Disclaimer

This redlined document is provided for informational and comparison purposes only. It is intended to assist readers in identifying general differences between the County's current Land Development Code and the proposed Land Development Code.

The proposed Land Development Code is a complete rewrite of the current code and uses a substantially different organization, structure, and formatting. As a result, the redline should not be interpreted as a precise section-by-section comparison. Provisions may have been relocated, reorganized, consolidated, divided, removed, added, or substantively revised.

The proposed code is incomplete because Module 3 has not yet been incorporated. Additional revisions may be made as Module 3 is developed and the proposed code undergoes further review.

Comments cannot be submitted directly to this redlined document. To review and comment on the proposed Land Development Code, please visit **www.elpasocountyldc.com**.

1.15. DEFINITIONS OF SPECIFIC TERMS AND PHRASES

The following represent the definitions of the terms and phrases used in this Code. The terms are in alphabetical order.

Abandon — To terminate the use of a structure or land by an affirmative act, such as changing to a new use; or to cease, terminate, or vacate a use or structure through no activity or action. Except for agricultural activities, there shall be a presumption that a use has been abandoned if it is not undertaken, utilized, implemented or performed for a period of 1 year.

Abutting — Adjoining with a common lot, parcel or tract line or sharing any portion of a lot, parcel or tract boundary line.

Access — The place means, or way by which vehicles are provided with a safe, adequate and usable ingress and egress to a property, use or parking space.

Access Control Management Plan — A roadway design plan which designates preferred access locations and their designs for the purpose of bringing those portions of roadway included in the access control plan into conformance with their functional classification to the extent feasible (See C.R.S. §43-2-147).

Acceptance, Final — The acknowledgement by the County that the defects warranty period has expired and there are no outstanding items to be corrected under the provisions of the defect warranty.

Acceptance, Preliminary — An acknowledgement by the County that, to the best of the County's knowledge, all work on common development and subdivision improvements and required public improvements has been completed in accordance with the plans and specifications and the defect warranty period should begin.

~~**Accessory Living Quarters —** Lodging, which may include a kitchen, that is accessory to the principal dwelling which may be occupied only by occasional, non-paying guests of the family residing in the principal dwelling. Accessory living quarters are not considered dwelling units. The term does not include farm/ranch residence, caretakers quarters, or an additional dwelling.~~

Accessory Dwelling Unit[263]

An internal, attached, or detached dwelling unit that:

1. Provides complete independent living facilities for one or more individuals;
2. Is located on the same lot as a proposed or existing primary single-family detached dwelling; and
3. Includes facilities for living, sleeping, eating, cooking, and sanitation.

Accident Potential Zone I (APZ -1) [Class A Runway Accident] — An area 3,000 feet wide extending 1,500 feet either side of the centerline of the airport runway and 5,000 feet long located beyond the Clear Zones at each end of the runway.

Accident Potential Zone II (APZ-2) [Class A Runway] — An area 3,000 feet wide extending 1,500 feet either side of the centerline of the airport runway and extending 7,000 feet beyond APZ I.

Adjacent — Nearby, meeting or touching at some point, or separated from a lot or parcel by 1 of the following: a road, alley, right-of-way, lake, stream or open space.

Administrative Determination — The process used by the PCD Director to decide a written request to interpret the provisions of this Code or in issuing any other written interpretation of this Code. The interpretation of the provisions of any conditions of approval will be treated as an interpretation of this Code. An administrative determination of the provisions of this Code clarifies conflicting or ambiguous wording, or the scope or intent of the provisions of this Code.

Adult Arcade — Any establishment in which the public is permitted or invited where, for any form of consideration, 1 or more motion picture projectors, slide projectors, image or virtual reality producing machines or

similar machines, for viewing by 5 or fewer persons per machine at any 1 time, are used regularly to show films, motion pictures, video cassettes, slides, digital images, electronic reproductions or photographs describing, simulating or depicting specified sexual activities or specified anatomical areas.

Adult Cabaret — A nightclub, bar, restaurant or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of specified anatomical areas or by the exhibition of specified sexual activities.

Adult Motion Picture Theater — An establishment which is characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations that have an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult Store — An establishment in which 10% or more of the total floor space available for access by the public is utilized for display, sale or rent for any form of consideration, 1 or more of the following: (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs, digital video discs (DVDs), digital images or other visual representations which are characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or (b) Instruments, devices or paraphernalia designed for use in connection with specified sexual activities.

Adult Theatre — A theater, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by an emphasis on exposure of specified anatomical areas or specified sexual activities.

Affidavit of Correction — A recorded document correcting minor errors in a recorded final plat such as addresses, road names, boundaries, directions or distances.

Affordable Housing, Regulated[265]

Affordable housing that:

1. Has received loans, grants, equity, bonds, or tax credits from any source to support the creation, preservation, or rehabilitation of affordable housing that, as a condition of funding, encumbers the property with a restricted use covenant or similar recorded agreement to ensure affordability, or has been income-restricted under a local inclusionary zoning ordinance or other regulation or program;
2. Restricts or limits maximum rental or sale price for households of a given size at a given area median income, as established annually by the United States Department of Housing and Urban Development; and
3. Ensures occupancy by low- to moderate-income households for a specified period detailed in a restrictive use covenant or similar recorded agreement.

Aggrieved— For any application or request made pursuant to this Code, "aggrieved" refers to the person or party who owns the property that is the subject of the application or request and, if notice of such application or request to adjacent property owners is required, to the adjacent property owners entitled to such notice.

Agricultural Business — A commercial activity directly related to or resulting from the cultivation of the soil, production of crops or the raising of livestock which are not necessarily produced on the premises, which may also include feed and seed sales and hay sales which would otherwise be classified as retail sales.

Agricultural Stand — A structure, booth, or counter for the display and sale of plant and/or animal products in a raw, uncut, or unprocessed state which have been raised or grown on the same lot or parcel on which the agricultural stand is located. Examples of acceptable products include eggs, honey, fruit, vegetables, and other similar unprocessed agricultural products.

Agricultural Structure — For the purpose of determining an agricultural structure exemption from the Building Code, a structure used for the sole purpose of providing shelter to livestock (including hen chickens) or for the

storage of the feed and equipment relating to the care, training, raising, and/or maintenance of the livestock (including hen chickens) or for the storage of agricultural products associated with horticultural, dairy, livestock, hen chickens, as well as other products customarily produced on a farm or ranch, or for the shelter of agricultural implements and machinery such as tractors, plows, harrows, fertilizer spreaders, seeders, balers, harvesters, and similar agricultural implements and machinery when used as part of a farming or ranching operation, as intended in C.R.S. 30-28-201(1).

Agriculture — The science, art, and business of producing crops or raising livestock. This includes but is not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; emus and ostriches; livestock, including beef cattle, sheep, swine, horses, ponies, mules, donkeys, llamas, alpacas or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all these animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Agritainment — Ongoing or seasonal events and/or activities, whether for remuneration or not, of an agricultural nature that are offered to the public for the purpose of recreation, entertainment, and/or education.

Air Pollutant — Any fume, smoke, particulate matter, vapor, gas or combination thereof which otherwise enters the atmosphere including but not limited to any physical, chemical, biological, radioactive (including source material, special nuclear material, and by-product materials) substance or material. This does not include water vapor or steam condensate.

Air Quality Management Plan — A plan identifying potential sources of air pollution along with strategies for minimizing emissions.

Aircraft Navigation Sub-Zone (ANAV) — An area indicated at and above the ground as drawn on the Commercial Airport District Map.

Airport Advisory Commission — An organized body of volunteers from the Pikes Peak Region appointed by the Colorado Springs City Council. The Commission serves in an advisory capacity to the City Manager, the City Council, and the City Planning Commission; and may act in an advisory capacity to the El Paso County Planning Commission and the BoCC for matters relating to the Colorado Springs Municipal Airport.

Airport Noise Sub-Zone (ADNL) — The area indicated by lines of increasing projected annual average noise exposure (DNL) from 65DNL to 70DNL, 70DNL to 75DNL, and 75DNL to 80DNL. The boundary of the ADNL reflects the 65 DNL line.

Airport, General Aviation — A runway or landing area or other facility designed or used by public carriers or private aircraft for the landing and taking off of aircraft, which may include the following associated facilities: taxiways; aircraft storage and tie-down areas; hangars; servicing; and passenger and air freight terminals. Airport includes heliports.

Airstrip, Personal — A runway or landing area without general aviation airport functions maintained for the private use of the owner of the property on which it is located. Includes personal heliport.

Amusement Center, Indoor — An establishment totally contained within a structure designed or intended to provide entertainment or recreation for the general public, but not including bars, nightclubs or sexually-oriented businesses. The term includes, among other things, arcades (pinball, video, etc.), theaters, dinner theaters, bowling alleys, skating rinks, billiard parlors, pool halls, teen clubs, indoor shooting ranges, laser tag, privately-owned recreational facilities, health clubs, and organizational clubs. Accessory uses may include the preparation and serving of food or sale of equipment related to the identified uses.

Amusement Center, Outdoor — An establishment, which can be contained in part by a structure, but is largely exposed to the weather, designed or intended to provide entertainment or recreation for the general public characterized by being open for specific hours, receiving remuneration, advertising activities or use of the

property, using sanctioned leagues, or holding organized events. The term includes, among other things, drive-in theaters, amusement parks, carousels, miniature golf courses, golf courses and driving ranges, go-cart tracks, skateboard parks, water parks, and privately-owned outdoor recreational facilities, but does not include bars, nightclubs, or sexually-oriented businesses. Accessory uses may include the preparation and serving of food or sale of equipment related to the identified uses.

Animal Keeping — The activity of having, owning, or caring for domesticated animals, including animals not commonly regarded as household pets.

Animal Refuge — A facility, other than a veterinary hospital, for the care and keeping of abandoned, injured, or confiscated animals, including domesticated or exotic species. Also includes what is commonly considered animal rescue or similar type facilities.

Annexation — The action by a city or town to bring a lot, parcel or tract into its boundaries and jurisdiction.

Annexation Impact Report — A written report prepared by a municipality concerning the proposed annexation of any lot, parcel or tract.

Apiary — A place where 1 or more beehives are kept.

Appeal — A request by an applicant or citizen that a decision made pursuant to this Code is reviewed for its correctness and legality by another person, agency, approving authority, or court of law having jurisdiction to hear the appeal.

Applicant — The individual, firm, business entity, trust, association, syndicate, partnership, or corporation of record or any person designated by the property owner who has applied for or is requesting a development permit under this Code including subdivider's.

Applicant Subdivider — A subdivider that may be required by an approved cost recovery statement issued under this Code to reimburse a requestor subdivider for a fair share of the cost of certain improvements that the County required to have installed. An applicant subdivider is also referred to as a benefited property owner.

Approval Authority — The PCD Director, the BoCC, Planning Commission, Board of Adjustment, El Paso County Engineering Criteria Manual (ECM) Administrator, Building Official, or other person or agency, depending on the type of development permit or decision specified by State Statute or this Code, sanctioned to make a final decision approving, denying or conditionally approving the development permit or other requested action.

Approval of Location — The process authorized by CRS §30-28-1 10(1) whereby the Planning Commission reviews and approves the location and extent of any road, park, public way, ground or space, public building or structure, or public utility (whether publicly or privately owned and constructed).

Aquifer, Alluvial — An aquifer comprising unconsolidated material deposited by water, typically occurring adjacent to rivers and in buried paleo channels (surface water).

Aquifer, Confined — An aquifer below the land surface that is saturated with water. Layers of impermeable material are both above and below the aquifer, causing it to be under pressure so that when the aquifer is penetrated by a well, the water will rise above the top of the aquifer.

Aquifer, Unconfined — An aquifer whose upper water surface (water table) is at atmospheric pressure, and thus is able to rise and fall. Water-table aquifers are usually closer to the Earth's surface than confined aquifers are, and as such are impacted by drought conditions sooner than confined aquifers.

Arterial — A road that connects major activity centers, carries high volumes of traffic longer distances, and has access to abutting land as a small part of its function. The concept of service to abutting land is secondary to the provision of mobility. Arterials are designated on the Major Transportation Corridor Plan (MTCP).

Auction — A public sale in which real or personal property is sold to the highest bidder.

Auditorium — A large building for public meetings or artistic performances, which usually includes a stage and seating.

Augmentation Plan — A detailed program, which may be either temporary or perpetual in duration, to increase the supply of water available for beneficial use in a subdivision or portion thereof by the development of new or alternate means or points of diversion, by a pooling of water resources, by water exchange projects, by providing substitute supplies of water by development of new sources of water, or by any other appropriate means. "Plan for augmentation" does not include the salvage of tributary waters by the eradication of phreatophytes, nor does it include the use of tributary water collected from land surfaces that have been made impermeable, thereby increasing the runoff but not adding to the existing supply of tributary water. Refer to C.R.S §37-92-103. "Plan for augmentation" refers to the plans approved by a water court. "Replacement Plan" refers to similar plans approved by the Colorado Groundwater Commission. See, Replacement Plan.

Automobile — Any powered vehicle, including cars, trucks, buses, motorcycles or motor homes, or any vehicle requiring licensing under State law, such as campers, travel trailers or fifth wheels.

Automobile and Boat Storage Yard — A lot, parcel, or structure used for temporary storage of operable automobiles, trucks under 5 tons rated capacity, campers, recreational vehicles, trailers, or boats, not owned by the property owner, where typically the storage occurs when they are not in use and for a fee. The term shall not include scrap metal processing yards, vehicle dismantling yards, or salvage yards.

Automobile and Trailer Sales Area — An open area used for the display, sale, or rental of automobiles, trailers, boats, recreational vehicles, mobile homes and manufactured homes, and where no repair work is done except minor incidental repair and preparation work on automobiles, mobile homes and manufactured homes to be displayed, sold or rented on the premises.

Automobile Recycling Center — An establishment primarily engaged in the wholesale or retail distribution of used automobile parts, including establishments dismantling automobiles for the purpose of selling parts.

Automobile Sales — The use of any structure, lot or parcel for a business involving the sale of automobiles. These establishments may include office space, parking lots for the display and storage of automobiles available for sale, parking areas for customers and employees, automobile repair facilities, facilities for bodywork, painting, or restoration, and sale of parts.

Average Daily Traffic — The total 2-directional volume of traffic during a given time period (in whole days), greater than 1 day and less than 1 year, divided by the number of days in that time period.

Avigation Easement — A document granting rights pertaining to the passage of aircraft over a grantors' property, along with other statements, requirements, and criteria accompanying that grant, which is generally recorded against the grantors property as a condition of development approval.

Bar — An establishment serving alcoholic beverages as prescribed in C.R.S. § 12-47-409 (beer and wine license) or C.R.S. § 12-47-412 (tavern license) of the Colorado Liquor Code and having an occupant load as defined in the Building Code of less than 100.

Base Flood — See Floodplain, 100-year.

Base Flood Elevation — The computed elevation to which floodwater is anticipated to rise during the base flood.

Batch Plant — Processing plant, together with its accessory facilities, for the manufacturing of concrete or asphalt and related materials and products.

Batch Plant, Temporary — A batch plant placed on a lot or parcel on a temporary basis, usually in association with a federal, State, or local government public improvement project.

Bed and Breakfast Home — A residence which provides temporary overnight lodging for remuneration with a maximum of 2 guest rooms. A bed and breakfast home is a home occupation as further defined and regulated by this Code.

Bed and Breakfast Inn — A residence which provides temporary overnight lodging for remuneration with a minimum of 3 and a maximum of 10 guest rooms.

Bee Keeping, Commercial — The cultivation of bees on a commercial scale for the production of honey and pollination of crops.

Bee Keeping, Residential — The cultivation of bees for the production of honey and pollination of crops for personal use only and not for monetary gain.

Benefited Property — A property identified in a pending or approved cost recovery statement as being potentially benefited by adjacent or off-site improvements constructed by a requestor subdivider.

Berm — A mound of soil, either natural or manmade, used to obstruct views, attenuate noise, or direct the flow of stormwater

Best Management Practice — Systems of practices, schedules of activities, prohibitions, maintenance procedures, and management measures that prevent or minimize adverse impacts to the environment.

Billboard — An off-premise sign erected to direct attention to a business, commodity, service, activity or product sold, conducted, or offered off the lot or parcel where the sign is located.

Billiard Parlor — An establishment for the games of or relating to billiards or pool. In the event liquor is served, the establishment is classified as a bar.

Block — An area of land within a subdivision entirely bounded by roads or the exterior boundary or boundaries of the subdivision designated as a block on a recorded subdivision plat.

Board of Adjustment — The Board of Adjustment of El Paso County.

Board of County Commissioners — The El Paso County governing body authorized to exercise the powers of the County.

Board of Directors — A board of directors of a special district having the ability to directly influence the major financial decisions of the special district or a combination of related districts.

Boarding and Rooming House — A building, other than a hotel or motel, where lodging for 5 or more persons, not including members of the operator's immediate family, is provided for compensation; meals may be provided for the lodgers where the owner or manager lives on the same ownership. This term shall not include child care center or family care home. The word compensation shall include compensation in money, services or other things of value.

Buffering — The installation of plant materials, fencing, or landforms (or a combination of these measures), between 2 or more lots or parcels which inhibits visibility or mitigates the transmission of noise, dust, smoke, lights, and other nuisances from 1 lot or parcel to another, or which provides for future public improvements or additional open space.

Buildable Area — The portion of the lot that can be occupied by the principal and accessory uses, excluding the front, side and rear yards and other areas constrained by setbacks, easements, floodplain, and other restrictions so noted on the plat or by this Code.

Building — A structure having a roof, supported by columns or walls.

Building Code — The Pikes Peak Regional Building Code, as adopted by the BoCC.

Building Department — The Pikes Peak Regional Building Department.

Building Height — The vertical distance measured from the average elevation of the finished grade adjoining the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building Official — The administrator of the Building Department or his designee.

Building Permit — A permit issued by the Building Department for construction of a structure following a determination by the PCD and Building Department that the construction plans comply with the provisions of this Code and the Building Code.

Business Event Center — A for-profit business whose purpose is to provide a place for people to assemble for events in the nature of, but not limited to, recreational, social, cultural, political, or educational purposes.

Caliper — The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

Car Wash — A facility for the cleaning of automobiles. The term includes, among other things, truck or recreational vehicle wash.

Caretaker's Quarters — A dwelling, mobile home, manufactured home, or apartment unit within the principal building occupied only by a caretaker and immediate family, which is accessory to the principal commercial or industrial use.

Carport: — A detached structure consisting of a roof supported on posts with 3 or 4 open sides used to offer limited protection to vehicles.

Cemetery — A place operated and designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.

Cemetery, Personal — A cemetery that is limited to the personal use of the property owner for themselves, immediate family members or other relatives.

Central Sewer System — A system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capacity to receive more than 2,000 gallons of sewage per day from 1 or more lots or parcels, but not including an onsite wastewater system (OWTS). The term central sewer system includes appurtenances such as interceptors, collection lines, outfall and the outlet sewers, pumping stations, and related equipment.

Central Water System — A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, and which provides at least 15 service connections used by year-round residents of the area served by the system; or that regularly serves at least 25 year-round residents.

Certificate of Designation — A document issued by the BoCC, upon favorable recommendation from the Colorado Department of Public Health and Environment (CDPHE), authorizing the operation of a solid waste disposal site and facility pursuant to the Solid Wastes Disposal Sites and Facilities Act (C.R.S. §§ 30-20-101 et seq.).

Certificate of Occupancy — A certificate issued by the Building Department after final inspection and a finding that the building, structure, or development complies with all provisions of the applicable County codes, permits, requirements and approved plans.

Change of Use — Any use that substantially differs from the previous use of a structure, lot, or parcel, including a change from a public use to a private use, in which the new use requires review of parking, landscaping, screening, buffering, drainage facilities, water supplies, wastewater facilities, or other changes to the site to determine compliance with this Code.

Child Care Center — A facility with the capacity to care for more than 5 children who are under the age of 16 years and are not related to the owner, operator, or manager, whether the facility is operated with or without compensation for the care, and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, montessori school, kindergartens, preschools, day camps, summer camps, centers for developmentally disabled children and those facilities which

give 24 hour care for dependent and neglected children; and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, or parochial college or private or parochial school; except that the term shall not apply to a kindergarten maintained in connection with a public, private, or parochial elementary school system of at least 6 grades, which is defined as an educational institution under this Code. Kindergarten means any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether the facility is called a kindergarten, nursery school, preschool, or by any other name. The term child care center shall not include any facility licensed as a family care home.

Child Care Facilities — A licensed child care center, family care home, or residential child care facility, as provided for under the Child Care Act, C.R.S. §§ 26-6-101 et seq. and its implementing regulations, 12 C.C.R. 2509-8, except as otherwise defined or restricted by this Code.

Christmas Tree Lot — An area for the temporary retail sale of Christmas trees usually set up in the parking lot of a large commercial business.

Clear Zone — An area defined by Federal Aviation Administration (FAA) regulations that extends 3,000 feet beyond the end of the runway, where the potential for aircraft accidents is considered measurable enough to warrant additional land use restrictions.

Clerk and Recorder — El Paso County Clerk and Recorder.

Clerk to the Board — The custodian of records and documents of the BoCC.

Clubs — Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, including country clubs and lodges but excluding clubs operated for profit and places of worship or assembly.

Club, Marijuana — Any organization of persons, however otherwise defined or described, formed or operated with a primary or secondary purpose of using or consuming marijuana at a common location and characterized by membership qualifications, dues or regular meetings.

Cluster Development — A design technique which concentrates buildings or lots in specific areas of a site in order to reduce the overall need for infrastructure or to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive or visually significant features.

CMRS, Base Station — A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a CMRS as defined herein or any equipment associated with a CMRS including the defined Accessory Equipment. Base Station includes:

1. Equipment associated with wireless communications services such as private broadcast. and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

CMRS (Commercial Mobile Radio Service) Facility — A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; wireless utility monitoring and control services: or an antenna or antennas. including without limitation, direction, omni-

directional and parabolic antennas, base stations, support equipment, alternative tower structures, and Towers. A CMRS Facility does not include a facility entirely enclosed within a permitted building or attached to a building where the installation does not require a modification of the exterior of the building and is used for serving that parcel only and that is otherwise permitted under other provisions of the Code: the support structure to which the CMRS Facility or its components are attached if the use of such structures for CMRS Facilities is not the primary use; mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Section.

CMRS Facility, Accessory Equipment for a — Equipment, including buildings and structures, used to protect and enable radio switching equipment, back-up power, support structures, and other devices incidental to a CMRS facility, but not including antennae.

CMRS Facility, Building Roof-Mounted — A CMRS facility with antennae that are mounted and supported entirely on the roof of a legally existing building or structure.

CMRS Facility, Building Wall-Mounted — A CMRS facility with antennae that are mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, chimneys, and similar appurtenances.

CMRS Facility, Freestanding — A CMRS facility that consists of a stand-alone support structure, such as a tower or monopole, and antennae and accessory equipment.

CMRS Facility, Pole-Mounted — A CMRS facility with antennae that is mounted and supported entirely on a legally existing traffic signal, utility pole, street light, flagpole, co-located freestanding CMRS facility, electric or transmission line support tower, or other similar structure.

CMRS Facility, Small Cell — A CMRS facility where each antenna is located inside an enclosure of no more than 3 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 3 cubic feet; and primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. This term shall include personal wireless service facilities as defined by the federal "Telecommunications Act of 1996."

CMRS Facility, Stealth — A CMRS facility with an alternative design which camouflages or conceals the presence of antennae or towers such that the CMRS facility is consistent with and difficult to distinguish from existing natural and/or manmade features in the vicinity where the proposed CMRS facility is to be located.

Code— The El Paso County Land Development Code, including any companion documents referenced in the code and otherwise adopted. The Code comprises the zoning resolution and the subdivision regulations of the County.

Co-Location — Placement of 2 or more transmitters, antennas, or other forms of telecommunication device on a common support structure.

Colorado Springs Municipal Airport — The general aviation airport now known as City of Colorado Springs Municipal Airport, or any future name or common reference that may be promulgated adopted or referred to.

Colony — Worker bees, drones, queen, and developing brood living together in 1 hive.

Combination Agreement — A voluntary acknowledgement by property owner filed for recording with the Clerk and Recorder whereby a property line is removed between 2 or more contiguous lots or parcels for the purpose of modifying the exterior boundaries of the resulting parcels. The execution and filing of a combination agreement eliminates the lot or parcel line between 2 or more parcels for the purpose of meeting the requirements of this Code.

Combustible — Any material that, in the form in which it is used and under the conditions anticipated will ignite and burn or will add appreciable heat to an ambient fire.

Commercial Airport District Map — The series of maps developed for the Colorado Springs Municipal Airport which together defines the geographic extent of the boundaries of the OA-CAD District and the associated noise and accident potential based upon the Federal Aviation Regulations (FAR) Part 77 and Part 150 Studies.

Commercial Airport Overlay District (CAD-O) — An overlay zone district applicable to airports which may include associated sub-zones noted herein that are together superimposed on existing base zones.

Commercial Center — The area of land contained within the same zoning or rezoning approval resolution, which may include multiple owners, lots, or parcels; which utilizes common access; and which functions as a unified commercial development.

Commitment to Serve — A written commitment by the public water or sewer provider that constitutes a binding agreement to provide service to the subject property, which may include conditions necessary to provide service and quantifiable amounts of service.

Common Open Space — An area of land, water, or a combination of land and water designed and designated for the use or enjoyment of residents, occupants, and owners within the subdivision or development.

Community Building — A facility used for the assembling of people for recreational, social, cultural, political or educational purposes operated by a not-for-profit, special district, or governmental entity, a homeowners' association, or a mobile home or recreational vehicle park owner generally designed to serve a neighborhood or development. A community building may include outdoor recreation facilities including tennis courts, basketball courts, playgrounds, bike trails, picnic areas, or other facilities approved as part of the site development plan or special use.

Compatibility — The characteristics of different uses, activities or designs which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of the proposed use, activity or design in maintaining the character of existing development within the vicinity.

Complete Application — All submittals required for processing a specific type of development application.

Composting Facility — A site where compost is produced, except at a residential location.

Condominium — A legal form of ownership whereby an owner gains title to an interior air space of individual units in a multi-unit project together with interest in the common areas and facilities appurtenant to the units where the land within the project is owned in common.

Conservation Area — The land set aside in a RLUP Exemption Plat and permanently preserved, through a conservation easement or other County-approved mechanism, for conservation, agricultural, or other low-impact uses as provided by this Code.

Conservation Easement — A recorded deed restriction under which a property owner retains title to real property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance, but gives up some or all of the development rights associated with it, the terms and restrictions of which are specified in a conservation easement document for the property. For a conservation easement to be recognized under federal law, the easement document shall transfer the rights to enforce property restrictions to a qualified conservation organization or government agency.

Construction Equipment Storage and Field Office, Temporary — A heavy equipment and materials storage area for an establishment engaged in the business of constructing or demolishing buildings or infrastructure. The term also includes, but is not limited to, businesses engaged in the installation of air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, pools, and service facilities of utilities. The term

also includes field offices that support the construction activities including field offices located in construction trailers. The term does not include salvage yards, junkyards, vehicle dismantling yards, or scrap metal processing yards.

Construction Permit — A permit issued by the ECM Administrator for: (1) the construction, alteration or reconstruction of public improvements within any County right-of-way or easement; (2) the construction, alteration or reconstruction of common development improvements covered by the ECM, LDC, development agreement, or subdivision improvement agreement; or (3) site preparation activities including grading, stripping of soil or vegetation, depositing fill material, and trenching or excavating.

Construction Plans — Project drawings that show the location, character and dimensions of the proposed work.

Contiguous — Sharing an edge or a lot, parcel or tract boundary line. The contiguity of land areas shall not be affected by the existence between them of a private road, road easement, driveway or alley; a private right-of-way; a public or private transportation or utility right-of-way; a river, creek, stream, or other natural or artificial waterway; or an intersecting mining claim. The contiguity of land areas shall be assumed to be disrupted by the existence of established public roads and by lands contained within the legal boundaries of any municipality unless otherwise provided by this Code.

Contractor's Equipment Yard — A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment.

Convenience Store — An establishment for the purpose of offering for sale to the neighborhood in which it is located such items as groceries, ready to eat food, over the counter drugs, and sundries. A convenience store may include retail sale of gasoline and other petroleum products.

Copy Shop — A retail and service store for the purpose of small scale publishing, copying, fax receipt, and shipping serving the needs of the general public.

Correction Plat — A re-recording of a previously approved final plat which is intended to correct a technical error in the plat.

County Assessor — The El Paso County Assessor.

County Engineer — The County Engineer for El Paso County with authority and duties as designated in Colorado Revised Statute, or authorized designee.

County Hydrogeologist — A person designated by the BoCC to advise the County on matters pertaining to compliance with the County's water regulations, and other water matters.

Covenants — Covenants, conditions and restrictions ("CC&R's") by which the declarant or other executing party or parties impose contractual obligations on the present and future owners and assignees of real property. CC&Rs are connected with land or other real property and run with the land, so that the grantee of the land is invested with and bound by the CC&Rs. CC&Rs include but are not limited to declarations for condominiums. CC&Rs are not enforced by the County.

CSFS (Colorado State Forest Service) Guidelines — Guidelines, publications, and design manuals as published by the CSFS relating to forest management and wildfire protection.

Cut-Off Angle — The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

Date of Completion of an Improvement — The earlier of the date that the County accepts dedication of the relevant improvement that is the subject of the cost recovery statement or, in the case of improvements to which the County does not require dedication, the earlier of the date of the County's release of the collateral for the construction of the relevant improvement or the date that any building permit is issued within the subdivision.

Datum Plane — A horizontal plane or surface which includes the surface point of the airport elevation at mean sea level.

Day Care Center — A non-residential facility for the care and supervision of more than 8 children for periods of less than 24 hours per day. Day care centers include preschools and nursery schools.

Day Care Home, Adult — A private residence used for the care of 8 or fewer adults, other than the operator or operator's family, for a period of less than 24 hours per day. A license from the Colorado Department of Social Services is not required.

Day Care Home — A private residence used for the care of up to 12 children other than the operator's own children for a period of less than 24 hours per day for which the operator possesses a license from the Colorado Department of Social Services.

Day-Night Average Sound Level — The 24-hour average frequency-weighted sound level, in decibels, that recognizes the added impact of nighttime noise. It is a 24 hour average noise level based on A-weighting with 10 dBA (decibels) added between the hours of 10:00 p.m. to 7:00 a.m. DNL is expressed visually via contour lines in 5 DNL increments.

Day-Night Equivalent Sound Level — The average sound level over a 24-hour period with noise events occurring between the hours of 10:00 p.m., and 7:00 a.m., subject to a penalty of 10 decibels.

Dedication — A right to use land for the public that involves a transfer of property rights by plat, title, deed or other legal method and acceptance of the dedicated property by the appropriate public agency.

Deed Restriction — Clauses in a deed limiting the future use of a property.

Defensible Space — An area as defined by the Fire Authority (typically a width of 30 feet or more) between an improved property and a potential wildland fire where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and create an area for fire suppression operations.

Density, Gross Residential — The total number of residential dwelling units divided by the total land area of the subject property including publicly dedicated roads, open space or other public facilities.

Density, Net Residential — The number of residential dwelling units divided by the land area within the subject property excluding publicly dedicated roads, open space or other public facilities.

Design Standards — All requirements and regulations relating to design and layout of subdivisions as contained in this Code and the ECM.

Detention — The temporary storage of stormwater runoff to control peak discharge rates and allow settling of stormwater sediment.

Detention Facility — An above or below ground drainage facility, such as a pond or tank, that temporarily stores stormwater runoff and releases it at a slower rate than it is collected by the drainage facility. The facility includes the flow control structure, the inlet and outlet.

Development — The act of carrying out any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into 2 or more parcels. When appropriate in context, development shall also mean the act of developing or the result of development. Development shall also include: (a) Any construction, placement, reconstruction, alteration of the size, of a structure on land; (b) Any increase in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development; (c) Any change in use of land or a structure; (d) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland; (e) The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land; (f) The demolition of a structure; (g) The clearing or grading of land as an adjunct of construction; (h) The deposit of refuse, solid or liquid waste, or fill on a parcel of land; (i) The installation of

landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and (j) The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area. Development shall not include: (a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; (b) Work by any public utility for the purpose of inspecting, repairing, renewing or constructing in established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity; (c) The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; (d) The use of any land for an agricultural activity; (e) A change in the ownership or form of ownership of any parcel or structure; or (f) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

Development Agreement — An agreement with the County, including a subdivision improvements agreement, which clearly establishes the terms and conditions of the development approval, including the applicant's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements. The agreement may also serve to implement the site specific development plan which establishes vested rights under C.R.S §§ 24-68-1 01, et seq.

Development Application — Any application required by this Code or companion documents for a change in land use, for approval of plans, or for the issuance of a permit, including, but not limited to, the following: rezoning; use variances; special uses; variances; temporary use; approval of location; administrative approval or permit pursuant to Appendix B Guidelines and Regulations For Areas and Activities of State Interest of El Paso County ("Appendix B Guidelines and Regulations"); site plans; site development plans; preliminary plan; final plat; maintenance plans; landscape and parking plans; building permit review; certificate of designation; vacation; exemption plat; construction permit; builder's erosion and sediment control permit (BESQCP); erosion and sediment control permit (ESQCP); grading permit; development agreement; and subdivision improvement agreement (SIA).

Development Guide — The written and graphical documents that detail the provisions for development of a PUD or R-4 development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas, and parking facilities; common open space, and other public facilities.

Development Permit — An approval of a development application and associated documents including, but not limited to, the following: rezoning; variance in use; special use permit; approval of location; administrative approval or permit pursuant to Appendix B Guidelines and Regulations; variance; temporary use permit; site plan; site development plan; preliminary plan; final plat; maintenance plan; landscape and parking plan; building permit; certificate of designation; vacation, exemption plat, construction permit; builder's erosion and sediment control permit (BESQCP); erosion and sediment control permit (ESQCP); grading permit; development agreement; and subdivision improvements agreement (SIA).

Development Plan — A document prepared pursuant to submittal of a PUD application (or in the R4 zoning district) that is intended to establish the overall land use and density parameters for a large development precedent to submittal and approval of 1 or a series of more detailed site specific development plans that are fully compliant with the requirements and standards of the PUD or R4 zoning district regulations.

Development Review Process — The process of reviewing development applications for consistency with the requirements of this Code and other applicable laws, rules, and regulations.

Planning and Community Development Department (PCD) — The office, department, branch or division of the El Paso County government designated by resolution of the Board of County Commissioners to administer the Land Development Code.

Planning and Community Development Director — The person designated by resolution of the Board of County Commissioners to manage the Planning and Community Development Department or the person's equivalent position or delegated representative.

Development Standards — Standards and regulations pertaining to the physical development of a site including requirements pertaining to yards, heights, lot area, fences, walls, landscaping area, access, parking, signs, setbacks, and other physical requirements.

Deviation — A modification of the ECM standards approved by the ECM Administrator.

Disconnection — The action which removes property from the legal boundaries of a city or town, rendering the property unincorporated.

Drainage Plan — A plan depicting the overall approach for managing stormwater drainage associated with the subject property prepared in accordance with the ECM.

Driveway — A facility for the passage of vehicles that provides access from a public or private road to no more than 3 lots.

Driveway Permit — A permit issued pursuant to the requirements of the ECM to allow access to a lot, parcel or tract from a public or private road. Temporary access may be allowed through the issuance of a Work in the Right-of-Way Permit.

Dry Cleaning Plant — An industrial establishment or area for the purpose of cleaning garments and fabrics with any of a variety of non-aqueous agents.

Dry Hydrant — An arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for fire-fighting purposes and that utilizes the drafting (suction) capability of fire department pumpers.

~~**Dwelling, Additional —** A dwelling unit, allowed in the A-35 District only, either within or added to an existing single-family detached dwelling or located as a separate accessory structure on the same lot or parcel as the principal single-family dwelling, for use as a complete, independent living facility with provisions within the dwelling unit for cooking, eating, sanitation, and sleeping. The additional dwelling shall be considered an accessory use to the principal dwelling.~~

~~**Dwelling, Multifamily —** A structure containing 3 or more dwelling units designed for or used exclusively as a residence by 3 or more families, living independently of one another with accessory uses, limited to an office, laundry and recreational facilities, used in common by the occupants.~~

~~**Dwelling, Single-Family —** A structure containing 1 dwelling unit designed for or used exclusively as a residence by 1 family.~~

~~**Dwelling, Single-Family Attached —** A structure containing more than 1 dwelling unit, each of which has primary ground floor access to the outside and are attached to each other by party walls without openings, where each dwelling unit is generally located on its own lot. The common or abutting wall shall be shared for at least 50% of the length of the side of the dwelling units. A single-family attached dwelling does not share common floor/ceilings with other dwelling units. A single-family attached dwelling is also sometimes called a townhouse or row house.~~

~~**Dwelling, 2-Family —** A structure containing 2 dwelling units that are structurally attached and designed for or used exclusively as a residence by 2 families, living independently of one another.~~

~~**Dwelling Unit —** 1 or more rooms or structures designed for occupancy by an individual or family for living and sleeping purposes, containing rooms with internal accessibility and no more than 1 kitchen, for use solely by the dwelling unit's occupants. The word "dwelling unit" shall not include tents, recreational vehicles, trailer coaches, hotels, motels, accessory living quarters, or other structures designed or used primarily for transient residents.~~

Dwelling, Co-Housing

A residential community designed with private dwelling units and shared common spaces and amenities, fostering collaboration and social interaction among residents. Co-housing communities typically include shared kitchens, dining areas, or recreational spaces, and are managed collectively by the residents.

Dwelling, Duplex

A structure containing two dwelling units that are structurally attached and designed for or used exclusively as a residence by two families, living independently of one another.

Dwelling, Live/Work

A mixed-use residential unit that combines a dwelling unit with an integrated workspace for commercial or professional activities. The workspace is typically located on the ground floor or within the unit, and the use is designed to accommodate both residential living and business operations

Dwelling, Multiunit[277]

A structure containing five or more dwelling units designed for or used exclusively as a residence by five or more households, living independently of one another with accessory uses, limited to an office, laundry and recreational facilities, used in common by the occupants.

Dwelling, Single-family Detached

A structure containing one dwelling unit designed for or used exclusively as a residence by one household.[278]

Dwelling, Single-family Attached

A structure containing more than one dwelling unit, each of which has primary ground floor access to the outside and are attached to each other by party walls without openings, where each dwelling unit is located on its own lot. The common or abutting wall shall be shared for at least 50 percent of the length of the side of the dwelling units. A single-family attached dwelling does not share common floor/ceilings with other dwelling units. A single-family attached dwelling is also sometimes called a townhouse or row house.

Dwelling, Triplex or Fourplex

A residential building containing three (triplex) or four (fourplex) separate dwelling units, each with its own entrance, kitchen, and living facilities, either arranged side-by-side or stacked vertically.

Dwelling Unit

One or more rooms or structures designed for occupancy by a household[279] for living and sleeping purposes, containing rooms with internal accessibility and no more than one kitchen, for use solely by the dwelling unit's occupants. The word "dwelling unit" shall not include tents, recreational vehicles, trailer coaches, hotels, motels, accessory dwelling units, or other structures designed or used primarily for transient residents.

Easement — An area which is reserved, conveyed or dedicated for a specialized or limited purpose without the transfer of fee title.

ECM Administrator — The County Engineer or his/her authorized designee.

Educational Institution — Educational institution shall mean public schools, non-public schools, and schools administered and operated by the State. The following definitions shall apply to the various types of educational institutions: (a) "Public schools" shall mean those schools administered by legally organized school districts; (b) "Non-public schools" shall mean all private, parochial and independent schools which provide education of compulsory school age pupils comparable to that provided in the public schools of the State.

El Paso County Health Certified Inspector — A person certified by the National Association of Wastewater Technicians, or an equivalent program approved by EPCPH to perform Transfer of Title Inspections.

Electric Substation — An assemblage of equipment and appurtenant facilities designed for voltage transformation or voltage control of electricity in amounts of 115,000 volts or more, and any addition increasing the existing design capacity.

Electric Transmission Lines — Non-private electric transmission lines and appurtenant facilities which transmit electricity at 115 kilovolts or more, and any addition thereto increasing the existing design capacity.

Elevation — The external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, or overall stylistic expression.

Eligible Cost — Any monetary expense incurred and paid for the installation of an improvement that the County required to have installed under the subdivision approval process and that is directly related to the construction, inclusive of design and planning, of an improvement eligible for a fair share reimbursement. The eligible cost may be incurred by the requestor subdivider or by any metropolitan district, local improvement district, transportation authority, or similar type of governmental entity. These expenses may include but are not limited to land acquisition, materials, labor, engineering, survey, title, management, supervision, consulting, legal, and other professional matters. Eligible costs do not include the expenses incurred in preparing or processing a cost recovery statement.

Emergency Medical Facility — A facility at which medical care is provided for situations or occurrences that would require immediate action and providing primarily outpatient emergency care for the diagnosis and treatment of individuals. This term does not include, among other things, hospitals, medical clinics, fire stations, or ambulance headquarters.

Emission — The discharge or release into the atmosphere (ambient air) of 1 or more air pollutants.

Emission Permit — The instrument issued by the CDPHE allowing construction, demolition, sandblasting, and open burning activities.

Energy Generation Facilities — An electrical energy generating facility with generating capacity of less than 50 megawatts for commercial delivery and any appurtenant facilities.

Equipment Storage Shelter — Buildings, storage shelters and cabinets used to house CMRS facility equipment.

Equivalent Sound Level — The level of a constant sound which, in a given situation and time period, has the same energy as does a time varying sound. For noise sources which are not in continuous operation, the equivalent sound level may be obtained by summing individual sound exposure level (SEL) values and normalizing over the appropriate time period.

Establishment — A place of business together with its employees, merchandise, and equipment.

Exemption from Platting — A release from the requirements of platting by resolution of the BoCC in accordance with the terms set forth in this Code.

Exotic Animal — Any vertebrate animal except fishes and amphibians that is not defined as a pet or livestock.

Expansion of Capacity, Road — Expansion of the capacity of a road includes widening, intersection improvement, signalization or other capital improvements designed to increase the existing road's capacity to carry vehicles.

Expressway — A public way designed to handle heavy volumes of vehicular traffic with limited access. An expressway is a divided highway for through traffic with full or partial control of access.

Fair Share Reimbursement — A reimbursement to the requestor subdivider not to exceed the costs of the improvement, plus interest, for that share of the costs related to excess capacity not needed to meet the demands of the requestor subdivider.

Family — An individual, or 2 or more persons related by blood, marriage, adoption, or as guardian and ward, or a group of not more than 5 persons, excluding servants, who are not so related, living together in a dwelling unit. A

family shall not include more than 1 person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., as amended, unless related by blood, marriage or adoption, or in foster care.

Family Care Home — A facility for child care in a place of residence of a family or person, for the purpose of providing family care and training for a child under the age of 16 who is not related to the head of the home and, under Family Foster Home provisions, to include children from 16 to 18 years of age and those persons to 21 years of age who are placed by court order prior to their 18th birthday. The term includes any family care home receiving a child for regular 24 hour care and any home receiving a child from any State-operated institution for child care or from any child placement agency as defined in C.R.S. § 26-6-102(2), or any day care home receiving a child for less than 24 hour care. The term "Family Care Home" shall not include any facility licensed as a "Child Care Center".

Farm — Any parcel of land containing at least 35 acres used primarily for the commercial, soil-dependent cultivation of an agricultural crop; the raising of aquatic plants or animals; or the raising of livestock. This does not include livestock feed yard or exotic animal facilities.

Farm/Ranch Residence — A farm/ranch residence is a dwelling unit occupied by persons principally employed at or engaged in the operation of the farm or ranch.

Farming — The commercial, soil-dependent cultivation of an agricultural crop; the raising of aquatic plants or animals; or the raising of livestock. Farming includes traditional farming, sod farming, tree farming, and animal farming in unconfined operations.

Fee Schedule — The schedule of development application and permit fees adopted by the BoCC.

Feepayer — A person commencing traffic-generating land development activity who is obligated to pay a regional traffic impact fee in accordance with the terms of this Code.

Field Office — A manufactured structure or commercial vehicle used for a temporary time period for office use or the storage of construction-related plans, supplies, equipment and related items to be accessed exclusively by construction personnel.

Financial Assurance — A financial guarantee, naming El Paso County as beneficiary, that public infrastructure and subdivision improvements required for a project will be constructed and certified according to the plans and specifications and all applicable Standards.

Financial Assurance Estimate — An estimation of the cost of the construction of the public and common subdivision improvements associated with a subdivision or development.

Fire Authority — For purposes of this Code, the person designated by the Fire District or Fire Department within whose boundaries the property lies. This term shall also include a Third-Party Fire Reviewer for properties not located within the boundaries of a Fire District or Fire Department.

Fire Department — An organization equipped for the prevention or extinguishment of fires including municipal fire departments, fire districts, and fire companies.

Fire District — A special district created according to State Statutes to provide fire protection and prevention services.

Fire Hazard — Any situation, process, material, or condition that, on the basis of applicable data, can cause a fire or an explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or the property of others.

Firewood Sales — A freestanding facility for the storage, display and sale of cut wood that is used for fuel. A firewood sales facility may also include wood splitting.

Fireworks Stand — A temporary stand or location for the sale of fireworks.

Flea Market — An occasional or periodic market held in an open area or structure where groups or individual sellers offer goods that are homemade, homegrown, handcrafted, old, obsolete or antique for sale to the public. This may include the selling of goods at retail by businesses or individuals generally engaged in retail trade.

Flood Insurance Rate Map (FIRM) — An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). The following FIRM zones are the most prevalent in unincorporated El Paso County:

Zone A Floodplain — Area of special flood hazard where detailed ratemaking has not been completed, mapped by approximate methods without base flood elevations.

Zone AE Floodplain — Area of special flood hazard where base flood elevations are provided.

Zone D — Area of undetermined but possible flood hazards.

Zone X (shaded) — Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods.

Zone X (unshaded) — Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level.

Floodplain, 100-Year (Base Flood) — The relatively flat area or lowlands adjoining the channel of a stream or water course and subject to floodwater overflow resulting from a 100-year flood which is defined as that flood equivalent of a 1 percent (1%) or greater chance of flooding in any given year. The floodplain includes unstudied areas outside of FEMA-regulated floodplains (SFHAs).

Floodplain Administrator — The person designated by the Building Code to administer the provisions of the Regional Building Code Floodplain Regulations.

Floodplain Regulations — The Floodplain Code as included in the Building Code, as supported or clarified by any additional requirements as included in the LDC.

Floodway — The channel of a river or other watercourse and adjacent land areas that must be reserved and kept free from obstructions in order to discharge the base flood without cumulatively increasing the water surface elevation more than ½ foot (6 inches).

Floor Area, Gross — Total area of all floors within a structure, exclusive of vents, shafts, and courts. The floor area of a structure or portion of a structure without walls shall be the area under the horizontal projection of the roof or floor above.

Floor Area Ratio — Ratio of total floor area of the structure or structures to the total area of the lot.

Food Processing — Preparing, treating, converting, or packaging food which has not been produced on the premises.

Forest Health — A summary of vegetative conditions determined by an inventory by a qualified professional of a forest for insect and disease presence or potential, exotic plant species and stand structure.

Forestry and Noxious Weed Manager — The manager of the Forestry and Noxious Weed Division of the El Paso County Environmental Services Department.

Forestry Management Plan — A written report with implementation recommendations to aid owners in increasing the health, vigor, productivity and beauty of their forest land through use of forest management practices.

Frontage — The boundary line of a lot, parcel, tract, or proposed subdivision that abuts an existing or proposed public road or right-of-way, as the context of the applicable provision of this Code specifically limits or modifies the term.

Fuel Modification — Any manipulation or removal of fuels to reduce the likelihood of ignition or the resistance to fire control.

Fuel Sales and Storage — Facilities for the storage and wholesale sales of large quantities of fuel or petroleum, including liquefied gases.

Full-Cutoff Light Fixture — A luminary device which cuts off all upward transmission of light.

Full-Time Care — Care for a person on a full day and night, 24 hour basis. Several hours' absence for temporary purposes such as school shall not cause the care to be less than full-time.

Funeral Home — A building used for the preparation of the deceased for burial or cremation, for the display of the deceased or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies. Shall also include funeral parlor, mortuary, and crematory.

Garbage Service Facility — Buildings and yards where vehicles and containers used for the transport of garbage are stored, maintained, or cleaned and which may include maintenance facilities for the company.

Gas Regulator Station — An assemblage of equipment which reduces regulates and meters natural gas pressure in the transmission line, holder, main, pressure vessel or the compressor station piping. This may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.

Gas Station — A property where the retail sale of gasoline, diesel fuel, oil, or other fuel for vehicles and which may include, as an incidental use, the retail sale and installation of vehicle accessories, the making of minor repairs, and facilities for washing and servicing of not more than 3 vehicles completely enclosed in a structure.

Gas Transmission Pipeline — Pipelines and appurtenant facilities installed for the purpose of transmitting gas from a source to a distributing center, to a large volume customer, or to interconnect sources of supply.

General Aviation District Map — The map developed for the Meadowlake Airport which defines the geographic extent of the boundaries of the OA-GAD zoning district.

Geologic and Soils Report — A report prepared by a professional geologist that identifies the geologic and soil conditions related to a specific development application site and the relationship of those conditions to the intended land use.

Geologic Constraint — A geologic condition, including but not limited to potentially unstable slopes, expansive soils/bedrock, high groundwater levels, soils creep, hydrocompaction, shallow bedrock, erosion, corrosive soils, radon, or drainage way, which may be mitigated or avoided to allow for development.

Geologic Hazard — A geologic condition, including but not limited to avalanches, debris flows-fans/mudslides, earthquakes, floodway, floodplain, ground subsidence, landslides, rockfall, ponded water, undermining, faulting, or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development, which may pose a significant threat to persons or property.

Glare — Discomfort experienced by an observer with a direct line of sight to a light source which often results in visual impairment.

Golf Course — An area of land laid out for the game of golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often 1 or more natural or artificial hazards. It may also include a clubhouse and other accessory structures.

Golf Course, Miniature — A game played with a putter and golf ball in which each hole constitutes an obstacle course consisting of alleys, tunnels, bridges and the like through which the ball must be driven.

Grade, Finished — The final elevation of the ground surface adjoining all walls of a structure after development.

Grade, Natural — The elevation of the ground surface in its natural state, before man-made alterations.

Grading — Stripping, cutting, filling, or stock-piling earth including land in its cut or filled condition to create new grade.

Greenhouse — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the propagation, cultivation, or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

Greenhouse, Personal Use — A greenhouse for the personal use or enjoyment of the property owner.

Groundwater — Any water not visible on the surface of the ground as defined by C.R.S. § 37-90-103(19). Used interchangeably with "underground water."

Groundwater, Alluvial — Groundwater found in unconsolidated clay, silt, sand, and gravel of relatively young geologic age. Alluvial groundwater includes, but is not limited to, groundwater found in the Holocene and Pleistocene Piney Creek Alluvium, Broadway Alluvium, Slocum and Vedros Alluvium and Nussbaum Alluvium.

Groundwater, Bedrock — Groundwater found in consolidated or semi-consolidated sedimentary rocks or in igneous or metamorphic rocks. Includes groundwater found in the Denver Basin aquifers known as the Dawson, Denver, Arapahoe and Laramie-Fox Hills.

Groundwater, Nontributary — Groundwater as defined in C.R.S. § 37-90-103(10.5). Groundwater is considered nontributary solely on the basis of determinations made by the State Engineer's Office or water decrees issued by a State court of competent jurisdiction.

Groundwater, Not Nontributary — Groundwater in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers located outside the boundaries of any designated groundwater basin withdrawal of which will, within 100 years, deplete the flow of a natural stream at an annual rate of greater than 0.1 of 1 percent of the annual rate of withdrawal, C.R.S. § 37-90-103(10.7).

Groundwater, Tributary — Any groundwater tributary to a natural stream as defined by the Water Right Determination and Administration Act of 1969, C.R.S. §§ 37-92-101 et. seq.

Group Home — A home intended to provide a normal residential family setting for certain unrelated groups of people and limited to group homes for persons with mental illness, group homes for developmentally disabled persons, group homes for the aged, and group homes for disabled persons.

Group Home for the Aged (including Assisted Living Residences) — A group home for persons who are 60 years of age or older, who do not need nursing facilities or skilled and intermediate care facilities, and who desire to live in normal residential surroundings. The criteria, requirements, and restrictions for group homes for the aged shall be those prescribed by C.R.S. § 30-28-115(2) (b) (except for distance separations) and in this Code. Group homes for the aged include assisted living residences as defined in C.R.S. § 25-27-102 (1.3). "Assisted living residence" means a residential facility that makes available to 3 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 24-hour basis, but not to the extent that regular 24-hour medical or nursing care is required. The term "assisted living residence" does not include any facility licensed in this state as a residential care facility for individuals with developmental disabilities, or any individual residential support services that are excluded from licensure requirements pursuant to rules adopted by the Department of Public Health and Environment.

Group Home for Developmentally Disabled Persons (including Intellectually and Developmentally Disabled Persons) — A State-licensed group home for persons with developmental disabilities or intellectual and developmental disabilities, as those terms are defined in C.R.S. §§ 27-10.5-102(11)(a) and 25.5-10-202(26)(a). "Developmental disability" has the same meaning as " intellectual and developmental disability." The criteria, requirements, and restrictions for group homes for developmentally disabled persons shall be those prescribed by C.R.S. §§ 30-28-115(2)(a), § 27-10.5-109, and 25.5-10-214, and any regulations implemented by the Department of

Public Health and Environment, the Department of Health Care Policy and Financing, and the Department of Human Services in support of this statutory provision, and elsewhere in this Code. This includes a community residential home as defined in C.R.S. § 25.5-10-202(5).

Group Home for Disabled Persons — A group home for disabled persons and for such additional persons required for their care and supervision. A disabled person is any person who has a physical or mental impairment that substantially limits 1 of more major life activities; has a record of such impairment; or is regarded as having such an impairment. A physical or mental impairment includes, but is not limited to, hearing, visual, and mobility impairments, alcoholism, drug addiction, mental illness, mental retardation, learning disability, head injury, chronic fatigue, HIV infection, AIDS, and AIDS Related Complex. The term "major life activity" may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. A group home for disabled persons shall include a sober living facility, recovery residence, or sober home as those terms are defined in C.R.S. § 25-1.5-108.5 and shall be free from alcohol and nonprescribed or illicit drugs, promote independent living and life skill development, and provide structured activities and recovery support services that are primarily intended to promote recovery from substance abuse disorders.

Group Home for Persons with Mental Illness — A State-licensed group home for persons with mental illness, as that term is defined in C.R.S. § 27-65-102(14). The criteria, requirements, and restrictions for group homes for persons with mental illness shall be those prescribed by C.R.S. § 30-28-115(2)(b.5) (except for separation requirements) and elsewhere in this Code. The term group home for persons with mental illness shall not include any facility licensed as a residential child care facility.

Gunsmith — A person who repairs, modifies, designs, or builds firearms to factory or customer specifications, using hand tools and machine shop tools (such as lathes, milling machines, and grinders).

Habitable Space — That area located inside a dwelling consisting of bathrooms, bedrooms, living rooms, dining rooms, kitchens, dens, lofts or similar space.

Half-Way House — Group care facilities for adults who have been placed on probation or parole.

Hard-Surfaced — A concrete or asphalt surface meeting the pavement and concrete design specifications of the ECM including the required base and subbase.

Hazard to Air Navigation — Any improvement or use of land which obstructs or otherwise has a significant adverse impact on the airspace required for the flight of aircraft, as determined by the FAA under 14 CFR Part 77 and related FAA Orders and Regulations as may be changed or amended.

Hazardous Substance — Any material which is defined as a Hazardous Substance by the United States Code or the United States Environmental Protection Agency.

Hazardous Waste — Any material which is defined as a Hazardous Waste by the United States Code or C.R.S. § 25-15-302, as amended.

Hazardous Waste Storage and Disposal Facility — A facility used for the storage and treatment of hazardous waste.

Health Club — A structure or a portion thereof, including associated grounds and facilities, providing areas and equipment for the enhancement of a person's physical conditioning, the use of which is typically limited to individuals holding membership and their guests.

Heavy Equipment Rental, Sales or Storage — An establishment where large machinery and tools used for construction and building purposes are rented, sold or stored, which may include maintenance and parts sales. Heavy equipment shall include but not be limited to bulldozer, tractor, grader, caterpillar tractor, crane, backhoe, trencher, and earthmover.

Heavy Equipment Storage Yard — A storage yard for heavy equipment.

