

## **Section 39: A-35 Agricultural-Thirty Five District**

(orig. 7-2-97; am 7-11-06; am. 4-20-10)

### **A. Intent and Purpose**

1. The Agricultural-Thirty Five Zone District is intended to provide for general farming, ranching, intensive agricultural uses and agriculturally related uses while protecting the surrounding land from any harmful effects. (orig. 7-2-97)
2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for this zone district. (orig. 7-2-97)

### **B. Permitted Uses**

1. Single-family dwelling, barn, stable, and silo (orig. 7-2-97; am. 12-17-02)
2. General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses (orig. 7-2-97)
3. Poultry hatcheries and farms, fish hatcheries and dairy farms (orig. 7-2-97)
4. Greenhouse and nursery including both wholesale and retail, provided products sold are raised on the premises (orig. 7-2-97)
5. Forestry farming, including raising of trees for any purpose (orig. 7-2-97)
6. Fur farm and raising of rabbits, chinchillas, and other similar animals (orig. 7-2-97; am. 12-17-02)
7. Public park, Class I public recreation facilities. Class II public recreation facilities are permitted only if the site is in compliance with the current minimum lot size requirement. (orig. 7-2-97)
8. Veterinarian hospital (orig. 7-2-97)
9. Cemetery, mausoleum, mortuary and related uses (orig. 7-2-97)
10. Beekeeping operation (orig. 7-2-97)
11. Dangerous and wild animal ranching, training, sales and exhibition provided that the property is 10 acres or greater and such use is in compliance with the General Provisions and Regulations Section of this Zoning Resolution (orig. 7-2-97; am 7-11-06)
12. Oil and gas drilling and production, subject to the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except where located within a subdivision platted and recorded in the records of the Clerk and Recorder. (orig. 7-2-97; am. 12-17-02; am 7-11-06)
12. Telecommunications Land Use shall comply with the provisions of the Telecommunication Uses Section of this Zoning Resolution. (orig. 6-29-04; am. 7-11-06)
13. Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution. (orig. 4-20-10)
14. Water supply reservoir and irrigation canal. (orig. 3-6-72; am. 11-6-79; am. 7-12-05)

### **C. Accessory Uses**

1. Accessory structures including: (orig. 12-17-02; am. 5-20-08)
  - a. Private garage (12-17-02)
  - b. Storage shed (orig. 12-17-02)
  - c. Corral, pens and runs (orig. 12-17-02)

2. Roadside stand for operation during not more than 6 months in each year for the sale of farm products raised or produced on the premises, provided such stands are located no less than 30 feet from any street/road, highway, or right-of-way line. (orig. 7-2-97)
3. Private building and kennels for housing dogs, cats or similar domesticated pets. On legal non-conforming lots or parcels of 1 acre or less in size, the maximum total number of dogs, cats and similar domesticated pets which may be kept shall be 3. Litters of puppies or kittens may be kept until weaned. (orig. 7-2-97; am. 12-17-02)
4. Home occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupations Section of this Zoning Resolution are met. (orig. 7-2-97; am. 12-17-02; am 7-11-06)
5. Temporary storage of defensible space, associated fuel break and forest management thinnings in accordance with defensible space, fuel break and forest management programs as specified in this Zoning Resolution and Land Development Regulation. (orig. 6-18-02)
6. Those accessory uses as permitted in the Accessory Uses Section of this Zoning Resolution. (orig. 12-17-02; am 7-11-06)

#### **D. Special Uses**

The following uses shall be permitted only upon review by the Planning Commission and approval by the Board of County Commissioners: (orig. 7-2-97; am. 12-17-02)

1. Telephone exchange, electric substation, including electric transmission and distribution lines or gas regulator station where no repair or storage facilities are maintained. (orig. 7-2-97)
2. Railroad right-of-way (orig. 7-2-97)
3. Sewage treatment plant (orig. 7-2-97)
4. Church and church related uses, rectory, parish house and church school (orig. 7-2-97; am. 12-17-02)
5. Radio, television and microwave transmission and relay towers and equipment; meteorological data collection towers and equipment; low power, micro-cell, and repeater telecommunications facilities, including antennas and towers (orig. 7-2-97)
6. Cable television reception substation (orig. 7-2-97)
7. A group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than 1 registered sex offender (orig. 2-1-00)
8. Group, foster or communal home, residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal care boarding home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility or shelter from domestic violence, licensed or certified by the state if applicable, in which 7 or more residents who are not legally related live and cook together as a single housekeeping unit, and where such home or shelter is not located within 750 feet of another similar type home or shelter (orig. 7-2-97; am. 5-25-04)
9. State licensed day-care center or preschool or nursery (orig. 7-2-97; am. 7-12-05)
10. Arborist or tree service (orig. 7-2-97)
11. Natural resource transportation and conveyance systems (orig. 7-2-97)
12. Public kennel or cattery (orig. 7-2-97)
13. Public riding academy or stable (orig. 7-2-97)
14. Limited sawmill operation used in support of Pine Beetle Control Programs (orig. 7-2-97)

