to mark a boundary, or to provide a visual barrier, usually constructed of posts and wire, chain link, wood, concrete block or similar materials. Fences constructed using scrap materials,



tires, pallets or materials not listed above or any other material deemed unacceptable shall not be allowed unless approved by formal action of the Board.

- 1.5.69 FINAL DISPOSAL AND FINAL TREATMENT:** Includes waste-to-energy incineration as well as other forms of disposal.
- 1.5.70 FINANCIAL INSTITUTION:** A state bank or bank and trust company chartered by the State of Colorado or a national bank or an industrial bank chartered by the State of Colorado or a federal credit union or a state credit union or a domestic savings and loan association organized under the laws of the State of Colorado, or a foreign savings and loan association organized under federal laws.
- 1.5.71 FIRE AND/OR POLICE STATION:** A building where law enforcement officers and/or firemen and/or ambulance personnel and equipment are housed.
- 1.5.72 FLEA MARKET:** An indoor or outdoor place, location or activity where new or used goods or second-hand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces, and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term flea market is interchangeable with and applicable to: swap markets, open air markets, farmer's markets, or other similar activities, but the term does not include the usual supermarket or department store retail operations.
- 1.5.73 FORESTRY:** The science and art of cultivating, maintaining, managing, and developing forests.
- 1.5.74 FUNERAL HOME:** A building where ceremonies are held in connection with the burial or cremation of the dead.
- 1.5.75 FUR BEARING ANIMAL FARMS:** The raising of any animal for the purpose of producing pelts to be sold commercially, or the raising of breeding stock for such commercial fur pelts, including, but not limited to, fox, mink, lynx, and chinchilla.
- 1.5.76 GOLF COURSE:** An area of land laid out for the game of golf, excluding miniature golf course.
- 1.5.77 GOVERNMENT ROAD MAINTENANCE FACILITY:** Building(s) or yard(s) used for housing of equipment that is used for maintenance of roads, streets, highways, or interstates by local, state, or federal government agencies.
- 1.5.78 GREENHOUSE, COMMERCIAL:** A structure used to raise flowers, shrubs, trees, and plants for sale at wholesale or retail or for transplanting.

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

**1.5.80 HAZARDOUS WASTE:** Includes any substance that is described by either below:

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

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

**1.5.81 HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL SITE AND FACILITY:** Any location at which the treatment, storage or disposal, as defined below, of hazardous waste, as defined above, occurs.

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

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

**1.5.84 INDUSTRIAL PRINTING FACTORY:** A building designed for printing large scale items such as wallpaper or large quantity printings.

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

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

- 1.5.87 INDUSTRY, LIGHT:** Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process that is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly to adjoining property owners or to the public generally, and that operates independently of railroad sidings, extensive loading docks, and steam generation as prime power.
- 1.5.88 JUNK:** Old, used, discarded or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, abandoned or dismantled mobile homes, appliances, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material of any kind whether of value or valueless.
- 1.5.89 JUNKYARD:** Any property consisting of one (1) lot, tract, or parcel or more, or a place of business that is maintained, operated, or used for storing, dismantling, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary landfills. For the purpose of this regulation, vehicles used in ranching or farming in the zone districts permitting agricultural uses and the storing of three (3) or fewer vehicles do not constitute a junkyard.
- 1.5.90 KENNEL:** Any lot, tract, parcel, or structure used in whole or in part for the purposes of grooming (*where the animals are housed over night*), housing, boarding, breeding, raising and/or training of five (5) or more dogs or cats, six (6) months old or older. The term "kennel" as applied to these regulations does not include pet shops or veterinary premises.
- 1.5.91 KITCHEN:** Any area equipped for cooking or the preparation of food.
- 1.5.92 LABORATORY:** A building designed and equipped for scientific experimentation and or testing.
- 1.5.93 LANDFILL:** A site and facility providing for the deposit and final treatment of solid waste.
- 1.5.94 LIQUOR STORE:** A store where alcoholic beverages are sold.
- 1.5.95 LIVESTOCK:** Includes horses, cattle, mules, donkeys, goats, sheep, swine, buffalo, cattalo, poultry, rabbits, and includes "alternate livestock" such as domesticated elk, fallow deer, emus, ostriches, llamas, alpacas, and similar domesticated animals.
- 1.5.96 LOADING AREA:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles during the handling of merchandise or materials.

- 1.5.97 LOT:** A portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development, or for other purposes.
- 1.5.98 LOT, ADJOINING:** The lot separated from the lot under consideration by one of the following: lot line, street, alley, or easement.
- 1.5.99 LOT COVERAGE:** The percentage of a lot that, when viewed directly from above, would be covered by a structure(s) or building(s) or any part thereof, excluding projecting roof eaves, uncovered porches, terraces, decks, steps, sidewalks, and concrete slabs.
- 1.5.100 LOT LINE:** The perimeter or outer boundary of a lot, parcel, or tract.
- 1.5.101 LOT, PARCEL, OR TRACT SIZE:** The total acreage of the property not including any portion of the property used for a public road.
- 1.5.102 LOT WIDTH:** The distance parallel to the front lot line, measured between side lot lines at the front building setback line.
- 1.5.103 LOUNGE:** A business or portion of a business where alcoholic beverages may be served.
- 1.5.104 MANUFACTURING:** The processing and converting of raw unfinished materials or products, or any of these into an article or substance of different character or purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.
- 1.5.105 MANUFACTURED HOME PARK:** Any lot, parcel, or tract used for living purposes of more than one (1) manufactured home.
- 1.5.106 MANUFACTURED HOME SPACE:** A parcel of land in an approved manufactured home park for the placement of a single-family manufactured home for the exclusive use of its occupants.
- 1.5.107 MASTER PLAN:** A compendium of County policies regarding long-term development, in the form of maps and accompanying text.
- 1.5.108 MEAT PRODUCTS PLANT:** A canned meat factory, factory meat processing plant and any other factory where meat, poultry, or eggs are cooked, cured, smoked, or otherwise processed or packed, but does not include a delicatessen shop, stockyard, slaughterhouse, tannery or hide processing plant, a poultry killing establishment, an animal food factory or an animal by-products plant.
- 1.5.109 MILLING:** An act or process of grinding (*especially grain into flour or meal*), the operation of cutting, shaping, finishing, or working metal, cloth or any other similar product.

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

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

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

**1.5.113 MOBILE FOOD SERVICE:** A food or refreshment operation that is established at a location on a temporary basis and that may change location from time to time through the use of motorized transportation and that is not located in a permanent building or structure. All mobile food services must be in compliance with the rules and regulations governing the sanitation of food service establishments in the state of Colorado.

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

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

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

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

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

- 1.5.114.5** Is without motive power; and
- 1.5.114.6** Is constructed prior to January 1, 1975.
- 1.5.115** **MOTEL:** Two (2) or more accommodations for sleeping within a building used mainly by transients with an individual private on-site parking area attached or accessible to each unit.
- 1.5.116** **MUSEUM:** A building or structure for the display of natural, scientific, literary, or artistic objects of general, historic, or other special interest.
- 1.5.117** **NATURAL FEATURES:** A physical feature of the land or located on the land that is not man-made including but not limited to bluffs, cliffs, ravines, debris fans, springs, creeks, streams, rivers, dry gulches, drainageways, lakes, etcetera.
- 1.5.118** **NONCONFORMING:** A term describing a building, mobile home, structure, lot, or land use that was valid or lawful when brought into existence, but as of the effective date of this Zoning Resolution or its subsequent amendments, is prohibited by or inconsistent with the requirements of the Zoning Resolution or its subsequent amendments.
- 1.5.119** **NURSERY:** Land used to raise trees, shrubs, flowers, and plants for sale at wholesale or retail, or for transplanting, or for use as stocks for bedding and grafting.
- 1.5.120** **NURSING HOME:** An establishment that maintains and operates continuous day and night facilities providing room and board, personal services, and nursing care (*not hospital care*) for two (2) or more persons not related to the proprietor, who by reason of illness or infirmity are unable to care properly for themselves.
- 1.5.121** **OPEN SPACE:** A parcel or parcels of land, or an area of water, or a combination of land and water, within the site designated, designed and intended for the use or enjoyment of residents. Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents.
- 1.5.122** **OPERATOR:** Any person, firm, or corporation engaged in or controlling a mining operation.
- 1.5.123** **ORCHARD AND VINEYARD:** A group of trees or vines, grown or cultivated, which bear fruit, nuts or berries.
- 1.5.124** **PARCEL:** A plot of land usually considered a unit for the purposes of development.

**1.5.125 PARK SUPPORT FACILITIES:** Supportive facilities (*e.g., swimming pool, club house, sauna, laundry room, restroom, recreational vehicle storage areas, and open space*) that supplement the recreational or service need of the manufactured home park and / or travel trailer park and campground residents, but are not available for use by the general public.

**1.5.126 PARKS:** Open space lands whose primary purpose is recreation.

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

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

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

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

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

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

- 1.5.129 PERSONAL SERVICES:** Services of a personal convenience nature, as opposed to products that are sold to individual consumers. Personal services include barber and beauty shops, shoe and luggage repair, fortune tellers, photographers, laundry services (*excluding dry cleaning*), copying, repair and fitting of clothes, and similar services.
- 1.5.130 PET:** A domestic animal kept for pleasure rather than utility. If such animal is raised or kept for the purpose of sale or food, it shall be presumed not to be a pet. This term is not to include horses, cows, sheep, goats, llamas, ostriches, emus, alpacas, poultry, or swine (*excluding pot-bellied pigs*).
- 1.5.131 PHARMACY:** A store where prescriptions are filled and drugs are sold.
- 1.5.132 PLANNED UNIT DEVELOPMENT (PUD):** A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, and providing common open space, density increases, and a mix of building types and land uses.
- 1.5.133 POULTRY:** Including but not limited to domestic fowl, such as chickens, turkeys, ducks, or geese.
- 1.5.134 PRINTING OR COPY SHOP:** A place or facility for the preparation and issuance of printed material for public distribution or sale. This term shall not include facilities for newspaper printing, job printing, and lithographing.
- 1.5.135 PROCESSING:** The creation of a product by following a specific sequence of determined events, modifications or assembly, excluding refining.
- 1.5.136 PROFESSIONAL OFFICE:** General business offices, medical, legal, engineering, real estate, and other similar professional offices, administrative or headquarters office for wholesaling or manufacturing operations, and research and development.
- 1.5.137 RANCH:** A parcel of land that is used for raising or grazing livestock and the cultivation of food for livestock, for the primary purpose of obtaining a monetary profit. A ranch may include a dwelling unit to house the owner or operator and their immediate family or as otherwise may be provided in this document. Ranch shall not include dairy farm, or feedlots as defined in these regulations.
- 1.5.138 RECLAMATION:** The rehabilitation of affected land by means of replanting, soil stabilization, water resource restoration, and other measures appropriate to the subsequent beneficial use of such mined reclaimed lands.
- 1.5.139 RECREATION ACTIVITY OFFICE:** Ticket office, booking office, staging and loading, to include ATVs, rafting, bike tours, zip lines or similar uses or impacts.



- 1.5.140 RECREATION CAMP:** A place used for vacationing or other recreational purposes consisting of permanent structures that may contain cooking facilities, and used for temporary occupancy to include educational and religious camps. This term shall not be interpreted to include hotels, motels, restaurants, theaters, travel trailer parks, or campgrounds.
- 1.5.141 RECREATIONAL FACILITY, RURAL:** Includes recreation camps, guest ranches, resorts, ski areas, race tracks, zip lines, swimming pools, tennis courts, amphitheaters, shooting facilities, country clubs, summer camps, hunting and fishing clubs, historic/scenic railroads and associated facilities, and the like, operated for use by the public. This term shall not be interpreted to include travel trailer parks and / or campgrounds and any use for residents of the property and their family members.
- 1.5.142 RECREATIONAL FACILITY, URBAN:** Includes swimming pools, tennis and basketball courts, athletic fields, gyms, exercise facilities, country clubs, operated for use by the public. This term shall not be interpreted to include any use for residents of the property and their family members.
- 1.5.143 RECREATIONAL & OUTDOOR AMUSEMENT OR AMUSEMENT PARK:** A recreational establishment where permanent buildings or structures have been erected for the purposes of providing amusement rides, zip lines, games, arcades and machines, refreshments, or other similar uses or forms of entertainment.
- 1.5.144 RECYCLING FACILITY:** That part of a solid waste disposal facility or a part of a general disposal facility at which recyclable materials may be separated from other materials for further processing. Not to include automobile graveyard or junkyard.
- 1.5.145 REFINING:** To reduce to a pure state, to purify, or to become free of impurities.
- 1.5.146 RELIGIOUS INSTITUTION:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- 1.5.147 RESTAURANT:** A building or structure where meals are sold.
- 1.5.148 RIDING ACADEMY:** A facility providing for equestrian instruction, which does not include rodeo ground.
- 1.5.149 ROAD, PUBLIC:** A right-of-way or easement for purposes of access that is not in private ownership. This term shall include rights-of-way and easements, however acquired by the public, including dedication and prescription.
- 1.5.150 ROAD SIDE STAND:** A booth, stall, or counter for the display and sale of agricultural or seasonal products.

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

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

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

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

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

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

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

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

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

**1.5.169 TOWER:** Any structure that is designed and constructed commonly for the purpose of supporting one or more antennas for telephone, radio, and similar

communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, recreational uses, and other similar uses. The term includes all other accessory structures.

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

**1.5.171 TRACT:** A plot of land usually considered a unit for the purposes of development.

**1.5.172 TRADE OR TRAINING SCHOOL:** A building in which education is provided for occupations that require manual and or mechanical skills.

**1.5.173 TRAILER:** The following shall be considered a trailer:

**1.5.173.1 Camping Trailer:** A canvas, or other type material, folding vehicle mounted on wheels and designed for travel and recreation that is normally dependent upon a service building for toilet facilities;

**1.5.173.2 Motorized Home:** A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation, and vacation uses, and constructed as an integral part of a self-propelled vehicle;

**1.5.173.3 Pick-up Coach:** A device designed to be mounted on a truck chassis or placed in the bed of a truck for use as a temporary dwelling for travel and recreation;

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

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

- 1.5.173.6 Travel Trailer, Self-Contained:** A trailer that can be operated independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer;
- 1.5.174 TRAILER SPACE:** An area for the parking of a single trailer for the exclusive use of its occupants.
- 1.5.175 TRANSFER STATION:** A facility at which refuse awaiting transfer to a disposal site is transferred from one type of containerized collection receptacle and placed into another, or is processed for compaction.
- 1.5.176 TRAVEL TRAILER PARK:** Any open area, other than a street, alley or other public place, used exclusively for the parking or temporary storage of two or more trailers containing living and/or sleeping accommodations that are designed and used for highway travel.
- 1.5.177 TREATMENT, STORAGE AND DISPOSAL:** When used in the context of treatment, storage, or disposal of hazardous waste, shall have the meaning set forth in Title 40 Code of Federal Regulations (CFR) Part 260.10, except that the term "Storage" shall not be deemed to include temporary accumulation of hazardous waste by the generator of that waste, provided that such accumulation is consistent with the requirements and time limits of Title 40 Code of Federal Regulations (CFR), Section 262.34, and the term "Storage" shall not be deemed to include temporary holding of hazardous waste by the transporter of that waste, provided that such holding is consistent with the requirements and time limits of Title 40 Code of Federal Regulations (CFR), Section 263.12.
- 1.5.178 TRUCK STOP:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities.
- 1.5.179 TRUCKING TERMINAL:** A building, structure, or place where trucks or tractor trailers are loaded, repaired, rented, leased, kept for hire or stored or parked for remuneration, or from which trucks or transports stored or parked on the property are dispatched for hire as common carriers. The use does not include automobile service stations or transportation sales or rentals.
- 1.5.180 VARIANCE:** A device that grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

- 1.5.181 VEGETABLE FOOD PRODUCTS FACTORY:** A factory used for the purpose of blending, processing, or preparing various cereal food products, popcorn, jelly powder, baking powder, flavoring extract, beverage powder, tea, coffee, spice, yeast, sugar, dextrine, starch, glucose or other vegetable food product or other similar uses. The use does not include a brewery, distillery, winery, soft drink bottling works, bakery, or other uses otherwise classified.
- 1.5.182 VEHICLE:** Any mechanical device on wheels designed mainly for use, or used, on public highways, or that equipment designed to be transported from one place to another upon wheels or continuous tracks except motorized bicycles, vehicles propelled or drawn by horses or human power, vehicles used exclusively on fixed rails or tracks, low power scooters, motorized wheelchairs operated by handicapped persons, farm tractors and implements, implements of husbandry designed exclusively for use and used in agricultural operations, or any device designed to move primarily through the air.
- 1.5.183 VEHICLE IMPOUNDMENT YARD:** A lot or yard, whether or not enclosed by a fence, used for the storage of licensed vehicles that have been seized, taken, or appropriated, and storage of licensed vehicles awaiting repairs.
- 1.5.184 VETERINARY PREMISES:** Any veterinary office, hospital, or clinic in which veterinary medicine is being practiced by or under the direct supervision of a licensed veterinarian. The term shall not be interpreted to include kennels, although temporary boarding is allowed.
- 1.5.185 VISIBLE:** Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.
- 1.5.186 WASTE-TO-ENERGY INCINERATION:** The use of flammable waste material as a primary or supplemental fuel.
- 1.5.187 WASTE-TO-ENERGY INCINERATION SYSTEM:** The utilization of waste-to-energy incineration as a means of creating heat for industrial or commercial purposes.
- 1.5.188 WATCHMAN'S QUARTERS:** A single-family dwelling, or efficiency unit, constructed within the principal use building, whose use is as an accessory to a permitted use in the zone district and that is occupied by a person(s) who either owns the primary use or is employed as a manager, maintenance person, or similar function, with the exception of the following:
- 1.5.188.1** A detached single-family dwelling or efficiency unit, recreational cabin or park model is allowed in the Travel Trailer Park and Campground Zone District.
- 1.5.188.2** A detached manufactured home, or manufactured home single-wide is allowed in the Manufactured Home Park Zone District.

- 1.5.189 WILDFIRE:** An uncontrolled fire burning in vegetation, structures, or other improvements.
- 1.5.190 WILDLIFE:** All wild vertebrates, mollusks, and crustaceans, whether alive or dead, including any part, product, egg, or offspring thereof, that exist as a species in a natural wild state in their place of origin, presently or historically, except those species determined to be domestic animals under these regulations.
- 1.5.191 WILDLIFE, COMMERCIAL PARK:** A parcel of land containing lawfully acquired captive wildlife, on which wildlife and/or non-native wildlife are held, exhibited, or used for educational, commercial, charitable, or promotional purposes.
- 1.5.192 WILDLIFE, GAME:** Those wildlife species that may be lawfully hunted or taken for food, sport, or profit and that are classified as wildlife.
- 1.5.193 WILDLIFE HABITAT:** That natural or man-made environment that contains the elements of food, shelter, water, and space in a combination and quantity necessary for the survival of one or more wildlife species.
- 1.5.194 WILDLIFE, NON-NATIVE OR EXOTIC:** Those species, subspecies, and hybrids of wildlife not originating naturally, either presently or historically, in Colorado, except those that have been introduced into the wild in Colorado by the Division of Wildlife or classified as native wildlife by the commission.
- 1.5.195 WIND ENERGY SYSTEM, SMALL:** A wind energy system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than one-hundred (100) kilowatt (kW) and which is intended to primarily reduce on-site consumption of utility power from off-site sources in association with a dwelling or business or other uses (*i.e. cell towers, water wells, temporary lighted signs*).
- 1.5.196 YARD:** The unoccupied or vacant portion of a property or lot that has a building or structure located thereon.
- 1.5.196.1 YARD, FRONT:** A yard extending across the width of the property or lot and measured from the front line of the property or lot to the nearest line of the building or structure on which it fronts. The front line shall be the side of the property or lot by which the property or lot gains access.
- 1.5.196.2 YARD, REAR:** A yard extending across the width of the lot and measured between the rear line of the lot and the nearest line of the building. The rear line of the lot shall be that line most nearly parallel with the said lot as it faces on that street. For dwellings located on corner lots if the actual front entry way of the dwelling does not face the same street where vehicular access is taken, the rear yard may be interpreted as the yard opposite of the front entryway or the opposite of the vehicular access.

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



## **1.6 VIOLATIONS AND PENALTIES**

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

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

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

## **1.7 INTERPRETATION, CONFLICTS AND VALIDITY:**

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

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

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

## **2 ESTABLISHMENT OF ZONING DISTRICTS**

### **2.1 ZONING DISTRICTS**

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

## **2.2 EFFECTS OF DISTRICTING**

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

**2.2.2 CLASSIFICATION:** The following shall prevail:

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

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

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

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

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

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

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

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

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

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

### **3 GENERAL REGULATIONS**

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

**3.2** No building or structure shall hereafter be erected or altered:

**3.2.1** To exceed the height;

**3.2.2** To accommodate or house a larger number of families;

**3.2.3** To occupy a greater percentage of the lot; and

**3.2.4** To have narrower or smaller rear yards, front yards, side yards, or other open spaces than is herein permitted in the district in which the building or structure is located, except wherever a building or structure is to be erected on an interior lot between two existing buildings or structures distant not more than one-hundred (100) feet from the proposed building or structure: the proposed building or structure shall have a front yard of a depth at least as great as the average depth of the front yards of said adjacent building or structures.

**3.3** No part of a yard or loading area, or open space needed by any building or structure to meet the requirements of this resolution may be included in whole or in part in meeting the requirements of any other building or structure.

**3.4** No yards or lots existing at the time of the adoption of this resolution shall hereafter be reduced below the minimum dimensions or areas required by this resolution.

**3.5** No single tract, parcel, or lot shall contain more than one (1) principal use or structure.

**3.5.1** Watchman's Quarters shall be an accessory use that is either permitted or allowed through the issuance of a Special Review Use Permit in the Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Industrial and Industrial Park Zone Districts. However, only one watchman's quarters per tract, parcel or lot shall be permitted. A watchman's quarters may consist of an office, living, sleeping, kitchen, and bathroom facilities constructed within the principal use building.

**3.6** Mobile homes shall not be permitted or used for any use in any zone district. All existing legally placed mobile homes will be considered a nonconforming use.

**3.7** Manufactured Home Storage:

**3.7.1** A manufactured home or manufactured home single-wide may be stored in Agricultural Forestry, Agricultural Farming and Ranching, Agricultural Living,

Agricultural Estates, Manufactured Home Park, Travel Trailer Park and Campground, Business, and Industrial Zone Districts consistent with policies and procedures adopted by the Department and Board.

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

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

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

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

### **3.8 Storage Structures:**

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

**3.8.1.1** A tractor trailer, railroad car, caboose or shipping or storage container may be used as a storage structure in the Agricultural Forestry, Agricultural Farming & Ranching, Agricultural Living or Agricultural Rural Zone Districts if it is used to house items for an agricultural use on the subject property and in the Industrial Zone District as an accessory use to the principal use.

**3.8.1.2** A shipping or storage container may be used for temporary storage when associated with construction of a permanent structure(s) in the Medium Density Residence, High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, and Industrial Park Zone Districts; however, when construction is completed the shipping or storage container shall be removed.

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

**3.9** No trailer or tent may be occupied as a primary or temporary residence for more than the equivalent of three (3) months per year in the Agricultural Forestry, Agricultural Farming & Ranching, or Agricultural Living Zone Districts. Except as expressly permitted by this

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

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

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

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

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

#### **3.14 SETBACK CLARIFICATIONS**

**3.14.1** Cornices, eaves, canopies, sunshades, gutters, beltcourses, leaders, sills, lintels, hung bay windows, and ornamental features that are supported by the building or structure may project not more than three (3) feet into a required setback, for the primary building or structure only, as established by coverage standards, and in no case shall any feature of any structure project beyond the property line.

**3.14.2** Cantilever projections shall be considered a portion of the building or structure and shall not protrude into the required setback.

**3.14.3** Carports are not allowed to infringe upon the setback requirement whether attached or free standing.

**3.14.4** Decks shall not be allowed to infringe upon the setback requirements whether attached or free standing.

**3.14.5** Accessory buildings or structures shall not protrude in any way into any required setback.

**3.14.6** Property used as road right-of-ways shall be excluded from the measurement of the setback.

**3.14.7** For determining the lot width distance parallel to the front lot or property line, the front line may be considered the line extended between the two front property corners (*chord line of the curve*) not the curve. The minimum lot width of the district shall be no closer than the minimum setback requirement of the zone district.

**3.14.8** For determining the lot width distance parallel to the front or property line using a curve parallel to the lot or property curve line, the front lot or property line shall be at a point where the minimum lot or property width meets the minimum lot or property width requirement and the minimum setback requirement of the zone district. If this method is used the line shall be identified in the field by a registered land surveyor.

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

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

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

**3.18** Permitted Dwelling Unit: In zone districts where agricultural uses are allowed as a permitted use those uses may include one (1) permitted dwelling unit use for the owner or operator of the agricultural use, except as otherwise may be allowed in this document. For the purposes of this regulation agricultural uses are uses such as but not limited to forestry, farming, ranching, firewood cutting, fur bearing animal farms, commercial greenhouse, nursery, orchard and vineyard, riding academy, stable, veterinary premises.

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

**3.20** Yard or Garage Sales: More than three (3) yard and / or garage sales within a calendar year shall constitute a business use of a tract, parcel or lot.

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

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



use permit approval has been obtained as provided in the Fremont County Zoning Resolution, as amended, or that has been approved by a city or town within the boundaries of which the site and facility are situated. Refer to the Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-To-Energy Incineration Systems Section 6, or subsequent section of the Fremont County Zoning Resolution.

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

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

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

## **4 DISTRICT REGULATIONS & PRINCIPAL PERMITTED USES**

### **4.1 AF - AGRICULTURAL FORESTRY ZONE DISTRICT**

**4.1.1 DESCRIPTION:** Non-urban areas established primarily for the purpose of efficiently using land to conserve forest resources, protect the natural environment, and preserve uninhabited areas and to allow for farming and ranching activities.

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

#### **4.1.2.1 Accessory buildings and uses;**

**4.1.2.1.1 Farm & Ranch Hand Quarters:** A manufactured home or a manufactured home single-wide, will be allowed as an accessory use on a farm or ranch if it will be occupied by persons employed in farming or ranching activities on the property and their immediate families. The following are required in order to qualify for the accessory building and use:

**4.1.2.1.1.1** Agricultural Declaration and documents from the Fremont County Assessor’s Office;

**4.1.2.1.1.2.** Letter stating the circumstances requiring the accessory use and building, and the terms of employment for the person(s) who will inhabit the accessory building;

**4.1.2.1.1.3** Compliance with the zone district setback, building height, and lot coverage requirements;

**4.1.2.1.1.4** Proof of water, which 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, which notes that the proposed use can be serviced by a well;

**4.1.2.1.1.5** Proof of sewage disposal, which may be a letter from a public sewer district or a copy of an individual percolation test for the specific use;

**4.1.2.1.1.6** Only one (1) manufactured home or manufactured home single-wide will be allowed as an accessory use per lot, parcel, or tract;

**4.1.2.1.1.7** A minimum of forty (40) acres is required; (*minimum of seventy (70) acres for future subdivision*),

**4.1.2.1.1.8** Upon discontinuance or abandonment of the farming and/or ranching activities, the Farm and Ranch Hand Quarters shall be removed or the property shall be subdivided if all subdivision and zoning development regulations can be met.