Hive — A box or receptacle with movable frames, used for housing 1 colony of bees, not exceeding 12 cubic feet in size, including attached honey supers.

Hobby Farm — A parcel of land where livestock, hen chickens, or roosters are raised or garden crops grown in a manner either incidental to the principal residential use of the property or where the production of livestock or garden crops on the property does not constitute a principal income for the property owner.

Home Improvement Center — A business that offers for sale hardware, tools, lumber, electrical, plumbing, home, lawn, and garden supplies; landscaping materials; plants; brick; lumber; and other similar materials. This use may include the outside storage of materials.

Home Occupation — An accessory commercial activity or business service conducted on the site of a dwelling unit, only by residents of the dwelling unit, in a manner clearly incidental to the residential character of the site and surrounding neighborhood, and in compliance with the provisions of this Code.

Home Occupation, Residential — An accessory use of a dwelling or detached accessory structure on a residentially-zoned lot or parcel and is for gainful employment or work of the resident of the dwelling.

Home Occupation, Rural — A home occupation allowed in the A-35 Zoning District only and as a Special Use in other Zoning Districts, intended to recognize the unique land use characteristics in low density areas and to reasonably accommodate the home-based businesses that traditionally occur in these areas.

Homeowners' Association — An incorporated nonprofit organization operating under recorded land agreements, including but not limited to CC&Rs, through which: (1) each real property owner is automatically a member; (2) each real property is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property; and (3) a charge, if unpaid, becomes a lien against the real property. Also commonly referred to as a property owners' association.

Hospital — A facility providing health services primarily for inpatients and medical and surgical care of the sick and injured. This includes, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, emergency departments and staff offices

Hospital, Convalescent — An institution other than a hospital for the treatment and care of human illness or infirmary, and in which ongoing care, rather than diagnosis or treatment, constitutes the principal function. The term convalescent hospital shall include sanitarium, nursing home, and long-term care facility, but not rehabilitation facility.

Hospital, Veterinary — A facility where animals requiring medical care are treated, or temporarily housed. The facilities may include veterinarian offices, administrative offices, space for examination, surgery, recovery, and may include boarding of animals while under treatment, but does not include animal boarding generally.

Hotel — A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals in which, generally, the rooms are occupied singly for hire. This term shall include motel but not child care center, family care home, or human service shelter.

Household Use Only Well Permit — A well permit which restricts water use to in house purposes, and does not allow outside watering of animals and plants.

Human Service Shelter — An establishment which is a residential operation which provides lodging and supportive services to individuals and families in need due to family medical circumstances, economic circumstances, or social difficulties.

Immediate Family — Those family members who are by blood or marriage recognized as parent, sibling or child.

Improvement Location Certificate — A representation of the boundaries of a parcel of land and the improvements thereon, prepared pursuant to C.R.S. § 38-51-108.

Improvements — Road grading, road surfacing and paving, curb and gutters, street lights, road signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other installations designated by the BoCC.

Improvements, Eligible — Any road and any facilities related to roads, water distribution systems, sewage collection systems, storm drainage facilities, or any other type of structure of facility the County requires as a condition or requirement of final plat approval of a subdivision, and which is determined by the County to have excess capacity which will benefit 1 or more applicant subdivider. The improvement may be internal as well as adjacent to or outside of the legal description of the requester subdivider's subdivision.

Impulse Noise — Noise of short duration (typically less than 1 second), especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition. Impulse noise is characteristically associated with such sources as explosions, impacts, the discharge of firearms, the passage of supersonic aircraft (sonic boom) and many industrial processes.

Inclusion — The process by which a special district's boundaries are altered through the addition of real property.

Industrial Park — The area of land contained within the same industrial zoning or rezoning approval resolution, which may include multiple owners, lots or parcels and functions as a unified development.

Industry, Light — Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process which 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 the public generally, and which operates independent of railroad sidings, extensive loading docks and steam generation as prime power.

Inert Material Disposal Site — A site and facility that accepts for disposal exclusively those materials defined as inert material.

Inert Materials — Non-water soluble and nonputrescible solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids according to the rules and regulations of the Board of Health. The term includes but is not limited to, earth, sand, gravel rock, concrete which has been in a hardened state for at least 60 days, masonry, asphalt paving fragments, and other inert solids that the CDPHE or the Board of Health may identify by regulation. Road sweepings from road cleaning machines are not considered inert material and are instead considered solid waste.

Infectious Waste — Non-hazardous waste containing pathogens or biologically active material which, because of its type, concentration or quantity, could present a potential hazard to human health when improperly handled, stored, processed, transported or disposed.

Infectious Waste Transfer Station — A facility at which infectious wastes are collected and temporarily stored pending removal to facilities or sites where the wastes will be rendered non-infectious or permanently disposed. The facility may consist of a mobile storage units into which wastes are transferred from collection vehicles.

Infrastructure — Those man-made structures which serve the common needs of the population, such as potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Institution, Philanthropic — A not-for-profit establishment whose purpose is to increase the well-being of mankind, as by charitable aid or donations.

Institutional Uses — A general term meant to encompass a variety of public and quasi-public uses such as educational facilities, religious institutions, hospitals, libraries, cemeteries and various governmental facilities.

Interceptor Sewer — A sewer line with an internal pipe diameter of equal to or greater than 24 inches intercepting wastewater from a final point in a collection system and conveying waste directly to a treatment plant, or meeting other requirement of the CDPHE to be classified as an interceptor sewer.

Interests — Any and all rights, claims, or shares in the surface of land but excluding any and all subsurface rights, claims, or shares.

Intermediate Processing Facility — A solid waste processing facility designed to remove recyclables from unprocessed municipal solid waste.

Joint Use Well — A well which is permitted for use by more than 1 dwelling, property, or ownership.

Kennel, Major — Any place or premises used in whole or in part for the purpose of keeping, training, boarding, breeding or sale of domesticated dogs or cats in which 9 or more dogs or cats exist, and all of which exceed 4 months in age, to include animal pounds, animal daycare facilities, and shelters. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Kennel, Minor — Any place or premises used in whole or in part for the purpose of keeping, training, boarding, breeding or sale of domesticated dogs or cats in which 5 to 8 dogs or cats exist, and all of which exceed 4 months in age, to include animal pounds, animal daycare facilities, and shelters. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Kitchen — A room, or part of a room, used for the preparation of food inside a dwelling consisting of a refrigerator, a sink with 1 or more basins and 1 or more cooking devices (i.e., stove, range, oven). Multiple kitchen devices located in the same room does not result in consideration as separate kitchens.

Laboratory — A room, rooms, or building equipped for scientific experimentation, research or testing.

Landfill — The location and facility at which the deposit and final treatment of solid, liquid or hazardous wastes occurs or a discrete area of land or an excavation where solid wastes are placed for final disposal, which is not a land application unit, waste impoundment, or waste pile. Landfills include, but are not limited to, ash monofills, construction and demolition landfills, industrial landfills, sanitary landfills, tire monofills and similar facilities where final disposal occurs.

Landscape Area — The part of a property exclusively set aside for living plant materials and associated nonliving ornamental materials such as mulch, fencing, walls or decorative pavers. These areas may include pedestrian spaces and certain other low impact uses but cannot include any artificial plant materials, areas behind opaque fences or areas that can be accessed by vehicles.

Landscaping — Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

Landscaping Area, Roadway — A minimum required landscaping area on a private property which is located along the lot, parcel or tract frontage between or within the road right-of-way, easement, or tract boundary lines and any building or use. Driveways and sidewalks to afford limited access may be allowed to interrupt this required area; however, structures, buildings and parking are not allowed within the roadway landscape area.

Light Trespass — A light projected onto a property from a fixture not located on that property.

Lighting Inventory — A list of lamps indicating the bulb type, bulb wattage, and manufacturer through which the rated lumens can be determined.

Livestock — Cattle, sheep, llamas, goats, swine, mules, poultry (excluding hen chickens), horses, alpacas, ostriches, emus, camels, yak, reindeer, bison, and other alternative livestock as defined by § 35-1-102 and fox, mink, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit.

Livestock Feed Yard — A place of confinement (whether by structure, fence, pens, or corrals) for cattle, sheep, goats, swine, or other livestock for the purposes of concentrated feeding operations for meat or milk production where crop or forage growth or production is not sustained in the area of confinement. This definition specifically excludes educational agricultural projects (hobby farm) and horses as defined under Stable.

Livestock Sales Yard — A confined enclosure used for the purpose of selling livestock.

Loading Area — A portion of a lot for the temporary parking of a commercial vehicle while loading or unloading materials for use or sale on the lot.

Long-Term Care Facility — Any of the following: (a) Convalescent center means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital; (b) Nursing care facility means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and 24 hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide 24 hour per day nursing services under the direction of a registered professional nurse employed full time; (c) Intermediate health care facility means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and 24 hour per day nursing services are required.

Lot — An area of land in which is typically platted for development as part of a subdivision, the plat of which has been legally approved by the BoCC and recorded in the office of the Clerk and Recorder. (see Lot, Legal and Lot of Record)

Lot, Adjoining — The lots, parcels, or tracts sharing a common boundary line.

Lot, Buildable — A lot, parcel or tract of sufficient size and location to: (a) comply with all the standards and requirements of this Code, with the exception of the density provisions contained herein; and (b) support an OWTS or connected to a central sewer system and support an individual water system (i.e., well) or connect to a central water system that is consistent with the policies, standards and requirements of El Paso County Public Health (EPCPH) and CDPHE as they now exist or may hereafter be amended, and any other applicable policies, standards or regulations of the CDPHE. This definition is intended to apply only to lots of record as defined herein. With the exception of the density provisions of this Code, nothing in this definition shall be construed to excuse compliance with any other provisions of this Code or any provision of local, State or federal law or any other applicable regulations governing the provision of infrastructure.

Lot, Corner — A lot, parcel, or tract which has roads on 2 or more abutting sides.

Lot, Double Frontage — A lot, parcel, or tract that fronts 2 parallel roads, or a lot that fronts 2 roads that do not intersect at the boundaries of the lot, parcel, or tract. A double frontage lot is often referred to as a Through Lot.

Lot, Flag — A lot, parcel, or tract with the appearance of a flag and flagpole where the main use or building area does not front or abut a public roadway and where the narrow "flagpole" part of the lot, parcel, or tract is used to provide access to the public roadway. Typically, the widest part of a flag lot is located at the rear of another lot, parcel, or tract and the flagpole part of the lot, parcel, or tract is comprised entirely of a private right-of-way or driveway.

Lot, Irregularly Shaped — A lot, parcel, or tract which may exhibit 1 or more of the following characteristics: (a) triangular, wedge, or pie-shaped configuration; (b) More than 4 boundary lines; or (c) varies significantly from a rectangular shape.

Lot, Legal — A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the BoCC, or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity.

Lot, Nonconforming — A nonconforming lot is a legally created lot or parcel of land which due to subsequent amendments of this Code, right-of-way acquisition by a government entity, or to the zoning or rezoning of the lot or parcel, does not conform with the minimum lot area requirement of this Code.

Lot, Reverse Frontage — A double frontage lot that is not accessible from 1 of the parallel or non-intersecting roads on which it fronts.

Lot, Zoning — A single lot or parcel of land which, at the time of application for a building or use permit, is designated by the owner as a lot or parcel to be used, developed or built on as a unit, under single ownership and control. A zoning lot shall coincide with a lot of record except where an owner merges or combines 1 or more lots or parcels using a merger by contiguity or combination agreement in conformance with Chapters 5 and 7 where the merged or combined lots or parcels shall be considered a zoning lot.

Lot Area — The total area within the boundary lines of a lot, parcel or tract.

Lot Coverage, Maximum — The percentage of the lot, parcel, or tract area that may be covered by structures. The calculation shall not include any areas covered by parking areas, platforms, landings, or ramps if such improvements do not exceed 18 inches in height as measured from the top-most finished surface of the improvements to any adjacent point of the finished grade. The calculation shall also not include open and unenclosed patios if such patios do not exceed 18 inches in height as measured from the top-most finished surface of the patio to any adjacent point of the finished grade. Patios, including patios that are less than 18 inches in height, which have a roof or other overhead cover and/or patios which incorporate a wall or walls as a method of partially or fully enclosing the patio shall be included in the calculation of maximum lot coverage.

Lot Depth — The shortest horizontal distance between the front and rear boundary lines of a lot, parcel or tract.

Lot of Record — A lot or tract of land shown on an officially recorded plat and described by platted lot or tract number or a parcel of land officially recorded or registered as a unit of property and described or by metes and bounds and lawfully established for conveyance on the date of recording of the instrument first referencing the lot, parcel, or tract. The term "lot of record" does not imply that the lot, parcel, or tract was created in conformity with the legal regulatory requirements for subdivision of property in accordance with this Code.

Lot Line, Front — The boundary line dividing a lot, parcel, or tract from a road. On a corner lot, parcel, or tract both boundary lines dividing the lot, parcel, or tract from the roads shall be considered the front lot line, unless otherwise provided in this Code.

Lot Line, Rear — The boundary line opposite and most distant from the front lot line. A triangular lot has 2 side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all boundary lines that are most nearly opposite the front lot line.

Lot Line, Side — Any lot line other than the front or rear lot line.

Lot Width — The mean horizontal distance between side lot lines of the lot measured at right angles to the depth.

Machine Repair, Personal — Repair of small engine machines. This term may include, but is not limited to, lawn mowers, snow blowers, and customarily incidental to the maintenance or upkeep of a residential property.

Maintenance Plan — A plan for private maintenance of roads, common areas, recreational areas, open space, bikeways, parking areas, or water and sanitation facilities where County maintenance is not proposed.

Manufactured Home — A single-family dwelling which is partially or entirely manufactured in a factory, is not less than 24 feet in width and 36 feet in length, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 USC 5401, et seq. (See C.R.S.§ 30-28-115). A manufactured home not placed on a permanent foundation is considered a post-1976 mobile home.

Manufacturing, Light — Manufacturing and processing in which no operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, or which will be detrimental to the health, safety, or general welfare of the community. The following are examples of light manufacturing or processing: beverage manufacturing; book binding; canvas products manufacturing; clothing or cloth manufacturing; computer manufacturing; dry cleaning plant; electronics manufacturing; fish hatchery; furnace installation, repair, and cleaning; hosiery manufacturing; machine shops; machine tool manufacturing; machinery sales; public utility storage, yards, and service installments; sheet metal shops; shoe manufacturing; sign manufacturing, repair, and maintenance.

Map Amendment — A revision to the Zoning Map which modifies the zoning district which is applicable to a lot, parcel, or tract.

Marijuana Club — Any organization of persons, however otherwise defined or described, formed or operated with a primary or secondary purpose of using or consuming marijuana at a common location and characterized by membership qualifications, dues or regular meetings.

Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, Retail Marijuana Stores — These uses, as defined in Article XVIII, Section 16 of the Colorado Constitution, are prohibited in unincorporated El Paso County in accordance with Ordinance 13-01.

Marijuana Land Use, Medical — Medical Marijuana Land Use shall mean and include only the following land uses which are defined in and subject to licensing pursuant to § CRS 12-43-101 et. seq.

—Medical Marijuana Center

—Medical Marijuana Infused Products Manufacturer

—Optional Premises Cultivation Center

Marijuana, Personal Cultivation of — The growing or processing of marijuana plants, including the extraction of THC or other cannabinoids, as a patient or caregiver pursuant to Article XVIII, Section 14 of the Colorado Constitution or for personal use pursuant to Article XVIII, Section 16 of the Colorado Constitution.

Massage Business — An establishment providing massage, but does not include training rooms of public and private schools accredited by the State Board of Education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams, and licensed health care facilities. A facility which is operated for the purpose of massage therapy performed by a massage therapist is a massage business.

Massage Therapist — A person who has graduated from a massage therapy school accredited by the State Board of Education or division charged with the responsibility of approving private occupational schools, or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least 500 hours of training in massage therapy. A massage therapy school may include an equivalency program approved by the State Board of Education or division charged with the responsibility of approving private occupational schools.

Master Plan — A plan and any functional element to the plan as adopted and amended, for the physical development of the unincorporated territory of the County. Also known as the El Paso County Comprehensive Plan, El Paso County Master Plan, the Master Plan for El Paso County, and the El Paso County Land Use Plan.

Master Sign Plan — A coordinated sign plan that establishes standards for the size, location, and design of signs within a development area being constructed or managed as a single development.

Material Modification — A basic or essential change to the method of providing services including the exclusion or addition of services to a special district service plan.

Material Recovery Facility — A solid waste facility designed to receive and process recyclable materials.

Materially Diminish — A measurable change that has significance for existing or proposed development or for the existing environment.

Maximum Extent Feasible — When no prudent or feasible alternative exists and all possible efforts to comply with regulations and minimize potential harm or adverse impacts have been undertaken.

Maximum Extent Practicable — When, under the circumstances, reasonable efforts have been taken to comply with the regulation or requirement, the costs of full compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project and reasonable steps have been taken to minimize any potential harm or adverse impacts resulting from non-compliance with this Code.

Meat Processing, Custom — The slaughter or processing for a fee or other remuneration of an animal delivered to the processor by the owner of the animal.

Medical Clinic — A facility used for the provision of medical, dental, surgical, health or mental health care of the sick or injured, operated by 1 or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination or treatment.

Merger Agreement — An agreement executed by the owner and filed for recording with the Clerk and Recorder, whereby 2 or more contiguous nonconforming lots are combined into a zoning lot for the purposes of meeting the requirements of this Code with respect to minimum lot size, or in changing the conformity of the lots or parcels pursuant to the nonconforming lot provisions of this Code.

Microwave Antenna — A disk-type antenna used to link communication sites together by wireless voice or data transmission.

Mineral — An inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. This definition includes, but is not limited to, sand, gravel, aggregate, coal, gold, clay and limestone. This definition does not include surface or groundwater useable for domestic, agricultural, or industrial purposes, nor does it include geothermal resources subject to regulation under C.R.S. § 37-90.5-101 et seq. or oil and gas resources subject to regulation under C.R.S. § 34-60-101, et seq.

Mineral and Natural Resource Extraction — An operation involved in the act of removing naturally occurring minerals from the earth for an economic use. Mineral extraction includes material washing, sorting, crushing or more intensive modification and alteration through mechanical or chemical means to a mineral resource extracted within the same ownership provided such activities are approved as part of the special use.

Mineral Deposit, Commercial — A natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogical, or other scientific data that the deposit has significant economic or strategic value to the area, State, or nation.

Mineral Estate Owner — The owner or lessee of minerals located under a surface estate that are subject to an application for development.

Mineral Processing Plant — An operation involved in material washing, sorting, crushing or more intensive modification or alteration through mechanical or chemical means to a mineral resource which was extracted on a different lot, parcel or tract than the lot, parcel or tract on which the mineral processing plant is located. This does not include asphalt or concrete batch plants or the incidental (less than 10% by volume) mixing of materials at a mineral and natural resources extraction site with materials from off site in order to meet road material specifications.

Mini-Warehouse — Buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided except for the service of a manager's apartment and for lighting and climate control of individual storage units.

Mixed Use Building — A building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.

Mixed Use Development — A combination of uses including residences of varying types and densities, employment, shopping and schools, located in proximity with one another, but which are designed to ensure compatibility and minimize transportation and environmental costs and impacts.

Mixed Use Residential — Residential dwelling units located above the ground floor in a mixed use building.

Mobile Home, Junk — A mobile home that is partially or totally damaged by fire, earthquake, wind or other natural causes, or is in a state of general dilapidation, dereliction, deterioration or decay resulting from improper lack of maintenance, vandalism or infestation with vermin or rodents.

Mobile Home, Post-1976 — A structure, transportable in 1 or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which has been certified under the "National Manufactured Housing Construction and Safety Standards Act" (42 U.S.C. 4501 et seq., as amended) in effect after June 15, 1976 or which has been certified according to the Building Code.

Mobile Home, Pre-1976 — A structure, transportable in 1 or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which has not been certified under the "National Manufactured Housing Construction and Safety Standards Act" (42 U.S.C. 4501 et seq., as amended).

Mobile Home Pad — Part of an individual lot which has been reserved for placement of the mobile home, appurtenant structures or additions, including an adequate foundation and anchoring facilities to secure the mobile home against any accidental movement.

Mobile Home Park — An area designated for the accommodation of mobile homes used as housing units and containing facilities for connection of mobile homes to utility systems.

Mobile Home Subdivision — A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a mobile home and its facilities.

Model Home — A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers by a realtor, building developer or contractor. The dwelling may be furnished but not occupied as a residence while being used as a model home.

Monuments — The actual points set on the ground to locate, delineate or describe lots, parcels or tracts of land or the points set to define a legal description of a lot, parcel or tract of land including the points or corners set by a Colorado Registered Land Surveyor in accordance with the C.R.S..

Monuments, United States Land Survey — The points or corners established by the survey of public lands for the United States Government, including the re-establishment or restoration of said corners.

National Wetland Inventory — The official maps produced by a branch of the U.S. Fish & Wildlife Service that collects and distributes information on the characteristics, extent, and status of the nation's wetlands and deepwater habitats.

Natural Hazard — A geologic, wildfire, or flood condition which is adverse to past, current, or foreseeable construction or land use and constitutes a significant hazard to public health and safety or to property.

Neighborhoods — Primarily residential areas unified by shared characteristics, functional connections and spatial perceptions. Elements which define or reinforce a neighborhood orientation include common design themes, pedestrian and bicycle linkages, shared facilities and public spaces and identifiable boundaries, edges or gateways.

Nightclub — A food service establishment operating a bar in conjunction with providing patron dancing or live, non-adult entertainment or a bar having an occupant load, as defined in the Building Code of 100 or greater. This would not include a piano bar having an occupant load of less than 100.

Noise Analysis, Traffic — An analysis of the potential noise attributed to a development project, which includes the following: (a) identification of existing activities, developed lands, and undeveloped lands for which development is planned, designed and programmed, which may be affected by noise from the highway; (b) prediction of traffic noise levels; (c) determination of existing noise levels; (d) determination of traffic noise impacts; and (e) examination and evaluation of alternative noise abatement measures for reducing or eliminating the noise impacts.

Noise Barrier — Solid obstructions built between the highway, road, or railroad and the adjacent homes, which may include berms or walls made out of wood stucco, concrete, masonry, metal, or other materials.

Noise Disturbance — Any sound which is (a) harmful or injurious to the health, safety, or welfare of any individual; (b) of a volume, frequency, or intensity that it unreasonably interferes with the quiet enjoyment of life of an individual of ordinary sensitivity and habits; or (c) unreasonably interferes with the value of real property or any business conducted thereon.

Noise Easement — A document granting rights pertaining to noise affecting a grantor's property, along with other statements, requirements, and criteria accompanying that grant, which is generally recorded against the grantor's property as a condition of development approval.

Noise Level Reduction (NLR) — The difference, in decibels, between the A-weighted sound level outside a building and the A-weighted sound level inside a designated room in the building. The NLR is dependent upon the transmission loss characteristics of the building surfaces exposed to an exterior noise source, the particular noise characteristics of the exterior noise source and the acoustic properties of the designated room in the building.

Noise Reduction Certificate — A certificate issued by a qualified professional which quantifies the amount of noise level reduction in decibels achieved through incorporation of noise attenuation, between outdoor and indoor levels, in the design and construction of a structure.

Nondiscretionary Review — An administrative evaluation of a specific land use or application where compliance with the regulations can be determined based on objective standards. Decisions are made administratively and do not require a public hearing, notice or written interpretation. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether a proposed building meets all setback, height, and parking requirements.

Notice of Violation — A written notice provided to the owner or tenant, in accordance with this Code, which declares that the property is in violation of this Code or County Ordinance, and describes remedies and penalties for the violation.

Notice to Proceed — A document issued by the ECM Administrator authorizing a permit holder to begin construction of common development, subdivision or public improvements in accordance with an approved set of plans.

Noxious Weed — An alien plant or parts of an alien plant that have been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets 1 or more of the following criteria: (a) aggressively invades or is detrimental to economic crops or native plant communities; (b) is poisonous to livestock; (c) is a carrier of detrimental insects, diseases, or parasites; (d) the direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

Noxious Weed Management Plan — A written report to aid landowners in the control of noxious weeds on their property, by prescribing integrated management practices. Specifically the planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve specified management objectives and promote desirable plant communities. These methods may include but are not limited to education, preventive measures, good stewardship, and the following techniques: biological management, chemical management, cultural management, and mechanical management.

Nursery, Retail — An establishment which may include a greenhouse for the retail sale of trees, shrubs, and plants to the general public. Commonly known as a garden center, products and services related to gardening, growing of plants, and outdoor landscaping may also be included.

Nursery, Wholesale — A wholesale (as defined by this Code) business, which may include a greenhouse(s), where trees, shrubs, or plants are grown or warehoused for transplanting or for use as stocks for budding and grafting.

Nursing Home — A facility, or a distinct part of a facility, which meets the State nursing home licensing standards, is maintained primarily for the care and treatment, under the direction of a physician, of inpatients who for reason of illness or physical infirmities are unable to care for themselves, and meets the requirements in federal regulations for certification as a qualified provider of nursing home services. "Nursing home" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

Office, General — Use of a site for business, professional, or administrative offices excluding medical offices. General offices are characterized by a low proportion of vehicle trips attributable to visitors or clients in relation to employees. Typical uses include real estate, insurance, management, travel, or other similar business offices; organization and association offices; law, architectural, engineering, accounting, telemarketing or other professional offices.

Office, Accessory — A place within an industrial or warehouse building such as room, or suite, in which services, clerical work or professional duties are carried out which are directly related to the industrial or warehousing activities on the site.

Off-Site Improvements — Public or common development or subdivision improvements located beyond the boundaries of a development which are the responsibility of an applicant or permit holder as mitigation for off-site impacts of the project. These improvements are typically specified in a technical report, such as a Transportation Impact Study, and may be eligible for cost recovery.

Off-Site Road Study — An area-specific study and plan authorized, prepared, facilitated, or accepted by the County for the purposes of identifying road improvements necessary to serve developing, developable, and benefited properties, along with the planning and construction requirements or costs of these improvements allocated to those properties.

Off-Site Source — Groundwater in aquifers which naturally lie beneath a property which is not part of the subject property but from which groundwater will be extracted for the subject property, and surface water which naturally flows across a property which is not part of the subject project.

Oil and Gas Operation — Any structure, facility, or activity which is constructed on or disturbs land in association with oil or gas drilling, production, or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, and pipelines.

Onsite Source — Groundwater in aquifers which naturally lie beneath a subject property, and surface water which naturally flows across the subject property.

On-Site Wastewater Treatment System — An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not a part of or connected to a sewage treatment works. This term may be used interchangeably with the terms "OWTS" or "system" where the context as used within this Code or the EPCPH regulations so indicates.

Open Burning — Burning any material or substance in the ambient air or in a receptacle other than a properly designed furnace such as an incinerator or other equipment connected to a stack or chimney. Cutting and welding torches are exempted.

Open Space — Publicly or privately owned parcels of land which have been permanently set aside or otherwise preserved to retain land, water, historic and other aesthetic features in a primarily natural state. Open space includes trail corridors and may serve 1 or more of the following functions: (a) identify or separate communities and other developed areas, and to provide expansive visual relief; (b) buffer and provide transitions between different land uses; (c) preserve or protect scenic areas and vistas, prominent landforms, floodplains, riparian areas and critical ecosystems; (d) provide outdoor recreation opportunities such as hiking, biking and equestrian uses; or (e) assist with the preservation of ongoing ranching and agricultural uses.

Outdoor Sales and Display — Outdoor display of merchandise for retail sale. This term shall not include sale and display of mobile, modular, or manufactured homes, sale and display of wholesale goods or materials, or sale and display of automobiles.

Over the Air Reception Devices — An antenna or mast in support thereof that meets the definition found in 47 CFR § 1.4000.

Owner — Any individual, corporation, partnership or other legal entity holding or controlling title on property, including mineral interests, that is the subject of development covered by this Code, or that are intended to come under the ownership or control of the County including subdividers.

Ownership — 1 or more adjoining lots or parcels that are owned by the same person, partnership, association, or corporation. Ownership also includes lots or parcels that are in common ownership but are separated by a right-of-way.

OWTS Regulations — The regulations of the EPCPH regarding OWTS.

Panel Antennae — An array of antennae, rectangular in shape, used to transmit and receive telecommunication signals.

Parcel — A designated area of land which is not part of a subdivision plat that has been created by deed, survey map, or exemption and recorded in the office of the Clerk and Recorder. A parcel is described by metes and bounds.

Parent Parcel — The lot or parcel proposed for division or subdivision.

Park, Community — Parks of typically 24 to 199 acres which primarily serve the active and passive recreation needs of residents within specific communities or subareas of the County.

Park, Neighborhood — Parks of 3 to 23 acres which are generally within walking or easy bicycling distance of the neighborhoods or subcommunities they serve.

Park, Regional — Parks of more than 200 acres in area which are intended to serve the resource preservation and recreation needs of the entire County population, especially those residents within a radius of from approximately 5-10 miles.

Park Board — El Paso County Parks Advisory Board.

Park Fee Fund, Regional — A fund established for use in acquiring and developing regional parks, open space or regional trails in accordance with El Paso County Parks and Leisure Services Department (EPCPLSD) long-range plans. Fees collected in lieu of, or in combination with, the dedication of land for regional park purposes shall be deposited within the regional park fee fund and shall be used solely to acquire and develop regional parks, open space or regional trails which will reasonably serve and benefit the property owners within the proposed subdivision within the respective regional park district. Interest earned on regional park fees shall remain within the regional park fee fund and shall be used solely for the purposes set forth by this Code.

Park Fee Fund, Urban — A fund established for use in acquiring and developing urban park lands that will be transferred to or developed by some other governmental or quasi-governmental entity for ownership for urban park purposes, within the neighborhood or community planning unit from which the urban park fee was collected. Fees collected in lieu of, or in combination with, the dedication of land for urban park purposes shall be deposited within the urban park fee fund and shall be used solely to acquire and develop urban park lands which will reasonably serve the needs of the intended neighborhood or community planning unit. Interest earned on urban park fees shall remain within the urban park fee fund and shall be used solely for the purposes set forth in this Code; provided, however, that the earned interest may be used by the EPCPLSD to provide for necessary and required minimum levels of annual public health and safety maintenance of the "reserved lands" properties until transfer to another entity is affected.

Parking, Tandem — Parking 2 cars in a driveway or parking space so that 1 car is right in front of the other and the front car cannot move until the back car is moved.

Parking Area — Parking areas and spaces designed, used, required or intended to be used for the parking, storage, display or operation of vehicles, including driveways or access ways in and to these areas, but not including any outdoor storage area used principally as a recreational vehicle, boat or truck storage use, storage areas for landscaping and other bulk items or public roads and rights-of-way. The term parking area includes parking lots and parking structures.

Parking Lot — An area, structure, or building used for the sole purpose of parking vehicles in legal operating condition, excluding recreational vehicles, and which is generally paved and striped for parking spaces.

Parking, Storage, and Repair of Vehicles and Machines, Personal— Parking, storage, and repair of vehicles and/or machines owned by and for the sole use of persons residing on a lot, tract or parcel.

Peddler Sales — The temporary use of outdoor parking areas or lots for sale of merchandise or produce not produced on the premises, or food from a mobile food vendor.

Performance Standards — Regulations and criteria established to control the operation of a use, including noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, dust, radio-activity, electrical disturbance, heat, glare, or other factors generated by or inherent in uses of land or structure.

Person — A natural person, firm, partnership, association or corporation, but this definition does not include any governmental unit.

Personal Wireless Service — Commercial mobile services.

Pigeon Keeping — The raising, keeping, housing and breeding of pigeons as a hobby.

Planned Unit Development — An area of land to be developed under unified control or a unified plan of development which include any combination of dwelling units, commercial, educational, recreational, or industrial

uses, pursuant to a plan which does not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations.

Planning Commission — The Planning Commission of El Paso County.

Planting Strip — That portion of a right-of-way between the curb line and the sidewalk, or between the sidewalk and the right-of-way line, used for the planting of trees, shrubs, groundcover or grass, or the space between the edge of the pavement or the back of the curb and the sidewalk.

Plat — A map and supporting materials and documentation of certain described land prepared in accordance with this Code and C.R.S. § 38-51-106 as an instrument for recording of real estate interests with the Clerk and Recorder and providing a permanent and accurate record of the legal description, dedications, exact size, shape, and location of lots, blocks, roads, easements, and parcels of land. The plat, when recorded by the Clerk and Recorder, becomes the legal instrument whereby the location and boundaries of separate parcels of land within a subdivision or subdivision exemption are identified.

Plat, Amended — A plat which contains mapping modifications to an existing approved and recorded plat which do not significantly affect the land use of an area or are technical in nature and do not involve the construction of public improvements, or an increase in density in a subdivision.

Plat Restriction — A restriction placed upon a subdivision plat or separate recorded document that may prohibit issuance of building permits or sale, transfer or conveyance of lots while serving as the security to guarantee construction of public improvements or other facilities.

Premise — 1 or more contiguous lots or parcels of record (exclusive of any right-of-way), owned or managed by the same individual or entity.

Principally Employed — The main or primary place of employment.

Prison — A facility for the processing and confinement of individuals either awaiting trial or serving sentences. This term does not include halfway houses. A prison may be publicly or privately-owned and operated.

Procedures Manual — The manual of the PCD intended to help users of the LDC understand the review and decision making processes outlined in the LDC. The manual includes information on application submittal requirements and review procedures for applications and processes.

Professional Geologist — As defined in C.R.S. § 34-1-201, a person who is a graduate of an institution of higher education that is accredited by a regional or national accrediting agency with a minimum of 30 semester hours (45 quarter hours) of undergraduate or graduate work in a field of geology and whose post-baccalaureate training has been on the field of geology with a specific record of an additional 5 years of geological experience to include no more than 2 years of graduate work

Proof of Ownership — A current title insurance policy insuring the status of an applicant as the owner in fee title to real property unless otherwise provided by this Code.

Property Line Adjustment — The relocation of a property line which does not create additional lots, non-conforming lots or structures, and does not result in any non-buildable lots.

Proprietary School — A facility offering special instruction in such activities as art, business, driving, or construction. The term includes, among other things, karate schools, dance studios, handicraft and hobby instruction, trade schools, secretarial schools, and dance schools.

Public Improvement — Any drainageway, roadway, parkway, sidewalk, pedestrian way, tree, lawn, parking area, lot improvement, or other facility which benefits the public.

Public Park — A lot, tract or parcel of land devoted primarily to recreation, operated by a governmental or quasi-governmental entity.

Public Utility — Public utility as defined by C.R.S. § 40-1-103, 1973. "Public utility" is defined more specifically for applications under Appendix B Guidelines and Regulations For Areas and Activities of State Interest of El Paso County.

Public Utility Facility — Any physical structure or improvement necessary or desirable to deliver service to a public utility's customers.

Publishing Companies — Facilities for the preparation and issuance of printed material for public distribution or sale. This term shall include facilities where newspaper printing, lithography, offset printing, or blueprinting are a primary business component, but not include a copy shop as defined by this code.

Putrescible Waste — Those solid wastes that contain organic matter capable of being decomposed by microorganisms and of such character and proportion as to be capable of attracting or providing food for birds or disease vectors.

Qualified Conservation Organization — A non-profit organization, as defined under Section 501 .C-3 of the Internal Revenue Code, and usually a conservation organization or land trust, designated to enforce the recorded deed restrictions on the use of property, as typically defined through a conservation easement.

Qualified Professional — A professional acceptable to the County, and who is either licensed by the State of Colorado to perform the type of work involved, who is accredited by or registered with a professional group and who is operating within the scope of accreditation or registration, or who is specifically or specially qualified to perform the type of work involved.

Race Track — A course on which races are run and are characterized by organized events or by being open or available to the public, or for public use, which may result in remuneration. Includes accessory structures and uses such as concessions, grandstands, bleachers, horse barns, kennel structures, parking lots, etc. The definition includes animal races, autocross, motocross, and similar facilities, but specifically excludes school facilities or related indoor and outdoor running tracks and the recreational and unstructured use of motor vehicles on private property with the property owner's permission.

Ranch — A parcel of land containing at least 35 acres which is used primarily for the raising of livestock; breeding of horses; practice equestrian courses and arenas not used for scheduled, public or club events; and ancillary sales and previews of livestock and occasional weekend activities.

Recreation Camp — A place used as a destination point for visitors, for vacationing or other recreational purposes which may include permanent structures and temporary facilities such as tents or yurts for the use of guests which facilities may contain cooking facilities and are used for temporary occupancy(not to exceed 30 consecutive days or a total of 90 days in 1 calendar year). This term shall not be interpreted to include hotels, motels, restaurants, and theaters but would include land uses commonly considered as campgrounds, dude ranches, resorts or retreats.

Recreational Vehicle — A vehicle used for temporary habitation and used for travel, vacation or recreation purposes. The term shall include travel trailers, campers, motor homes, truck campers and similar terms.

Recreational Vehicle Park — An area within the RVP zoning district planned exclusively for the parking or temporary storage of 2 or more recreational vehicles for temporary or long term occupancy as a housing unit.

Recreational Vehicle, Park Unit — A vehicle within the RVP zoning district which may be used for temporary or long term habitation as well as for travel, vacation or recreation purposes. The term shall include travel trailers, campers, motor homes, truck campers, and similar terms. This term shall not apply to temporary housing.

Recreational Vehicles Space — A piece of land in a recreational vehicle park for the placement of a single recreational vehicle and the exclusive use of its occupants.

Recyclable Materials — A type of material subject to reuse or recycling. Recyclable materials include metal, glass, cloth, paper, plastic, or any other material which presently has a commercial use or value as a commodity, raw

material, or feedstock and is intentionally separated from a waste stream for reprocessing or remanufacture. Recyclable materials do not include any material meeting the definition of a hazardous waste under C.R.S. § 25-15-101 (6), any material meeting the definition of an infectious waste under C.R.S. § 25-15-402(1), any material meeting the definition of a putrescible waste, or any other materials likely to contaminate groundwater, create off-site odors, or otherwise pose a threat to human health or the environment as a result of processing, reclaiming, recycling, storage prior to recycling, or use of the material.

Recycling Collection Center — A small establishment for the acceptance, recycling, and temporary storage of recyclable materials to be transferred to a processing facility.

Recycling Facility — A facility, which may be part of a solid waste disposal facility where used material is separated, processed by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning, and stored prior to shipment to others who use the materials to make new products.

Regional Facility — An improvement or a part of a network or system of improvements that serve a larger area than a single subdivision and have value to a subdivision based on the nature and use of the improvement for roads, drainage, utilities, bridges, trails and open space, or floodplain requirements that insure the fullest use and development of an individual subdivision.

Regional Road Capital Improvements — Road facilities and other improvements which are or will be dedicated to the County or another governmental or quasi-governmental entity for substantially public use, and which serve the needs of the region and the transportation planning consisting of preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting and construction of all necessary features for any regional road on the MTCP undertaken to accommodate additional traffic resulting from new traffic-generating development. This includes but is not limited to construction of new through lanes; construction of new bridges; construction of new drainage facilities in conjunction with new road construction; purchase and installation of traffic signals including new and upgraded signalization; construction of curbs, gutters, sidewalks, medians and shoulders; relocating utilities to accommodate new road construction; construction and reconstruction of intersections; widening of existing regional roads; bus turnouts; acceleration and deceleration lanes; interchanges; and traffic control devices.

Regional Trail — A bike, equestrian, or pedestrian facility designated by the County as a regional trail.

Rehabilitation Facility — An institutional use-type facility, and not a group home, whether public, quasi-public, not-for-profit, providing accommodation, treatment and medical care for patients suffering from alcohol or drug-related illness.

Relevant Improvement — A road or facility related to a road, water distribution system, sewage collection system, storm drainage facilities, or any other type of structure the County requires as a condition or requirement of final plat approval of a subdivision, and which is determined by the County to have excess capacity which will benefit 1 or more applicant subdivider. The improvement may be internal as well as adjacent to or outside of the legal description of the requester subdivider's subdivision.

Religious Housing — A residential dwelling for permanent or overnight occupation associated with a religious institution, including religious retreats, convents, monasteries, seminaries operating in conjunction with a religious institution on site, religious-sponsored orphanages, and similar religious dormitories and housing facilities. This term does not include major religious facilities that have significant recreation and outdoor activity components associated with them, such as religious camps.

Religious Institution — An establishment primarily for the conduct of religious activities, limited to sanctuary, educational classrooms, daycare, committee and office work, a single parsonage/rectory, or religious camp.

Remainder Parcel — A part of a larger parcel that is not platted during the subdivision of that larger parcel and which is described by metes and bounds

Renewable Water — Surface water and alluvial groundwater. Renewable groundwater is found in, but not limited to, the alluvium found in the drainage systems of Big Sandy Creek, Black Squirrel Creek, Cherry Creek, Fountain Creek, Jimmy Camp Creek, Kiowa Creek, Monument Creek, Sand Creek and Williams Creek.

Rental Services — An establishment where home owners equipment, lawn and garden equipment, party and wedding supplies, tent and events rental, and automotive tools are rented, which are generally utilized by homeowners, rather than contractors. Incidental sales of tools, materials, and services may occur in conjunction with the rental services. This may include outside storage of equipment utilized in the business.

Repair Shop — A business, the primary purpose of which is to engage in repair of household appliances, television, furniture, clocks and watches, stereos, or various types of small electronic equipment and computers.

Replacement Plan — A program defined in C.R.S. § 37-90-103(12.7) to increase the supply of water available for beneficial use in a designated groundwater basin or portion thereof for the purpose of preventing material injury to other water rights by the development of new points of diversion, by pooling of water resources, by water exchange projects, by providing substitute supplies of water, by the development of new sources of water, or by any other appropriate means, consistent with the rules adopted by the Colorado Groundwater Commission. "Replacement Plan" does not include the salvage of designated groundwater by the eradication of phreatophytes, nor does it include the use of precipitation water collect from land surfaces that have been impermeable, thereby increasing the runoff, but not abiding to the existing supply of water.

Replat — The changing of any existing lot or lots, rights-of-way, or easements of a subdivision plat previously recorded with the Clerk and Recorder.

Requestor Subdivider — A subdivider who requests a fair share reimbursement of the cost of certain improvements that the County requires to have installed under the subdivision approval process.

Reserved Land — Any property required by this Code to satisfy the urban park needs within an urban density subdivision or school needs within the County and acquired by the County for future transfer to some other governmental or quasi-governmental entity within the County for ownership, development, operation and maintenance as an urban park area or school.

Residential Child Care Facility — A facility licensed by the Colorado Department of Social Services pursuant to C.R.S. § 26-6-101 et seq. to provide 24 hour group care and treatment for 5 or more children.

Resolution of Approval — A written declaration adopted by an approving authority as authorized by this Code or State Statute approving or conditionally approving the proposed development permit. The resolution is maintained in the records of the approving authority, and includes any specified conditions or modifications as reflected in the official record of the approving authority.

Restaurant — A food service establishment whose primary business is the sale of food in a ready-to-consume state. Any such establishment serving alcoholic beverages under C.R.S. § 12-47-119 (Hotel and Restaurant License) shall also be regarded as a restaurant.

Retail Sales — Establishments engaged in the sale of goods or merchandise to the general public and rendering services incidental to the sale of these goods. A retail sales establishment is usually a place of business and is engaged in activity to attract the general public to make purchases. Including but not limited to: antiques or art, clothing, department store items, drugs, dry goods, feed and seed, hay, flowers, furniture, gifts, groceries, hardware, hobby items, office supplies, package liquor, paint, pets, shoes, sporting goods, appliances and repairs, copies and toys.

Retention — The storage of storm water runoff in a basin without release except by means of evaporation or infiltration.

Retention Facility — An above or underground facility, such as a pond or tank, that stores storm water runoff without release, except by means of evaporation and infiltration.

Retirement Center — A specialized location and facility for the residence of retired people only. Individuals may be able to live entirely on their own or may require varying degrees of care. The residents may either own or rent their dwelling unit.

Rezoning — A zoning map amendment.

Riding Academy — An establishment which rents boards or leases riding horses or ponies or gives lessons to develop horsemanship.

Right-of-Way — Property in which the County has any form of ownership or title or that is intended to be used by the public for, or occupied by, a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another similar use.

RLUP Exemption Plat — A subdivision exemption plat to create the lots, parcels, or tracts identified in a RLUP overlay zoning district.

Road — A facility for the passage of vehicles that where appropriate may include pedestrian, equestrian, and bicycle facilities.

Road, Maintained — A road that has been accepted by El Paso County, a municipal government, or other government agency for maintenance.

Road, Non-Arterial — Those roads not designated as arterial roads or above by the MTCP.

Road, Private — Privately-owned and privately maintained road provided for by a tract, easement or other legal means, typically serving more than 3 lots, parcels, or tracts that do not have frontage on a public road right-of-way. Access to these facilities by the public is restricted. Like public roads, these facilities shall be built to public road standards, unless otherwise dictated by provisions within this Code.

Road, Public — A road located in a public right-of-way or easement and open to the public for travel and accepted for maintenance by El Paso County or another governmental jurisdiction.

Roadway Capital Improvement — The transportation planning of, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of necessary features for a road construction project on an arterial or higher classification of road on the County's major road system, undertaken to accommodate traffic resulting from new traffic-generating development. Road capital improvements may include but not be limited to: (a) construction of new through lanes; (b) construction of new bridges; (c) construction of new drainage facilities in conjunction with new road construction; (d) purchase and installation of traffic signals, including new and upgraded signalization; (e) construction of curbs, gutters, sidewalks, medians and shoulders; (f) relocating utilities to accommodate new road construction; (g) the construction and reconstruction of intersections; (h) the widening of existing roads; (i) bus turnouts; (j) acceleration and deceleration lanes; (k) interchanges; and (l) traffic control devices.

Rodeo — A public performance which includes bronco riding, calf roping, steer wrestling, bull riding, or other related events.

Rural — For purposes of this Code, the zoning, use and development of land in zoning districts or areas which allow lot sizes that are 2.5 acres in size or greater, characterized by dispersed residential development, agricultural uses and activities, or vacant land.

Rural Land Use Plan (Process) — A land use plan and overlay zoning district depicting residential lots, open space and roads, authorized pursuant to C.R.S. § 30-28-401, which provides an alternative to dispersed 35 acre residential development and traditional subdivision design, allowing the lots and open space to be sited creatively to maintain a rural open character.

Rural Residential Development — Land development and uses which are characterized by predominantly residential lots or parcels ranging from 2.5 to 10.0 acres in area. The areas are typically provided with a less-than-urban level of services (i.e. individual wells and septic systems, some unpaved roads) and allowing for only a

limited amount of supporting commercial, office or industrial development. Designation in the rural residential category does not automatically imply the acceptability of lots as small as 2.5 acres.

Salvage Yard — A building, structure or yard open to the air, used for the display, sale, or storage of broken, used or discarded pieces of automobiles, metal, paper, glass, rope, rags, wood or other discarded material, whether of value or valueless, and which may or may not be partly or wholly assembled into vehicles, machinery or other useful objects of any kind. This definition includes junkyards, automobile wrecking yards and scrap processing or shredding, but not implements of husbandry, farm tractors, farm or ranch equipment or vehicles customarily operated in a farm or ranch operation.

Scrap Tire Only Disposal Facility — A location and facility at which the deposit, final treatment and disposal of whole, split, or shredded scrap tires occurs. A scrap tire only disposal facility is also commonly referred to as a monofill.

Scrap Tire Recycling Facility — A facility where scrap tires are processed for recycling or for the extraction of useful materials or energy from the tires through thermal, chemical, or physical processing.

Screening — A method of visually shielding or obscuring a structure or use from view by fencing, walls, trees, or densely planted vegetation. Screening provides a complete, opaque, year round visual separation between differing land uses.

Seasonal Produce Sales — A stand or locations where fruits and vegetables are sold only during certain months of the year.

Severe Change in Grade — A change in grade of more than 10%.

Service Plan — The documentation submitted to El Paso County by an applicant proposing the organization of a special district, including text, maps, charts, and tables, and containing all the information required in the C.R.S. and these standards and regulations.

Service Plan, Approved — The final service plan to be submitted to the Court which reflects any conditions or requirements imposed by the BoCC in their approval action.

Service Plan, Draft — A complete service plan submitted for review and recommendation of the SD/LID Committee.

Service Plan, Final — A final service plan submitted for consideration by the BoCC reflecting any recommendations or changes from the SID/LID Committee.

Service Plan, Model — The standard template(s) to be utilized for a Service Plan to be submitted to the County, as adopted by Resolution 07-273 and any amendment thereto.

Setback — The minimum distance between the lot, tract or parcel boundary line and the location of structures or buildings.

Setback Line — A line that is the required minimum distance from any lot, tract or parcel boundary line and that establishes the area within which the principal or accessory structure shall be erected or placed.

Sexually-Oriented Business — An adult arcade, adult store, adult cabaret, adult motion picture theater or adult theater, except an establishment where a medical practitioner, psychologist, psychiatrist or similar professional licensed by the State of Colorado engages in approved and recognized sexual therapy and except any college, junior college or university supported, in whole or in part, by tax revenue and offering educational programs which, for educational purposes, may include the depiction of specified sexual activities or specified anatomical areas.

Shall — The specified criteria are mandatory.

Shed — An accessory building, structure, or enclosure generally used for the storage of lawn and garden equipment and tools.

Shipping Container — A large metal container, typically made of aluminum or steel, designed and built to store and/or ship materials. The term shall include, but is not necessarily limited to, intermodal containers, Conex boxes, and cargo containers. The term shall not include semi-truck trailers, mobile or manufactured homes, mobile office trailers, or modular office buildings.

Shipping Container, Temporary — Shipping containers used for storing or shipping of personal property in association with the act of moving and/or property improvement for a maximum of 30 consecutive days during a 1 year period.

Shooting Range, Indoor (See Amusement Center, Indoor) Shooting Range, Outdoor — An outdoor facility for the firing of any gun or the shooting with bow and arrow. The term also includes rifle and pistol shooting and skeet and trap shooting. An indoor facility may be operated as an ancillary facility to an approved outdoor shooting range. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

Shopping Center — A group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

Should — The condition is advisory or recommended, but not mandatory.

Sign — Any object, device, vehicle, trailer, display or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images having the capacity of being visible from any public area, except any display on a vehicle using the roadway. A vehicle or trailer parked so as to be visible from a road for more than 24 hours and have the effect of directing attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the vehicle or trailer is located or to another location within the County shall be considered an unlawful vehicle sign. Structures or other physical improvement resembling the construction of a sign that are not used to advertise the name of a product, service, or business shall not be considered a sign (e.g. holiday lighting, landscape features).

Sign, Attached — A sign which is fastened to, connected to, or painted on and wholly or partially supported by a building.

Sign, Awning — A wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.

Sign, Billboard or Board — An off premise large format advertising displays intended for viewing from extended distances, generally more than 50 feet. Billboard displays include but are not limited to posters copies, junior posters, vinyl-wrapped posters, bulletins, wall murals, stadium signage, mechanical message displays, or electronic messaging displays.

Sign, Canopy — A wall sign affixed to a permanently roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

Sign, Electronic Message Display (EMD) — A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

Sign, Freestanding — A sign constructed and supported by uprights, or braces, placed upon the ground and not attached to any part of any building, wall, or fence.

Sign, Hanging — An attached sign located under a permitted awning or canopy at the entrance to the premises. The sign shall be mounted to be perpendicular to the building.

Sign, Identification — A sign which states the name of a subdivision or neighborhood.

Sign, Illumination — Light fixtures attached to or focused on a sign so that the message is visible in hours of darkness.

Sign, Low-Profile — A freestanding sign not exceeding 6 feet in height measured from the finished grade to the top of the sign, however, bonus provisions may allow for heights greater than 6 feet.

Sign, Mechanical Message Display (MMD) — A sign that is capable of displaying words, symbols, figures or images that can be mechanically changed by remote or automatic means (also known as tri-fold, tri-vision).

Sign, Message — Any static, non-animated, communication, advertisement, or frame displayed within an on or off premise signs (e.g., a complete, static display message on an Electronic Message Display).

Sign, Message Hold Time — The time interval a static message or frame must remain on the display before transitioning to another message or frame.

Sign, Nameplate — A sign limited to identifying the street name, building or property number, and the name of the owner or occupant of the building or property.

Sign, Nonconforming — A legally existing sign which does not conform to the requirements of this Code either on the effective date of this Code or as a result of subsequent amendments to this Code.

Sign, Off-Premise — Any sign which is not on the same premises as the business or use with which it is identified, or which cannot be classified as an on-premise sign. Off-premise signs include billboards, bus bench and shelter signs (typically in Right-of-Way owned by a public entity), and directional signs (general signs that can potentially be in any zone district).

Sign, On-Premise — A sign which displays copy specifically related to a principal use of the lot, parcel or tract on which it is located.

Sign, Portable — A sign which is not permanently affixed to a structure and is designed for or capable of movement, except those signs explicitly designed for people to carry on their persons or permanently affixed to vehicles operating in their normal course of business.

Sign, Poster Display — Message display which is static, non-mechanical, and non-electronic and is changed manually, or requires a manual changing of the message displayed.

Sign, Special Use or Variance of Use — A sign that advertises a use other than those permitted uses within the forestry, agricultural, or residential zoning districts which has been otherwise approved as a special use or variance of use.

Sign, Temporary — A sign which is erected for a limited time.

Sign, Traffic Control Device — A sign used to direct traffic in accordance with the MUTCD.

Sign, Transition Duration — The time interval it takes the display to change from 1 complete static message or frame to another complete static message or frame.

Sign, Transition Method — A visual effect applied to a message to transition from 1 message to the next.

Sign, Unlawful Vehicle — A vehicle or trailer parked so as to be visible from a road for more than 24 hours and have the effect of directing attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the vehicle or trailer is located or to another location within the County.

Sign, Wall — A sign attached to or painted on the wall of a building. Wall signs also include awning, hanging, fascia, and canopy signs.

Sign, Window — A sign that is painted on, applied to, or attached to a window or that can be read through the window from the public right-of-way.

Sign Area — The total area of the face, plate, and frame, as well as the display surfaces but not including the structure or bracing of the sign. When the sign consists only of letters, logos, designs, or figures engraved, painted, or projected or fixed on a wall or freestanding, or when a sign is of an irregular shape, the total area of the sign

shall be the smallest area enclosed by a single right angle figure surrounding all of the fixed lettering, designs and irregular shape. On double-faced signs where the sign faces are placed back to back, only 1 face is counted in computing the sign area; for signs with more than 2 faces, the area of all faces shall be counted.

Significant Wildlife Habitat and Migration Corridors — Areas designated by the Colorado Division of Wildlife or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

Site — The site is an ownership except as follows: (a) If a proposed development includes more than 1 ownership, then all the ownerships are included as the site; (b) If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development; and (c) If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Application — The State and local process for approving and permitting domestic waste treatment works, including waste water treatment plants, lift stations, and interceptor sewers.

Site Development Plan — The development plan for 1 or more lots showing the existing and proposed conditions of the lot and any improvements existing or to be constructed on the lot. This includes topography; vegetation; drainage; floodplains; wetlands and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development; and other information that may be reasonably required for the PCD Director to determine compliance with the requirements of this Code, and subsequently authorize issuance of a building or development permit.

Site Plan — An accurately scaled drawing of a lot or parcel showing the existing and proposed conditions of the lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site-Related Improvements — Road capital improvements and right-of-way dedications, which provide direct access to the development including, but not limited to the following: (a) driveways and streets leading to and from the development; (b) right and left lanes leading to those driveways and roads; (c) 1 through lane; (d) curb, gutter, and sidewalks where applicable; (e) acceleration and deceleration lanes; (f) traffic control measures for those driveways; and (g) internal streets. Credit is not provided for site-related improvements under an off-site road study or transportation improvement study (TIS).

Site Specific Development Plan — A detailed graphic representation drawn to scale of a proposed development which depicts the specific land uses, site design, and dedication requirements for the property utilized for purposes of establishing vested rights. The site specific development plan provides information including, but not limited to, the building locations and exact footprints, parking areas and designs, ingress or egress, access and utility easements, a detailed landscape plan and location and size of signage. The approved site specific development plan becomes the official plan for the property and is the final site plan submitted with the request for a vesting of property rights. Physical development of the property shall be in strict conformance with the approved site specific development plan. A final plat for a residential subdivision shall constitute a site specific development plan.

Slash Piles — The accumulation of tree limbs, tree tops and miscellaneous natural vegetation residue left by forest management activities, such as thinning, pruning, and timber harvesting and clearing.

Small Area Plan — A sub-area Master Plan adopted as a component of the overall Master Plan, which provides specific land use guidance and detailed direction for the specific geographic area included within the plan.

