

MEMORANDUM



To: Board of County Commissioners
From: Jim Flesher, Long-Range Planner
Date: September 4, 2025
Re: Ordinance 2025-11, Chapters 23, Zoning, miscellaneous revisions (1st Reading)

On July 28 and August 13, 2025, the Board of County Commissioners held worksessions with staff on this ordinance, which has also been discussed at Planning Commission lunches on August 5 and September 2, 2025.

This ordinance mainly focuses on commercial vehicles and home businesses, though there are several other miscellaneous changes included.

Commercial Vehicles and Semi-Trailers

- The definition of "Commercial Vehicle" is proposed to be deleted. The current definition is as follows (words in all capitals in Chapter 23 are defined in Sec. 23-1-90):

"Any vehicle used or previously used COMMERCIALY, excluding those USES listed by right in the A (Agricultural) Zone District. A COMMERCIAL VEHICLE shall include, but is not limited to, semi-tractors and SEMI-TRAILERS, dump trucks, construction equipment, box trucks, tow trucks, and vehicles such as taxis and ride-sharing vehicles used to transport passengers for a fee. A COMMERCIAL VEHICLE shall not be allowed to deteriorate to the condition of a DERELICT VEHICLE or be utilized as a storage unit, unless the USE is allowed through the zone district. For the purposes of enforcement, two-axle passenger motor vehicles, as defined in C.R.S. Section 42-1-102(58), which could be utilized in everyday personal transport, and which are used COMMERCIALY, such as but not limited to taxis, ride-sharing vehicles, and work pick-up trucks, may be allowed in any zone district without requirement of any permits provided they are operated solely by residents thereof."
- This definition is very broad and requires determining whether a vehicle is used "Commercially". The definition of "Commercial" is:

"An activity where goods, products or services are bought, sold or transferred in ownership on a fee, contract or barter basis excluding those USES listed by right and ACCESSORY USES in the A (Agricultural) Zone District."
- Rather than trying to determine whether a vehicle meets these definitions, Ordinance 2025-11 would instead limit vehicles with a gross vehicle weight rating over 26,000 pounds, which are Class 7 and 8 vehicles according to the USDOT's classification. For simplicity, we are referring to these as "heavy vehicles" or "heavy trucks", though not adding a definition to the code.
- Vehicles under this weight rating would not be restricted in any zone district. Any number of Class 6 vehicles would be allowed on any lot, for example.
- Recreational Vehicles would be excluded.

- The definition of "Farming" would be revised and include parking of vehicles used for Farming, regardless of weight rating. (Farming is a use by right in the Agricultural zone and an accessory use in the Estate zone.)
- Semi-Trailers would be limited separately and that definition would be revised.
- The limits would be as follows:
 - Ag zone outside subdivisions and townsites, at least 2.5 acres: Two heavy trucks and two Semi-Trailers (2 + 2).
 - Ag zone outside subdivisions and townsites, less than 2.5 acres: One heavy truck and two Semi-Trailers (1 + 2).
 - Ag zone in subdivisions and townsites with at least one acre, and Estate zone: One heavy truck and one Semi-Trailer (1 + 1).
 - No heavy trucks or Semi-Trailers would be allowed in Residential zones or on lots under one acre in Ag-zoned subdivisions or townsites.
 - There would not be a limit in Commercial and Industrial zones.
- The Semi-Trailers could be used either for transport or for storage and the zoning permit we currently require for using Semi-Trailers would be eliminated.
- Semi-tractors would need to be parked at least 50 feet from adjacent lots and Semi-Trailers would need to be at least 20 feet from property lines. This would not apply to Commercial and Industrial zones or Farming.

Trucking and Transportation Companies, other ZPAGs

- Current code does not have a defined use for trucking companies so we are proposing a new definition of Trucking and Transportation Companies, which would also include "Facilities where multiple passenger transport buses, taxis, or other vehicles for transporting paying customers are parked."
- In the Ag zone outside of subdivisions and townsites, a Trucking Company could be allowed by administrative zoning permit (ZPAG), which would allow up to 15 heavy trucks plus 15 Semi-Trailers. The regulations on ZPAGs, which currently limit the number of Commercial Vehicles to nine unless approved by the Board, would be increased to this new limit of "15 + 15".
- A use by special review (USR) would be an option in those areas as well. The Board could approve a USR for a Trucking Company with any number of heavy trucks and trailers.
- In the C-3, C-4, and Industrial zones, Trucking and Transportation Companies would be allowed by administrative site plan review (SPR).
- They would not be allowed in C-1 or C-2, in Residential or Estates zones, or in Ag-zoned subdivisions and townsites.

Home Businesses

- Current code has two classes of "Home Occupations", both allowed by zoning permit in Ag and Estate zones. Residential zones allow Class 1 Home Occupations. The Ag and Estate zones also allow "Home Businesses" by USR.
- These definitions and regulations would be consolidated and simplified. We would only have Home Businesses, which would be allowed by zoning permit in Ag, Estate, and R-1 zones. The permit would be simplified as well. Its main purpose would be to have the applicant acknowledge the regulations.

- Home Businesses must be accessory to a residence.
- No more than 10 customers, clients, patients, students, or nonresident employees would be allowed on-site at any one time.
- Public access would be limited to 7:00 a.m. to 7:00 p.m.
- Adequate off-street parking would be required.
- Home businesses on lots smaller than one acre would need to be conducted entirely indoors or off-site.
- If activities occur outside on larger lots, opaque screening (e.g., a privacy fence at least six feet high) would be required. A provision is included to allow the Director of Planning to waive or reduce this requirement, or to allow alternative screening methods, if warranted.
- Certain uses listed in the ordinance would not be allowed by Home Business.

Other miscellaneous

- The ordinance would remove Division 7 of Article IV, which deals with permits for temporary seasonal uses, such as fireworks stands and Christmas tree sales. The building code deals with temporary structures.
- Also to be eliminated is the requirement for a zoning permit for office trailers.
- Provisions regarding zoning permits for temporary storage of unoccupied manufactured homes would also be removed.
- The ordinance defines "Public School" and "Private School" and makes them an SPR in all zones. The definition of Commercial School would be grouped with these under "School".
- Public parks, which are not defined, would be removed from the uses by right. This use is already included in the definition of Public Recreational Facilities.
- The definition of "Screen" would be updated to clarify that fencing for screening, where required, needs to be a privacy fence or wall, not chain link.
- A few other cleanup-type revisions are included as well. Please see the ordinance for more information.

On September 2, 2025, the Planning Commission reviewed the ordinance, took testimony from two residents, and voted unanimously to recommend adoption. The Planning Commission was also provided the emailed comments from Hannah Dutrow with AGPROfessionals. Some of the Planning Commissioners commented that the Board should consider amending the ordinance to allow Home Businesses in the R-2, R-3, R-4, and R-5 zone districts, as mentioned in that email.

Staff recommends adoption of Ordinance 2025-11 on first reading.