**4.1.2.2** Agriculture, including livestock, poultry and rabbits. In addition, the sale of agricultural and forestry products provided that no on-street parking is allowed and a minimum one-hundred (100) foot setback from all property lines is provided;

**4.1.2.3** Cemetery;

**4.1.2.4** Commercial firewood cutting, splitting, storage, and sales, provided there is no firewood cutting within two hundred (200) feet of any property line;

**4.1.2.5** Contractor's yard or building; provided that the following is met:

**4.1.2.5.1** The outdoor storage area for vehicles and equipment shall be set back a minimum of seventy-five (75) feet from all property lines;

**4.1.2.5.2** The outdoor storage area for vehicles and equipment is contained by an opaque screen (fence or vegetation), in accordance with Section 5.7.15.1 of this resolution, along all portions of the property being used for the outdoor storage area, which do not meet the required seventy-five (75) foot setback from the property line;

**4.1.2.5.3** The outdoor storage area is no more than five thousand (5,000) square feet;

**4.1.2.5.4** There are no more than five (5) vehicles used in association with the contractor's yard.

**4.1.2.6** Dwelling, cabin;

**4.1.2.7** Dwelling, manufactured home;

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

**4.1.2.9** Dwelling, single-family;

**4.1.2.10** Farm;

**4.1.2.11** Forestry;

**4.1.2.12** Fur bearing animal farms;

**4.1.2.13** Golf course;

**4.1.2.14** Government road maintenance facility;

**4.1.2.15** Greenhouse, commercial;

**4.1.2.16** Group Home;

**4.1.2.17** Nursery;

**4.1.2.18** Orchard and vineyard;

**4.1.2.19** Ranch;

**4.1.2.20** Riding academy, provided all housing and accessory buildings are located at least three-hundred (300) feet from all property lines;

**4.1.2.21** Stable, provided all housing and accessory buildings are located at least three-hundred (300) feet from all property lines;

**4.1.2.22** Veterinary premises.

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

**4.1.3.1** Milling;

**4.1.3.2** Mining;

**4.1.3.3** Recycle facility;

**4.1.3.4** Sawmill;

**4.1.3.5** Transfer station.

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

**4.1.4.1** Airport, private;

**4.1.4.2** Bed and breakfast;

**4.1.4.3** Child care center;

- 4.1.4.4** Community building;
- 4.1.4.5** Contractor's yard or building (*refer to 5.7.15 of this Resolution for additional development requirements*);
- 4.1.4.6** Convenience store;
- 4.1.4.7** Correctional facility, public and private;
- 4.1.4.8** Dairy farm, provided all animal feeding areas, housing and accessory buildings are located at least three-hundred (300) feet from all property lines;
- 4.1.4.9** Elementary school;
- 4.1.4.10** Farm and ranch supplies sales and service;
- 4.1.4.11** Feedlot, provided all animal feeding areas, housing and accessory buildings are located at least three-hundred (300) feet from all property lines;
- 4.1.4.12** Fire and/or Police Station (*minimum of four and one-half (4½) acres if platted as outlot which is specifically limited to these uses*);
- 4.1.4.13** High school;
- 4.1.4.14** Junior high school;
- 4.1.4.15** Kennel;
- 4.1.4.16** Landfill;
- 4.1.4.17** Mini-storage facility;
- 4.1.4.18** Museum;
- 4.1.4.19** Park, regional;
- 4.1.4.20** Public utility building, regulators, and substations;
- 4.1.4.21** Recreational facility, Rural;
- 4.1.4.22** Religious institution;
- 4.1.4.23** Restaurant;
- 4.1.4.24** Rodeo ground;

**4.1.4.25** Slaughterhouse;

**4.1.4.26** Towers that exceed fifty (50) feet;

**4.1.4.27** Wildlife, Commercial Park;

**4.1.4.28** Winery.

**4.1.5 DEVELOPMENT REQUIREMENTS:**

**4.1.5.1** Minimum lot area: Thirty-five (35) acres.

**4.1.5.2** Maximum lot coverage: Five (5) percent.

**4.1.5.3** Maximum building height: Forty-five (45) feet.

**4.1.5.4** Minimum lot width: Five-hundred (500) feet.

**4.1.5.5** Minimum setback requirements:

**4.1.5.5.1** Front yard: Seventy-five (75) feet.

**4.1.5.5.2** Side yard: Fifty (50) feet.

**4.1.5.5.3** Rear yard: Fifty (50) feet.

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

**4.1.6.1** Manufactured home single-wide, 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.

**4.1.6.2** 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.

**4.1.6.3** 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.

**4.1.6.4** 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.

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

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

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

## **4.2 AF & R - AGRICULTURAL FARMING & RANCHING ZONE DISTRICT**

**4.2.1 DESCRIPTION:** Areas where conservation of agriculture resources and common open space is of prime importance.

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

### **4.2.2.1 Accessory buildings and uses;**

**4.2.2.1.1 Farm & Ranch Hand Quarters:** A manufactured home or a manufactured home single-wide will be allowed as an accessory use on a farm or ranch if it will be occupied by persons employed in farming or ranching activities on the property and their immediate families. The following are required in order to qualify for the accessory building and use:

**4.2.2.1.1.1** Agricultural Declaration and documents from the Fremont County Assessor’s Office;

**4.2.2.1.1.2** Letter stating the circumstances requiring the accessory use and building and the terms of employment for the person(s) who will inhabit the accessory building;

**4.2.2.1.1.3** Compliance with the zone district setback, building height, and lot coverage requirements;

**4.2.2.1.1.4** Proof of water, which 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 that notes that the proposed use can be serviced by a well;

**4.2.2.1.1.5** Proof of sewage disposal, which may be a letter from a public sewer district or a copy of an individual percolation test for the specified use;

**4.2.2.1.1.6** Only one (1) manufactured home or manufactured home single-wide will be allowed as an accessory use per ranch or farm;

**4.2.2.1.1.7** A minimum of forty (40) acres is required;

**4.2.2.1.1.8** Upon discontinuance or abandonment of the farming and/or ranching activities, the Farm and Ranch Hand Quarters shall be removed or the property shall be subdivided if all subdivision and



zoning development regulations can be met.

**4.2.2.2** Agriculture, including livestock, poultry, and rabbits. This use shall not include feedlots, dairy farms, and fur bearing animal farms. In addition, the sale of agricultural products are permitted provided that no on-street parking is allowed and a minimum one-hundred (100) foot setback from all property lines is provided;

**4.2.2.3** Cemetery;

**4.2.2.4** Christmas tree cutting, storage, and sales;

**4.2.2.5** Contractor's yard or building; provided that the following is met:

**4.2.2.5.1** The outdoor storage area for vehicles and equipment shall be set back a minimum of seventy-five (75) feet from all property lines;

**4.2.2.5.2** The outdoor storage area for vehicles and equipment is contained by an opaque screen (fence or vegetation), in accordance with Section 5.7.15.1 of this resolution, along all portions of the property being used for the outdoor storage area, which do not meet the required seventy-five (75) foot setback from the property line;

**4.2.2.5.3** The outdoor storage area is no more than five thousand (5,000) square feet;

**4.2.2.5.4** There are no more than five (5) vehicles used in association with the contractor's yard.

**4.2.2.6** Dwelling, manufactured home;

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

**4.2.2.8** Dwelling, single-family;

**4.2.2.9** Farm;

**4.2.2.10** Firewood (*commercial*) cutting, splitting, storage, and sales, provided there is no firewood cutting within two hundred (200) feet of any property line;

**4.2.2.11** Golf course;

**4.2.2.12** Government road maintenance facility;

**4.2.2.13** Greenhouse, commercial;

**4.2.2.14** Group home;

**4.2.2.15** Nursery;

**4.2.2.16** Orchard and vineyard;

**4.2.2.17** Ranch;

**4.2.2.18** Riding academy, provided that all housing and accessory uses are located at least three-hundred (300) feet from property lines;

**4.2.2.19** Stable, provided all housing and accessory buildings are located at least three-hundred (300) feet from all property lines;

**4.2.2.20** Veterinary premises.

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

**4.2.3.1** Milling;

**4.2.3.2** Mining;

**4.2.3.3** Recycle facility;

**4.2.3.4** Transfer station.

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

**4.2.4.1** Airport, private;

**4.2.4.2** Bed & breakfast;

**4.2.4.3** Child care center;

**4.2.4.4** Community building;

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

**4.2.4.6** Convenience store;

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

**4.2.4.8** Dairy farm;

**4.2.4.9** Elementary school;

- 4.2.4.10 Farm and ranch supplies sales and service;
- 4.2.4.11 Feedlot;
- 4.2.4.12 Fire and/or Police Station (*minimum of four and one-half (4½) acres if platted as outlot which is specifically limited to these uses*);
- 4.2.4.13 Fur bearing animal farm;
- 4.2.4.14 High school;
- 4.2.4.15 Junior high school;
- 4.2.4.16 Kennel;
- 4.2.4.17 Landfill;
- 4.2.4.18 Mini-storage facility;
- 4.2.4.19 Museum;
- 4.2.4.20 Park, Regional;
- 4.2.4.21 Public utility building, regulators, and substations;
- 4.2.4.22 Recreational facility, Rural;
- 4.2.4.23 Religious institution;
- 4.2.4.24 Restaurant;
- 4.2.4.25 Rodeo ground;
- 4.2.4.26 Slaughterhouse;
- 4.2.4.27 Towers that exceed fifty (50) feet;
- 4.2.4.28 Winery.

**4.2.5 DEVELOPMENT REQUIREMENTS:**

- 4.2.5.1 Minimum lot area: Twenty (20) acres.

**4.2.5.2** Maximum lot coverage: Seven (7) percent.

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

**4.2.5.4** Minimum lot width: Five-hundred (500) feet.

**4.2.5.5** Minimum setback requirements:

**4.2.5.5.1** Front yard: Seventy-five (75) feet.

**4.2.5.5.2** Side yard: Fifty (50) feet.

**4.2.5.5.3** Rear yard: Fifty (50) feet.

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

**4.2.6.1** Manufactured home single-wide, 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.

**4.2.6.2** 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.

**4.2.6.3** 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.

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

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

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

### **4.3 AL - AGRICULTURAL LIVING ZONE DISTRICT**

**4.3.1 DESCRIPTION:** This district is established to provide and retain certain lands for agriculture and to provide for orderly low density residential development.

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

**4.3.2.1** Accessory buildings and uses;

**4.3.2.2** Agriculture, including livestock, poultry, and rabbits. This use shall not include feed lots, dairy farms, and fur bearing animal farms;

**4.3.2.3** Cemetery;

**4.3.2.4** Christmas tree cutting, storage, and sales;

**4.3.2.5** Contractor’s yard or building; provided that the following is met:

**4.3.2.5.1** The outdoor storage area for vehicles and equipment shall be set back a minimum of seventy-five (75) feet from all property lines;

**4.3.2.5.2** The outdoor storage area for vehicles and equipment is contained by an opaque screen (fence or vegetation), in accordance with Section 5.7.15.1 of this resolution, along all portions of the property being used for the outdoor storage area, which do not meet the required seventy-five (75) foot setback from the property line;

**4.3.2.5.3** The outdoor storage area is no more than five thousand (5,000) square feet;

**4.3.2.5.4** There are no more than five (5) vehicles used in association with the contractor’s yard.

**4.3.2.6** Dwelling, manufactured home;

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

**4.3.2.8** Dwelling, single-family;

**4.3.2.9** Farm;

**4.3.2.10** Golf course;

**4.3.2.11** Government road maintenance facility;

- 4.3.2.12 Greenhouse, commercial;
- 4.3.2.13 Group home;
- 4.3.2.14 Nursery;
- 4.3.2.15 Orchard and vineyard;
- 4.3.2.16 Ranch;
- 4.3.2.17 Riding academy, provided that all housing and accessory uses are located at least three-hundred (300) feet from all property lines;
- 4.3.2.18 Roadside stand (*agricultural products only*);
- 4.3.2.19 Stable, provided that all housing and accessory uses are located at least three-hundred (300) feet from all property lines;
- 4.3.2.20 Veterinary premises.

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

- 4.3.3.1 Fur bearing animal farm;
- 4.3.3.2 Milling;
- 4.3.3.3 Mining.

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

- 4.3.4.1 Agricultural sales;
- 4.3.4.2 Bed and breakfast;
- 4.3.4.3 Child care center;
- 4.3.4.4 Commercial firewood cutting, splitting, storage, and sales;
- 4.3.4.5 Community building;
- 4.3.4.6 Contractor's yard or building (*refer to 5.7.15 of this Resolution for additional development requirements*);
- 4.3.4.7 Correctional facility, public and private;

4.3.4.8 Elementary school;

4.3.4.9 Family child care home;

4.3.4.10 Fire and/or Police Station (*minimum of four and one-half (4½) acres if platted as outlot which is specifically limited to these uses*);

4.3.4.11 High school;

4.3.4.12 Junior high school;

4.3.4.13 Kennel;

4.3.4.14 Mini-storage facility;

4.3.4.15 Park, Regional;

4.3.4.16 Public utility buildings, regulators, or substations;

4.3.4.17 Recreational facility, Rural;

4.3.4.18 Religious institution;

4.3.4.19 Restaurant;

4.3.4.20 Rodeo ground;

4.3.4.21 Towers that exceed fifty (50) feet;

4.3.4.22 Winery.

#### **4.3.5 DEVELOPMENT REQUIREMENTS:**

4.3.5.1 Minimum lot size: Nine (9) acres.

4.3.5.2 Maximum lot coverage: Ten (10) percent.

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

4.3.5.4 Minimum lot width: Three-hundred (300) feet.

4.3.5.5 Minimum setback requirements:

4.3.5.5.1 Front yard: Seventy-five (75) feet.

**4.3.5.5.2** Side yards: Fifty (50) feet.

**4.3.5.5.3** Rear yard: Fifty (50) feet.

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

**4.3.6.1** Manufactured home single-wide 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.

**4.3.6.2** 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.

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

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

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



#### **4.4 AR - AGRICULTURAL RURAL ZONE DISTRICT**

**4.4.1 DESCRIPTION:** This district is intended to promote a rural residential environment. Residential uses in the district will be primarily in conjunction with agricultural activities such as the raising of crops and livestock. Commercial uses will be limited to defined home occupations of a professional nature and commercial uses related to agriculture.

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

**4.4.2.1** Accessory buildings and uses;

**4.4.2.2** Agriculture, including livestock, poultry, and rabbits. This use shall not include feed lots, dairy farms, and fur-bearing animal farms;

**4.4.2.2.1** 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 seventy-five hundred (7,500) square feet will be considered as one (1) additional animal unit.

**4.4.2.3** Christmas tree cutting, storage, and sales;

**4.4.2.4** 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*);

**4.4.2.5** Dwelling, single-family;

**4.4.2.6** Elementary school;

**4.4.2.7** Government road maintenance facility;

**4.4.2.8** Greenhouse, commercial;

**4.4.2.9** Group home;

**4.4.2.10** Nursery;

**4.4.2.11** Orchard and vineyard;

**4.4.2.12** Roadside stand (*agricultural products only*);

**4.4.2.13** Veterinary premises.

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

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

4.4.4.1 Assisted living residence or residence;

4.4.4.2 Bed and breakfast;

4.4.4.3 Cemetery;

4.4.4.4 Child care center;

4.4.4.5 Commercial firewood cutting, splitting, storage, and sales;

4.4.4.6 Community building;

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

4.4.4.8 Correctional facility, public and private;

4.4.4.9 Family child care home;

4.4.4.10 Feed store;

4.4.4.11 Fire and/or police station;

4.4.4.12 Golf course;

4.4.4.13 High school;

4.4.4.14 Junior high school;

4.4.4.15 Kennel;

4.4.4.16 Mini-storage facility;

4.4.4.17 Park, neighborhood;

4.4.4.18 Public utility building, regulators, and substations;

4.4.4.19 Recreational facility, rural;

4.4.4.20 Religious institution;

4.4.4.21 Riding academy;

4.4.4.22 Stable;

4.4.4.23 Towers that exceed fifty (50) feet;

**4.4.5 DEVELOPMENT REQUIREMENTS:**

4.4.5.1 Minimum lot area: Four and one-half (4 ½) acres.

4.4.5.2 Maximum lot coverage: Fifteen (15) percent.

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

4.4.5.4 Minimum lot width: Three-hundred (300) feet.

4.4.5.5 Minimum setback requirements:

4.4.5.5.1 Front yard: Fifty (50) feet.

4.4.5.5.2 Side yards: Twenty-five (25) feet for interior lot lines and fifty (50) feet for corner lot lines.

4.4.5.5.3 Rear yard: Fifty (50) feet.

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

4.4.6.1 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.

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

**4.4.8 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 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

## 4.6 AS - AGRICULTURAL SUBURBAN ZONE DISTRICT

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

**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.

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

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

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

**4.6.5.5.3.1** Ten (10) feet for accessory buildings.

**4.6.5.5.3.2** 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.

**4.6.6 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.

## **4.7 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.

## **4.8 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.

## **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;

**4.9.2.3** Boarding and rooming house;

**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*);

**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;

**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;

**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.

**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.

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

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

**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.

## **4.10 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 nonconforming 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. The plan shall include the signatures of all the utility companies noting their approval of the plan.

**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 1/2" 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.

## **4.11 TTP&CG - TRAVEL TRAILER PARK AND CAMPGROUND ZONE DISTRICT**

**4.11.1 DESCRIPTION:** This district is established for the purpose of providing parking spaces and sites for trailers, tents, recreational cabins and park models that are designed for temporary occupancy.

**4.11.2 ALLOWED USES:** Notes: (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 Travel Trailer Park and Campground, expansion or enlargement within this zone district shall comply with all requirements of this Section. All uses are only allowed in this zone district in conjunction with the establishment of a travel trailer park and campground. Every use must have adequate operational space, including parking and access, which does not interfere with required space for the park and campground development.

**4.11.2.1** Accessory buildings and uses;

**4.11.2.2** Convenience store;

**4.11.2.3** Dwelling, cabin recreational;

**4.11.2.4** Mobile food service;

**4.11.2.5** Park, mini;

**4.11.2.6** Park model;

**4.11.2.7** Park support facilities;

**4.11.2.8** Personal services;

**4.11.2.9** Rafting;

**4.11.2.10** Recreation Activity Office;

**4.11.2.11** Restaurant;

**4.11.2.12** Roadside stand;

**4.11.2.13** Seasonal employee housing;

**4.11.2.14** Tent sites;

**4.11.2.15** Trailer spaces;

**4.11.2.16** Watchman’s Quarters, only one (1) per park and campground.

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

**4.11.4 SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit. All special review uses are only allowed in this zone district in conjunction with the establishment of a travel trailer park and campground. Every use must have adequate operational space, including parking and access, which does not interfere with required space for the park development.

**4.11.4.1** Car rental service;

**4.11.4.2** Exercise facility & gym (*considered an accessory use in the zone district if use is restricted to the patrons of the travel trailer park and campground*);

**4.11.4.3** Kennel (*indoor housing of animals from sunset to dawn required*);

**4.11.4.4** Liquor store;

**4.11.4.5** Lounge (*only in conjunction with a restaurant*);

**4.11.4.6** Museum;

**4.11.4.7** Public utility buildings, regulators, and substations;

**4.11.4.8** Recreational & outdoor amusement or amusement park;

**4.11.4.9** Riding Academy;

**4.11.4.10** Stable;

**4.11.4.11** Towers that exceed fifty (50) feet;

**4.11.5 DEVELOPMENT REQUIREMENTS:**

**4.11.5.1** Minimum park area: Two (2) acres if the property is serviced by public water and sewer; four and one-half (4 & ½) acres and larger if the property is serviced by a well and an individual sewage disposal system.

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

**4.11.5.3** Each trailer site shall have a minimum of two-thousand (2,000) square feet.

**4.11.5.4** Each recreational cabin and park model site shall have a minimum of one-thousand-five-hundred (1,500) square feet.

**4.11.5.5** Each tent site shall have a minimum of one-thousand (1,000) square feet.

**4.11.5.6** Minimum setback requirements:

**4.11.5.6.1** Front yard: Fifty (50) feet, from exterior property line only.

**4.11.5.6.2** Side and Rear: Twenty-five (25) feet, from exterior property line only.

**4.11.5.6.3** Trailers must be set back at least twenty (20) feet from any principal structure.

**4.11.5.6.4** There shall be at least fifteen (15) feet between travel trailer spaces, tent sites, recreational cabins, and other structures or buildings.

**4.11.6 ADDITIONAL DEVELOPMENT REQUIREMENTS:** Application submittals shall comply with Sections 8.4 & 8.5 of this Resolution.

**4.11.6.1 General:**

**4.11.6.1.1** All Travel Trailer Parks and Campgrounds shall comply with the “Standards and Regulations for Campgrounds and Recreation Areas” as adopted by the Colorado Department of Public Health and Environment (*effective March, 1976*) except that Primitive and Semi-Primitive campgrounds, as defined by the Colorado Department of Public Health and Environment “Standards and Regulations for Campgrounds and Recreation Areas”, shall not be permitted.

**4.11.6.1.2** No structures shall be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle.

**4.11.6.2 Roadways:** The site shall have at least one direct access to a public street by a roadway that shall be at least thirty-two (32) feet in width. The internal street system shall be privately owned, constructed, and maintained and shall be designed for safe and convenient access to all spaces and to facilities for common use by park occupants. The interior roadway shall not be less than sixteen (16) feet in width for one-way and twenty-four (24) feet for two-way. A two-way roadway shall have a minimum turning radius of forty (40) feet. Road grades shall not exceed six (6) percent. One-way roadways shall form a loop. All roadways shall be surfaced with at least four (4) inches of gravel, no greater than 1½ inch grade and shall be surfaced with asphalt or concrete, unless the asphalt or concrete requirement is waived by the Board. If one-way roadways are used, one-way directional signs shall be installed.

**4.11.6.2.1** All roadways and walkways within the travel trailer park or campground shall be lighted at night to provide safe access.

**4.11.6.2.2** All interior roadways and walkways shall be maintained so as to provide a safe driving and walking surface and limit pollution.

**4.11.6.3 Access:**

**4.11.6.3.1** When access to the property is proposed to be directly from a roadway controlled by the Fremont County Department of Transportation, a driveway access permit shall be provided.

**4.11.6.3.2** When access to the property is proposed to be directly from a roadway controlled by the Colorado Department of Transportation, a copy of an approved access permit for the proposed use shall be provided. The entrance shall be rounded by at least a forty (40) foot radius arc to provide convenient and safe ingress and egress to the highway without traffic obstruction.

**4.11.6.3.3** When the property does not front on a public roadway, then proof of right of access shall be provided.

**4.11.6.3.4** The access entrance shall be maintained free from visibility obstruction for a distance of one-hundred and twenty-five (125) feet along the access road or entrance from its intersection with the access from the County Road, Federal or State Highway.

**4.11.6.4 Water supply:** The water supply system shall be designed, constructed and maintained in compliance with the Colorado Department of Public Health and Environment Regulations "Standards & Regulations for Campgrounds & Recreation Areas." All plans and specifications shall be submitted with the rezoning request.

**4.11.6.4.1 Proof of water,** which 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.

**4.11.6.5 Sewage disposal:** Travel trailer parks and campgrounds shall be served by a public or a private sewage treatment system. If a private sewage collection system is to be used, it shall comply with applicable requirements of the Colorado Department of Public Health and Environment "Standards & Regulations for Campgrounds & Recreation Areas." All plans and specifications shall be submitted with the rezoning request.



**4.11.6.5.1 Proof of sewage disposal**, which may be a letter from a public sanitation district or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system 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.

**4.11.6.6 SERVICE BUILDINGS:**

**4.11.6.6.1** Every travel trailer park or campground shall be provided with one or more service buildings adequately equipped with flush-type toilet fixtures, lavatories, showers, and laundry facilities meeting minimum Colorado Department of Public Health and Environment "Standards & Regulations for Campgrounds & Recreational Areas."

**4.11.6.6.2** All service buildings shall be adequately lighted at night and shall be well ventilated with screened openings or other acceptable ventilation.

**4.11.6.6.3** All service buildings shall contain a designated number of portable fire extinguisher(s) of a type approved by the appropriate fire district authority at all locations designated by such fire prevention authority and shall be maintained in operating condition. A letter from the fire district authority should be provided that states the number and type of extinguishers to be used along with their recommended locations.

**4.11.6.6.4** All service buildings shall display a site map identifying each site and space, and each site and space shall be marked with an identification marker for emergency services purposes.

**4.11.6.7 Electricity:** All spaces in a travel trailer park and campground shall provide an electrical outlet supplying at least 110 volts or 110/220 volts. The installation shall comply with all state and local electrical regulations.

**4.11.6.8 Refuse disposal:** Provide a statement and or plan as to how the storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions. All refuse shall be stored in fly-tight, water-tight, rodent-proof, bear-proof containers, which shall be provided in sufficient numbers and capacity to prevent any refuse from over-flowing or blowing away. Satisfactory container racks or holders shall be provided at permanent locations convenient to all park patrons in areas screened by appropriate landscaping features. Methods of storage, collection, and disposal should be addressed and will be subject to compliance with all local laws or regulations.

**4.11.6.9 Landscaping:** The perimeter boundary of the Travel Trailer Park and Campground shall be screened by a six (6) foot opaque fence or at least a six (6)

foot vegetation screen, such as trees, shrubs and hedges, unless waived by the Board. Fence and setback areas shall be properly maintained by the owner.

**4.11.6.10 Utility Plan:** A detailed utility plan showing the proposed location of all utilities (*water, sewer, electric, telephone, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. The plan shall include the signatures of all the utility companies noting their approval of the plan.

**4.11.6.11 Sewage plans and profiles:** Public sewer or individual sewage disposal plans and profiles.

**4.11.6.12 Street cross sections:** Typical street cross sections.

**4.11.6.13 Current deed of record:** Copy of current deed of record identifying the current owner of the subject property including:

**4.11.6.13.1** Written authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which representation is authorized.

**4.11.6.14 Legal description:** A complete legal description of the proposed site.

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

**4.11.6.16 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.

**4.11.6.17 Fire Protection Plan:** 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, including the fire protection requirements for the service buildings as noted in Sections 4.11.6.6.3 and 4.11.6.6.4. 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.

**4.11.6.17.1** Fires shall be made only in stoves and other equipment intended for such purposes.

**4.11.6.18 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.

**4.11.6.19 Noxious Weed Plan:** The owner, applicant and / or developer shall provide a plan that addresses abatement for any noxious weeds contained on the property and the potential for spread of infestation.

**4.11.6.20 Recreation Space Requirements:** Space in the amount of at least four (4) percent of the total area of a travel trailer park and campground shall be provided for recreational purposes. At least a ten (10) foot wide access shall be provided to all recreational facilities.

**4.11.7 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 1/2" 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.*)

**4.11.7.1** Site plan shall contain a title: "Travel Trailer Park and Campground for \_\_\_\_\_(*name*)".

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

**4.11.7.3** Written and graphic scale.

**4.11.7.4** North arrow.

**4.11.7.5** A complete legal description of the proposed site.

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

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

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

**4.11.7.9** Identify by label or note all existing travel trailer and tent spaces and other buildings and/or structures which will remain on the subject property after development including:

**4.11.7.9.1** Dimensions from at least two property lines for each trailer and tent space area, other buildings and/or structures.

**4.11.7.9.2** Square footage and dimensions of all buildings and structures and all trailer spaces and tent space areas to verify square footage of each.

- 4.11.7.9.3** Building height of each building and/or structure.
- 4.11.7.9.4** Proposed use of all the existing buildings and/or structures to remain on the subject property after development.
- 4.11.7.10** Identify by label or note all proposed trailer and tent spaces, buildings and/or structures which will be located on the subject property including:
  - 4.11.7.10.1** Dimensions from at least two property lines for each proposed trailer space and tent space area, other buildings and/or structures.
  - 4.11.7.10.2** Square footage and dimensions of all buildings and structures and all trailer spaces and tent space areas to verify square footage of each.
  - 4.11.7.10.3** Building height of each building and/or structure.
  - 4.11.7.10.4** Proposed use of each of the proposed buildings and/or structures to be located on the subject property.
- 4.11.7.11** Identify by label or note each internal roadway proposed on the subject property after development including:
  - 4.11.7.11.1** Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.
  - 4.11.7.11.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.
  - 4.11.7.11.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
  - 4.11.7.11.4** All internal traffic circulation patterns by line symbol.
  - 4.11.7.11.5** The surface type, the width and thickness, of each internal roadway.
- 4.11.7.12** Identify by label or note any off-street parking areas on the subject property including:
  - 4.11.7.12.1** Dimensions of overall size of all off-street parking areas.
  - 4.11.7.12.2** Proposed surface type for all off-street parking areas. (*See Section 5.3.2 of this resolution for requirements*).

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

**4.11.7.12.3** 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*)

**4.11.7.12.3.1** 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*).

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

**4.11.7.13** 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:

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

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

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

**4.11.7.14** 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*).

**4.11.7.15** Identify by label or note, all pedestrian areas and walkways located on subject property, including:

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

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

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

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

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

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

**4.11.7.18** 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:

**4.11.7.18.1** 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.

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

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

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

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

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

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

**4.11.7.21.1** Dimension all drainage facilities.

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

**4.11.7.22** 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.

**4.11.7.23** Topography of the site (*not greater than two (2) foot intervals*).

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

**4.11.7.25** Designate soil type areas.

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

**4.11.8.1** Manufactured home incidental in construction on 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.

**4.11.8.2** 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.

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

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

**4.11.11 PLATTING REQUIREMENTS:** Any parcel of land that is to be used for any multiple units shall be required to comply with applicable 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.

**4.11.12 REVIEW OF DEVELOPMENT PLAN:** The application for a development plan may be approved by the Department if the development plan meets the following. 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, of the Fremont County Zoning Resolution:

**4.11.12.1** The subject property is currently zoned Travel Trailer Park & Campground.

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

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

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

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

**4.11.13 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.

**4.11.14 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.



## **4.12 NB - NEIGHBORHOOD BUSINESS ZONE DISTRICT**

**4.12.1 DESCRIPTION:** This district is established for the purpose of providing for neighborhood businesses that primarily serve the surrounding residential areas.

**4.12.2 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.

**4.12.2.1** Accessory buildings and uses;

**4.12.2.2** Liquor store;

**4.12.2.3** Lounge;

**4.12.2.4** Medical clinic;

**4.12.2.5** Park, mini;

**4.12.2.6** Personal services;

**4.12.2.7** Pharmacy;

**4.12.2.8** Professional Office;

**4.12.2.9** Restaurant;

**4.12.2.10** Watchman’s quarters, single-family dwelling or efficiency unit dwelling only provided that such is constructed within the principal use building and only one (1) such dwelling per premise.

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

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

**4.12.4.1** Automobile service station;

**4.12.4.2** Bake shop;

**4.12.4.3** Bank, drive-in;

**4.12.4.4** Bed and breakfast;

**4.12.4.5** Car wash;

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

**4.12.4.7** Convenience store;

**4.12.4.8** Dry cleaning service;

**4.12.4.9** Grocery store;

**4.12.4.10** Home occupation (*refer to 5.2.4 of this Resolution for requirements*);

**4.12.4.11** Museum;

**4.12.4.12** 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*);

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

**4.12.4.14** Recreational and outdoor amusement or amusement facility;

**4.12.4.15** Retail store;

**4.12.4.16** Towers that exceed fifty (50) feet;

**4.12.4.17** Upholstery service;

**4.12.4.18** Veterinary premises.

#### **4.12.5 DEVELOPMENT REQUIREMENTS:**

**4.12.5.1** Minimum lot size: Lots comprising an area of seventy-five-hundred (7,500) 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 (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 or more may be serviced by an individual well and individual sewage disposal system.