Soil Profile Test Pit Excavation — A trench or other excavation used for access to evaluate the soil horizons for properties influencing effluent movement, bedrock, evidence of seasonal high ground water, and other information to be used in locating and designing an On-site Wastewater Treatment System.

Solar Energy Generation Facility — A large-scale electrical energy generation facility with a minimum energy generation capacity of 500 kilowatts typically consisting of photovoltaic panels, heliostats (mirrors), collection tower(s), turbine(s), collection lines, electrical substation(s), transmission line(s), and other appurtenant facilities.

Solid Waste — Any garbage, refuse, 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;
- Agricultural wastes;
- Solid or dissolved materials in irrigation return flows;
- Industrial discharges which are point sources subject to permits under the provisions of the "Colorado Water Quality Control Act", article of title 25, C.R.S; Materials handled at facilities licensed pursuant to the provisions on radiation control in article 11 of title 25, C.R.S;
- Exploration and production wastes, as defined in section 34-60-103(4.5), C.R.S., except as such wastes may be deposited at a commercial solid waste facility;

Excluded scrap metal that is being recycled; or shredded circuit boards that are being recycled. (C.R.S. § 30-20-101.)

Solid Wastes Disposal Site and Facility — The location and facility at which the deposit and final treatment of solid wastes occur. (See C.R.S. § 30-20-101, Certificate of Designation, Inert Materials.)

Sound Level — The weighted sound pressure level obtained by the use of the sound level meter and frequency weighing network, as specified in the American National Standards Institute Specifications.

Sound Level, A-Weighted — The A-scale sound level is a quantity, in decibels, read from a standard sound-level meter with A - weighting circuitry. The A-scale weighting discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The A-scale sound level measures approximately the relative "noisiness" or "annoyance" of many common sounds, while the low and high frequencies are de-emphasized.

Sound Level, C-Weighted — A quantity, in decibels, read from a standard sound level meter with C-weighting circuitry. The C-scale incorporates slight de-emphasis of the low and high portion of the audible frequency spectrum.

Special District — A special district organized under and existing by virtue of the provisions of C. R. S §§ 32-1 -101, et seq.

Special District Policies — The El Paso County Special District Policies as adopted by Resolution 07-272, as may be subsequently amended.

Special Flood Hazard Area (SFHA) — Land in the floodplain subject to a 1 percent chance of flooding in a given year. Also called Area of Special Flood Hazard.

Specialized Group Facility — A facility which is established and supervised by a County Department of Social Services or a licensed child-placement agency for the purpose of providing 24-hour care for children from 3 years to 18 years old and those persons to 21 years old who are placed by court order prior to their 18th birthday whose special needs can best be met through the medium of a small group.

Specified Anatomical Areas — Includes any of the following: (a) human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, which are not completely and opaquely covered; and (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities — Includes any of the following: (a) fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts; (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation and sodomy; (c) masturbation, actual or simulated; (d) human genitals in a state of sexual stimulation or arousal; or (e) human excretory functions as part of or in connection with any of the activities set forth in parts (a) through (d) hereof.

Stable — A building, structure, barn, shed or similar enclosure for the purpose of housing and feeding of horses or other livestock and for the storage of equipment relating to the care, maintenance and operation of the farm animals.

Stable, Commercial — Any stable where livestock are boarded for remuneration or where horses or other livestock are kept for sale or hire, except as permitted under the definition of ranch.

Stable, Private — Any stable where livestock are not boarded or kept for remuneration or hire.

Stadium — A large, often unroofed structure in which sporting events and other forms of entertainment are held.

Stand — A booth, stall or counter for the display and sale of goods.

Storage — The act of stocking or supplying a product reserved for future use.

Storage, Outside — Open air storage of vehicles, raw materials, supplies, finished or semi-finished products or equipment.

Store — An establishment operating from an enclosed building engaged in providing of services or the retail sale of products that are not primarily consumed or used upon the premises but may be assembled or installed upon the premises. The term shall not include adult uses or gasoline filling stations.

Story — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

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.

Structure — Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment of something having a permanent location on the ground. The term shall include "building" as defined herein, but not include fences or walls 7 feet in height or less, retaining walls less than 4 feet in height, or poles, lines, cables or other transmission or distribution facilities of public utilities.

Structure (when located in CAD-O zoning district) — An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, overhead transmission lines, and vegetation. This definition is applicable to the CAD-O only.

Structure, Accessory — A subordinate detached structure, the use of which is customarily incidental to that of the principal structure or to the principal use of the land, which is located on the same lot or parcel (or on a contiguous lot or parcel in the same ownership upon the recording a combination or use agreement that binds the accessory structure to both lots or parcels in common ownership) with the principal structure or use.

Structure, Nonconforming — Any legally existing structure which does not conform to the "location and bulk" regulations of this Code, either at the effective date of this Code or as a result of subsequent amendments which may be incorporated into this Code.

Structure, Principal — A structure or combination of structures of chief importance or function on a lot or parcel. In general, the principal use of the site is carried out in a principal structure. The difference between a principal

and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

Studio — A place, where an art is taught or studied; an artist's or photographer's establishment. Subdivider —. Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, applicant, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision — Any parcel of land in unincorporated El Paso County which is divided into 2 or more parcels, separate interests, or interests in common, including land to be used for condominium, apartments or any multiple dwelling units, unless the land when previously subdivided was accompanied by a filing which complied with the provisions of this Code with substantially the same density. The term "subdivision" shall not apply to any division of land which creates parcels of land each of which comprises 35 or more acres of land and none of which is intended for use by multiple owners, C.R.S. § 30-28-101(1 0)(b). Unless the method of disposition is adopted for the purpose of evading C.R.S. §§ 30-28-101, et. seq., the term "subdivision", as defined above, shall not apply to (1) any division of land the BoCC determines is not within the purposes of C.R.S. §§ 30-28-101, et. seq.; or (2) any division of land which (a) creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any parcel, results in 35 or more acres per interest; (b) is created by a lien, mortgage, deed of trust or any other security instrument; (c) could be created by any court in this State pursuant to the law of eminent domain, or by operation of law, or by order of any court in this State if the BoCC is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of provisions of this Code prior to entry of the court order; and, if the Board does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed before the court; (d) is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in any investment entity; (e) creates cemetery lots; (f) creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; (f) is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this Section as only 1 interest; (g) is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Code and any applicable County regulations, the land which is to be acquired pursuant to the contract; (h) is created by the combination of contiguous parcels of land into 1 larger parcel. Easements and rights-of-way shall not be considered interests for purposes of this definition.

Subdivision, Minor — A division of land that creates 4 or fewer lots.

Subdivision Improvements Agreement — An enforceable development agreement between an applicant or owner and El Paso County that serves as the security arrangement to secure the cost of public improvements associated with a subdivision required by the ECM and LDC.

Subdivision Regulations — The provisions of this Code, as they apply to the division of land within the jurisdiction of El Paso County.

Subject Property — The site for which an application for land use, development or subdivision approval has been submitted.

Surcharge — For purposes of this Code, surcharge means any mass of earth or other material being held in place by a wall structure.

Surveyor — A Professional Land Surveyor licensed by the State of Colorado.

Target Weeds — A list and B list noxious weeds as defined and identified by the Colorado Noxious Weed Act.

Temporary Housing — The temporary placement of a manufactured home or recreational vehicle to serve as living quarters while the principal dwelling is under construction.

Temporary Occupancy — A time period not to exceed 30 consecutive days or a total of 90 days in any 1 calendar year.

Thinning — The selective removal of trees and shrubs based on a management prescription as determined by a professional forester or someone with fuel mitigation expertise.

Third Party Fire Reviewer — A person with a minimum of an State of Colorado Inspector II, ICC or NFPA Certification who has provided El Paso County with a copy of such certification and who has self-certified that they are qualified to provide comment and recommendations.

Threatened or Endangered Species — Plants and animals identified by the federal government as threatened or endangered or proposed for threatened or endangered status, plants and animals identified as rare or sensitive by the CDW, and plants or animals identified as ranking G1 or G2 by the Colorado Natural Heritage Program.

Tiny House— A unit built on a permanent chassis, with no attached motor as the means of propulsion, constructed to ANSI RVIA standards or certified by a licensed professional structural engineer, to be used as a dwelling unit with the exterior appearance of a single-family dwelling unit. This definition also applies to tiny houses on a single lot and within a recreational vehicle park.

Title Commitment — Formal documentation from a title company committing to insure the property and listing the name of the owner of the subject property, the legal description of the subject property and any legal holdings on the subject property such as easements, rights-of-way, liens, and other encumbrances.

Tower, Commercial (Non-CMRS) — The structure on which transmitting or receiving antennas are located and not considered a CMRS Facility. This term shall include the following: VHF and UHF television and AM and FM radio. Private towers and citizens band radios shall not be included within this definition.

Tower, Private (Non-CMRS) — Any external tower, antenna, attached apparatus, and supporting structure not defined as a Commercial Tower or CMRS Facility. This term includes television reception antennas, citizens' band (C.B.) radio facilities, amateur radio facilities, or satellite dishes.

Townhouse — A single-family attached dwelling situated on its own lot but attached to 1 or more similar dwelling units by a common wall and each unit has its own front and rear access to the outside and no unit is located over another unit.

Tract — An area of land that is not a lot or a public right-of-way, platted as part of a subdivision, and the use of which is restricted to those uses consistent with the stated purpose as described on the plat, in the maintenance agreements, or through CC&Rs. Examples include stormwater management tracts, private street or alley tracts, school tracts, open space tracts, and tracts for future development.

Trade Schools — Educational facilities which are publicly or privately operated and provide training for trades, such as welding, automobile mechanic, dog grooming, barbers, etc.

Traffic Markings — All lines, patterns, words, colors or other devices, except signs and power operated traffic-control devices, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, placed for the purpose of regulating, warning or guiding traffic.

Trails — A corridor or recreational easement developed for non-motorized uses such as biking, hiking, horseback riding.

Transportation Impact Study — A report that documents a study of traffic conditions before and after construction of a proposed development prepared in accordance with the ECM. It addresses any deficiencies in the transportation system, either current or after development, and proposes recommended mitigation.

Trash Transfer Facility — A facility at which refuse, awaiting transportation to a disposal site, is transferred from 1 type of containerized collection receptacle and placed into another or is processed for compaction.

Treatment Plant — A facility for the collection, treatment, and disposal of sanitary sewage that complies with the minimum standards specified in the Design Criteria Considered in the Review of Wastewater Treatment Facilities, Colorado Department of Health and Environment, Water Quality Control Commission, and generally has a design capacity to receive more than 2,000 gallons of sewage per day ; or a facility for the treatment, purifying, supplying, and holding of raw water designed to meet the water quality requirements contained in the Colorado Primary Drinking Water Regulations.

Tree Farm — Any parcel of land used to grow and harvest trees for wood products, such as lumber, posts and poles, fuel wood and Christmas trees, where forest products are sold on-site or transported to market.

Truck and Recreational Vehicle Repair Garage — A building used for the care or repair of trucks generally larger than ½ ton and recreational vehicles including major or minor work such as body and fender work or engine and transmission overhaul and incidental storage or parking of repaired vehicles, but excluding the dismantling or wrecked vehicles or storage of junk vehicles.

Truck Farm — An intensive agricultural operation for the growing of produce for sale.

Truck Stop — An establishment that provides maintenance, repair, storage and other services to commercial vehicles and their drivers, which may include but are not limited to fuel, accessory or parts sales, overnight accommodations, restaurant facilities, or any combination thereof.

Trucking and Motor Freight Terminal — A facility designed or intended to be used for the receiving or discharging of cargo and providing for the temporary or permanent storage of the conveyance vehicle.

Turf Grass — Continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

Turnout — A widening in a road of sufficient length and width to allow vehicles to pass one another.

Unified Control — Control of 2 or more lots, parcels or tracts of land by 1 or more landowners through a joint operating agreement, right to purchase, or similar agreement, but developed and implemented under a unified plan to which the owners, successors, heirs, or assigns shall be bound by the approved development plan, including any amendments thereto approved by the County.

Urban Density Development — Land development of higher density and intensity which is characteristically provided with services of an urban nature (i.e. central water and sewer, fire hydrants, paved roads often with curb and gutter, and shorter emergency service response times). This category of development ordinarily includes most commercial, office and industrial uses and residential uses with densities of more than 1 dwelling unit per 2.5 acres.

Use, Accessory — A subordinate use, incidental and related to the principal structure or use and located on the same lot or parcel as that of the principal structure or use (or on a contiguous lot or parcel in the same ownership upon the recording a combination or use agreement that binds the use to both lots or parcels in common ownership).

Use, Allowed — Any use permissible in a zoning district provided all provisions and standards of this Code have been satisfied.

Use, Commercial — A business use or activity at a scale greater than a home business or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

Use, Industrial — A use engaged in the basic processing or manufacturing of materials or products predominately from extracted or raw materials or natural resources, or component parts; a use engaged in storage of, or manufacturing processes using flammable, hazardous or explosive materials; or manufacturing processes that potentially involve hazardous or commonly recognized adverse conditions.

Use, Nonconforming — Any legally existing use, whether within a structure or on a piece of land, which does not conform to the use regulations of the zoning district in which the use is located, either at the effective date of this Code or as a result of the subsequent amendments which may be incorporated into this Code.

Use, Principal — An activity or combination of activities of chief importance on the lot or parcel. The main purposes for which the land is intended, designed, or ordinarily used.

Use, Special — A use that, owing to some special characteristics attendant to its operation or installation (e.g. potential danger, traffic, smoke or noise impact), is allowed in a zoning district, subject to approval and special requirements, different from those usual requirements for the zoning district in which the special use may be located.

Use, Temporary — A seasonal, short-term or transient land use allowed on a property on a temporary basis.

Utilities — Water, sewer, gas, electric power, stormwater, telephone and cable television and other facilities or services necessary to reasonably provide for the needs of a development or subdivision.

Utility — Any public or private entity whose principal purpose is to provide electricity, water, sewer, storm drainage, gas, radio, television, telephone, and other forms of communication utilizing the electromagnetic spectrum to the public.

Utility Substation — Any electric transmission lines, substations or electric utilities, major gas regulator station, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives and their appurtenant facilities.

Vacation of a Plat, Right-of-Way, or Public Easement — The process through which recorded plats, rights-of-way, or public easements, or portions thereof are made null and void by action of the BoCC pursuant to the statutory procedure by which the County may relinquish its interest in roads, alleys, or easements, and may authorize the vacation of plats.

Variance — The means by which an adjustment is made in the application of the specific bulk, dimensional, or performance standards set forth in this Code to a specific property.

Variance, Use — The means by which a use not otherwise authorized as an allowed, special, or accessory use by this Code may be approved for a specific property.

Vehicle, Inoperable — A vehicle which is damaged or dismantled to a degree that it is unable to move under its own power or is unsafe or illegal to operate on public road rights-of-way. This definition does not include implements of husbandry, farm tractors, farm or ranch equipment, or vehicles customarily operated in a farm or ranch operation.

Vehicle Repair Garage, Commercial — An establishment used for the care or repair of passenger vehicles and light trucks, including major or minor work such as paint, body and fender work or engine and transmission overhaul and incidental storage or parking of repaired vehicles, but excluding the dismantling of wrecked vehicles and the storage of junk vehicles.

Vested Property Rights — The right to undertake and complete the development and use of the property under the terms and conditions of a site specific development plan.

Vineyard — A plantation of grapevines, typically producing grapes used in winemaking. Accessory uses may incude a tasting room and winery where wine is made using some of the grapes cullivated onsite.

Violator, Alleged — The owner of record, whether person, partnership, firm, corporation, governmental agency or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is probable cause to believe a violation of this Code, a County Ordinance, or a development permit or approval exists or has occurred.

Waiver — The request or action for relief from compliance with a specific development standard, subdivision standard, or submittal requirement or action.

Warehouse — A building or portion thereof used by the occupant for the inside storage, safekeeping, distribution or selling at wholesale of goods and materials in the regular course of commercial dealing and trade. This generally includes land and buildings used as a relay station for the transfer of goods from 1 vehicle or party to another, and the parking and storage of tractor and other trailer units, and may include incidental retail sales. Bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions is considered flammable material storage or hazardous material storage.

Waste Water Lift Station — A wastewater pumping station used to pump wastewater when the continuance of a gravity sewer line is not feasible.

Water, Non-Renewable — Unless otherwise specified by the State Engineer or a State court of competent jurisdiction, all tributary, nontributary and not nontributary groundwater, as defined by appropriate State Statute, found in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers, and other bedrock aquifers.

Water, Surface — Water which flows in rivers and streams. Surface and alluvial groundwater include waters diverted out of surface streams and water diverted out of wells or other structures which are hydraulically connected to a surface stream. Water meeting this definition is governed by the Water Right Determination and Administration Act of 1969, C.R.S. §§ 37-92-101 et seq., Surface water and alluvial groundwater are said to be tributary, and thus, are governed by Colorado's prior appropriation doctrine.

Water Demand — The total quantity of water a proposed subdivision will require for a period of 300 years.

Water Right, Adjudicated — A decree issued by a Colorado State Water Court or a determination issued by the Colorado Groundwater Commission that grants an appropriation of water to an owner.

Waters of the State — All surface and underground water in or tributary to all natural streams within the State of Colorado, except designated groundwater as referred to in C.R.S § 37-90-103(6) pursuant to C.R.S. § 37-92-1 03(1 3).

Well — Any structure or device used for the purpose or with the effect of obtaining groundwater for beneficial use from an aquifer. Well does not include a natural flowing spring or spring where the natural spring discharge is captured or concentrated by installation of a near-surface structure or device less than 10 feet in depth located at or within 50 feet of the spring or springs' natural discharge point and the water is conveyed directly by gravity flow or into a separate sump or storage. C.R.S. § 37-90-103(21)(a) and (b); § 37-92-103(14)(a) and (b).

Well Permit, Domestic Use — Permitted water use for up to 1 acre foot per year which may include household use, irrigation and watering of domestic animals.

Well Permit, Exempt — Water permits issued by the State of Colorado for certain small capacity wells based on the presumption of non-injury to senior water rights in accordance with C.R.S § 37-90-105 and § 37-92-602. The presumption does not apply when the well is located in a subdivision.

Wet Bar — An area in a dwelling used for the preparation of refreshments and cocktails. A wet bar shall be limited to a 1-basin sink with no garbage disposal, a small refrigerator, and counter and storage areas. The installation of any cooking device (other than a portable microwave or similar device) shall constitute a kitchen.

Wetlands — Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands Analysis — A report that identifies any existing wetlands in the National Wetlands Inventory or from field inspection that are located on a lot, parcel, or tract, or affected by drainage from a lot, parcel, or tract and any proposed wetlands. The report provides a description of potential impacts from a proposed activity and identifies methods or strategies to address or mitigate the described impacts.

Whip Antenna — An array of antennae that is cylindrical in shape.

Wholesale — A business use characterized by the selling of goods primarily to retailers, contractors, manufacturers, industrial users, commercial users or professional business users.

Wildfire Mitigation — The actions taken to reduce the occurrence of or reduce the damage from wildfire.

Wildland Fire — An unplanned and uncontrolled fire spreading through vegetative fuels, at times involving structures.

Wildland Fire Area — An area where improved property and wildland fuels meet at a well-defined boundary, which includes areas identified as forested on the Vegetation Map.

Wildland/Urban Intermix — An area where improved property and wildland fuels meet with no clearly defined boundary.

Wildlife Habitat Map — Maps that represent the general geographic extent of habitats occupied by various wildlife species. Species are anticipated to occur within these areas during all or a portion of their life cycle.

Wildlife Report — A written document that identifies the wildlife resource within the general area of a development project and that describes the impacts to the resource as a result of a project. The report shall also identify methods that will mitigate any potential impacts to the resource.

Wildlife Rehabilitation — The act of rehabilitating sick, injured, or orphaned wildlife by a person licensed by the Colorado Division of Wildlife, but excluding veterinarians, for the purpose of returning them back to the wild.

Wind Energy Generation Facility — A large-scale electrical energy generation facility with a minimum energy generation capacity of 500 kilowatts typically consisting of wind turbines, meteorological data gathering devices, collection lines, electrical substation(s), transmission line(s), and other appurtenant facilities.

Wind/Meteorological Measuring Facility (Met Tower) — The location and devices used to monitor or transmit weather data and/or wind speed and wind flow characteristics over a period of time, either for instantaneous wind information or to characterize weather conditions or wind resources at a given location. This includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices.

Wind Powered Generator — A machine by which mechanical energy supplied by the wind is changed to electric energy, generally located in association with a single dwelling or business.

Xeriscape — The application of the principles of landscape planning and design, soil analysis and improvement, appropriate plant selection, limitation of turf area, use of mulches, irrigation efficiency, and appropriate maintenance that result in water use efficiency and water-saving practices.

Yard — The unoccupied or vacant portion of a lot, parcel or tract between the lot, parcel or tract boundary line and a structure.

Yard, Front — A yard extending across the width of the lot, parcel, or tract and measured from the front boundary line of the lot, parcel or tract on which the lot, parcel, or tract fronts or is addressed by to the nearest building. A lot, parcel, or tract bordered by roads on both sides shall have 2 front yards for setback purposes.

Yard, Rear — A yard extending across the width of the lot, parcel or tract and measured from the rear boundary line of the lot, parcel or tract to the nearest building. The rear line of the lot, parcel or tract shall be that line most nearly parallel with the line of the road on which said lot, parcel or tract is numbered and toward the rear of said lot, parcel or tract as it faces on that road.

Yard, Side — A yard on each side of the building between the building and the side line of the lot, parcel or tract and extending from the front yard to the rear yard.

Yard Sale — The sale or offering for sale on site of articles of tangible personal property by the owner, lessee or other occupant of the residential dwelling. The term yard sale shall include patio sale, garage sale, rummage sale, auction, or any other similar sale.

Yard Waste Recycling Facility — See Composting Facility.

Zero Lot Line — The location of a structure on a lot, parcel or tract in such a manner that 1 or more of the structure's sides rest directly on a lot, parcel or tract boundary line with no easement or setback requirement, including 2 adjoining structures on separate lots, parcels or tracts sharing a common wall.

Zone A Floodplain — The area of Special Flood Hazard as depicted on the Flood Insurance Rate Maps where detailed ratemaking has not been completed.

Zoning District — A specifically delineated area within which uniform regulations and requirements govern use, placement, spacing, and size of lots, parcels and buildings.

Zoning District, Agricultural — A zoning district where the primary intent of the zoning district is to provide for agricultural use or forestry while accommodating residential or other uses.

Zoning District, Base — All general zoning districts, special purpose zoning districts, and obsolete zoning districts. The land use restrictions in a base zoning district may be modified by an overlay district.

Zoning District, Commercial — A zoning district where the primary intent of the zoning district is to provide for commercial and office use while accommodating some other uses.

Zoning District, Industrial — A zoning district where the primary intent of the zoning district is to provide for industrial and manufacturing use while accommodating some other uses.

Zoning District, Obsolete — A zoning district which remains applicable to land but which has been determined by the BoCC to be outdated and which cannot be applied to any additional land within the county.

Zoning District, Overlay — An overlay zone is generally defined as any specially mapped zoning district which is subject to supplementary regulations or requirements for development. Overlay zoning districts, by either adding restrictions to or removing restrictions from the base zoning district, include specific provisions designed to address issues unique to a particular geographic area.

Zoning District, Residential — A zoning district where the primary intent of the zoning district is to provide for human habitation in dwelling units or recreational vehicles while accommodating some other uses.

Zoning District, Special Purpose — Zoning districts designed to accommodate unique uses or development types or to address special development conditions. Special purpose zoning districts are base zoning districts.

Zoning Map — The official zoning map of El Paso County as originally adopted May 11, 1942 and subsequently amended by various resolutions to apply zoning or to change the previous zoning of a property.

Zoning Resolution — The provisions of this Code including all amendments to this Code that regulate the use of land within any zone district and any resolution of approval adopted by the BoCC that applies zoning or changes the zoning of land within unincorporated El Paso County. The zoning resolution includes the Zoning Map.

(Res. No. 14-243, Exh. 1, 7-1-2014; Res. No. 15-351, Exh. A, 8-25-2015; Res. No. 15-503, Exh. A, 12-15-2015; Res. No. 16-164, 5-17-2016; Res. No. 16-165, Exh. A, 5-17-2016; Res. No. 17-227, Exh. A, 8-8-2017; Res. No. 17-372, Exh. A, 12-12-2017; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 18-010, Exh. A, 1-9-2018; Res. No. 18-334, Exh. A, 8-14-2018; Res. No. 18-496, Exh. A, 12-20-2018; Res. No. 19-62, Exh. A, 2-26-2019; Res. No. 19-329, Exh. A, 8-27-2019; Res. No. 19-330, Exh. A, 8-27-2019; Res. No. 19-421, Exh. A, 11-12-2019; Res. No. 19-449, Exh. A, 12-10-2019; Res. No. 21-36, Exh. A, 1-26-2021; Res. No. 21-88, Exh. A, 3-9-2021; Res. No. 22-44, Exh. A, 2-8-2022; Res. No. 23-219, Exh. A, 6-20-2023)

Chapter 3
GENERAL ZONING DISTRICTS

3.1. ESTABLISHMENT OF ZONING DISTRICTS

Table 3-1 lists the general zoning districts included in this Code. General zoning districts are base zoning districts.

Table 3-1, List of Established Zoning Districts

~~Symbol~~	~~Name~~
~~A, Agricultural and F, Forestry Districts~~	
~~F-5~~	~~Forestry and Recreation~~
~~A-35~~	~~Agricultural~~
~~A-5~~	~~Agricultural~~
~~RR, Residential Rural Districts~~	
~~RR-5~~	~~Residential Rural~~
~~RR-2.5~~	~~Residential Rural~~
~~RR-0.5~~	~~Residential Rural~~
~~RS, Residential Suburban Districts~~	
~~RS-20000~~	~~Residential Suburban~~
~~RS-6000~~	~~Residential Suburban~~
~~RS-5000~~	~~Residential Suburban~~
~~RM, Residential Multi-Dwelling Districts~~	
~~RM-12~~	~~Residential Multi-Dwelling~~
~~RM-30~~	~~Residential Multi-Dwelling~~
~~Commercial Districts~~	
~~CC~~	~~Commercial Community~~
~~CR~~	~~Commercial Regional~~
~~CS~~	~~Commercial Service~~
~~Industrial Districts~~	
~~I-2~~	~~Limited Industrial~~
~~I-3~~	~~Heavy Industrial~~
~~Zone Districts Removed from Land Development Code per Resolution 12-008~~	
~~CN~~	~~Commercial Neighborhood~~
~~CO~~	~~Commercial Office~~
~~I-1~~	~~Research and Development~~

Table 0-1: Zoning District Summary	
Current Zoning District	Proposed Zoning District
Agricultural	
A35: Agricultural	A35: Agricultural
A-5: Agricultural	A5: Agricultural

Table 0-1: Zoning District Summary	
Current Zoning District	**Proposed Zoning District**
Residential	
R-T: Residential-Topographic	RR1: Residential Rural 1
RR-5: Residential Rural	
RR-2.5: Residential Rural	RR2: Residential Rural 2
RR-0.5: Residential Rural	RLD: Residential Low Density
RS-20000: Residential Suburban	
RS-6000: Residential Suburban	RMD: Residential Medium Density
RS-5000: Residential Suburban	
RM-12: Residential Multi-Dwelling	RF: Residential Flex
RM-30: Residential Multi-Dwelling	
MHP: Manufactured Home Park	RM: Residential Manufactured
MHP-R: Manufactured Home Park-Rural	
MHS: Manufactured Home Subdivision	
RVP: Recreational Vehicle Park	RVP-R: Recreational Vehicle Park (Retired)
Mixed-Use	
CS: Commercial Services	MU1: Rural Mixed-Use Center
CC: Commercial Community	MU2: Suburban Mixed-Use Center
	MU3: Urban Mixed-Use Center
Employment	
CR: Commercial Regional	E1: Light Employment
I-2: Limited Industrial	
I-3: Heavy Industrial	E2: Heavy Employment

Table 0-1: Zoning District Summary	
Current Zoning District	**Proposed Zoning District**
Public, Civic, and Open Space	
F-5: Forestry and Recreation	[Consolidated with RR-5 and R-T]
[New]	PC1: Public and Civic
[New]	PC2: Open Space
Planned Unit Development	
PUD: Planned Unit Development	PUD: Planned Unit Development
Overlay	
CAD-O: Commercial Aviation Overlay	CAD-O: Commercial Aviation Overlay
GA-O: General Aviation Overlay	GA-O: General Aviation Overlay
WSE-O: Wind and/or Solar Energy Generation Plan Overlay District	WSE-O: Wind and/or Solar Energy Generation Plan Overlay District
Obsolete	
CN	Commercial Neighborhood
CO	Commercial Office
I-1	Research and Development

~~**3.2. ZONING DISTRICT PURPOSES**~~

~~**3.2.1. A, Agricultural and F, Forestry District Purposes**~~

~~(A) **F-5, Forestry and Recreation District.** The F-5 zoning district is a 5 acre district intended to accommodate the conservation of forest resources, protect the natural environment and preserve open space, while accommodating limited residential use.~~

~~(B) **A-35, Agricultural District.** The A-35 zoning district is a 35 acre district primarily intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.~~

~~(C) **A-5, Agricultural District.** The A-5 zoning district is a 5 acre district primarily intended to conserve agricultural resources and ranching operations and accommodate limited residential use.~~

3.2.2. RR, Residential Rural District Purposes

(A) **RR-5, Residential Rural District.** The RR-5 zoning district is a 5-acre district intended to accommodate low-density, rural, single-family residential development.

(B) **RR-2.5, Residential Rural District.** The RR-2.5 zoning district is a 2.5-acre district intended to accommodate low-density, rural, single family residential development.

(C) **RR-0.5, Residential Rural District.** The RR-0.5 zoning district is a .5-acre district intended to accommodate rural residential uses where urban services are generally available.

3.2.3. RS, Residential Suburban District Purposes

(A) **RS-20000, Residential Suburban District.** The RS-20000 zoning district is a 20,000 square foot district intended to accommodate larger lot, single-family residential development with available urban services.

(B) **RS-6000, Residential Suburban District.** The RS-6000 zoning district is a 6,000 square foot district intended to accommodate single-family residential development.

(C) **RS-5000, Residential Suburban District.** The RS-5000 zoning district is a 5,000 square foot district intended to accommodate single-family and 2-family residential development.

3.2.4. RM, Residential Multi-Dwelling District Purposes

(A) **RM-12, Residential Multi-Dwelling District.** The RM-12 zoning district is a 12-dwelling unit per acre district intended to accommodate moderate density single-family attached and detached and low-density multi-dwelling development.

(B) **RM-30, Residential Multi-Dwelling District.** The RM-30 zoning district is a 30-dwelling unit per acre district primarily intended to accommodate moderate-density multi-dwelling development.

(Res. No. 22-400, Exh. A, 11-15-2022)

3.2.5. Commercial District Purposes

(A) **CC, Commercial Community District.** The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.

(B) **CR, Commercial Regional District.** The CR zoning district is intended to accommodate regional centers providing ease of pedestrian and vehicular circulation, unity of architectural design, and best serving the convenience of the public and aesthetic enhancement of the community and region.

(C) **CS, Commercial Services District.** The CS zoning district is intended to accommodate retail, wholesale or service commercial uses that serve the general public.

3.2.6. I, Industrial District Purposes

(A) **I-2, Limited Industrial District.** The I-2 zoning district is intended to accommodate light industrial and manufacturing activities, which are generally clean, quiet and free from objectionable or dangerous nuisance or hazard.

(B) **I-3, Heavy Industrial District.** The I-3 zoning district is intended to accommodate manufacturing and industrial uses, which may include related outside storage of raw or finished materials. \

~~3.3. USES AND STANDARDS~~

~~3.3.1. Allowed, Special, Accessory, Temporary and Prohibited Uses~~

~~The allowed, special, accessory, temporary and prohibited uses in the zoning districts listed in Table 3-1 are shown in the Use Table in Chapter 5.~~

~~3.3.2. Use and Dimensional Standards~~

~~All uses and development are subject to the Use and Dimensional Standards in Chapter 5.~~

~~3.3.3. General Development Standards~~

~~All uses and development are subject to the General Development Standards in Chapter 6.~~ \

Agricultural Districts

A35: Agricultural

Purpose

The Agricultural (A35) District accommodates production agriculture and rural lifestyles on lots that are 35 acres or larger.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and accessory uses and structures are identified in Section **Error! Reference source not found.**.

Dimensional Standards

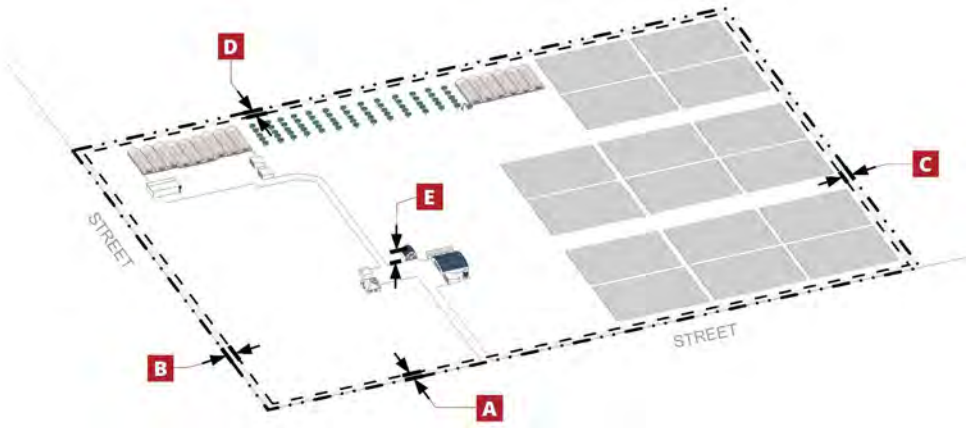


Table 0-1: A35 District Dimensional Standards				
Lots		**Setbacks**		
Lot size, min. (ac)	35	**A**	Front, min. (ft)	25 [1]

Table 0.1: A35 District Dimensional Standards				
Lot width, min. (ft)	--[1]	**B**	Side street, min. (ft)	25 [1]
Lot coverage, max. (%)	n/a	**C**	Side interior, min. (ft)	25 [1]
Building Height		**D**	Rear, min. (ft)	25 [1]
E Height, max. (ft)	30 [2]			

Notes:

[1] For agricultural structures (as defined in this LDC) over 30 feet: 1:1 setback to structure height[2]

[2] For agricultural structures (as defined in this LDC): may be up to 60 feet.[3]

[1] Removed current 500 FT requirement because lots with a minimum area of 35 acres or more are exempt from the subdivision process.

[2] New. Reference new definition of agricultural structure.

[3] New. Reference new definition of agricultural structure.

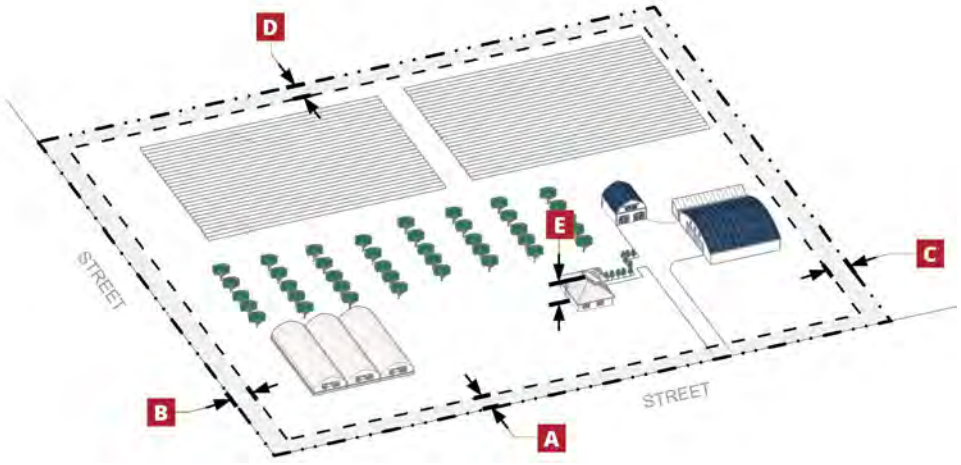
A5: Agricultural

Purpose

The Agricultural (A5) District accommodates production agriculture, hobby agricultural activities, conservation of natural resources, and/or open space areas and large-lot residential development on lots of 5 acres or larger.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Table 0-2: A5 District Dimensional Standards		
	Lots	
	Lot size, min. (ac)	5
	Lot width, min. (ft)	200
	Lot coverage, max. (%)	--
	Setbacks	
A	Front, min. (ft)	25 [1]
B	Side street, min. (ft)	25 [1]
C	Side interior, min. (ft)	25 [1]
D	Rear, min. (ft)	25 [1]
	Building Height	
E	Height, max. (ft)	30 [2]

Notes:

[1] For agricultural structures (as defined in this LDC) over 30 feet: 1:1 setback to structure height[4]

[2] For agricultural structures (as defined in this LDC): 60 feet if no closer than 1,320 feet (1/4 mile) to a Residential district[5]

[4] New. Reference new definition of agricultural structure.

[5] New. Reference new definition of agricultural structure.

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-3: Other Applicable Standards

Standards	Section
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

Residential Districts

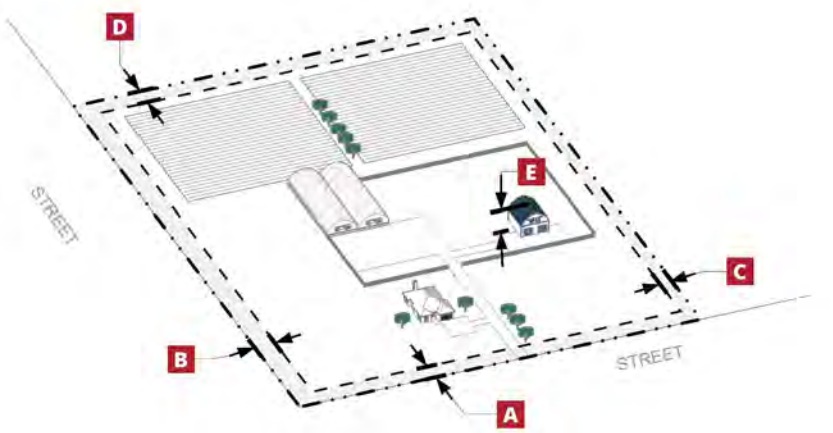
RR1: Residential Rural 1

Purpose

The Residential Rural 1 (RR1) District accommodates detached single-family residential development combined with limited agricultural operations such as hobby farms. Properties in the RR1 District generally have on-site wells and septic systems.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Applicability

The following dimensional standards apply to development in the RR1 district:

Table 0-1: RR1 District Dimensional Standards		
Lots		
	Lot size, min. (ac)	5 [1]
	Lot width, min. (ft)	200
	Lot coverage, max. (%)	25
Setbacks		
A	Front, min. (ft)	25
B	Side street, min. (ft)	25
C	Side interior, min. (ft)	15
D	Rear, min. (ft)	25
Building Height		
E	Height, max. (ft)	35[6]

Notes:

[1] The minimum lot area for any lot abutting a section line County road is 4.75 acres and minimum lot width is 165 feet.

Cluster Development

Section <>, cluster development, is allowed in the RR1 district.

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-2: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

[6] Increased from current 30 ft.

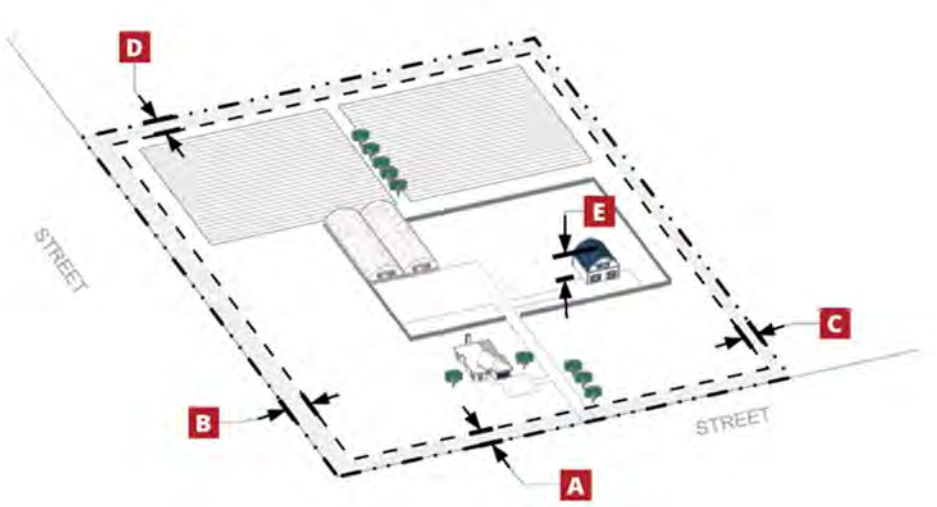
RR2: Residential Rural 2

Purpose

The Residential Rural 2 (RR2) District is intended to provide for large-lot single-family detached residential development alongside agricultural operations, conservation of natural resources, and/or open space. Properties in the RR2 District generally have on-site wells and septic systems.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Applicability

The following dimensional standards apply to development in the RR2 district:

Table 0-3: RR2 District Dimensional Standards		
Lots		
	Lot size, min. (ac)	2.5
	Lot width, min. (ft)	200
	Lot coverage, max. (%)	None
Setbacks		
A	Front, min. (ft)	25
B	Side street, min. (ft)	25
C	Side interior, min. (ft)	15
D	Rear, min. (ft)	25
Building Height		

Table 0-3: RR2 District Dimensional Standards		
E	Height, max. (ft)	35[7]

Cluster Development

Section <>, cluster development, is allowed in the RR2 district.

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-4: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

[7] Increased from current 30 ft.

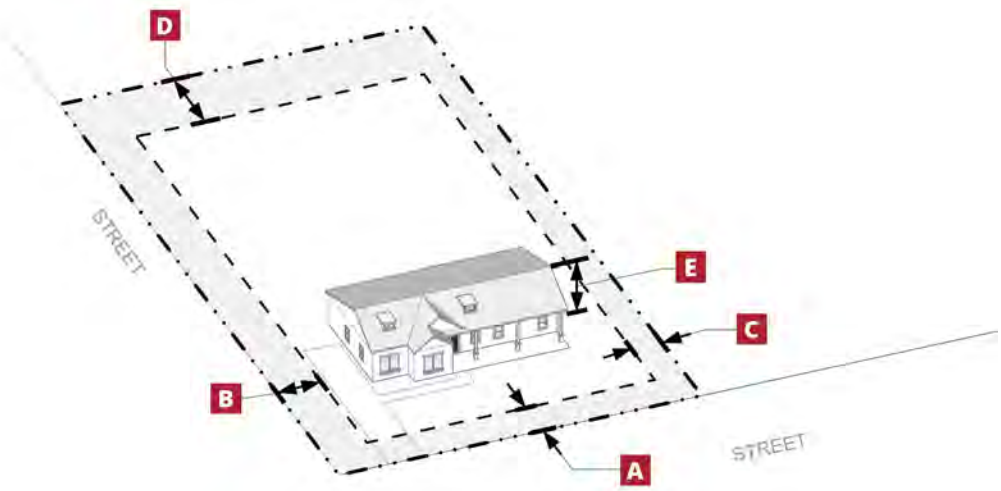
RLD: Residential Low Density

Purpose

The Residential Suburban (RLD) District is intended to provide for suburban residential development that includes low density single-family attached and detached units in areas with central water and wastewater.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Applicability

The following dimensional standards apply to development in the RLD district:

Table 0-5: RLD District Dimensional Standards

Lots			
	Lot Size, min. (SF)	**Lot Width, min (FT)**	**Lot Coverage, max (%)**
Single-family, detached or Duplex (per structure)	10,000	100	50
Paired home (per unit)	5,000	50	50
Setbacks			
A Front, min. (ft)			15
Front-loaded garage, min (ft)			20
B Side street, min. (ft)			15
C Side interior, min. (ft)			

Table 0-5: RLD District Dimensional Standards		
	Primary and accessory structures	10
	Duplex or Paired Home side interior at common wall, min (ft)	0
	Accessory structures more than 60 ft. from front lot line	5
D	Rear, min. (ft)	25
	Building Height	
E	Height, max. (ft)	35[8]

Cluster Development

Section <>, cluster development, is allowed in the RLD district.

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-6: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

[8] Increased from current 30 feet.

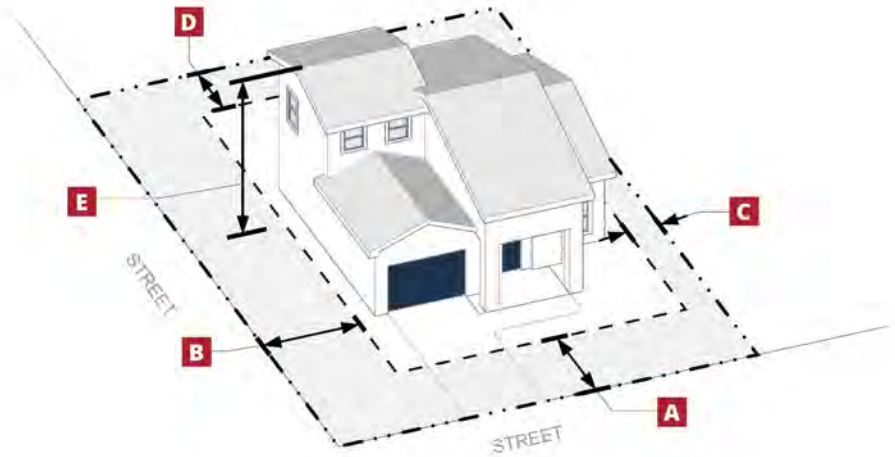
RMD: Residential Medium Density

Purpose

The Residential Suburban (RMD) District accommodates medium density single-family attached structures and detached suburban residential development in areas with central water and wastewater.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and Accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Table 0-7: RMD District Dimensional Standards

		Lot size, min. (sf), per unit	Lot width, min. (ft)	Lot coverage, max. (%)
Lots				
	Single-family, detached or Duplex dwelling (per structure)	5,000	50	50
	Paired home (per unit)	2,200	22	22
	Single-family attached dwelling (per unit)	1,200	18	80
Setbacks				
A	Front, min. (ft)			15
	Front-loaded garage, min (ft)			20
B	Side street, min. (ft)			15
C	Side interior, min. (ft)			5
	Duplex, Paired Home, or Attached Dwelling, side interior at common wall, min (ft)			0

Table 0-7: RMD District Dimensional Standards		
D	Rear, min. (ft)	10
	Back-to-back Duplex, Paired Home, or Attached Dwelling at rear common wall, min (ft)	0
Building Height		
E	Height, max. (ft)	35[9]

District Specific Standards

The following standards apply in the RMD district.

Number of Contiguous Units[10]

No more than ten dwelling units may be attached in one structure.

Back-to-Back Unit Layout

Duplex, Paired Home, or Attached Dwellings in a back-to-back layout shall comply with front setbacks on both the front and rear sides of the structure. See Fig. <>.[11]

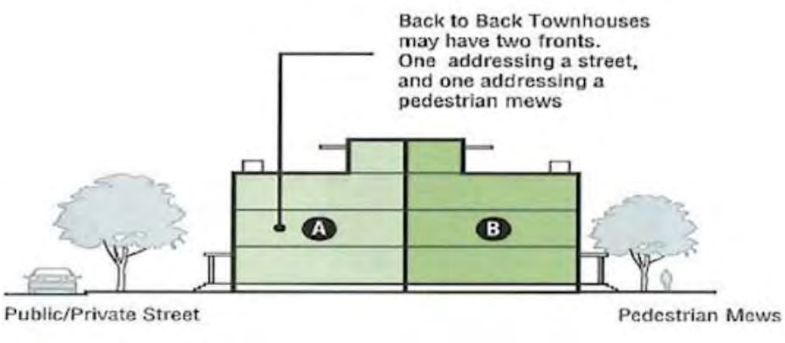


Figure 0.A: Back-to-back unit layout example

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-8: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12

[9] Increased from current 30 ft.

[10] Raised from 8 to 10 units and clarified this applies to single-family attached only.

[11] This sample image is from another community. It will be updated to match El Paso County's graphics style.

Table 0-8: Other Applicable Standards	
Standards	**Section**
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

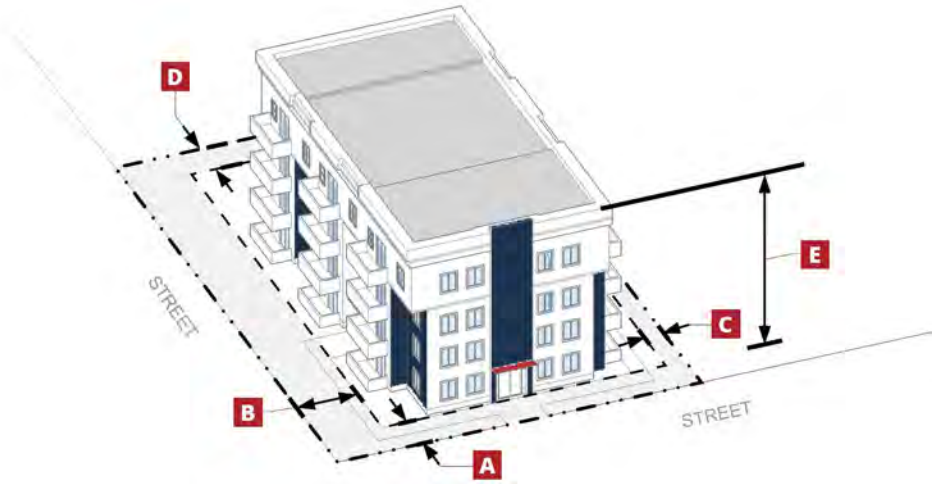
RF: Residential Flex

Purpose

The Residential Flex (RF) District accommodates a mix of dwelling types—sometimes within the same development—that create complete, walkable neighborhoods and transition between suburban areas and urban or incorporated areas. The RF District is served by central water and wastewater.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Table 0-9: RF District Dimensional Standards

	Lots	Residential	Nonresidential
	Density, max (unit/ac) [1]	30	--
	Lot width, min. (ft)		
	Duplex, Paired Home, or Attached Dwelling	18	--
	Multifamily	--	--
	Lot coverage, max. (%)	--	--
	Setbacks		
A	Front, min. (ft)	10	5
	Front, max. (ft)	--	20
	Front, street-loaded garage, min (ft)	20	--
B	Side street, min. (ft)	10	20
C	Side interior, min. (ft)	6	10

Table 0-9: RF District Dimensional Standards		
Duplex, Paired Home, or Attached Dwelling, side interior at common wall, min (ft)	0	--
D Rear, min. (ft)	10	15
Duplex, Paired Home, or Attached Dwelling, rear at common wall, min (ft)	0	--
Building Height		
E Height, max. (ft)	45	45
Notes		
[1] Maximum density is allowed but not guaranteed.		

District-Specific Standards

The following standard apply in the RF district.

Number of Contiguous Units[12]

No more than ten dwelling units may be designed in one single-family attached structure.

Back-to-Back Unit Layout

Duplex, Paired Home, or Attached Dwellings in a back-to-back layout shall comply with front setbacks on both the front and rear sides of the structure. See Fig. <>.[13]

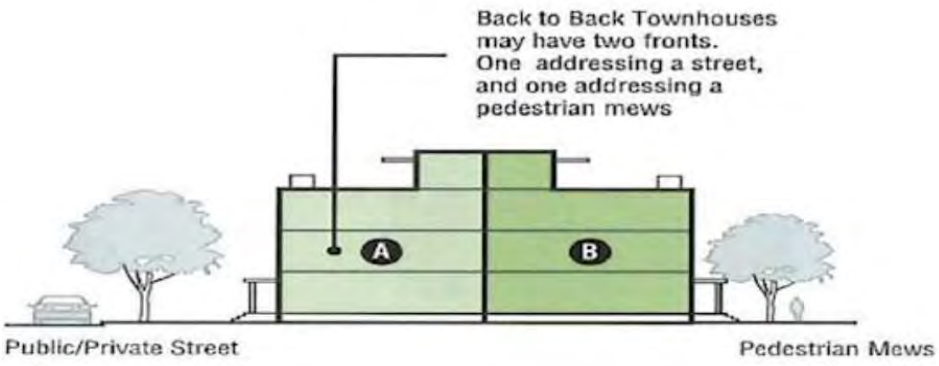


Figure 0.B: Back-to-back unit layout example

[12] Raised from 8 to 10 units and clarified this applies to single-family attached dwellings (not all forms of attached dwellings such as multifamily structures).

[13] This sample image is from another community. It will be updated to match El Paso County's graphics style.

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-10: Other Applicable Standards

Standards	Section
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

Mixed-Use Districts

Comment

The Mixed-Use districts are new and are designed to work across the County within the various contexts of existing and future growth that could feature a mix of residential and nonresidential uses. From agriculture-supporting businesses at crossroads like Ellicot, to more suburban and regional centers, these districts are intended to capture much of the current development in the rural CS and CC districts.

MU1: Rural Mixed-Use Center

Purpose

The Rural Mixed-Use Center (MU1) District is intended to provide for a mixture of residential, small retail, and agriculture-supporting commercial activities. Properties in the MU1 District may have central water and wastewater, and the district can accommodate some development on larger lots with on-site wells and septic systems.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and Accessory uses and structures are identified in Section **Error! Reference source not found.**.