15. Trap, skeet or rifle range (orig. 7-2-97)
16. Camps, campgrounds, picnic grounds, lodges or other similar facilities. Specific conditions and limitations for use, including maximum periods of visitor occupancy and types or maximum numbers of occupied vehicles or sites, will be established as terms of the Special Use approval. (orig. 7-2-97)
17. Oil and gas drilling and production, where located within a subdivision platted and recorded in the records of the Clerk and Recorder. Such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified in the resolution approving the Special Use. (orig. 7-2-97; am. 12-17-02; am 7-11-06)
18. Class I, II or III commercial recreation facilities. Class II public recreation facilities on sites which do not meet the current minimum lot size requirement. Class III public recreation facilities. (orig. 7-2-97; am. 12-17-02; am. 7-1-03)
19. Limited sawmill operation used in support of defensible space, fuel break and forest management programs as required under the Zoning Resolution and Land Development Regulation. (orig. 6-18-02)
20. Recycling transfer station, Type I or Type II: the facility shall only accept trees and slash generated from local efforts associated with regulatory/ voluntary defensible space, fuel break and forest management plans, and Pine Beetle control programs. (orig. 10-13-09)

**E. Lot and Building Standards**

1. Building Height: No building shall exceed a height of 35 feet. (orig. 7-2-97; am. 5-20-08)
2. Lot Standards: The minimum lot area for any use permitted in this district shall be 35 acres unless the lot falls within the provisions set forth in the Enforcement and Administrative Exceptions Section of this Zoning Resolution. (orig. 7-2-97; am 7-11-06)

The minimum lot area for a lot developed through the rural cluster process shall be as set forth in the Land Development Regulation. (orig. 10-13-98; am. 12-17-02)

3. Front Setback
  - a. The minimum front setback for a one-family dwelling or other main building shall be 50 feet. (orig. 7-2-97)
  - b. Accessory buildings housing livestock shall be set back at least 75 feet from the front lot line. Feed lots, fur farms, poultry farms, kennels and catteries, including all pens, runs, or structures used or occupied in conjunction with these activities, shall be set back at least 100 feet from the front lot line. (orig. 7-2-97)
  - c. Private garages and all other accessory buildings shall be set back at least 50 feet from the front lot line. (orig. 7-2-97)
  - d. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 7-2-97; am. 7-1-03)
4. Side Setbacks
  - a. The minimum side setback for a one-family dwelling, private garage, or other main building shall be 30 feet. (orig. 7-2-97)
  - b. The minimum side setback for any one-family dwelling, private garage or other main building adjacent to a local common collector or a major arterial street as designated on the Major Thoroughfare Plan, shall be 50 feet. (orig. 5-20-08)
  - c. Accessory buildings housing livestock shall be set back at least 75 feet from the side lot line. Feed lots, fur farms, poultry farms, kennels and catteries, including all pens, runs, or structures used or occupied in conjunction with these activities, shall be set back at least 100 feet from the side lot line. (orig. 7-2-97)

- d. All other accessory buildings shall be set back at least 50 feet from the side lot line. (orig. 7-2-97)
  - e. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 7-2-97; am. 7-1-03)
5. Rear Setback: The minimum rear setback for any building shall be 50 feet. (orig. 7-2-97)
6. Fences
- a. Maximum fence height: 7 feet. (orig. 7-2-97)
  - b. Fence permits are required for any fence over 42 inches in height. (orig. 7-2-97)
  - c. Electric fences are permitted provided the electrical fence device is in compliance with the Colorado State Department of Agriculture specifications. No electric fence is allowed as boundary or perimeter fences on lot lines abutting residential zone districts. (orig. 7-2-97)
  - d. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 7-2-97; am. 7-1-03)
  - e. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig. 8-6-80)
7. Signs and Outdoor Advertising Devices: Signs and outdoor advertising devices shall be in accordance with the provisions of the Signs and Outdoor Advertising Devices Section of this Zoning Resolution. (orig. 7-2-97; am. 12-17-02; am 7-11-06)

#### **F General Requirements**

- 1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig. 7-2-97)
- 2. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig. 7-2-97)
- 3. Manure shall not be allowed to accumulate so as to cause a hazard to the health, safety or welfare of humans and/or animals. The outside storage of manure in piles shall not be permitted within 100 feet of the front lot line and 50 feet of the side and rear lot lines. (orig. 7-2-97; am. 12-17-02)
- 4. Stallions shall be kept in a pen, corral or run area enclosed by a 6 foot chain link fence, or material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes. (orig. 7-2-97)
- 5. On legal non-conforming lots or parcels of 1 acre or less in size, the following is the density per acre limitation for horses, mules, donkeys, sheep, cattle, goats, swine, buffalo, beefalo and other large domesticated animals. (orig. 7-2-97)
  - a. The minimum square footage of open lot area available to animals (does not include lawns, gardens, driveways, recreation facilities, etc.), not including the dwelling shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal. The total number of such animals that may be kept shall not exceed 4 per 1 acre. (orig. 7-2-97; am. 12-17-02)
  - b. Offspring of animals on the property may be kept until weaned. (orig. 7-2-97)