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

**4.12.5.3** Minimum lot width:

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

**4.12.5.3.2** One-hundred and fifty (150) feet without public water and/or sewer.

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

**4.12.5.5** Minimum setback requirements:

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

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

**4.12.5.5.3** \*Rear yard: Twenty (20) feet principal building; ten (10) feet accessory building(s).

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

**4.12.6 TEMPORARY USES:** Approval from the Department will be required for the following use and for the specified term:

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

**4.12.7 OFF STREET PARKING REQUIREMENT:** See 5.3 of this Resolution.

**4.12.8 OFF STREET LOADING REQUIREMENT:** See 5.5 of this Resolution.

**4.12.9 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.

## **4.13 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 only provided that such is constructed within the principal use building 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 Tower that exceed fifty (50) feet;
- 4.13.4.19 Transfer station;
- 4.13.4.20 Truck stop;
- 4.13.4.21 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.

## **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** Emergency shelter;

**4.14.2.16** Exercise facility and gym;

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

**4.14.2.18** Financial institution;



- 4.14.2.19** Funeral home;
- 4.14.2.20** Government road maintenance facility;
- 4.14.2.21** Greenhouse, commercial;
- 4.14.2.22** Grocery store;
- 4.14.2.23** Hotel;
- 4.14.2.24** Liquor store;
- 4.14.2.25** Lounge;
- 4.14.2.26** Manufactured home sales lot;
- 4.14.2.27** Meat locker;
- 4.14.2.28** Medical clinic;
- 4.14.2.29** Mini-storage facility;
- 4.14.2.30** Motel;
- 4.14.2.31** Museum;
- 4.14.2.32** Park, mini;
- 4.14.2.33** 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*);
- 4.14.2.34** Personal services;
- 4.14.2.35** Pharmacy;
- 4.14.2.36** Post office;
- 4.14.2.37** Printing or copy shop;
- 4.14.2.38** Professional office;
- 4.14.2.39** Recreational and outdoor amusements or amusement facility;
- 4.14.2.40** Religious institution;

**4.14.2.41** Rental store;

**4.14.2.42** Retail store;

**4.14.2.43** Restaurant;

**4.14.2.44** Veterinary premise;

**4.14.2.45** Watchman's quarters, single-family dwelling or efficiency unit dwelling only provided that such is constructed within the principal use building and only one (1) such dwelling per premise;

**4.14.2.46** 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, remodeling, 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** Truck stop;

**4.14.4.21** Upholstery service;

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

**4.14.4.23** 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.

**4.14.5.5.3** \*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.

## **4.15 IP - INDUSTRIAL PARK ZONE DISTRICT**

**4.15.1 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.

**4.15.2 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.

**4.15.2.1** Accessory buildings and uses;

**4.15.2.2** Assembly plant;

**4.15.2.3** Bakery, factory;

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

**4.15.2.5** Compounding, indoor;

**4.15.2.6** Crematory;

**4.15.2.7** Fabrication, indoor;

**4.15.2.8** Government road maintenance facility;

**4.15.2.9** Greenhouse, commercial;

**4.15.2.10** 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*);

**4.15.2.11** Hotel;

**4.15.2.12** 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*);

**4.15.2.13** Manufacturing, indoor;

**4.15.2.14** Mini-storage facility;

**4.15.2.15** Motel;

**4.15.2.16** Park, mini;

**4.15.2.17** Processing, indoor;

**4.15.2.18** Professional office;

**4.15.2.19** 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*).

**4.15.2.20** Trade or training school.

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

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

**4.15.4.1** Airport, private;

**4.15.4.2** Agriculture;

**4.15.4.3** 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*);

**4.15.4.4** 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*);

**4.15.4.5** Bank, drive-in;

**4.15.4.6** Bottling plant;

**4.15.4.7** Bulk fuel storage;

**4.15.4.8** Carpenter shop;

**4.15.4.9** Compounding, outdoor;

**4.15.4.10** 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*);

- 4.15.4.11** Convenience store;
- 4.15.4.12** Correctional facility, public and private;
- 4.15.4.13** Distribution center;
- 4.15.4.14** Dry cleaning service;
- 4.15.4.15** Fabrication, outdoor;
- 4.15.4.16** Fire and/or police station;
- 4.15.4.17** Golf course;
- 4.15.4.18** Industrial repairs, outdoor;
- 4.15.4.19** Laboratory; *(may be subject to hazardous materials regulations)*;
- 4.15.4.20** 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)*;
- 4.15.4.21** Manufacturing outdoor *(refer to 5.7.15 of this Resolution for minimum development requirements)*;
- 4.15.4.22** Memorial park;
- 4.15.4.23** Milling;
- 4.15.4.24** Museum;
- 4.15.4.25** 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)*;
- 4.15.4.26** Printing, industrial factory;
- 4.15.4.27** Processing, outdoor;
- 4.15.4.28** Public utility building, regulators, and substations;
- 4.15.4.29** Recreational facility, urban;
- 4.15.4.30** Recycling facility;
- 4.15.4.31** Restaurant;

**4.15.4.32** Towers that exceed fifty (50) feet;

**4.15.4.33** Trucking terminal;

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

**4.15.4.35** Watchman's quarters, single-family dwelling or efficiency unit dwelling only provided that such is constructed within the principal use building and only one (1) such dwelling per premise;

**4.15.4.36** 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*).

#### **4.15.5 DEVELOPMENT REQUIREMENTS:**

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

**4.15.5.2** 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.

**4.15.5.3** Maximum lot coverage: Fifty (50) percent.

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

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

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

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

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

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

**4.15.5.6.3** \*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.



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

**4.15.6.1** 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.

**4.15.6.2** 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.

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

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

**4.15.9 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.

**4.15.10 PERFORMANCE STANDARDS:**

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

**4.15.10.2** 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.

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

**4.15.10.4** 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.

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

- 4.15.10.6** 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.
- 4.15.10.7** 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.
- 4.15.10.8** 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;
- 4.15.10.9** 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.
- 4.15.10.10** 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.
- 4.15.10.11** All landscaping shall be adequately maintained.
- 4.15.10.12** All properties shall have an implemented weed control plan, which shall be approved by the Fremont County Noxious Weed Control Officer.
- 4.15.10.13** No trash shall be stored on the site unless it is stored temporarily in trash containers while awaiting proper disposal.
- 4.15.10.14** No activity shall create a safety hazard or nuisance nor cause water and/or air pollution to surrounding areas.
- 4.15.10.15** 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.

## **4.16 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



**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

## **4.17 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 provided that such is constructed within the principal use building 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.

## **4.18 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:**

**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.

## 5 GENERAL REQUIREMENTS

### 5.1 MINIMUM SIZE OF DWELLING UNITS:

- 5.1.1 Single-family, Two-family, and Multi-family shall have a minimum gross area of seven-hundred and fifty (750) square feet and a minimum width of twenty-four (24) feet;
- 5.1.2 Efficiency unit shall have a minimum gross floor area of four-hundred (400) square feet;
- 5.1.3 Factory Built Home and Manufactured Home shall have a minimum gross floor area of seven-hundred and fifty (750) square feet per unit and a minimum width of twenty-four (24) feet;
- 5.1.4 Manufactured home, single-wide shall have a minimum gross floor area of four-hundred and eighty (480) square feet;
- 5.1.5 Cabin shall have a minimum gross floor area of four-hundred (400) square feet;
- 5.1.6 Cabin, recreational shall have a minimum gross floor area of two-hundred (200) square feet and shall not exceed five-hundred and fifty (550) square feet exclusive of porches, decks, etcetera;
- 5.1.7 Park Model shall have a minimum gross floor area of two-hundred (200) square feet and a maximum of three-hundred and ninety-nine (399) square feet. *(Units four-hundred (400) square feet and larger must comply with manufactured home construction and placement standards.)*

### 5.2 SPECIAL DEVELOPMENT REQUIREMENTS:

- 5.2.1 **HOME OCCUPATION I:** This use is intended to be allowed in zone districts where residential uses are permitted and where the home occupations have minimal impact on adjacent uses. This use is an accessory use provided all of the following conditions are met:
  - 5.2.1.1 Such use shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall not change the character so as to give an outward appearance nor manifest any characteristic of a business.
  - 5.2.1.2 There shall be no exterior advertising other than identification of the home occupation; such sign shall not be larger than two (2) square feet and shall not be illuminated; such sign shall be subject to other portions of this Resolution pertaining to signs.
  - 5.2.1.3 Such use shall be conducted by the inhabitants living in the principal dwelling and no more than one (1) employee.

- 5.2.1.4** The use shall be conducted within the residence only and shall not be allowed in any detached structure.
- 5.2.1.5** The home occupation shall be wholly contained within the residence.
- 5.2.1.6** There shall be only incidental sale of stocks, supplies, or products conducted on the premises.
- 5.2.1.7** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- 5.2.1.8** A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.
- 5.2.1.9** Not more than one (1) commercially licensed vehicle or vehicle containing equipment or advertising related to the home occupation is parked on the premises.
- 5.2.1.10** No mechanical equipment is operated except such as normally used for purely domestic or household purposes; and provided further that in the pursuit of such home occupation, no equipment shall be used that creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- 5.2.1.11** More than one (1) home occupation may be conducted in or on the same premises provided that the cumulative affect does not exceed any of the requirements of Home Occupation I.
- 5.2.1.12** A Home Occupation I may include the following uses or any similar use or use which has similar neighborhood and infrastructure impacts: art studio, beauty parlor, barber shop, dressmaking, photography services, telephone marketing, dog grooming, paint striping, nail salons, family child care home (*not more than eight (8) children, not including the resident's children*) and professional offices (*i.e., legal, medical, dental, surveying, engineering, architectural, planning, accounting, insurance*).
- 5.2.1.13** A Home Occupation I shall not be interpreted to include the following or any similar use or use which has similar neighborhood and infrastructure impacts: retail store, nursing home, hospital, medical clinic, veterinary premises, kennel, school, restaurant, lounge, financial institution, vehicle or boat repair shop, paint shop, machine shop, carpentry shop, upholstery shop, museum, rafting office, boarding and rooming houses, bed and breakfast.

**5.2.1.14** All applications for Home Occupation shall include the identity of all agencies of local, state, or federal government that will be required to issue any permit, license or the like for all or any part of the activity that comprises the Home Occupation use.

**5.2.1.14.1** This item shall include the full name of the agency, contact information for the agency (*mailing address, telephone number, email address*) and the name of the contact person at the agency whom the applicant has been in contact with.

**5.2.1.14.2** This item shall include a summary of any permits, licenses or the like required, status of pending applications for the same, copies of pending applications and or copies of issued permits.

**5.2.1.15** The applicant shall provide any other information as may be required by the Department so as to determine the impacts of the proposed Home Occupation and whether or not approval of the same is appropriate.

**5.2.2 HOME OCCUPATION II:** This use is intended to be allowed in zone districts where residential uses are permitted in combination with large acreage parcels (*one (1) acre or larger*). This use is an accessory use provided all of the following conditions are met:

**5.2.2.1** Such use shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall not change the character so as to give an outward appearance nor manifest any characteristic of a business.

**5.2.2.2** There shall be no exterior advertising other than identification of the home occupation; such sign shall not be larger than two (2) square feet and shall not be illuminated; such sign shall be subject to other portions of this Resolution pertaining to signs.

**5.2.2.3** Such use shall be conducted by the inhabitants living in the principal dwelling and no more than one (1) employee.

**5.2.2.4** The use may be conducted within a residence or a detached structure provided it complies with the size requirements and any other applicable regulations. Such use may be conducted outdoors provided all other provisions of the home occupation are met.

**5.2.2.5** The maximum area devoted to the home occupation by the use of a detached structure is one-thousand (1000) square feet. If the home occupation is to be used within a residence, the home occupation may be wholly contained within the residence.

**5.2.2.6** There shall be only incidental sale of stocks, supplies, or products conducted on the premises.

**5.2.2.7** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

**5.2.2.8** A Home Occupation II shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.

**5.2.2.9** Not more than one (1) commercially licensed vehicle or vehicle containing equipment or advertising is parked on the premises related to the home occupation.

**5.2.2.10** No mechanical equipment is operated except such as normally used for purely domestic or household purposes; and provided further that in the pursuit of such home occupation, no equipment shall be used that creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

**5.2.2.11** More than one (1) home occupation may be conducted in or on the same premises provided that the cumulative affect does not exceed any of the requirements of Home Occupation II.

**5.2.2.12** A Home Occupation II may include the following uses or any similar use or use which has similar neighborhood and infrastructure impacts: art studio, beauty parlor, barber shop, dressmaking, photography services, telephone marketing, gun repair shop, personal semi-tractor/trailer parking (*one (1) unit maximum*), dog grooming, paint stripping, nail salon, family child care home (*not more than eight (8) children, not including the resident's children*) and professional offices (*i.e., legal, medical, dental, surveying, engineering, architectural, planning, accounting, insurance*).

**5.2.2.13** A Home Occupation II shall not be interpreted to include the following or any similar use or use which has similar neighborhood and infrastructure impacts: retail store, nursing home, hospital, medical clinic, veterinary premises, kennel, restaurant, lounge, financial institution, vehicle or boat repair shop, paint shop, machine shop, carpentry shop, upholstery shop, rafting office, museum, and boarding and rooming houses.

**5.2.2.14** All applications for Home Occupation shall include the identity of all agencies of local, state, or federal government that will be required to issue any permit, license or the like for all or any part of the activity that comprises the Home Occupation use.

**5.2.2.14.1** This item shall include the full name of the agency, contact information for the agency (*mailing address, telephone number, email address*) and the

name of the contact person at the agency whom the applicant has been in contact with.

**5.2.2.14.2** This item shall include a summary of any permits, licenses or the like required, status of pending applications for the same, copies of pending applications and or copies of issued permits.

**5.2.2.15** The applicant shall provide any other information as may be required by the Department so as to determine the impacts of the proposed Home Occupation and whether or not approval of the same is appropriate.

**5.2.3 HOME OCCUPATION III:** This use is intended to be allowed in zone districts where residential uses are permitted in combination with large acreage parcels (*nine 9 acres or larger*). This use is an accessory use provided all of the following conditions are met:

**5.2.3.1** Such use shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall not change the character so as to give an outward appearance nor manifest any characteristic of a business.

**5.2.3.2** There shall be no exterior advertising other than identification of the home occupation; such sign shall not be larger than ten (10) square feet and shall not be illuminated; such sign shall be subject to other portions of this Resolution pertaining to signs.

**5.2.3.3** Such use shall be conducted by the inhabitants living in the principal dwelling and no more than two (2) employees.

**5.2.3.4** The use may be conducted within a residence and/or a detached structure provided it complies with the size requirements and any other applicable regulations. Such use may be conducted outdoors provided all other provisions of the home occupation are met.

**5.2.3.5** The maximum area devoted to the home occupation by the use of a detached structure is one-thousand-five-hundred (1500) square feet. If the home occupation is to be used within a residence, the home occupation may be wholly contained within the residence.

**5.2.3.6** There shall be only incidental sale of stocks, supplies, or products conducted on the premises.

**5.2.3.7** Outdoor storage on the premises of material or equipment used as a part of the home occupation will be allowed, but shall be limited to one-thousand (1,000) square feet and will be required to be screened by an opaque security fence six (6) feet in height constructed of metal, wood, or masonry, except for contractor's yard or

building. Outdoor storage of vehicles, and material used as part of the contractor's yard will be allowed if the following requirements are met as per the following:

**5.2.3.7.1** The outdoor storage area for vehicles and equipment shall be set back a minimum of seventy-five (75) feet from all property lines;

**5.2.3.7.2** If the outdoor storage area shall be contained by an opaque screen (fence or vegetation), in accordance with Section 5.7.15.1 of this resolution, along all portions of the property being used for the outdoor storage area, which do not meet the required seventy-five (75) foot setback from the property line, then the following will be allowed:

**5.2.3.7.2.1** A maximum of five-thousand (5,000) square feet for the outdoor storage area.

**5.2.3.7.2.2** A maximum of five (5) vehicles which are used or associated with the home occupation.

NOTE: ALL CONTRACTOR'S YARDS AND BUILDINGS IN EXISTENCE AS OF APRIL 26, 2011 WILL BE ALLOWED TO CONTINUE AS THEY EXISTED ON THE SPECIFIED DATE AND WILL BE SUBJECT TO SECTION 5.7 OF THE FREMONT COUNTY ZONING RESOLUTION.

**5.2.3.8** A Home Occupation III shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation, including one (1) space for each employee.

**5.2.3.9** Not more than two (2) commercially licensed vehicles or vehicles containing equipment or advertising is parked on the premises related to the home occupation.

**5.2.3.10** No mechanical equipment is operated except such as normally used for purely domestic or household purposes; and provided further that in the pursuit of such home occupation, no equipment shall be used that creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

**5.2.3.11** More than one (1) home occupation may be conducted in or on the same premises provided that the cumulative affect does not exceed any of the requirements of Home Occupation III.

**5.2.3.12** A Home Occupation III may include the following uses or any similar use or use which has similar neighborhood and infrastructure impacts: art studio, beauty parlor, barber shop, dressmaking, photography services, telephone marketing, machine shop, carpentry shop, upholstery shop, minor vehicle or boat repair shop

*(not to include paint and body work also not to allow the storage of inoperable vehicles and boats) gun repair shop, taxidermy, personal semi-tractor/trailer parking (two (2) units maximum), dog grooming, paint striping, nail salon, family child care home (not more than eight (8) children, not including the resident's children), professional offices (i.e., legal, medical, dental, surveying, engineering, architectural, planning, accounting, insurance), and contractor's yard (see Section 5.2.3.7).*

**5.2.3.13** A Home Occupation III shall not be interpreted to include the following or any similar use or use which has similar neighborhood and infrastructure impacts: retail store, nursing home, hospital, medical clinic, kennel, restaurant, lounge, financial institution, paint shop, rafting office, museum, and boarding and rooming houses.

**5.2.3.14** All applications for Home Occupation shall include the identity of all agencies of local, state, or federal government that will be required to issue any permit, license or the like for all or any part of the activity that comprises the Home Occupation use.

**5.2.3.14.1** This item shall include the full name of the agency, contact information for the agency (*mailing address, telephone number, email address*) and the name of the contact person at the agency whom the applicant has been in contact with.

**5.2.3.14.2** This item shall include a summary of any permits, licenses or the like required, status of pending applications for the same, copies of pending applications and or copies of issued permits.

**5.2.3.15** The applicant shall provide any other information as may be required by the Department so as to determine the impacts of the proposed Home Occupation and whether or not approval of the same is appropriate.

**5.2.4** All Home Occupations shall be required to process an application with the Department prior to operation. Said application shall be reviewed and approved or disapproved administratively by the Department except as stated above. Prior to approval of any home occupation the applicant will be required to comply with any requirements of the Building Code in effect for Fremont County and the Environmental Health Regulations in effect for Fremont County. Said application review will be completed by the Department within twenty (20) working days of the date submitted.

**5.2.5** A non-refundable application fee shall be established from time to time by resolution of the Board for all Home Occupation applications.

**5.2.6 BUFFERING & LANDSCAPING REQUIREMENTS:** The applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, unless waived by the Board. Where, in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall



consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

Deciduous shrubs	4' height
Spreading evergreens	30" spread
Tall evergreens	3' height
Screen planting ( <i>evergreen</i> )	4' height
Trees	2 and ½" caliper
Ground cover	2 and ½" pot

The entire buffer strip shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass, or a combination thereof. The buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

In required buffer strips where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Board.

**5.2.7 WIND ENERGY SYSTEM, SMALL – REQUIREMENTS:**

**5.2.7.1** One (1) private freestanding or roof mounted, Small Wind Energy System will be allowed as an accessory use in all zone districts, for each building located on the property; however, it will be subject to standards of Section 1.5.2 and provided it complies with the following requirements:

**5.2.7.1.1** Only one free standing or roof mounted System will be allowed per building. All additional Systems will only be allowed through the issuance of a Special Review Use Permit.

**5.2.7.1.2** The System shall be located on the same lot, tract or parcel as the structure that it serves; however, excess energy may be sold as allowed by law.

**5.2.7.1.3** The height of the System generator, including blades, shall not exceed fifty (50) feet. Any System that will exceed fifty (50) feet in height shall only be allowed through the issuance of a Special Review Use Permit.

**5.2.7.1.4** All Systems shall be in compliance with any applicable Federal Aviation Administration and other federal, state and local regulations and if a System is to be located within twenty-thousand (20,000) feet of an established airport runway or heli-port, proof of notice of the proposed System (*certified mail, return receipt requested*) to the Federal Aviation Administration and Airport Operator shall be provided at the time of building permit application.

**5.2.7.1.5** The minimum setback distance from all property lines shall be equal to the total System height. A lesser setback distance may be authorized if a Colorado Registered Professional Engineer specifies in writing that the collapse of the system will occur within a lesser distance under all foreseeable circumstances; however, no System shall be located within any minimum zone district setback. A roof mounted system may not extend further into any setback than the building it is to be mounted on.

**5.2.7.1.6** Minimum height of the blades of a System shall be not less than ten (10) feet above the ground or a structure.

**5.2.7.1.7** If battery storage is proposed for the System, the batteries shall be isolated from living areas and shall comply with all applicable regulations as per the Fremont County Building Department or other agencies having authority.

**5.2.7.1.8** The system shall not emit noise onto adjoining properties in excess of the limits established by Colorado Law.

**5.2.7.1.9** The entire System shall be a non-reflective material.

**5.2.7.1.10** No lights shall be installed on the System unless required by a governmental agency or entity.

**5.2.7.1.11** If the premise is connected to an electric utility service area, no System shall be installed until documentation (*certified mail, return receipt*) has been provided that the electric utility company has been notified.

**5.2.7.1.12** All System facilities shall be maintained in a condition that poses no potential safety hazard.

### **5.3 OFF STREET PARKING:**

**5.3.1 General** Vehicular parking shall comply with the following minimum requirements.

For the purposes of this regulation, accessory off-street parking is considered a support function of the principal activity on a property. If, for any reason, the required minimum parking spaces cannot be accommodated on the same property as the principal activity, then the B.O.Z.A. may entertain a variance request to permit off-site parking provided such site is not more than five-hundred (500) feet removed from the property on which the principal activity is conducted. Each parking space shall meet the requirements of Section 5.4. No more than twenty-five percent (25%) of the parking may be for compact car spaces, if so marked.

When an activity or facility is composed of two (2) or more separate uses, the parking ratios for each separate activity shall be calculated and applied in the aggregate to the entire tract.

When a use requires separate shifts for employees, employee parking shall be based on the shift with the maximum number of employees. Overlapping shifts will require one-third additional spaces of the maximum shift.

It is important to remember that these are minimums and therefore may not be adequate for a particular proposed activity.

Uses not specifically listed shall require the same number of parking spaces, as required by a similar use, as determined by the Planning Director or authorized Department representative.

The following are the minimum required parking spaces by use:

<b>Use type</b>	<b>Minimum Number of Parking Spaces</b>
Adult Care, Group or Convalescent Home	
Adult (for persons under 60) -----	1 space / bed + 1 space / caregiver
Adult (only for persons over 60) -----	½ space / bedroom + 1 space / caregiver
Amusements / Recreation Centers	
Amphitheater -----	1 space / 4 seats
Amusement Park -----	30 spaces / acre
Arcade or Game Room -----	1 space / 300 sq. ft. of floor area
Billiard Room -----	2 spaces / table
Bowling Alley -----	4 spaces / lane
Commercial Stable -----	1 space / 5 stalls
Exercise Facility, Indoor -----	1 space / 150 sq. ft. of floor area
Exercise Facility, Outdoor -----	1 space / 300 sq. ft. of use area
Golf Course -----	4 spaces / hole
Golf Driving Range -----	1 space / tee position
Ice or Roller Skating Rink -----	1 space / 150 sq. ft. of floor area
Miniature Golf Course -----	1 space / hole
Movie Theater -----	1 space / 4 seats
Race Track -----	1 space / 4 seats
Rafting Office -----	1 space / 200 sq. ft. of floor area + estimated number of customers
Recreation Activity Office -----	1 space / 100 sq. ft. of floor area
Recreation Camp -----	1 space / housing unit & ½ space / employee
Recreation Facility, Rural -----	cumulative of the uses contained
Recreation Facility, Urban -----	cumulative of the uses contained

Riding Academy -----	1 space / 500 sq. ft. of arena area
Rodeo Grounds -----	1 space / 4 seats
Shooting Facility ----- (Archery-Skeet-Rifle-Gun)	1 space / platform
Spectator Event, Carnival, Circus, ----- Bazaar, Fairs & Tent Meetings	1 space / 4 anticipated attendees / event
Sports Field Complex, Local -----	22 spaces / field or court
Stadium or Sports Arena -----	1 space / 4 seats
Swimming Pool -----	1 space / 150 sq. ft. of pool area
Tennis, Handball, Racquetball ----- Facility	3 spaces / court
Zip Lines -----	1 space / line & ½ space / employee
Auditorium or similar place of ----- Public assembly	The greater of 1 space / 4 fixed seats or 1 space / 100 sq. ft. of floor area
Automobile, Motorcycle, Truck, ----- Recreational Vehicle & Boat Sales	1 space/ 1,000 sq. ft. of display area, + 1 space / 450 sq. ft. of office space
Automobile Service Station, Repair, ----- Body Shop	1 space / employee on maximum shift + 3 spaces / bay or stall
Automobile Service Station – Self ----- Service / Convenience Store	1 space / employee on maximum shift + 1 space / 250 sq. ft. of convenience store area + 2 spaces / pump island
Beauty Parlor / Barber Shop ----- or other personal services	1 space / 200 sq. ft.
Bed and Breakfast Inn -----	1 space / guest room + 1 space for residence
Boarding House, Group Home, ----- Dormitory, Fraternity, Sorority, Emergency Shelter or other Communal Living (i.e. common kitchen facilities service for the occupants)	0.5 spaces / bed + ½ space / employee
Bus Terminal or Train Depot -----	1 space / 250 sq. ft. of waiting area
Car Wash / Detail shop, Lube / oil change -----	1 space / bay or stall
Child Care Center (24 hour) -----	1 space / employee on maximum shift + 1 space / 8 beds
Club-membership, Community building -----	1 space / 150 sq. ft. of floor area

Educational Institutions

Elementary or Junior High -----	2 spaces / classroom
Senior High -----	1 space / 4 students
College or University -----	½ space / faculty member and employee, + 1 space / 6 students
Trade / Training School -----	1 space / 100 sq. ft. plus 1 space / employee
Family Child Care Home, ( <i>day care- less than 24 hour</i> ) Pre-school, Nursery -----	1 space / 400 sq. ft., plus 1 10' x 20' loading area / 8 children licensed. Loading area shall have an unobstructed view.
Financial Institution -----	1 space / 100 sq. ft. of floor area, + 6 stacking / drive-up window
Fire, Police Station and Emergency Services -----	1 space / employee + 1 visitor space / 10 employees
Funeral Home/Mortuary -----	1 space / 100 sq. ft. of floor area open for public use, + 1 space / 400 sq. ft. of office area
Hospital -----	2 spaces / bed
Hotel / Motel -----	1 space / guest room or suite, + ¼ space / 100 sq. ft. of restaurant space & ½ space per 4 seats of meeting space
Industrial Use (e.g. Construction, Batch plant, Contractors Yard, or outdoor industrial use, etc.) -----	1 space / 750 sq. ft. of used space + 1 space / piece of construction equipment used + 1 space / company vehicle
Industrial Use (e.g. laboratory, manufacturing, refining, processing, fabricating, assembly, bottling, etc.) -----	The greater of 1 space / 300 sq. ft. of floor area up to 100,000 sq. ft. or 1 space / employee on maximum shift, whichever is greater, if larger than 100,000 sq. ft., also include 6 spaces / employee over 300 employees

Lounge, Bar, Night Club or similar -----	1 space / 3 seats, + 1 space / employee on maximum shift
Lumber Yard -----	1 space / 300 sq. ft. of floor area + 1 space / 1000 sq. ft. of outdoor display area
Manufactured Home Park -----	2 spaces / manufactured home, + 1 guest parking space / 4 manufactured home spaces
Manufactured Home Sales -----	1 space / 1000 sq. ft. of display area
Medical Clinic, Dental Offices ----- Veterinary Premises	1 space / 200 sq. ft.
Mini-Storage Facility -----	1 space / 100 units + 1 space / employee
Museum, Library, Gallery -----	1 space / 400 sq. ft. of floor area
Nursery / Greenhouse, Commercial -----	5 spaces, + 1 space / acre of indoor / outdoor display or growing area + 1 space / 250 sq. ft. indoor retail area
Nursing Home -----	1 space / 5 beds + 1 space / 2 employees + 1 space / visiting doctor/nurse
Parks	
(1/4 acre to 10 acres) -----	2 spaces / 1 acre or portion of an acre + cumulative of other uses
(over 10 acres to 25 acres) -----	1 space / 1 acre or portion of an acre + cumulative of other uses
(over 25 acres to 50 acres) -----	1 space / 3 acres or portion of an acre + cumulative of other uses
(over 50 acres) -----	1 space / 5 acres or portion of an acre + cumulative of other uses
(with playground) -----	1 space / 1500 sq. ft.
(with picnic table) -----	1 space / table
(with picnic table(s) & fire pit / grill) -----	2 spaces / table with fire pit or grill
(with memorial exhibit or art work) -----	1 space / memorial exhibit or art work

(with covered pavilion) -----	2 spaces / 1000 sq. ft. of covered pavilion
(with trail over 2 miles in length) -----	2 spaces for each trail head
Post Office or similar public building -----	1 space / 300 sq. ft. of floor area + 1 space / agency-owned vehicle
Professional Office -----	1 space / 200 sq. ft.
Recycling Facility / Transfer Station -----	1 space / 750 sq. ft. + 1 space / employee
Religious Institutions -----	1 space / 4 seats
Rental Store -----	1 space / 500 sq. ft. of floor area
<b>Residential</b>	
Single-family -----	2 spaces / dwelling unit
Two-family -----	2 spaces / dwelling unit
Cabin -----	2 spaces / dwelling unit
Watchman's Quarters -----	2 spaces / dwelling unit
Ranch Hand Quarters -----	2 spaces / dwelling unit
<b>Residential-Multi-family</b>	
Efficiency unit-Studio -----	1 space / dwelling unit
1-Bedroom -----	1.5 spaces / dwelling unit
2-Bedrooms -----	1.7 spaces / dwelling unit
3 Bedroom -----	2.0 spaces / dwelling unit
<b>Restaurants</b>	
Drive-in or Fast Food -----	1 space per 100 sq. ft. + 6 stacking spaces / drive-up window
Indoor Seating -----	1 space per 100 sq. ft.
Outdoor Seating -----	1 space per 200 sq. ft.
Retail, General (e.g., Department Store, Grocery store, liquor, etc.) -----	1 space / 250 sq. ft. of floor area + 6 stacking spaces / drive-up window
Retail, (e.g. Furniture, appliance, electronic, sporting goods, etc.) -----	1 space / 600 sq. ft. of floor area
Travel Trailer Park & Campground -----	1 space / campsite ( <i>tent</i> ) / trailer / recreational cabin / park-model + cumulative of other uses housed
Warehouse & Distribution -----	1 space / 1000 sq. ft.