Residential Standards

Dimensional Standards

Table 0-11: MU1 District Dimensional Standards			
Residential-Only Development Standards			
Residential-only structures in locations with central water and sewer shall comply with the R3: Residential Suburban Low district dimensional standards.			
Lots (applicable to sites with central water and sewer)			
	Lot Size, min. (AC)	**Lot Width, min (FT)**	**Lot Coverage, max (%)**
To establish an MU1 district	2		
Individual lots	N/A provided other dimensional standards are met	35	50
Setbacks			
A Front, min. (ft)	25		
B Side street, min. (ft)	25		
C Side interior, min. (ft)	25		
D Rear, min. (ft)	25		
Building Height			
E Height, max. (ft)	40		

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-12: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

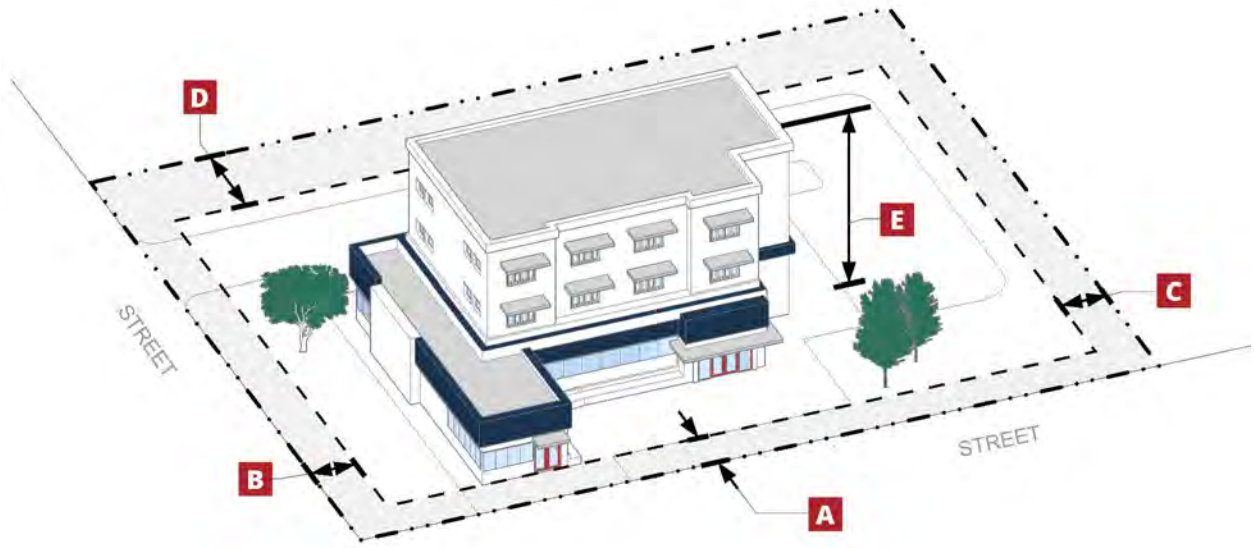
MU2: Suburban Mixed-Use Center

Purpose

The Suburban Mixed-Use Center (MU2) District is intended to provide for a mixture of neighborhood and area-serving residential structures and commercial businesses, services, and activities in a walkable setting that is adjacent to and in support of nearby residential neighborhoods. The MU2 District may serve as transition between residential and commercial areas in areas with central water and wastewater.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Table 0-13: MU2 District Dimensional Standards	
Residential-Only Development Standards	
Residential-only structures shall comply with RMD: Residential Suburban Medium District Dimensional Standards.	
Lots	
Minimum parcel or lot size required to rezone to MU2	3 AC
Individual lots	N/A provided other dimensional standards are met
Lot width, min. (ft)	35
Lot coverage, max. (%)	85
Setbacks	
X Mixed-Use Perimeter min. (ft)	25

Table 0-13: MU2 District Dimensional Standards		
A	Front, min. (ft)	10
B	Side street, min. (ft)	10
C	Side interior, min. (ft)	10
D	Rear, min. (ft)	10
Building Height		
E	Height, max. (ft)	50

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-14: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

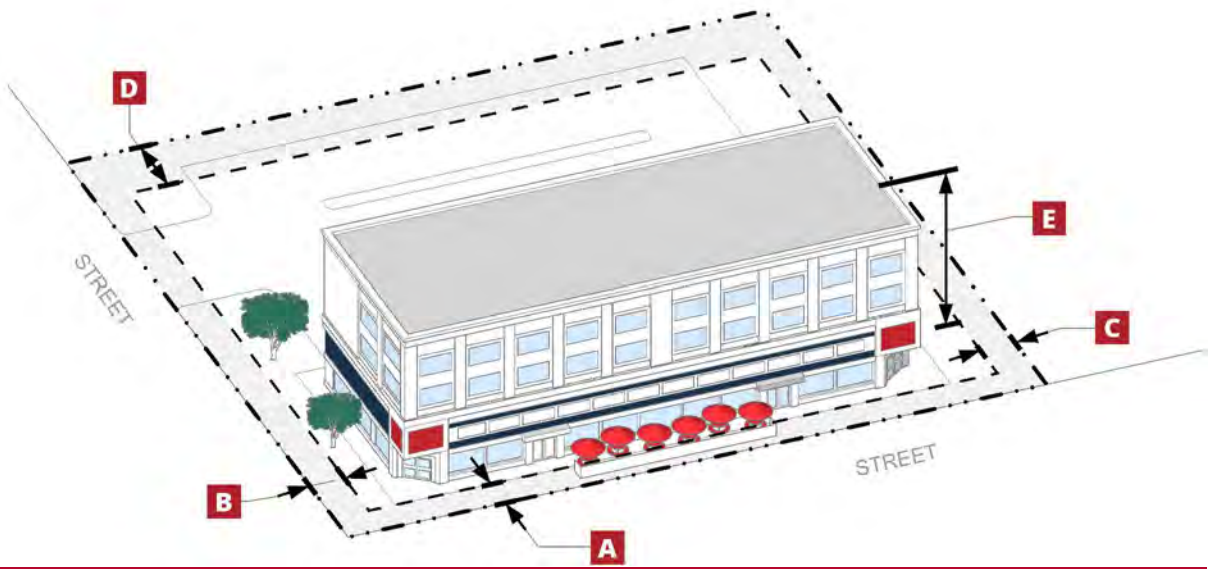
MU3: Urban Mixed-Use Center

Purpose

The Urban Mixed-Use Center (MU3) District is intended to provide for a mixture of regional-scaled residential and nonresidential businesses, services, and activities in a walkable center that is accessible from nearby residential neighborhoods and commercial districts.

Allowed Uses

Principal uses and structures are identified in Section **Error! Reference source not found.** and accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Table 0-15: MU3 District Dimensional Standards		
Residential-Only Development Standards		
Residential-only development shall comply with the RF Residential Flex District Dimensional Standards.		
Lots		
Minimum parcel or lot size required to rezone to MU3	5 AC	
Individual lots	N/A provided other dimensional standards are met	
Lot width, min. (ft)	35	
Lot coverage, max. (%)	90	
Setbacks		
X Mixed-Use perimeter, min. (ft)	10	
A Front, min. (ft)	10	

Table 0-15: MU3 District Dimensional Standards		
B	Side street, min. (ft)	5
C	Side interior, min. (ft)	5
D	Rear, min. (ft)	5
Building Height		
E	Height, max. (ft)	60

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-16: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

Employment Districts

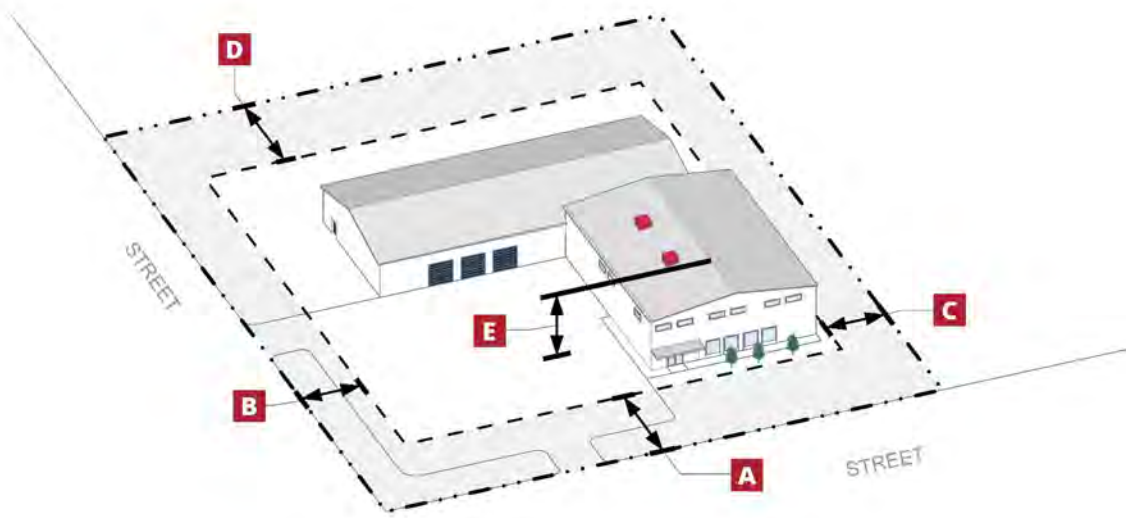
E1: Light Employment

Purpose

The Light Employment (E1) District is intended to provide for region-serving, auto-oriented commercial uses at a mix of scales than can include large-format (big box) commercial structures. The E1 district is also intended for light industrial and manufacturing activities that are performed wholly indoors and which are generally clean, quiet and free from objectionable or dangerous nuisance or hazard at or beyond the property line.

Allowed Uses

Allowed principal uses and structures are identified in Section **Error! Reference source not found.** and allowed accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Table 0-1: E1 District Dimensional Standards			
Lots			
	Lot size, min. (ac)		
	To establish an E1 district		5
	Individual lots		--
	Lot width, min. (ft)		--
	Lot coverage, max. (%)	60	
Setbacks			
A	Front, min. (ft)		30
B	Side street, min. (ft)		30
C	Side interior, min. (ft)		15[14]
D	Rear, min. (ft)		25
Building Height			
E	Height, max. (ft)		45

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

[14] Decreased from 25 feet.

Table 0-2: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

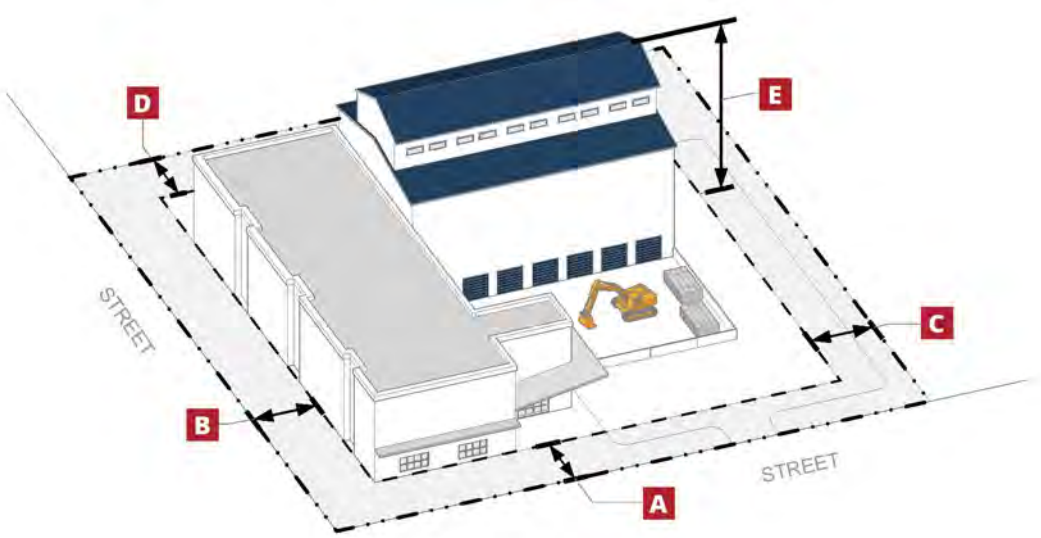
E2: Heavy Employment

Purpose

The Heavy Employment (E2) District is intended to accommodate manufacturing and industrial uses that may include related outside storage of raw or finished materials.

Allowed Uses

Allowed principal uses and structures are identified in Section **Error! Reference source not found.** and allowed accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Table 0-3: E2 District Dimensional Standards		
Lots		
	Lot size, min. (ac)	
	To establish an E2 district	40
	Individual structures	--
	Lot width, min. (ft)	--
	Lot coverage, max. (%)	--
Setbacks		
A	Front, min. (ft)	30
B	Side street, min. (ft)	30
C	Side interior, min. (ft)	15[15]
D	Rear, min. (ft)	30
Building Height		
E	Height, max. (ft)	60[16]

Additional Standards

Development is required to be designed in compliance with all applicable standards in this LDC. When reviewing zoning district requirements, applicants should also review other applicable standards, including but not limited to the following:

Table 0-4: Other Applicable Standards	
Standards	**Section**
Uses and Use Specific Standards	**Error! Reference source not found.**
Environmental	Chapter 12
Parking, Loading, and Access	Chapter 13
Landscaping, Buffering, and Screening	Chapter 14
Outdoor Lighting	Chapter 15
Subdivision	Chapter 16
Signs	Chapter 17

[15] Decreased from current 30 feet.

[16] Increased from current 40 feet.

Public, Civic, and Open Space Districts

Comment

The proposed PC1 district is recommended for public and civic uses (schools, religious organizations, hospitals) that will have multiple structures or uses in a campus setting where residential uses will also be provided. The same public and civic uses in a single structure without residential uses are still allowed in other districts without being included in a PC1 district. For example, a private school with student or faculty housing is allowed in PC1, while a private school is still allowed in most zoning districts. The intent of creating the PC1 district is to allow more comprehensive look at the impacts of the overall development when there will be multiple uses.

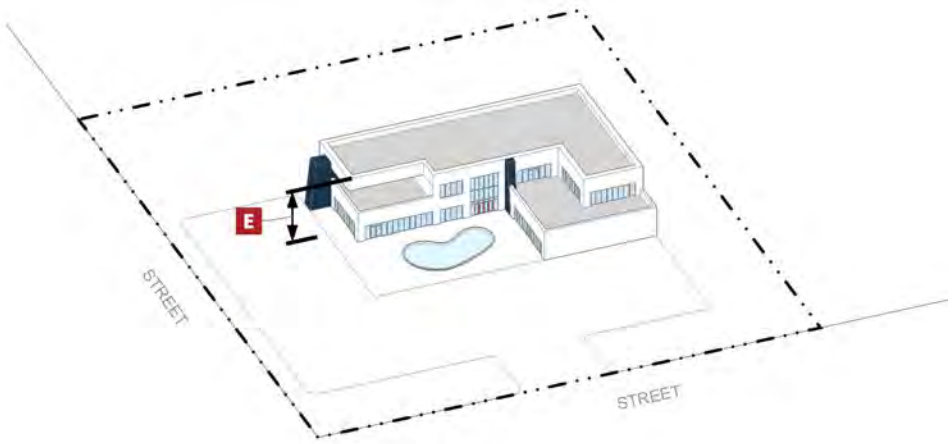
PC1: Public and Civic[17]

Purpose

The Public and Civic (PC1) District is intended to provide for public, quasi-public, educational, institutional, civic and cultural facilities, and campuses to serve the needs of residents of the County with community services and amenities.

Allowed Uses

Allowed principal uses and structures are identified in Section **Error! Reference source not found.** and allowed accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Determined through the Site Plan review process in Section <> [Chapter 18, Procedures, Site Plan (new)].

PC2: Open Space[18]

Comment

The proposed PC2 district is recommended for larger parks and open spaces that are not intended for future development, as well as those parks with master plans and multiple activities. Parks and open spaces are still

[17] New.

[18] New.

allowed in other districts without being included in a PC2 district. The intent of creating the PC2 district is to make these parks more visible on the zoning map, require a public hearing process should a park be identified for future development, and allow more comprehensive look at the impacts of the overall development when there will active uses such as playing fields or event centers.

Purpose

The Open Space (PC2) District is intended to provide for dedicated public parks, trails, open space, and areas for recreation and conservation.

Allowed Uses

Allowed principal uses and structures are identified in Section **Error! Reference source not found.** and allowed accessory uses and structures are identified in Section **Error! Reference source not found.**.

Chapter 4
SPECIAL PURPOSE, OVERLAY, AND OBSOLETE ZONING DISTRICTS

4.1. GENERAL

4.1.1. Special Purpose, Overlay, and Obsolete Zoning Districts

Table 4.1 lists the Special Purpose, Overlay, and Obsolete Zoning Districts included in this Code.

Table 4-1. List of Special Purpose, Overlay and Obsolete Zoning Districts.

Abbreviation	District Name
Special Purpose Districts	
R-T	Residential-Topographic District
MHP	Mobile Home Park District
MHP-R	Mobile Home Park District-Rural
MHS	Mobile/Manufactured Home Subdivision District
RVP	Recreational Vehicle Park District
PUD	Planned Unit Development District
Overlay Districts	
CAD-O	Commercial Airport Overlay District
GA-O	General Aviation Overlay District
RLUP-O	Rural Land Use Plan Overlay District
HR-O	High-Rise Overlay District
WSE-O	Wind and/or Solar Energy Generation Plan Overlay District
Obsolete Districts	
C-1	Commercial
C-2	Commercial
M	Industrial
R-4	Planned Development District

4.1.2. Special Purpose Districts

Special purpose zoning districts are established to accommodate unique uses or development types or to address special development conditions. Special purpose zoning districts are base zoning districts intended for very specific application.

4.1.3. Overlay Zoning Districts

As the name implies, overlay districts work in combination with base zoning districts to impose additional requirements and standards on specific property or to modify the standards associated with the base zoning district. These additional standards only apply within the limits of the overlay district. Overlay zoning districts are established and amended in accordance with the rezoning procedures applicable to any other zoning district, except as otherwise provided within this Code.

4.1.4. Obsolete Zoning Districts

The C-1, C-2, M, and R-4 zoning districts have been declared to be obsolete pursuant to BoCC Resolution No. 91-59, Land Use 10 as replaced by Resolution 92-46, Land Use-9. No land will be rezoned to an Obsolete Zoning district. The BoCC may modify the allowed uses, special uses, and development standards within these zoning districts.

Landowners are encouraged to rezone land from an Obsolete Zoning district classification. The BoCC may offer incentives, such as modified application fees in order to accomplish this goal.

4.2. SPECIAL PURPOSE ZONING DISTRICTS

4.2.1. R-T, Residential-Topographic District

(A) **Purpose.** The R-T district is intended to accommodate residential use in regions of extreme topographical conditions.

(B) **Allowed, Special, Accessory, and Temporary Uses.** The allowed, special, accessory, and temporary uses in the R-T district are shown in the Use Table in Chapter 5.

(C) **Use and Dimensional Standards.** All uses and development in the R-T district are subject to the use and dimensional standards listed in Table 4-2.

Table 4-2. R-T District Use and Dimensional Standards

Description	Standard
Minimum Lot Area[1]	5 acres
Minimum Lot Width[2]	200 feet
Minimum Setbacks	
Front	25 feet
Side	25 feet (5 feet)[3]
Rear	25 feet
Maximum Lot Coverage	30%
Maximum Height	30 feet
[1]Specific uses may be subject to larger minimum lot area requirements.	
[2]Measured at front building setback line.	
[3]Side setback is 5 feet for lots less than 5 acres in area.	

(D) **General Development Standards.** All uses and development in the R-T district are subject to the general development standards in Chapter 6.

4.2.2. MHP, Mobile Home Park District

(A) **Purpose.** The MHP district is intended to promote an acceptable living environment for occupants of mobile home parks.

(B) **Allowed, Special, Accessory, and Temporary Uses.**

(1) **General.** The allowed, special, accessory, and temporary uses in the MHP district are shown in the Use Table in Chapter 5.

(2) **Recreational Vehicles.** A temporary use permit shall be obtained for the placement of recreational vehicles for purposes of occupancy within a mobile home park. The placement of recreational vehicles within a mobile home park shall be limited to a maximum of 5% of the individual mobile home spaces

as shown on the approved site development plan. The placement of a recreational vehicle within a mobile home park is limited to 1 year. A new temporary use permit shall be obtained for each 1 year period. The temporary use is specific to the vehicle.

(C) **Use and Dimensional Standards.** All uses and development in the MHP district are subject to the following use and dimensional standards.

(1) **Lot Area.** The minimum lot area for mobile home parks is 10 acres.

(2) **Road Frontage.** Mobile home parks shall have at least 60 feet of frontage on a public road.

(3) **Height.** Buildings and structures shall not exceed 30 feet in height.

(D) **Mobile Home Park Standards.** Mobile home parks established in the MHP district are subject to the following development standards.

(1) **Water and Sewer.** Mobile home parks shall be served by a central water and sewer system.

(2) **Access to Mobile Home Parks.** Mobile home parks shall have access from a public road. A minimum of 2 access drives at least 15 feet in width shall be provided from a public road to the mobile home park's internal road system. 1 access drive shall be at least 28 feet in width, be designed to accommodate 2 lanes of traffic, and have sidewalks on both sides. No parking is allowed on the access drives. The access drives and sidewalks shall be hard-surfaced.

(3) **Internal Roadways.** The internal roads shall be: hard-surfaced; have a minimum width of 28 feet; and be privately owned, constructed, and maintained. The internal roads shall be designed and constructed to provide safe and convenient access to all spaces and facilities for common use. The internal roads shall be designed to provide adequate space for utilities within or adjacent to the roadway.

(4) **Signage.** All internal roads shall be identified by a clear and legible road sign and each mobile home and manufactured home site shall be clearly marked with an address for emergency response purposes.

(5) **Internal Pedestrian Sidewalks.** Hard-surfaced sidewalks shall be provided on both sides of internal roads. Sidewalks shall have a minimum width of 3 feet, excluding curb and gutter.

(6) **Landscaping.** In addition to meeting the landscaping standards in Chapter 6, the boundary of the mobile home park where not abutting the boundary of another mobile home park or mobile home subdivision shall be landscaped with hedges, evergreens, shrubbery, or a 6-foot screening wall to serve as a buffer from the adjacent property. The landscaping or walls shall be located on privately owned land and be privately constructed and maintained.

(7) **Recreation Area Requirements.** At least 8% of the gross area of the mobile home park shall be set aside for recreational purposes for use by the residents of the park. Sidewalks shall be provided to the recreational facilities. Recreations areas may be left as open playground areas or developed with recreation facilities, and shall be privately owned, constructed and maintained.

(8) **Outdoor Storage Area.** A minimum of 100 square feet of hard-surfaced storage area per mobile home space shall be provided in a common storage area with a security fence. This area is for outdoor storage for mobile home park residents only.

(9) **Mobile Home Space Size and Setback Standards.** The setbacks and dimensional standards in Table 4-3 shall apply to all mobile home parks.

Table 4-3. MHP District Mobile Home Park Space and Setback Standards

Description	Standard
Minimum Space Size	2,800 square feet

Minimum Space Width	40 feet
Minimum Space Depth	70 feet
Minimum Mobile Home Setbacks	
From Front Line of Space	20 feet[1]
From Side Line of Space	10 feet
From Rear Line of Space	10 feet
From Any Mobile Home	20 feet
From Exterior Lot Line of Mobile Home Park	25 feet
Minimum Accessory Structure Setbacks	
From Front Line of Space	Not Allowed
From Side Line of Space	5 feet
From Rear Line of Space	5 feet
From Any Interior Roadway	20 feet
From Exterior Lot Line of Mobile Home Park	25 feet
[1]10 feet is allowed if 2 off-street parking spaces are provided on the side of the mobile home.	

(10) **Number of Units Per Space.** Only 1 mobile home shall be located on each mobile home space.

(11) **Building Separation.** All buildings or structures that are park facilities, including park offices and community buildings shall maintain a 20 foot separation from mobile homes and accessory buildings or structures.

(12) **Animals.** The occupants of each mobile home may keep a maximum of 4 dogs or cats, subject to the requirements of Chapter 5.

(13) **Site Development Plan Approval Required.** Site development plan approval is required for all mobile home parks prior to placement of a mobile home. The site development plan shall comply with the addressing requirements of the Building Department and any road naming conventions adopted by the County.

(14) **Subdivision Approval Required.** Occupancy of a mobile home within a mobile home park is not allowed until the property is platted in accordance with the requirements of this Code, unless otherwise exempted from subdivision by State Statute.

(15) **Maintenance Plan.** If roads, sidewalks, landscaping, common areas, open space, utilities, or other facilities are to be maintained by a homeowners' association (HOA), the applicant shall submit a maintenance plan in accordance with Chapter 6. If the mobile home park is exempted from subdivision, the maintenance statement addressing ownership and maintenance shall be submitted with the site development plan and recorded prior to the issuance of a building permit. If the approval of the mobile home park requires subdivision, the maintenance plan shall be submitted concurrently with the plat and recorded in conjunction with the plat.

(16) **Site Plan Approval Required.** Site plan approval is required prior to building permit authorization for any individual mobile home or building within the park.

(E) **General Development Standards.** All uses and development in the MHP district are subject to the general development standards in Chapter 6.

4.2.3. MHP-R, Mobile Home Park District-Rural

(A) **Purpose.** The MHP-R district is intended to: (1) ensure and promote an acceptable living environment for the occupants of mobile home park developments in areas that cannot be reasonably served by central sewage treatment facilities and otherwise without reasonable access to full urban services; (2) encourage efficient

and functional use of rural land for mobile/manufactured home park developments; and (3) minimize potential impacts on surrounding land uses.

(B) **Allowed, Special, Accessory, and Temporary Uses.** The allowed, special, accessory, and temporary uses in the MHP-R district are shown in the Use Table in Chapter 5.

(C) **Use and Dimensional Standards.** All uses and development in the MHP-R district are subject to the following use and dimensional standards, unless the BoCC expressly waives or modifies 1 or more of the requirements in the approval of the rezoning, based on a determination by the BoCC that compliance with 1 or more of the standards is not necessary to protect the health, safety, or welfare of the public or to manage the potential impacts of the land use on nearby properties.

(1) **Lot Area.** The minimum lot or parcel area for mobile home parks is 35 acres.

(2) **Density.** Residential density shall not exceed 1 dwelling unit per 2.5 acres. Clustering of units is encouraged providing all development standards are met.

(3) **Height.** Buildings and structures shall not exceed 30 feet in height.

(4) **Setback Standards.** The setbacks shown in Table 4-4 shall apply to all buildings and structures in a MHP-R zoning district.

Table 4-4. MHP-R Setback Standards

Minimum Setback for Buildings and Structures	Standard
From All Exterior Property Lines	50 feet
From Other Dwellings Units	50 feet
From 100-year Floodplain	100 feet

(D) **Mobile Home Park Standards.**

(1) **Number of Units per Site.** Only 1 mobile home shall be located on each mobile home space. A maximum of 2 dwelling units may be served by an OWTS if approved by the EPCPH.

(2) **Road Frontage.** Mobile home parks shall have at least 400 feet of frontage on a public road.

(3) **Access.**

(a) **10 or More Dwelling Units.** Mobile home parks containing 10 or more dwelling units shall have direct access to a public or private road with a paved or chip and seal surface.

(b) **Fewer Than 25 Dwelling Units.** Mobile home parks with fewer than 25 dwelling units shall have a minimum of 1 direct point of access on a public road.

(c) **25 or More Dwelling Units.** Mobile home parks with 25 or more dwelling units shall have a minimum of 1 direct point of access on a public road and a second access point that is sufficient for use by emergency vehicles.

(d) **No Driveway Access from Dwelling Unit to Public Road.** No direct driveway access from mobile home spaces to a public road is allowed.

(4) **Internal Road Design.** Internal roads shall at a minimum be gravel surfaced. Hard surfacing shall be required for all internal roads projected to carry 200 or more vehicle trips per day. Hard surfacing of internal roadways may be deferred until traffic thresholds are met either by collateralizing the improvements with the PCD or recording a limit on development in the Office of the Clerk and Recorder.

(5) **Internal Road Maintenance.** All interior roads, trails or drainage facilities shall be privately maintained.

(6) **Signage.** All internal roads shall be identified by a clear and legible road sign and each mobile home and manufactured home space shall be clearly marked with an address for emergency response purposes.

(7) **Utility Easement.** Easements for public utility lines shall be granted along property boundaries consistent with the policies of the applicable service providers.

(8) **Water.** All mobile home parks shall comply with all standards and requirements governing public drinking water supplies, if a central water system is utilized. New or expanded rural mobile home parks shall comply with the water quality standards of Chapter 6. When applicable, the mobile home park shall comply with the CDPHE Technical, Managerial, and Financial (TMF) Capacity Review and Construction Approval requirements.

(9) **OWTS.** Any mobile home park shall comply with all requirements and standards of the EPCPH and the CDPHE, as applicable regarding wastewater disposal. All new or expanded mobile home parks shall submit a wastewater disposal report pursuant to Chapter 8. Percolation tests shall be performed at a minimum of 20% of all proposed septic system locations unless an alternate procedure is determined to be acceptable by the EPCPH. A maximum of 2 units may be served by a single OWTS, if approved by the EPCPH.

(10) **Fire Protection.** All mobile home parks shall be included within or have a service commitment from an organized fire protection district; meet all applicable regulations of the local fire department; and construct and maintain at least 1 on-site source of water supply for fire suppression unless the source of water supply is not required by the servicing fire department.

(11) **State Requirements.** Mobile home parks shall comply with the CDPHE "Sanitary Standards and Regulations for Mobile Home Parks," as applicable. Mobile home parks are exempt from the following sections of the "Sanitary Standards and Regulations for Mobile Home Parks":

- Section 3.2, except grasses, weeds and other vegetation shall be mowed in the immediate vicinity of structures and common areas, and as required by fire codes and BoCC ordinance.
- Section 3.3, except illumination may be required in accordance with Chapter 6.
- Section 5.2-5.14, except in cases where either central water or central sewer service is being provided.
- Section 9.2
- Section 9.18, except all structures shall conform to the Building Code.

(12) **Leasing.** Mobile home spaces may be leased for long-term occupancy.

(13) **Landscaping and Fencing.** The boundary of the mobile home park shall be landscaped or fenced. Hedges, evergreens, shrubbery, screening wall or an agricultural fence may be installed to serve as a buffer or barrier from adjacent property. Landscaping, fences or walls shall be privately owned, constructed and maintained. Internal landscaping is not required.

(14) **Animals.** The occupants of each mobile home or manufactured home may keep a maximum of 4 dogs or cats, subject to the requirements of Chapter 5.

(15) **Agriculture.** Agricultural operations such as farms, ranches, dairies, and livestock sales and feed yards are prohibited on the same property if they are located within 100 feet of any mobile home used as a residence. Hobby farms and community gardens are allowed, but only within designated common areas depicted on the approved site development plan.

(16) **Trash Pickup.** Scheduled trash pick-up shall be arranged and maintained by the park owner. If centralized collection locations are used, they shall be screened, secured and maintained by the park owner and comply with EPCPH regulations.

(17) **Site Development Plan.** Site development plan approval is required for all mobile home parks prior to the placement of a mobile home. The site development plan shall comply with the addressing requirements of the Building Department and any road naming conventions adopted by the County.

(18) **Maintenance Plan.** A maintenance plan shall be submitted and approved by the PCD Director prior to issuance of a building permit. The maintenance plan shall comply with Chapter 6 and specifically include a schedule for septic system pumping and other required maintenance and repair.

(E) **General Development Standards.** All uses and development in the MHP-R district are subject to the General Development Standards in Chapter 6.

(Res. No. 17-374, Exh. A, 12-12-2017)

4.2.4. MHS, Mobile/Manufactured Home Subdivision District

(A) **Purpose.** The MHS district is intended to accommodate mobile/manufactured home subdivisions where individual lots are established and may be conveyed.

(B) **Allowed, Special, Accessory, and Temporary Uses.** The allowed, special, accessory, and temporary uses in the MHS district are shown in the Use Table in Chapter 5.

(C) **Use and Dimensional Standards.** All uses and development in the MHS district are subject to the following use and dimensional standards.

(1) **Minimum Area of Subdivision.** Mobile/manufactured home subdivisions shall have a minimum area of 20 acres.

(2) **Road Frontage.** Mobile/manufactured home subdivisions shall have at least 60 feet of frontage on a public road.

(3) **Water and Sewer.** Mobile/manufactured home subdivisions shall be served by a central water and sewer system.

(4) **Height.** Buildings and structures shall not exceed 30 feet in height.

(5) **Roads.** The internal road system shall be designed to ensure safe and efficient traffic circulation. The road system shall be designed to serve the local needs of the neighborhood and to provide direct access to the abutting properties. Road access to mobile/manufactured home subdivisions shall be provided in accordance with the standards of Chapter 8 and the ECM. Public right-of-way shall be dedicated and public improvements constructed in accordance with the standards of Chapter 8.

(6) **Private Internal Roads.** Private roadways shall be designed for safe and convenient accesses to all lots and to facilities for common use and provide adequate space for utilities. Private roadways shall be privately owned, constructed and maintained. All private roads shall be hard-surfaced and have a minimum width of 28 feet.

(7) **Sidewalks.** Hard-surfaced sidewalks shall be provided on both sides of internal roadways whether public or private, in accordance with Chapter 8 and the ECM.

(8) **Fencing and Landscaping.** The boundary of the mobile/manufactured home subdivision shall be surrounded by a screening wall or fence with a minimum height of 6 feet. Along the mobile/manufactured home park subdivision boundaries abutting a public park or public open space hedges, evergreens and shrubbery in accordance with Chapter 6 may be used in lieu of a fence. All

fences, screening, buffers, open spaces, recreational areas, and setback areas shall be privately owned, constructed and maintained.

(9) **Mobile/Manufactured Home Subdivision Lot Size and Setback Standards.** The setback and dimensional standards in Table 4-5 apply to all mobile/manufactured home subdivisions.

Table 4-5. MHS Lot Size and Setback Standards

Description	Standard
Minimum Lot Size for Homes Less Than 14 Feet In Width	5,000 square feet
Minimum Lot Size for Homes 14 Feet or More In Width	6,000 square feet
Minimum Home Setbacks[2]	
From Front Lot Line	20 feet[1]
From Side Lot Line	5 feet
From Rear Lot Line	5 feet
Minimum Accessory Structure Setbacks	
From Front Lot Line	20
From Side Lot Line	5 feet
From Rear Lot Line	5 feet
From Any Home	10 feet
[1]10 feet is allowed if 2 off-street parking spaces are provided on the side of the home.	
[2]No home may be erected in, placed on or extend over a utility or drainage easement unless approved in writing by the entity or entities having jurisdiction over the easement.	

(10) **Alternative Dimensional Standards.**

(a) **Authority.** The PDC Director may approve alternative dimensional standards on a case by case basis where meeting the setback requirements is not possible due to narrowness, shallowness, shape, topographic condition, or to provide limited flexibility to lot standards when it is determined that no substantial detriment to the public good, nor harm to the general purpose and intent of this Code, will be caused.

(b) **Review Criteria.** For the PCD Director to approve alternative dimensional standards the following criteria shall be met:

- The strict application of the standard(s) in question is unreasonable or unnecessary given the development proposal or the property has extraordinary or exceptional physical conditions that prevent the structure from meeting the required dimensional standard(s);
- The intent of this Code and the specific regulation in question is preserved;
- The granting of the alternative dimensional standard(s) will not result in an adverse impact on surrounding properties; and
- The granting of the alternative dimensional standard(s) will not allow an increase in the number of dwelling units on a parcel.

(11) **Foundation Requirement.** Mobile homes or manufactured homes may have either a temporary or permanent foundation, as required by the local authority having jurisdiction.

(12) **Number of Mobile or Manufactured Homes per Lot.** Only 1 mobile or manufactured home shall be located on each lot.

~~(13) **Building Separation.** All buildings or structures shall maintain separation from other buildings and structures as required by the Building Code.~~

~~(14) **Skirting.** All mobile homes shall be skirted.~~

~~(15) **Lots on Exterior Boundary of Subdivision.** Lots on the periphery of a mobile/manufactured home subdivision shall front toward the interior of the mobile/manufactured home subdivision. No lot in the mobile/manufactured home subdivision may front on a road where the opposite side of the road is outside the MHS district.~~

~~(16) **Site Plan.** Site plan approval is required prior to authorization for any mobile or manufactured home to be placed or building to be constructed within a mobile/manufactured home subdivision.~~

~~(17) **Maintenance Plan.** If roads, sidewalks, landscaping, common areas, open space, recreational facilities, or other facilities are to be maintained by a HOA, the applicant shall submit a maintenance plan in accordance with Chapter 6. A maintenance statement addressing ownership and maintenance shall be submitted with the rezoning request. The maintenance plan shall be submitted concurrently with the final plat and recorded in conjunction with the final plat.~~

~~(18) **Platting.** Occupancy of any mobile or manufactured home within a mobile home subdivision is not allowed until the property is platted in accordance with the requirements of this Code, unless otherwise exempted by State Statute.~~

~~(D) **General Development Standards.** All uses and development in the MHS district are subject to the general development standards in Chapter 6.~~

~~(Res. No. 17-374, Exh. A, 12-12-2017)~~

RM: Residential Manufactured

Commentary

This section consolidates the MHP, MHP-R, and MHS districts into a single district that captures mobile home parks and subdivisions, but not necessarily all mobile or manufactured homes. The intention is to establish a district that is generally limited to manufactured homes (because the creation of new manufactured home parks is rare, this district will help to protect existing manufactured home parks and incentivize investment by providing a greater level of stability).

The district standards are focused on the overall parcel while use-specific standards will detail the standards for the layout and design of the development (e.g., lot dimensions and setbacks for individual units).

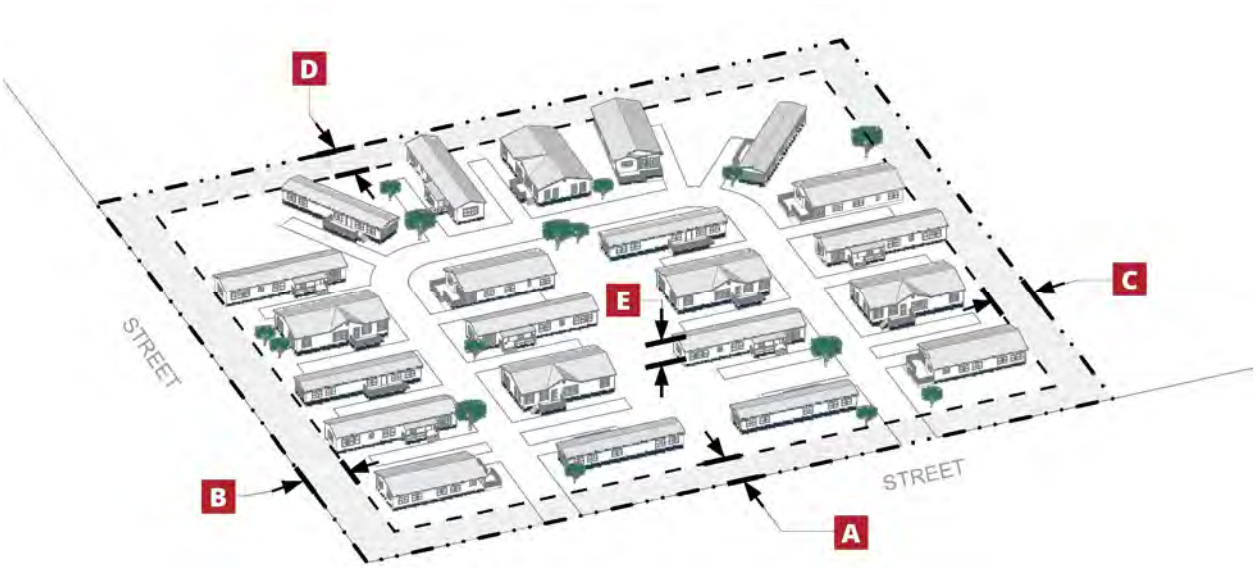
Additional discussion with staff is necessary to consolidate the various additional site layout, design, and operational provisions currently established for the MHP, MHP-R and MHS districts.

Purpose

The Residential Manufactured (RM) District is intended to provide for new and preserve existing manufactured home parks, subdivisions, and neighborhoods in areas with central water and wastewater.

Allowed Uses

Allowed principal uses and structures are identified in Section **Error! Reference source not found.** and allowed accessory uses and structures are identified in Section **Error! Reference source not found.**.



Dimensional Standards

Table 0-1: RM District Dimensional Standards	
This table establishes standards for the establishment of an R6 zoning district. Dimensional standards for individual lots or parcels within a manufactured home neighborhood are established per Section <>.	
Lots	
Lot size, min. (acres)	2
Lot width, min. (ft)	200
Lot coverage, max. (%)	--
Setbacks	
A Front, min. (ft)	25
B Side street, min. (ft)	25
C Side interior, min. (ft)	25
D Rear, min. (ft)	25
Building Height	
E Height, max. (ft)	30

District-Specific Standards

See Section **Error! Reference source not found.**, Manufactured Home Park Standards.

4.2.5. RVP, Recreational Vehicle Park District

(A) **Purpose.** The RVP district is intended to accommodate recreational vehicle parks, which are sites used for the location of occupied recreational vehicles.

(B) **Allowed, Special, Accessory, and Temporary Uses.** The allowed, special, accessory, and temporary uses in the RVP district are shown in the use table in Chapter 5.

(C) **Use and Dimensional Standards.** All uses and development in the RVP district are subject to following standards.

(1) **Minimum Area of Park.** Recreational vehicle parks shall have a minimum area of 5 acres.

(2) **Density.** No more than 25 recreational vehicles are allowed per acre of land.

(3) **Road Frontage.** Recreational vehicle parks shall have at least 60 feet of frontage on a public road.

(4) **Height.** Buildings and structures in the RVP district shall not exceed 30 feet in height.

(5) **Access.** Recreational vehicle spaces shall access the interior roadway system within the park. No road access to any space from a public right-of-way is allowed.

(6) **Internal Roads and Sidewalks.** The internal road system in a recreational vehicle park 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, and comply with the fire department or authority requirements. The roads shall be at least 25 feet in width for 2-way and 18 feet in width for 1-way travel. The radius on all curves shall be at least 40 feet. If cul-de-sacs are used, adequate vehicular turning space shall be provided, with a minimum turning radius of 40 feet. Road grades shall not exceed 6%. Sidewalks shall be provided to serve, accessory, and recreational buildings. Road and sidewalks shall be adequately lighted, in conformance with Chapter 6 and shall be hard-surfaced.

(7) **Water and Sewer.** Water and wastewater facilities, including any sanitation dump stations, serving the recreational vehicle park shall comply with CDPHE and EPCPH regulations. If tent camping is allowed, provisions shall be made for appropriate sanitary facilities, to the satisfaction of the EPCPH.

(8) **Fire Protection.** The recreational vehicle park shall comply with fire code regulations of the appropriate fire department or authority. Fires may only be made in stoves and other equipment intended for such purposes. The recreational vehicle park shall be kept free of litter, rubbish, and other inflammable materials.

(9) **Landscaping.** Landscaping shall be in conformance with the requirements of Chapter 6. The boundary of the recreational vehicle park shall be buffered with, landscaping, hedges, evergreens, shrubbery or a 6-foot screening wall or fence installed to serve as a buffer from adjacent property. The landscaping, fences, or walls and adjacent setback areas shall be privately owned, constructed and maintained.

(10) **Recreation Area Requirements.** At least 8% of the total area of a recreational vehicle park shall be set aside as open space for recreational purposes for park users. This area may not include area reserved for service facilities, setbacks, or other non-useable areas.

(11) **Storage Areas.** Separate areas for temporary storage of boats, pull behind trailers, etc, if requested by PCD shall be reflected on the site development plan.

(12) **Recreational Vehicle Setback Standards.** All recreational vehicles shall meet the setbacks in Table 4-6. Recreation vehicle park spaces shall be designed and located to ensure the setbacks will be met.

Table 4-6. Recreational Vehicle Setback Standards

Description	Standard
Minimum Recreational Vehicle Setbacks	
From All Property Lines	15 feet
From Other Recreational Vehicles	20 feet
From Local or Collector Roads	25 feet
From Arterial or Expressway	50 feet
From Any Building or Structure	20 feet
Minimum Accessory Structure Setbacks	
From Exterior Lot Line of Park	25 feet

(13) **Private Towers.** Private towers, except crank up towers attached to vehicles, shall not be located upon recreational vehicle spaces. Private towers may be located within common areas, subject to the requirements of Chapter 5.

(14) **Animals.** The occupants of each recreational vehicle may keep a maximum of 4 dogs or cats, subject to the requirements of Chapter 5.

(15) **Site Development Plan.** Site development plan approval is required for all recreational vehicle parks prior to occupancy of the park. Any locations proposed for temporary events, storage or tent camping shall be reflected on the site development plan.

(16) **Maintenance Plan.** A maintenance statement addressing ownership and maintenance shall be submitted with the rezoning request, in accordance with Chapter 6. The maintenance plan shall be submitted concurrently with the plat and recorded in conjunction with the plat. If the recreational vehicle park is exempted from subdivision, then the maintenance plan shall be submitted and recorded prior to approval of the site development plan.

(17) **Platting.** Occupancy of a recreational vehicle is not allowed until the property is platted in accordance with the requirements of this Code, unless otherwise exempted by State Statute.

(18) **Signage.** Any signage associated with the recreational vehicle park, and any temporary events shall conform to the requirements of Chapter 6.

(D) **General Development Standards.** All uses and development in the RVP district are subject to the General Development Standards in Chapter 6.

(Res. No. 17-372, Exh. A, 12-12-2017; Res. No. 17-374, Exh. A, 12-12-2017)

RVP-R: Recreational Vehicle Park (Retired)

Commentary

Discussion:

The RVP zoning district is currently the only district in which recreational vehicle parks are an allowed use. As recommended in the LDC Assessment, this draft retires the RVP district. This means that existing RVP zoning will remain in place as currently applied on the Zoning Map but future rezonings to the district are prohibited. New RV parks can be created as an allowed use in the A35, A5, RR1, and E1 districts.

Purpose

The RVP district has been retired from future use. Property that is zoned RVP as of the Effective Date shall be permitted to continue as conforming to this LDC, but rezoning any additional areas to RVP is prohibited.

The RVP district is intended to accommodate recreational vehicle parks, which are sites used for the location of occupied recreational vehicles.

Allowed Uses

Allowed principal uses and structures are identified in Section **Error! Reference source not found.** and allowed accessory uses and structures are identified in Section **Error! Reference source not found.**.

Dimensional Standards

Development in the RVP district shall be subject to the standards in Section **Error! Reference source not found.**, **Error! Reference source not found.**.

~~**4.2.6. PUD, Planned Unit Development District**~~

~~(A) **Purpose.** The Planned Unit Development (PUD) district is a versatile zoning mechanism to encourage innovative and creative design and to facilitate a mix of uses including residential, business, commercial, and industrial, recreation, open space, and other selected secondary uses. This zoning district is established in accordance with C.R.S. §§ 24-67-101, et seq., to accomplish the following objectives:~~

- ~~To further the public health, safety and general welfare within El Paso County;~~
- ~~To permit adjustment to changing public and private needs and to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs;~~
- ~~To improve the design, character and quality of new development with flexibility by varying lot size, building heights, setback controls and other site development requirements;~~
- ~~To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings including mixed use and traditional neighborhood design and by the conservation and more efficient use of open space ancillary to said buildings;~~
- ~~To encourage more efficient use of land services reflecting changes in the technologies and economies of land development;~~
- ~~To provide housing of all types and designs to be located in proximity to employment and activity centers such as shopping, recreational, and community centers, healthcare facilities, and public transit;~~
- ~~To achieve development economies to minimize impacts on existing infrastructure and to encourage the most efficient use of public infrastructure while limiting the costs of providing services and to reduce the burden on existing streets and utilities by more efficient development;~~
- ~~To promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area, including scenic vistas, natural features and environmental resources;~~
- ~~To ensure that provision is made for beneficial open space, to provide for active, usable open spaces, and to preserve open areas;~~
- ~~To encourage integrated planning systems to achieve the objectives of and to otherwise implement the stated purpose and intent of this Code and the Master Plan;~~
- ~~To create an integrated and fixed set of land use controls which allow multiple and mixed uses in 1 coordinated development; and~~

- To establish a basis for vested property rights for multi-year projects.

(B) **Allowed, Special, Accessory, and Temporary Uses.** The allowed, special, accessory, and temporary uses in the PUD zoning district are established by the approval of the PUD zoning and the associated development plan and development guide. All uses identified within a PUD are subject to corresponding use specific development standards in the Land Development Code, as amended, unless otherwise modified by the PUD. Some uses may be subject to additional local, State, and/or federal regulation(s) which the BoCC may use as a basis to deny requests for PUD modification.

(C) **Limitations on the Development of a PUD Zoning District.** An approved PUD development plan is required before any building permits or use permits may be issued within a PUD zoning district, subject to compliance with application subdivision regulations.

(D) **Approval Criteria For PUD Zoning.** The Planning Commission and BoCC shall determine that the following criteria have been met to approve a PUD zoning district:

- The proposed PUD District zoning advances the stated purposes set forth in this Section;
- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;
- The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
- The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;
- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;
- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;

- Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and

- The owner has authorized the application.

(E) **PUD Development Plan May be Approved as a Preliminary Plan.** The PCD Director may authorize the combination of a preliminary plan map with a PUD development plan for BOCC consideration and approval, provided all submittal requirements of the PUD development plan and preliminary plan are met. The eligible PUD development plan shall contain all the information required on a preliminary plan. The PUD development plan shall meet all statutory requirements of a preliminary plan as contained in C.R.S. §30-28-133. The combined development plan and preliminary plan [PUD development plan] shall meet the applicable standards for a preliminary plan in Chapter 6 regarding general development standards, fire protection, and environmental considerations; the preliminary plan review standards in Chapter 7, as well as the PUD zoning review and approval criteria which includes general conformance with the Master Plan; and the subdivision [design and report] requirements in Chapter 8 which address subdivision design, exactions, utilities, provision of water and wastewater, and public improvements. Water sufficiency shall be determined at this time; however, the Board of County Commissioners may defer findings of sufficiency to the final plat stage if requested by the applicant.

Approval of the combined PUD development plan and preliminary plan shall be a discretionary act of the BOCC. Compliance with the technical standards of either process alone shall not be deemed to constitute compliance with all review and approval standards. The Planning Commission and BOCC shall find the following additional criteria for a preliminary plan has also been met:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

- The subdivision is consistent with the purposes of this Code;

- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code.

- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];

- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;

- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the

subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation systems, are or will be available to serve the proposed subdivision;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

(F) **General Standards and Requirements.**

(1) **Ownership.** A PUD zoning district may be established for any parcel, tract, or lot or group of parcels, tracts, or lots held under a single ownership or unified control.

(2) **Establishment and Applicability of Standards.**

(a) **Established Purpose and Intent of PUD Zoning District.** The development plan and development guide shall include a statement establishing the purpose and intent of the PUD zoning district.

(b) **Establishment of the Mix and Intensity of Land Uses.**

The land use types and mix, the land use intensity (maximum gross residential density and maximum square footage for non-residential land uses), the maximum building heights, and the design elements (e.g. traditional neighborhood design) shall be established by the PUD zoning district.

(c) **Approval of Density.** Density shall be as established by the PUD development plan and/or development guide as approved by the BoCC in consideration of the following:

- Adopted Master Plan;
- Compatibility with the surrounding neighborhood;
- Traffic considerations;
- Impact upon public facilities, utilities and schools;
- The natural characteristics of the land; and
- Water availability.

(d) **Use, Dimensional and Development Standards Included.** Use, dimensional, and development standards are intended to present a collection of criteria necessary for development within the PUD district. The use, dimensional, and development standards for a PUD district shall be set forth in the approved PUD development plan and/or development guide and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, building height, building elevations, coverage, parking, access, screening, landscaping, open space, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other standards necessary to the administer the plan. The dimensional standards including interior and exterior boundary and setbacks, setbacks from major roadways, setback buffers between uses areas and other similar setback requirements for the PUD district shall be those established by the PUD

development plan and development guide. The PCD may prepare standardized development plan and development guide templates for use by PUD plans.

(e) **Basis for Standards.** The use, dimensional, and development standards established within a PUD development plan and development guide should generally be based on existing zoning districts in the LDC. The use, dimensional, and development standards from an existing LDC base zoning district may be applied by the PCD Director in the event of inadvertent omission of a required use, dimensional, and development standard.

(f) **ECM Criteria and Standards.** The ECM criteria and standards shall control within a PUD district unless specifically modified by the PUD development plan and development guide.

(g) **Modifications of LDC Standards.** Detailed standards shall be provided within the PUD development plan and development guide where any general development standard within this Code or any criteria or standard in the ECM is intended to be modified by the PUD district, or where any additional standards, not otherwise required by this Code or the ECM, will be applied within the PUD district. The Land Development Code and Engineering Criteria Manual Administrators shall provide a recommendation to the BoCC for any proposed modification of the respective regulations. PUD modifications shall be limited to standards or criteria internal to the PUD district. Variation from standards external to the PUD district shall require a waiver of the LDC or deviation from the ECM.

Variance from approved standards within an approved PUD shall occur in accordance with the provisions for relief of density and dimensional standards in Chapter 5 of this Code.

(h) **Modification of Existing LDC or ECM Standard.** For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least 1 of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

A statement citing the reason for any modifications to this Code or the ECM shall be provided in the PUD development plan and development guide. The modification request shall be submitted and reviewed concurrently with the PUD map amendment (rezone) application. The modified development standard or engineering criteria within a PUD district shall become the basis of review and approval for any subsequent development application.

(i) **Applicability of Standards Established by PUD.** All buildings, structures and land uses in a PUD district shall be located, designed, used, and occupied in accordance with the standards established in the zoning and concept plan, development plan and development guide. The standards established by the zoning and concept plan, development plan and development guide shall apply to the subdivision plats for the subject property where such standards specifically modify an LDC or ECM standard.

Where no applicable standard has been established in the zoning and concept plan, development plan or development guide, or where development standards in an approved PUD defer to the requirements of the Land Development Code, unless otherwise specified the requirements of the Code, as amended, shall be applied.

(j) **Enforcement of PUD Standards.** Enforcement of all use, density, dimensional, and development standards, engineering criteria, including modifications of the same within a PUD district shall rest with the BoCC.

(3) **Maintenance of Common Areas.** The provision of an acceptable maintenance entity (e.g., HOA, Architectural Control Committee, Special District, etc.) is required to ensure maintenance of common areas, project landscaping, parking, drive aisles, fencing and building exteriors, emergency access points and similar facilities and amenities. Maintenance agreements and/or covenants shall provide suitable guarantees for such maintenance.

(4) **Review Standards Incorporated into Development Plan and Guide.** The review standards for authorization of building permits with the PUD district shall be incorporated into the PUD development plan and development guide and provide efficient review and approval of permits if any special permitting provisions are proposed.

(5) **Amenities in Phased Projects.** Timely provision of open space, recreational facilities, and other amenities shall be guaranteed through appropriate financial assurances, development agreements or other mechanisms acceptable to the County. Amenities shall be included in each construction phase of the project.

(6) **PUD Zoning District Compatibility.** The PUD district shall be compatible with surrounding uses. Compatibility includes, but is not limited to, size, scale, mass, and landscaping. Uses shall be determined by evaluating the general uses, building height, setback, offset, size, density, traffic, dust, noise, harmony, character, open space, screening, health, safety and welfare.

(7) **Limitations on Establishing a PUD District.** A proposed PUD District shall not be approved if such approval would result in a circumvention of the variance procedures contained in this Code or if such approval would result in the circumvention or appealing of a decision of the County.

(8) **Common Open Space.**

(a) **Intent.** Common open space is intended to increase the quality and uniqueness of the development. Open space provides enjoyable space while adequately buffering various uses. Common open space includes any usable tract of land or water unimproved and set aside, dedicated, designated or reserved for public or private use or for the use and enjoyment of owners or occupants of land adjoining or neighboring the area. In utilization of a PUD, common open space may include any of the uses and or structures identified within this section.

(b) **PUD Zoning District Open Space Requirement.** The amount and type of open space provided in a PUD district shall be proportional to the intensity of the applicable base zoning districts identified in the PUD district and uses specified in the application. In no case, however, shall the open space provided be less than 10% of the gross site area.

Open Space Requirements in Residential PUD Districts

Unless otherwise modified by the BoCC, a minimum of 10% of the gross PUD development area shall be set aside as open space. Individual phases within the PUD are not required to provide 10% open space within each phased area where a planned network of open space is provided in the overall PUD development plan.

Open Space Requirements in Commercial PUD Districts

Open space requirements within a commercial PUD may be provided as pedestrian amenities through the modification process. Substitution of pedestrian amenities shall not be counted toward any required buffer or screening requirements.

(c) **Calculation of Residential Open Space.** The calculation of open space area shall include all common public or privately held open space areas. Constructed storm water facilities may be included in the open space calculation if comprising less than 10% of the required open space, recreational areas, trails and greenways. Open space shall also include landscape areas that are not occupied by buildings or uses (such as storage or service areas), and private courtyards. Individual, private residential or commercial lot areas shall not be included in the open space calculation unless the open space areas located on private lots are subject to open space easements and restrictions. Parking areas and public and private roads shall not be included in the open space calculation. For multifamily, townhome and condominium developments, common open space and other recreational amenities accessible to the residents of the project may be credited toward the overall PUD district open space requirement. Any required urban park dedication shall be credited against the open space calculation.

(d) **Usable Residential Open Space.** Open space shall be concentrated in large usable areas. No less than 25% of the gross land area of open space shall be contiguous and usable.

(e) **Allowed Uses within Open Space.** Unless otherwise specified within the PUD development plan or development guide, the allowed land uses in areas designated as open space, conservation, preservation or other similar term are limited to the following:

- Recreation activities which use the land with minimum disturbance and which do not utilize structures or permanently installed equipment except as provided in this Section;
- Recreational trails for non-motorized use, except that motorized wheelchairs are permitted;
- Perimeter fence with a maximum height of 7 feet;
- Signs that are accessory to an allowed open space use not exceeding 6 square feet in area;
- Structures under 250 square feet for restrooms, picnic shelters, maintenance equipment, storage or other use accessory to a permitted open space use;
- Properly managed grazing of horses, cattle, sheep, goats, wildlife or other grazing or browsing animals;
- Forest management activities designed to promote healthy and aesthetic forests or to meet wildfire mitigation objectives; and
- Parking areas for the recreational facilities;
- Playgrounds, athletic fields, golf courses;
- Pedestrian amenities; and
- Other uses and structures identified through the modification process.

(f) **Minimum Setbacks from Open Space and Trails.** Minimum setback of privately owned buildings to trails and open space within a residential PUD district shall be 10 feet.

(g) **Maintenance of Open Space or Common Areas.** Open spaces or common areas within a PUD district including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, conservation easements, deed, or plat restrictions. Open space, recreational facilities or other amenities to be provided shall be guaranteed by suitable financial assurances. Financial assurances shall not be required if:

- Acceptable provisions are included within the development agreement that guarantee the provision of these amenities in a timely manner; or
- Amenities are included in each construction phase of the project adequate to serve the residents within the phase; or
- A HOA or special district has committed to maintaining the facilities.

(h) **Evaluation of Open Space.** In evaluating the proposed open space areas within a PUD district, the following factors shall be considered:

- The El Paso County Parks Master Plan;
- The environmental characteristics and significance of the site;
- The location, use and relationship of the proposed open space areas to the development areas within the PUD district (Public or private common use open space areas should be accessible and available to the occupants of any proposed residential dwellings);
- Provision for adequate trails systems including bicycle, pedestrian, and equestrian trails as appropriate;
- The buffering needs of adjacent existing and planned land uses;
- Neighborhood, community, and regional recreational use area standards as applied to the proposed resident population of the PUD district;
- Applicable school standards for the number, type and location of public schools based upon the proposed resident population of the PUD district (Combined, joint use school and park sites are encouraged); and
- View corridors within and through the property and other visual and scenic assets of the site.

(9) **Circulation and Access.** Development within the PUD district shall be designed and constructed to include adequate, safe, and convenient arrangement for pedestrian and vehicular circulation, and parking and loading spaces. Pedestrian and vehicular circulation shall correlate with the external circulation system. All roads shall be constructed in accordance with the provisions of the ECM.

(10) **Drainage.** The storm drainage system shall be designed in accordance with the ECM.

(11) **Buffering and Screening.** Uses or structures within and adjacent to a PUD district shall be adequately buffered and screened to make their appearance and operation harmonious with the surrounding uses.

(12) **Landscaping.** Landscaping and any landscaping design guidelines established within the development plan or development guide shall conform to the requirements of this Code, with the exception of local residential roads pursuant to the Landscaping Section of Chapter 6 of this Code. No building permit shall be issued for any building or any portion of a PUD district until the landscaping required by the landscape plan is in place or a landscaping completion agreement has been entered into which complies with the requirements of Chapter 6 of this Code.

(13) **Architecture.** A set of architectural guidelines shall be included within the development plan or development guide that provides for a variety of architectural designs while ensuring that structures are compatible with other structures in the PUD district or a subarea of the PUD district. Modifications to the architectural guidelines may only be required by the County if necessary to implement a specific standard or requirement in this Code.

(14) **Parking.** Unless otherwise established by the zoning and concept plan, development plan, or development guide, parking shall be provided in accordance with Chapter 6 of this Code.

(15) **Signage.** Unless otherwise modified by the zoning and concept plan, development plan, or development guide, all signs within the PUD district shall comply with the requirements of Chapter 6 of this Code.

(16) **Adequate Facilities.** A PUD district will be approved only if there is a demonstration that adequate public facilities and services for the project can be provided. The cost to the County will be considered in light of the project's impact existing or proposed public facilities. In addition, it shall be shown that the project's land use mix, rate of anticipated build out, and overall developer commitments are adequate to support the infrastructure and other costs which shall be borne by the development.

Determinations concerning the adequacy and efficiency of the provision of the described public services and facilities, and the financing of the same, shall be based upon standards and criteria within this Code and the ECM, and may include a requirement to contribute a fair and equitable share of the costs of necessary public services and facilities through the payment of development fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public services and facilities.

(17) **Phasing Plan.** The establishment of a PUD district shall include a comprehensive phasing plan. The phasing plan shall present a logical development sequence for subareas of the area covered by the PUD district designed to provide for cost effective roadway, utility and other infrastructure and service extensions.

(18) **Development Agreement.** A development agreement is a negotiated contract between the County and a developer of property that shall provide the costs of all on-site and off-site capital improvements necessary to implement the proposed development. Local roads and service lines may be provided for at the time of platting through a SIA. The development agreement shall be recorded concurrently with the PUD development plan and development guide, and may include financial assurance to construct approved public or private improvements in advance of the recorded final plat.

(G) **Documents and Action Establishing PUD Zoning District.**

(1) **Development Plan.**

(a) **Description.** The approved PUD development plan constitutes the approved overall zoning plan for the property. The development plan is the detailed plan for a property which generally indicates the final planned use of the property, building and parking locations, building elevations, service connections, and landscape and other important site improvements. This plan sets forth the final plans for development of the PUD district. The development plan shall cover the total area of the PUD district.

(b) **Effect of Approval and Recording.** The approved development plan shall be recorded and placed on file at the PCD and shall serve as the basis for review and approval of the subsequent preliminary plan, final plat, or site development plan application. Any future development plan and development guide for any portion of the approved PUD shall substantially conform to the recorded development plan. The subject property is zoned PUD at the time of approval of the development plan. All subsequent uses and actions shall conform to the development plan.

The property owners, and their successors, heirs, or assigns shall be bound by the approved development plan, including any conditions of approval, or amendments approved either by the PCD Director or BoCC.

(2) **Development Guide.**

(a) **Description.** The development guide sets forth the specifics for allowed uses including special and accessory uses, densities, dimensional standards, landscaping, buffering and screening

requirements, parking, fire prevention, signing, open space, maintenance, phasing and other important development controls for each use area and the property as a whole.

(b) **Effect of Approval and Recording.** The property owners, and their successors, heirs, or assigns shall be bound by the approved development guide, including any amendments thereto approved by the PCD Director or BoCC. The approved development guide shall be recorded concurrently with the development plan, and the recording information referenced on the development plan.

(3) **Vesting.** The development plan and development guide may be considered a site specific development plan for purposes of vesting if vesting is specifically requested. Any such request shall be accompanied by a request that meets the vesting requirements of this code. If vesting is specifically requested and meets the requirements of this Code for vesting, vesting shall occur at the time the development plan and development guide are filed for recording with the Clerk and Recorder.

(H) **Actions Amending a PUD Zoning District.** The Planning and Community Development Director may approve a minor amendment to an approved PUD which is determined will have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, changes to landscape features in the interest of public safety, or the alignment of utilities and the alignment of interior roadways and parking areas. No such changes shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the PUD, significantly reduce or increase parking areas, or significantly encroach on natural features proposed by the plan to be protected.

(I) **PUD Zoning and Conceptual Plans (ZCP) Approved Prior to the Adoption of this Code.** Any ZCP approved prior to the adoption of this Code or as otherwise amended, shall be governed by the conditions of Board approval as contained in the recorded Board Resolution of the same and the Code in effect at the time of approval. No building permits or uses shall be authorized within such ZCP prior to approval and recordation of a PUD development plan and final plat in conformance with the provisions and requirements of the Land Development Code.

(Res. No. 15-503, Exh. A, 12-15-2015; Res. No. 16-164, 5-17-2016; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-330, Exh. A, 8-27-2019)

PUD: Planned Unit Development[19]

Commentary

We will draft the PUD provisions with Module 3, Administration and Procedures. We've carried forward some of the current content for updating as we continue to draft.

Purpose[20]

The Planned Unit Development (PUD) district affords a greater level of flexibility than is available by the strict application of the UDC in exchange for more innovative and creative designs that provide a greater level of amenities and public benefits than is otherwise possible under the base zoning districts.

Applicability[21]

An application for rezoning to a PUD district shall only be considered if it meets the following criteria:

The PUD shall be established or boundaries modified only through an amendment to the El Paso County Zoning Districts Map following procedure set forth in Section <> [Chapter 18, Procedures, Rezoning to Planned Unit Development (New)].

A variance, minor modification, or rezoning to a base zoning district could not achieve a similar result.[22]

Establishment[23]

A PUD district shall be established per in Section <> [Chapter 18, Procedures, Rezoning to Planned Unit Development (New)].

Identification of Base Zoning District[24]

Each PUD application shall identify a base zoning district or districts from the districts established in this UDC to apply to each area of the PUD. The terms of the base zone district(s) may be varied by the terms of the PUD development plan. Where a PUD

[19] Current 4.2.6.

[20] Purpose statement simplified (the long list of purposes creates the expectation that this tool should be used for a variety of reasons) and updated to tie flexibility to a greater level of community benefit.

[21] New.

[22] New.

[23] New.

[24] New.

approval is silent as to a development term or requirement, the requirements of the

applicable base zoning district shall apply.

5.2. USE-SPECIFIC DEVELOPMENT STANDARDS[25]

The use-specific development standards provided in this Section are those specific requirements that shall be met when establishing a use or conducting an activity within a particular zoning district. Specific uses may be subject to more than one set of standards.

~~5.2.1. Accessory Living Quarters~~

~~(A) **Number of Accessory Living Quarters.** Only one accessory living quarters is allowed per lot, parcel, or tract.~~

~~(B) **Type of Structure.** Accessory living quarters may be attached to or detached from the principal structure, in a garage, or in an accessory structure, or as a tiny house meeting the use specific standards found in this Chapter.~~

~~(C) **Affidavit Required.** In conjunction with an approval of the accessory living quarters, an affidavit signed by the owner is filed for recording with the Clerk and Recorder acknowledging that the accessory living quarters may not be leased or rented.~~

~~(D) **Size.** The accessory living quarters shall be no larger than the total square footage of the primary residence, up to a maximum of 1500 square feet of finished habitable floor area, as measured to the outside of the walls. The Board of County Commissioners may modify the maximum size allowance by up to 20 percent as part of a special use approval. Any request to establish accessory living quarters with the total square footage exceeding 20 percent of the maximum size allowed shall constitute a second dwelling on the property, which would require variance of use approval unless otherwise allowed within the applicable zoning district.~~

~~(E) **No Separate Meter for Utilities.** All electric, gas, central or municipal sewer and water services to the accessory living quarters shall be interconnected to and indistinguishable from that of the principal dwelling and shall not have separate meters, service lines or billings.~~

~~(F) **Occupancy Limited.** Accessory living quarters shall only be utilized for temporary occupancy, non-paying guests or visitors, and may not be leased or rented, including short-term rental. A temporary occupant may not receive mail, enroll in K-12 school, or establish permanent residency at the accessory living quarters unless otherwise modified by the Sections below. This provision does not prohibit:~~

- ~~An immediate family member or an employee who permanently occupies an attached accessory living quarters as set forth below.~~

[25]Editor's note(s)—At the direction of the County, the uses in this Section 5.2 have been arranged in numerical sequence and alphabetical order. The historical notation of Section 5.2 is as follows: Res. No. 14-243, Exh. 1, 7-1-2014; Res. No. 15-351, Exh. A, 8-25-2015; Res. No. 15-503, Exh. A, 12-15-2015; Res. No. 16-164, 5-17-2016; Res. No. 17-372, Exh. A, 12-12-2017; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 18-010, Exh. A, 1-9-2018; Res. No. 18-334, Exh. A, 8-14-2018; Res. No. 18-496, Exh. A, 12-20-2018; Res. No. 19-62, Exh. A, 2-26-2019; Res. No. 19-330, Exh. A, 8-27-2019; Res. No. 19-421, Exh. A, 11-12-2019; Res. No. 19-450, Exh. A, 12-10-2019

- An immediate family member who permanently occupies the detached accessory living quarters, provided the appropriate special use approval is obtained as set forth below.

(G) **Special Provisions for Attached Accessory Living Quarters for Permanent Occupancy.** Attached accessory living quarters may be utilized for permanent occupancy provided it conforms to all standards for accessory living quarters listed above and the following requirements:

- **Exterior Appearance Single-Family in Character.** The exterior appearance of the structure shall be that of an architecturally integrated single-family dwelling unit.

- **Interior Connection Required.** The living quarters shall include the ability to access the main dwelling unit through interior connections, which may include access through a garage attached to the principle dwelling.

- **Use Limited to Family Members or Employees.** The attached living quarters shall be used exclusively by family members of a person residing in the main dwelling unit, or by an employee employed onsite by a person residing in the main dwelling unit and shall not be otherwise rented or leased. A family member shall be related by blood, half blood or at law, and which term "at law" includes in-law relationships arising from a deceased or former spouse.

(H) **Special Provisions for a Detached Accessory Living Quarters for Permanent Occupancy.** Detached accessory living quarters may be utilized for permanent occupancy by special use approval. The special use may be approved if the accessory living quarters requirements listed above are met as well as the following requirements:

(1) **Use Limited to Family Members.** A special use may be applied for and approved to:

- Provide for temporary living arrangements to house immediate family members whom are elderly, disabled, or exhibit a family need; or,

- Provide for temporary living arrangements to house immediate family providing for the needs of the residents of the primary residence on the property.

A family member shall be related by blood, half blood or at law, and which term "at law" includes in-law relationships arising from a deceased or former spouse.

(2) **Review Criteria.** Approval of the special use permit shall be based upon a finding that the following standards and conditions have been met:

- There is a family hardship or need that justifies the request for the extended family housing.

- The special use standards of Chapter 5 of the Land Development Code are complied with.

(3) **Expiration of Approval.** The detached accessory living quarters for permanent occupancy shall be removed within 3 months after the need no longer exists or 3 months after the date of the expiration of the special use approval, if one is specified, unless an application to legalize the use is submitted or an application to subdivide the property is submitted.

(I) **Other Applicable Standards.** Accessory living quarters shall meet all other applicable standards in this Code unless specifically modified by this Section. Any request for approval of accessory living quarters that does not comply with the provisions of this Section shall require special use approval by the Board of County Commissioners, except with regard to any request to exceed the size limitations identified above which shall require approval of a variance of use application by the Board of County Commissioners. A habitable structure which is leased or rented shall not be considered an accessory living quarters and shall constitute a second dwelling requiring variance of use approval unless otherwise allowed within the applicable zoning district.

Accessory Dwelling Unit[26]

1. An ADU is allowed only on a lot with a single-family dwelling use and shall be secondary to the main use of the property.
2. Only one ADU is permitted on each lot or parcel containing a single-family dwelling use.
3. A manufactured or modular dwelling unit may be used as an accessory dwelling unit in any zoning district in which accessory dwelling units are permitted.
4. Each ADU shall conform to all minimum side setback dimensional standards applicable to accessory structures in the zoning district, or applicable to the principal single-family detached dwelling on the lot, whichever is less restrictive.
5. The ADU shall not exceed the square footage of the primary residence.
6. The ADU shall be served by facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, and fire protection meeting the requirements of applicable building codes and the standards of the utility service provider.

5.2.2. Accessory Use and Structure Standards, General

(A) **Accessory Use to Conform to Zoning District Standards.** Unless otherwise indicated within this Code, accessory structures or uses shall conform to the development standards specified in the zoning district in which the building or use is located. The area of the accessory structure shall be included in the lot coverage calculation.

(B) **Accessory Uses Do Not Include Allowed or Special Uses.** Allowed uses or special use listed in any zoning district in Table 5-1 shall not be considered accessory uses, unless otherwise provided by this Code.

(C) **Secondary Uses Now Considered Accessory Uses.** For purposes of administration of this Code, after the effective date of adoption, those uses previously classified as Secondary Uses are now classified as Accessory Uses.

(D) **Accessory Use to Be Located on Same Lot, Parcel or Tract as Principal Use.** An accessory use or structure shall be located on the same lot, parcel or tract as the principal structure or use. The accessory use or structure may be located on a contiguous lot or parcel under the same ownership, upon the recording of a use or combination agreement that binds the use or structure to the lots, parcels, or tracts in common ownership.

(E) **Building Permit Required.** Any accessory structure exceeding 200 square feet shall obtain a building permit and comply with the Building Code, unless an agricultural structure exemption from the Building Code is granted, or when the accessory structure is to be located within the A-35 zoning district.

(F) **Principal Structure Required.** No building permit for construction of an accessory structure, where a building permit is required, shall be authorized prior to construction of the principal structure except in the A-35 zoning district.

[26] Replaces additional dwelling (5.2.22) and accessory living quarters (5.2.1).

(G) **Accessory Uses and Structures to Meet Setbacks.** Accessory uses and structures shall meet the setbacks shown in Table 5-4 and Table 5-5, and shall not be located within any easement unless specifically allowed in accordance with this Code.

(H) **Accessory Uses to Meet Development Standards.** Accessory uses shall meet all applicable development standards in Chapter 5 and Chapter 6.

(I) **Storage Buildings as Accessory Uses.** Semi-trailers with attached running gear (i.e. axles, wheels) and mobile homes shall not be used as storage buildings after the effective date of this Code, except in the A-35 Zoning District. Existing semi-trailers and mobile homes being used as storage buildings in conformance with County rules and regulations on the effective date of this Code shall be considered nonconforming uses.

(J) **Structures or Uses Not Considered Accessory Uses a Violation.** Any building, structure or use that does not qualify as an accessory structure or use and that is not identified as an allowed use, approved as a special use, or granted a use variance is a violation of this Code and subject to zoning enforcement.

(K) **Square Footage of Residential Accessory Structure Limited.** The building footprint of residential accessory structures shall not exceed the building footprint of the principal use to which they are subordinate, with the following exceptions:

- When the lot or parcel is 2.5 acres or greater, the accessory structure may be up to two (2) times the size of the building footprint of the principal use.
- Accessory structures in the A-35 zoning district with a minimum of 35 acres are exempt from the square footage limitation.

(L) **Accessory Structures In Multi-Dwelling, Mobile Home Park, and Recreational Vehicle Park Zoning Districts.** There is no size limitation for accessory structures located within the Multi-Dwelling, Mobile Home Park, and Recreational Vehicle zoning districts when the accessory structure is proposed for common or communal use, such as a clubhouse, laundromat, caretaker's quarters, or restroom facility.

5.2.3. Agricultural Accessory Uses

The following uses as further detailed in Table 5-2 are considered agricultural accessory uses:

- Agricultural, farming, ranching, and dairies, etc.
- Domesticated livestock and pets, subject to the requirements of this Code;
- Any residential accessory structure, or use;
- Outside storage incidental to and necessary for uses allowed on the property (but not junk yards);
- Fuel storage for the farming, ranching, or dairy vehicles and equipment, subject to any Fire District or Fire Authority Requirements;

Accessory uses shall meet the general accessory structure and use standards, any applicable specific accessory use standards, and the general development standards in Chapter 6. Agricultural accessory structures are subject to the building permit exceptions in Chapter 1 of this Code:

Pursuant to BoCC Resolution 18-078, compliance with the Building Code, as amended, is required in all unincorporated areas where the County has land use jurisdiction, with the following exceptions:

- Buildings or structures specifically exempted in the Building Code, as amended, or which are otherwise exempted by State statute or federal law;

- Agricultural buildings or structures with an approved agricultural structure exemption from the Building Code; and
- Accessory buildings or structures in the A-35 Zoning District which are not classified as habitable; are not for residential occupancy; are not intended to be normally or customarily open to public use; or which are not necessary to support and protect a non-exempted building or structure. (Examples of accessory buildings or structures that require a building permit include, but are not limited to: accessory living quarters; a rural home occupation where the public is invited or allowed within the structure; a retaining wall necessary to protect a residential structure; a wind powered generator supplying power to a residential structure, or to the power grid.)

The use specific standards for agricultural accessory uses and structures may be found in Chapter 5 of this Code.

(Res. No. 21-36, Exh. A, 1-26-2021)

5.2.4. Agricultural Stand

All products displayed or offered for sale shall be raised or grown on the same lot or parcel on which the stand is located, or shall be located on an adjacent parcel under the same ownership.

5.2.5. Agricultural Structure Exemption from the Building Code

Agricultural structures in the A-35 zoning district with a minimum lot size of 35 acres are not subject to the requirements of this section. All other agricultural structures may receive an agricultural structure exemption from the Building Code if the following standards are met:

(A) **Use of Agricultural Structure.** The structure must be used solely for one or more of the following uses on the subject parcel for which the agricultural use is located:

- Shelter for livestock (including hen chickens) or for the storage of the feed and equipment relating to the care, training, raising, and/or maintenance of the livestock (including hen chickens); or
- Agricultural products associated with horticultural, dairy, livestock, hen chickens, as well as other products customarily produced on a farm or ranch; or
- Agricultural implements and machinery, such as tractors and tractor attachments, when used as part of a farming or ranching operation as defined in Chapter 1 of this Code.

(B) **Size of Agricultural Structure.**

The size of agricultural structures shall not exceed two (2) times the size of the building footprint of the principal use or 5,000 square feet, whichever is greater. Any agricultural structure exceeding the above allowance, shall require special use approval.

(C) **Exterior Appearance of Agricultural Structure**

1. Agricultural structures are required to have appropriately sized doors to allow for livestock and/or agricultural implements and machinery to enter and exit the structure.
2. Agricultural structures are required to have a minimum of three of the following design features:
   - Dutch doors,
   - Barn breezeway,
   - Gambrel roof,
   - Barn cupola,

- Exterior stalls,
- Shelter overhang,
- Dormer Windows,
- Appropriate siding material for weather exposure, and/or
- Finished wood panels, vinyl siding, brick or stone veneer siding, stucco, etc.

3. The PCD Director may approve an exterior appearance that does not meet the specific requirements of this Section provided the proposed agricultural structure meets the purpose of this Section and provides an equivalent benefit to the community and environment as would otherwise be achieved by meeting the specific requirements of this Section.

(D) **Prohibited Structures, Materials, and Uses.**

1. The following types of structures are prohibited:
   - Portable or temporary structures,
   - Shipping or storage containers,
   - Carports,
   - Canopies,
   - Mobile homes, and/or
   - Semi-trailers
2. The following types of construction materials are prohibited:
   - Tires,
   - Fabric, and/or
   - Tarpaulins
3. The following uses are prohibited in an agricultural structure that is exempt from the Building Code:
   - Commercial and/or non-commercially related uses allowing public access,
   - Marijuana related uses,
   - Residential (personal storage, vehicle storage, etc.), and
   - Non-agricultural related uses
4. The PCD Director may prohibit any other structures, materials and uses if it is determined that it does not meet the intent of this Section.

(E) **Application Required.** An approved Agricultural Structure Exemption from the Building Code application and site plan is required. An affidavit signed by the property owner(s) shall be filed with the Clerk and Recorder acknowledging the use of the structure being limited to an approved agricultural use.

(F) **Other Permits Required.** Compliance with the Building Code is required for all electrical, plumbing, and/or mechanical work installed within a structure for which an Agricultural Structure Exemption from Building Code has been granted.

(G) **Other Applicable Standards.** For the purpose of obtaining an agricultural structure exemption from the Building Code, agricultural structures shall meet all applicable standards in this Code unless specifically modified by this Section or as otherwise modified by special use approval.

(H) **Revocation of Agricultural Structure Exemption from the Building Code.**

(I) **Violation Grounds for Revocation.** The violation of any applicable requirement or standard of this Code, or of any condition, safeguard or commitments of record of the Agricultural Structure Exemption from the Building Code application and affidavit shall constitute sufficient grounds for revocation of the exemption from the Building Code by the BoCC, after a public hearing at which the holder of the exemption from the Building Code shall be afforded the opportunity to be heard.

(2) **Notice of Revocation Hearing.** The holder of the exemption from the Building Code shall be notified of the time and place of the revocation hearing via first class mail no less than ten (10) days prior to the hearing.

(3) **Determination of Revocation.** In determining whether revocation is warranted, the BoCC shall consider, among other factors, the nature and magnitude of the violations found to exist; the impact of the violations on the health, safety and welfare of adjacent property owners and surrounding communities; and any other evidence presented in aggravation or mitigation of the violations committed.

(4) **Revocation in Addition to Other Penalties.** Revocation is in addition to any other remedies and enforcement provisions provided by this Code or by law.

5.2.6. Agritainment

(A) **General Standards.** Events and activities include, but are not limited to: pumpkin patch, hay ride, corn maze, hay maze, petting zoo (farm animals only), historical farm, farm tour, vineyard, agricultural festival, community garden, and other similar uses as determined by the PCD Director. Supplemental uses to an Agritainment use may include a gift shop, chuck wagon dinners, farmers markets, and other similar uses as determined by the PCD Director.

(B) **Person Conducting Agritainment.** The Agritainment use shall only be operated by the owner or leasee [lessee] of the property on which it is located.

(C) **Temporary Use Not Considered Agritainment.** An event or activity occurring one (1) time per year, not exceeding five (5) days in duration, shall not be considered Agritainment and shall be required to obtain a temporary use permit prior to holding the event or initiating the activity.

(D) **Conducted in Accordance with Laws.** Agritainment shall be conducted in compliance with all applicable county, state and federal laws.

(E) **Vehicles Limited.** The total number of vehicles at any given time shall not exceed fifty (50) unless otherwise approved by the PCD Director. The total vehicle count applies to all vehicles parked on the site, including, but not limited to, all employee, customer, and vendor vehicles associated with the use.

(F) **Building Permits Required.** Buildings or structures that are open to the public or employees shall be subject to the requirements of the building code.

(G) **Excluded Uses.** The following uses, among others, shall not be considered Agritainment:

- Business event center
- Indoor and outdoor amusement center
- Outdoor theater

- Race track
- Auction and flea market
- Carnival or circus
- Recreation camp
- Rodeo
- Shooting range
- Any activity related to or associated with medical marijuana as defined in C.R.S § 12-43.4-101, or retail marijuana as defined in C.R.S § 12-43.3-103.

(H) **Overnight Accommodations Not Allowed.** Overnight accommodations shall not be allowed as part of the Agritainment use.

(I) **Agritainment As a Special Use.** Any proposed agritainment use which does not comply with the provisions of this section shall require special use approval.

(J) **Other Applicable Standards.** Agritainment shall meet all other applicable standards in this Code unless specifically modified by this Section or as otherwise modified by special use approval.

5.2.7. Animal Keeping

(A) **Waste Removal and Disposal.**

Animal waste and other excrement associated with animal keeping shall be removed and disposed of on a regular basis and shall not be allowed to accumulate excessively.

(B) **No Other Animals Allowed.** The keeping of animals, including exotic animals, not qualifying in any of the below categories shall not be allowed.

(C) **Dogs and Cats.** The keeping of more than 4 dogs or cats, in any combination, over 4 months of age on the same property shall be considered a kennel and shall meet the standards for kennels.

(1) **Other Domesticated Animals.** No more than 2 other domesticated animals, in addition to the 4 dogs or cats allowed above: such as miniature goats, miniature ponies, miniature pigs, and other similar animals; may be kept in a residential zoning district allowing less than 2.5 acres. The 2 other domesticated animals shall not be counted towards the maximum allowance of 4 dogs and cats total. The other domesticated animals shall:

- Not exceed 100 pounds
- Not be exotic, wild or ordinarily considered dangerous

(2) **Exceptions.** The following domesticated animals shall not be included in the maximum allowance provided they are kept entirety within a dwelling unit: cats, fish, small reptiles and amphibians, small rodents, or small birds.

(D) **Hen Chickens.** In a residential zone district allowing less than 2.5 acres, a reasonable number of hen chickens are allowed per ownership. No roosters are permitted. In zoning districts where a hobby farm is allowed there is no limit on the number of chickens, hens or roosters kept on the lot or parcel.

(E) **Pigeon Keeping.** The keeping of pigeons is subject to the following requirements:

(1) **Clean and Sanitary Condition.** The pigeon loft shall be of sufficient size, design, and construction that it can be easily maintained in a clean and sanitary condition.

(2) **Meets Health Regulations.** The pigeon loft shall be in compliance with all applicable EPCPH regulations.

(3) **Setbacks.** The pigeon loft shall be setback from all lot or parcel boundary lines in accordance with the applicable accessory structure setbacks.

(4) **Feeding within Loft.** All pigeons shall be fed within the confines of the pigeon loft.

(5) **Time Outside Pigeons Lofts Limited.** All pigeons shall be confined to the pigeon loft, except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons.

(F) **Beekeeping, Residential.**

(1) **Hives.** All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.

(2) **Setbacks.** All hives shall be located in the rear yard and at least 5 feet from any adjoining property with the back of the hive facing the nearest adjoining property. If hive is located next to a sidewalk or any other public gathering place a 6-foot tall privacy fence will be required to minimize interaction with passers-by.

(3) **Water Required Onsite.** Each property owner or beekeeper shall ensure that a source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact. The water shall be maintained as not to become stagnant.

(4) **Queens.** In any instance in which a colony routinely exhibits aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

(5) **Hive Density.** It shall be unlawful to keep any hive on a multi-family zoned parcel or to keep more than the following number of hives on any parcel within El Paso County, based upon the size or configuration of the parcel on which the apiary is situated:

- Less than ½ acre parcel size: 2 hives;
- ½ acre or more but less than 1 acre parcel size: 4 hives;
- 1 acre or larger parcel size: 6 hives; or
- Regardless of parcel size, where all hives are situated at least 200 feet in any direction from all property lines of the parcel on which the apiary is situated, there shall be no limit to the number of hives.

5.2.8. Auction, Auction Facility

Auctions shall be considered an accessory use when:

(A) **Frequency and Duration.** The auctions will be conducted no more than 3 times within an ownership during a year and no auction will exceed 5 days.

(B) **Material Storage.** Materials for auction are not owned by the landowner and will not be stored on the site for more than 30 days.

(C) **Classification as Auction Facility.** When the standards for frequency and duration or material storage are exceeded the use will be classified as an auction facility as identified in Table 5-1.

5.2.9. Automobile and Boat Storage Yards

Automobile and boat storage yards shall comply with the outdoor storage standards of this Chapter.

5.2.10. Batch Plant, Temporary

A temporary batch plant associated with a federal, State, or local construction public improvement project is subject to the following requirements.

(A) **Adjacent to Project.** The plant shall be located on, adjacent to, or in the immediate proximity of the right-of-way being improved.

(B) **Hours of Operation Limited.** A temporary batch plant shall only be operated between 7 a.m. to 7 p.m.

(C) **Repair of Road Damage.** Damage to any roads that provide access to the temporary batch plant that may be attributable to the use of the site for a temporary batch plant shall be repaired by the temporary batch plant owner or operator to the satisfaction of the ECM Administrator. Financial Assurance may be required by the ECM Administrator to cover potential repair costs.

(D) **Other Permits Required.** A construction permit, work in the right-of-way permit, and ESQCP shall be obtained from the ECM Administrator prior to the issuance of a temporary use permit authorizing the use of the subject property for a temporary batch plant.

(E) **Hauling Routes.** The ECM Administrator may limit hauling routes and the size of loads to protect the general welfare of the citizens in accordance with the ECM.

(F) **Duration of Use.** The duration of time the batch plant is operated shall be limited to the duration of the associated public improvement project.

(G) **Use of Asphalt or Concrete.** The use of any asphalt or concrete produced at the temporary batch plant shall be limited to the public improvement project described in the temporary use permit.

5.2.11. Bed and Breakfast Home

A bed and breakfast home shall comply with the standards for home occupations and the following additional standards:

(A) **Maximum Number of Guest Rooms.** A maximum of 2 guest rooms may be rented on a nightly basis.

(B) **Owners to Reside on Subject Property.** The owner of the bed and breakfast home shall reside on the subject property.

(C) **Meals Served to Guests Only.** Meals shall be served to overnight guests of the bed and breakfast home only.

(D) **Smoke Detectors.** Each guest room shall be provided with a smoke detector.

(E) **Licenses Required and Sales Tax Collected.** The bed and breakfast home shall obtain all required licenses and pay applicable sales tax.

5.2.12. Bed and Breakfast Inn

A bed and breakfast inn shall comply with the following standards.

(A) **Resident Innkeeper Reside on Subject Property.** A resident innkeeper shall reside on the subject property.

(B) **Meals Served to Guests Only.** Meals shall be served to overnight guests of the bed and breakfast inn only.

(C) **Maximum Length of Stay.** The maximum length of stay for overnight guests is limited to 30 days.

(D) **Character of Inn.** The character and exterior appearance of the bed and breakfast inn shall be residential in nature and consistent with the surrounding area.

(E) **Signage.** Signage shall meet the requirements of this Code except as otherwise modified or limited by this Section. One sign is allowed. The sign area shall not exceed 8 square feet. A freestanding sign shall not exceed 4 feet in height. The sign shall be located at least 5 feet from all lot, parcel or tract lines. The sign may be indirectly illuminated. If the sign is attached to the bed and breakfast inn, no part of the sign may extend above the wall of the bed and breakfast inn.

(F) **Parking.** Parking shall meet the parking requirements of this Code. The parking area surface shall meet the standards specified for rural areas, regardless of the bed and breakfast inn's location in a rural or urban area.

(G) **Smoke Detector and Emergency Lighting.** Each guest room shall be provided with a smoke detector. Emergency lighting for emergency exits shall also be installed.

(H) **Required Licenses and Sales Tax Collected.** The bed and breakfast inn shall obtain and maintain all required licenses and pay applicable sales tax.

5.2.13. Car Wash

A car wash shall be serviced by a central sewer system.

~~**5.2.14. Caretaker's Quarters**~~

~~(A) **Number of Caretaker's Quarters.** One caretaker's quarters is allowed per ownership.~~

~~(B) **Type of Structure.** A caretaker's quarters may be a detached single-family dwelling, manufactured home, apartment-type unit within the principal structure, or where a post-1976 mobile home is allowed as a principal use in the zoning district, a post-1976 mobile home, or as a tiny house meeting the use specific standards found in Chapter 5 may be used as a caretaker's quarters.~~

~~(C) **Occupancy Limited.** A caretaker's quarters may be occupied only by a caretaker and their immediate family.~~

~~(D) **Other Applicable Standards.** A caretaker's quarters shall meet all standards for a principal dwelling unit of the same type and the accessory dwelling standards in this Chapter unless specifically modified by this Section.~~

Caretaker's Unit[27]

1. The residential dwelling unit shall comply with all applicable building and fire codes.
2. Only one caretaker’s unit per structure is allowed and it shall be occupied only by the owner, operator, or employee of the principal use, and their family.
3. The dwelling unit shall be located within a structure used primarily for business purposes.
4. The caretaker’s unit shall not exceed 50 percent of the principal commercial or industrial use or 1,000 square feet, whichever is greater.

[27] Replaces current 5.2.14.

5.2.15. Carnival or Circus

A carnival or circus shall not be operated more than 3 times during a year within any ownership. No operation of a carnival or circus shall exceed 14 days in length.

5.2.15.5 Carports

The following standards apply only to carports located in the front, and/or side yard setbacks:

A. **Size and Height Requirements.** Carports shall not exceed 500 square feet and shall not exceed 12 feet at the highest point.

B. **Location and Access.** Carports must be located over an approved driveway access and/or located in the area between an approved driveway access and the nearest side yard property line. Entry into a carport must be made from an approved driveway access.

The PCD Director may approve an alternate location provided the proposed location meets the purpose of this Section.

C. **Side panels and/or screening limited.**

1. Carports may have one enclosed side only if the enclosed side abuts the principal structure.

2. Carports shall not have side panels or screening in the area between grade level and 60 inches above grade level.

D. **Materials Used.**

- Carports shall be made of wood and/or coated metal to prevent corrosion and shall be compatible in color with the body or trim of the primary structure. Roofing materials such as asphalt, clay, and slate are allowed.
- Carports shall not be made of non-durable or flexible materials, including, but not limited to, canvas, plastic, polyester, or other tent-like materials.

E. **Compliance with the Building Code Required.** Carports shall comply with all applicable provisions of the Pikes Peak Regional Building Code.

F. **Other Applicable Standards.** Carports shall meet all other applicable standards in this Code for accessory use structures unless specifically modified by this Section.

(Res. No. 23-219, Exh. A, 6-20-2023)

Editor's note(s)—Res. No. 23-219, Exh. A, adopted June 20, 2023, set out provisions intended for use as § 5.2.16. Inasmuch as there were already provisions so designated, with the consent of the county, said section has been codified herein as § 5.2.15.5.

5.2.16. Cemetery, Personal

A document, identifying the existence and location of a personal cemetery which may consist of an official survey or other type of map, shall be recorded against the subject property.

5.2.17. Child Care Centers, Family Care Homes, and Group Homes

The following standards apply, subject to the provisions and limitations of the County and State Department of Human Services and Department of Public Health and Environment.

(A) **Separation Requirements.** No family care homes, child care centers, or group homes, excluding group homes for disabled persons, shall be located on an adjacent lot or parcel or within 500 linear feet along

the same road from the lot or parcel boundary lines as another family care home, child care center, or applicable group home except for those facilities that: (1) qualify as a single-family dwelling and have an occupancy in the family care home, child care center, or group home of fewer than 6; or (2) where the family care home, child care center, or group home is located within a commercial zone district.

(B) **Parking, Screening and Buffering.** The facility shall comply with the parking standards of the Land Development Code. All commercial components, such as parking lots and playgrounds, shall be screened and buffered from neighboring residences and uses. For family care homes, child care centers, or group homes, excluding group homes for disabled persons, the County may request a transportation plan showing how the operators of the facility intend to meet the transportation needs of the residents of the facility. The sufficiency of the transportation plan may be considered by the County in reviewing an application but may not, by itself, constitute grounds for denying the application. See, C.R.S. § 30-28-115(2.5).

(C) **Facility Allowances and Applicable Review Processes.**

(1) A family care home, child care center, or group home shall be considered an allowed use or may require a special use permit depending on the specific facility type and number of residents/enrollment as shown in Table 5.3 when located within a forestry, agricultural, and residential zone district, and shall not be considered a second principal use when operated in conjunction with or within a residence on the property. Additional necessary persons required for the care and supervision of the permitted number of disabled persons are allowed.

(2) A family care home, or group home shall not include any person required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended, unless related by blood, marriage or adoption or in foster care.

(3) A family care home, child care center, or group home shall maintain compliance with any building codes, fire codes, and health codes based upon the occupancy classification and number of residents and necessary persons for care of the residents.

(4) Copies of any applicable current state or local certifications, licenses or permits for the group home shall be maintained on the premises.

(5) All existing family care homes, child care centers, and group homes shall meet these standards, except separation requirements at Section 5.2.16(A), by December 31, 2014, regardless of pre-existing circumstances, and no nonconforming rights are hereby established.

(D) **Standards Applicable Only to Group Homes.** The Colorado General Assembly has declared that state-licensed group homes for no more than 8 intellectually and developmentally disabled persons is a matter of statewide concern and is a residential use of property for zoning purposes, specifically including single-family residential zoning. C.R.S. § 30-28-115(2)(a). The Colorado General Assembly has declared that state-licensed group homes for no more than 8 persons with mental illness is a matter of statewide concern and is a residential use of property for zoning purposes. C.R.S. § 30-28-115(2)(b.5). The following standards apply to group homes for disabled persons and state-licensed group homes for mentally ill or intellectually and developmentally disabled persons requesting special use approval to house 9 or more occupants/enrollees as a reasonable accommodation under federal law:

(1) Pursuant to the Fair Housing Amendments Act ("FHAA"), discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B). Therefore, a reasonable accommodation is required whenever it may be necessary (or indispensable or essential) to achieving the objective of equal housing opportunities between those with disabilities and those without.

(2) Reasonable accommodation requests will follow the applicable special use process and procedures pursuant to the Group Home and Special Use sections of Chapter 5 of this Code, except that if the PCD Director elevates the application to a public hearing, that hearing shall be exclusively before the BOCC, and except that such requests will follow review criteria based on the FHAA for reasonable accommodations as follows rather than special use review criteria:

a) An accommodation request must be reasonable and necessary. A necessary accommodation is reasonable unless it requires a fundamental alteration in the nature of a program or imposes undue financial and administrative burdens on the County. For example, an applicant could show that the group home is one way of ameliorating the effects of disabled persons' disabilities and that the request to locate in a given location is reasonable. Whether a requested accommodation is reasonable requires balancing the needs of the parties involved.

b) In order to impose special restrictions on either a special use or a reasonable accommodation approval, the County must show either: (1) that the restriction benefits the protected class; or (2) that it responds to legitimate safety concerns raised by the individuals affected and is not based upon stereotypes.

Table 5-3. Use Table and Occupancy Limits for Family Care Home, Group Home and Child Care Facilities in Forestry, Agricultural, and Residential Zone Districts

Use Type	Allowed Use (Max. Occupancy/Enrollment)	Special Use (Occupancy/Enrollment)
Family Care Home		
Family Foster[2]	8	NA
Day Care Home[2]	12	NA
Adult Day Care	8	9-12
Specialized Group Facility[2]	8	9-12
Child Care Center[1]		
Large Day Care Center[2]	NA	13 or more
Small Day Care Center[2]	NA	12 or fewer
Nursery[2]	NA	As Limited by State
Day Camp[2]	NA	As Limited by State
Center for Developmentally Disabled[2]	8	9 or more
Crisis Center[2]	8	9 or more
Residential Camp[2]	NA	5 or more
Trip Camp[2]	NA	5 or more
Day Treatment Center[2]	8	9 or more
Residential Child Care Facility[2]	8	9 or more
Group Homes		
Persons with Mental Illness[2]	8[3]	9 or more[3]
Developmentally Disabled[2]	8[3]	9 or more[3]
Aged (Assisted Living Residence)[2]	8[3]	9 or more[3]
Group Home for Disabled Persons	8[3]	9 or more[3]

Notes:
[1] Child care centers are allowed as an accessory use when operated in the same building as a religious institution.
[2] As defined by State law and rules and regulations.
[3] Family members that reside within the group home but are not themselves disabled and are not required for the care or supervision of any disabled resident shall be counted toward the maximum occupancy/enrollment

limits.
The enrollment or occupancy numbers in this table do not include additional necessary persons required for the care and supervision of the enrollees or occupants. Enrollment or occupancy numbers may be affected by licensing or building code requirements.

(Res. No. 22-44, Exh. A, 2-8-2022)

5.2.18. Commercial and Industrial Accessory Structures and Uses

The following structures and uses are considered accessory to commercial and industrial use:

- Onsite parking garage or lot that provides required parking for a structure or commercial/industrial use;
- On-premise signs;
- Totally enclosed facilities for storing merchandise or materials needed for commercial/industrial use;
- Fuel storage;
- Fence, wall and hedge;
- Antennas, radio facilities, and satellite dishes, subject to the requirements of this Code; and
- Any accessory structure, structure or related use expressly designated as accessory in a commercial or industrial zoning district established under this Code.

Accessory uses shall meet the general accessory structure and use standards, any applicable specific accessory use standards, and the general development standards in Chapter 6.

5.2.19. Commercial Mobile Radio Service Facility (CMRS) Facilities

(A) **General.**

(1) **Purpose.** The purposes of this Section are:

- To facilitate the provision of wireless telecommunication services, including personal wireless services, throughout the unincorporated area of El Paso County;
- To allow the location of commercial mobile radio service facilities (CMRS facilities) in El Paso County subject to certain standards;
- To encourage co-location of CMRS facilities; and
- To prevent unreasonable discrimination among providers of functionally equivalent services.

(2) **Applicability.** The standards in this Section apply to all CMRS facilities located, constructed or modified after the effective date of this Code.

(3) **Relationship to Other Provisions.** A CMRS facility shall comply with all applicable provisions of this Code. Where a conflict exists between the requirements of this Section and another applicable standard in this Code, the most restrictive standard shall control. Where a conflict exists between the requirements of this Section and another applicable State or Federal standard the State or Federal standards shall control.

(B) **General Standards.**

(1) **Co-Location.** Co-location of CMRS facilities is encouraged when feasible to minimize the number of CMRS facility sites. To further the goal of co-location:

- An applicant for a new freestanding CMRS facility shall demonstrate that a good faith effort has been made to co-locate on existing CMRS facilities. The applicant shall demonstrate that due to physical constraints, or economic or technological infeasibility, no such location or co-location is available. The applicant shall also demonstrate that contact has been made with the owners of all suitable structures within the search area of the proposed site and was denied permission to locate its CMRS facility on those structures;
- If a telecommunications competitor attempts to co-locate a CMRS facility on an existing or approved CMRS facility or location, and the parties cannot reach an agreement, the County may require a third-party technical study to be completed at the expense of both parties to determine the feasibility of co-location; and
- All facilities shall be designed and constructed to allow for co-location of a minimum of 2 users except for a small cell CMRS, pole mounted CMRS, or those otherwise specifically exempted by the BOCC.

(2) **Compliance with FCC Standards.** At the request of the PCD Director, which request shall occur no more than once per year, CMRS facility owners and operators shall certify that:

- The CMRS facility complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and
- The CMRS facility complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.

In adopting this requirement, the County is not attempting to regulate radio frequency power densities or electromagnetic fields, which regulation is controlled by the FCC.

(3) **Abandonment and Expiration.** If the CMRS facility ceases operation for any reason for a period of one year:

- The CMRS facility shall be removed within 6 months of the expiration; and
- Any permit or approval authorizing the CMRS facility shall be considered expired.

(4) **Application Approval or Denial.** In considering an application for a CMRS facility, the County shall base its decision as to the approval or denial of the application on whether the proposed CMRS facility meets the design standards set forth in this Section and any approval criteria associated with the applicable application or review process.

(5) **Accessory Equipment for a CMRS Facility.** All accessory equipment for a CMRS Facility shall be 100% screened from view. All equipment shelters shall be located within the lease area for the CMRS facility. No equipment storage shelter shall exceed 15 feet in height. Equipment storage shelters shall be grouped as closely together as practical, so as to minimize impact on adjoining properties. The total area of all accessory equipment, including equipment storage shelters, shall not exceed 400 square feet per CMRS facility, except for a small cell facility where 17 square feet shall be the maximum allowed.

(6) **Standards for Freestanding CMRS Facilities.**

(a) **Tower/Structure Removal Agreement.** Prior to commencing construction of a new freestanding CMRS facility or any alteration of an existing freestanding CMRS facility, a Tower/Structure Removal Agreement shall be signed by the owner of the property and filed for recording with the Clerk and Recorder.

(b) **Financial Assurance Required.** Prior to commencing construction of a new freestanding CMRS facility or any alteration of an existing freestanding CMRS facility, the owner of a freestanding CMRS facility shall be required to provide the County with adequate financial

assurance to cover removal of the facility if abandoned. The form of financial assurance shall be approved by the PCD Director. New financial assurance will be required prior approval of alteration of an existing freestanding CMRS facility and when the ownership of the lease or facility changes hands.

(c) **Minimum Setbacks for Freestanding CMRS Facilities.**

(i) Located Within 250 Feet of Residential Zoning District. A freestanding CMRS facility located within 250 feet of any property zoned for residential use shall be set back from any residential property line one foot of distance for every foot of facility height (as measured from grade elevation), plus an additional 10 feet.

(ii) Located Over 250 Feet from Residential Zoning District. A freestanding CMRS facility located greater than 250 feet from property zoned for residential use shall meet the minimum setback requirements for structures and structures of the underlying zoning district and located in a manner to contain any freefall or icefall on the same property.

(d) **Maximum Height for Freestanding CMRS Facilities.** A freestanding CMRS facility, including antennae, shall not exceed the maximum structure height limit in the zoning district unless otherwise specifically authorized as a part of the special use or variance of use approval. Any tower that exceeds 200 feet shall require FAA approval prior to approval of a special use or variance of use.

(e) **Administrative Special Use or Variance of Use Amendment.** The PCD Director may administratively amend the special use or variance of use approval for a minor modification to the CMRS facility provided the modifications do not constitute a Substantial Change. A modification constitutes a Substantial Change if:

(i) It increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

(ii) It involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in the Middle Class Tax Relief Act of 2012.

(f) **Design Standards for Freestanding CMRS Facilities.** A freestanding CMRS facility shall adhere to the following design standards to minimize impacts:

(i) Compatible with Surrounding Area. A freestanding CMRS facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area, subject to any applicable FAA regulations.

(ii) Existing Vegetation. Existing land forms, vegetation and structures shall be used to screen the facility from view and blend in with the surrounding environment, to the extent practicable. Existing vegetation shall be preserved or enhanced, where feasible.

(iii) No Lighting. The facility antennae shall not be lighted unless required by the FAA and authorized by the permit or approval.

(iv) Dangerous Equipment and Attractive Nuisance. Any equipment that could be dangerous to persons or wildlife shall be adequately fenced. The attractive nuisance potential shall be minimized through fencing and methods to discourage unauthorized climbing.

(v) Dish Diameter Limited. The diameter of a microwave dish antenna shall not exceed 4 feet.

(g) **Photo Simulations Required.** Photo Simulations are to be provided for any new freestanding CMRS facility or for a Substantial Change to an existing freestanding CMRS facility. The Photo Simulations shall illustrate a minimum of three different views of what the site will look like once the antennae and associated equipment have been installed. Photos and Photo Simulations should show the "existing" and "proposed" conditions.

(7) **Stealth CMRS Facility Design Standards.** A stealth CMRS facility shall meet the same design standards and maximum height allowance as a freestanding CMRS facility.

(8) **Design Standards for Building Roof or Wall-Mounted CMRS Facilities.**

(i) **Wall-Mounted CMRS Facility Design Standards.** Wall-mounted CMRS facilities shall adhere to the following design standards to minimize impacts:

- The facility shall be screened from view of adjacent properties or passersby, and colored to match the building or structure to which it is attached.
- If the roof of the building is pitched, the facility shall not extend above the roof line of the building. For purposes of this Section, the roof line does not include already existing facilities and equipment on the roof.
- If the roof of the building is flat, the facility shall not extend above the roof line of the building. For purpose of this Section, the roof line includes already existing facilities and equipment on the roof.

(ii) **Roof-Mounted CMRS Facility Design Standards.** A roof-mounted CMRS facility shall adhere to the following design standards to minimize impacts:

- The maximum allowable height of each roof-mounted CMRS facility shall be planned in consultation with County staff on a case-by-case basis; however, in no case shall a building roof-mounted CMRS facility extend more than 10 feet above the roof line of the building. For purposes of this Section, the roof line includes parapets and equipment already existing on the roof, but does not include other CMRS facilities. When determining the maximum allowable height for the facility, staff shall consider the purpose of and technological constraints affecting the facility, the topography and location of other structures and obstructions in the area, the height of the building, height and appearance of other appurtenances on the building, if any, and the distance between the location of the proposed facility and the edge of the building. The County's goal is to encourage the location of roof-mounted CMRS facilities as far from the edge of the roof or parapet as possible.
- The facility shall be screened from view and colored to match the building or structure to which it is attached.
- The diameter of a microwave dish antenna shall not exceed 4 feet.

(9) **Design Standards for Pole-Mounted CMRS Facilities.** A pole-mounted CMRS facility shall adhere to the following design standards to minimize impacts:

(i) **Compatible with Surroundings.** The facility shall be designed to be compatible with surrounding buildings, structures, or trees and existing or planned uses in the area.

(ii) **Colored to Match Pole.** The facility shall be colored to match the pole to which it is attached.

(iii) **Height Limit.** The facility shall not extend more than 10 feet above the height of the existing pole.

(iv) **Accessory Equipment and Shelters.** The total area of all accessory equipment, including equipment storage shelters, shall not exceed 400 square feet per CMRS facility. Equipment storage shelters shall be screened from view by landscaping, vegetation, fencing, or comparable method of screening.

(10) **Design Standards for Small Cell CMRS Facilities.** All small cell CMRS facilities proposed to be constructed outside of public right-of-way shall adhere to the following standards:

(i) **Statement of Compliance.** Every application shall include a statement citing how the proposed facility meets the definition of a either a small cell facility as defined by Colorado House Bill 17-1193 or as otherwise amended.

(ii) **Compatible with Surroundings.** The facility shall be designed to be compatible with surrounding buildings, structures, or trees and existing or planned uses in the area.

(iii) **Design Standards for Small Cell CMRS Facilities Located on a Pole.**

(a) Existing Pole Required. The small cell CMRS shall be mounted to an existing legally established pole. The PCD Director may allow the construction of a new pole where utilizing an existing pole is not feasible. Any application where a new pole would be constructed shall include an analysis explaining why the use of an existing pole is not feasible.

(b) Colored to Match Pole. The facility shall be colored to match the pole to which it is attached. Where a new pole is proposed, the pole shall be colored to match

other poles in the area or, if no other poles exist in the area, the new pole shall be colored so as to be compatible with the surroundings.

(c) Minimum Setbacks for Pole-Mounted Facilities. The facility shall be setback from any property line one foot of distance for every foot of facility height (as measured from grade elevation), plus an additional 10 feet. Where a legally existing traffic signal, utility pole, street light, flagpole, electric or transmission line support tower, or other similar structure is being utilized, there shall be no setback requirement.

(d) Height Limit. The facility, including antennae, shall not exceed the maximum structure height limit in the zoning district. Where a legally existing traffic signal, utility pole, street light, flagpole, electric or transmission line support tower, or other similar structure is being utilized, there shall be no height requirement.

(e) Accessory Equipment and Shelters Limited in Size. Primary equipment enclosures shall be no larger than seventeen square feet. The following associated equipment may be located outside of the primary equipment enclosure: electric meter, concealment, telecommunications demarcation box, ground-base enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

(iv) **Design Standards for Small Cell CMRS Facilities that are Building Roof or Wall-Mounted.** The facility shall meet the general standards included in Design Standards for Building Roof or Wall-Mounted CMRS Facilities listed above.

5.2.20. Construction Equipment Storage, Accessory

(A) **General Standards.** The storage of vehicles, materials, equipment, field offices associated with a federal, state, or local public improvement project, public or special district utility project, or private development-related project construction project, occurring on the same lot, parcel or tract as the project, is allowed as an accessory use, provided construction equipment storage shall cease and the subject property shall be restored within 30 days after the project is completed. The same lot, parcel, or tract shall include all lots, parcels, and tracts within a subdivision when the project is for the purposes of construction of the subdivision.

(B) **Construction Trailers and Field Offices.** Construction trailers and field offices shall comply with required zoning setbacks and dimensional standards, and all other applicable requirements of this Code.

(C) **Storage within Right-of-Way.** Construction equipment storage within a County right-of-way is not regulated or authorized by this Section, and is subject to a work in the right-of-way permit pursuant to the requirements of the ECM.

5.2.21. Construction Equipment Storage, Temporary

(A) **General Standards.** The storage of vehicles, materials, equipment, field offices associated with a federal, state, or local public improvement project, public or special district utility project, or private development-related project construction project and occurring on a lot, parcel or tract adjacent to or in immediate proximity to the project may be allowed, as a temporary use provided construction equipment storage shall cease and the subject property shall be restored within 30 days after the project is completed.

(B) **Construction Trailers and Field Offices.** Construction trailers and field offices shall comply with required zoning setbacks and dimensional standards, and all other applicable requirements of this Code.

(C) **Storage within Right-of-Way.** Construction equipment storage within a County right-of-way is not regulated or authorized by this Section, and is subject to a work in the right-of-way permit pursuant to the requirements of the ECM.

~~**5.2.22. Dwelling, Additional**~~

~~In the A-35 District, one additional single-family dwelling unit is allowed per lot or parcel. The additional dwelling unit may be occupied by the immediate family of the owner or tenant of the property or used for rental purposes.~~

5.2.23. Dwelling, Single-Family Attached

(A) **Standards that Apply in RS-6000 and RS-5000 Districts.** The following standards apply to single-family attached dwellings in the RS-6000 and RS-5000 zoning districts.

(1) **Limited Number of Contiguous Units.** No more than 2 dwelling units may be attached. Structures containing 3 or more attached dwelling units are prohibited in the RS-6000 and RS-5000 zoning districts.

(2) **Lot Area to Meet Minimum Standards.** Each single-family attached dwelling shall be on a lot that complies with the lot area and width standards for new lots in the zoning district. Single-family attached dwellings shall not be placed on lots with a nonconforming lot area.

(3) **Side Setbacks Modified.** The minimum required side setback on the side of the dwelling unit containing the common wall is reduced to zero. The minimum required side setback on the side of the dwelling unit opposite the common wall shall be at least double the side setback standard of the zoning district.

(4) **Corner Lot Setbacks.** On corner lots, either the rear setback or side setback on the side of the dwelling unit containing the common wall may be reduced to zero; however, the remaining side or rear setback shall comply with the rear setback standard of the zoning district.

(5) **Front Facade.** The front facade of a single-family attached dwelling shall not be comprised of more than 40% garage wall area, and all garage doors shall be recessed at least 5 feet from the front building plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the structure.

(6) **Easements Remain In Force.** While setbacks may be reduced to zero, any easements remain in force and shall be vacated or an encroachment granted prior to construction.

(B) **Standards that Apply in the RM-12 and RM-30 Zoning Districts.** The following standards apply to single-family attached dwellings in the RM-12 and RM-30 zoning districts.

(1) **Limited Number of Contiguous Units.** No more than 8 dwelling units may be attached. Structures containing 9 or more attached dwelling units are prohibited in the RM-12 and RM-30 zoning districts.

(2) **Density and Lot Size.** The density and lot size (area and width) requirements of the zoning district apply. Commonly-owned areas, including commonly-owned open space, driveway, or parking areas apply toward the overall density standard.

(3) **Setbacks Around Perimeter.** The front, side, and rear setback standards of the zoning district apply around the perimeter of the property.

(4) **Side Setback Modified.** The side setback on the side containing a common wall is reduced to zero.

(5) **Corner Lot Setbacks.** On corner lots, either the rear setback or side setback on the side of the dwelling unit containing the common wall may be reduced to zero; however, the remaining side or rear setback shall comply with the rear setback standard of the zoning district.

(6) **Front Facade.** The front facade of a single-family attached dwelling may not be comprised of more than 40% garage wall area, and all garage doors shall be recessed at least 5 feet from the front building plane. The intent of these standards is to prevent garages and blank walls from being the dominant visual feature on the front of the structure.

(7) **Roof-Lines.** The roof of each single-family attached dwelling shall be distinct from the others through separation of roof pitches or direction, or other variation in roof design.