The applicant may submit an alternate general parking plan, with justification, for consideration and approval by the Planning Commission and Board of County Commissioners.

**5.3.2 Surfacing:** Surfacing for all business, commercial, or industrial off-street parking areas shall be graded and surfaced so as to control dust and provide proper drainage. The driveway and parking spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed so as to prevent parking vehicle from extending over any lot lines.

**5.3.3 Lighting:** All off-street business, commercial, or industrial parking spaces may be required to be adequately lighted so as to protect the safety of the individual using the area. Said lighting shall not be directed toward surrounding properties.

**5.3.4 Landscaping:** All parking areas used for business, commercial, or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.



## 5.4 PARKING SPACE REQUIREMENTS:

### 5.4.1 Parking Space Dimensional Requirements – Standard Spaces

Parking Angle <sup>1</sup>	Width of Space	Depth <sup>2</sup> of Space	Aisle Width Two way	Aisle Width One-way	Depth of Interlocking Spaces	Overhang <sup>3</sup>
0°	9 feet	22 feet	20 feet	12 feet	18 feet	0 feet
45°	9 feet	21 feet	20 feet	12 feet	32 feet	1½ feet
60°	9 feet	20 feet	20 feet	16 feet	35½ feet	2 feet
75°	9 feet	19½ feet	22 feet	18 feet	37 feet	2 feet
90°	9 feet	18 feet	24 feet	24 feet	36 feet	2 feet

<sup>1</sup>Parking angle is measured as the angle defined by the line of travel of a drive aisle and the line of the longest side of a parking space.

<sup>2</sup>Unless otherwise depicted above, the minimum drive-aisle shall be a minimum of 24 feet. In the instance the fire department standards are greater, the fire department standards shall be applied.

<sup>3</sup>Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

### 5.4.2 Parking Space Dimensional Requirements – Compact Spaces

Parking Angle <sup>1</sup>	Width of Space	Depth of Space	Aisle Width Two way	Aisle Width One-way	Depth of Interlocking Spaces	Overhang <sup>2</sup>
0°	8 feet	20 feet	20 feet	12 feet	16 feet	0 feet
45°	8 feet	19 feet	20 feet	12 feet	28½ feet	1½ feet
60°	8 feet	18 feet	20 feet	16 feet	31½ feet	2 feet
75°	8 feet	17½ feet	22 feet	18 feet	33 feet	2 feet
90°	8 feet	15 feet	24 feet	24 feet	32 feet	2 feet

<sup>1</sup>Parking angle is measured as the angle defined by the line of travel of a drive aisle and the line of the longest side of a parking space.

<sup>2</sup>Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

The applicant may submit an alternate plan for the dimensional specifications for standard spaces and / or compact spaces, with justification, for consideration and approval by the Planning Commission and Board of County Commissioners.

### 5.4.3 Parking Space Requirements for Individuals with Disabilities

**5.4.3.1** All parking facilities shall comply with the Code of Federal Regulations 28 C.F.R. Part 36, as published by the Department of Justice and the Americans with Disabilities Act Accessibility Guidelines for Facilities and Buildings (ADAAG).

TOTAL PARKING                      MINIMUM NUMBER OF

General Requirements    5 – 5.11.4

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<u>SPACES IN LOT</u>	<u>ACCESSIBLE SPACES</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 or fraction thereof over 1000

**5.4.3.1.1 Exceptions:**

**5.4.3.1.1.1** For outpatient medical offices and treatment facilities, ten percent (10%) of the total spaces shall be handicapped accessible.

**5.4.3.1.1.2** At units or facilities that specialize in treatment or services for persons with mobility impairments, twenty percent (20%) of the total number of spaces shall be accessible.

**5.4.3.1.1.3** One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle of ninety-six (96) inches wide minimum and shall be designed "van accessible."

**5.4.3.2 Location**

**5.4.3.2.1** Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible building entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

**5.4.3.2.1.1** An accessible route shall always be provided from the accessible parking to the accessible entrance.

**5.4.3.2.1.2** An accessible route shall not have any curbs or stairs and shall be at least 3 feet wide and shall be a firm, stable, slip resistant surface (asphalt or concrete). The slope along the accessible route shall not be greater than 1:12 in the direction of travel and 1:48 for actual parking space and access aisle.

**5.4.3.3 Accessible Parking Spaces for Cars**

**5.4.3.3.1** Accessible parking spaces for cars shall have at least a 60 inch wide access aisle located adjacent to the designated parking space.

**5.4.3.3.2** The parking space shall be identified with a sign and shall be located on level ground (1:50 maximum slope in all directions).

**5.4.3.3.3** The parking space shall connect to an accessible route to the building and shall be hard surfaced (asphalt or concrete).

**5.4.3.3.4** Two parking spaces for cars may share an access aisle.

**5.4.3.3.5** Parking access aisles shall be part of an accessible route to the building or facility entrance, shall not overlap the vehicular way and shall comply with the ADAAG accessible route requirement.

#### **5.4.3.4 Van-Accessible Parking Spaces**

**5.4.3.4.1** Van-accessible parking spaces requirements are the same as accessible parking spaces for cars except for the following three features that are required:

**5.4.3.4.1.1** A wider access aisle (96) inches to accommodate a wheelchair lift;

**5.4.3.4.1.2** Vertical clearance (minimum 98-inch high clearance) to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and

**5.4.3.4.1.3** An additional sign that identifies the parking spaces as “Van Accessible” below the symbol of accessibility.

**5.4.3.5 Additional requirements** – For additional requirements or information refer to the American Disabilities Act web site which provides access to the ADA Business Connection and the ADA design standards, ADA regulations, ADA policy letters, technical assistance materials and general ADA information. The web site address is: [www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm).

**5.5 OFF-STREET LOADING:** In all non residential districts, adequate loading, maneuvering, or unloading areas shall be provided completely off public ways and so that no vehicles back onto any public way.

#### **5.6 RESERVED**

#### **5.7 NONCONFORMING USES, BUILDINGS, LOTS, PARCELS OR TRACTS:**

Note: A use or building is not considered nonconforming (*see definition in this Resolution*) unless an application for Nonconforming Status, Section 5.7.2 below has been approved by the Department.

**5.7.1 CONTINUATION OF USE:** A nonconforming use may be continued and a nonconforming building may continue to be occupied, except as otherwise provided for in this section.

**5.7.2 APPLICATION FOR NONCONFORMING USE AND/OR BUILDING STATUS:** Application for nonconforming use and/or building status shall contain at a minimum the following information:

**5.7.2.1** Name, mailing address and all pertinent contact information of current subject property owner; the same shall be provided for the applicant if different than the owner;

**5.7.2.2** Address of the property that houses the use and or building for which nonconforming use status has been applied;

**5.7.2.3** Legal description of the subject property, which shall consist of a copy of the current deed of record for the subject property;

**5.7.2.3.1** If the subject property is considered a nonconforming lot, parcel or tract and such is required in the application for nonconforming status then a copy of the deed of record or the plat of record creating the subject property should be provided;

**5.7.2.4** Detailed description of the nonconforming use and or building;

**5.7.2.5** Documentation evidencing the date that nonconforming use was established and or nonconforming building was constructed. Evidence could consist of, but not be limited to items such as copies of assessment records, income tax records, verifiable utility records, building permits, etcetera;

**5.7.2.6** Documentation evidencing that the nonconforming use was established on or before January 1, 1995;

**5.7.2.6.1** Documentation evidencing that the nonconforming use was in operation continuously for each year since January 1, 1995 and that the use was not discontinued for more than one (1) continuous year from the beginning of the nonconformance to the present;

**5.7.2.7** Documentation that nonconforming building was constructed legally prior to January 1, 1970, (*required for nonconforming building applications only*).

**5.7.2.8** Name of the zone district in place for the subject property at the time the nonconforming use was established and or nonconforming building was constructed;

**5.7.2.9** Name of the current zone district for the subject property;

**5.7.2.10** Site plan identifying uses, locating building, structures and all improvements;

**5.7.2.10.1** All buildings, structures and improvements shall be sized (*width, length, height and total square footage*) and shall be located by providing all setback dimensions from the property lines.

**5.7.2.10.2** If the request for nonconforming use status is for the purpose of a nonconforming mobile home park or manufactured home park;

**5.7.2.10.2.1** The total property boundary shall be depicted with bearings and dimensions;

**5.7.2.10.2.2** All mobile home spaces, manufactured home spaces, and manufactured home single-wide spaces shall be clearly identified showing the space boundary lines and shall be located and sized by dimensions;

**5.7.2.10.2.3** The location and size of the unit occupying the space shall be shown by dimension;

**5.7.2.10.2.4** The identification, location, size of all other improvements to the property (*such as service buildings, internal roadways, parking areas, septic systems, etcetera*) shall be provided by dimensions;

**5.7.2.10.2.5** In the case of a vacant space, the size and footprint of the last unit which was in the space will be used to determine the nonconforming location and setbacks.

**5.7.2.11** Such other and additional information as required by the Department necessary in establishing the nonconformance.

**5.7.3 CHANGE OF USE:** A nonconforming use may be changed to any conforming use.

**5.7.4 LOSS OF RIGHT TO USE:**

**5.7.4.1 ABANDONMENT OR DISCONTINUANCE:**

**5.7.4.1.1** If a nonconforming use or building is abandoned, the right to continue that nonconforming use or building shall terminate upon expiration of a six (6) month period of abandonment.

**5.7.4.1.2** Except as set forth hereafter, if any nonconforming use or the use of any nonconforming building is discontinued for a period of one (1) year, whether such period of time begins prior to or after the enactment of this resolution or any amendment hereto, the right to continue that non-conforming use or building shall terminate upon expiration of the one (1) year period, and such nonconforming use shall not be re-established, and such nonconforming building shall either be altered so as to become a conforming use or it shall be removed.

**5.7.4.1.3** In the case of a mobile home, if the nonconforming mobile home, including a mobile home used as a rental unit, is discontinued for a period of six (6) months, whether such period of time begins prior to or after the enactment of this resolution or any amendment hereto, the right to continue that nonconforming mobile home use shall terminate upon expiration of the six (6) month period. If a nonconforming mobile home is removed from a site or is destroyed, such nonconforming mobile home shall not be reestablished.

**5.7.4.1.3.1** In the case of a mobile home being removed from a space in a nonconforming mobile home park or nonconforming manufactured home park, the mobile home cannot be replaced by a manufactured home or manufactured home single-wide which exceeds the size or footprint of the mobile home or increases the degree of nonconformity in any way.

**5.7.4.1.3.2** In the case of a nonconforming mobile home park or manufactured home park, if a space has been vacant for more than six (6) months, the use of the space will be discontinued.

**5.7.4.1.4** "Abandonment" shall mean discontinuance of use coupled with the intent not to reestablish the use.

**5.7.4.1.5** "Discontinuance" shall mean cessation of use whether or not there is an intent to abandon the use.

**5.7.4.2 CHANGE OF OWNERSHIP:** A contractor's yard or building in existence as of April 26, 2011 will be allowed to continue as it existed on the specified date. If the ownership of the property changes or the use is altered, enlarged or expanded after the above specified date, the property and / or use shall conform to the provisions of Section 5.7 of this Resolution.

**5.7.5 RESTORATION:** A nonconforming building may be restored whenever necessary or desirable to the use of such building or structure, but if a non-conforming building is damaged by fire or other cause and the cost of replacement of the building is greater than eighty percent (80%) of the market value of the building prior to being damaged, a future structure or use on the property shall conform to the provisions of Section 5.7. If the cost of replacement of the building is eighty percent (80%) or less than the market value of the building prior to being damaged, restoration must be started within twelve (12)

months of such destruction and completed within twenty-four (24) months of initiating restoration.

**5.7.6 ALTERATION OF A NONCONFORMING USE:** A nonconforming use may not be altered, enlarged, or expanded except as provided in this Resolution. Prior to any change, etc, in any allowed use that requires special review under this Resolution, an application for special review must be approved by the Board.

**5.7.7 ALTERATION OF A NONCONFORMING BUILDING:** A nonconforming building may be structurally altered, repaired, or enlarged in any way permitted by these regulations. Except as otherwise provided in this Resolution; no alterations, repairs, or enlargements shall be made in a nonconforming building that would increase the degree of nonconformity with the location and bulk regulations of this Resolution and all other applicable regulations.

**5.7.8 ALTERATION OF NONCONFORMING BUSINESS USE:**

**5.7.8.1** A nonconforming business use may continue in existence and may be enlarged, expanded, or extended, so long as such enlargement, expansion, or extension does not increase the total land area. A nonconforming business use may be altered to another, different, nonconforming use only through approval of a special review use permit from the Board.

**5.7.8.2** A nonconforming business building may continue in existence and may be enlarged or expanded, so long as such enlargement or expansion does not increase the total building square footage by more than twenty-five percent (25%) of the building square footage that was existing at the time of passage of this resolution.

**5.7.8.3** Any such enlargement, extension, or expansion of land or building area shall be allowed only if the same can be completed without variance from the restrictions in this Resolution on area, lot coverage, height, setbacks, or other characteristics of the building or location of such building on the lot.

**5.7.8.4** Any proposed enlargement, extension, or expansion that will increase the total building square footage by more than twenty-five (25) percent or will increase the total land area may be approved by the Board as a special review use permit, even though the proposed use will be nonconforming in the zone district established by this Resolution.

**5.7.9 NONCONFORMING DAIRY FARMS:** Nonconforming dairy farms may expand in buildings and operations within their current operation and any contiguous property in their ownership at the time of passage of this Resolution. A special review use permit will be required for any expansion of property purchased after the effective date of this Resolution. A special review use permit shall adhere to a one-hundred (100) foot setback from all property lines for buildings or holding pens and any other condition deemed appropriate by the Board.

**5.7.10 ALTERATION OF A NONCONFORMING MOBILE HOME:** A nonconforming mobile home may be structurally altered or repaired in any way permitted by these regulations. However, no alterations or repairs shall be made that would create a nonconformance or increase the degree of nonconformity with the location and bulk regulations of this Resolution and all other applicable regulations. The nonconforming mobile home shall not be enlarged or replaced.

**5.7.11 UNSAFE BUILDINGS:** Any buildings or other structure containing a nonconforming use or any nonconforming building or portion thereof declared unsafe by the building inspector shall be strengthened or restored to a safe condition.

**5.7.12 NONCONFORMING LOTS OF RECORD:** In any district, permitted structures and customary accessory buildings may be erected on any single lot or parcel of land that existed as a legally valid lot or parcel of land of record as of date of enactment, notwithstanding limitations imposed by other provisions of this Resolution, if the requirements of this section are satisfied. The provisions of this section shall apply even though such lot or parcel of land fails to meet the requirements for area or width or both that are applicable in the district in which it is located, provided that yard dimensions and requirements other than those applying to area or width or both of the lot or parcel of land shall conform to the requirements of this resolution for the district where located. Variance of yard requirements shall be granted only through action of the B.O.Z.A.

**5.7.13 DEFAULT TITLE:** If the title to any property shall change by reason of tax delinquency, and such property is not redeemed as provided by law, the future use of such property shall be in conformity with the existing provisions of the zoning regulations of the county or with any amendment of such regulations.

**5.7.14 AMELIORATION OF CERTAIN NONCONFORMING USES:** The following uses that are nonconforming to the zone district in which they are located are hereby declared to be a public nuisance and detrimental to the health, safety, and welfare of the County; therefore, the adverse effects of these uses shall be mitigated according to the provisions below:

**5.7.14.1 Junkyards & Automobile Graveyards,** as herein defined, that are commercial or business in nature at the time of enactment of this amendment must be removed or brought into compliance with the zoning regulations within two (2) years of the effective date of this amendment.

**5.7.14.2 Junkyards & Automobile Graveyards,** as herein defined, that are not used for commercial or business use at the time of enactment of this amendment must be removed or be brought into compliance with the development requirements found in 5.7.15 of this Resolution.

**5.7.15 SCREENING REQUIREMENTS:** All junkyards, automobile graveyards, and vehicle impoundment yards shall have an adequately maintained eight (8) foot opaque



screening of the junkyard and/or automobile grave yard and/or vehicle impoundment yard. This screening shall consist of wooden fencing, slat fencing, stone or brick wall, closely planted natural vegetation, or other appropriate visual barriers, as approved by the Board. If natural vegetation is utilized, it shall consist of plants at least thirty (30) inches in height when planted, and maintained in a healthy condition to provide minimum capacity to a height of eight (8) feet within two (2) years from the date of planting. If natural vegetation is to be used, a fence as required above, shall be constructed and shall remain in place until vegetation reaches required height of eight (8) feet.

**5.7.15.1** Contractor's yard shall have a minimum six (6) foot opaque screening as per above requirements.

**5.8 ENFORCEMENT / AUTHORITY:** If Fremont County brings legal action to enforce the provisions of the Fremont County Zoning Resolution, and the County is the prevailing party in such legal action, County shall be entitled to recover its costs in enforcing the Fremont County Zoning Resolution, including reasonable attorney fees for attorneys who are not salaried employees of Fremont County.

**5.9 BUILDING PERMITS:** Permits required: No person, firm or corporation shall erect, construct, alter, convert, enlarge or move a residential, commercial or industrial building or structure in the County, or cause the same to be done, without first obtaining a separate building permit for each building or structure from the Building Inspector or his designated agent.

**5.9.1 REQUIREMENTS FOR BUILDING PERMIT ISSUANCE:**

**5.9.1.1** The requirements for building permit issuance shall be in accordance with any building code currently in effect for Fremont County.

**5.9.1.2** If it is determined by the Building Inspector or his designated agent that the property lies within a Flood Hazard Zone, as per the Federal Insurance Rate Maps (F.I.R.M.), all applicable requirements of the Flood Damage Prevention Regulations shall be met.

**5.9.1.3** Any other information as may be required by any building code currently in effect for Fremont County, or other necessary information, as reasonably may be required by the Building Inspector in the issuance of the permit.

**5.9.2 DISAPPROVAL:** If an application for a building permit is not approved, the building inspector of the County shall state, in writing, on the application, the reason for such disapproval.

**5.9.3 NULL OR VOID PERMITS:** Any permit issued in conflict with the provisions of this section shall be null and void and may not be construed as waiving any provision of this resolution.

**5.9.4 EXPIRATION:** Every building permit will expire and become null and void if the building or work authorized by such permit is not commenced within one hundred and eighty (180) days, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one-hundred and eighty (180) days, or if the building or work authorized is not completed within one (1) year after date of issuance. If the permit is not renewed prior to expiration a new permit shall be required. A renewal permit may be renewed once.

**5.9.5 FEES:** Fees for Building Permits shall be established from time to time by Resolution of the Board.

Any permittee holding an un-expired permit may apply for an extension of time if the above time frames cannot be met. The Building Official may grant the extension for a period not to exceed one-hundred and eighty (180) days, upon a written request that outlines the circumstances that were beyond the permittee's control, that prevented the work to commence.

If a building permit is required for resolution of a violation, then the expiration date of the permit will be the date of compliance for the violation.

**5.10 Drainage Plan and Report:** The owner, applicant and / or developer shall provide a drainage plan and report that shall include necessary drainage facilities to control the surface water entering into the site, within the site, and exiting the site. The drainage plan and report shall contain and address at a minimum the following:

**5.10.1** The drainage plan and report shall be prepared, signed, and sealed by a professional engineer licensed to practice in the State of Colorado, unless otherwise authorized in this section.

**5.10.2** Off-site downstream storm water runoff exiting the site shall not exceed the historic runoff, prior to development. Any flows exceeding historic runoff for the ten (10) year design frequency, six (6) hour duration storm, shall be retained or detained within the site.

**5.10.2.1** The Board may require such drainage facilities as necessary to retain or detain any flows of surface runoff over and above the historic flows during a storm event.

**5.10.2.2** Off-site upstream and on-site storm water runoff shall be considered in the design of all storm water facilities. The storm water facilities within the site shall be designed large enough to handle potential storm water runoff from the entire upstream drainage area and on-site runoff.

**5.10.2.3** Any drainage facility designed to detain storm water shall not release storm water at a rate higher than the historic flows.

- 5.10.2.4** Any drainage facility designed to retain storm water, such as by creating a pond without a permanently open drain, shall obtain written approval from the Colorado State Engineer's Office.
- 5.10.3** Where a public storm sewer is available, the applicant shall connect to the storm sewer facilities, unless there are no outlets within five hundred (500) feet. If there are no outlets within five hundred (500) feet, other acceptable provisions shall be made for the disposal of storm water runoff over historic flows. Written approval from the owner of the storm sewer must be obtained. Such written approval must include assurance from the storm sewer owner that the system has adequate capacity to handle the proposed flow.
- 5.10.4** The Board may require the owner, applicant and/or developer to carry away by pipe or open ditch, or to retain or detain, any spring or surface water that may exist previous to or as a result of the proposals in the application.
- 5.10.5** Any drainage that has been designated by the Federal Emergency Management Agency (F.E.M.A.) as a one-hundred (100) year floodplain shall be analyzed for impact in accordance with F.E.M.A. regulations. The one-hundred (100) year floodplain line should be noted on the final plan.
- 5.10.5.1** A copy of the F.E.M.A. Flood Insurance Rate Map of the general area of the subject property shall be provided with the site location indicated on it.
- 5.10.6** All improvements and drainage facilities shall be designed to convey runoff from the one-hundred (100) year design frequency six (6) hour duration storm, without damage to permanent facilities and structures.
- 5.10.6.1** Site and lot grading shall be accomplished in such a way that surface drainage from rainstorms, snow melt, or groundwater is directed away from buildings and is controlled in a manner that eliminates or minimizes impact on adjacent properties.
- 5.10.6.2** Refer to the County adopted building code for minimum slopes surrounding structures.
- 5.10.7** All improvements and drainage facilities shall be designed to convey runoff from the ten (10) year design frequency six (6) hour duration storm, without damage to permanent facilities and structures, and without inundation of facilities or ponding water outside of the boundaries of designed drainage channels and drainage piping.
- 5.10.8** All improvements and drainage facilities shall be designed using the precipitation values provided by the U.S. Department of Commerce National Oceanographic and Atmospheric Administration (NOAA) Precipitation Frequency Atlas, or approved equivalent.

**5.10.9** The volume of the detention facility shall be sized to detain the increase in flow above the historic flow in the vicinity of the discharge point, for a one (1) hour period at peak runoff for the ten (10) year design frequency, six (6) hour duration storm.

**5.10.10** All drainageways, watercourses, channels, or streams that traverse the site shall be designated as a drainage easement or drainage right-of-way. The easement or right-of-way shall conform to the width of construction plus sufficient additional width to facilitate maintenance and replacement or the width of the drainageway, watercourse, channel, irrigation ditch or stream, whichever is adequate.

**5.10.10.1** The maintenance of all drainage facilities, easements, rights-of-way, etcetera shall be addressed.

**5.10.10.2** It shall be required that the property owner shall execute a Quit Claim Deed with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and / or facilities. Said deed shall be recorded along with appropriate documents associated with the approval of the application. Fremont County will not accept or assume maintenance of any of these items.

**5.10.11** Hydraulic methods used:

**5.10.11.1** For areas less than twenty (20) acres, the Rationale Method shall be used;

**5.10.11.2** For areas greater than twenty (20) acres, the U.S.D.A. Natural Resources Conservation Service publication “Technical Release 55” (TR-55), published in June, 1986, or successor publication, shall be used unless otherwise justified by a Colorado Registered Professional Engineer.

**5.10.12** A site drainage plan (drawing) must be included with the drainage report and shall contain the following:

**5.10.12.1** A drainage basin map that indicates the subject property site location shall be provided.

**5.10.12.2** Appropriate title;

**5.10.12.3** The perimeter boundary of the subject property;

**5.10.12.4** North Arrow;

**5.10.12.5** Indication of scale;

**5.10.12.6** The location of any irrigation ditches, natural water courses or dry gulches;

- 5.10.12.7** The location and size, by dimension, of any improvements currently on the property that are proposed to remain after development;
- 5.10.12.8** The location and size, by dimension, of any proposed improvements on the property;
- 5.10.12.9** The location and size, by dimension, of any existing drainage easements contained on the property;
- 5.10.12.10** The location and size, by dimension, of any existing drainage structures located on the property;
- 5.10.12.11** The location and size, by dimension, of any proposed drainage easements on the property;
- 5.10.12.12** The location and size, by dimension, of any proposed drainage structures on the property;
- 5.10.12.13** The location of any off-site upstream drainage entering the property;
- 5.10.12.14** A clear numerical indication of the quantity of storm water flow entering the property, in cubic feet per second, at the appropriate site entry locations for the ten (10) year and one-hundred (100) year design frequency storms;
- 5.10.12.15** The direction of on-site drainage flows (grading plan) that indicates location and direction of flow patterns of storm water flow by means of arrows and elevation contour lines that direct flows to existing or proposed stormwater management features;
- 5.10.12.16** The cumulative on-site drainage volumes including clear numerical indications of the quantity of storm water flow at key locations on the property, in cubic feet per second, for the ten (10) year and one-hundred (100) year design frequency storms;
- 5.10.12.17** The location, surface area in acres or square feet, the volume in cubic feet, and the inlet, discharge, and spillway flow rate in cubic feet per second for each detention or retention facility for the ten (10) year and one-hundred (100) year design frequency storms;
- 5.10.12.18** The slope, size, type of pipe, details of the pipe inlet and outlet, orifice size and location, and rip-rap or headwall details for all detention facilities;
- 5.10.12.19** A clear numerical indication of the quantity of storm water flow leaving the property, in cubic feet per second, at the appropriate site discharge locations for the ten (10) year and one-hundred (100) year design frequency storms;

**5.10.13** The project or site drainage report shall contain at a minimum the following:

**5.10.13.1** General Information – Provide general project description, names of adjacent subdivisions or developments, area affected by the development in acres, types of soil and ground cover correlated to National Resources Conservation Service (NRCS) types, description of major drainage ways that impact or are impacted by the development, existing utilities that may impact or may be impacted by proposed drainage facilities, general topography, erosion characteristics, F.E.M.A. floodplain, and obstructions.

**5.10.13.2** Major Drainage Basins and Sub-basins – Discuss major basin and sub-basin drainage characteristics that affect the proposed development.

**5.10.13.3** Upstream Drainage Conditions – Discuss upstream drainage patterns and their impact on the proposed development. Provide detailed hydrologic analysis using both the ten (10) year design frequency six (6) hour duration storm and the one-hundred (100) year design frequency six (6) hour duration storm. Conclusions must include a clear numerical indication of the quantity of storm water flow entering the property, in cubic feet per second, at the appropriate site entry locations for the ten (10) year and one-hundred (100) year design frequency storms.

**5.10.13.4** On-site Drainage Considerations – Discuss existing and proposed drainage patterns within the development site, and how upstream drainage entering the site will be conveyed through the site. Demonstrate through detailed hydrologic and hydraulic analysis that sufficient right-of-way or easement is provided to convey all drainage through the development. Provide detailed engineering calculations and copies of all design charts, tables and figures used in the design of streets, inlets, culverts, storm sewers, channels, detention and retention facilities, and other facilities to be constructed in the development. Discuss maintenance and maintenance responsibilities for drainage facilities, including right-of-way and easement requirements. Discuss floodplain management and channel erosion issues.

**5.10.13.5** Detention and Retention Facilities – Discuss the location, surface area in acres or square feet, the volume in cubic feet, and the inlet, discharge, and spillway flow rate in cubic feet per second for each detention or retention facility for the ten (10) year and one-hundred (100) year design frequency storms. Discuss the slope, size, type of pipe, details of the pipe inlet and outlet, orifice size and location, and rip-rap or headwall requirements for all detention and retention facilities.

**5.10.13.6** Downstream Drainage Considerations – Identify locations and peak flow rates of drainage leaving the site, and discuss their impact on downstream facilities and properties. Include a clear numerical indication of the quantity of storm water flow leaving the property, in cubic feet per second, at the appropriate site discharge locations for the ten (10) year and one-hundred (100) year design frequency storms.

**5.10.13.7** Conclusions and Recommendations – Provide a clear synopsis of significant drainage facility requirements, including lengths and sizes of pipelines and channels, location and volume of detention and retention facilities, and flow rates of storm water entering and leaving the property. Clearly state the historical flow rate in cubic feet per second at each site discharge point. Computer generated printouts provided with the drainage report must be accompanied by clearly identified descriptions of procedures, data input values, data sources, relationship of printout sheets to drainage basins, and applicability of answers provided.