(8) **Common Accesses.** A common access to the rear of the lots for common or individual parking is allowed and may take the form of an easement. Common access drives shall be at least 12 feet wide if designed for one-way traffic and at least 20 feet wide if designed for two-way traffic. When the access drive abuts residentially-zoned property that is not part of the single-family attached dwelling project, it shall be buffered by a screening fence meeting the requirements of Chapter 6

(9) **Easements Remain In Force.** While setbacks may be reduced to zero, any easements remain in force and shall be vacated or an encroachment granted prior to construction.

5.2.24. Family Care Homes (See Childcare Centers, Family Care Homes and Group Homes)

~~**5.2.25. Farm/Ranch Residence**~~

~~(A) **Minimum Qualifying Acreage.** A farm/ranch residence shall only be allowed as an accessory use where the ownership in the farm or ranch operation includes a minimum of 35 acres.~~

~~(B) **Number of Farm/Ranch Residences.** The total number of residences (including any principal dwellings, farm/ranch residences, caretaker's quarters, or other dwelling units) within a farm or ranch ownership shall not exceed one unit per 5 acres.~~

~~(C) **Type of Structure.** A farm/ranch residence may be a detached single-family dwelling, manufactured home, apartment type unit within the principal structure, or where a post-1976 mobile home is allowed as a principal use in the zoning district, a post-1976 mobile home may be used as a farm/ranch residence.~~

~~(D) **Occupancy Limited.** A farm/ranch residence may be occupied only by a person principally employed at or engaged in the operation of the farm or ranch and their immediate family, and may not be leased or rented. The request to allow additional dwellings or mobile homes in the operation of a farm, ranch, dairy, or fur farm, may be substantiated by verification of employment necessary to the operation of the site. The verification may consist of tax records, employment agreements or other documentation as determined suitable by the PCD. This verification shall substantiate the need for the employee and on-site living quarters to the operation of the farm, ranch, dairy, or fur farm~~

~~(E) **Other Applicable Standards.** A farm or ranch residence shall meet all standards for a principal dwelling unit of the same type.~~

Dwelling, Agricultural[28]

1. Minimum Qualifying Acreage

An agricultural dwelling shall only be allowed as an accessory use where the ownership in the general agricultural operation includes a minimum of 35 acres.

2. Number of Dwellings

The total number of dwelling units (including any principal dwellings, agricultural dwellings, caretaker's quarters, or other dwelling units) within a general agricultural operation ownership shall not exceed one unit per 5 acres.

3. Type of Structure

An agricultural dwelling may be a detached single-family dwelling, manufactured home, or accessory dwelling unit.[29]

4. Occupancy Limited

An agricultural dwelling may be occupied only by a person principally employed at or engaged in the operation of the general agricultural operation and their immediate family, and may not be leased or rented. The request to allow additional dwellings or mobile homes in the operation of a farm, ranch, dairy, or fur farm, may be substantiated by verification of employment necessary to the operation of the site. The verification may consist of tax records, employment agreements or other documentation as determined suitable by the Director. This verification shall substantiate the need for the employee and on-site living quarters to the operation of the farm, ranch, dairy, or fur farm.

5. Other Applicable Standards

An agricultural dwelling shall meet all standards for a principal dwelling unit of the same type.

5.2.26. Fireworks Sales

(A) **Sales Period Limited.** Fireworks sales are limited to the period from May 31 to July 6th each year. Firework sales is prohibited if the Sherriff has implemented a fire ban.

(B) **Fire Authority Approval Required.** Fire Authority approval is required prior to the approval of a temporary use permit.

(C) **Driveway Permit Required.** A driveway permit shall be issued to allow access to the fireworks sales area prior to the approval of a temporary use permit.

(D) **Required Signage.** A fireworks sales area shall post signage noting it is illegal to shoot fireworks within all towns and cities in El Paso County and violators will be prosecuted. Each fireworks sales area shall provide either one sign, with minimum 3 inch letter size, or 4 signs of 8½ by 11 inches, placed in a conspicuous location easily readable by the public, noting the language as stated or similar language approved by the PCD Director.

[28] Current 5.2.25. Replaced "farm or ranch" to align with updated agricultural use.

[29] Removed "apartment type unit within the principal structure, or where a post-1976 mobile home is allowed as a principal use in the zoning district, a post-1976 mobile home may be used as a farm/ranch residence."

(Res. No. 21-36, Exh. A, 1-26-2021)

5.2.27. Garden Supplies and Nursery Stock

When the sale of garden supplies and packaged nursery stock is conducted outside, the activity shall be contained within a fenced area. The fenced area shall comply with the minimum setback requirements of the zoning district.

5.2.27.5. Greenhouse, Personal

(A) **Permit Required.** Personal greenhouses greater than 200 square feet shall obtain a building permit and comply with the Building Code unless an agricultural structure exemption from the Building Code is granted or when located within the A-35 zoning district.

(1) **Building Permit Required.** Compliance with the Building Code is required for all electrical, plumbing, and/or mechanical work installed within a personal greenhouse.

(B) **Greenhouse Maintained.** Greenhouses shall be maintained in good structural condition. The owner is responsible for the repair or removal of any greenhouse due to inadequate maintenance, or if the greenhouse is in a state of dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.

(C) **Agricultural Exemption from the Building Code.** Personal greenhouses greater than 200 square feet may receive an agricultural structure exemption from the Building Code provided the requirements for personal greenhouse are met, including the modified and additional requirements below.

(1) **Use Limited.**

(a) Personal greenhouses must be used solely for horticultural purposes.

(b) The following uses are prohibited:

- Marijuana related uses.
- Commercial and/or non-commercially related uses allowing public access.
- Non-horticultural related uses.

(c) The PCD Director may prohibit additional uses if it is determined that it does not meet the intent of this Section.

(2) **Size Limited.** The size of any one personal greenhouse shall not exceed 1000 square feet. Any personal greenhouse exceeding the above allowance shall require special use approval.

(3) **Application Required.** An approved Agricultural Structure Exemption from the Building Code application is required. An affidavit signed by the property owner(s) shall be filed with the Clerk and Recorder acknowledging the limited use of the greenhouse.

(4) **Revocation Process.** For the purposes of revoking an exemption from the Building Code, the standards in this Code for revocation of an agricultural structure exemption from the Building Code apply.

(Res. No. 23-198, Exh. A, 6-6-2023)

Editor's note(s)—Res. No. 23-198, Exh. A, adopted June 6, 2023, set out provisions intended for use as § 5.2.28. Inasmuch as there were already provisions so designated, with the consent of the county, said section has been codified herein as § 5.2.27.5.

5.2.28. Group Homes (See Childcare Centers, Family Care Homes and Group Homes)

5.2.29. Home Occupations

There are two categories of home occupations: residential home occupations and rural home occupations. Separate standards and criteria apply to each category. This Section is not meant to regulate a small home lawn mowing service, lemonade stand, magazine sales, cookie sales, or other traditional small-scale businesses or business-like activities operated by a child residing in the dwelling, which are considered exempt from the provisions of this Code; however in no instance may a medical marijuana land use qualify as a home occupation. The PCD Director shall determine whether a site plan and a home occupation permit are necessary to verify compliance with the home occupation standards.

(A) **Residential Home Occupation.**

(1) **Intent.** It is the intent of this Section to provide clear standards for home occupations in zones that allow residential use which will ensure compatibility with the residential purposes of those zones and that there are no adverse effects on the residential character of those zones, and which will not allow in residential zones those uses allowed in commercial and industrial zones except as specifically authorized by this Section.

(2) **Allowed Residential Home Occupations.** The following home occupations shall be allowed in a zoning district where residential uses are allowed, subject to the standards and requirements of this Section:

- Any principal or sideline occupation or trade or any hobby which results in the sale or trade of any products manufactured by the resident on the premises or the preparation or provision of any service by the resident on the premises;
- Any professional or business office, whether the resident's principal or occasional work place;
- Any educational or training service requiring pupils, students or trainees to come to the premises for instruction by resident (e.g., music or art studios);
- Any non-profit, civic, or religious organization or association for which the resident is employed, works, serves, or represents, whether or not the resident is remunerated for the services; and
- Any bed and breakfast home which operates in conformance with specific-use and all other applicable development standards of this Code.

(3) **Excluded Uses.** A residential home occupation shall not include the following uses:

- Auto repair garages, auto re-conditioning (detailing), or auto body/ paint shops;
- Any form of food service (restaurants, catering, etc.);
- Any form of vehicle/trailer sales or rental storage;
- Contractor's equipment yard or equipment rental or sales;
- Funeral parlor;
- Any form of hospital (other than doctor's office);
- Any form of pet boarding or veterinary hospital;
- Any form of rental warehousing;
- Commercial stables;

- Any trucking, hauling, bussing, taxi, or limousine dispatch service which would require the parking of vehicles on site between jobs or service calls; or
- Any industrial or heavy commercial use.

(4) **General Standards for Residential Home Occupations.**

(a) **Accessory in Character.** The residential home occupation shall be clearly subordinate to the use of the lot as a residence, and the use of the dwelling or detached accessory structure for the home occupation shall not result in any visual or other essential change in the residential character of the property.

(b) **Person Conducting Occupation Resides on Lot.** The residential home occupation shall be conducted only by a person or persons residing on the lot or parcel and only so long as contained entirely within the dwelling or a detached accessory structure. No more than two (2) vehicles, excluding customer parking, associated with a home occupation, may be parked or stored outdoors on any property and shall meet the use specific standards for Parking, Storage and Repair of Vehicles and Machines, Personal found in Chapter 5 of this Code.

(c) **Limit on Area.** The total area used for the home occupation shall not exceed 25% of the existing dwelling and/or more than 500 square feet of any accessory structure. The operation of a home occupation shall not result in the elimination of the dwelling's kitchen or all of its bedrooms.

(d) **Signage and Advertising.** There shall be no advertising of the home occupation visible outside the dwelling except in accordance with the signage provisions in Chapter 6. Except by customary exterior residential lighting, no sign illumination is allowed.

(e) **Outside Storage Prohibited.** There shall be no outside storage or display on the premises of material, tools or equipment used as part of the home occupation or any products manufactured as part of the home occupation.

(f) **Sales Limited.** No sale of goods, supplies, or other inventory shall be allowed unless the sales are clearly incidental and related to providing a service (e.g., sale of hair care products at a beauty shop; occasional sale of a firearm by a gunsmith; incidental retail sales where the home occupation is a mail order, internet, or delivery business, brokers of firearms where inventory is not maintained on site except for specific transactions) or unless the items are produced, constructed or assembled on the premises or are clearly incidental and related to the sale of the homemade items. Nothing in this Section shall limit the ability of the home occupation to sell products mail order via the internet or by telephone.

The home occupations operator shall be required to obtain and maintain all applicable licenses and pay applicable sales tax.

(g) **Limit on Visitation by Clients.** The occupation will ordinarily not bring more than 3 clients or customers to the lot or parcel at any one time.

(h) **Customer Parking Required.** If the home occupation will result in any clients or customers coming to the property, no less than 2 parking spaces shall be available. All required parking spaces must be located onsite and shall comply with the Parking, Loading, and Maneuvering Standards found in Chapter 6 of this Code.

(i) **Nuisances and Hazards Avoided.** Any mechanical, electrical or electronic equipment or machinery used in the home occupation shall be operated in a fashion so that no noise, vibration, glare, fumes, odors, heat, or electrical interference are detectable to the normal senses beyond the boundary line of the lot or parcel. In no case shall any equipment be

allowed which involves the use of hazardous, explosive or highly flammable (other than fuel needed to power the equipment) substances or which produces hazardous, explosive or highly flammable wastes or products.

(j) **Conducted In Accordance with Laws.** The occupation is conducted in compliance with all applicable building, fire, health, and environmental laws, codes, and regulations.

(k) **No Visual Impacts.** No activity associated with a home occupation shall be allowed which results in detrimental visual impacts to the surrounding neighborhood.

(l) **More than One Home Occupation Allowed.** More than one home occupation may be conducted on any property provided that aggregate impacts are limited to those allowed by this Code.

(m) **Deliveries Limited.** Deliveries other than standard parcel services are prohibited when associated with a home occupation.

(B) **Rural Home Occupation.**

(1) **Applicability.** The provisions of this Section shall only apply to parcels within the A-35 zoning district.

(2) **Rural Home Occupation Defined.** A rural home occupation is an accessory use of property, a dwelling, or a detached accessory structure which otherwise meets the requirements of a residential home occupation except as specifically modified and expanded by this Section.

(3) **Intent.** The intent of the more broadly defined rural home occupation is to recognize the unique land use characteristics in A-35 (Agricultural) zoned areas and to reasonably accommodate the home-based businesses that traditionally occur in these areas.

(4) **Minimum Lot Size Required.** A rural home occupation is allowed on any parcel that is 35 acres or more in area. Lots or parcels less than 35 acres shall only be approved by the rural home occupation as a special use provisions of this Code.

(5) **Allowed Home Occupations.** The following types of uses, in addition to those allowed as a residential home occupation, may qualify as rural home occupations, if the general standards of a rural home occupation are met:

- Contractor's equipment yards, construction businesses, welding shops;
- Vehicle storage or repair businesses;
- Other small businesses which are rural or agricultural in nature; or
- Other small businesses which the PCD Director determines meet the intent of this Section of the Code.

(6) **Excluded Uses.** The following types of businesses, among others do not qualify as a rural home occupation:

- Any heavy industrial, solid waste disposal, solid waste transfer, scrap tire recycling or mineral extraction use;
- Any use involving significant public occupancy or overnight accommodations other than those uses specifically allowed in the zoning district;
- Any commercial tower or utility use, not otherwise allowed; and
- Any outdoor concert, shooting range, race track or comparable use.

(7) **General Standards for Rural Home Occupation.** Rural home occupations shall conform to the requirements and standards of a residential home occupation with the following specific allowances.

(a) **Outside Storage and Work Areas Allowed.** Outside storage, parking and work areas are allowed provided these are set-back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to all outside storage areas.

(b) **Employees.** A maximum of 2 employees are allowed on the subject lot or parcel per day, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel.

(c) **Trips Generated by Home Occupation Limited.** The total number of one-way vehicle trips generated by the rural home occupation shall not exceed an average of 20 per day.

(d) **Inoperable Vehicles.** A maximum of 10 inoperable non-agricultural vehicles shall be allowed in conjunction with the rural home occupation.

(e) **Environmental Impacts.** The rural home occupation shall not result in any generation of solid waste or hazardous substances or petroleum or excessive noise, vibration, dust, glare, drainage, erosion or other environmental impacts to surrounding lot or parcel owners.

(f) **More than One Home Occupation Allowed.** More than one rural home occupation is allowed on a single property, provided that aggregate impacts are limited to those allowed by this Code.

(C) **Rural Home Occupations as a Special Use.**

(1) **Applicability.** This Section is applicable to a rural home occupation in the A-35 zoning district not meeting the requirements for a Rural Home Occupation in the A-35 Zoning District or in those zoning districts where a Rural Home Occupation has been identified as a Special Use in Table 5-2.

(2) **Intent.** The intent of allowing a rural home occupation as a special use is to provide a mechanism by which a business owner or entrepreneur may reasonably establish or expand their home occupation on a large residential, forestry, or agriculturally zoned property in manner that protects neighboring properties from extreme or unreasonable impacts.

(3) **Minimum Lot Size Required.** A rural home occupation is allowed as a special use on any parcel or lot that is 5 acres (including a legally-created 4.75-acre parcel or lot along a section line road) or more in area.

(4) **General Requirements.** A rural home occupation by special use shall conform to all standards for locating and operating a rural home occupation except as otherwise modified by these standards and the special use approval.

(5) **Special Provisions and Allowances.**

(a) **Limit of Administrative Approval.** A rural home occupation which receives administrative special use approval shall expire 5 years from the date of approval. The special use may be renewed following the same procedure as the original application.

(b) **Employees and Traffic.** A maximum of 10 employees are allowed on the subject lot or parcel per day, who are not family members or principally employed in a use which is otherwise allowed on the lot or parcel. The rural home occupation shall not generate more than a maximum of 50 daily trips.

5.2.30. Kennel

(A) **Minor.**

(1) **Applicability.** A kennel in which 5 to 8 dogs or cats exist within a 24 hour period of time, and all of which exceed 4 months in age. Dogs or cats owned by the occupants of the premises shall be included in the count.

(2) **Minimum Setback for Kennel.** Structures used for boarding, training, or breeding associated with the kennel adjoining a residential, forestry, or agricultural zoning district shall be setback a minimum of 100 feet from all property boundaries. The PCD Director may allow a reduction in the setback where appropriate actions are taken to mitigate potential impacts.

(3) **Overnight Boarding.** Where overnight boarding occurs, animals shall not be allowed unsupervised outdoor access.

(4) **Employees.** A maximum of 2 employees are allowed when located on lots or parcels with a minimum of 35 acres, or as otherwise modified by special use approval.

(5) **Conducted in Accordance with Laws.** The kennel shall be conducted in compliance with all applicable county, state and federal laws.

(B) **Major.**

(1) **Applicability.** A kennel in which 9 or more dogs or cats exist, and all of which exceed 4 months in age. Dogs or cats owned by the occupants of the premises shall be included In the count.

(2) **Minimum Setback for Kennel.** Structures and outdoor areas used as part of a kennels operation adjoining a residential, forestry, or agricultural zoning district shall be setback a minimum of 200 feet from all property boundaries. The PCD Director may allow a reduction in the setback where appropriate actions are taken to mitigate potential impacts.

(3) **Overnight Boarding.** Where overnight boarding occurs, animals shall not be allowed unsupervised outdoor access.

(4) **Conducted in Accordance with Laws.** The kennel shall be conducted in compliance with all applicable county, state and federal laws.

5.2.31. Light Manufacturing, Accessory Use

Light manufacturing as an accessory use shall be conducted in conjunction with a retail use and shall not exceed a maximum of 600 square feet in gross floor area.

5.2.32. Livestock, Barns, Corrals, and Stables

(A) **Applicability.** These standards are applicable to horses, goats, cattle, llamas, bison and other animals as defined as livestock in Chapter 1 of this Code. These standards do not apply to animals included under Animal Keeping.

(B) **Animal Waste Standards.** Manure stockpiles or composting manure shall be setback a minimum distance of 100 feet from any lot line. Manure shall be removed from the property, composted, or worked into the soil as fertilizer on a regular basis so as not to accumulate excessively. Drainage facilities and erosion control measures shall be established on the site to protect adjacent properties from runoff.

(C) **Barns, Corrals, and Stables shall meet the following standards:**

(1) **Location of Barns, Corrals, and Stables.** Barns, Corrals, and Stables shall be located at least 25 feet from the front, 25 feet from the side, and 25 feet from the rear lot, parcel, or tract boundary

line. All corrals shall be situated at least 35 feet from a residential structure on adjoining lots, measured in a straight line from nearest point to nearest point. Open-ended or open-sided stables shall be oriented to the interior of the lot, parcel or ownership unless located at least 100 feet from all property line.

(2) **Not Located Over Onsite Wastewater Treatment System.** Barns, corrals, and/or stables shall not be located over any portion of an Onsite Wastewater Treatment System.

(3) **Boundaries of Corral.** On lots or parcels less than 2.5 acres in size the outer boundaries of any fenced area shall be considered the corral unless there is a separately identified corral.

(4) **Limit on Number of Livestock in RR-0.5 Zoning District.** In the RR-0.5 Zoning District, one acre is required to keep livestock. No more than 2 livestock over the age of one year are allowed per ½ acre in RR-0.5 Zoning District.

5.2.33. Marijuana, Personal Cultivation of

(A) **Accessory to a Residential Use.** Personal cultivation of marijuana shall only be an accessory use to a dwelling unit, and may only occur in those zone districts where a residential use is allowed.

(B) **Located in Primary Residence.** Personal cultivation of marijuana may only occur in the primary residence of the patient, caregiver or person over 21 years old, or in an accessory structure on the same property.

(C) **Location within Primary Residence.** All personal cultivation of marijuana must occur in a separate, enclosed, locked space, not to exceed 150 square feet for a single-family dwelling or 100 square feet for all other dwelling units, within the dwelling unit or accessory structure.

(D) **Plant Limits.** No more than 12 marijuana plants, with ½ or fewer being mature, flowering plants can be grown in a single dwelling unit, regardless of the number of patients, caregivers or persons over 21-years old, or any combination thereof, that reside in the dwelling unit.

(E) **Extraction.** No compressed, flammable gas or volatile solvent may be used in the extraction of THC or other cannabinoids. For purposes of this paragraph, "volatile solvent" means a liquid that is capable of dissolving other material and vaporizes at room temperature.

(F) **Cannot be Considered a Home Occupation.** In no instance may personal cultivation of marijuana qualify as a home occupation.

(G) **Cannot be Perceptible.** The odor of marijuana shall not be detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, or building unit. Personal cultivation of marijuana shall not be perceptible from the exterior of the dwelling unit or accessory structure visually or as a result of undue parking or vehicular or foot traffic.

(H) **Enforcement.** The El Paso County Sheriff's Office is specifically authorized to enforce the provisions of this section upon coordination with the PCD Director or his/her designee. The requirement for a show cause hearing found in Section 11.3.2 of this Code shall not apply to the enforcement of standards related to personal cultivation of marijuana.

5.2.34. Mineral and Natural Resource Extraction

(A) **Commercial Mineral and Natural Resource Extraction Operations.**

(1) **Purpose.** To establish specific standards for commercial mineral and natural resources extraction operations to minimize impacts to the community while providing for the efficient removal of commercially-viable minerals and natural resources.

(2) **Applicability.** These standards are applicable to any new or expanding commercial mineral and natural resources extraction operation.

(3) **General Requirements.**

(a) **Compliance with this Section.** In addition to compliance with the special use permit standards, any other applicable requirements of this Code, and any conditions imposed by the BoCC, a commercial mineral and natural resource extraction operation shall also comply with the standards, requirements and conditions required by this Section.

(b) **Valid Mining Permit Required.** A commercial mineral and natural resource extraction operation shall have a valid mining permit from the Colorado Mined Land Reclamation Board prior to beginning or expanding operations, and during the entire period of operation.

(c) **Written Notice of Filing for Permit with MLRB.** Written notice of the filing of an application for a reclamation permit or renewal of an existing mining permit to the Colorado Mined Land Reclamation Board shall be provided to the PCD by the applicant concurrent with the placement of a copy of the application or renewal for public inspection at the office of the Clerk and Recorder in accordance with C.R.S. § 34-32-112 (10)(a).

(d) **Proof of Publication Required.** The applicant shall provide copies of the proof of publication of any notice required by C.R.S. § 34-32-112 (10)(b) to the PCD.

(e) **Comply with Construction Permit and Erosion and Sediment Quality Control Permit.** Mineral and natural resource extraction operations shall comply with ECM and any required permits.

(4) **Local Approval and State of Colorado Discharge Permits.** Approval of a special use permit does not relieve the applicant from compliance with discharge requirements of the State of Colorado.

(B) **Additional Standards.** A mineral and natural resource extraction operation shall, in addition to meeting the special use standards, demonstrate conformance with the following standards:

(1) **Consistent with Master Plan.** The operation shall be consistent with the Master Plan for Extraction of Commercial Mineral Deposits.

(2) **No Adverse Long-Term Visual Impacts.** The operation shall have no adverse long-term visual impact either from adjacent properties or major transportation corridors.

(3) **Reclaimed to a Compatible Use.** The land on which the operation is located shall be reclaimed to a use and character compatible with surrounding uses and zoning.

(4) **Operation to Result in Efficient Use of Resource.** The operation shall result in an efficient use of the mineral deposit.

(5) **Disturbance of Sensitive Environment Limited.** The operation shall not substantially disturb uniquely sensitive environmental features including but not limited to wetlands, riparian habitats, wildlife habitats, threatened or endangered species habitat, high priority land for conservation, and rare or unusual natural features.

(6) **Disturbance of Historic Resources Limited.** The use shall not substantially disturb identified historical, archaeological or pale ontological sites.

(7) **Buffering Required.** The site and associated special use operations shall be adequately buffered from surrounding properties and uses.

(8) **Water Supply Adequate for Operations and Reclamation Uses.** Adequate water supplies shall be available for drinking, dust control, landscaping, general operations and effective reclamation. Proof of approved water supply shall be provided to PCD.

(9) **Mitigation of Impacts to Adjacent Properties.** Adverse impacts from vibration, noise, glare, blowing or flowing materials, or odors shall be mitigated to ensure minimal impacts to adjacent properties and travelers.

(10) **Commercial Mineral Deposit Required.** A commercial mineral deposit as defined by State Statute shall exist on the land on which the operation will be located.

(11) **Site Security and Safety.** Adequate site security and safety plans shall be provided at all times.

(12) **Hours of Operation.** Hours of operation shall be compatible with neighboring uses, traffic volumes, affected transportation corridors and school bus operations, and designated pedestrian crosswalk activity over the lifetime of the operation.

(13) **Reclamation of Visual and Environmental Impacts.** Reclamation of adverse visual and other environmental impacts shall take place within a reasonable and specified time frame.

(14) **Mineral Processing.** Mineral processing such as material washing, sorting, crushing or more intensive modification and alteration through mechanical or chemical means to a mineral resource extracted within the same ownership as the mineral extraction operation is prohibited unless specifically approved as part of the special use. If processing is to occur on the property where a special use is requested for mineral extraction, then the special use cannot be approved administratively, and the public hearing process to review the special use will be triggered.

(C) **Construction-Related Mining.**

(1) **Construction-Related Mining Limitations.** Construction-related mining as a temporary use shall be limited to the following types of mining operations:

- A sand, gravel, or quarry aggregate operation which is to be operated for the sole purpose of obtaining materials for road, utility, or similar public construction projects under a federal, State, or local government, or special district contract where the contract calls for the work to be commenced within 90 days of contract approval and which will affect 10 acres or less. The administrative approval shall last only so long as the contract or any supplement thereto is in effect but no longer than 24 months.

- Any sand, gravel, or quarry aggregate operation the primary purpose of which is to level, excavate, or otherwise prepare land for road or building construction and which: (1) Involves the removal from the site of less than 50,000 cubic yards of product, whether or not said product is sold; (2) Can be completed within 4 months of initial earthmoving activity; (3) Does not involve crushing or processing of the mineral product on site; and (4) Is not located in or immediately adjacent to a floodplain or floodway, unless all required floodplain development permits and Section 404 permits have been obtained.

(2) **Standards.**

(a) **Grading.** Interim and final grading shall be designed to protect adjacent lands from damage associated with storm drainage including concentrated flows or ponding, or collapse. A grading plan for the proposed site on completion of the mining activity shall be approved as part of the special use permit.

(b) **Erosion and Sediment Control.** All operations and activities shall conform to the ECM and any permitting requirements including the requirement to obtain an ESQCP.

(c) **Noxious Weed Management Plan.** A noxious weed management plan (including re-vegetation or restoration of the site) conforming to the requirements of this Code shall be prepared approved by the County, and implemented.

(d) **Fugitive Dust and Air Quality.** No special use permit shall be approved until a copy of the fugitive dust and any other required air or water quality permits are submitted to the PCD Director.

(e) **Hours of Operation Limited.** Construction-related mining shall only be conducted between 7 a.m. to 7 p.m.

(f) **Repair of Road Damage.** Damage to any roads that provide access to the construction-related mining site that may be attributable to the use of the site for construction-related mining shall be repaired by the construction-related mine owner or operator to the satisfaction of the ECM Administrator. Financial assurance may be required by the ECM Administrator to cover potential repair costs.

(g) **Other Permits Required.** A construction permit, work in the right-of-way permit, and ESQCP shall be obtained from the ECM Administrator prior to the issuance of a special use permit authorizing the use of the subject property for construction-related mining.

(h) **Hauling Routes.** The ECM Administrator may limit hauling routes and the size of loads to protect the general welfare of the citizens in accordance with the ECM.

(i) **Duration of Use.** The duration of time the construction-related mine is operated shall be limited to the duration of the associated project.

(j) **Mineral Processing.** Mineral processing such as material washing, sorting, crushing or more intensive modification and alteration through mechanical or chemical means to a mineral resource extracted within the same ownership as the mineral extraction operation is prohibited unless specifically approved as part of the special use.

(k) **Conditions of Approval.** The PCD Director may impose any condition or requirement deemed necessary to protect the health, safety, and welfare of the public; to prevent a nuisance or hazard to property; and to ensure proper completion of the project, including but not limited to:

- Mitigation of adverse environmental and visual impacts;
- Fencing or other protection needed to avoid hazardous situations;
- Dust, erosion, sediment, and noise control, water quality protection, blasting, hours of operation, minimal weather conditions for operation, access roads and haul routes, and times of hauling; and
- Reimbursement to the County or other governmental entity for damage to public roads and highways caused by truck hauling of mineral products.

5.2.35. Mixed Use Residential

Mixed use residential uses shall comply with the following standards:

(A) **Residential Use to be Subordinate to Commercial Use.** Mixed-use residential units shall be subordinate to the commercial use of the mixed use building.

(B) **Lot Area Required Per Residential Unit.** The following minimum gross lot area requirements apply to all mixed use buildings:

- 7,000 square feet of lot area for the first 2 dwelling units; and

- 2,500 square feet of additional lot area for each additional dwelling unit.

In calculating minimum lot area requirements, the entire area of the lot or parcel shall be counted.

(C) **Parking Area Reduction.** The parking requirements in Chapter 6 shall be reduced by 15% for mixed use buildings that include 5 or more residential dwelling units. This parking reduction will be applied against both the residential and nonresidential components of the mixed use buildings.

5.2.36. Mobile Homes

Mobile homes shall be placed on a permanent foundation or shall have skirting installed to obscure the chassis prior to occupancy.

5.2.37. Model Home/Subdivision Sales Office

The use of a model home as a model and subdivision sales office shall cease within 30 days of build out of the subdivision.

5.2.38. Oil and/or Gas Operations

(A) **General.**

(1) **Purpose.** The intent of this section is to facilitate the exploration and production of oil and/or gas resources within the unincorporated areas of the County in a responsible manner, which includes ensuring the potential land use and environmental conflicts will be avoided or appropriately mitigated. The following regulations are enacted in order to preserve the rights and privileges of surface and mineral estate owners and lessors, while ensuring the health, safety, and general welfare of the present and future residents of El Paso County and the preservation and protection of environment and wildlife resources.

(2) **Applicability.** All oil and/or gas operations, including exploration and production activities, are subject to the requirements of this section. In the event that the provisions of this section conflict with any other provisions of the Code, this section shall supersede as it applies to oil and/or gas operations.

(3) **Authority.** This section is adopted pursuant to C.R.S. §§ 29-20-11 et seq., 34-60-101 et seq., and 30-28-101 et seq., These standards are not intended to supersede state laws, regulations, and rules pertaining to oil and/or gas development, but rather are meant to supplement those requirements where appropriate.

(4) **Waivers.**

(a) **General.** The Board of County Commissioners (BOCC) or the PCD Director may grant a waiver for one or more of the requirements of this section.

(5) **Right to Enter.** The empowerment of the PCD Director to enter and inspect a property is authorized under Section 11.1.4 of this Code. If entry is denied, the County shall have the authority to discontinue application processing, revoke approved permits and applications, or to obtain an order from a court of competent jurisdiction to obtain entry.

(6) **Notice of Application and Public Hearing.** Notice to surface property owners and affected residents of the County shall follow the provisions of the Procedures Manual pertaining to special use applications for oil and/or gas operations. At a minimum, written notice shall be provided by the applicant to any adjoining property owner at the time of special use application to the County. In addition, notice shall be provided by the County to any adjoining property owner a minimum of 14 days prior to a decision on an application by the PCD Director or a minimum of 14 days prior to a hearing on the application by the Planning Commission or the BoCC.

(7) **Local Government Designee.**

(a) **General.** The COGCC rules establish a process for consultation with local governments on certain state applications pertaining to the location of roads, production facilities, and well sites. To facilitate this process, the COGCC rules allow local governments to appoint a Local Government Designee (LGD), to which copies of all applicable documents are sent by the COGCC for consultation on behalf of the local government.

(b) **Consultation.** By enacting the regulations of this section, the BoCC hereby acknowledges that the LGD for El Paso County shall be authorized to provide consultation on behalf of El Paso County on any notifications received from the COGCC and that such consultation shall be based upon the requirements of this section and the relevant provisions of the Procedures Manual.

(B) **Definitions.** The application of the following terms and associated definitions shall be limited to those applications submitted under this section of the Land Development Code (LDC). These terms and definitions do not modify, alter, or replace any other terms or definitions included within other sections of this Code, including, but not limited to, those terms and definitions contained within Chapter 1.

Oil and/or Gas Facility. Equipment or improvements used or installed at any location for the exploration, production, withdrawal, gathering, treatment, or processing of oil and/or natural gas.

Oil and/or Gas Operations. Exploration for oil and/or gas, including the conduct of seismic operations and the drilling of test bores; the sitting, drilling, deepening, recompletion, reworking, or abandonment of an oil and/or gas well, underground injection well, or gas storage well; production operations related to any such well including the installation of pipelines, flowlines, and gathering systems; any construction, site preparation, storage and/or staging, or reclamation activities associated with such operations; a centralized facility for oil and/or gas production, water injection, water transfer or recycling, or water pumping, and associated facilities; or any other related activity.

Operator. The person or entity who has the legal right to drill into and produce from a pool and to appropriate the oil or gas produced there from either for such operator or others.

Site. Any lands, including the surface of severed mineral estates, on which exploration for, or extraction and removal of oil or gas is authorized pursuant to a lease agreement.

Surface Owner. The owner of the surface property on which the facility will be constructed or any owner of a surface estate within one mile of an oil and/or gas facility or within one-half (1/2) mile of the terminus of any directional well bore.

Wellhead. The equipment attached to the casing of an oil, gas, or injection well above the surface of the ground.

All other terms used in this article, which are not otherwise defined by this Code, shall be given their usual, customary, and accepted meaning.

(C) **Application Review and Approval Process.**

(1) **Required Applications.**

(a) **Special Use Application.** Approval of a special use application is required for oil and/or gas operations in all zoning districts.

(2) **Processing of Applications for Oil and/or Gas Operations.**

(a) **Special Use Applications for Oil and/or Gas Operations.** Special use applications for oil and/or gas operations may be reviewed and approved administratively by the PCD

Director. The PCD Director shall make a decision on a special use application within 30 days of the day that a complete application is submitted. The final decision on the application by the PCD Director shall be based upon a determination by the PCD Director that all necessary information has been received, which may include receipt of any applicable waiver requests, and upon consultation with the Engineering Criteria Manual (ECM) Administrator and El Paso County Public Health (EPCPH). An appeal of any decision made by the PCD Director shall be made to the Board of County Commissioners in accordance with Section 5.3.6 (F) of this Code and the Procedures Manual. The Director, at his or her sole discretion, is authorized to elevate any special use application for review by the Planning Commission and for final action by the BoCC. All complete special use applications for oil and/or gas operations shall be to the El Paso County District Court.

(b) **Specific Procedural Requirements.** The specific application submittal, review, notification, and final decision processes for special use applications for oil and/or gas operations shall follow the relevant provisions of this section and section P-AR-034-11 Oil and/or Gas Operations of the Procedures Manual.

(D) **Specific Development and Performance Standards.**

(1) **Transportation Impact Analysis and Mitigation.**

(a) **Purpose.** This section is meant to ensure that oil and/or gas facility operators plan, manage, and mitigate impacts to County roadways and bridges that result from facility construction, facility operation, and ongoing new traffic generation. In order to protect the health, safety, and welfare of the existing and future residents of El Paso County, mitigation of potential transportation impacts shall be required.

(b) **Transportation Impact Study.** Applications for all oil and/or gas operations may be required to include a transportation impact study, which shall clearly identify and distinguish the impacts to County roads and bridges related to facility construction, operations, and ongoing new traffic generation. All required studies shall be prepares in accordance with the Engineering Criteria Manual (ECM) or other guidelines as provided by the ECM Administrator. The process for mitigation of transportation impacts typically includes a plan for roadway maintenance, and improving or reconstructing County roads, including providing financial assurance.

(i) Traffic Control Plan Required. A traffic control plan shall be prepared for each phase of construction where County roads will be utilized for transportation of materials in support of site construction and/or operations. The plan shall include the following components:

- Method for Handling Traffic (MHT)
- Haul Route Plan
- Detour Plan
- Existing Conditions Survey

(ii) Construction Drawings Required. In the event that public road improvements are required to accommodate an oil and/or gas operation, drawings prepared by a Colorado licensed civil engineer shall be approved prior to permitting work in the right-of-way. Such drawing shall be in substantial conformance with the ECM, as determined by the ECM Administrator. Financial assurance shall be required for the construction or reconstruction of all public roads. The

following permits are typically required prior to construction of public improvements:

- Construction Permit
- Work in the Right-of-Way Permit
- Erosion and Stormwater Quality Control permit
- Special Transport Permit

(iii) Maintenance. In the event that the activities of a facility operator cause any roadway to become substandard, the County may require the operator to provide ongoing maintenance of the applicable substandard County roadways. Such roadway improvements such as graveling, shouldering, and/or paving as determined in the transportation Impact Study.

(iv) Site Access. Any access to a property from a County roadway requires a County-issued access permit. Access permits to the County road system are issued through either the PCD private driveway permit process or through the Department of Public Works (DPW) temporary access permit process. Both permits are revocable upon issuance of a stop work order or if other permit violations occur. The permitting and construction of site accesses shall comply with the standards of the ECM.

(v) Financial Assurance Required. The transportation impact study, along with the associated construction drawings and cost estimate, shall determine whether to require the operator to enter into an Oil and/or Gas Operations Impact Mitigation Agreement with the County and any other applicable jurisdiction. Such agreement shall be supported by an acceptable form of financial assurance, as outlined in this section under the Financial Assurance subsection.

(2) **Emergency Response Plan.**

(a) **Required Plan.** All oil and/or gas facility operators shall provide an emergency response plan to the El Paso County Sheriff's Office, Fire Authority, and the fire protection jurisdiction having authority. No application for oil and/or gas operations shall be considered complete or be approved until and unless the operator has provided such plan to the Sheriff's Office, Fire Authority, and the fire protection jurisdiction having authority. The plan shall be filed with the Sheriff's Office, Fire Authority, and the fire protection jurisdiction having authority and updated on an annual basis. Each annual update is to be provided for each calendar year by February 1 of the same year.

(b) Required Plan Content.The emergency response plan shall, at a minimum, consist of the following;

(i) Name, address, and phone number, including 24-hour emergency numbers for at least two persons responsible for emergency field operations.

(ii) An as-built facilities map showing the name, location, and description of all minor and major facilities, including the size, type, and content of all pipelines, pits, and tanks. To the extent allowed by law, the as-built facilities map shall be held confidentially by the El Paso County Office of Emergency Management (OEM), and shall only be disclosed in the event of an emergency. To the extent allowed by law, the County OEM shall deny the right of inspection of the as-built facilities map to the public pursuant to C.R.S. § 24-72-204(3)(a)(IV).

(iii) A written response plan for any potential emergencies that may be associated with the construction, drilling, completion, or operation of the facilities. This plan shall include, but not be limited to, any or all of the following; explosions, fires, gas, chemical or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills.

(3) **Water Quality Assessment, Monitoring, and Mitigation Plan* (See Resolution 12-69 approved 2/21/2012)**

(a) **Groundwater Quality Monitoring Plan.** Applications for oil and/or gas operations shall include a groundwater quality monitoring plan if well drilling activities are proposed. Well drilling activities include the drilling of any wells for exploration, production, and/or reinjection. The purpose of a monitoring plan is to ensure the preservation and protection of those groundwater resources that could be affected by oil and/or gas operations. The requirements of a groundwater monitoring plan include:

(i) Establishing a monitoring network of existing water well, seeps, and/or springs in order to evaluate the potential effects of oil and gas drilling on groundwater,

(ii) Determining baseline conditions for naturally occurring constituents, and

(iii) Providing mitigation measures to be implemented if monitoring results indicate significant impacts to groundwater quality as a result of oil and gas operations.

(b) **Existing Well Monitoring Network.** A monitoring network of existing wells, seeps, and/or springs shall be included in the groundwater quality monitoring plan. A minimum of four (4) existing water wells, seeps, and/or springs within a one-half (½) mile radius from the wellhead shall be included in the monitoring plan, if available. The PCD Director and/or the BoCC, in consultation with EPCPH, may require the inclusion of additional wells, seeps, and/or springs into the monitoring plan, subject to availability. The inclusion of any well, seep, and/or spring into a monitoring network requires documented landowner consent, which should include right of entry for the County to enter the site in the event of execution of the financial assurance for the groundwater monitoring plan.

(c) **Water Quality Samples.** Groundwater samples shall be collected prior to the commencement of any drilling activities for the purpose of establishing baseline water quality. Subsequent to the completion of drilling activity, all water wells within the respective monitoring network shall be tested at years one (1), three (3), and six (6) from the date of drilling completion. The monitoring network shall also include any future water wells drilled within the ½ mile radius subsequent to the oil and gas well drilling, subject to EPCPH determination and landowner consent. All samples shall be collected by a qualified independent contractor experienced in water quality sampling and shall be sent to a State of Colorado certified laboratory for analysis. The groundwater samples shall be analyzed for the following;

(i) pH unites (EPA Method 150.2 or calibrated field instrument),

(ii) Total dissolved solids (TDS),

(iii) BTEX compounds (benzene, toluene, ethylbenzene, total xylene),

(iv) Methane,

(v) Major ions, including but not necessarily limited to, chloride, sulfate, sodium, calcium, potassium, bromide, arsenic, barium, chromium (total), and cadmium.

Testing results shall include the analysis for the above listed parameters, location of the water well, seep, and/or spring (to the nearest 10 feet), location of the oil or gas well site (to the nearest 10 feet), depth of any included water well, depth and identification of aquifers (if identifiable), and date of sampling. Such results, upon prior approval by the respective landowners, shall be submitted to the COGCC, PCD, EPCPH, and any applicable water district and/or central water provider within 90 days of the date of sample collection.

(4) **Noxious Weed Management.**

(a) **Purpose.** The purpose of this section is to ensure that oil and/or gas facility operators assess, manage, and mitigate the potential spread of noxious weeds, pursuant to Noxious Weeds Section in Chapter 6 of this Code, the Colorado Noxious Weed Act C.R.S. § 35-5-5 et. Seq., and the El Paso County Weed Management Plan adopted by Resolution 09-106 on March 24, 2009.

(b) **General.** Oil and gas facility operators shall be responsible for ongoing site and access road noxious weed control during construction and operation of the facility. The selection of a reseeding mix and the method(s) for appropriate weed control shall be determined through documented consultation with El Paso County Environmental Division, the Natural Resources Conservation Service (NRCS), and the Colorado Department of Agriculture, as applicable.

(E) **Financial Assurance.**

(1) **Financial Assurance for Road Damage and Construction.** The applicant may be required to provide financial assurance in favor of El Paso County, in an amount to be determined by the ECM Administrator, which is sufficient to ensure restoration of any damage to County roads caused by the applicant's permitted activities and/or to ensure construction of any required public roadways to appropriate design standards. The form of the financial assurance must be acceptable to the County. If a commercial bond is provided, the bonding company must be currently authorized to provide bonds for federally funded projects.

(F) **Review Standards.** (Clarified by Resolution 12-69 approved 2/21/2012)

In approving special use applications for oil or gas facilities, the following findings shall be made.

- The special use is consistent with the applicable Master Plan;
- The special use is in compliance with the applicable requirements of the Land Development Code;
- The special use is in compliance with the applicable requirements of the Engineering Criteria Manual and the Drainage Criteria Manual;
- The special use conforms or will conform to all other applicable County rules, regulations, or ordinances;
- The impact of the special use does not overburden or exceed the capacity of public facilities and services or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
- The special use will not create undue traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
- The special use will avoid land use and environmental conflicts or, at a minimum, includes mitigation measures and applicable financial assurance in order to ensure that any mitigated to the maximum extent practicable;

- The special use will not be otherwise detrimental to the public health, safety, and welfare of the present or future residents of El Paso County;
- The financial burden of compliance with special use is practical and does not outweigh the benefit of such compliance; and

The technical requirements for compliance with the special use are technically feasible and commercially available.

(Adopted 1/31/2012, Clarified 2/21/2012 by Resolution 12-69; Res. No. 21-36, Exh. A, 1-26-2021; Res. No. 21-88, Exh. A, 3-9-2021)

5.2.39. Outdoor Sales and Display

Outdoor sales and display shall meet the following standards:

(A) **Materials to be Displayed.** Outdoor sales and display are limited to retail merchandise.

(B) **Outdoor Sale and Display Location.** Outdoor sales and display shall not be located in a manner that would impede pedestrian and vehicle circulation. The ADA path of travel and building ingress and egress shall be maintained. Outdoor sales and display shall not reduce the number of parking spaces required pursuant to Chapter 6 of this Code.

5.2.40. Outside Storage

(A) **Applicability.** All outside storage is subject to the requirements of this Section.

(B) **Outside Storage Standards.** Outside storage shall meet the following standards.

(1) **Materials to be Stored and Principal Use Required.** Outside storage may include vehicles, raw materials, supplies, finished or semi-finished products or equipment used in conjunction with, and specifically accessory to, an allowed principal use conducted on the premises unless listed as a principal use. Outside storage of inoperable vehicles or equipment in a location other than the salvage yard is only permitted to the extent allowed in the Parking, Storage and Repair of Vehicles and Machines, Personal Section of Chapter 5 of this Code, provided the standards of that section are met. Employee or customer parking or outdoor sales and display areas shall not be considered outside storage.

(2) **Materials Screened by Solid Fence or Vegetation.** Outside storage shall be enclosed and concealed by a solid fence or wall at least 6 feet in height or any combination of berming, shrubs, trees fencing or walls which will provide at maturity a minimum of 6 feet of height and 100% opaque screening for the area utilized for outside storage.

(3) **Outside Storage Not to Exceed Height of Screening.** Outside storage or stacked materials shall not exceed the height of the screening fence except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component.

(4) **Storage of Equipment and Vehicles Exceeding Height of Fence.** All equipment and vehicles exceeding the height of the fence shall be stored on the rear ⅓ of the property except when adjacent to a residential zoning district, in which case the equipment or vehicles shall be a minimum 50 feet from the residential zoning district boundary.

(5) **Storage Adjacent to Road.** Outside storage is allowed within the required setback area from a road provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.

(6) **No Storage in Required Landscape Area.** Outside storage shall not be allowed within any required landscaped area.

(7) **Screening Fence Waived Between Adjacent Storage Areas.** When outside storage areas abut each other and are not visible from public areas, administrative relief may be sought from the requirement for a solid fence between the outdoor storage areas.

(8) **Salvage Yards and Solid Waste Landfills.** Salvage yards and solid waste landfills are not regarded as outside storage, but salvage yards are required to meet the screening standards of this Section.

(9) **Temporary Storage.** Administrative relief from the outside storage standards may be sought in association with approved temporary uses.

(10) **Landscaping Requirements to be Met.** Outside storage shall comply with the landscaping requirements in this Chapter.

(C) **Relationship to Site Development Plan.** Outside storage areas shall be so identified on the site development plan prior to the establishment of the outside storage use.

5.2.41. Over The Air Reception Devices

An Over the Air Reception Device (OTARD) mounted to a mast or pole shall be setback from any property line one foot of distance for every foot of facility height (as measured from grade elevation), plus an additional 10 feet. The applicant shall supply PCD with a site plan identifying the location of the OTARD in conformance with such setbacks within 14 days of the placement of the OTARD.

5.2.42. Parking, Storage and Repair of Vehicles and Machines, Personal

(A) **Standards Applicable in all Zone Districts.**

(1) **Allowed Vehicles.** Boats, trailers, recreational vehicles, stock automobiles, ski mobiles and all-terrain vehicles owned by a property's owner or occupant may be stored or parked outdoors in any zone district provided the storage or parking meets the standards listed in this Section.

(2) **Parking on Public Right-of-Way.** Any parking or storage of vehicles on the public right-of-way shall conform to the requirements of the Sheriff's Office, this Code and any ordinances adopted by El Paso County.

(3) **Occupancy of Vehicles Prohibited.** No person shall occupy or reside within any vehicle and/or recreational vehicle. Recreational vehicles may be occupied when located within a RVP district or used as temporary housing subject to the standards of Chapter 5 of this Code.

(4) **Collectors' Vehicles.** The owner or occupant of any lot, parcel or tract may park or store outdoors on such property any inoperable vehicle, or parts thereof, described in this subsection provided the storage standards of this subsection are met. Any inoperable vehicle not described in this subsection is subject to the provisions generally applicable to inoperable vehicles below.

- Inoperable vehicles permitted under this subsection must be (i) a self-propelled vehicle designed primarily for travel on the public highways and generally and commonly used to transport persons and property over the public highways; (ii) owned by the owner or occupant of the property; and (iii) of historical or special interest and acquired for the purpose of restoration and maintenance of a vehicle of historical or special interest also owned by the property owner or occupant.
- Inoperable vehicles meeting the criteria of paragraph (b) above, and parts thereof, may be stored outdoors provided that the storage area is maintained in such a manner as does not constitute a health, safety or fire hazard, is screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means, and is kept free of weeds, trash and other objectionable items.

(B) **Standards Applicable in Residential and Agricultural Zone Districts.**

(1) **Prohibited Vehicles.** No vehicles with a gross vehicle weight rating of 13,001 lbs. or greater shall be kept, stored or parked on private property in a zoning district where a residential use exists, except in the A-35 zoning district. This shall include, but is not limited to, tractor trailers, over-the-road semi-trucks, road cleaners, motor graders and similar maintenance or construction equipment. This provision does not apply to recreational vehicles. Notwithstanding the above, 1 tractor trailer or over-the-road semi-truck may be parked in a fully enclosed building in association with a residential use on a lot or parcel greater than 2½ acres in area.

(2) **Inoperable Vehicles and Vehicle Parts.** The outdoor storage or parking of any inoperable vehicle or recreational vehicle and the outdoor storage of any vehicles parts, shall be prohibited on any lot or parcel used for residential purposes or within a Residential or Agricultural Zoning District, except within the A-35 zoning district where a maximum of 10 inoperable non-agricultural vehicles shall be allowed as part of a rural home occupation pursuant to Chapter 5 of this Code.

(3) **Vehicle and Machine Repair.** Vehicles and/or machines owned by and for the sole use of persons residing on a lot, tract or parcel may be repaired, excluding painting or welding, only within an enclosed structure. Vehicles and/or machines owned by others may be repaired in the A-35 zoning district or as a rural home occupation as a special use in conformance with this Code.

5.2.43. Peddler Sales

Parking lots may be used for peddler sales provided the following standards are met:

(A) **Adequate Parking Available.** The area occupied by the temporary sales does not reduce the number of available parking spaces below the minimum number of parking spaces required by Chapter 6.

(B) **Safe Ingress and Egress.** Adequate and safe ingress and egress is provided.

(C) **No Sales Areas or Parking In Right-of-Way.** Sales areas or parking for customers shall not be located within a right-of-way.

(D) **Temporary Use Permit Required.** When sales occur in the same place or parking lot for more than 3 times in a year or will exceed 5 days in duration in the same place or parking lot, a temporary use permit is required.

5.2.44. Public Building, Project, Way, Place, or Space

A public building, project, way, place or space or expansion thereof, including jail or prison facility or a public park and open space, is an allowed use in any zoning district but may require approval of location prior to implementation.

5.2.45. Residential Accessory Structures and Uses

The following structures and uses are considered accessory to a residential use, as further detailed in Table 5-2:

- Detached private parking garage or carport;
- Storage shed;
- Gazebo;
- Deck (attached or detached, covered or uncovered);
- Pets;
- Agricultural Structures;

- Swimming pool, hot tub, tennis court or similar private recreational facility;
- Personal greenhouse;
- Personal cultivation of marijuana;
- Fence, wall and hedge;
- Antennas, radio facilities, and satellite dishes, subject to the requirements of this Code;
- Yard sales;
- Solar energy systems and wind-powered generator; and
- Airplane hangar for personal use on property 2.5 acres or greater, where the property owner can demonstrate authority to utilize an adjacent or nearby airport or private airport.

Accessory uses shall meet the general accessory structure and use standards, any applicable specific accessory use standards, and the general development standards in Chapter 6.

(Res. No. 23-198, Exh. A, 6-6-2023)

5.2.46. Retail Sales, Accessory

Retail sales located in industrial zoning districts shall be conducted within the same structure and in conjunction with a principal use allowed in the zoning district. The retail sales may not occupy more than 20% of the gross floor area of the principal structure, unless special use approval is granted.

5.2.47. Salvage Yards

(A) **General.**

(1) **Purpose.** The purpose of this Section is to: (1) achieve visual screening from public roads and adjacent residences for existing and proposed salvage yards; (2) facilitate compliance with all federal, State, and local environmental regulations governing the use, storage, generation, and disposal of hazardous substances and hazardous wastes within the salvage industry; and (3) prevent the release of hazardous substances to the environment resulting from leaks, fugitive air emissions, accidents, or improper disposal.

(2) **Applicability.**

(a) **Establishing a Facility.** The requirements of this Section shall apply to all development applications to establish a salvage yard, automobile recycling center, scrap and waste recycling facility, junkyard or other similarly classified use.

(b) **Existing Facilities After January 1, 2010.** Effective January 1, 2010, the requirements of this Section shall apply to all existing salvage yards, automobile recycling centers, scrap and waste recycling facilities, junk yards, or other similarly classified uses, whether conforming or nonconforming, sited or nonsited.

(c) **Not Applicable to Solid Waste or Recycling Facilities.** This Section does not apply to those solid waste or recycling facilities regulated under Chapter 5 or under the CDPHE Solid Waste Regulations unless expressly stated.

(3) **No Amortization Intent.** This Section is not intended to amortize out of existence, uses which lawfully exist at the date of adoption, but is intended to establish performance and operational standards for all facilities subject to this Section.

(4) **Not Intended to Supersede Other Environmental Regulations.** This Section is not intended to supersede any federal, State or local requirement or regulation regarding environmental compliance which is applicable, or which is subsequently adopted or imposed.

(B) **General Requirements.**

(1) **Notice and Requirement of Owner to Comply with Regulations.** PCD will attempt to notify existing facilities and facility owners of these requirements or changes to these requirements. The owner is responsible for complying with all applicable requirements of the federal, State, and local environmental laws and regulations.

(2) **Maintain Records of Hazardous Substances.** The owner is responsible for identifying all hazardous substances used, processed, stored or handled at the facility and for maintaining updated qualitative and quantitative records of these materials at the facility.

(3) **Reporting Requirements Not Relieved.** Compliance with this Section does not release any facility from the reporting requirements of the Local Emergency Planning Committee or any federal, State, or local environmental law.

(C) **Operational Standards for All Facilities.**

(1) **Screening.**

(a) **Require to Comply with Screening Standard.** All storage areas, processing areas and parts removal areas shall be screened from public roads and adjacent residential use in conformance with the screening standards of Chapter 6, or located within an enclosed structure.

(b) **Berms Allowed.** The use of berms is allowed in conjunction with the fencing and landscaping requirements of this Code to achieve effective screening.

(3) **Landscaping.**

(a) **Landscaping to Conform to Landscaping Requirements.** The facility shall be landscaped in conformance with the requirements of Chapter 6, except that landscaping may be concentrated on the road frontage area where screening is required.

(b) **Relief for Pre-Existing Facilities.** Existing facilities not previously subject to the landscaping requirements of this Code may request administrative relief from the landscaping requirement, but not the screening or fencing requirements.

(4) **Fencing.**

(a) **Require to Comply with Fencing Standard.** The facility shall be fenced in accordance with the requirements of Chapter 6 of this Code. The facility shall be fenced with the equivalent of a 6 foot chain link fence.

(b) **Fencing and Screening Requirements Combined.** The fencing and screening requirements may be combined.

(c) **Storage within Fence.** All material, automobiles, parts, etc. shall be located inside fenced or screened areas.

(5) **Storage of Automobiles.**

(a) **Storage within Easements.** Storage of automobiles, parts, or materials shall not occur in any easement without the approval of the beneficiary of the easement.

(b) **Storage within Drainage Areas.** Storage of automobiles, parts, or materials shall not occur in drainage facilities or within the identified 100-year floodplain.

(c) **Stacking of Materials.** Automobiles or vehicles for parts removal or waiting to be crushed shall not be stacked more than 2 automobiles high.

(d) **Automotive Recycling Facility Limited to 250 Automobiles.** Storage shall not exceed 250 automobiles waiting to be crushed or to have parts removed in an automotive recycling facility.

(6) **Removal and Storage of Parts.**

(a) **Location of Dismantling.** All dismantling of automobiles or other vehicles shall be conducted within an entirely enclosed structure and on an impervious pad, except where the parts are to be removed by the customer.

(b) **Storage of Part Inside or in Parts Racks.** All parts shall either be stored within an entirely enclosed building, or stored in parts racks which do not exceed 8 feet in height or the height of the screening fence whichever is greater.

(c) **Condition of Parts in Outdoor Storage.** Outside storage of disassembled parts is prohibited unless empty and stored with the fluid cavities open for inspection and in a manner which prevents direct contact with rainwater.

(d) **Hazardous Substance Outdoors.** Outdoor use of hazardous substances including disassembly of any machinery, equipment or vehicles is not allowed unless drip pans, secondary containment, or other steps are taken to prevent any release.

(7) **Vector and Mosquito Control.**

(a) **Approved Vector Control Plan Required.** The facility shall provide and implement a vector control plan approved by the EPCPH.

(b) **Approved Mosquito Control Plan Required.** The facility shall provide and implement a mosquito control plan approved by the EPCPH.

(8) **Environmental Controls.**

(a) **Automotive Waste Controlled.** All automotive waste generated during the recycling processes shall be removed, collected, stored, transported and recycled according to all federal, State and local regulations.

(b) **Seeps or Leaks of Automotive Waste.** Automotive waste shall not be allowed to seep or leak on soil.

(c) **Hazardous Substance Containers Product Tight and Labeled.** All primary containment and individual storage containers of hazardous substance or hazardous waste shall be product tight, maintained, and labeled in compliance with federal, State and local regulations.

(d) **Hazardous Substance Areas Secure.** Any area where hazardous substances are stored shall be fenced in, and measures shall be taken to prevent anyone but facility personnel or other authorized persons from entering these areas.

(e) **Onsite Wastewater System Designed by Professional Engineer.** An OWTS serving a facility shall be designed by a professional engineer.

(f) **Floor Drains Not Connected to Drainfield.** Any floor drains in a parts removal area or hazardous substances handling, usage or storage area shall not be connected to a drainfield, septic tank, or stormwater system.

(g) **Hazardous Substances and Secondary Containment.** All drums containing hazardous substances and hazardous wastes shall only be stored within a secondary containment area

or in a structure or other secure area which meets the requirements of secondary containment. The secondary containment area shall be protected from weather and maintained in accordance with all applicable fire codes.

(h) **Flammable Liquids.** Flammable liquids shall be stored in accordance with applicable fire department regulations.

(i) **Hazardous Substance Disposal.** Any disposal of hazardous substances shall be in accordance with federal, State, and local regulations.

(9) **Stormwater Permitting.** All facilities are subject to the requirements of the CDPHE and the ECM regarding stormwater quality and erosion control permits.

(10) **Noise Ordinance.** Facilities shall comply with the provisions of Ordinance 02-1 Concerning Noise Levels in Unincorporated El Paso County. For purposes of the noise ordinance, a legally existing salvage yard, automobile recycling center, scrap and waste recycling facility, junk yard or other similarly classified use is considered an industrial area.

(11) **Noxious Weed Plan.** A development application to establish or expand a salvage yard, automobile recycling center, scrap and waste recycling facility, junk yard or other similarly classified use shall be accompanied by an approved noxious weed management plan when noxious weeds are identified by either the Noxious Weed Map or the Forestry and Noxious Weed Manager as being located on the subject property.

(12) **Fire Control Plan.** A development application to establish or expand a salvage yard, automobile recycling center, scrap and waste recycling facility, junk yard or other similarly classified use shall be accompanied by a fire control plan, which shall be reviewed and approved by the fire department having authority, or in the event there is no applicable fire department, by the El Paso County Fire Authority.

(13) **Drainage Report.** A development application to establish a salvage yard, automobile recycling center, scrap and waste recycling facility, junkyard or other similarly classified use shall be accompanied by a drainage report in conformance with this Code and the ECM.

(14) **Signage.** All signage shall conform to the requirements of Chapter 6.

(D) **Recordkeeping.**

(1) **Hazardous Substances Records.** An up-to-date inventory list of hazardous substances and hazardous wastes generated, used, stored, handled, processed, or disposed shall be maintained on site in accordance with federal, State, and local regulations including hazardous waste manifests, bills of lading, or other equivalent manifesting for all hazardous substance disposal.

(2) **Vehicle Records.** An up-to-date inventory list of vehicles on site and salvaged during the year shall be maintained on site.

(E) **Annual Reporting.** All facilities shall provide the PCD an annual report by April 15 of each year that includes, at a minimum, the following information:

- Owner, including address and phone number;
- Operator, including address and phone number;
- Sales tax number and collection amount;
- Inventory of vehicles at the start of the year and at the end of the year;
- Total number of vehicles that came in and went;
- Information to determine whether a yard remains active;

- Business and sales tax license;
- Fire, release, and emergency events, include date and time, and resulting action and report reference number;
- Quantity of automobiles in storage waiting to be crushed;
- Verification of stormwater validity and ID numbers;
- Name and contact information of contractor for hazardous waste removal; and
- Any required LEPC reporting.

(F) **Inspections.** All facilities governed by the requirements of this Section shall be open to inspection by County staff. Annual inspections programs may be implemented to ensure compliance with the standards.

(G) **Closure.**

(1) **Notification of Closure.** Any facility governed by this Section shall notify the PCD if they cease to operate for more than a 60-day period.

(2) **Operation Nonconforming Operations.** Any facility that operates as a nonconforming use and ceases to operate is subject to the nonconforming use discontinuance of use provisions of this Code.

(3) **Evaluation of Vacated or Closed Areas.** If any operational area is vacated, the owner shall provide an evaluation of potential environmental impacts for the vacated or closed area. Environmental mitigation may be required by State and federal regulations.

(Res. No. 21-36, Exh. A, 1-26-2021)

5.2.48. Seasonal Produce Sales

Seasonal produce sales shall comply with all requirements of the EPCPH.

5.2.49. Sexually-Oriented Businesses

(A) **Separation Between Sexually-Oriented Businesses.** No structure may be used for a sexually-oriented business if the structure is located within 1,000 feet of any other structure which is used for a sexually-oriented business as defined by the jurisdiction where it exists. The measurement is a linear measurement from the nearest wall of the structure proposed for the sexually-oriented business, to the nearest wall of the structure used for any existing sexually-oriented business. Measurements are not affected by municipal boundaries.

(B) **Separation Between Sexually-Oriented Business and Other Uses.** No structure may be used for a sexually-oriented business if the structure is located within 1,000 feet of any property: (1) where residential uses are identified as a principally allowed use; (2) a public or private K-12 school; (3) a public park; or (4) a religious institution. All minimum distances shall be measured as linear measurements from the zoning district boundaries or from the property line of any residential use, public or private K-12 school, public park, or religious institution to the nearest wall of the structure in which the sexually-oriented business is to be located. Measurements are not affected by municipal boundaries.

5.2.50. Shipping Containers

(A) **Applicability.** The following standards shall apply to all shipping containers, including those which have been permitted as an accessory structure per the Building Code. The following standards shall not

apply to parcels from which the shipping containers are sold and/or rented as an approved use or may be otherwise categorized as outside storage.

(B) **Shipping Containers in Residential, Forestry, and Agricultural Zoning Districts**

(1) **Visibility.** All shipping containers, other than those placed within the A-35 zoning district, shall be:

- Painted to be compatible with surrounding buildings and structures; and/or
- Screened from public view by one or more of the following: a seven foot solid opaque fence, evergreen trees or shrubbery which will reach a minimum of seven feet in height at maturity, or similar screening method. Temporary screening methods such as tarps, mesh, chain-link fencing with slats, or other similar non-permanent methods shall not be permitted in place of a solid opaque fence.

(2) **Dimensional Standards.** Shipping containers are subject to the applicable zoning district setback requirements, except when located within the A-35 zoning district. Shipping containers may not be stacked.

(3) **Compliance with the Building Code.** A building permit may be required, as determined by the Pikes Peak Regional Building Department, prior to the placement of any shipping container.

(4) **Base Required.** All shipping containers shall be placed on a suitable level base, as determined by the PCD Director, to help ensure stability and safety.

(C) **Shipping Containers in Commercial and Industrial Zoning Districts.**

(1) **Visibility.** All shipping containers shall meet the outside storage standards in Chapter 5 and shall be painted to be compatible with surrounding buildings and structures in the area.

(2) **Dimensional Standards.** Shipping containers are subject to the applicable zoning district setback requirements. Shipping containers may not be stacked.

(3) **Compliance with the Building Code.** A building permit may be required, as determined by the Pikes Peak Regional Building Department, prior to the placement of any shipping container.

(4) **Base Required.** All shipping containers shall be placed on a suitable level base, as determined by the PCD Director, to help ensure stability and safety.

5.2.51. Shipping Containers, Temporary

(A) **Duration.** Temporary use of a shipping container may not exceed 30 consecutive days during a one year period unless the PCD Director has approved an extension of time.

(B) **Location.** Temporary shipping containers must be located on the same property for which it is utilized.

5.2.52. Solar Energy System

(A) **Property Served.** The solar energy system shall be designed to only provide energy for the ownership on which it is located; however, excess energy may be sold as allowed by State and federal law.

(B) **Maximum Height of Attached Panels.** Solar panels attached to a roof shall not exceed the maximum height allowed in the zoning district for the structure type by more than 5 feet.

(C) **Maximum Height of Detached Solar Panels.** The maximum height of a detached solar panel is 15 feet.

(D) **Location of Detached Panels.** Detached solar panels are prohibited within any setback area or between the front or side corner lot, parcel or tract boundary line and the front structure line of the principal structure.

5.2.53. Temporary Housing

Manufactured homes, post-1976 mobile homes, pre-1976 mobile homes, recreational vehicles, or tiny houses where the zoning allows may be used to provide temporary housing for the owner of a lot or parcel during the construction of a permanent dwelling on the lot or parcel, subject to temporary use permit requirements. The duration of the temporary housing shall not exceed 12 months unless a renewal is granted. The temporary housing shall be removed from the site at the end of the 12 month period or following completion of the construction, whichever comes first. An extension of time may be granted by the PCD Director following a finding that significant progress has been made in the construction of the permanent dwelling or there have been circumstances beyond the control of the property owner that have delayed construction. A recreational vehicle or tiny house shall only be used as temporary housing as defined in Chapter 1 of this Code with a temporary use permit if a building permit has been issued and remains active for a permanent dwelling. Tiny houses must also meet the prohibition of interior storage of water and wastewater outlined in the Tiny House, Single Lot section of this Code.

5.2.54. Tiny House, Recreational Vehicle Park

(A) **Applicability.** The following standards apply to tiny houses within the Recreational Vehicle Park zoning district.

(B) **Minimum Construction Standard.** Tiny houses shall be constructed to ANSI RVIA standards. Tiny houses not constructed to ANSI RVIA standards shall be allowed with certification by a licensed professional structural engineer certifying that, at a minimum, the unit and support structure has been designed in accordance with all applicable horizontal and vertical loads as required by the local authority having jurisdiction.

(C) **Exterior Appearance Single-Family in Character.** Tiny houses shall be finished on all sides with finished wood panel siding, vinyl siding, brick or stone veneer siding, stucco finish siding, other architecturally finished veneer, or with other similar types of siding as approved by the PCD Director.

5.2.55. Tiny House, Single Lot

(A) **Applicability.** The following standards apply to tiny houses used as accessory living quarters or as a principle use on an individual lot or parcel. This section does not apply to tiny houses located in a Recreational Vehicle Park zoning district.

(B) **Number of Tiny Houses per Lot or Parcel.** One tiny house shall be allowed as a principle use on an individual lot or parcel, except in the A-35 (Agricultural) zoning district where two tiny houses may be allowed. One additional tiny house may be allowed on an individual lot or parcel where accessory living quarters are permitted.

(C) **Minimum Construction Standard.** Tiny houses shall be constructed to ANSI RVIA standards. Tiny houses not constructed to ANSI RVIA standards shall be allowed with certification by a licensed professional structural engineer certifying that, at a minimum, the unit and support structure has been designed in accordance with all applicable horizontal and vertical loads as required by the local authority having jurisdiction.

(D) **Exterior Appearance Single-Family in Character.**

(1) All tiny houses shall be designed and constructed so as to comply with the following:

- Be finished on all sides with finished wood panel siding, vinyl siding, brick or stone veneer siding, stucco finish siding, other architecturally finished veneer, or with other types of siding as approved by the PCD Director;
- Have no attached motor as the means of propulsion;

- Have premanufactured insulated residential grade exterior doors;
- Have premanufactured insulated residential grade windows; and
- Have residential style/type roofing materials.

(2) Tiny Houses shall have a minimum of four of the following design features:

- More than one type of exterior siding listed above in subsection D.1 on a single side in an integrated manner;
- Upgraded entry feature, such as transom or side windows around an exterior door;
- Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
- Pitched roofline (3:12 pitch or steeper);
- Dormers;
- Premanufactured skylights;
- Built-in porch or deck;
- Exterior residential light sconces or downcans; or
- Other features as otherwise approved by the PCD Director.

The provision of more than one item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).

(E) **Screening.** Tiny house wheels, running gear, and hitch components shall be either:

- Removed and the tiny houses set on a platform;
- Screened from view with skirting of the same exterior siding and materials as the tiny house;
- Screened from view via placement on a subsurface pad serving as a foundation and with integrated plantings and landscaping; or
- Screened with other methods as otherwise approved by the PCD Director.

(F) **Interior Storage of Water Prohibited.** No interior water storage tank, unless otherwise approved as an integrated water system by the PCD Director in consultation with El Paso County Public Health, shall be allowed within a tiny house.

(G) **Storage of Wastewater Prohibited.** No interior storage of wastewater, unless approved by the PCD Director in consultation with El Paso County Public Health, shall be allowed within a tiny house.

(H) **Proof of Utilities.** Proof of electric, natural gas, and/or propane availability is required. Proof of water and wastewater service is required unless otherwise approved by the PCD Director pursuant to subsections F and G above. Electrical, natural gas, propane, water, and wastewater connections must meet the requirements of the utility provider and/or El Paso County Public Health, as appropriate. Individual wells and on-site wastewater treatment systems (OWTS) shall be permitted in accordance with state and local regulations. A permit from the local jurisdiction having authority is required for electrical, gas, propane, and plumbing connections.

(I) **Tiny House Site Plan Review Required.** A tiny house site plan application shall be applied for and approved prior to the placement of the tiny house on an individual lot or parcel. Tiny house residential site plan applications shall, at a minimum, consist of the following:

- Proof of ANSI RVIA construction or certification by a licensed professional structural engineer;
- Elevation drawings of the tiny house to include the method of screening/skirting and identification of the type of siding material(s);
- Floorplan of the tiny house;
- Proof of utilities;
- Applicable landscaping plan with subsurface pad; and
- Additional documentation as required by the PCD Director that may be necessary, in his or her opinion, to approve the site plan.

(J) **Accessory Structure Allowances.** Accessory uses to a tiny house used as a principle use are limited to residential accessory uses. Accessory structures exceeding the allowance of two times the size of the footprint of the tiny house may be approved by the PCD Director with the residential site plan review. Accessory structures exceeding the size limitation of the zoning district shall not exceed 500 square feet. An accessory structure exceeding this allowance shall require an application for relief from the dimensional standards.

5.2.56. Tower, Commercial (Non-Commercial Mobile Radio Service Facility)

(A) **General.**

(1) **Purpose.** The purposes of this Section are to establish standards for the location of commercial towers in the County.

(2) **Applicability.** The standards in this Section apply to all commercial towers after the effective date of this Code.

(3) **Relationship to Other Provisions.** A commercial tower shall comply with all applicable provisions of this Code. Where a conflict exists between the requirements of this Section and another applicable standard in this Code, the most restrictive standard shall control.

(B) **Design Standards for a Commercial Tower.** A commercial tower shall adhere to the following design standards to minimize impacts:

(1) **Compatible with Surroundings.** The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area, subject to any applicable FAA regulations.

(2) **Existing Vegetation and Landforms.** Existing land forms, vegetation and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment, to the extent practicable.

(3) **Accessory Equipment.** All accessory equipment shall be 100% screened from view. All equipment shelters shall be located within the lease area for the tower. No equipment storage shelter shall exceed 15 feet in height. Equipment storage shelters shall be grouped as closely together as practical, so as to minimize impact on adjoining properties.

(4) **Location on Property.** The tower shall be located on the property to contain onsite all ice-fall or debris from tower failure.

(5) **Height Limitations.** A commercial tower shall be exempted from the structural height restrictions of the zoning district in which the facility is located.

(6) **No Lighting.** The facility antennae shall not be lighted unless required by the FAA and identified in the special use approval.

(7) **Attractive Nuisance.** The attractive nuisance potential shall be minimized through fencing and methods to discourage unauthorized climbing.

(8) **Accessory Uses Restricted.** Accessory uses to a commercial tower may not include offices, broadcast studios, or long-term vehicle storage.

5.2.57. Tower, Private (Non-CMRS)

(A) **Attached Private Towers.**

(1) **Maximum Height of Facility Attached to Principal Structure.** Private towers constructed on or attached to a principal structure are considered to be accessory structures and shall satisfy all location and bulk restrictions of the zoning district. The height of the devices shall be limited to 1½ times the maximum height allowed in the zoning district, unless otherwise provided. To be considered attached, the facility shall not only be attached to the principal structure, but shall be located within 5 feet of the principal structure.

(2) **Exceeding Height Allowance.** Private towers in excess of the maximum height allowed for the facility are considered to be a special use.

(3) **Number of Private Towers Allowed.** One private tower is allowed per lot or parcel, unless additional towers are approved through a special use approval.

(B) **Detached Private Towers.**

(1) **Height Limited.** Unless otherwise approved as part of the special use, no private tower, including the main structure and any retractable, non-retractable extension, or antenna, may extend higher than the following:

- F-5, A-5, and Residential Zoning Districts: The maximum height of a detached private tower shall be 2 times the maximum height allowed in the zoning district.
- A-35 (Agricultural) District: The maximum height of a detached private tower shall be 100 feet.
- Commercial or Industrial Zoning Districts, and the MHP, MHS, and RVP Zoning Districts: The maximum height of a detached private tower shall be 1½ times the maximum height allowed in the zoning district.

(2) **One Private Tower Per Lot.** Unless otherwise approved as part of the special use, only one private tower may be constructed on a lot or parcel. One private tower may include up to two supporting structures in the event that it is necessary to support one antenna.

(3) **Not Located in Setback Area.** A private tower shall not be located within the setbacks prescribed for principal structures by the zoning district.

(4) **Supporting Devices in Setback Area.** Supporting devices such as guy wires and support poles shall be located on the same lot or parcel as the tower and may not be located in the front setback area. A zero foot setback for guy wires from the side and rear property lines is permissible. In no event, however, may the supporting devices be located within any utility or drainage easement.

(5) **Setback from Electrical Transmission Lines.** A private tower shall not be located closer than a distance of one horizontal foot for every vertical foot of tower and antenna height, plus 10 feet, from any electrical transmission line. This does not include the service line for the lot or parcel where the private tower is to be located.

(6) **Setback from Property Lines.** The private tower shall maintain a setback from all property lines based upon a ratio of one horizontal foot for every vertical foot of tower and antenna height, for

protection from free fall or ice fall. The setback may be modified if the applicant provides a certified engineer's or qualified expert's report substantiating that any free fall of the tower or ice fall from the private tower can be contained totally upon the applicant's lot or parcel and the modified location is certified by the applicant's engineer or expert as safe.

(7) **Anti-Climb Apparatus.** Adequate measures, such as anti-climb apparatus or removal of climbing ladder, are required in order to discourage unauthorized climbing.

(8) **Compliance with Federal Laws.** No private tower may be constructed in violation of FAA or FCC laws or regulations.

(C) **Special Use for Private Tower Exceeding Allowances.**

(1) **Special Use Approval Required.** Special use approval is required in the event that:

- Any private tower, facility, or any extensions thereto exceed the height limit; or
- More than one private tower is proposed on the lot or parcel.

(2) **Review Standards.** In addition to the special use standards, the Planning Commission and BoCC shall consider and apply the following standards and criteria in reviewing a proposed private tower:

- Compliance with the general standards of this Code and mitigation of any other legitimate health, safety and welfare matters raised by federal, State and local authorities and the neighboring public;
- The visual impact and other aesthetic factors of the proposed private tower considered in light of: (1) The availability of landscaping and other adequate screening; (2) The environmental uniqueness of the property site or the general vicinity; (3) The visual block that would be caused by the addition of the proposed private tower in an area already subject to multiple private towers or commercial towers, whether in existence or approved but not constructed; (4) The documented need for a particular height or location for the private tower in order to achieve effective reception or transmission; and (5) In the case of an amateur radio facility, the general public service provided by amateur radio activity; and
- The need to accommodate, as much as practicably possible, the rights of the licensed amateur radio operator, as expressed by the FCC's regulations and ruling, 47 C.F.R. Part 97 and PRB 1, 50 F.R. 38,813, and to balance the legitimate zoning goals, requirements and restrictions of this Code with the federal interest in amateur radio operations.

5.2.58. Vehicle Repair Garage, Commercial (Including Truck and Recreational Vehicle Repair)

(A) **Enclosed Building Required.** Repairing or dismantling of vehicles and storing of parts and accessories shall be conducted within an entirely enclosed structure. Any vehicles awaiting repair stored outside shall be stored in accordance with the outdoor storage standards in this Chapter.

(B) **Inoperable Vehicles and Vehicle Parts.** Except for temporary storage in an authorized area for automobile and trailer sales, auto repair garage, gasoline filling station or similar repair or short-term vehicle facility, and except as permitted by subsection (B) (3) above, no inoperable vehicle shall be kept or stored outside on any lot, tract or parcel within a commercial or industrial zoning district. Any vehicle stored on a lot, parcel, or tract in excess of 6 months will be presumed not to be temporary storage and will be subject to zoning enforcement. Areas permitted to be used for temporary storage of inoperable vehicles under this section shall be maintained so as not to constitute a health, safety or fire hazard, shall be effectively screened from ordinary public view by means of a solid fence, berm, trees or shrubbery, and shall by kept free of weeds, trash and other objectionable items.

5.2.59. Waste Disposal, Hazardous Waste, and Recycling Facilities

(A) **General.**

(1) **Authority.** This section is adopted pursuant to the following authorities:

- The Solid Wastes Disposal Sites & Facilities Act, C.R.S. §§ 30-20-101, et seq.
- C.R.S. §§ 25-15-401, et seq., "Infectious Waste".
- CDPHE "Regulations Pertaining to Solid Waste Disposal Sites & Facilities", 6 C.C.R. 1007-2 (hereinafter referred to as "State Solid Waste Regulations").
- The Local Government Land Use Control Enabling Act of 1974, C.R.S. §§ 29-20-101, et seq.
- Sections 1008, 4004, and 4010 of the Resource Conservation and Recovery Act (RCRA) of 1976 as modified by the Hazardous and Solid Waste Amendments of 1984 (commonly referred to as "Subtitle D of RCRA").
- 40 C.F.R. Part 257 "Criteria for Classification of Solid Waste Disposal Facilities and Practices" and 40 C.F.R. Part 258 "Criteria for Municipal Solid Waste Landfills" (hereinafter referred to as "RCRA Subtitle D Regulations").
- 40 C.F.R. Parts 260-270, 273, and 279, known as RCRA Subtitle C.

(2) **Applicability.** This Section shall apply to waste disposal and recycling facilities as each is defined by this Code and State Statute or regulation, including:

(a) **Recycling or Transfer Station Facilities.**

- Trash transfer facility
- Intermediate processing facility
- Infectious waste transfer station
- Recycling facility (material recovery facility)
- Composting facility (not requiring Certificate of Designation (CD))
- Yard waste recycling facility (material recovery facility)
- Waste tire recycling facility
- Inert material disposal site

(b) **Certificate of Designation Facilities.**

- Solid waste disposal site and facility
- Waste tire disposal (monofill) facility
- Infectious waste disposal facility
- Composting facilities requiring a CD
- Hazardous waste facility

(c) **Other Facilities or Operations Involved with Solid Wastes.** Other types of facilities or operations involving the collection, storage, treatment, utilization, processing or final disposal of solid wastes, which is not expressly exempted from regulation by State statute and which is not expressly covered by this Section shall not be sited until additional regulations specific to the type of facility or operation proposed have been enacted by the

BoCC. This shall not include garbage hauling trucks or businesses that are subject to regulation under C.R.S. § 30-15-401(1)(a).

(d) **Recycling or Transfer Station Facilities.** Those recycling or transfer station facilities which exceed the allowances or do not comply with the general requirements, conditions and standards for the facility type are required to secure a Certificate of Designation. If a facility with a recycling activity fails to comply with Section 8 of the State Solid Waste Regulations, that activity shall be subject to all other applicable provisions of the State regulations (6 CCR 1007.2), which may require additional County approvals.

(3) **Exceptions.**

(a) **General Exceptions.** A person may dispose of their own solid waste on their own property, as long as the solid waste disposal site and facility complies with the rules and regulations of the State Board of Health and does not constitute a public nuisance. The determination of compliance with the State regulations rests with the CDPHE after input from El Paso County. The minimum standards of the State regulations require, in this instance:

- Taking reasonable measures to collect, contain and dispose of litter;
- Ensuring that noise, dust and odors do not pose a health threat;
- Managing the site so that birds, insects, rodents, and other vectors do not pose a health hazard;
- Providing adequate cover so that water does not pond on the site, and that wind erosion and water pollution does not become a problem;
- Submittal of a design and operations report;
- Submittal of closure plans; and
- Notice of disclosure to prospective purchasers in the form of a recorded document of the site that solid waste has been disposed of on the property.

(b) **Disposal Subject to Construction Permit.** A site plan identifying the location of the waste disposal shall be provided. The requirements for obtaining a Construction Permit and special requirements of the EPCPH may be applicable.

(c) **Site Restrictions or Conditions Applicable.** Conditions may be placed on any approval or acknowledgement of the site in order to restrict access from unauthorized individuals and to prevent nuisance conditions from occurring.

(4) **Interrelationship with CDPHE.**

(a) **No Application Reviewed Until CD Approved.** No application for a Certificate of Designation shall be considered complete until it has received a recommendation of approval from the CDPHE. The BoCC may not review any request that has been disapproved by the CDPHE. When reviewing an application recommended for approval by the CDPHE, the BoCC retains the right to impose more stringent technical standards and requirements on any approval, or to deny any application found geologically problematic or technically deficient by the BoCC after further scientific or engineering study.

(b) **Referral of Special Use or Site Development Plan to CDPHE.** Any special use or site development plan application for a waste disposal or recycling facility may be referred in writing to the CDPHE for review and comment, or for the determination as to whether the Certificate of Designation requirements of the State Solid Waste Regulations are applicable,

and for technical review of the site, facility and operation plan documents. The applicant is responsible for payment of any review fees established by the CDPHE.

(c) **CDPHE Notified of County Approval.** The CDPHE shall be notified by the County when a development permit approving a facility is issued.

(5) **Interrelationship with the EPCPH.** Applications for approval of waste disposal and recycling facilities and amendments thereto will be referred to the EPCPH for review and comment.

(B) **General Development and Operation Standards.**

(1) **Requirement for Special Use or Site Development Plan.** Approval of a site development plan is required for all waste disposal and recycling facilities, unless otherwise provided. Approval of a special use may be required in specific zoning districts. Waste disposal sites subject to a CD are not allowed to use the administrative special use process.

(2) **Compliance with Standards of this Code.** The development standards of this Code shall apply to all waste disposal and recycling facilities.

(3) **Conditions of Approval.** In the review of a special use for a facility governed by this Section, the BoCC retains the right to impose any technical requirements it considers appropriate in order to reasonably protect the environment and the public health and safety.

(4) **Concurrent Submittals and Time Limits.** A facility requiring a Certificate of Designation requires special use approval. The applications should be processed concurrently, however since CDPHE review is required, and involves time frames not within the control of the County, concurrently submitted applications are not subject to any mandatory processing time frames or time limitations to proceed to a hearing.

(5) **Requirement to Pay Tipping Fees.**

(a) **Tipping Fees to be Paid by CD Facilities.** Certificate of Designation facilities are considered solid waste disposal sites and facilities and shall participate in the collection of a solid waste tipping fee to fund solid waste planning and other solid-waste-related activities in the County as provided in the El Paso County Solid Waste Disposal Site and Facility Fund ("Tipping Fee") Resolution.

(b) **State Fees Not Required to be Paid for Recycled Materials.** Those facilities classified as recycling facilities or facilities where a Certificate of Designation is not required are not required to collect the fees in C.R.S. § 25-16-104.5 for those wastes that are recycled.

(c) **Local Tipping Fees Not Required to be Paid for Recycled Materials.** Those facilities classified as recycling facilities or facilities where a Certificate of Designation is not required are not required to collect or remit to the County the fees identified in the El Paso County Solid Waste Disposal Site and Facility Fund ("Tipping Fee") Resolution for those wastes that are recycled.

(6) **Construction and Stormwater Requirements.** A facility approved under this Section shall comply with the requirements of the ECM and applicable federal, State, and local requirements.

(7) **Outdoor Processing and Storage of Untreated or Unprocessed Waste Prohibited.** Solid waste processing facilities or recycling facilities operations shall take place completely enclosed within a structure unless otherwise specifically provided for in the approved plan. Storage of untreated or unprocessed waste shall not exceed the time limits described in the approved plans, conditions of approval, or as otherwise required by the CDPHE.

(8) **Odor, Animal and Vector Control.** At no time shall a waste disposal site or waste processing facility create malodorous conditions or allow the harborage of animals or provide conditions allowing vectors, including the breeding of mosquitoes and flies.

(C) **Operations Plan.**

(1) **Requirement to Prepare an Operations Plan.** The operational plans for facilities shall address or provide, at a minimum, the following, to the extent applicable. Additional requirements may be applicable by the State to specific types of facilities.

- Name, address, and work telephone number of the onsite operator and a brief description of his or her qualifications and responsibilities for the management and safe operation of the facility;
- Days and hours of operation;
- Tipping fee schedule, to be updated as needed;
- List of all equipment on site along with number and job descriptions of personnel on site;
- Any provision for a small (non-commercial) vehicle tipping area or recycling center;
- Depiction of the proposed sign at the facility entrance identifying the wastes the facility can and cannot accept, the hours of operation, business and emergency telephone numbers, the posted location of the Certificate of Designation, the operational plan and the site development plan, and any other pertinent information;
- Record-keeping and reporting practices, acceptable to the CDPHE and El Paso County;
- Safety and access control, including fencing, road and driveway maintenance, vehicular inspections, control of public activity, locked gates, etc., acceptable to El Paso County;
- Drinking water and sanitary provisions, acceptable to the EPCPH;
- Any provision for showers and dressing room and similar facilities for employees;
- Control of nuisance situations, including regular policing of litter in and around the facility, including adjacent roadways, and controls in relation to high winds, unsecured loads, vectors (insects, rodents, etc.), odor, dust, noise, lights, illegal dumping and minor fire, acceptable to El Paso County;
- Contingency plan to be followed in the event of essential equipment (compactor, bailer, tire shredder, etc.) breakdown, including prospect of temporary closure;
- Waste screening, including procedures and practices, recognized by the industry and federal government, for hazardous, radioactive and explosive wastes identification or detection and for isolation and removal along with requirements for a certified or EPCPH approved instructional program for employees for handling hazardous, radioactive and explosive wastes situations and establishment of proper notification and reporting procedures to appropriate federal, State and local agencies;
- Contingency plan for short-term and long-term closure in the event of a hazardous, radioactive, explosive wastes or other emergency;
- Storage standards and spill response procedures for fluids such as oil, gasoline, and solvents used at or received by the facility, acceptable to the Sheriff's Office, local fire department, and the CDPHE and EPCPH;
- Fire control and emergency response procedures and training, including the handling of hot loads delivered to the site, fires originating within a structure, any tire piles or landfill area,

fires caused by on site equipment, etc. Said procedure is to indicate specific provisions to control fires acceptable to the County Fire Authority and the fire department;

- Medical response capabilities, including onsite first aid and availability of ambulance service, for employees, trash haulers, and customers;
- Methods of monitoring and abating potentially explosive gases and subsequent recording and reporting, acceptable to the CDPHE and El Paso County;
- Methods and procedures for monitoring groundwater quality and subsequent recording and reporting, acceptable to the CDPHE and El Paso County;
- Methods by which liquids, including leachate, associated with the facility will be monitored, captured and properly disposed along with subsequent recording and reporting, acceptable to the CDPHE and El Paso County;
- Procedures for conducting and reporting any studies, tests and inspections, including the quality assurance and quality control program, required by the CDPHE and El Paso County;
- Inclusion of any other provisions in compliance with the conditions and requirements applicable to the specific type of facility;
- Inclusion of any other provisions in compliance with any operational requirements mandated by federal or State law or regulation or local requirements; and
- Other elements, components and procedures which may be unique to the type of facility proposed.

(2) **Operations Plan to Conform to CDPHE Requirements.** The operations plan or design and operations plan shall comply with the applicable CDPHE requirements.

(3) **Requirement to Maintain an Approved Operations Plan.** A copy of the approved operations plan shall be maintained at the facility. Copies of the approved operations plan shall be placed on file at the PCD and with the local fire department.

(D) **Closure Plan.**

(1) **Requirement to Prepare and Implement a Closure Plan.** Facilities shall prepare and implement a closure plan in accordance with applicable CDPHE regulation and the requirements of this Section.

(E) **General Requirements Waste Disposal and Recycling Facilities Not Requiring a Certificate of Designation.**

(1) **Trash Transfer Facility or Intermediate Processing Facilities.**

(a) **Receive Only Household, Commercial and Industrial Wastes.** Unless otherwise specifically considered and approved, a trash transfer facility or intermediate processing facility shall receive only household, commercial and industrial solid wastes (as these terms are defined by Part 258, RCRA Subtitle D Regulations and State regulations) including construction and demolition materials (containing no asbestos). Acceptance of wastes involving bulk or containerized liquids, sewage or water treatment sludge, septic tank pumping, friable asbestos (containerized or otherwise), small quantity generator hazardous waste (as defined by federal regulation), infectious medical wastes, and any other "special wastes" that are not classified as hazardous, toxic or highly flammable by federal or State regulation, shall not be allowed unless acceptance is allowed by State regulations, deemed appropriate by the BoCC and expressly approved, and the facility is specifically designed and approved for these wastes. All composting, co-composting, recycling, soil stripping,

and incineration programs on site or associated with the facility shall likewise require specific consideration and approval.

(b) **No Radioactive Materials.** No radioactive materials or materials contaminated by radioactive substance shall be disposed of at any trash transfer facility or intermediate processing facility. Detection devices and procedures shall be required to assure compliance.

(c) **Transfer Standards.** Refuse may be transferred from one type of containerized collection receptacle, processed by shredding, baling, or compaction to another receptacle. All solid waste received at a transfer station shall be transferred as soon as practicable. All solid wastes arriving at the transfer station that are not transferred within 24 hours of receipt shall be placed in closed containers or in totally enclosed structures, structures, or other means of cover acceptable to the CDPHE, that deter water, birds, insects, rodents and other vectors from reaching wastes. All structures where solid wastes are dumped or stored shall be equipped with doors that close or roll down.

(d) **Transfer Stations Comply with Regulations.** Transfer stations shall comply with the health laws, standards, rules, and regulations of the CDPHE, the stormwater rules of the Water Quality Control Commission and the Air Quality Control Commission, and all other applicable local laws, ordinances and regulations.

(e) **Comply with State Design Criteria and Operations.** The facility shall comply with the design criteria and operations standards of the State.

(f) **Issues to be Addressed by Operational Plan.** The operational plan shall, among other things, satisfactorily address or provide:

- Interim storage of all solid wastes awaiting transport to a solid wastes disposal site and facility and all materials to be recycled;
- Information regarding the proposed acquisition, location, and operation of any heavy equipment or machinery to be used in the operation;
- The parking location of any temporarily parked trash trucks or trash transfer vehicles;
- All methods of cleaning the facility and equipment;
- A detailed building plan showing the operational design of the facility;
- Information relating the primary means of selling or disposing of recycled materials and the proposed site for final disposal of the residual solid wastes; and
- An alternative ultimate disposal plan to be carried out in the event that the operation is not or cannot be conducted as proposed.

(g) **Solid Waste Structure Location.** All structures where solid wastes are dumped or stored or areas where containerized solid wastes are stored shall be setback at least 100 feet from all property lines, and the facility site shall be fenced, landscaped, or otherwise buffered so as to minimize impacts on neighboring property. Where deemed appropriate, setback requirements may be varied.

(h) **No Dumping or Storage of Waste in Open Areas.** Non-containerized solid wastes shall not be dumped or stored in open areas.

(i) **Additional Findings.** In addition to the applicable standards of review and findings, the following additional findings shall apply to approval of a trash transfer facility or intermediate processing facility:

- The facility will comply with the special use standards;
- The facility is designed to make it as efficient and effective as possible and to assure that any recycling or other component programs are properly integrated into the facility;
- The proposed location of the facility, in relationship to the community areas to be served by it and the location of the landfill which will be receiving its solid wastes, will adequately serve the needs of El Paso County; and
- The prospects of air, soil and water contamination, along with other potential health and environmental impacts, both onsite and off-site, have been satisfactorily addressed and minimized.

(j) **Closure Plan.** A closure plan for a transfer station shall include a plan for the removal of all stored solid wastes and wash down liquids. The CDPHE and the County shall be notified, in writing, of temporary or permanent closure of the transfer station.

(2) **Infectious Waste Transfer Facilities.**

(a) **Receipt, Storage and Transfer of Contained Infectious Waste Only.** Infectious waste transfer facilities shall be limited to the receipt, storage and transfer of contained infectious waste only. No treatment or processing of infectious waste shall be sited. Non-incidental solid waste functions which are not related to infectious waste transfer shall require approval by the BoCC.

Onsite, occasional and household generators are exempted from these requirements as provided by Section 13.2 of the State Solid Waste Regulations and C.R.S. § 25-115-404.

(b) **Applicants Required to Comply with this Section.** Any applicant for an infectious waste transfer facility shall comply with the procedures, requirements, conditions and standards of this Section with the following modifications:

- The application shall specifically be processed in accordance with and maintain compliance with applicable portions of Section 13, "Infectious Wastes Disposal" of the State Solid Waste Regulations;
- All applications shall specify what general types of infectious wastes shall be accepted at the facility. This list is subject to review and approval by the BoCC;
- All applications and operational plans shall specifically identify the proposed treatment or final disposal facility to which the wastes will be transferred; and
- Operational data requirements shall be limited to those necessary to minimize any land use concerns, to assure that adequate services exist on site, to adequately address all health, safety and security concerns, and to make certain that the disposal site accepts no other materials than those authorized.

(c) **Operational and Location Standards.**

(i) 200 Foot Setback from Residential Use. The facility shall be located a minimum of 200 feet from the boundary of the nearest zoning district which allows residential uses.

(ii) Security. Fencing, signage, lighting and other security measures shall be sufficient to preclude unauthorized access and disposal. Access to the facility shall be controlled at all times to preclude unauthorized access or disposal.

(iii) Customers Limited. The facility shall not be open to the general public, and an updated list of all customers using the facility shall be maintained by the operator.

(iv) Transport and Handling of Infectious Waste. Transport, storage, handling and manifesting of infectious wastes shall be in accordance with Sections 13.7.5 and 13.8 of the State Solid Wastes Regulations except as more stringent requirements may be provided for in these local regulations.

(v) Back-Up Power Supply Required. A back-up power supply shall be provided for refrigeration and a contingency plan shall be prepared to address refrigeration or other failures.

(vi) Daily Inspection Records. Daily inspection records shall be maintained and made available pursuant to Section 13.7.7 of the State Solid Waste Regulations.

(vii) Spill Incident Reports. Spill incident reports required in Section 13.8.5 of the State solid waste regulations shall also be provided to the EPCPH.

(viii) Truck Washing and Disinfection. Trucks or other storage facilities shall not be washed prior to adequate disinfection. All wastewater from the washing operation shall be collected and treated in an approved and adequate central sewer system.

(ix) No Temporary Storage on Non-Designated Sites. Mobile storage units which contain transferred infectious waste shall not be temporarily stored at non-designated sites within El Paso County except under emergency conditions as defined in the facility's operational plan.

(x) Refrigeration of Wastes Stored for 48 Hours. Infectious waste to be stored longer than 48 hours shall be stored inside an enclosed structure maintained at 45°F or less which provides a minimum of 3 days storage, considering both volume (cubic yards) and weight (tons). Untreated waste may not be stored longer than 2 weeks without written permission of the CDPHE.

(d) **Additional Findings.** In addition to the applicable standards of review and findings, the following additional findings shall apply to an infectious waste transfer facility:

- The facility will comply with the special use standards;
- Primary and back-up power supplies are adequate;
- Refrigeration failure and other incident response plans are adequate;
- Adequate and properly trained personnel will be available;
- Access to the facility will be sufficiently controlled to preclude unauthorized access and disposal at all times;
- Facility capacity and contingency plans are adequate to address weather-related and other ordinarily anticipated disruptions in transportation to final treatment or disposal sites; and
- Radiological and hazardous waste detection and screening procedures are adequate.

(e) **Closure Plan.** Closure plans for final closure of the infectious waste transfer station shall include a plan for the removal of all stored wastes and wash down liquids. The CDPHE and the County shall be notified, in writing, of temporary or permanent closure of the transfer station.

The facility shall be closed in accordance with regulations in effect at the time of closure and with the closure plan, which if amended, shall be submitted for review and approval by the CDPHE 60 days prior to closure.

(3) **Recycling Facilities Including Material Recovery Facilities.** These requirements are applicable to a facility which qualifies as a recycling facility under Section 8 of the CDPHE regulations pertaining to solid waste disposal sites.

(a) **Exemptions.** The following activities and facilities are not subject to regulation by this Section:

- Drop-off or buy-back centers for recyclable materials, including household hazardous waste facilities;
- Recycling facilities that are located on the same site where the waste is generated, and that recycle or store only waste from that site (examples are: an office building that stores materials for routine pick-up by a recycler or a construction project that is processing materials derived from the project);
- Businesses that recycle materials only as a sideline or by-product of their normal business activities (examples are: a gravel operation that brings in concrete or asphalt rubble for eventual grinding into recycled aggregate or highway construction projects that process concrete and asphalt as part of the overall project);
- Composting facilities that are separately regulated under Section 14 of the State Solid Waste Regulations; and
- Facilities that collect and process automobiles, appliances or scrap metal components.

(b) **Receive Only Household, Commercial and Industrial Solid Wastes.** Unless otherwise specifically considered and approved, Recycling Facilities including Material Recovery Facilities shall receive only household, commercial and industrial solid wastes (as these terms are defined by Part 258, RCRA Subtitle D Regulations) including construction and demolition materials (containing no asbestos). Acceptance of wastes involving bulk or containerized liquids, sewage or water treatment sludge, septic tank pumpings, friable and non-friable asbestos (containerized or otherwise), small quantity generator hazardous waste (as defined by federal regulation), infectious medical wastes, and any other special wastes that are not classified as hazardous, toxic or highly flammable by federal or State regulation, shall not be allowed.

(c) **No Radioactive Materials.** No radioactive materials or materials contaminated by radioactive substance shall be accepted, transferred, or processed at any recycling facility including material recovery facilities station. Detection devices and procedures shall be required to assure compliance.

(d) **Materials Recovery Facilities to Comply with Regulations.** Material recover and recycling facilities shall comply with the health laws, standards, rules, and regulations of the CDPHE, the stormwater rules of the Water Quality Control Commission and the Air Quality Control Commission, and all other applicable local laws, ordinances and regulations.

(e) **Comply with State Design Criteria and Operations.** The facility shall comply with the design criteria and operations standards of the State.

(f) **Issues to be Addressed by Operational Plan.** The operational plan shall, among other things, satisfactorily address or provide:

- Interim storage of all solid wastes awaiting transport to a Solid Wastes Disposal Site and Facility and all materials to be recycled;
- Information regarding the proposed acquisition, location, and operation of any heavy equipment or machinery to be used in the operation;
- The parking location of any temporarily parked material trucks or material transfer vehicles;
- All methods of cleaning the facility and equipment;
- A detailed building plan showing the operational design of the facility;
- Information relating the primary means of selling or disposing of recycled materials and the proposed site for final disposal of the residual solid wastes; and
- An alternative ultimate disposal plan to be carried out in the event that the operation is not or cannot be conducted as proposed.

(g) **Solid Waste Structure Location.** All buildings where solid wastes are dumped or stored or areas where containerized solid wastes are stored shall be located at least 100 feet from all property lines, and the facility site shall be fenced, landscaped or otherwise buffered so as to minimize impacts on neighboring property. Where determined to be appropriate, location requirements may be varied in the approval of a facility.

(h) **Fencing Required.** The facility shall be adequately fenced with a minimum of 6 feet chain link fence or equivalent, so as to prevent all loose waste material and debris from escaping and to provide security from unauthorized access to the facility. Loose materials and debris shall not be allowed to accumulate along the fence line.

(i) **Minimum Site and Facility Standards.**

(i) Minimize Dust. Recycling facilities shall be operated and managed to minimize the potential for release of contaminants to groundwater and to minimize the creation of dust and odors or other nuisance conditions.

(ii) Operations Subject to Blowing Operated Indoors. here a recycling facility processes paper waste, all unloading, processing, baling, or otherwise consolidating of paper waste that is subject to blowing shall be located completely indoors. Outdoor storage of bales is allowed.

(j) **Recycling Plan.** The recycling plan shall include, but not be limited to:

- Items to be recycled may include but not be limited to: glass, plastic, paper, cardboard, aluminum and other metals, tires, oil and batteries;
- Detail of recycling process, beginning with initial disposition at the facility to final recovery point;
- Conceptual floor plan outlining process;
- Methods of recycling (mechanical vs. non-mechanical). If mechanical, list number and type of equipment;
- Number of employees and work stations of employees;
- Storage and disposition of recycled products; and
- Estimate of quantities/volumes of recycled products.

(k) **Reporting.** The County shall be included in any reporting required by CDPHE regulations

(l) **Additional Findings for a Recycling Facility.** In addition to the applicable standards of review and findings, the following additional findings shall apply to approval of a recycling facility:

- The facility will comply with the special use standards;
- The proposed location of the facility, in relationship to the community areas to be served by it and the location of the end user which will be receiving the materials will adequately serve the needs of El Paso County; and
- The prospects of air, soil and water contamination, along with other potential health and environmental impacts, both onsite and off-site, have been satisfactorily addressed and minimized.

(m) **Closure.** At the termination of a recycling activity, a facility shall either close in accordance with CDPHE regulations or obtain a Certificate of Designation for solid waste disposal. The CDPHE and the County shall be notified, in writing, of temporary or permanent closure of the recycling facility.

All solid waste and all other materials shall be removed from the facility prior to closure and potential nuisance conditions shall be addressed. All wastes shall be taken to an appropriate solid waste site and facility for proper management or disposal.

(4) **Composting Facilities, Yard Waste Recycling Facilities.** These requirements are applicable to all facilities that compost, incorporate into compost, or utilize in a composting process any organic solid waste that can be biologically decomposed, including, but not limited to, food and green waste, manure, animal products, sawdust, and paper.

(a) **Exceptions.** The regulations of this Section do not apply to:

- Backyard composting, processing yard or landscaping waste into mulch, or a business that accepts finished compost for bagging or handling;
- Agricultural composting if: (1) compost materials are derived from onsite agricultural activities by the generator only; and (2) the facility only imports other compatible materials in quantities necessary for effective composting as part of a standard agriculture practice; and (3) composting activities that occur at the site of generation or contiguous property owned or leased by the generator; and
- The composting of biosolids with other materials under regulations promulgated pursuant to C.R.S. § 25-8- 205 (1)(e).

(b) **Regulatory Applicability.** All composting facilities shall comply with the minimum standards as defined herein, and shall be in compliance with all applicable federal, State or local statutes, regulations, requirements or ordinances.

(c) **Minimum Standards of Operation for Composting Facilities.** All composting facilities shall operate in a manner to:

- Control surface water flowing onto the site and prevent surface water from leaving the site;
- Control onsite and prevent off-site nuisance conditions such as noise, dust, odors, vectors and windblown debris;
- Prevent water pollution at or beyond the site boundaries; and
- Control access to prevent illegal dumping.

(d) **Additional Findings for a Composting Facility.** In addition to the applicable standards of review and findings, the following additional findings shall apply to approval of a composting facility:

- The facility will comply with the special use standards of Chapter 5.
- The facility is designed to make it as efficient and effective as possible and to assure that any recycling or other component programs are properly integrated into the facility.
- The proposed location of the facility, in relationship to the community areas to be served by it and the location of the end user which will be receiving the materials, will adequately serve the needs of El Paso County.
- The prospects of air, soil and water contamination, along with other potential health and environmental impacts, both onsite and off-site, have been satisfactorily addressed and minimized.

(e) **Closure Plan.** If at any time a composting facility ceases operation, including the discontinued receipt, processing and sale of materials, for more than 180 days or otherwise approved by the PCD and the BoCC, the owner or operator shall begin implementation of its closure plan. Closure activities shall not exceed 90 days in length. Extension of the closure period may be granted by the BoCC if the owner or operator demonstrates that closure will of necessity take longer than 90 days and all measures necessary to prevent threats to human health and the environment will be taken. On implementation of the closure plan, the facility shall provide written notification to the CDPHE and the BoCC.

(f) **Post-Closure Care and Maintenance.** Following closure of the facility, a notation shall be placed on the deed notifying any potential purchaser that the property has been used as a composting facility.

The post-closure care and maintenance period shall be for a minimum of 5 years and shall consist of:

- Continued monitoring and sampling of groundwater or surface water; and
- Inspection and maintenance of any cover material or vegetation.

(5) **Waste Tire Recycling Facilities.** These requirements are applicable to all facilities that accept waste tires for recycling, including shredding, splitting, baling, or whole tire storage where the tires are not being landfilled.

(a) **Exceptions.** The use of a portable shredder, splitter, or baler at the site of a retail or wholesale tire store is not subject to these requirements unless the recycled tire materials are to be stored on site for a period longer than one week. Waste tire recycling at an approved solid waste disposal site requires no special approvals provided the recycling activity is identified in the approved operations plan.

(b) **Regulatory Applicability.** Waste tire recycling facilities shall comply with the minimum standards as defined herein, and shall be in compliance with all applicable federal, State or local statutes, regulations, requirements or ordinances.

(c) **General Requirements and Limitations.**

(i) Accept Whole, Split, Baled, or Shredded Waste Tires. These facilities may only accept whole, split, baled, or shredded waste tires, including reusable whole tires, unless specifically approved by the BoCC to accept other materials.

(ii) No Retail Sales. No retail sales shall be allowed from these facilities unless sited by zoning and specifically allowed by the BoCC.

(iii) Comply with Regulations. Waste tire recycling facilities shall comply with the health laws, standards, rules, and regulations of the CDPHE, the stormwater rules of the Water Quality Control Commission and the Air Quality Control Commission, and all other applicable local laws, ordinances and regulations.

(iv) Comply with State Design Criteria. The facility shall comply with the design criteria and operations standards of the State.

(v) No Storage of Excess Tires. The quantity of tires stored above-ground on site will not exceed that amount necessary for the effective conduct of business.

(vi) No Tipping Fees for Recycled Material. A waste tire recycling facility is not required to pay tipping fees to El Paso County because the waste is recycled.

(d) **Operating Plan.** The operational plan shall, among other things, satisfactorily address or provide:

- Interim storage of waste tires to be recycled, including provisions limiting sizes of individual tire piles to a height and width that allows for sufficient fire lanes and proper control and management as specified by the County Fire Authority and the pertinent fire department;
- Information regarding the proposed acquisition, location, and operation of any tire shredding machine or other heavy machinery to be used in the tire recycling operation;
- Information regarding the sale or disposition of tires or tire products;
- An alternative ultimate disposal plan to be carried out in the event that the operation is not or cannot be conducted as proposed; and
- All of the operational requirements contained in or imposed through Section 8 of the State Solid Waste Regulations.

(e) **Site Conditions and Operating Standards.**

(i) Stockpiling of Tires Limited. The stockpiling of reusable tires at either of these facilities shall not exceed that minimally necessary for the conduct of the applicant's tire resale business, and in no case more than 10,000 tires unless justified by the applicant and specifically approved by the BoCC. All stockpiles shall be stacked no more than 6 feet high.

(ii) Control of Drainage. Any surface drainage entering into or originating in the facility shall be controlled so that it does not flow into the storage areas, and any surface flows leaving these areas shall be minimized and controlled so as to create no significant degradation as to water quality. Surface flows in any area where tire shredding activity or shredded tire storage is occurring shall be fully retained, and all tire-pollutants shall be removed to the maximum extent practicable or as otherwise prescribed by federal or State Statutes. No tires shall be placed within any drainage way or in any storage area below groundwater level.

(iii) Disturbed Soils. The design and operation of the facility shall be such as to minimize the quantity of disturbed surface area on the site. All grading or soil

disturbance activity on site shall be conducted in a manner consistent with all federal, State and local requirements, including those applicable to air quality.

(iv) No Storage of Tires in Floodplain. No storage of waste tires shall occur within any regulated floodplain or within any drainage way or wetland without the approval or other authorizing action by the CDPHE, the BoCC, and any other federal, State, or local agency with authority over the use or protection of the drainage way or wetland.

(v) Fencing and Landscaping. Fencing, landscaping and berming shall be installed as necessary for appropriate buffering to visually screen the operation from surrounding properties and nearby roads.

(vi) Cell Size of Stockpiles. In no case shall storage piles of whole tires, tire bales, or tire shreds that are stored on open ground or in cells be larger than 50 feet in width, 250 feet in length. If stored in below grade cells, tires shall not exceed 30 feet in depth. If stored above grade, tire height shall not exceed 10 feet. Any required berming between cells or piles shall equal the depth or height of the adjoining cells or piles. An approved field measurement system shall be employed to facilitate estimates of pile dimensions.

(vii) Separation of Stockpiles. A minimum of 40 feet shall be maintained between piles of whole, shredded, or baled tires to allow access for firefighting equipment.

(viii) Clear Area Between Stockpiles and Buildings. A minimum distance of 50 feet of clear area is to be maintained from all buildings and property lines when surface level tire piles are utilized.

(ix) Location of Excavated Storage Areas. Any excavated areas for storing waste tires shall be at least 100 feet from all buildings and property lines.

(x) Location of Processing. Any tire shredding, splitting, baling, or processing equipment shall be situated at least 200 feet from all property lines or onsite hydrants or cisterns used for fire control, and at least 500 feet from any whole tire storage cells.

(xi) Variation in Setback Requirements. Setback requirements may be varied in the approval of the site development plan and operating plan after recommendation by the fire department, where deemed appropriate.

(xii) All Weather Access Roads. The facility shall maintain all-weather access roads to those areas of active operation and as necessary to meet the obligations of the fire control plan.

(xiii) Litter and Vegetation Control. The facility shall collect litter in order to avoid a fire hazard or a nuisance and control the growth of vegetation to minimize potential fuel sources.

(xiv) Security. Adequate fencing, natural barriers or other security measures to preclude public entry shall extend around the entire perimeter of the facility and shall include a lockable gate or gates.

(xv) Facility to be Signed. Prominent signs shall be posted in public view at the entrance to the facility with the name of the facility, the hours which the facility is open for public use, a listing of the wastes accepted at the facility, and a phone number for a 24-hour emergency contact.

(xvi) Telephone Required. The operator shall maintain a working telephone at the facility.

(xvii) Vector Control Plan. The operator of a waste tire facility shall have a written vector control plan that shall be submitted to the BoCC. If pesticides are used in vector control efforts, they shall be used in accordance with the Pesticide Applicator's Act, C.R.S. § 35-10-101, et seq.

(xviii) Attendant. During all stages of operation the facility shall have an attendant who is responsible for site activities.

(f) **Fire Protection.**

(i) Fire Control Plan. The operator shall submit a fire control plan specifying the facility's fire lane locations and widths, the means that are assumed to be used to extinguish fires, and designation of a facility emergency coordinator.

(ii) Plan to Conform to Fire Department. The fire control plan shall be in accordance with local fire codes and the plan shall be written by a qualified professional and submitted to and approved by the Fire Authority and the applicable fire department prior to beginning operations. A copy of the local fire control authority approval shall be forwarded to the CDPHE.

(iii) Equipment to Suppress Fire Available. Adequate heavy equipment for the purposes of suppressing a tire fire shall be kept available within the vicinity of these facilities. An adequate quantity of fire extinguishers and other equipment appropriate for fighting non-tire fires shall be maintained at the facilities, and with any operating equipment such as shredders, balers, etc. The applicant shall make other arrangements for the fighting and prevention of fires at the facilities as are satisfactory to the Fire Authority and the pertinent fire department. A secondary access to the site for emergency purposes shall be provided and designated on the site development plan for the facility. Compliance with these requirements shall be fully and consistently reflected in the operational plan.