**5.10.14** Waivers and Deferment of Drainage Plan and Report Requirements – Waiver from requirements of Section 5.10 may be authorized by the Board for development applications for projects that will require future Commercial Development Plans to be submitted under Section 8.15. If waiver is granted, requirements of Section 5.10 will be deferred until submittal of the Commercial Development Plan. If justified, the Board may agree to defer the requirements of Section 5.10 until submittal of the building permit application.

#### **5.10.15** Abbreviated Drainage Plan and Report

**5.10.15.1** Eligibility for abbreviated drainage plan and report – Projects involving only a single land parcel upon completion, and located more than one mile from the boundary of any city or town in Fremont County, are eligible for abbreviated drainage plan and report requirements under the following restrictions:

**5.10.15.1.1** Not more than five-thousand (5,000) square feet of roofed structures are proposed; and

**5.10.15.1.2** Not more than five-thousand (5,000) square feet of gravel or porous pavement are proposed; and

**5.10.15.1.3** Not more than two-thousand five-hundred (2,500) square feet of asphalt or concrete pavement are proposed; and

**5.10.15.1.4** The developed portion of the project site is farther than one-thousand (1,000) feet from a water body or stream-bed that regularly flows at least six (6) months each year.

**5.10.15.2** In lieu of meeting the requirements for a full drainage plan and report, the applicant is authorized to substitute an abbreviated drainage plan and report with the following requirements:

**5.10.15.2.1** The abbreviated drainage plan and report is not required to be prepared and sealed by a professional engineer.

**5.10.15.2.2** The report must discuss the applicant's proposed methods and facilities to meet the requirement that storm water flows from the ten (10) year design

frequency six (6) hour duration storm will exit the site at no more than the historical flow rate.

**5.10.15.2.3** The drainage plan and report must be sufficient to allow approval by the County Engineer.

**5.10.16** Any proposed drainage facilities and / or structures shall be designed by a professional engineer licensed to practice in the State of Colorado, and such design plans submitted, unless otherwise authorized in this section.

**5.10.16.1** The location, placement and construction shall be in accordance with and approved by the engineer who designed the drainage facilities and / or structures.

**5.10.17** All drainage plans and reports shall be reviewed and approved by the Fremont County Engineer.

**5.10.18** The County Engineer, the Department, the Commission or the Board may require any other information necessary to adequately assess the impacts of drainage by the proposed development.

**5.11** 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, 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, which at a minimum shall address the following:

**5.11.1** Estimated average daily traffic to be generated by the proposed use(s), using the Institute of Transportation Engineers, Trip Generation Handbook, Second or Subsequent Editions, and the Trip Generation Manuals, Volume 1, 2 & 3 or Subsequent Editions;

**5.11.2** Identify any hazardous conditions such as any unacceptable lines of sight from all accesses and/or driveways, entering or exiting the property, etc.;

**5.11.3** Average daily traffic and maximum capacity for all roads which will be used as access from the property to the nearest arterial, collector or state highway;

**5.11.4** Whether the roads, which serve the development currently, have the capacity to handle the additional estimated average daily traffic. If the roads do not have the capacity to handle the additional estimated traffic, recommendations shall be made for improvements which will increase the capacity of the roads and which will mitigate any hazardous conditions, inadequate lines of sight, and other circumstances of concern or other items noted in the analysis. In addition, the analysis shall address how the increased traffic will change the level of required maintenance and make recommendations addressing potential impacts to the maintenance requirements for the County. All improvements will be required to be completed and accepted by the County prior to recording of the appropriate final approval documents.



## **6 SOLID WASTES DISPOSAL SITES AND FACILITIES, HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL SITES AND FACILITIES AND WASTE-TO-ENERGY INCINERATION SYSTEMS**

**6.1 Applicability:** This section shall apply in all zone districts within the unincorporated area of Fremont County, except 6.2.2 of this Resolution, which applies within the incorporated and unincorporated portions of Fremont County.

### **6.2 Conditional Use Permit or Special Review Use Permit approval required:**

**6.2.1** Any person, firm, corporation, etc., who operates a solid wastes disposal site and facility, a hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system shall first obtain a conditional use permit or special review use permit approval from the Board. The conditional use permit or special review use permit shall be submitted concurrently with this section 6.2.1 and certificate of designation if required.

**6.2.2** Solid wastes disposal, hazardous waste treatment, storage, or disposal, and waste-to-energy incineration are prohibited within the incorporated or unincorporated portion of Fremont County except on or at a site and facility for which a conditional use permit or a special review use permit approval has been obtained as provided in the Fremont County Zoning Resolution, as amended, or that has been approved by a city or town within the boundaries of which the site and facility are situated.

**6.2.3** Notwithstanding the provisions of 6.2.1 and 6.2.2 of this Resolution, any person may dispose of his own solid waste on his own property, as long as such disposal complies with all state and federal laws and regulations and does not constitute a public nuisance and as long as such solid wastes are not hazardous wastes.

**6.2.4** Notwithstanding the provisions of 6.2.1 and 6.2.2 of this Resolution, the final use for beneficial purposes, including fertilizer, soil conditioner, fuel, and livestock feed, of sludge that is not hazardous waste and has been processed and certified or designated as meeting all applicable regulations of the Colorado Department of Health and the Colorado Department of Agriculture shall not require a conditional use permit or special review use permit approval for such final use.

**6.3 Application for permit:** Any person desiring to operate a solid wastes disposal site and facility, a hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system within the unincorporated portion of Fremont County shall apply to the Board for approval of a conditional use permit or a special review use permit. Such application shall be accompanied by a fee fixed by the Board on a schedule available at the Department. For purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert or investigative assistance, the Board may, at its discretion, assess an additional fee of an amount deemed appropriate by the Board. The Board may, at its discretion, require that payment of this additional fee, or any portion thereof, be received before incurring costs of evaluating the

application. Only the unused portion of this additional fee shall be refundable. The application shall be prepared and/or certified by a registered and qualified professional engineer. Sources of information in the application shall be carefully noted. Highly technical or specialized data not easily understood by laymen shall appear in appendices. The application shall, at minimum, contain:

**6.3.1** A description of the location of the site and facility or system and a detailed description of the proposed activity. The description shall include: the type of site and facility or system involved; the type of processing to be used, such as sanitary landfill, composting, burning in an industrial furnace or boiler (*including a cement kiln*), thermal treatment, or incineration; the hours of operation; the method of supervision; the rates to be charged, if any; the types, locations, and useful lives of any tanks or storage container to be used; the leak prevention and detention methods to be used and the reasons for selection of such methods; the sources and amounts of all solid wastes or hazardous waste to be processed at the site and facility or system; and the composition of such solid wastes or hazardous waste and the methods of waste analysis to be used. If the type of processing to be used includes burning, incineration, or thermal treatment, the applicant shall specify operating temperatures, including the reasons for selection of such temperatures, methods of monitoring and controlling emissions and operating temperatures, including the reasons for selection of such methods. The description shall demonstrate that the site and facility or system will be located, operated, and maintained in a manner that controls obnoxious odors, prevents rodent and insect breeding and infestation, and complies with the health laws, standards, rules, and regulations of the State Department of Health, the State Air and Water Quality Control Commissions, all Federal agencies, and all applicable zoning laws and ordinances;

**6.3.2** A demonstration that no radioactive materials or materials contaminated by radioactive substances will be disposed of in a site and facility or system not specifically designated for that purpose, including specification of methods for preventing inadvertent processing of radioactive substances;

**6.3.3** A detailed description of the probable impacts that the proposed activity will have on the environment. The description shall include all technical data, maps, and diagrams reasonable necessary for assessment of such impacts by the county and commenting agencies and citizens. This part of the application shall describe the environment at the site and the surrounding area, as it exists before the proposed activity and without the effects of the proposed activity, in sufficient detail to facilitate an informed assessment by the County, and shall include projections as to growth and population. This part of the application shall demonstrate that the site and facility or system will conform to officially adopted land use plans, policies, regulations, and resolutions;

**6.3.4** A detailed assessment of the probable positive and negative effects the proposed activity will have on local, regional, and overall public health and safety. If the activity will involve emission or release of solid or hazardous wastes or constituents or

byproducts of solid or hazardous wastes or transportation of solid or hazardous wastes, the application shall include a health risk assessment conducted by a qualified professional that shall contain a quantification of risks to human health associated with the proposed activity. The assessment shall include, but not be limited to, consideration of the risk of accidents during the transportation of waste to, from, or at the site. The assessment shall specify the bases for all conclusions and shall identify any assumptions the author or authors of the assessment have made. The application shall contain a statement of the qualifications of the author or authors of the health risk assessment;

**6.3.5** A detailed description of the need, if any, for the site and facility or system by Colorado generators of solid or hazardous wastes;

**6.3.6** A demonstration that the applicant:

**6.3.6.1** has the financial ability to operate the proposed site and facility or system according to all applicable laws and regulations;

**6.3.6.2** shall maintain his financial ability to close and maintain the site and facility or system property at and after the end of its useful life in accordance with all applicable laws and regulation;

**6.3.6.3** shall maintain adequate liability coverage for sudden accidental and non-sudden accidental occurrences that result in bodily injury or property damage to third parties.

**6.3.7** A demonstration that the applicant, taking into account its prior performance record, if any, in the treatment, storage, or disposal of solid or hazardous wastes, has sufficient reliability, expertise, and competency to operate and manage the proposed site and facility or system;

**6.3.8** Such engineering, geological, hydrological, and operational data as is required by the Fremont County Zoning Resolution, as amended;

**6.3.8.1** Such other information as may be required by the Board.

#### **6.4 Factors to be Considered:**

**6.4.1** In considering an application of a conditional use permit or special review use permit under this Section, the Board shall take into account:

**6.4.1.1** The effect that the proposed activity will have on the surrounding property, the health and welfare of the public, and the environment, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;

**6.4.1.2** The convenience and accessibility of the site and facility or system to potential users;

**6.4.1.3** The ability of the applicant to comply with the health and safety standards and operating procedures provided for by local, state or federal laws and such rules and regulations as may be promulgated pursuant to such laws;

**6.4.1.4** Recommendations by other governmental agencies;

**6.4.1.5** Such other factors as the Board deems appropriate.

**6.4.2** Issuance of a conditional use permit or special review use permit approval pursuant to this Section shall be discretionary with the Board, subject only to such judicial review by the district court of appropriate jurisdiction as may be otherwise provided by law. If the application provides insufficient information for the Board to reach an informed decision, the Board may, at its discretion, afford the applicant the opportunity to provide additional information.

**6.4.3** Prior to a public hearing held by the Board, the application shall be reviewed, and a recommendation as to approval or disapproval made, by the Commission. Such recommendation may be conditional. The application, report of the Commission, master plan, and other pertinent information shall be presented to the Board at a public hearing to be held after notice. Such notices shall contain the time and place of the hearing and shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, a hazardous waste treatment, storage or disposal site and facility, or a waste-to-energy incineration system. The notice shall be published in a newspaper having general circulation in Fremont County at least ten (10) but no more than thirty (30) days prior to the date of hearing.

**6.5 Permit:** If the Board deems that a conditional use permit or a special review use permit approval should be granted to the applicant, it shall issue the permit with such conditions, if any, that the Board deems appropriate, and such permit shall be displayed in a prominent place at the site and facility or system.

## **6.6 Revocation or Suspension of Permit:**

**6.6.1** The Board, after reasonable notice and public hearing, may revoke or temporarily suspend a conditional use permit or a special review use permit approval that has been issued by it if it finds:

**6.6.1.1** A failure of a site and facility or system to comply with all applicable laws, resolutions, and ordinances or to comply with any rule or regulation adopted pursuant thereto;

**6.6.1.2** There was a material misrepresentation or misstatement of fact in the application for the conditional use permit or special review use permit approval;

**6.6.1.3** The site and facility or system is not being operated in substantial compliance with a term, condition, or limitation of its conditional use permit, special review use permit approval or an applicable rule or regulation; or

**6.6.1.4** The site and facility or system poses an unreasonable risk to public health or welfare or the environment.

**6.6.2** The revocation or suspension of a conditional use permit or a special review use approval shall not relieve the permit holder from any legal liability.

**6.7 Substantial Change in Ownership, Design, or Operation:** A substantial change in ownership of any site and facility system, or in the design and operation of any site and facility or system, shall be submitted to the Board for its approval before such change shall become effective. The application for approval of a substantial change shall be accompanied by a fee fixed by the Board on a schedule available at the Department. For purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert or investigative assistance, the Board may, at its discretion, assess an additional fee of an amount deemed appropriate by the Board. The Board may, at its discretion, require that payment of this additional fee, or any portion thereof, be received before incurring costs of evaluating the application. Only the unused portion of this additional fee shall be refundable. The application shall contain the information and certifications required for application for a conditional use permit by this Section.

**6.8 Permit Required for Operation:**

**6.8.1** Operation of a solid waste disposal site and facility, hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system for which a conditional use permit or special review use permit approval has been issued shall not begin until the applicant obtains all state and federal permits required by law or regulation for such operation.

**6.8.2** Solid wastes deposited at any site and facility shall not be burned, other than by incineration or industrial burning in accordance with a certificate of designation issued pursuant to Section 30-20-105, C.R.S.; except that in extreme emergencies resulting in the generation of large quantities of combustible materials, authorization for burning under controlled conditions may be given by the State Department of Health.

**6.9 Procedures Not Exclusive:** The requirements of this Section shall be in addition to and not in lieu of the requirements for a conditional use permit or special review use permit approval set forth in 8.14 of the Fremont County Zoning Resolution, as amended; provided, however, in the event of any conflict between the provisions of this Section and 8.14 of this Resolution, the provisions of this Section shall apply.

**6.10 Severability:** If any provision of this Section shall be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other part or provision hereof.

**6.11 Enforcement:** In addition to any other civil or criminal procedure or penalty provided by law or in the Fremont County Zoning Resolution, as amended, any site and facility or system that is found to be abandoned or that is operated and maintained in a manner so as to violate any of the provisions of this Section shall be deemed a public nuisance and such violation may be enjoined by the district court of Fremont County in an action brought by the Board.

## **7 BOARD OF ZONING ADJUSTMENT:**

**7.1 Creation and establishment:** There is hereby created and established a Board of Zoning Adjustment (*B.O.Z.A.*), the members of which shall be appointed by the Board of County Commissioners. The Board shall fix per diem compensation for members of *B.O.Z.A.*

### **7.2 Membership:**

**7.2.1** Members of the *B.O.Z.A.* shall be residents of Fremont County.

**7.2.2** The *B.O.Z.A.* shall consist of five (5) regular members and one (1) associate member.

**7.2.2.1** No more than two (2) Planning Commission members can serve on the *B.O.Z.A.* at the same time.

**7.2.2.2** The associate member, in the event that any regular member is temporarily unable to act because of absence from the County, illness, interest in an item before the *B.O.Z.A.*, or any other cause, shall take the place, temporarily, of the regular member.

**7.2.3** The term of a *B.O.Z.A.* member shall be three (3) years. Members shall be appointed in such a way that at least one (1) member's term of office expires each year.

**7.2.4** The Planning Director or his designated representative shall sit, *ex-officio*, on the *B.O.Z.A.*

**7.2.5** A member or associate member, once qualified, shall thereafter be removed from office by the Board during his term of office only for cause, to include but not be limited to, nonperformance of duty or misconduct or when any member shall fail to be present at three (3) regular meetings during an annual term of the *B.O.Z.A.*, unless such absence is excused by the Chairman and so noted. Removal of a member from office shall occur after written notice to the member, and following a public hearing by the Board, at which the member may be present to address the Board concerning removal from the *B.O.Z.A.*

**7.2.6** In the event of the death, resignation, or removal of any member or associate member before the expiration of his term, a successor shall be appointed by the Board for the unexpired portion of his term.

### **7.3 Duties:**

**7.3.1** To vote at the first meeting of each calendar year to elect a chairman and vice chairman from the regular members appointed to the *B.O.Z.A.* The chairman, or vice chairman in the chairman's absence, shall be responsible for the normal administrative duties of the position.

- 7.3.2** To meet monthly (*if necessary*) or at the call of the chairman.
- 7.3.3** To adopt any rules necessary to transact the B.O.Z.A. business or to expedite its functions consistent with Colorado State Statutes and the provision of this Resolution.
- 7.3.4** To permit the public to attend and to be heard at its meetings.
- 7.3.5** To keep minutes of its proceedings indicating the vote of each member upon each question; absences and abstentions. To keep records of its examinations and other official action. To file minutes and records in the offices of the Department as public records.
- 7.3.6** To publish notice of hearings to be held by the B.O.Z.A. Such publication shall be in an official County newspaper at least ten (10) days prior to the hearing and shall be paid for by the applicant. Said notice shall contain:
- 7.3.6.1** Legal description of the property and its street address.
- 7.3.6.2** Present zoning classification of the property and the nature of the variance requested.
- 7.3.6.3** Date, time, and place of hearing.
- 7.3.7** To vote upon the granting of a variance from the requirements of the zoning resolution. To reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant or appellant, the concurrence of four (4) members of the B.O.Z.A. shall be required.
- 7.3.8** To hear and vote on appeals taken by any person aggrieved by an inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolution.
- 7.3.9** Any member of the B.O.Z.A. who has a direct or indirect interest in any property or in the decision relating to such property, which is the subject matter of, or is affected by, a decision of the B.O.Z.A., shall be disqualified from participating in discussion, decision, or proceedings of the B.O.Z.A. in connection therewith.
- 7.3.10** The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses upon application to the district court.

#### **7.4 Powers:**



**7.4.1 Interpretation:** The B.O.Z.A. shall have the power to interpret this resolution, including any uncertainty as to boundary location, or meaning of wording, so long as this interpretation is not contrary to the purposes and intent of this Resolution.

**7.4.2** Upon application for variance, the B.O.Z.A. shall have the power to grant a variance from strict application of the zoning resolution to relieve difficulties or hardship if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning maps and zoning resolution. Such variance may be granted when the exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or when exceptional topographic conditions or other extraordinary and exceptional situation or condition of a parcel of property results in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property.

**7.4.3** The B.O.Z.A. shall have the power to grant variances from the provisions of this resolution, but only where all of the following conditions are found to exist:

**7.4.3.1** The variance would not authorize any use other than those enumerated as a use-by-right in the zone district and that the essential character of the zone district would not be altered.

**7.4.3.2** An unnecessary hardship to the owner could be shown to occur if the provisions of this Resolution were strictly interpreted.

**7.4.3.3** The circumstances found to constitute a hardship either were not created by the owner or were in existence at the time of the passage of this Resolution and cannot reasonably be corrected.

**7.4.3.4** The variance would not be inconsistent with the intent and purpose of this Resolution or would not prejudicially affect the health, safety, and general welfare of the inhabitants of the County.

**7.4.4 Medical Hardship Waiver:** The B.O.Z.A. shall have the power to grant a temporary waiver of provisions of the zoning resolution in cases where an extreme medical hardship can be shown to exist. This waiver would allow for the temporary placement of one (1) single-wide manufactured home, or one (1) manufactured home on a lot, tract, or parcel that contains an existing dwelling, manufactured home, or single-wide manufactured home. This waiver may only be granted in zone districts that allow single-wide manufactured homes or manufactured homes. The B.O.Z.A. may terminate a hardship waiver if the circumstances of hardship change or if an alternative form of relief for the applicant becomes available. Medical hardship waivers shall be granted for a time period not to exceed one (1) year. Extensions may be granted on a case-by-case basis and shall be done on a yearly basis on a date specified by the B.O.Z.A.

**7.4.5** Where feasible, special exception may be made for the purpose of providing access to sunlight for solar energy devices.

**7.5 Appeals to the Board of Zoning Adjustment:** Appeals to the B.O.Z.A. may be submitted to the Department by any person aggrieved by an inability to obtain a building permit or by the decision of any administrative official or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolution. Appeals to the B.O.Z.A. shall be made in writing and must be made within thirty (30) days from the date on which the appellant was aggrieved by such action. The appeal shall be filed with the Department, which shall schedule a hearing for the next regularly scheduled meeting of the B.O.Z.A. The administrative official whose decision is being appealed shall provide the B.O.Z.A. with all documents constituting the record upon which the appeal is based. The official shall also provide the B.O.Z.A. with a written statement of findings of fact and justification for the decision. The B.O.Z.A. shall have the right to require further information from the appellant or administrative official as it deems necessary. A copy of all documents submitted to the B.O.Z.A. by either the appellant or the administrative official shall be provided to the opposing party at least one week prior to the B.O.Z.A. meeting at which the appeal is heard. The fee for appeals shall be the same as variance requests that are established by resolution of the Board. If the B.O.Z.A. finds in favor of the appellant, the appeal fees will be refunded to the appellant. No appeal to the B.O.Z.A. shall be allowed for building use violations that may be prosecuted pursuant to C.R.S. 30-28-124 (1) (b) as amended.

**7.6 Procedure:** The B.O.Z.A. shall act in strict accordance with all of the laws of the State of Colorado and regulations or ordinances of the County of Fremont. All applications and appeals to the B.O.Z.A. shall be in writing and on such form as shall be prescribed by the B.O.Z.A. Every application and appeal shall indicate what provisions of this Resolution are involved, what relief is being sought, and the grounds upon which such appeal is being sought.

**7.6.1 Variance:** At least ten (10) copies of the following submittal requirements shall be provided to the Department, accompanied by a non-refundable application fee, as established by the Board. The submittal shall be at least twenty (20) days prior to the regularly scheduled B.O.Z.A. meeting.

**7.6.1.1** A completed B.O.Z.A. application.

**7.6.1.2** An improvement location certificate or a survey plat for the property, evidencing the location of existing improvements and all proposed improvements. The certificate or plat shall be performed, signed, and sealed by a professional land surveyor registered with the State of Colorado and shall conform to the requirements of C.R.S. 38-51-100.3.

**7.6.1.3** A complete building permit application.

**7.6.2 Medical Hardship Waiver:** At least ten (10) copies of the following submittal requirements shall be provided to the Department, accompanied by a non-refundable

application fee, as established by the Board. The submittal shall be at least twenty (20) working days prior to the regularly scheduled B.O.Z.A. meeting.

**7.6.2.1** A completed B.O.Z.A. application.

**7.6.2.2** A statement on a form provided by the Department from a doctor licensed to practice in the State of Colorado indicating the medical need for a hardship waiver and the requirement of daily assistance.

**7.6.2.3** A letter from the applicant requesting the waiver, explaining the circumstances of the waiver, and listing the occupants of both living units.

**7.6.2.4** A notarized letter on a form provided by the Department from the property owner indicating their knowledge of how the medical hardship waiver is administered and stating that the temporary single-wide manufactured home or the temporary manufactured home shall be removed within ninety (90) days of the date the hardship ceases or the B.O.Z.A. terminates the waiver.

**7.6.2.5** An improvement location certificate or a survey plat for the property evidencing the location of existing improvements and all proposed improvements. The certificate or plat shall be performed, signed, and sealed by a professional land surveyor registered with the State of Colorado.

**7.6.2.6** A complete building permit application.

**7.6.2.7** Extensions of a medical hardship waiver extensions: Extensions may be granted in one (1) year increments provided the following is submitted to the Department by the submittal deadline of the monthly B.O.Z.A. meeting for the month in which the waiver is to expire:

**7.6.2.7.1** A letter from the applicant stating that the circumstances found to constitute the hardship still exist and have not materially changed;

**7.6.2.7.2** A letter from a doctor advising the B.O.Z.A. on the status of the medical hardship.

**7.6.2.7.3** In addition to the above, no extension will be granted until the Department performs an on-site inspection to determine if the applicant is in compliance with the conditions of the waiver for which extension is being sought.

**7.7 ADDITIONAL REQUIREMENTS FOR VARIANCE OR MEDICAL HARDSHIP WAIVER:** In granting a variance, the B.O.Z.A. may impose additional requirements on the applicant as a condition of approval.

**7.8 Attendance of Applicant:** All applicants and/or their representative must attend the B.O.Z.A. meeting at which their request is to be heard. In addition, the B.O.Z.A. may

require the presence of the applicant at its meeting for which a hardship waiver extension is to be considered.

**7.9 Term of variance:** Construction for all variances granted shall be completed within one (1) year after date of approval of variance.

**7.10 Appeal of a decision by the B.O.Z.A.:** Any further appeal from the decision of the B.O.Z.A. shall be made to the Court, as provided by court rule or state statute.

## **8. PROCEDURES FOR AMENDMENTS, SUPPLEMENTS, CHANGES, OR REPEALS:**

**8.1** No zone change, conditional use permit, special review use permit or commercial development plan application that has been denied by formal action of the Board can be resubmitted within three (3) years of the date of the denial unless there is valid new evidence, a substantial change in circumstances of the original application or a substantial change of area conditions as determined by a formal action of the Board.

**8.2 INITIATION:** Amendments, supplements, changes, or repeal of this Resolution or any section thereof, or to the official zoning maps or applications for conditional use permits, special review use permits, or commercial development plans may be initiated by, if appropriate:

**8.2.1** Any citizen or group of citizens, firm, or organization residing, owning or leasing property in the County.

**8.2.2** The Commission.

**8.2.3** The Board.

**8.3 APPLICATION MEETINGS** – Fremont County welcomes new businesses and industrial enterprises to the community. Property owners and other potential Applicants are encouraged to meet informally or communicate with Planning and Zoning Department staff to gain familiarity with the application process prior to formal submittal of an application and to continue the communications throughout the application process. Department staff is available to discuss possible development scenarios and upcoming stages of application procedures to help current and potential applicants prior to and during the application process.

**8.3.1** The Department will meet with the applicant to discuss the proposed application at a pre-submittal meeting if requested by the applicant. The applicant will be required to provide some information (*i.e. zoning verification, current and proposed use, proposed water and sanitation source, proof of access, etc.*) prior to the meeting in order for the Department to prepare for the meeting and determine what staff members should attend the meeting. The applicant will be provided with handouts and information pertinent to the application.

**8.3.1.1** If the water source for the use is proposed to be from a municipal or independent water district then the applicant shall provide evidence that said district has been contacted and that water services can be provided for the use(s) proposed along with the district's conditions for service.

**8.3.1.2** If the sanitation source for the use is proposed to be from a municipal or independent sanitation district then the applicant shall provide evidence that said district has been contacted and that sanitation services can be provided for the use(s) proposed along with the district's conditions for service.

- 8.3.1.3** If access to the subject property is proposed to be directly to a roadway controlled by or through an intersection within the jurisdiction of the Colorado Department of Transportation (CDOT) the applicant shall provide evidence that CDOT has been contacted and that access can be provided for the use(s) proposed along with the CDOT conditions of approval.
- 8.3.1.4** As per 7.3.8 and 7.5 of this Resolution the applicant shall have the right to appeal the decision of any administrative officer based upon or made in the course of the administration of the provisions of this Resolution to the B.O.Z.A.
- 8.3.2** The Department will meet with the applicant after the applicant has received the Department's Submittal Deficiency and Comment letter for the application, if requested by the applicant. The applicant will be required to provide a brief list of questions regarding the application to enable the Department to determine what staff members should attend the meeting.
- 8.3.3** The Department will meet with the applicant after the Department has provided the applicant with the Department review, if requested by the applicant. The applicant will be required to provide a brief list of questions regarding the application to enable the Department to determine what staff members should attend the meeting.
- 8.3.4** The Department will meet with the applicant after the Planning Commission meeting to discuss recommendations of the Commission, if requested by the applicant. The applicant will be required to provide a brief list of questions to enable the Department to determine what staff members should attend the meeting.
- 8.3.5** The Department will meet with the applicant after the Board of County Commissioners meeting and / or hearing to discuss requirements of the Board, if requested by the applicant. The applicant will be required to provide a brief list of questions to enable the Department to determine what staff members should attend the meeting.

**8.4 APPLICATION SUBMISSIONS FOR ZONE CHANGE CLASSIFICATION #1, ZONE CHANGE CLASSIFICATION #2, CONDITIONAL USE PERMIT, SPECIAL REVIEW USE PERMIT AND COMMERCIAL DEVELOPMENT PLAN:**

**8.4.1** The applicant shall submit the application and required accompanying material, including an application fee, to the Department.

**8.4.1.1** The applicant shall submit the application using the appropriate form obtained from the Department.

**8.4.1.2** The application shall be made directly to a Department representative.

**8.4.1.2.1** The Department representative will accept the application submittal only if all minimum submittal requirements have been presented at the time of submission.

**8.4.2** The initial application submittal shall be made to the Department a minimum of twenty-four (24) working days prior to the regularly scheduled Commission meeting at which it is to be considered.

**8.4.3** The initial application shall consist of one (1) original and four (4) copies of the appropriate application form and all required accompanying materials for the type of application being made. *(Five (5) complete packets)*

**8.5 APPLICATION REVIEW:**

**8.5.1** The Department will conduct a preliminary review of the application to determine the adequacy of the application for Commission review.

**8.5.1.1** The applicant will be notified of the results of the Department review via a Department Deficiency and Comment Letter.

**8.5.1.1.1** If there are deficiencies in the application that would make the application unacceptable for review by the Commission, the Department will provide the applicant with a time frame in which to address the deficiencies in order for the Department to place the application on the desired agenda of the Commission.

**8.5.1.1.2** The applicant will be notified of how many revised copies of the application and accompanying materials shall be provided to the Department for distribution in the deficiency and comment letter.

**8.5.1.2** If there are no deficiencies or deficiencies are addressed within the time frame, the Department will provide the applicant and Commission with a review of

the application taking into consideration regulatory requirements and place the application on the desired agenda of the Commission.

**8.5.1.3** If the deficiencies are not addressed or acceptable reasoning provided as to why the application should be placed on the Commission agenda without addressing the deficiencies within the established time frame the Department will not place the application on the Commission agenda for review.

**8.5.1.3.1** As per Board Resolution No. 68, Series of 2006: A full application fee will be charged to the applicant, if all deficiencies as per the initial application review letter are not adequately addressed.

**8.5.1.3.1.1** Each subsequent department deficiency / comment letter prompted by a failure to meet minimum requirements will result in another full application fee.

**8.5.1.3.1.2** All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

**8.5.2** The Commission shall consider the application at a public meeting at which time the applicant may offer comments, evidence and testimony concerning the application. The Commission may hear comments and receive evidence or testimony from interested persons, but shall not hold formal public hearings, unless expressly authorized by law, or upon request of the Board.

**8.5.2.1** The applicant shall attend the Commission meeting at which the application is scheduled to be reviewed.

**8.5.2.1.1** Failure of the applicant to attend the meeting will result in tabling of the application review by the Commission.

**8.5.2.1.2** Failure of the applicant to attend the meeting to which review of the application was tabled will be considered a withdrawal of the application by the applicant. Fees will not be refunded.

**8.5.2.2** The Commission may recommend approval, approval with contingencies or denial of the application to the Board. The Commission may include comments and or suggestions with its recommendation.

**8.5.2.2.1** The Commission may require the applicant to provide additional notifications of the Board's public hearing date and time for review of the application, if the Commission deems it appropriate for adequate public and agency input on the application based on its potential impacts.

**8.5.2.3** The Commission may continue or table review of the application to the next regular meeting of the Commission to receive more comments, enable further study of information and input received at the meeting or to request that the applicant



provide additional information regarding the application. No such continuance or tabling shall exceed forty (40) days.

**8.5.2.3.1** The applicant, prior to a motion by the Commission, may request an extended time before continued review by the Commission, if the applicant wants to provide additional information in support of the application. Such continuance request shall not exceed ninety (90) days and must coincide with a regular Commission meeting date.

**8.5.2.4** If the applicant presents a significantly different proposal at the Commission meeting than was submitted in the application to the Department, the Commission shall continue the application to the next regular meeting of the Commission and request a Department review of the proposal.

**8.5.2.4.1** The Department may require an additional review fee if deemed appropriate.

**8.5.2.5** The Department shall mail to the applicant, the Commission's recommendations, comments and suggestions within five (5) working days after the meeting at which the Commission's review of the application was finalized.

**8.5.3** Following the review and recommendation of the Commission, the Department shall place the application on the agenda of the next regular meeting of the Board for the purpose of scheduling a public hearing date and time for review of the application by the Board.

**8.5.3.1** The applicant may ask for additional time before the hearing by the Board, if such time is needed to accommodate the recommendations, comments or suggestions of the Commission.

**8.5.3.1.1** A request for additional time shall be made, in writing, to the Department which is authorized to grant the request on behalf of the Board.

**8.5.3.1.2** No such request shall exceed ninety (90) days from the date of the Commission meeting at which the Commission's review was completed.

**8.5.3.1.3** The extension of time for Board review must coincide with a regular Board meeting date.

**8.5.3.1.4** The applicant shall provide to the Department copies of information and or documentation to be submitted for Board review to accommodate the recommendations, comments or suggestions regarding the application by the Commission a minimum of ten (10) working days prior to the scheduled Board public hearing at which the application is to be reviewed.

**8.5.3.1.5** In such circumstances the Board, at its discretion, may require further review of the application by the Commission.

**8.5.3.1.6** No significant changes in an application shall be proposed after review by the Commission unless such changes are made to accommodate recommendations, comments or suggestions of the Commission.

**8.5.3.1.6.1** If significant changes are needed due to change of area conditions or circumstances beyond control of the applicant, then further review by the Commission shall be required prior to review of the application by the Board.

**8.5.4** A notice of the public hearing shall be published once by the Department, at the expense of the applicant, at least fourteen (14) days prior to the hearing date in a newspaper of general circulation in Fremont County.

**8.5.4.1** Such notice shall indicate the time, date, and place of the hearing and give a brief summary or explanation of the application and its location.

**8.5.5** Upon scheduling of the public hearing by the Board the Department shall notify the applicant of the date and time of the public hearing and the applicant shall be responsible for completion of the following:

**8.5.5.1** Mailing by United States Postal Service (USPS) certified mail, return receipt (*labeled to identify the application*) requested to the Department, at least fourteen (14) days prior to the date of the scheduled hearing to all property owners within five-hundred (500) feet of the boundaries of the subject property and any additional notifications required by the Commission.

**8.5.5.1.1** The applicant shall provide the Department with USPS mailing receipts evidencing the date the notice packets were mailed.

**8.5.5.1.2** The mailing shall include the following:

**8.5.5.1.2.1** A notice form with information relevant to the public hearing completed by the Department and mailing information to be completed by the applicant.

**8.5.5.1.2.1.1** The notice form contains the name of the applicant, summary of the proposed use, legal description of the subject property, general location of subject property, date, time and location of the hearing along with contact information for the Department.

**8.5.5.1.2.2** A drawing that illustrates how the proposed use and improvements will be housed on the subject property.

**8.5.5.1.2.3** A vicinity map locating the subject property in relation to the surrounding area, streets, major natural features etcetera;

**8.5.5.2** Posting of a notice sign, at least three feet by four feet (3'X4') in size with each letter at least two (2) inches in height, containing the specific matter of the hearing including identification of the use, the date, time, location of the hearing and contact information for the Department where additional information may be obtained.

**8.5.5.2.1** The sign shall be posted continuously on the subject property for at least fourteen (14) days prior to the hearing of the application.

**8.5.5.2.1.1** The applicant shall be responsible for maintenance of the sign to insure its continuous display.

**8.5.5.2.2** The sign shall be placed no further than fifteen (15) feet from the public right-of way providing access to the property.

**8.5.5.2.3** Where more than one (1) property is involved and / or more than one (1) public right-of-way provides access to the site, all properties fronting on a public right-of-way shall be posted with a sign.

**8.5.5.2.4** All posting shall be placed upon the property or at a public off-site location as determined by the Department to provide for clear and unobstructed viewing from the nearest public right-of-way.

**8.5.6** The Board shall take into consideration the application, Commission recommendations, comments, and suggestions, minutes from the Commission meeting and Department review at the scheduled Board public hearing.

**8.5.6.1** The applicant shall attend the Board public hearing at which the application is scheduled to be reviewed.

**8.5.6.1.1** Failure of the applicant to attend the public hearing will result in tabling of the application review.

**8.5.6.1.2** Failure of the applicant to attend the meeting to which review of the application was tabled will result in a withdrawal of the application. Fees will not be refunded.

**8.5.6.2** The applicant may offer comments, evidence and testimony concerning the application.

**8.5.6.3** The Board may hear comments and receive evidence or testimony from interested persons.

**8.5.6.4** The public hearing may be continued to a later date by the Board, but no such continuance shall exceed thirty (30) days.

**8.5.6.5** The Board shall approve, deny, or approve the application with contingencies within forty-five (45) days after the conclusion of the public hearing or the date to which it was continued.

**8.5.6.5.1** All improvements required by the Board as a contingency of approval shall be completed by the applicant and approved by an appropriate County Representative prior to recordation of documents authorizing the approval of the application in the land records of Fremont County.

**8.5.6.5.2** Following approval by the Board the applicant shall submit all contingencies required as part of the approval of the application within six (6) months of the date of approval.

**8.5.6.5.2.1** If the contingency items are not submitted by the deadline, the application approval shall be deemed expired. Application fees will not be refunded.

**8.5.6.5.2.2** If the application is deemed expired a complete re-submittal of the application, including fees, will be required and the review process will begin again.

**8.5.6.6** The Department shall mail to the applicant the Board's decision within five (5) working days after the meeting at which the Board's review of the application was finalized.

**8.6 EXTENSIONS:** The Board may extend the time period for submittal of contingency items of application approval upon documented showing of good cause.

**8.6.1** No extensions may be granted unless a written request, detailing the reasons and justification for extension, and required fee is submitted to the Department a minimum of ten (10) working days prior to the expiration of the initial six (6) month period or previous extension granted.

**8.6.2** The Department shall schedule the request for extension for the next regular Board meeting at which time the Board will consider the request.

**8.6.3** Without explicit justification warranting a longer time frame, extensions shall not be granted for more than six (6) months from the date of the original deadline date or previous extension.

**8.6.4** In circumstances where extensions have been granted that exceed an eighteen (18) month time period from the original Board date of approval of the application, the Board may require further review by the Commission.

**8.7 AMENDMENT TO CONTINGENCIES OR CONDITIONS OF APPROVAL:** The Board may hear requests for changes to contingencies or conditions of application approval upon documented showing of good cause.

**8.7.1** No changes to contingencies or conditions of approval may be granted unless a written request, detailing the reasons and justification for change, and required fee is submitted to the Department.

**8.7.2** The Department shall schedule the request for change for the next possible regular Board meeting at which time the Board will consider the request.

**8.7.3** The Board may, at its discretion, require the request to be reviewed by the Commission at its next regularly scheduled meeting.

**8.7.4** The Board may, at its discretion, require a public hearing, with notice requirements, at the applicant's expense, to review the request for change.

**8.8 CERTIFICATION OF AMENDMENT:** If the application is for an amendment and it receives a majority vote for adoption by the Board and all contingencies have been completed, a certified copy of the amendment shall be filed with the County Clerk and Recorder, which the Clerk shall index, file and make available to the public.

**8.9 EFFECTS OF APPROVAL:** If the application for zone change, conditional use permit, special review use permit or commercial development plan receives a majority vote for approval by the Board and all contingencies have been completed, appropriate documents indicating the approval shall be filed with the County Clerk and Recorder in the land records of Fremont County.

**8.10 MODIFICATION OF AN APPROVED PLAN:** A recorded zone change, conditional use permit, special review use permit or commercial development plan shall not be modified in any material way without Department approval for Minor Modifications or approval of Major Modifications (*complete reapplication*) by the Board in accordance with Section 8 of this Resolution.

**8.10.1** A letter (*with supporting documentation, if applicable*) detailing the change(s) that would constitute the modification(s) shall be submitted to the Department. The Department will review the letter and will either administratively approve the change(s) as a Minor Modification (*Changes that would not result in an increased impact to the neighborhood nor require a change to the recorded drawing*) or will confirm that the proposed change(s) would be considered a Major Modification (*Changes that would result in an increased impact to the neighborhood and or require a change to the recorded drawing*).

**8.10.1.1** A review of the letter submitted shall be conducted by the Department within thirty (30) working days of the date the letter was submitted to the Department.

**8.10.1.1.1** If the Department review results in the determination that the proposed change(s) is a Major Modification (*complete reapplication*) to the application as approved then submittal by the applicant shall be in accordance with application submittal deadlines and fees.

**8.10.1.1.2** The Department, Commission and or Board may require additional information of the applicant in order to perform an adequate review of the letter or application.

**8.10.2** Modification items that have the potential to impact the neighborhood in any way or affect the general health and welfare of the citizens of Fremont County shall be considered in the review of any proposed permit modifications. Items that will be considered in the review of proposed modifications include, but are not limited to: use of the property; building or structure size, location, height, increase in the numbers, sizes of the buildings or structures; type of vehicles, increase in vehicle trips on or off the property, traffic flows and circulation of traffic; off street parking and loading area requirements, buffering and landscaping of the property; open space, lighting and signage; sewage disposal, water availability; utility service requirements to the property and the neighborhood; fire protection and stormwater drainage.

**8.11 FEES:** A nonrefundable application fee and other required fees shall be established from time to time by resolution of the Board.

**8.11.1** In the circumstance of a group application for zone change or amendment, if it appears that the proposed change or amendment is one that is applicable to and for the benefit of the County at large, or most of the persons affected in one area or in one district or class of district, then the Board may direct that the application fee be waived.

**8.12 ZONE CHANGE REQUIREMENTS FOR CLASSIFICATION #1:** For zone change applications that change property to Agricultural and or Single-family Residential zone districts. (*AF – Agricultural Forestry, AF & R – Agricultural Farming & Ranching, AL – Agricultural Living, AR - Agricultural Rural, AE – Agricultural Estates, AS – Agricultural Suburban and LDR – Low Density Residence*) The application packets shall contain the following:

**8.12.1** Three (3) copies of a drawing, drawn to professional standards, minimum size of 11" X 17", maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and three (3) reduced (*to 8 1/2" x 11" or 11" x 17"*) copies, all of which shall include the following: (*Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

**8.12.1.1** The drawing shall contain a title, (*Name*) Zone Change Request from \_\_\_\_\_ Zone District (*existing*) to \_\_\_\_\_ Zone District (*proposed*);

**8.12.1.2** Boundary drawing of the property with bearings and dimensions which illustrates the legal description of the subject property.

**8.12.1.3** Legal description of the subject property;

**8.12.1.4** The total amount of square footage and acreage contained in the subject property.

**8.12.1.5** Zoning classification for all adjoining lots, parcels or tracts;

**8.12.1.6** Written and graphic scale;

**8.12.1.7** North arrow;

**8.12.1.8** Vicinity map locating the property in relation to the surrounding area, streets, major natural features, etcetera;

**8.12.1.9** The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that will remain on the subject property after development including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.12.1.9.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.

**8.12.1.9.2** Location dimensions from at least two (2) property lines for each such building, structure or improvement.

**8.12.1.9.3** Square footage and dimensions of all such buildings and structures.

**8.12.1.10** The drawing shall contain tables or notes that will provide the following:

**8.12.1.10.1** The maximum number of lots that could be created from the subject property taking into consideration the minimum lot size allowed in the proposed zone district and the available potable water and sewage disposal source for the property, with a comparison to the amount allowed in the current zone district.

**8.12.1.10.2** The potential maximum amount of the land, in square feet and acres that would be allowed to be covered on the subject property in the proposed zone district, with a comparison to the amount allowed in the current zone district.

**8.12.1.11** Location and dimension(s) of all access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.

**8.12.1.12** Identify and locate all drainageways including FEMA flood areas, by dimensions from property lines.

**8.12.1.13** Identify and locate, by dimensions, significant natural features of the subject property.

**8.12.1.14** Identify by label or note all existing easements located on the subject property including:

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

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

**8.12.1.14.3** If existing easements are to be vacated or relocated appropriate information shall be provided by note or label.

**8.12.1.15** Identify by label or note all proposed easements to be located on the subject property after the zone change including:

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

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



**8.12.1.16** If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.

**8.12.1.17** If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.

**8.12.1.18** Such other additional information on the drawing required by the Department, Commission, or the Board.

**8.12.2 OTHER APPLICATION REQUIREMENTS:** *(Most items will be addressed in the appropriate application form)*

**8.12.2.1** A statement of justification for the rezoning, including at least one (1) of the following conditions: *(Please explain answer)*.

**8.12.2.1.1** Evidence that the property was not properly zoned when existing zoning was imposed.

**8.12.2.1.2** Evidence that additional land is need in the proposed zone district.

**8.12.2.1.3** Evidence that there has been a material change in the neighborhood that justifies the requested zone change.

**8.12.2.1.4** Evidence that the proposed zone change will be in conformance to the current Fremont County Master Plan in relation to the area.

**8.12.2.2** Written description of the types of buildings and or uses proposed if rezoning is granted.

**8.12.2.3** A written description of land and building uses within five-hundred (500) feet of the boundary of the proposed area of change in all directions from the subject property.

**8.12.2.4** Evidence that there is a public need for the zone change.

**8.12.2.5** Evidence that the zone change will be a County and / or neighborhood benefit, in that it will tend to preserve and promote property values in the neighborhood.

**8.12.2.6** Copy of the current deed of record identifying the current property owner of the subject property including:

- 8.12.2.6.1** Written authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.
- 8.12.2.6.2** If the proposed zone change application is not intended to rezone the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.
- 8.12.2.7** 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.
- 8.12.2.8** Explain what effect the proposed zoning and proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.
- 8.12.2.9** Evidence that the proposed zone change and proposed use will be in harmony and compatible with the surrounding land uses and development in the area.
- 8.12.2.10** List of names and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of property to be rezoned.
- 8.12.2.11** A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.
- 8.12.2.12** Proof of water, which 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 entity that notes that the proposed use can be serviced by a well.
- 8.12.2.13** Proof of sewage disposal, which may be a letter from a public sanitation district committing to provide service to the subject property for the proposed use or a copy of soil percolation test, by a Colorado Registered Professional Engineer performed on the subject property indicating that an individual sewage disposal system can adequately serve the proposed use on the property, or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.
- 8.12.2.14** A statement as to how the proposal complies with the intent and purposes of this Resolution.
- 8.12.2.15** A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.

**8.12.2.16** Proof of access rights to public roads when the property does not have adequate frontage on a County Road.

**8.12.2.17** When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.

**8.12.2.18** When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within five hundred (500) feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed zone change and CDOT's comments and requirements shall be provided.

**8.12.2.19** Such other and additional information as required by the Department, the Commission or the Board.

**8.13 ZONE CHANGE REQUIREMENTS FOR CLASSIFICATION #2:** For zone changes that change property to multi-family, business or industrial zone districts. (*MDR – Medium Density Residence, HDR – High Density Residence, MHP – Manufactured Home Park (Please see Section 4.10 for other requirements), TTP&CG – Travel Trailer Park & Campground (Please see Section 4.11 for other requirements), NB – Neighborhood Business, RHB – Rural Highway Business, B - Business, A - Airport, IP – Industrial Park, and I - Industrial*):

The zone change classification #2 application process provides two alternatives for applicants. The first alternative allows an applicant to obtain preliminary approval for the zone change through submittal of a Use Designation Plan, together with the appropriate fee. Approval of a Use Designation Plan results in a zone change approval for the use specified in the application, without providing the detailed submittal requirements of the Final Development Plan. Use Designation Plan approval shall expire one year after approval, if an application for Final Development Plan has not been submitted. If the Final Plan is not submitted within the one year time frame the zoning classification will revert back to the original zone classification.

Applications for the Use Designation Plan must adhere to all submittal, review and notice requirements (*Sections 8.4 and 8.5*) of this Resolution. The application will be reviewed by the Commission at a regular Commission meeting and by the Board at a public hearing. A contingency of approval for any Use Designation Plan shall require the applicant to obtain final approval of a Final Development Plan prior to any development of the property.

If the applicant is ready to develop the property, the Applicant may elect to submit an application for the Final Development Plan, together with the appropriate fee, and forego the Use Designation Plan process.

Applications for the Final Development Plan must adhere to all submittal, review and notice requirements (*Sections 8.4 and 8.5*) of this Resolution. The application will be reviewed by the Commission at a regular Commission meeting and by the Board at a public hearing. Approval of a Final Development Plan allows the Applicant to proceed with development, subject to compliance with any contingencies of approval.

The application packets shall include the following:

**8.13.1 USE DESIGNATION PLAN APPLICATION:** Three (3) copies of a drawing, prepared to professional standards, minimum size of 18" X 24", maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and three (3) reduced (*to 8 1/2" x 11" or 11" x 17"*) copies, all of which shall include the following: (*Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

- 8.13.1.1** The drawing shall contain a title, (*Name*) Zone Change Request from \_\_\_\_\_ Zone District (*existing*) to \_\_\_\_\_ Zone District (*proposed*);
- 8.13.1.2** The drawing shall contain a subtitle that provides a brief description of the proposed use.
- 8.13.1.3** Boundary drawing of the property with bearings and dimensions which illustrates the legal description of the subject property.
- 8.13.1.4** Legal description of the subject property;
- 8.13.1.5** The total amount of (*approximate*) square footage and acreage contained in the subject property.
- 8.13.1.6** Zoning classification for all adjoining lots, parcels, or tracts.
- 8.13.1.7** Written and graphic scale.
- 8.13.1.8** North arrow.
- 8.13.1.9** Vicinity map locating the property in relation to the surrounding area, streets, major natural features etcetera;
- 8.13.1.10** Provide a table on the drawing to indicate relationship between the proposed construction and existing construction to remain on the property in association with the development requirements of the proposed zone district.
- 8.13.1.10.1** Minimum lot size;
- 8.13.1.10.2** Maximum lot coverage;
- 8.13.1.10.3** Maximum building height;
- 8.13.1.10.4** Minimum lot width;
- 8.13.1.10.5** Minimum setback requirements;
- 8.13.1.10.5.1** Front yard;
- 8.13.1.10.5.2** Side yards (*two*);
- 8.13.1.10.5.3** Rear yard;
- 8.13.1.11** The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that will remain on the subject property after

development including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.13.1.11.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and / or proposed use.

**8.13.1.11.2** Approximate square footage and approximated dimensions of all such buildings and structures.

**8.13.1.12** The drawing shall illustrate the size, shape and location of all proposed buildings, structures and improvements including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.13.1.12.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its proposed use.

**8.13.1.13** Identify by label or note, all access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.

**8.13.1.14** Identify by label or note all off-street parking areas on the subject property.

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

**8.13.1.15** 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.*)

**8.13.1.16** Identify by label or note all existing easements located on the subject property.

**8.13.1.16.1** If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.

**8.13.1.17** Identify by label or note all proposed easements to be located on the subject property after the zone change-including:

**8.13.1.17.1** Dimensions from property lines at the beginning and end of the easement.

**8.13.1.18** Identify and locate all drainageways including FEMA flood areas.

**8.13.1.19** Identify and locate significant natural features of the subject property.

**8.13.1.20** Identify and locate all drainage facilities.

**8.13.1.21** If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.

**8.13.1.22** If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.

**8.13.1.23** Such other additional information on the drawing required by the Department, Commission, or the Board.

**8.13.2 OTHER APPLICATION REQUIREMENTS:** *(Most items will be addressed in the appropriate application form)*

**8.13.2.1** A statement of justification for the rezoning, including at least one (1) of the following conditions: *(Please explain answer)*.

**8.13.2.1.1** Evidence that the property was not properly zoned when existing zoning was imposed.

**8.13.2.1.2** Evidence that additional land is needed in the proposed zone district.

**8.13.2.1.3** Evidence that there has been a material change in the neighborhood that justifies the requested zone change.

**8.13.2.1.4** Evidence that the proposed zone change will be in conformance to the current Fremont County Master Plan in relation to the area.

**8.13.2.2** Written description of the types of buildings and or uses proposed if rezoning is granted.

**8.13.2.3** A written description of land and building uses within five-hundred (500) feet of the boundary of the proposed area of change in all directions from the subject property.

**8.13.2.4** Evidence that there is a public need for the zone change.

**8.13.2.5** Evidence that the zone change will be a County and or neighborhood benefit, in that it will tend to preserve and promote property values in the neighborhood.

**8.13.2.6** Explain what effect the proposed zoning and proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.

- 8.13.2.7** Evidence that the proposed zone change and proposed use will be in harmony and compatible with the surrounding land uses and development in the area.
- 8.13.2.8** A copy of the current deed of record identifying the current property owner of the subject property including:
- 8.13.2.8.1** Written authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.
  - 8.13.2.8.2** If the proposed zone change application is not intended to cover the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.
- 8.13.2.9** Proof of water, which 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, which indicates that the proposed use can be serviced by a well.
- 8.13.2.10** Proof of sewage disposal, which may be a letter from a public sanitation district committing to provide service for the proposed use or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system 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.
- 8.13.2.11** Refuse disposal plan: The storage, collection, and disposal of refuse 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*).
- 8.13.2.12** 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.
- 8.13.2.13** Drainage Plan and Report as per Section 5.10 of this Resolution.
- 8.13.2.14** Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the zone change. If non-applicable, provide a justification statement as to why such regulations are non-applicable.



- 8.13.2.15** A fire protection plan 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.
- 8.13.2.16** All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.13.2.17** A statement describing the proposed uses.
- 8.13.2.18** A statement as to the existing zoning district of the land to be used.
- 8.13.2.19** Statement that the proposal complies with the intent and purposes of this Resolution. (*See Fremont County Zoning Resolution 1.1 & 1.3*)
- 8.13.2.20** A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.
- 8.13.2.21** Proof of access rights to public roads when the property does not have adequate frontage on a County Road.
- 8.13.2.22** When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.
- 8.13.2.23** When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed zone change and CDOT's comments and requirements shall be provided.
- 8.13.2.24** A list of names and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the subject property.
- 8.13.2.25** A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.
- 8.13.2.26** Such other and additional information as required by the Department, the Commission or the Board.
- 8.13.3 FINAL DEVELOPMENT PLAN APPLICATION:** Three (3) copies of a drawing, prepared to professional standards, minimum size of 18" X 24", maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1"

= 200' unless otherwise approved by the Department prior to submittal of the application; and three (3) reduced (*to 8 1/2" x 11" or 11" x 17"*) copies, all of which shall include the following: (*Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

**8.13.3.1** The drawing shall contain a title, (*Name*) Zone Change Request from \_\_\_\_\_ Zone District (*existing*) to \_\_\_\_\_ Zone District (*proposed*);

**8.13.3.2** The drawing shall contain a subtitle that provides a brief description of the proposed use.

**8.13.3.3** Boundary drawing of the property with bearings and dimensions which illustrates the legal description of the subject property.

**8.13.3.4** Legal description of the subject property;

**8.13.3.5** The total amount of square footage and acreage contained in the subject property.

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

**8.13.3.7** Written and graphic scale.

**8.13.3.8** North arrow.

**8.13.3.9** Vicinity map locating the property in relation to the surrounding area, streets, major natural features etcetera;

**8.13.3.10** Provide a table on the drawing to indicate relationship between the proposed construction and existing construction to remain on the property in association with the development requirements of the proposed zone district.

**8.13.3.10.1** Minimum lot size;

**8.13.3.10.2** Maximum lot coverage;

**8.13.3.10.3** Maximum building height;

**8.13.3.10.4** Minimum lot width;

**8.13.3.10.5** Minimum setback requirements;

**8.13.3.10.5.1** Front yard;

**8.13.3.10.5.2** Side yards (*two*);

**8.13.3.10.5.3** Rear yard.

**8.13.3.11** The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that will remain on the subject property after development including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

**8.13.3.11.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and / or proposed use.

**8.13.3.11.2** Location dimensions from at least two (2) property lines for each such building, structure and or improvement.

**8.13.3.11.3** Square footage and dimensions of all such buildings and structures.

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

**8.13.3.12** The drawing shall illustrate the size, shape and location of all proposed buildings, structures and improvements including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

**8.13.3.12.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its proposed use.

**8.13.3.12.2** Location dimensions from at least two (2) property lines for each proposed building and/or structure.

**8.13.3.12.3** Square footage and dimensions of all buildings and structures.

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

**8.13.3.13** Identify by label or note each internal roadway proposed on the subject property after development including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

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

**8.13.3.13.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.

**8.13.3.13.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.

**8.13.3.13.4** All internal traffic circulation patterns by line symbol.

**8.13.3.13.5** The surface type, the width and thickness, of each internal roadway.

**8.13.3.14** Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

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

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

**8.13.3.15** Identify by label or note all off-street parking areas on the subject property including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

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

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

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

**8.13.3.15.3** 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 symbols may be used*)

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

**8.13.3.15.3.2** A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each use category, in comparison to the numbers proposed by this application.

**8.13.3.16** 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: (*Note: Typical type drawings and-or tables may be used to express the required information if appropriate.*)

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

**8.13.3.16.2** Proposed surface type for all off-street loading areas. (*See Section 5.3.2 of this Resolution for requirements*)

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

**8.13.3.17** 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 for requirements*). (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.13.3.18** 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 for requirements*) including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.13.3.18.1** The heights of light poles and illustrate the lighting coverage area.

**8.13.3.18.1.1** Proposed lighting shall not direct light onto any public roadways.

**8.13.3.18.1.2** Lighting shall not be directed toward surrounding properties.

**8.13.3.18.1.2.1** Shielding of lighting, or other methods, may be required to mitigate impacts to surrounding properties.

**8.13.3.19** Identify by label or note, and locate by dimension, the specific type of on-site identification signage proposed, including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.13.3.19.1** Total square footage of all proposed signs along with the width and length of proposed signs.

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

**8.13.3.19.3** A statement or note shall be provided to signify whether or not the proposed signs will be illuminated.

**8.13.3.19.3.1** Illuminated signage shall not direct light onto any public roadways.

**8.13.3.19.3.2** Illuminated signage shall not direct light onto adjoining properties.

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

**8.13.3.21** Identify by label or note all existing easements located on the subject property including:

- 8.13.3.21.1** Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.
- 8.13.3.21.2** Width at the beginning and the end of the easement and at any points along the easement where the width changes.
- 8.13.3.21.3** If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.
- 8.13.3.22** Identify by label or note all proposed easements to be located on the subject property after the zone change including:
- 8.13.3.22.1** Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.
- 8.13.3.22.2** Width at the beginning and the end of the easement and at any points along the easement where the width changes.
- 8.13.3.23** Identify by label or note and locate and size, by dimension(s) all service and refuse areas.
- 8.13.3.24** Identify and locate all drainageways including FEMA flood areas, by dimensions from property lines.
- 8.13.3.25** Identify and locate, by dimensions, significant natural features of the subject property.
- 8.13.3.26** Identify and locate all drainage facilities, including:
- 8.13.3.26.1** Dimension all drainage facilities.
- 8.13.3.26.2** All drainage facilities shall be designated as a drainage easement.
- 8.13.3.27** Designate soil type areas.
- 8.13.3.27.1** In a table provide a brief description of the soil characteristics.
- 8.13.3.28** If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.
- 8.13.3.29** If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.

**8.13.3.30** Such other additional information on the drawing required by the Department, Commission, or the Board.

**8.13.4 OTHER APPLICATION REQUIREMENTS:** *(Most items will be addressed in the appropriate application form)*

**8.13.4.1** A statement of justification for the rezoning, including at least one (1) of the following conditions: *(Please explain answer)*.

**8.13.4.1.1** Evidence that the property was not properly zoned when existing zoning was imposed.

**8.13.4.1.2** Evidence that additional land is needed in the proposed zone district.

**8.13.4.1.3** Evidence that there has been a material change in the neighborhood that justifies the requested zone change.

**8.13.4.1.4** Evidence that the proposed zone change will be in conformance to the current Fremont County Master Plan in relation to the area.

**8.13.4.2** Written description of the types of buildings and or uses proposed if rezoning is granted.

**8.13.4.3** A written description of land and building uses within five-hundred (500) feet of the boundary of the proposed area of change in all directions from the subject property.

**8.13.4.4** Evidence that there is a public need for the zone change.

- 8.13.4.5** Evidence that the zone change will be a County and or neighborhood benefit, in that it will tend to preserve and promote property values in the neighborhood.
- 8.13.4.6** Explain what effect the proposed zoning and proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.
- 8.13.4.7** Evidence that the proposed zone change and proposed use will be in harmony and compatible with the surrounding land uses and development in the area.
- 8.13.4.8** A copy of the current deed of record identifying the current property owner of the subject property including:
- 8.13.4.8.1** Written authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.
- 8.13.4.8.2** If the proposed zone change application is not intended to cover the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.
- 8.13.4.9** Proof of water, which 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, which indicates that the proposed use can be serviced by a well.
- 8.13.4.10** Proof of sewage disposal, which may be a letter from a public sanitation district committing to provide service for the proposed use or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system 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.
- 8.13.4.11** Refuse disposal plan: The storage, collection, and disposal of refuse 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*).
- 8.13.4.12** 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.



- 8.13.4.13** Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities. (*County will not accept maintenance of these facilities*). Such deed shall be recorded at the time of recording of the Zone Change.
- 8.13.4.14** Drainage Plan and Report as per Section 5.10 of this Resolution.
- 8.13.4.15** Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the zone change. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.13.4.16** A fire protection plan 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.
- 8.13.4.17** A detailed utility plan showing the location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. The plan shall include the signatures of all the utility companies involved noting their approval of the plan.
- 8.13.4.18** All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.13.4.19** A statement describing the proposed uses.
- 8.13.4.20** A statement as to the existing zoning district of the land to be used.
- 8.13.4.21** Statement that the proposal complies with the intent and purposes of this Resolution. (*See Fremont County Zoning Resolution 1.1 & 1.3*)
- 8.13.4.22** A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.
- 8.13.4.23** Proof of access rights to public roads when the property does not have adequate frontage on a County Road.

- 8.13.4.24** When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.
- 8.13.4.25** When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed zone change and CDOT's comments and requirements shall be provided.
- 8.13.4.26** Designate soil types and descriptions.
- 8.13.4.27** A list of names and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the subject property.
- 8.13.4.28** A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.
- 8.13.4.29** Such other and additional information as required by the Department, the Commission or the Board.

## **8.14 CONDITIONAL USE PERMITS AND SPECIAL REVIEW USE PERMITS**

**8.14.1 PURPOSE:** This section sets forth procedures to be followed to determine if a particular use or more than one use is appropriate in a particular district depending upon the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. It is the purpose of this section to provide review of such uses to assure that they are compatible with surrounding land uses and are not in conflict with the objectives of the zoning resolution.

### **8.14.2 OTHER APPLICATION REQUIREMENTS:**

**8.14.2.1** Copy of the current deed of record identifying the current property owner of the subject property including:

**8.14.2.1.1** Written authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.

**8.14.2.1.2** If the proposed use permit application is not intended to cover the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.

**8.14.2.2** A statement describing the proposed operation.

**8.14.2.3** A statement as to the existing zoning district of the land to be used.

**8.14.2.4** Explain what effect the proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.

**8.14.2.5** Evidence that the proposed use(s) will be in harmony and compatible with the surrounding land uses and development in the area. If not in harmony and compatible what measures can be taken to make it in harmony and compatible.

**8.14.2.6** Proof of access rights to public roads when the property does not have adequate frontage on a County Road.

**8.14.2.7** When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.

**8.14.2.8** When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed Use Permit and CDOT's comments and requirements shall be provided.

- 8.14.2.9** Statement that the proposal complies with the intent and purposes of this Resolution. (*See Fremont County Zoning Resolution 1.1 and 1.3*).
- 8.14.2.10** A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.
- 8.14.2.11** A list of names and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the conditional use permit or special review use permit property.
- 8.14.2.12** A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.
- 8.14.2.13** Proposed hours and days of operation.
- 8.14.2.14** The identity of all agencies of local, state, or federal government that will be required to issue any permit or license or the like for all or part of the activity that comprises the use. This section shall also require the applicant to summarize the status of the applications pending before the identified agencies including a copy of any such application and supporting materials.
- 8.14.2.14.1** If the application is for a mining operation then at a minimum the proposed mining and reclamation plans shall accompany the application.
- 8.14.2.15** Proof of water, which 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.
- 8.14.2.16** Proof of sewage disposal, which may be a letter from a public sanitation district, committing to provide service for the proposed use or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system 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.
- 8.14.2.17** 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.
- 8.14.2.18** Refuse disposal plan: The storage, collection, and disposal of refuse 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 shall be required*)

- 8.14.2.19** Drainage Plan and Report as per Section 5.10 of this Resolution.
- 8.14.2.20** Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities, prior to recording of the use permit. (*County will not accept maintenance of these facilities*). Such deed shall be recorded at the time of recording of the use permit.
- 8.14.2.21** Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the use permit. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.14.2.22** A fire protection plan 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.
- 8.14.2.23** 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. The plan shall include the signatures of all the utility companies noting their approval of the plan.
- 8.14.2.24** All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.14.2.25** Such other and additional information as required by the Department, the Commission or the Board.
- 8.14.3 DRAWING REQUIREMENTS:** Three (3) copies of a drawing, prepared to professional standards, minimum size of 18" X 24", maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and three (3) reduced (*to 8 1/2" x 11" or 11" x 17"*) copies, all of which shall include the following: (*Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

**8.14.3.1** The drawing shall contain a title: "Conditional Use Permit for \_\_\_\_\_(*name*)" or "Special Review Use Permit \_\_\_\_\_(*name*)".

**8.14.3.1.1** The drawing shall contain a subtitle that provides a brief description of the proposed use.

**8.14.3.2** Boundary drawing of the property with bearings and dimensions which illustrates the legal description of the subject property;

**8.14.3.3** Legal description of the subject property;

**8.14.3.4** The total amount of square footage and acreage contained in the subject property;

**8.14.3.5** The zoning classification for the subject property;

**8.14.3.6** Zoning classification for all adjoining lots, parcels, or tracts;

**8.14.3.7** Written and graphic scale;

**8.14.3.8** North Arrow;

**8.14.3.9** A vicinity map locating the subject property in relation to surrounding area, streets, major natural features, etcetera;

**8.14.3.10** Provide a table on the drawing to indicate relationship between the proposed construction and existing construction to remain on the property in association with the development requirements of the proposed zone district;

**8.14.3.10.1** Minimum lot size;

**8.14.3.10.2** Maximum lot coverage;

**8.14.3.10.3** Maximum building height;

**8.14.3.10.4** Minimum lot width;

**8.14.3.10.5** Minimum setback requirements;

**8.14.3.10.5.1** Front yard;

**8.14.3.10.5.2** Side yards (*two sides*);

**8.14.3.10.5.3** Rear yard;

**8.14.3.11** The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that will remain on the subject property including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

**8.14.3.11.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.

**8.14.3.11.2** Location dimensions from at least two property lines for each such building, structure and/or improvement.

**8.14.3.11.3** Square footage and dimensions of all buildings and structures.

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

**8.14.3.12** The drawing shall illustrate the size, shape and location of all proposed buildings, structures and improvements including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

**8.14.3.12.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its proposed use.

**8.14.3.12.2** Location dimensions from at least two property lines for each proposed building, structure or improvement.

**8.14.3.12.3** Square footage and dimensions of all buildings and structures.

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

**8.14.3.13** Identify by label or note all off-street parking areas on the subject property including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

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

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

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

**8.14.3.13.3** 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)*

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

**8.14.3.13.3.2** A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each category in comparison to the numbers proposed by this application.

**8.14.3.14** 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: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

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

**8.14.3.14.2** Proposed surface type for all off-street loading areas. (*See Section 5.3.2 of this Resolution for requirements.*)

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

**8.14.3.15** 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*) (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.14.3.16** Identify by label or note each internal roadway proposed on the subject property after development including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

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

**8.14.3.16.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.

**8.14.3.16.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.

**8.14.3.16.4** All internal traffic circulation patterns by line symbol.

**8.14.3.16.5** The surface type, width and thickness, of each internal roadway.

**8.14.3.17** Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including: (*Note: Typical type*



*drawings and or tables may be used to express the required information if appropriate.)*

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

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

**8.14.3.18** Identify by label or note and locate and size, by dimension(s) all service and refuse areas.

**8.14.3.19** Identify and locate all drainageways including FEMA flood areas, by dimensions from property lines.

**8.14.3.20** Identify and locate significant natural features of the subject property by dimensions from the property lines.

**8.14.3.21** Identify and locate all drainage facilities including:

**8.14.3.21.1** Dimension all drainage facilities.

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

**8.14.3.22** 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: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.14.3.22.1** The height of light poles and illustrate the lighting coverage area.

**8.14.3.22.1.1** Proposed lighting shall not direct light onto any public roadways.

**8.14.3.22.1.2** Lighting shall not be directed toward surrounding properties.

**8.14.3.22.1.2.1** Shielding of lighting, or other methods, may be required to mitigate impacts to surrounding properties.

**8.14.3.23** Identify by label or note, and locate by dimension, the specific type of on-site identification signage proposed, including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.14.3.23.1** Total square footage of all proposed signs along with the width and length of the proposed signs.

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

**8.14.3.23.3** A statement or note shall be provided to signify whether or not the proposed signs will be illuminated.

**8.14.3.23.3.1** Illuminated signage shall not direct light onto any public roadways.

**8.14.3.23.3.2** Illuminated signage shall not direct light onto adjoining properties.

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

**8.14.3.25** Identify by label or note all existing easements located on the subject property including:

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

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

**8.14.3.25.3** If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.

**8.14.3.26** Identify by label or note all proposed easements to be located on the subject property after the development including:

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

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

**8.14.3.27** Designate soil type areas.

**8.14.3.27.1** In a table provide a brief description of the soil characteristics.

**8.14.3.28** If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.

**8.14.3.29** If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.

**8.14.3.30** Such other additional information on the drawing required by the Department, Commission, or the Board.

**8.14.4 APPROVAL CRITERIA:** The Board may approve the application for conditional use permit or special review use permit provided that it is established by evidence presented to the Board that the proposed use is in accordance with the provisions of the Fremont County Master Plan and the Zoning Resolution, and further that the following qualifications have been met:

**8.14.4.1** The procedural requirements of this section have been met.

**8.14.4.1.1** The location of the proposed use is compatible and harmonious with the surrounding neighborhood.

**8.14.4.1.2** The proposed use will not have detrimental effect on property values.

**8.14.4.1.3** The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities, or adverse environmental influences.

**8.14.4.1.4** The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.

**8.14.4.1.5** The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.

**8.14.4.1.6** The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety, and welfare of the inhabitants of the County, and will not cause significant air, water, noise, or other pollution.

**8.14.4.2** In approving an application for a conditional use permit or special review use permit, the Board may require higher standards for site development than listed for such use in this Resolution and may make approval contingent on the acceptance and

observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

**8.14.4.2.1** Conformity to plans and drawings submitted with the application.

**8.14.4.2.2** The provision for open spaces, buffer strips, screen walls, fences, hedges, and landscaping.

**8.14.4.2.3** The volume of traffic generated, vehicular movements, and points of vehicular ingress and egress.

**8.14.4.2.4** Performance characteristics related to emission of noise, vibration, and other potentially dangerous or objectionable elements, or environmental impacts.

**8.14.4.2.5** Limits on time and days of operation for the conducting of specific activity.

**8.14.4.2.6** Guarantees as to compliance with the terms of the approval.

**8.14.4.2.7** Obtaining all other permits or licenses required by any governmental or regulatory agency.

**8.14.4.2.8** Other off-site impacts.

**8.14.4.3** No approved conditional use permit or special review use permit shall be assigned, conveyed, or transferred without notification to the Department accompanied by a written statement from the assignee or transferee that the assignee or transferee assumes responsibility for the performance of all obligations, conditions, and guarantees originally imposed upon the original permit. The statement shall be considered for approval by the Board without the necessity of a public hearing. The Board shall consider the ability of the proposed transferee to comply with the conditions, obligations, and guarantees of the original conditional use permit or special review use permit.

**8.14.4.4** If a conditional use permit or special review use permit is approved under this section, is abandoned, discontinued or terminated, for a period of six (6) months, the approval thereof shall be deemed expired and the use may not be resumed without approval of a new application pursuant to the procedures and conditions of this section. Provided, however, if the holder of the permit intends to, or does temporarily cease the conditional use permit or special review use permit for six (6) months or more without intending to abandon, discontinue, or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six (6) month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their applications a statement that the use would continue for less than six (6) months in each year, and such fact is noted on the permit. In no

case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.

**8.14.4.5** The approval of a conditional use permit or special review use permit may be deemed suspended by the Board at a public meeting upon the expiration or termination of the permit holder's right to possession of the permit site, or if any other required permit expires or is terminated or revoked, which suspension shall continue until the permit holder reinstates or renews such right to possession or any required permit. Provided, however, no period of suspension shall extend beyond the term of the permit or any extension thereof. No use authorized by the conditional use permit or special review use permit shall be allowed upon the property during any period of suspension.

**8.14.4.6** The holder of the conditional use permit or special review use permit shall be given reasonable notice of the date and time of the Board meeting at which suspension of the conditional use permit or special review use permit will be discussed and decided. The conditional use permit or special review use permit holder will be afforded an opportunity to address the Board on the issue of suspension of the conditional use permit or special review use permit at such meeting.

**8.14.5 ADDITIONAL GENERAL REQUIREMENTS/CONDITIONAL USE PERMIT:** A statement setting forth the estimated duration of the conditional use permit and the length of time requested for the permit to remain in effect.

**8.14.6 ADDITIONAL APPROVAL CRITERIA/CONDITIONAL USE PERMIT/SPECIAL REVIEW USE:**

**8.14.6.1** Any application for a conditional use permit or special review use permit may include one (1) or more uses for which a conditional use permit or special review use permit is required.

**8.14.6.2** In the absence of a specific finding that the conditional use permit should be issued for a term greater or lesser than ten (10) years, all conditional use permits issued under this section shall be for a term of ten (10) years. Such term includes that period of time after cessation of the use necessary to complete reclamation of disturbed lands or compliance with any other conditions that may have been set forth in the original permit. Except under circumstances where a greater or lesser term has been specified and subject to the other provisions of this paragraph, the applicant may be entitled to successive ten (10) year renewals of the permit upon application to the Board through the Department. Such application for renewal shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions, and guarantees of the original permit shall be

a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in 8.5.4 and 8.5.5 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been noncompliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (*in which case the application will be treated as a new application subject to all standards and criteria of this section*), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Conditional use permits originally issued or extended for a term greater or lesser than ten (10) years may be extended as set forth herein for such term as may be determined by the Board.

**8.14.6.3** If a conditional use permit has been approved or extended under this section for a specified term, the use may not be lawfully continued upon expiration of that term unless and until an extension thereof is approved under this section.

**8.14.6.4** Any conditional use permit lawfully in existence at the time of adoption of this Resolution shall be eligible for renewal or extension in accordance with the renewal or extension provisions of the current zoning resolution. Such eligibility shall exist regardless of whether the conditional use is authorized in the zone district established by this Resolution.

**8.14.6.5** All conditional use permits approved in accordance with this section shall be subject to review by the Board on a yearly basis, after the date of issuance or extension of the permit, or the date of assignment thereof. In the absence of a complaint such review shall be informal and without the necessity of a public hearing. If such review is accompanied by a complaint, the review shall be held by the Board at their next regularly scheduled meeting and the applicant shall be notified. The standards for review in either case shall include compliance with any other required permits, a review of the activities of the permit holder, and any other matter relevant to the holder, and any other matter relevant to the permit. The permit holder shall attend such review and furnish information that may be relevant.

**8.14.6.6** If a conditional use is issued for a specific period, the period shall begin to run on the date the application is approved by the Board unless another date is fixed by the Board.

**8.14.6.7** The specified term of a Special Review Use Permit is for life of the use unless otherwise specified by the Board. If an application for renewal is required, it shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to

remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in 8.5.4 and 8.5.5 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been non-compliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (*in which case the application will be treated as a new application subject to all standards and criteria of this section*), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Special Review Use Permits originally issued or extended for a term as specified by the Board may be extended as set forth herein for such term as may be determined by the Board.

#### **8.14.7 SPECIAL REQUIREMENTS/SPECIAL REVIEW USES:**

**8.14.7.1 AIRPORTS, PRIVATE:** The following information shall be provided with the application:

**8.14.7.1.1** Physical description of the landing area and its immediately adjacent area satisfactory to demonstrate the safety of take-offs and landings therefrom, to include a vicinity map locating the proposed airport site in relation to surrounding areas, streets, structures, railways, mains, pipes, conduits, wires, cables, poles, and all other facilities and equipment that may interfere with the location, expansion, development, improvement, or use of such airport.

**8.14.7.1.2** Written description of the flight plan or flight plans that will be regularly employed, to include:

**8.14.7.1.2.1** How take-offs and landings will be accomplished, specifically including directions and minimum altitudes necessary to safely operate;

**8.14.7.1.2.2** Minimum altitudes that will be maintained at various relevant points during the normal flight path within Fremont County; and

**8.14.7.1.2.3** A map or other suitable drawing indicating the regular flight paths to be taken within Fremont County.

**8.14.7.1.3** Proof that the applicant has liability insurance or the ability to acquire liability insurance of a minimum amount to be determined by the Board. Upon issuance of a special review use permit, applicants shall comply with all terms and conditions of its insurance policy and adhere to all representations made by

the applicant therein in order that the coverage not be rendered inapplicable for any reason. Said insurance policy shall also provide for additional insurance as determined by the Board. (*A current certificate of insurance shall be continuously on file with the Board.*)

**8.14.7.2 ADULT USES:** The following requirements shall be met:

**8.14.7.2.1** No adult use shall be permitted within one-thousand (1,000) feet of any residentially zoned property or property used for a dwelling, measured from the closest property line of such residentially zoned property or dwelling property to the property line of the adult use. Residentially zoned property shall refer to property zoned Agricultural Forestry, Agricultural Farming & Ranching, Agricultural Living, Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, High Density Residence, Manufactured Home Park and Travel Trailer Park & Campground zone districts.

**8.14.7.2.2** No adult use shall be permitted within one-thousand (1,000) feet of any public park, school, church, other adult use, or liquor licensed establishment subject to the State of Colorado liquor code, measured from the closest property line of such public park, school, church, other adult use, or liquor licensed establishment to the property line of the adult use.

**8.14.7.2.3** Adult use buildings, entries, windows, and openings shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

**8.14.7.2.4** Adult use structures, signs, and buildings shall not be painted in garish (*excessively vivid*) colors, nor shall promotional materials or displays be exhibited, such as to effectuate the same purposes as a sign.

**8.14.7.3 KENNELS:** The following requirements shall be included in or with the application:

**8.14.7.3.1** Setbacks for all facilities, including dog runs, shall be a minimum of twenty-five (25) feet from all property lines unless otherwise specified by this Resolution.

**8.14.7.3.2** All facilities must be fenced so as to restrict dogs or cats from escaping.

**8.14.7.3.3** A suitable drainage method shall be provided to eliminate excess water from all facilities.

**8.14.7.3.4** Proposed method of waste disposal.



**8.14.7.3.5** Copy of license issued by the Department of Agriculture as related to the Rules and Regulations pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act.

**8.14.7.3.6** Copy of license from Colorado Greyhound Racing Commission for all greyhound kennels.

**8.14.7.4 ANTENNAS & TOWERS:** The following information shall be provided with the application and in addition to the other requirements of the Special Review Use:

**8.14.7.4.1** Lot size shall be determined with the height of the antenna or tower and other development requirements that may govern the size.

**8.14.7.4.2** Setbacks for the antenna and tower shall not be less than the district development regulations or twenty-five (25) per cent of the facility height, whichever is greater, unless waived by the Board.

**8.14.7.4.3** A design plan addressing the materials, colors, textures, screening, and landscaping that will be used in the design of the antenna, tower, or related structures. The materials used shall, as to the extent possible, blend into the natural setting and surrounding buildings.

**8.14.7.4.4** A lighting plan if required by the Federal Aviation Administration or other applicable authority.

**8.14.7.4.5** A report by a Colorado registered engineer demonstrating compliance with applicable structural standards and the general capacity of the proposed facility.

**8.14.7.4.6** A report or site plan that addresses the relative shape, size, and location of all existing and proposed antennas, towers, guy wire anchors, warning signs, and fencing within a radius of 500 feet of the boundaries of the property that will house the tower and/or antenna.

**8.14.7.4.7** The distance between the antenna and/or tower from the nearest residential unit.

**8.14.7.4.8** Evidence that demonstrates that no existing antennas and/or towers or alternative technology can accommodate the applicant's proposed antenna and/or tower.

**8.14.7.4.9** The following is a list of additional factors that may be considered in the granting of a Special Review Use permit for antennas and towers and related structures:

**8.14.7.4.9.1** Height of the tower;

**8.14.7.4.9.2** Proximity of the tower to residential structures and residential district boundaries;

**8.14.7.4.9.3** Surrounding topography;

**8.14.7.4.9.4** Surrounding tree coverage and foliage;

**8.14.7.4.9.5** Design of tower, with particular reference to characteristics that have the effect of reducing, or eliminating visual obtrusiveness.

#### **8.14.8 VIOLATIONS:**

**8.14.8.1** Operation or continuance of use that requires a conditional use permit or special review use permit will subject the violator to the penalties in effect set forth at 1.6.2 of this Resolution, together with any penalties provided by state or local law.

**8.14.8.2** The Department, the Code Enforcement Officer, or any other interested person who is affected thereby, may file a written complaint with the Department alleging a violation(s) of one or more conditions of the permit. The Department or Code Enforcement Officer shall investigate the complaint and determine if the holder of a Conditional Use Permit or Special Review Use Permit has violated one or more conditions of the same.

**8.14.8.3** If the Department or Code Enforcement Officer determines that a violation(s) of a permit has occurred or is occurring, written notice of the violation(s) shall be provided to the holder of the permit, which shall be mailed by U.S. Certified Mail, return receipt request to the address of the holder as shown by the records of the Department. The notice shall state the alleged violation(s) of the permit conditions. The notice shall provide the permit holder a reasonable time to correct such violation(s) and shall provide that if the violation(s) is not corrected within such time, the permit may be subject to suspension or termination by the Board.

**8.14.8.4** Upon receipt of the notice, the permit holder may object to the claimed violation(s) by submitting a written statement setting forth such objection to the Department, and shall specify and set forth any facts that may show that no violation(s) has occurred. The Department shall review the objection and shall contact the permit holder to attempt to resolve the dispute. If informal discussions do not resolve the dispute, the Department shall schedule the matter on the agenda for hearing at a regular meeting of the Board. The permit holder shall be provided a written notice of the date and time of the hearing, which shall be mailed by U.S. Certified Mail, return receipt requested, no later than ten (10) days prior to the hearing date.

**8.14.8.5** Upon receipt of a second or subsequent complaint alleging repeated or new violations of a permit by a permit holder, the Department or Code Enforcement Officer shall investigate the complaint and determine if the holder of a Conditional Use Permit or Special Review Use Permit has violated one or more conditions of the same. If the Department or Code Enforcement Officer determines that another violation(s) of a permit has occurred or is occurring, the Department shall schedule the matter on the agenda for hearing at a regular meeting of the Board. The permit holder shall be provided a written notice of the alleged violation(s) and the date and time of the hearing, which shall be mailed by U.S. Certified Mail, return receipt requested, no later than ten (10) days prior to the hearing date.

**8.14.8.6** Upon receipt of the combined notice of violation(s) and notice of hearing for a second or subsequent violation(s) of a permit, the permit holder may object to the claimed violation(s) by submitting a written statement setting forth such objection to the Department, and shall specify and set forth any facts that may show that no violation(s) has occurred.

**8.14.8.7** At the hearing conducted by the Board, the Department, Code Enforcement Officer, permit holder, and any other interested person shall be allowed to present evidence and testimony concerning the alleged violation(s). The burden of proving the violation by a preponderance of the evidence shall be on the Department.

**8.14.8.8** If the Board determines that one or more violations of the conditions of the permit have occurred, it may take any action it deems appropriate and consistent with the intent and purpose of this Resolution including, but not limited to, termination or limited suspension of the conditional use or special review use permit, providing a reasonable time period for correction of any violation(s), and imposition of additional permit conditions. The decision of the Board shall be final agency action by the County.

## **8.15 COMMERCIAL DEVELOPMENT PLAN**

**8.15.1 GOAL:** Fremont County continues to welcome new business and industrial interests while constantly working to enhance conditions for continued success of its existing commercial enterprises and land use compatibility for its residents and visitors. Fremont County works to ensure an understanding of regulations and will provide information and guidance necessary for applicants to provide representation adequate for review by appropriate entities.

**8.15.2 PURPOSE:** Commercial Development Plan Applications provide adequacy review of proposed business, industrial and multi-family developments and significant expansions of the same. These applications provide an opportunity for the governing body, service providers, utility providers, neighborhood property owners and applicants to judge the potential impacts, positive and negative, of a development. Commercial development review provides opportunity to evaluate existing infrastructure to determine the scope of necessary improvements to adequately service the proposed development or expansion and determine the burden of expense while ensuring a continued level of service to the current neighborhood. Such applications provide a chance for neighborhood and constituent input for suggestions of ways to make the proposed development as compatible as possible.

**8.15.3** In order to determine if a Commercial Development Plan is required, a zoning verification is required along with completing a Commercial Development Plan Questionnaire. Upon receipt of a complete questionnaire the Department will notify, the potential applicant, in writing, as to whether the Commercial Development Plan application is or is not required.

**8.15.4** A Commercial Development Plan shall be in effect for three (3) years from the date of approval by the Board, unless an extension has been granted by formal action of the Board.

**8.15.5** At the time of application the applicant may propose phasing of the development with a defined time frame for the phasing.

**8.15.5.1** No phasing shall be approved that exceeds a total time frame of six (6) years for completion of the development.

**8.15.6** Completion of all the items proposed by the application and required by the approval shall be accomplished within three years of the date of approval by the Board, unless an extension has been granted by formal action of the Board.

**8.15.7 WHEN REQUIRED:** A Commercial Development Plan Application will be required to be submitted for any of the following:

**8.15.7.1** Any proposal to develop vacant property which is currently located in the Medium Density Residence and or High Density Residence Zone Districts. Note:

As per Colorado Revised Statute (CRS) any property zoned Medium or High Density residence will be required to make application for an appropriate subdivision process prior to development, if more than one dwelling unit is proposed.

- 8.15.7.2** Any proposal to develop vacant property which is currently located in the Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.
- 8.15.7.3** Any substantial change of use (*or occupancy as per the building code*) from one use that is allowed in the zone district to another use in the Medium Density Residence, High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.
- 8.15.7.4** Any substantial expansion or improvements and or enlargement of an existing use in the Medium Density Residence, High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park, and Industrial Zone Districts.
- 8.15.8 WHEN NOT REQUIRED:** A Commercial Development Plan will not be required if any of the following apply:
- 8.15.8.1** When a Commercial Development Plan has been previously approved and there is no proposed substantial change of use.
- 8.15.8.1.1** When a Commercial Development Plan has been previously approved for the subject property and there is no proposed substantial expansion or alteration of the proposed buildings, structures or improvements.
- 8.15.8.1.2** When a Commercial Development Plan has been previously approved for the subject property and there is no proposed substantial enlargement of the proposed use.
- 8.15.8.1.3** When a Commercial Development Plan has been previously approved for the subject property and not more than three (3) years has passed since the approval of the Commercial Development Plan.
- 8.15.8.1.4** When a Preliminary Plan and a Final Plat Application is submitted in conjunction with a zone change application.
- 8.15.8.1.5** When a Minor Subdivision Application is submitted in conjunction with a zone change application.
- 8.15.8.2** When an application for Zone Change of the subject property is necessary to allow the proposed use.

**8.15.8.3** When an application for a Special Review Use or Conditional Use Permit is required for the proposed use in zone districts where the use is allowed by the issuance of such a use permit.

**8.15.9** Three (3) copies of a drawing, prepared to professional standards, minimum size of 18" X 24", maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and three (3) reduced (*to 8 1/2" x 11" or 11" x 17"*) copies all of which shall include the following: (*Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

**8.15.9.1** The drawing shall contain a title; (*Name*) Commercial Development Plan.

**8.15.9.2** The drawing shall contain a subtitle that provides a brief description of the proposed use.

**8.15.9.3** The total amount of square footage and acreage contained in the subject property.

**8.15.9.4** The zoning classification for the subject property.

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

**8.15.9.6** Written and graphic scale.

**8.15.9.7** North arrow.

**8.15.9.8** Legal description of the subject property.

**8.15.9.9** Boundary drawing of the property with bearings and dimensions which illustrate the legal description of the subject property.

**8.15.9.10** Vicinity map locating the subject property in relation to the surrounding area, streets, major natural features, etcetera.

**8.15.9.11** Provide a table on the drawing to indicate relationship between the proposed construction and existing construction to remain on the property in association with the development requirements of the proposed zone district.

**8.15.9.11.1** Minimum lot size;

**8.15.9.11.2** Maximum lot coverage;

**8.15.9.11.3** Maximum building height;

**8.15.9.11.4** Minimum lot width;

**8.15.9.11.5** Minimum setback requirements;

**8.15.9.11.5.1** Front yard;

**8.15.9.11.5.2** Side yards (*two*);

**8.15.9.11.5.3** Rear yard.

**8.15.9.12** The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that will remain on the subject property including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.15.9.12.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.

**8.15.9.12.2** Location dimensions from at least two (2) property lines for each such building and/or structure and or improvement.

**8.15.9.12.3** Square footage and dimensions of all buildings and structures.

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

**8.15.9.13** The drawing shall illustrate the size, shape and location of all proposed buildings, structures and improvements including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

**8.15.9.13.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its proposed use.

**8.15.9.13.2** Location dimensions from at least two (2) property lines for each proposed building and/or structure.

**8.15.9.13.3** Square footage and dimensions of all buildings and structures.

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

**8.15.9.14** Identify by label or note each internal roadway proposed on the subject property after development including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

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

- 8.15.9.14.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.
- 8.15.9.14.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
- 8.15.9.14.4** All internal traffic circulation patterns by line symbol.
- 8.15.9.14.5** The surface type, the width and thickness, of each internal roadway.
- 8.15.9.15** Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*
- 8.15.9.15.1** Dimensions of all pedestrian areas and walkways.
- 8.15.9.15.2** Surface type, width, length and thickness of all pedestrian areas and walkways.
- 8.15.9.16** Identify by label or note all off-street parking areas on the subject property including: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*
- 8.15.9.16.1** Dimensions of overall size of all off-street parking areas.
- 8.15.9.16.2** Proposed surface type for all off-street parking areas. *(See Section 5.3.2 of this Resolution for requirements).*
- 8.15.9.16.2.1** Proposed thickness of the surface materials of the off-street parking areas.
- 8.15.9.16.3** 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)*
- 8.15.9.16.3.1** 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).*
- 8.15.9.16.3.2** A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each category, in comparison to the numbers proposed by this application.
- 8.15.9.17** 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: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*

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

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

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

**8.15.9.18** 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).* *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*

**8.15.9.19** 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: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*

**8.15.9.19.1** The heights of light poles and illustrate the lighting coverage area.

**8.15.9.19.1.1** Proposed lighting shall not direct light onto any public roadways.

**8.15.9.19.1.2** Lighting shall not be directed toward surrounding properties.

**8.15.9.19.1.2.1** Shielding of lighting, or other methods may be required to mitigate impacts to surrounding properties.

**8.15.9.20** Identify by label or note, and locate by dimension, the specific type of on-site identification signage proposed, including: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*

**8.15.9.20.1** Total square footage of all proposed signs, along with the width and length of the proposed signs.

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

**8.15.9.20.3** A statement or note shall be provided to signify whether or not the proposed signs will be illuminated.

**8.15.9.20.3.1** Illuminated signage shall not direct light onto any public roadways.

**8.15.9.20.3.2** Illuminated signage shall not direct light onto adjoining properties.

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

**8.15.9.22** Identify by label or note all existing easements located on the subject property including:

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

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

**8.15.9.22.3** If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.

**8.15.9.23** Identify by label or note all proposed easements to be located on the subject property including:

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

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

**8.15.9.24** Identify by label or note and locate and size, by dimension(s) all service and refuse areas.

**8.15.9.25** Identify and locate all drainageways including FEMA flood areas, by dimensions from property lines.

**8.15.9.26** Identify and locate, by dimensions, significant natural features of the subject property.

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

**8.15.9.27.1** Dimension all drainage facilities.

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

**8.15.9.28** Designate soil type areas.

**8.15.9.28.1** In a table provide a brief description of the soil characteristics.

**8.15.9.29** If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.

**8.15.9.30** If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.

**8.15.9.31** Such other additional information on the drawing required by the Department, Commission, or the Board.

**8.15.10 OTHER APPLICATION REQUIREMENTS:** *(Most items will be addressed in the appropriate application form).*

**8.15.10.1** A copy of the current deed of record identifying the current property owner of the subject property including:

**8.15.10.1.1** Written authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.

**8.15.10.1.2** If the proposed commercial development plan application is not intended to cover the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.

**8.15.10.2** Proof of water, which 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, which indicates that the proposed use can be serviced by a well.

**8.15.10.3** Proof of sewage disposal, which may be a letter from a public sanitation district or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system 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.

**8.15.10.4** Refuse disposal plan: The storage, collection, and disposal of refuse 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*).

- 8.15.10.5** 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.
- 8.15.10.6** Drainage Plan and Report as per Section 5.10 of this Resolution.
- 8.15.10.7** Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities, prior to recording of the Commercial Development Plan. (*County will not accept maintenance of these facilities*). Such deed shall be recorded at the time of recording of the Commercial Development Plan.
- 8.15.10.8** Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the Commercial Development Plan. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.15.10.9** A fire protection plan 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.
- 8.15.10.10** A detailed utility plan showing the location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. The plan shall include the signatures of all the utility companies involved noting their approval of the plan.
- 8.15.10.11** All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.15.10.12** A statement describing the proposed uses.
- 8.15.10.13** A statement as to the existing zoning district of the land to be used.

- 8.15.10.14** Statement that the proposal complies with the intent and purposes of this Resolution. (*See Fremont County Zoning Resolution 1.1 and 1.3*).
- 8.15.10.15** A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.
- 8.15.10.16** Explain what effect the proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.
- 8.15.10.17** Evidence that the proposed use will be in harmony and compatible with the surrounding land uses and development in the area. If not in harmony and compatible what measures can be taken to make it in harmony and compatible.
- 8.15.10.18** Proof of access rights to public roads when the property does not have adequate frontage on a County Road.
- 8.15.10.19** When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.
- 8.15.10.20** When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed Commercial Development Plan and CDOT's comments and requirements shall be provided.
- 8.15.10.21** Designate soil types and descriptions.
- 8.15.10.22** A list of names, and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the subject property.
- 8.15.10.23** A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.
- 8.15.10.24** Such other and additional information as required by the Department, the Commission or the Board.

**8.16 TEMPORARY USE PERMITS:** A temporary use permit will be required for spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses with similar impacts whether a public or private gathering and whether held on public or private land, and for temporary towers. The Department will schedule a pre-submittal meeting if requested by the applicant. The applicant will be required to provide some information (*i.e. zoning verification, current use and proposed temporary use, proposed water and sanitation source, proof of access, etc.*) prior to the meeting in order for the Department to prepare for the meeting and determine what staff members should attend the meeting. The applicant will be provided with handouts and information pertinent to the application.

**8.16.1 REQUIREMENTS FOR TEMPORARY USE PERMITS:** A temporary use permit application will be required to be submitted to the Department at least twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard. The application, at a minimum, shall contain the following:

**8.16.1.1** A general description of the event.

**8.16.1.2** A location and / or street address of the event.

**8.16.1.3** A vicinity map that provides a general location of the event.

**8.16.1.4** A drawing of the property on which the event will be held locating items such as natural features (*waterways, cliffs, etcetera*), existing improvements (*structures, driveways, septic systems, etcetera*) and components of the special event (*stages, parking areas, vendor areas, etcetera*).

**8.16.1.5** The date(s) of the event, and hours of the day that the event will be held.

**8.16.1.6** If the applicant is not the land owner for the property on which the event is to be held, then documentation from the property owner indicating authority for the applicant to submit the application shall be attached.

**8.16.1.7** Address whether there will be any signs used to advertise the event. If yes, please provide a statement as to the type(s) of signs, size, location(s) the signs will be placed, how many signs are proposed and how long the signs will be posted. The signage plan shall include copies of any agreements and or contracts with appropriate property owners, agencies or companies, if applicable.

**8.16.1.8** Address how any litter and debris will be handled during the event and what is the method of disposal after the event. The litter containment and disposal plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.

- 8.16.1.9** Address means of security and crowd control. The security and crowd control plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.10** Address how vehicular and pedestrian traffic will be handled. The vehicular and pedestrian traffic control plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.11** A drinking water plan which includes documentation of agreements and / or contracts with companies providing necessary facilities. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.12** A sanitation plan (*restroom facilities*) which includes documentation of agreements and/or contracts with companies providing necessary facilities. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.13** A concession plan, if any, which includes a list of food and or beverage vendors and permits, licenses or the like required. If vendors are used, please provide documentation of sales tax license. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.14** An emergency service operation plan addressing what emergency services are proposed for the proposed event. The emergency services plan shall include any agreements and or contracts, with appropriate agencies or companies.
- 8.16.1.15** Documentation as to acceptance of a fire protection plan from an appropriate fire protection agency along with a copy of said plan. A blank fire protection plan and district comment form is available at the Department.
- 8.16.1.16** Address how event parking will be handled. The event parking plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.17** Address any street closures in connection with the event. Any closure of a County roadway will require approval by the Board. Proposed closures of roadways not controlled by the County will require closure approval by the appropriate authority. Describe how closures will be conducted, where the closure will occur and the time frames for closure.
- 8.16.1.18** The applicant shall provide a list of agencies that require the issuance of a permit, license or the like for the event.
- 8.16.1.19** Sheriff's Office (SO) Notification:

**8.16.1.19.1** There are two (2) options for notification which are as follows:

**8.16.1.19.1.1** The applicant may contact the SO and obtain a written statement that contains the SO acknowledgement of notification and any recommendations and or comments regarding the event the SO may have.

**8.16.1.19.1.1.1** Proof of such notification shall accompany the application submittal.

**8.16.1.19.1.2** The applicant may send notice of the event through the US Postal Service to the SO by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

**8.16.1.19.1.2.1** The notice shall state that written comments, recommendations, etcetera from the SO must be received by the Department at least ten (10) days prior to the Board meeting and if the SO fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the SO had no recommendations and or comments regarding the application.

**8.16.1.19.1.2.2** Representatives of the SO may attend the Board meeting to present recommendations and or comments regarding the application.

**8.16.1.19.1.2.3** Proof of such notification shall accompany the application submittal.

**8.16.1.19.2** SO Notification shall include at a minimum the following:

**8.16.1.19.2.1** A description of the event;

**8.16.1.19.2.2** The location, date, time and duration of the event;

**8.16.1.19.2.3** A detailed description of all proposed roadway closures;

**8.16.1.19.2.4** A copy of the proposed traffic control plan;

**8.16.1.19.2.5** A detailed description of proposed signage and sign locations;

**8.16.1.19.2.6** A copy of the emergency services plan;

**8.16.1.19.2.7** A detailed description of the proposed crowd control.

**8.16.1.20** Colorado State Patrol (CSP) Notification:

**8.16.1.20.1** There are two (2) options for notification which are as follows:

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**8.16.1.20.1.1** The applicant may contact the CSP and obtain a written statement that contains the CSP acknowledgement of notification and any recommendations and or comments regarding the event the CSP may have.

**8.16.1.20.1.1.1** Proof of such notification shall accompany the application submittal.

**8.16.1.20.1.2** The applicant may send notice of the event through the US Postal Service to the CSP by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

**8.16.1.20.1.2.1** The notice shall state that written comments, recommendations, etcetera from the CSP must be received by the Department at least ten (10) days prior to the Board meeting and if the CSP fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the CSP had no recommendations and or comments regarding the application.

**8.16.1.20.1.2.2** Representatives of the CSP may attend the Board meeting to present recommendations and or comments regarding the application.

**8.16.1.20.1.2.3** Proof of such notification shall accompany the application submittal.

**8.16.1.20.2** CSP Notification shall include at a minimum the following:

**8.16.1.20.2.1** A description of the event;

**8.16.1.20.2.2** The location, date, time and duration of the event;

**8.16.1.20.2.3** A detailed description of all proposed roadway closures;

**8.16.1.20.2.4** A copy of the proposed traffic control plan;

**8.16.1.20.2.5** A detailed description of proposed signage and sign locations.

**8.16.1.21** Fremont County Department of Transportation (FCDOT) Notification:

**8.16.1.21.1** There are two (2) options for notification which are as follows:

**8.16.1.21.1.1** The applicant may contact the FCDOT and obtain a written statement that contains the FCDOT acknowledgement of notification and any

recommendations and or comments regarding the event the FCDOT may have.

**8.16.1.21.1.1** Proof of such notification shall accompany the application submittal.

**8.16.1.21.1.2** The applicant may send notice of the event through the US Postal Service to the FCDOT by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

**8.16.1.21.1.2.1** The notice shall state that written comments, recommendations, etcetera from the FCDOT must be received by the Department at least ten (10) days prior to the Board meeting and if the FCDOT fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the FCDOT had no recommendations and or comments regarding the application.

**8.16.1.21.1.2.2** Representatives of the FCDOT may attend the Board meeting to present recommendations and or comments regarding the application.

**8.16.1.21.1.2.3** Proof of such notification shall accompany the application submittal.

**8.16.1.21.2** FCDOT Notification shall include at a minimum the following:

**8.16.1.21.2.1** A description of the event;

**8.16.1.21.2.2** The location, date, time and duration of the event;

**8.16.1.21.2.3** A detailed description of all proposed roadway closures;

**8.16.1.21.2.4** A copy of the proposed traffic control plan;

**8.16.1.21.2.5** A detailed description of proposed signage and sign locations.

**8.16.1.22** Colorado Department of Transportation (CDOT) Notification will be required if the property gains direct access from a roadway under the jurisdiction of CDOT or if deemed necessary by the Department:

**8.16.1.22.1** There are two (2) options for notification which are as follows:

**8.16.1.22.1.1** The applicant may contact the CDOT and obtain a written statement that contains the CDOT acknowledgement of notification and any recommendations and or comments regarding the event the CDOT may have.

**8.16.1.22.1.1.1** Proof of such notification shall accompany the application submittal.

**8.16.1.22.1.2** The applicant may send notice of the event through the US Postal Service to the CDOT by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

**8.16.1.22.1.2.1** The notice shall state that written comments, recommendations, etcetera from the CDOT must be received by the Department at least ten (10) days prior to the Board meeting and if the CDOT fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the CDOT had no recommendations and or comments regarding the application.

**8.16.1.22.1.2.2** Representatives of the CDOT may attend the Board meeting to present recommendations and or comments regarding the application.

**8.16.1.22.1.2.3** Proof of such notification shall accompany the application submittal.

**8.16.1.22.2** CDOT Notification shall include at a minimum the following:

**8.16.1.22.2.1** A description of the event;

**8.16.1.22.2.2** The location, date, time and duration of the event;

**8.16.1.22.2.3** A detailed description of all proposed roadway closures;

**8.16.1.22.2.4** A copy of the proposed traffic control plan;

**8.16.1.22.2.5** A detailed description of proposed signage and sign locations;

**8.16.1.23** Proof of general liability insurance for the event in amounts deemed appropriate by the Board.

**8.16.1.24** Requirements as to cash, surety or other bond deemed necessary and appropriate by the Board to ensure that the property affected by the event will be cleaned to the reasonable satisfaction of the County and that damage associated with the conduct of the event may be repaired or remedied without cost to the County.

**8.16.1.25** The Department, the Commission and or the Board may require additional information at any time during the application process as may be deemed necessary in order to review the application adequately, to determine if the application is in compliance with all applicable regulations and make an informed decision with regard to recommendations, approval or disapproval of the application.

**8.16.2 ANNUAL EVENTS CRITERIA:** A temporary use permit may be approved by the Department if all of the following are met:

**8.16.2.1** A complete application form and all required documentation as per Section 8.16.1 of this Resolution and fee have been submitted to the Department.

**8.16.2.1.1** Complete applications shall be submitted a minimum of twenty (20) working days prior to the event's proposed start date.

**8.16.2.2** The event has been granted a temporary use approval by the Board consecutively for the three (3) previous years;

**8.16.2.3** The applicant is not requesting a waiver of the application fee or the cash, surety or other bond (*for clean-up*).

**8.16.2.3.1** If the application or other fee(s) have been waived by the Board for three (3) previous years;

**8.16.2.4** The applicant/event has been in compliance with the issuance of the three (3) previous temporary use permits;

**8.16.2.5** There are no major changes or amendments to the application as had been previously approved.

**8.16.2.6** The applicant agrees to any recommendations or requirements of the notified agency.

**8.16.2.6.1** There are no recommended requirements from any notified agency that were not previously requested and that the applicant does not agree to.

**8.16.2.7** If notification is done by certified mail to required agencies, the agency shall submit written comments to the Department at least ten (10) days prior to the date of the proposed event. If the notified agency fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the notified agency had no recommendations and or comments regarding the application.

**8.16.2.7.1** If the notified agency enforces a law(s) or has a regulatory requirement(s) that would not allow the event or that would influence the way

the event is held, but failed to contact the Department by the deadline, the entity should put the applicant on notice of such law or regulation.

**8.16.3 REQUIREMENTS FOR TEMPORARY TOWERS:** A temporary use permit for temporary towers may be issued by the Department following an administrative review to determine if the application meets the following criteria:

- The temporary tower is less than two-hundred (200) feet in height;
- The temporary tower has a minimum setback not less than twice the height of the proposed tower from any property line;
- The temporary tower is to be located in a zone district that provides for such use as a Temporary Use.

**8.16.3.1** The Department may refer applications to the Board for review and action if it deems such referral is appropriate to insure land use compatibility.

**8.16.3.2** An application for a temporary tower that does not meet the listed criteria for administrative approval by the Department will be required to be submitted to the Department at least twenty (20) working days prior to a regularly scheduled Board meeting and the application shall be reviewed by the Board. The Board may approve, approve with contingencies, approve with conditions, deny, table for decision, and or table requesting additional information any such application.

**8.16.3.3** All applications for Temporary Use Permit for temporary towers shall include at least (3) copies (*one (1) original and two (2) copies*) of the application (*on a form provided by the Department*) and all supporting documents. All such applications shall be submitted to the Department. The applicant will be notified as to how many revised copies, if applicable, will be required within the Department comment and submittal deficiency letter. The application shall include the following:

**8.16.3.3.1** Complete legal description of proposed site.

**8.16.3.3.2** Copy of the current deed of record of the subject property including:

**8.16.3.3.2.1** Authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.

**8.16.3.3.3** A statement describing the proposed operation.

**8.16.3.3.4** Identification of the existing zoning district of the land to be used.

**8.16.3.3.5** Proof of access rights to public roads.

**8.16.3.3.6** The identity of all agencies of local, state, or federal government that will be required to issue any permit or license or the like for all or part of the activity that comprises the use. This section shall also require the applicant to summarize the status of the applications pending before the identified agencies including a copy of any such application and supporting materials.

**8.16.3.3.7** The tower and accessory structures shall be a non-reflective material or color such as tan, brown, light grey or an earth tone, unless such requirements are made by another entity.

**8.16.3.3.8** Three (3) copies of a site plan, drawn to professional standards, minimum sheet size of 8½” X 11” and a maximum sheet size of 24” X 36”, and which is legible at a scale appropriate to determine size and location of all items shown, 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.)*

**8.16.3.3.8.1** Site plan shall contain a title, *(Name)* Temporary Use Permit For A Temporary Tower;

**8.16.3.3.8.2** Legal description of the subject property;

**8.16.3.3.8.3** Boundary description of the area which describes the temporary use permit boundary, if different than the subject property;

**8.16.3.3.8.4** Written and graphic scale;

**8.16.3.3.8.5** North arrow;

**8.16.3.3.8.6** Vicinity map locating the temporary use permit boundary in relation to the surrounding area, streets, natural features, etcetera;

**8.16.3.3.8.7** All adjacent property owners names, addresses, and zip codes shall be shown on the site plan;

**8.16.3.3.8.8** Setback dimensions from the tower to the front, sides, rear and closest point of the property lines;

**8.16.3.3.8.9** Tower height and other pertinent dimensions;

**8.16.3.3.8.10** Labels or notes to identify any proposed accessory structures;

**8.16.3.3.8.11** Dimensions to size and locate any proposed accessory structures;

**8.16.3.3.8.12** Identify, locate and dimension any parking spaces;

**8.16.3.3.8.13** Location and dimension(s) of all access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines from a known point;

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

**8.16.3.3.8.15** Zoning classification for subject property and all adjoining lots, parcels or tracts;

**8.16.3.3.9** The Department may require additional information as necessary to insure an administrative review is adequate to provide neighborhood land use compatibility.

#### **8.16.4 ADDITIONAL REQUIREMENTS**

**8.16.4.1** The Department shall have the right to require public notice in a newspaper of general circulation for any meeting being held to consider the issuance of a Temporary Use Permit by the Board.

**8.16.4.2** The Department may require notice by United States Postal Service certified mail, return receipt requested to property owners within five-hundred (500) feet of the subject property of any public meeting being held to consider the issuance of a Temporary Use Permit by the Board.

**8.16.4.3** The Department may require notice by posting of the subject property of any public meeting being held to consider the issuance of a Temporary Use Permit by the Board.

**8.16.4.4** The Board may refer any application for Temporary Use Permit to the Commission requesting its review at a Commission regular meeting and further requesting its recommendations concerning the application.

**8.16.4.5** The Board may refer any application for Temporary Use Permit to any entity the Board deems could have significant input regarding the potential impacts of the proposed Temporary Use Permit.

**8.16.4.6** The Board shall have the right to obtain professional review, at the applicant's expense, for any aspect of the proposed event as deemed necessary by the Board.

#### **8.16.5 ADDITIONAL CONSIDERATIONS**

**8.16.5.1** The Board may require the applicant to submit the following information if in their opinion it is necessary, to fully understand the impacts of the proposed Temporary Use Permit:

**8.16.5.1.1** An environmental impact study/statement.

**8.16.5.1.2** 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, if applicable. The plan shall include the signatures of all the utility companies noting their approval of the plan.

**8.16.5.1.3** A roadway impact analysis; except for temporary towers (*on a form obtained from the Department*).

**8.16.5.1.4** A fire protection plan 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.

**8.16.5.1.5** A Drainage Plan and Report; only required for temporary towers with construction of a permanent road.

**8.16.5.1.5.1** Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities. (*County will not accept maintenance of these facilities*). Such deed may be recorded at the time of issuance of the temporary use permit. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

**8.16.5.1.6** A socioeconomic impact study/statement.

**8.16.5.1.7** Studies, comments, referrals to agencies or professionals whose area or jurisdiction of expertise is applicable and germane to the use being proposed.

**8.16.6 FEES:** A nonrefundable application fee shall be established from time to time by resolution of the Board.



## 9 ADU – ACCESSORY DWELLING UNIT

**9.1 DESCRIPTION:** The ADU – “Accessory Dwelling Unit” is established to provide alternative and affordable housing and productive economic use of lands within Fremont County. The purpose of the ADU is to allow ADU’s only when impacts to existing infrastructure, adjoining lands and uses, and neighborhoods are minimal and no life safety issues are created. The intent is to provide affordable housing, consistent with the Fremont County Zoning Resolution.

**9.2 DEFINITION:** ADU (Accessory Dwelling Unit): A small, secondary dwelling unit located on the same lot/parcel containing a larger, primary dwelling unit. The ADU may also be located within the primary dwelling, or attached to the primary dwelling. An ADU contains independent living quarters with provisions for sleeping, cooking and sanitation.

### 9.3 GENERAL PROVISIONS:

**9.3.1** ADU’s are allowed in the following zone districts: Agricultural Forestry, Agricultural Farming and Ranching, Agricultural Living, Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, and High Density Residence.

**9.3.2** The construction or placement of the ADU must comply with Fremont County building, sanitation, and codes, as well as all applicable federal, state and local laws and regulations.

**9.3.3** A single story ADU shall be no more than 14 feet in height to peak of roof. A two story structure containing an ADU may be no more than 22 feet to peak of roof. ADU’s may be allowed in two story structure, where the ADU is only on one level. The other level may not be used as part of the ADU.

**9.3.4** The ADU shall be a minimum of 250 sq. ft. and a maximum of 1,000 sq. ft., with one bathroom and no more than two bedrooms.

**9.3.5** Construction of an ADU shall be with materials and finishes similar to those used for the primary dwelling. Modular construction shall comply with current building and sanitation codes.

**9.3.6** ADU lots or parcels shall contain a minimum lot size of 43,560 sq. ft. (1 acre). All lot sizes shall meet the requirements for the zone district.

**9.3.7** ADU utilities shall be connected using the meters for the primary dwelling when possible. All utility connections shall be made in conformance with the provider requirements.

**9.3.8** No lot or parcel shall contain more than one ADU.

**9.3.9** The property shall contain one parking space designated for the ADU.

- 9.3.10** Prior to issuance of a building permit for the ADU, the property owner shall execute and record a Declaration of Covenant and Restriction with the Fremont County Clerk and Recorder, which contains the legal description for the property, references the most current deed for the property and:
- 9.3.10.1** Prohibits the sale of the ADU separate from the primary unit;
  - 9.3.10.2** Prohibits the subdivision of the lot/parcel in a manner that separates the ADU from the primary dwelling;
  - 9.3.10.3** Prohibits modification of the size of the ADU; without approval from the Department;
  - 9.3.10.4** Requires the property/land owner to live in one of the dwelling units;
  - 9.3.10.5** States that the covenant is binding on any successors, heirs, assigns;
  - 9.3.10.6** Creates and grants a private cause of action for enforcement;
  - 9.3.10.7** Continues the deed restrictions until removal of the ADU.
- 9.3.11** Parcels containing an ADU shall use the street address for the primary dwelling, designating each unit as A and B.
- 9.3.12** A property owner may apply to the Department for “lawful status” designation for any ADU constructed or placed on the property prior to the date of adoption of the accessory use. Any pre-existing ADU shall conform to all applicable building and zoning codes, and applicable federal, state and local laws and regulations. The Board of Zoning Adjustment, upon a showing of good cause, may waive regulatory requirements for any ADU in existence prior to the adoption of these regulations and for any proposed ADU.
- 9.3.13** An ADU constructed or located within a larger dwelling shall have exterior access.
- 9.3.14** ADU shall have lawfully connected utility services (water, sanitation, electric, gas). The property owner shall provide written documentation from an entity with appropriate jurisdiction, that the potable water and sanitation/septic systems are adequate for all uses on the parcel.
- 9.3.15** Business or commercial use of an ADU is prohibited. The ADU shall be used for residential purposes only.
- 9.3.16** The ADU (separate structure only) shall be placed no less than ten (10) feet from the rear of the primary dwelling, and no more than two hundred (200) feet from any side of the primary dwelling.

## **9.4 APPLICATION REQUIREMENTS:**

**9.4.1** An application form as provided by the Department with the required application fee.

**9.4.2** A copy of the deed showing ownership of the parcel.

**9.4.2.1** A signed Declaration of Covenant and Restriction stating ADU restrictions shall be completed and recorded prior to issuance of a building permit.

**9.4.2.2** Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.

**9.4.2.3** The Applicant shall notify adjoining property or lot owners fo the intent to establish an ADU. Comments will be reviewed by the department. If any comments state a valid, lawful objection to the ADU, the ADU application will be referred to the Board of County Commissioners for review at a public meeting.

**9.4.2.4** A plot plan showing:

**9.4.2.4.1** All structures proposed or existing with dimensions to property lines.

**9.4.2.4.2** All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.

**9.4.2.4.3** All parking areas.

**9.4.2.4.4** All exterior access points.

**DECLARATION OF COVENANTS AND RESTRICTIONS  
TO REAL PROPERTY REGARDING AN ACCESSORY DWELLING UNIT**

This Covenant between (land owner) and the County of Fremont, State of Colorado, is hereby recorded and attached to that parcel of land as described in deed as recorded in the records of the Fremont County Clerk and Recorder's office under Reception Number \_\_\_\_\_, and described as follows:

(INSERT LEGAL DESCRIPTION)

I/We, herein, covenant and agree to the County of Fremont on behalf of ourselves and all heirs, assigns and successors of interest, into whose ownership the title to or interest in the above-described real property might transfer, as follows:

1. The owners are the sole and exclusive fee-simple owners of the above described parcel located within Fremont County, Colorado.
2. The owner(s) shall reside in the primary or accessory dwelling unit (ADU) as the principal and permanent residence at all times that the other dwelling unit is occupied. The owner(s) shall reside on the property for at least (6 months) out of the year, and at no time receive rent for, or otherwise allow a third party non-owner to reside in, the owner-occupied unit.
3. Sale of the ADU, separate from the primary dwelling, is prohibited.
4. Subdivision of the property in a manner that separates the ADU from the primary dwelling is prohibited.
5. Formal approval from Fremont County is required for modification of the size of the ADU.
6. These covenants and restrictions, shall run with the land and be binding and enforceable upon the owners and any and all of their heirs, assigns, grantees, and successors in interest into whose ownership title to the above-described real property may pass.
7. These covenants and restrictions will automatically terminate upon removal of the ADU from the parcel.
8. The provisions of these covenants and restrictions are enforceable in law or equity by Fremont County and its assigns. The Owner(s) expressly consent to and grant a private cause of action for enforcement, including damages and reasonable attorney fees, to any party is adversely affected by the failure to comply with the covenants and restrictions set forth herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_

Owner

State of Colorado

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date)

by \_\_\_\_\_ (name of person acknowledged).

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

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_ (Seal)

Owner

State of Colorado

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date)

by \_\_\_\_\_ (name of person acknowledged).

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

Print Name: \_\_\_\_\_


My commission expires: \_\_\_\_\_ (Seal)

**9 ENACTMENT CLAUSE, EFFECTIVE DATE:**

9.1 Upon approval and adoption by the County Commissioners of Fremont County, a certified copy of this Resolution and of the official zoning maps shall be filed, according to the law, in the office of the County Clerk and Recorder of Fremont County, Colorado.

9.2 This resolution shall become of full force and effect as of the date of its adoption, this being:

THE 13<sup>th</sup> DAY OF January 2009

  
\_\_\_\_\_  
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
ATTEST

*Fremont County Clerk & Recorder*