(iv) Design to Reduce Spread of Fire. Measures will be incorporated into the design of the request to adequately reduce the spreading of any potential tire fires.

(g) **Reporting Requirements.**

(i) Annual Report Submitted by May 1. An annual report shall be submitted by the facility by May 1 of each year. The report shall state the amounts of waste tires received at the facility, processed, disposed of onsite, and shipped off-site for the preceding calendar year.

(ii) Inventory. Inventory of waste tires shall be tracked by the operator of the facility in and out of the facility, with the inventory including a precise correlation of quantities of the tires with their identified source and final destination. Copies of these reports shall be submitted to the PCD and EPCPH on at least an annual basis or more frequently if so directed by the BoCC.

(iii) Notification of Emergency. The facility shall immediately notify the EPCPH and the CDPHE in the event of a fire or other emergency. Within 2 weeks of this notification, the facility shall submit a report on the emergency to the Department and the BoCC. This report shall describe the origins of the emergency, the actions that have been taken, actions that are currently being

taken or are planned, results or anticipated results of these actions, and an approximate date of resolution of the problems generated by the emergency.

(h) **Additional Findings for a Waste Tire Recycling Facility.** In addition to the applicable standards of review and findings, the following additional findings shall apply to approval of a waste tire recycling facility:

- The facility will comply with the special use standards of Chapter 5.
- The facility is designed to make it as efficient and effective as possible and to assure that any recycling or other component programs are properly integrated into the facility.
- The proposed location of the facility, in relationship to the community areas to be served by it and the location of the end user which will be receiving the recycled tires will adequately serve the needs of El Paso County.
- The prospects of air, soil and water contamination, along with other potential health and environmental impacts, both onsite and off-site, have been satisfactorily addressed and minimized.

(i) **Closure Plan.** At the termination of a recycling activity, a facility shall either close in accordance with CDPHE regulations or obtain a Certificate of Designation for solid waste disposal. The CDPHE and the County shall be notified, in writing, of temporary or permanent closure of the recycling facility.

All solid waste and all other materials shall be removed from the facility prior to closure and potential nuisance conditions shall be addressed. All wastes shall be taken to an appropriate solid waste site and facility for proper management or disposal.

(6) **Inert Material Disposal Sites.** These requirements are applicable to all facilities that are considered an inert material disposal site.

(a) **Special Use Permit Required.** Any person desiring to operate an inert material solid waste disposal site which does not qualify for exception below as a minor inert material disposal site shall make application for special use approval to PCD.

(b) **Minor Inert Material Disposal Site Exception.**

(i) Applicability and Exemption. A minor inert material disposal site that satisfies the requirements of this Section is not required to secure a special use permit or comply with the general waste disposal and recycling facility requirement.

(ii) Compliance with Other Applicable Laws. A minor inert material disposal site shall satisfy all other federal, State, and local regulations and requirements, including those pertaining to floodplains, wetlands preservation, water quality protection, and dust and erosion control.

(iii) Limits on Type of Inert Material. The only inert material being disposed of is earth, sand, gravel, rock, hardened concrete, or masonry.

(iv) Filled with Landowner Consent. The disposal site is being filled, with the knowledge and consent of the landowner, for the primary purpose of leveling, raising, or otherwise preparing land for road or building construction or other allowed land use that requires a leveled, raised, or prepared surface.

(v) Limit on Amount of Material. The total amount of inert material to be placed on the site is less than 100,000 cubic yards and covers 10 acres or less of land, and

the disposal site is not adjacent to another property which was filled pursuant to this exception during the past 18 months.

(vi) Covered and Revegetated. The filling operation, including compacting and leveling of all disposed material, is covered with at least 6 inches of soil and revegetated in accordance with the ESQCP, or road or building construction is commenced and will be completed within 12 months of initial disposal activity.

(vii) Filling Activity Complies with ECM. The filling operation shall be in compliance with the ECM and any applicable permit.

(viii) Filling Activity Complies with Noxious Weed Plan. The filling operation shall be in compliance with the noxious weed management plan requirements of this Code.

(ix) Failure to Comply with Standards. Failure to comply with any of these requirements, as determined by the PCD Director, either before or after starting the activity, requires compliance with the special use permit provisions of this Code and any applicable general waste disposal and recycling facility requirements.

(c) **Disposal Limited.** Disposal of inert material at any approved site shall be limited to earth, sand, gravel, rock, hardened concrete, masonry, asphalt paving fragments, scrap lumber and plywood, waste or diseased trees, drywall, shingles, and other demolition or construction wastes approved through this review process. It does not include, among other things, asbestos or anything containing hazardous or toxic wastes or materials, yard clippings or other organic wastes, waste tires, junked vehicles, sludge or industrial wastes or by-products, or petroleum or other contaminated soil.

(d) **Conditions and Standards.** Any applicant for an inert material disposal site shall be required to comply with the procedures, requirements, conditions and standards of this Code, with the following modifications:

(i) Applications to Specify Materials to be Disposed. All applications shall specify what types of inert materials are proposed to be disposed at the proposed site. This list is subject to review and approval by the BoCC.

(ii) Reports Required. The following reports are required in addition to any special use requirements: operational plan, visual impact analysis, traffic impact analysis, noxious weed management plan, ultimate land use analysis, and drainage and erosion control plan. Appropriate geological, hydrological, and engineering information also may be required by the PCD Director, when considered necessary. Operational data requirements will be limited to those necessary to minimize any land use compatibility concerns, to assure that adequate services exist on site, and to make certain that the disposal site accepts no other materials than those authorized. A satisfactory reclamation plan, including sufficient evidence of ability and intent to complete said plan on closure, shall be submitted with the application.

(iii) Not Located in Floodplain. No inert material solid wastes disposal site shall be located in or immediately adjacent to a floodplain or floodway, unless all required floodplain development permits and Section 404 (Federal Clean Water Act) permits have been obtained. Any proposed inert material disposal that will likely have a significant negative impact on water quality or drainage flow patterns will be regarded disfavorably.

(iv) Limited Excavation and Mounding. An inert material solid wastes disposal site shall be designed such that no significant excavation is needed to create room for the disposed materials and such that there is not a "mound" of disposed material that creates a significant grade and height difference with the surrounding terrain, unless the ultimate, use of the property (as allowed by zoning) would establish a need for a mound. A site development plan detailing the size, configuration, and final reclamation and use of the disposal site shall be submitted to the PCD with the application.

(v) Notation on Property Title. The existence and extent of the inert material disposal site shall be duly noted on the title of the property where it is located and recorded with the Clerk and Recorder prior to the commencement of dumping activity.

(e) **Closure Plan.** At the termination of acceptance of inert material the facility shall either close in accordance with CDPHE regulations or obtain a Certificate of Designation for solid waste disposal.

(G) **Certificate of Designation Facilities.**

(1) **Applicability.** These requirements are applicable to all facilities that are considered a solid waste disposal site and facility, including:

- Solid Waste Landfill
- Waste Tire Disposal (Monofill) Facilities
- Infectious Waste Disposal Facilities
- Composting Facilities requiring a CD

(2) **Minimum Standards for Certificate of Designation Facilities.**

(a) **General Requirements and Conditions.**

(i) Allowed by Zoning. A Certificate of Designation shall only be considered and approved in those zoning districts where the specific is allowed by use subject to special review.

(ii) Comments from CDPHE Required. A request for Certificate of Designation will be forwarded to the CDPHE for review based on the standards and criteria as outlined in the "Regulations Pertaining to Solid Wastes Disposal Sites and Facilities". A submittal will be not be deemed complete and scheduled for hearings before the Planning Commission when a final set of review comments have been received from the CDPHE, provided the applicant has complied with all previous information requests and submittal requirements of the PCD, EPCPH and CDPHE.

(iii) CDPHE Recommendations Binding. The conditions and binding recommendations of the CDPHE review shall be adopted as minimal conditions of approval. Other conditions may be imposed by the BoCC in addition to conditions and binding recommendations of the CDPHE. A petition shall not be scheduled for the BoCC hearing until all State recommendations have been satisfied that are a condition precedent to the approval of the Certificate of Designation.

(iv) Comply with All Other Regulations. The operator or owner of the facility shall comply with the laws, standards, rules, regulations and orders of the EPA, the

CDPHE, the Colorado Water Quality Control Commission, and all applicable zoning and other laws and regulations of El Paso County.

(v) Right of Entry. Personnel from the EPCPH , PCD, and other involved County departments shall have a right to enter this property during regular business hours, without notice, for the purpose of inspecting for compliance with the terms and conditions of the Certificate of Designation. During the inspections, the EPCPH and County employees may take samples of the waste, soil, air or water and analyze said samples in order to detect the nature and concentration of any contaminants and may test or otherwise check any environmental monitoring equipment on site. Inspections will be performed by the EPCPH and by County employees in conformance with recognized health and safety procedures. The County will allow the facility owner or operator the opportunity to be present during any sampling activity. On request by the owner or operator at the time of inspection, the County employees will provide split or duplicate samples of materials they collect. The collection and analysis of any waste, soil, air, or water samples will be performed following standard operating procedures and quality control and quality assurance standards.

(vi) Owned and Operated by Applicant. The facility and the facility site shall be solely owned and operated by the applicant. If the applicant is a corporation or partnership, all stockholders and interest holders owning or controlling rights in 20% or more of the total interests in the corporation or partnership, along with managing partners and corporate officers, shall be identified. Any parent corporations or other controlling entities shall likewise be identified. The holder of any Certificate of Designation has an ongoing duty to comply with this requirement and to notify the BoCC as to any changes in this regard.

(vii) No Transfer of CD. A Certificate of Designation is personal to the specified owner and operator of the approved facility and may not be transferred or assigned without the consent of the CDPHE and the BoCC, which action may include a review and modification of the terms and conditions of approval for the facility in accordance with then existing laws and regulations.

(viii) Proof of Adequate Financial Resources. Proof may be required that the applicant has adequate financial resources or is sufficiently capitalized and has adequate material resources and experience (including a past record of quality performance in solid wastes operations) to properly operate the facility and comply with all conditions and requirements. In the event the BoCC determines based on evidence in the record that an applicant does not have the resources or abilities in this regard, additional guaranties or financial assurance from a parent or other closely related corporation, individual stockholder or interest holder, or other source may be required.

(ix) Obtain All Permits Before Operation. Prior to commencement of operation of the facility, all required construction, air and water quality permits shall be obtained and copies provided to the PCD. A final determination by the appropriate enforcement agency as to noncompliance with any air or water quality permit by the owner or operator may be considered as cause by the BoCC for revocation or suspension of a Certificate of Designation. A determination to suspend or revoke a Certificate of Designation shall be made by the BoCC based on the evidence in the record following appropriate notice

and during a public hearing conducted in the same manner as an original approval

(x) Compliance with All Criteria and Restrictions. The facility shall be subject to and comply with all criteria, specifications, procedures, and restrictions contained in the Certificate of Designation application as submitted or amended by the applicant unless said criteria, specifications, procedures, and restrictions are inconsistent with or have been modified by the conditions and requirements imposed by the CDPHE or the BoCC. As a condition of approval, the BoCC may require that the applicant revise its application documents and plans to be consistent with all conditions and requirements imposed and to serve as a legally controlling document for the operation of the facility

(xi) Most Restrictive Provisions Apply. Any federal or State statute, regulation or other authority which is more restrictive or specific than those requirements and conditions imposed under this Section shall be applicable.

(xii) CD Only Valid in Accordance with Financial Assurances. The Certificate of Designation shall only be valid as long as any financial assurances as required by statute or the CDPHE are valid.

(xiii) Only Household, Commercial and Industrial Solid Wastes. Unless otherwise specifically considered and approved, a solid wastes disposal site and facility shall receive only household, commercial and industrial solid wastes (as these terms are defined by Part 258, RCRA Subtitle D Regulations) including construction and demolition materials (containing no asbestos). Disposal of wastes involving bulk or containerized liquids, sewage or water treatment sludge, septic tank pumpings, asbestos (containerized or otherwise), small quantity generator hazardous waste (as defined by federal regulation), infectious medical wastes, and any other "special wastes" that are not classified as hazardous, toxic, or highly flammable by federal or State regulation, shall not be allowed unless disposal is allowed by State regulation and expressly approved after conformance with all applicable federal, State and local laws and regulations. All composting, co-composting, recycling, soil stripping and incineration programs and leachate impoundments on site or associated with the facility shall likewise require specific consideration and approval.

(xiv) Application to Provide Sufficient Evidence. The application for the Certificate of Designation shall include all information required by, along with sufficient evidence that the facility can and will comply with all standards, criteria, procedures, and restrictions of, Sections 2, 4 and 6 (as applicable) of the State solid waste regulations and the provisions of Part 258 of the RCRA Subtitle D Regulations, including design criteria and groundwater and other monitoring and analysis.

(b) **Operating Plan Requirements.** All criteria, specifications, standards, procedures and restrictions included into the application documents and plans shall be reasonably sufficient to substantially alleviate or mitigate all health, safety, environmental and land use risks and impacts that will be or will likely be related to or caused by the operation of the proposed facility. Any risks or impacts unique to the proposed facility or site or that were not otherwise reasonably anticipated may be subject to additional conditions and requirements, not specified herein, that the CDPHE or the BoCC determine, based on the evidence in the record, will effectively work to substantially alleviate or mitigate these risks

or impacts. The BoCC has the authority, in its own discretion, to determine what level of evaluation of risks and impacts shall be undertaken.

(c) **Site Conditions and Operating Standards.**

(i) Public Display of CD. Prior to commencement of operation, the Certificate of Designation shall be publicly displayed in a prominent place at the facility, and placed on file with the PCD and the fire department. The Certificate shall include the approved operational plan and any approved site development plan of the facility.

(ii) Fenced. The facility shall be adequately fenced so as to prevent all loose waste material and debris from escaping the property and to provide security from unauthorized access to the facility. Loose materials and debris shall not be allowed to accumulate along the fence line.

(iii) Only on Property Included in CD and Special Use. All activities approved for the facility shall be conducted exclusively within the legally described boundaries of the area for which the Certificate of Designation was issued and for which the special use approval was granted. All structures, operations, activities, and equipment situated or conducted on the facility site shall be limited to those indicated in the approved application and site development plan or approved amendment.

(iv) Double Fee for Unsecured Loads. The facility operator shall collect double the normal fee from all vehicles entering the facility with unsecured loads. A load may be secured by adequate enclosure, containerization, roping, or tarping. A log of unsecured loads shall be maintained by the operator, including date of the incident, identity of the vehicle and its driver, and type of waste. Said log shall be available for inspection by EPCPH and County staff at any time during regular business hours of the facility.

(v) Access Adequate. All roads providing access to and from and driveways into and throughout the facility shall be of sufficient size, structure, and design to handle the type and level of traffic typically associated with such a facility. The facility shall be served by all-weather roads, driveways and parking areas, all of which shall be treated or surfaced so as to prevent dust nuisances to neighbors and any violations of fugitive dust regulations. To the extent applicable, the ECM and any adopted access standards shall control. If any transportation improvements are indicated, the applicant shall prepare and execute a transportation improvements agreement, in consultation with the appropriate federal, State and local highway authorities. At a minimum, the agreement shall specify the type and timing of the needed improvements, the standards and criteria to which the improvements shall be constructed, any maintenance or future upgrade responsibilities, and the method of financing the improvements.

(vi) Maintenance Area for Equipment. Any facility maintenance area for the repair or upkeep of vehicles or heavy equipment shall be indicated on the site development plan. Adequate safety and environmental protection procedures shall be established in the operational plan for the storage of any liquids other than water and for a response in the event of a spill or leak of fuels, oils, solvents, and other hazardous or flammable liquids. Berming, impervious surfaces and liquid collection systems may be required. Unless otherwise

approved by the BoCC, all heavy duty repairs or maintenance of vehicles and heavy equipment on site involving significant disassembling of engines or machinery shall be conducted inside of an enclosed structure with a concrete floor.

(vii) Water Needs. The applicant shall identify all potable and non-potable water needs at the facility along with the likely source of the water supplies. In particular, the applicant shall demonstrate that it can obtain regular and adequate water supplies for specified fire needs, dust control, cleaning, and the construction and maintenance of liners for solid wastes disposal sites and facilities.

(viii) Area Markers. Prior to commencement of operation of the facility, permanent visible markers shall be placed delineating the area for the approved Certificate of Designation site.

(ix) Ceasing and Resuming Operations. In the event that the operator ceases operations at the facility for in excess of 180 days, the BoCC may demand, in writing, that the operator resume operations by a specified date or, if this is not possible, initiate final closure activity. Failure by the operator to comply with this demand shall enable the BoCC, after notice to the operator and the holding of a public meeting on this matter, to undertake all necessary and prudent actions for the closure of the facility.

(x) No Landfilling in Drainage ways. No landfilling shall occur within any regulated floodplain under any circumstances nor within any drainage way, wetland, or geologic hazard areas without the approval or other authorizing action by the CDPHE, the BoCC, and any other federal, State, or local agency with authority over the use or protection of drainage ways, wetlands, or geologic hazard areas.

(xi) No Radioactive Materials. No radioactive materials or materials contaminated by radioactive substances shall be disposed of at any Solid Waste Disposal Site or facility not specifically approved for that purpose. Detection devices or procedures shall be required to assure compliance.

(xii) Drainage Controlled. Any surface drainage entering into or originating in the facility shall be controlled so that it does not flow into active or completed landfilling areas, unless otherwise approved by the BoCC as part of a facility's drainage and erosion control plan. Surface flows, coming in contact with refuse, at the working face or otherwise, shall be fully retained, with all waste-related pollutants being removed to the maximum extent practicable or as otherwise prescribed by federal or State law. Any proposed or recommended diversion structures shall be designed in accordance with the ECM. All detention facilities and diversion structures shall be regularly tested for hazardous or toxic contamination, as established in the approved operational plan, and shall be subject to any necessary corrective action as specified by the CDPHE and the EPCPH.

(xiii) Minimize Disturbance. Surface area disturbances within the Certificate of Designation site shall be no more than is absolutely necessary for the effective and efficient operation of the facility. The applicant shall document and justify the maximum surface area to be disturbed at any one time. Adequate erosion control measures shall be designed and implemented to minimize soil loss from

the site. All disturbed areas that can be reclaimed shall be subject to a diligent program of stabilization and revegetation to blend with the surrounding terrain. All grading or soil disturbance activity on site shall be conducted in a manner consistent with all federal, State and local requirements, including those applicable to air quality.

(xiv) Drainage and Erosion Control Plan Review. The drainage and erosion control plan shall be subject to review and comment by the EPCDPW, CGS, and NRCS.

(xv) Operational Plan. The Operational Plan for the facility shall require, among other things, that: (1) a minimum of 6 inches of cover soil or other approved cover shall be placed over all exposed refuse at the end of each working day; (2) the working face (area where refuse is exposed) of the active landfilling area shall be limited, at any given moment, to a total area of 22,500 square feet unless a larger working face is justified by the applicant and approved by the BoCC; (3) any landfilling and onsite borrowing activity shall not be conducted outside the areas specified within the approved site development plan; (4) any landfilling cells shall be constructed and filled in the manner and sequence prescribed by the approved application and site development plan; (5) the operator shall further restrict the size of the working face, install movable fencing downwind of the face, and implement other effective blowing trash controls during windy periods and shall totally cease landfilling operations during "high wind warnings", as defined by State solid waste regulations; (6) the operator shall remove all blown litter on site and within a mile downwind of the facility within 48 hours following a high wind warning, as defined by State solid waste regulations, or other defined period of sustained wind, as approved by the BoCC in the Operational Plan; and (7) an adequate waste screening process and training program will be implemented for the detection and prevention of disposal of regulated hazardous and toxic wastes.

(xvi) Equipment for Suppressing Fires. Adequate heavy equipment for the purposes of suppressing a landfill fire shall be maintained at the facility. An adequate quantity of fire extinguishers and other equipment appropriate for fighting non-landfill fires shall be maintained at the facility. The applicants shall undertake to make such other arrangements for the fighting and prevention of fires at the facility, as are satisfactory to the County Fire Authority and the pertinent fire department. A secondary access to the site for emergency purposes shall be provided and designated on the site development plan for the facility. Compliance with these requirements shall be fully and consistently reflected in the operational plan.

(xvii) Setbacks from Landfill Cells. Any excavated cells for landfilling shall be at least 100 feet from all buildings and property lines. Where appropriate, setback requirements may be varied. Fencing, landscaping and berming shall be installed as necessary for appropriate buffering.

(d) **Reporting Requirements.** The operator or owner shall prepare and submit all reports and other information designated by the BoCC as necessary to monitor the activities of the facility. All operating records shall be made available, on request, to the County and the CDPHE.

(e) **Additional Requirements for Waste Tire Disposal Facilities.**

(i) Tire Storage Limited. The above-ground storage, sorting or recycling (including shredding, baling, or splitting) of tires may be allowed at a waste tire only disposal facility if these activities are outlined in the approved operational plan and are clearly incidental to the primary purpose of the operation.

(ii) Tire Acceptance. These facilities may only accept whole, split, baled, or shredded Waste Tires, including reusable whole tires, unless specifically approved by the BoCC to accept other materials.

(iii) General Operational Plan Inclusions. For a waste tire disposal facility which has a recycling component, the operational plan shall, among other things, satisfactorily address or provide: (1) interim storage of waste tires to be recycled in accordance with the requirements for waste tire recycling facilities, including provisions limiting sizes of individual tire piles to a height and width that allows for sufficient fire lanes and proper control and management as specified by the County Fire Authority or the pertinent fire department; (2) information regarding the proposed acquisition, location, and operation of any tire shredding machine or other heavy machinery to be used in the tire recycling operation; (3) information regarding the sale or disposition of tires or tire products; (4) an alternative ultimate disposal plan to be carried out in the event that the operation is not or cannot be conducted as proposed; and (5) all of the operational requirements contained in or imposed through Section 9 of the State solid waste regulations.

(iv) Inventory. For a waste tire disposal facility which has a recycling component, the inventory of waste tires shall be tracked by the operator of the facility in and out of the facility, with said inventory including a precise correlation of quantities of the tires with their identified source and final destination. Copies of these reports shall be submitted to the PCD and EPCPH on at least an annual basis or more frequently if so directed by the BoCC.

(v) No Retail Sales. No retail sales shall be allowed from these facilities unless allowed by zoning and specifically designated by the BoCC.

(vi) Maximum Stockpile. The stockpiling of reusable tires at either of these facilities shall not exceed that minimally necessary for the conduct of the applicant's tire resale business, and in no case more than 10,000 tires unless justified by the applicant and specifically approved by the BoCC. All stockpiles shall be stacked no more than 6 feet high.

(vii) Operational Plan to Address Tire Storage and Processing. The operational plan shall, among other things, satisfactorily address or provide: (1) all waste tires to be landfilled shall be split, halved, quartered, baled, chipped, crumbed, or shredded and placed into individual landfilling cells not to exceed 50 feet in width and 250 feet in length with a tire depth of no more than 30 feet; one million tires each; (2) no more than 2 cells shall be operational or under construction at any one time; (3) no more than 12,500 square feet of landfilled tires shall be exposed to view at any one time (one cell); (4) all landfilled tires shall be regularly covered with soil to a depth of at least 2 feet; (5) each cell shall be separated by a minimum of 40 feet for fire department access; and (6) all applicable operational requirements contained in or imposed through Section 9 of the State solid waste regulations.

(viii) Drainage Control. Any surface drainage entering into or originating in either of these facilities shall be controlled so that it does not flow into tire disposal or storage areas, and any surface flows leaving these areas shall be minimized and controlled so as to create no significant degradation as to water quality. Any proposed or recommended diversion structures shall be designed in accordance with the ECM. Surface flows in any area where tire shredding activity or shredded tire storage is occurring shall be fully retained, and all tire-pollutants shall be removed to the maximum extent practicable or as otherwise prescribed by federal or State law. No tires shall be placed within any drainage way or in any cell below groundwater level.

(ix) Minimize Disturbed Area. The design and operation of these facilities shall be such as to minimize the quantity of disturbed surface area on the site. All areas disturbed in the initiation of the operation of these facilities which can be reclaimed and all berms, soil piles, or completed landfill cells shall be diligently stabilized and revegetated to blend in with the surrounding terrain. All grading or soil disturbance activity on site shall be conducted in a manner consistent with all federal, State and local requirements, including those applicable to air quality.

(x) No Landfilling in Floodplain. No landfilling or storage of waste tires shall occur within any regulated floodplain under any circumstances nor within any drainage way or wetland without the approval or other authorizing action by the CDPHE, the BoCC, and any other federal, State, or local agency with authority over the use or protection of the drainage way or wetland.

(xi) Equipment for Suppressing Fire. Adequate heavy equipment for the purposes of suppressing a tire fire shall be kept available within the vicinity of these facilities. An adequate quantity of fire extinguishers and other equipment appropriate for fighting non-tire fires shall be maintained at the facilities, and with any operating equipment such as shredders, balers, etc. The applicants shall undertake to make such other arrangements for the fighting and prevention of fires at the facilities, as are satisfactory to the County Fire Authority and the pertinent fire department. A secondary access to the site for emergency purposes shall be provided and designated on the site development plan for the facility. Compliance with these requirements shall be fully and consistently reflected in the operational plan.

(xii) Setbacks of Tire Storage. All surface-level tire piles shall be set back at least 50 feet from all buildings and property lines. Any excavated cells for landfilling or storing waste tires shall be at least 100 feet from all buildings and property lines. Any tire processing, shredding, splitting, or baling equipment shall be situated at least 200 feet from all property lines, and the location of the equipment and any associated fuel storage or energy supply is subject to approval by the County Fire Authority . Setback requirements may be varied in the approval of the site development plan or operational plan where deemed appropriate. Fencing, landscaping and berming shall be installed as necessary for appropriate buffering.

(H) **Submittal Requirements.**

(1) **Application Required.** An application shall be completed on the appropriate form. The application shall include signatures of the operator and owners of all equitable and legal interest

in the property site where the facility is proposed to be located (hereinafter referred to as "facility site") and the proposed facility.

(2) **Modification of Submittal Requirements.** Where appropriate the PCD Director may waive or modify the submittal requirements for the additional reports identified in the submittal list.

(a) **Waiver Request Required.** Prior to any complete application being submitted, a waiver request is to be initiated by the applicant submitting a detailed letter to the PCD Director listing and justifying what report requirements should be waived and stipulating what other information would be provided instead. After notification to and receipt of comments and recommendations from all State and local agencies which would ordinarily review said reports the Director may grant the request, modify the report requirements, or deny the request, as he deems appropriate.

(b) **Approval of Waiver.** Approval of any waiver request shall not constitute a relinquishment of the right of the CDPHE, PCD or BoCC, on determining there is a reasonable need, to later request specific information that might ordinarily be included in a report that was waived.

(3) **Application Filing Fees.**

(a) **Application Fees Paid.** Application fees in accordance with the fee schedule are to be paid to El Paso County on final submittal of the application to the PCD, after any modifications to the plans are made to the satisfaction of the CDPHE.

(b) **Reduction in Fees.** In cases where the proposed operation is of a limited scale and complexity or duration, the applicant may request that the BoCC reduce the submittal fee to that for a Minor Certificate of Designation.

(c) **Amendments Subject to Adopted Fees.** Amendments to approved Certificate of Designations shall be subject to a fee as identified in the fee schedule.

(d) **Applicant Required to Pay Outside Agency Review Fees.** In the event that agencies designated by the PCD to review applications submitted under this Section charge for the reviews, the applicant shall pay charges prior to any hearing. The applicant may also be required to pay, prior to any hearing, the costs incurred by the County in retaining any contracted consultant or expert to review and analyze the application and associated technical information. The extent and nature of the costs should be established between the applicant and the County prior to contracting for the services.

(4) **Notice Requirements.** In addition to those notice requirements contained in the Procedures Manual, the following statutory requirements shall be observed: Public hearing on the petition shall not be heard until public notice has been published in a newspaper of general circulation in the County at least 10 days but no more than 30 days prior to the date of the hearing. Public notice shall contain the time and place of the hearing, state the matter to be considered the applicant's proposal for a Certificate of Designation, provide a description of the facility and the facility site, and provide a description of the geographic area which is within 3 miles of the proposed facility site. In addition, notice of the public hearing shall be posted at a conspicuous point in at least one location within the County Office Building and in at least one location at the proposed facility site. The notice shall be posted for a period beginning at least 30 days before the public hearing and continuing through the date of the hearing.

(5) **Standards of Review and Findings.** In addition to the special use review standards found in Chapter 5, the applicant for a facility under this Section shall demonstrate the following to the satisfaction of the BoCC. It is the applicant's responsibility to provide information necessary to evaluate the standards. The BoCC shall make its decision to approve or disapprove the proposed

facility, and shall make specific findings, based on the following standards. The following standards shall apply to all requests for a Certificate of Designation:

(a) **Adverse Impacts.** Adverse impacts to surrounding properties from blowing trash, odors, vectors, noise, lights, and surface water flows caused by the operation of the facility will be minimized by adequate operational controls or by the existence or acquisition of an adequate buffer.

(b) **Operational Plan.** The submitted operational plan identifies procedures and provisions which adequately assure that the facility will be operated in a safe and environmentally acceptable manner and will cause minimal negative impacts, including:

- Hours and methods of operation will be compatible with the neighboring land uses.
- Adequate waste screening measures recognized by the industry and federal government will be implemented to assure proper identification, isolation and removal of unauthorized wastes or materials and prevent unauthorized activity.
- Adequate methods will be available to contain and dispose of all liquids associated with the operation in an acceptable manner.
- Fire protection and emergency response plans will be adequate for the type of facility proposed.
- Fencing and other site security and trash retention will be adequate for the type of facility proposed.
- Other requirements and conditions for operational plans have been fully addressed and will be complied with by the applicant.

(c) **Recycling Goals.** The owner or operator incorporates recycling goals, either onsite or off-site, which will result in a notable reduction in the waste stream.

(d) **Minimize Traffic and Other Problems.** The facility is so designed that it can be operated in a manner which will minimize traffic, storage, fire fighting, safety and other site-related problems.

(e) **Natural Hazards.** The facility will not be located where natural or man-made hazard or conditions will cause undue conflicts or environmental problems.

(f) **Water Supplies.** Adequate water supplies will be available for drinking, fire protection, showers, sanitary and cleaning purposes, landscaping, dust suppression, reclamation, and general operation.

(g) **Closure.** Adequate provisions have been made to address either anticipated or unanticipated closure or abandonment of the facility.

(h) **Drainage and Erosion Control Measures.** Drainage and erosion control measures will be adequate.

(i) **Convenience and Accessibility.** The facility will be reasonably convenient and accessible to the using public.

(j) **Environmental and Health Standards.** The applicant can demonstrate the ability and willingness to comply with the environmental and health standards and operating procedures provided under the "Solid Wastes Disposal Sites and Facilities Act," C.R.S. §§ 30-20-100.5 et seq., and the State solid waste regulations.

(k) **Financial Resources.** The applicant can demonstrate the ability to provide the financial and material resources and experience (including a past record of quality performance in solid wastes operations) necessary to properly operate the facility, and comply with all imposed conditions and requirements

(l) **Facility Need.** The facility is presently or will, within a reasonably foreseeable future period of time, be needed to accommodate the waste management needs of the area it is intended to serve or to provide healthy competition in the regional solid waste management market.

(m) **Compatibility.** The facility is proposed to be located where, based on existing and projected urban growth patterns and the type of facility proposed, it will have a reasonably compatible or harmonious relationship with surrounding property development, including:

- All aspects of the operation and the interim and final grading plans are visually compatible with surrounding land uses and topography.
- The operation will not substantially disturb uniquely sensitive environmental features including wetlands, riparian habitats, or other wildlife habitats, threatened and endangered species habitat, and rare or unusual natural features.
- The operation will not substantially disturb identified historical, archaeological and paleontological sites.
- The geology of the facility site and design of the facility is such that the prospects of contamination of area surface water or groundwater supplies by leachate and other pollutants migrating from the facility are reasonably remote. The BoCC has the authority to evaluate the risks of contamination, in part, based on a comparison with existing or proposed sites for facilities and other available sites in or near El Paso County.
- The geology of the facility site and design of the facility is such that the prospects for interference with surface water or groundwater flow patterns which may impair vested water rights are reasonably remote. The BoCC has the authority to evaluate the risks of this disruption, in part, based on a comparison with existing or proposed sites for facilities and other available sites in or near El Paso County.
- The applicant can demonstrate the ability and willingness to comply with the environmental and health standards and operating procedures provided under RCRA Subtitle D Regulations and State regulations.

(l) **Denial, Modifications, Suspension or Revocation of a Certificate of Designation.** This Section shall be applicable to any type of facility, existing or that is proposed in the future, subject to Certificate of Designation approval or Minor Certificate of Designation approval.

(1) **General Basis for Action.**

(a) **Failure to Comply.** Failure to comply with any terms or conditions of approval or with the applicable requirements and conditions of this Section or the State solid waste regulations may result in reconsideration of a Certificate of Designation by the BoCC. Reconsideration, following appropriate notice and during public hearing as prescribed by the Procedures manual and this Code, may result in the modification, suspension, or revocation of the Certificate. El Paso County reserves the right to pursue any other remedies and enforcement means provided in this Code or by law.

(b) **Misrepresentation and Other Issues.** Above and beyond any other bases or grounds provided in this Section for denying, suspending or revoking a Certificate of Designation, an

application for a Certificate of Designation may be denied, or an issued Certificate of Designation may be suspended or revoked, if the BoCC reasonably determines that it has significant and convincing evidence that an applicant or Certificate holder or any entity associated with the applicant required to be identified by this Section has:

- Intentionally misrepresented or knowingly failed to disclose any material fact in the application for or amendment of, or in a public hearing regarding, a Certificate or in any reporting documents submitted as part of the operational requirements; or
- Intentionally misrepresented or concealed any material fact pertaining to its financial or material resources, its experience and record in solid wastes operations, or other pertinent information regarding its corporate or partnership structure; or
- Exhibited a repeated history of willful disregard and violation of federal, State or local laws or regulations pertaining to solid wastes operations, hazardous or toxic materials or wastes operations, or related environmental or health laws; or
- Been convicted of a felony by final judgment within the five years immediately preceding the date of submission of the Certificate application or at any time following issuance of the Certificate, in any court for any crime defined by State or federal statutes as involving restraint of trade, price-fixing, antitrust, bribery, fraud or business-related racketeering; or
- Had any Certificate of Designation or similar permit revoked or permanently suspended by any federal, State or local authority for cause related to environmental or health noncompliance or criminal acts.

(2) **Decision to Deny, Suspend, or Revoke a Certificate.** In deciding whether to deny, suspend, or revoke a certificate under this Section, the BoCC shall consider the relevant facts and mitigating circumstances surrounding the foregoing including:

- The relevance of the offense to the nature of the business for which the Certificate of Designation has been or will be issued;
- The nature and seriousness of the offense, including the number and frequency of complaints;
- The circumstances under which the offense occurred;
- The date of the offense; and
- The ownership and management in place at the time of the offense and any subsequent changes thereto.

Prior to the BoCC taking any action, the applicant or Certificate Holder shall have a right to present and address any mitigating circumstances and to submit evidence of rehabilitation and measures taken to prevent recurrence of the unlawful activity. The BoCC's action shall only be taken following appropriate notice and during a public hearing as prescribed by the Procedures Manual and this Code.

(J) **BoCC Right to Review and Modify CD.** The BoCC retains the right to review and modify any Certificate of Designation as to its consistency with all applicable local, State, and federal laws and regulations pertaining to the protection of the environment and public health and safety. This would include the Resource Conservation and Recovery Act's Subtitle D Regulations for municipal solid waste landfills.

(K) **Administrative Modifications to Operational and Drainage and Erosion Control Plans for a Waste Disposal or Recycling Facility.**

(1) **Purpose.** To allow for modifications to be administratively approved by the PCD Director for operational documents governing any facilities included under this Section in cases where the modifications are clearly of a minor nature and do not contravene the intent of the Certificate of Designation or special use as approved by the BoCC.

(2) **Limitations.** This process shall be applied only to proposed modifications to the design and operations plan, and drainage and erosion control plans prepared in conformance with this Section.

(3) **Exclusions.** Modifications specifically excluded from this process include the following:

- Modifications which could be considered to modify or conflict with any conditions or notations specifically imposed by the BoCC on the approved Certificate of Designation, special use or any agreement entered with the BoCC.
- Any large combination or comprehensive set of modifications, even in cases where the changes would be considered minor when considered separately.
- Modifications that affect the location of waste placement and landfill elevations which result in negative visual impacts to surrounding properties.
- Major or categorical changes to waste acceptance allowances and procedures.
- Any other modifications, which in the discretion of the PCD Director, should be considered by the BoCC.

(4) **Examples of Modifications.** Modifications which might be allowable under this procedure include but are not limited to the following:

- Substitutions of personnel, equipment, plans or procedures.
- Minor changes to operating hours or rates.
- Minor non-categorical changes to waste acceptance allowances and procedures.
- Certain non-mandated, preventive procedures and features designed to mitigate impacts of the operation, rather than enlarge its scope.
- Modifications to facility engineering design and monitoring systems, which are non-mandated and preventive in nature, and which add clarity and specificity to the design plan, or which reflect a more current design standard approved by the State for use in Colorado.
- Modifications to the phasing plan, or the time of completion of specific improvements or actions.

(5) **Procedures.**

(a) **Application.** The applicant shall submit the proposed modification in writing, with specific references to current text, to the PCD. Justification for, and applicability of, the proposed modification should be clearly stated. Posting and notification may be undertaken if deemed appropriate.

(b) **Referral.** The PCD will refer the proposed modification to all appropriate agencies, organizations and individuals to include the following at a minimum:

- CDPHE
- EPCPH
- CAO

- PCD Engineering Division (for proposed changes to the Drainage and Erosion Control Plan).
- ESD. Agencies will be requested to respond within 14 days.

(6) **Action.** Within 30 days of receipt of the original application, in the absence of adverse technical comments from the CDPHE, the PCD Director shall either approve or disapprove the application with reasons stated in writing. In granting any approval the PCD Director may impose any condition or requirement deemed necessary to protect the health, safety and welfare of the public. Final action is taken by the issuance of the Notice of Decision in accordance with the Procedures Manual and this Code.

(7) **Modification of Plans.** Within 14 days of administrative approval of any modification to operational or drainage and erosion control plans, the applicant shall provide an appropriate number of updated copies or inserts for the operational document to the PCD. Failure to provide these materials may be considered cause for nullification of the approval.

(8) **Appeal.** Any aggrieved party may appeal the final action of the PCD Director to the BoCC within 30 days of the of the final action in accordance with the Procedures Manual and this Code.

(L) **Amendment to the Certificate of Designation.** Instead of an appeal, or following an unsuccessful appeal on the proposed administrative modification, an applicant may apply for an amendment to the Certificate of Designation or special use, which may be processed as prescribed in this Section.

(M) **Submittal Requirement List for a Certificate of Designation.**

(1) **Map.** 30 copies of a map of the proposed facility site including a certified legal description of the proposed facility site and any buffer area that the operator or owner owns or will own or can legally restrict land use activity on. The map shall be drawn to a scale suitable to show the required information and shall include:

- Date of preparation, north arrow, and scale.
- Name and address of the proposed operator, preparer of the map, and property owner.
- Contour intervals of not less than 5 feet.
- Significant features, to include, but not limited to: (1) Lakes, streams, drainage ways, and other topographic features; (2) Vegetation and significant wildlife habitats; (3) Existing and proposed land use, easements, roads or rights-of-way, structures, disposal sites, access points, and related facilities; (4) Existing land uses, roads, and other major features within 1,500 feet of the proposed site.

(2) **General Reports.** 30 copies each of reports required by the CDPHE under the State solid waste regulations including but not limited to:

- Geology
- Hydrology
- Engineering design and operations plan
- Closure plan

(3) **Additional Reports.** 15 copies each of reports required including the following:

- Recycling plan
- Visual Impact Analysis
- Transportation Impact Analysis

- Analysis of Impacts to Sensitive or Significant Features
- Analysis of Other Potential Impacts
- Ultimate Land Use Analysis
- Drainage and Erosion Control Plan (to be prepared in accordance with the applicable specifications of the ECM. This plan shall satisfactorily address all aspects of interim and final facility design, as applicable. At a minimum, full detailed plans are required for the first phase of any multi-phased project.)
- Noxious Weed Management Plan

(Res. No. 21-36, Exh. A, 1-26-2021; Res. No. 21-88, Exh. A, 3-9-2021)

5.2.60. Wholesaling, Accessory Use

Wholesaling as an accessory use shall be conducted in conjunction with a retail use and shall not exceed a maximum of 600 square feet in gross floor area.

5.2.61. Wildlife Rehabilitation

Wildlife rehabilitation as licensed by the Colorado Division of Wildlife for mammal species, bird species (including raptors if properly licensed), or non-venomous reptiles and amphibians is considered an accessory use where listed. The zoning, size, and location of the site used for wildlife rehabilitation is taken into account by the Division of Wildlife in its issuance of licenses for wildlife rehabilitation.

5.2.62. Wind Energy Generation Facilities (see Section 4.3.5 Wind and/or Solar Energy Generation Plan Overlay District)

All Wind Energy Generation Facilities and appurtenant components shall be regulated by Section 4.3.5, WSE-O Wind and/or Solar Energy Generation Plan Overlay District and Appendix B, Guidelines and Regulations for Areas and Activities of State Interest.

5.2.63. Wind-Powered Generators

(A) **Minimum Lot Size.**

(1) **Freestanding Generator.** One private wind-powered generator is allowed as an accessory use where the parcel size is 2½ acres or larger irrespective of nonconforming status.

(2) **Roof-Mounted or Attached Generator.** One private roof-mounted or attached wind-powered generator is allowed per lot, tract or parcel as an accessory use provided it does not exceed the maximum height allowance within the applicable zoning district.

(B) **Maximum Height of Generator.** The height of the freestanding generator, including blades, shall not exceed 75% of the distance from the base of the generator to any property line, or overhead electrical line not including the service line for the generator, or 80 feet, whichever is less, unless otherwise approved as part of a special use. The maximum height of the generator may be further restricted if located within an airport overlay zoning district.

(C) **Minimum Height of Blades Above Ground.** The minimum height of the blades above the ground shall be 20 feet.

(D) **Number of Generators Allowed.** A maximum of one generator per 5 acres is allowed. Additional generators may be approved through a special use approval, without being considered a second principal use.

(E) **Location.** The generator serving the structure shall be located on the same lot or parcel as the structure that it serves; however, excess energy may be sold as allowed by State and federal law. Clustering of freestanding wind powered generators is encouraged.

(F) **Setback from Property Lines.** Any freestanding generator shall maintain a setback from all property lines based upon a ratio of one and one-half horizontal feet for every one vertical feet of generator height (1.5 to 1), including blades. In the event that the property is subsequently subdivided, the subdivision shall be designed to maintain this setback from proposed property lines

(G) **High Wind Mitigation.** The PCD shall be provided with assurance from the manufacturer that safety features to mitigate the effects of high wind conditions have been designed for the particular generator prior to issuance of a building permit for construction of a wind-powered generator.

(H) **Noise Levels.** Allowed noise levels shall meet the requirements of this Code.

(I) **Electromagnetic and Electrical Interference.** No equipment shall adversely affect the operation of any off-premises electrical, radio or television equipment including electrical interference with navigational signals for radio communications between an aviation facility and aircraft.

(J) **Manual Shut-Off Required.** Any individual wind-powered generator shall include a manual shut-off, which may be utilized by utility company personnel.

5.2.64. Wind/Meteorological Measuring Facility

(A) **Applicability.** This Section is applicable to any wind/meteorological measuring facility established after the date of adoption of this Section which exceeds the height limits allowed by the zoning district.

(B) **Development Standards for Meteorological Towers.**

(1) **Height.** Wind/meteorological measuring facilities are not subject to height restriction of the zoning district, but instead are subject to the height as established through the special use process. The height of the tower or pole is measured from the top surface of the wind/meteorological measuring facility foundation (or to the adjoining ground level if no foundation exists) to the highest point of the tower or pole.

(2) **Setbacks.** Wind/meteorological measuring facilities shall be located a distance of 1½ times the height of the facility from any house, road, property line, third party transmission lines, or freestanding communication tower.

(3) **Climb Prevention.** Wind/meteorological measuring facilities shall be unclimbable by design or protected by anti-climbing devices such as:

- Fences with locking portals at least 6 feet high; or
- Anti-climbing devices 12 feet vertically from the base of the wind/meteorological measuring facility.

(4) **Color.** Towers or poles shall be painted white or gray or another non-reflective, unobtrusive color.

(5) **Compliance with the Federal Aviation Administration.** The wind/meteorological measuring facility shall comply with all applicable FAA requirements.

(6) **Compliance with Additional Regulations.** Nothing in this Section is intended to preempt other applicable State and federal laws and regulations.

(C) **Decommissioning Plan.** A wind/meteorological measuring facility approved pursuant to this Section shall provide a decommissioning plan to ensure that the wind/meteorological measuring facility is properly decommissioned. The decommissioning plan shall include:

- Provisions describing the triggering events for decommissioning the wind/meteorological measuring facility;
- Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- Provisions for the restoration of the soil and vegetation;
- An estimate of the decommissioning costs certified by a professional engineer;
- Financial assurance, secured by the owner, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs;
- Identification of and procedures for County access to financial assurances;
- A provision that the terms of the decommissioning plan shall be binding on the owner and any of their successors, assigns, or heirs; and
- A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

5.2.65. Yard Sales

Yard and garage sales are limited to no more than 3 occurrences on a lot or parcel during the year, with each occurrence limited to no more than 5 days. Yard sales exceeding 5 days in duration or 3 occurrences per year require a temporary use permit. A yard sale may only be held on a property where a dwelling exists as the principal use.

5.3. STANDARDS FOR REVIEW, APPROVAL, AND ADMINISTRATION OF USES

5.3.1. Temporary Use Permits

(A) **Purpose.** The temporary use permit is a mechanism by which the County may allow a use to locate on a short term basis and by which it may allow seasonal, short term or transient uses not otherwise allowed. A temporary use permit may be issued to allow for installation of temporary emergency or critical facilities related to a utility or communication site, after any required approval has been granted to establish the permanent facility. A temporary use permit shall not be approved for a marijuana club.

(B) **Temporary Use Permit Required.** All temporary uses shall require a temporary use permit prior to beginning operation. All temporary uses shall comply with the standards established by this Code for the temporary use.

(C) **Temporary Use Standards.**

(1) **Zoning District Standards and Requirements Apply.** Setbacks and all other standards and requirements of the zoning district in which the temporary use is located shall apply to all structures or uses connected with the temporary use, unless otherwise identified herein.

(2) **PCD Director Determination.** The PCD Director may determine, at his or her discretion, that a use does not qualify for approval as a temporary use due to the size, duration, or intensity of the use, or that potential impacts caused by the temporary use cannot be properly mitigated. The PCD Director may determine that a use not identified as a temporary use in Tables 5-1 and 5-2 may qualify for approval as a temporary use due to the size, duration, and intensity of the use.

(3) **Duration of Temporary Use.** Temporary uses shall be limited to the specific dates/time period identified on the temporary use permit. No temporary use shall be allowed for a period

exceeding one year, unless otherwise noted. Renewals of temporary uses may be granted in one year increments, following the same procedures as the original temporary permit issuance. Any renewal or reapplication shall be treated as a new application.

(4) **Compliance with Building Code and Health Code.** Compliance with the Building Code and the Health Code is required for all temporary uses.

(5) **Parking and Requirement for Driveway Permit.** Safe access and adequate parking shall be provided for the temporary use. Any temporary use that requires a building permit, lasts more than 31 days, or results in a driveway intersecting a County road is required to secure a driveway permit.

(6) **Compliance with Engineering Criteria Manual.** Any temporary use is required to comply with the ECM.

(7) **Suspension/Revocation.** If, upon review, the conditions or restrictions imposed by this Code or by the temporary use permit have not been complied with, the PCD Director may take any action deemed necessary to remedy the noncompliance, including but not limited to revocation of the temporary use permit or pursuing the noncompliance as a zoning violation.

(8) **Permit Transferability.** A temporary use permit is valid only for the lot or parcel identified on the temporary use permit, and is not personal.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-421, Exh. A, 11-12-2019)

5.3.2. Special Use

(A) **Purpose.** The purpose of the special use process is to address potential impacts of certain land uses on existing and allowed uses in the same neighborhood. The special use process considers the location, design, configuration, intensity, density, natural hazards and other relevant factors pertaining to the proposed use.

(B) **Applicability.** No special use application shall be considered unless the underlying land is located within a particular zoning district which allows the proposed special use.

(C) **Criteria.** In approving a special use, the following criteria may be considered:

- The special use is generally consistent with the applicable Master Plan;
- The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
- The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
- The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
- The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

(D) **Limits of Approval.** Issuance of a special use permit shall authorize only the particular use and activity for which it is issued, for the time period, if specified, and in accordance with the permit conditions imposed. The special use permit runs with the land. The special use is based upon the parcel size stated in the application. A reduction or increase in parcel size is considered a substantial modification of the special use unless specifically provided for in the approval. The special use permit does not relieve the owner from compliance with any other permits, standards and regulations of this Code. No building permit shall be authorized to implement the use until the special use permit is approved.

The Board of County Commissioners may impose time restrictions on the approved special use permit as a condition of approval as it deems necessary.

(E) **Performance Guarantees and Financial Assurance.** Sufficient performance guarantees and financial assurance may be required to ensure implementation of and compliance with the conditions imposed. The terms or any required guarantees and financial assurance shall be made part of a development agreement.

(F) **Public Facilities and Services.** Special use permits shall be subject to the terms and requirements of the applicable development standards and regulations relating to the provision and financing of necessary public facilities and services. Determinations concerning the adequacy and efficiency of the provision of necessary public facilities and services, and the financing of the same, shall be based on standards and criteria adopted by the BoCC and may include a requirement that the applicant for a special use permit agrees to contribute a fair and equitable share of the costs of the public facilities and services through the payment of development impact fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public facilities and services.

Sufficient financial assurance may be required to ensure the timely completion of any public improvements needed to address potential impacts of the proposed use. The terms and conditions regarding the provision of public facilities and services shall be made part of the development agreement.

(G) **Limited to Approved Special Uses.** Any land on which a special use permit is approved shall be limited to those uses and structures enumerated within the special use permit and no more than one principal allowed use.

(H) **Administrative Approval Authorized.** Any special use may be acted upon by the PCD Director, except for those related to a CD request or mineral and natural resources extraction, which includes processing. The PCD Director, in his sole discretion, is authorized to elevate a special use application to a public hearing.

(I) **Post Approval Requirements.**

(1) **Site Development Plan or Site Plan Review Required.** Site development plan review or site plan review is required before an application for a building permit can be authorized by the PCD. Site development plan or site plan review may be concurrent with the special use permit process; however, the final site development plan or site plan shall be modified by the applicant to reflect the conditions of approval.

(2) **Conditions Included in Development Agreement and Filed for Recording.** Conditions may be included in the development agreement signed by the applicant and the County. The development agreement shall be filed for recording by the applicant with the Clerk and Recorder.

(J) **Periodic Review of Special Use Permit.**

(1) **Special Use Permit Subject to Periodic Review.** Approved special uses shall be subject to a periodic review by the PCD to determine compliance with all applicable requirements and

standards of this Code, and the conditions. The initial review shall be not more than one year from the date of issuance of the special use permit unless otherwise provided. Upon completion of each periodic review, the PCD shall document its findings and any recommendations or requirements to the holder of the special use permit.

(2) **Hearing Concerning Findings of Periodic Review.** The BoCC shall have the power to conduct, after notice, public hearings concerning a special use permit and compliance of the owner with the applicable requirements and standards of this Code, and the conditions imposed by the County.

(K) **Abandonment.**

(1) **Determination of Abandonment of Use.** Unless otherwise provided, a special use shall be deemed abandoned, and the special use permit shall have no further force and effect, if: (1) the primary intended use or activity has not been substantially implemented within 2 years of approval of the special use; or (2) the primary intended use or activity has been discontinued for a period of 2 consecutive years. For purposes of this provision, a special use shall be deemed discontinued if the primary intended use has not been actively and regularly conducted on the approved special use site.

(2) **Determination of Abandonment of Mineral Extraction.** A mineral extraction special use shall be deemed abandoned, and the special use permit shall have no further force and effect, if the mineral extraction activity has been discontinued for a period of 3 years.

(3) **Extension of Special Use Permit.** Prior to the expiration of the special use permit due to a determination of abandonment, a one year extension may be granted by the PCD Director for good cause shown after receiving a written request for extension

(L) **Suspension or Revocation.**

(1) **Violation of Permit Grounds for Suspension or Revocation.** The violation of any applicable requirement or standard of this Code, or of any condition, safeguard or commitments of record of the special use permit or development agreement shall constitute sufficient grounds for suspension or revocation of the special use permit by the BoCC, after a public hearing at which the holder of the special use permit shall be afforded the opportunity to be heard.

(2) **Notice of Revocation Hearing.** Notice of the public hearing on the suspension or revocation of a special use permit shall be in accordance the Procedures Manual, and given by conspicuously posting the subject property for a period of at least 10 days prior to the public hearing, and mailing a copy of the written notice to the holder of the special use permit and any complaining party at least 10 days prior to the public hearing.

(3) **Determination of Suspension or Revocation.** In determining whether suspension or revocation is warranted, the BoCC shall consider, among other factors, the nature and magnitude of the violations found to exist; the impact of the violations on the health, safety and welfare of adjacent property owners and surrounding communities; and any other evidence presented in aggravation or mitigation of the violations committed.

(4) **Suspension or Revocation in Addition to Other Penalties.** Suspension or revocation is in addition to any other remedies and enforcement provisions provided by this Code or by law.

(M) **Permit Transferability.** The special use permit is valid only for the lot or parcel identified on the special use permit and may be transferred to a new property owner.

(Res. No. 16-164, 5-17-2016; Res. No. 17-374, Exh. A, 12-12-2017)

5.3.3. Approval of Location

(A) **Purpose.** The purpose of this Section is to determine if a public use, structure or utility proposed for location in unincorporated El Paso County conforms to the adopted Master Plan, and to provide procedures for the timely review of the Approval of Location of public facilities or uses as provided by C.R.S. §§ 30-28-110, et seq.

(B) **Determination of Public Use.** A public use is considered to be any activity primarily funded by taxes, or of an entity which has the capability to levy taxes, or is of benefit to the public such as airports, schools, parks, utilities, and other similar public areas or structures.

(C) **Applicability.** The Planning Commission is required to review and approve construction of or plans for the construction of any road, park, or other public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned prior to the construction of any facility. This procedure shall not apply to the following:

- Where such activity is subject to the provisions of Appendix B Guidelines and Regulations for Areas and Activities of State Interest of El Paso County (hereinafter "Appendix B" Guidelines and Regulations); and
- Routine extensions of public utility lines and minor modifications to existing uses or facilities.

The following projects require Approval of Location review to the extent they are not subject to Appendix B Guidelines and Regulations:

- Public schools (including Charter Schools);
- Public roads, public parks, trails and trail heads, public ways, grounds and spaces, public buildings and structures and utilities, whether public or privately owned;
- Public building where the building, facility or use provides or fulfills a governmental function the governmental unit is legally authorized to provide including publicly-owned jail or prison facilities;
- Water storage facility including a reservoir, pond, lake, tank or basin, natural or man-made, used for the storage, regulation or control of water;
- Central office buildings of telephone utilities;
- Fiber optic cable regeneration buildings; and
- Cable TV buildings and satellite receiving areas.

(D) **Specific Facilities or Actions Exempted from the Approval of Location Permit.** The following facilities or actions are exempted from the approval of location permit, but shall comply with any other permit or development requirements:

- Operation, maintenance, repair and replacement of existing water and sewage collection, treatment, storage and delivery facilities and associated works, provided that improvements or replacements of existing facilities do not expand the level of service beyond existing design capacity and do not materially alter the location of the existing facility;
- Projects addressed by an intergovernmental agreement which the County has approved will be subject to this Code unless otherwise provided by the terms of the intergovernmental agreement;
- Any facility necessary to serve any subdivision or other use approved under this Code provided that the BoCC specifies in its approval of the subdivision or other use that separate review of the system, extension, or proposal is not necessary under this Code;

- A facility identified within a PUD, where the Site Development Plan has been submitted and reviewed concurrently with PUD application.
- Expansion of existing facilities does not require submittal of a new application if the expansion was identified and approved in the original application.

(E) **Federal or State Reviewed or Approved Facilities.** Review or approval of a project by a federal or state agency does not prevent, and will not substitute for, the need to obtain a permit for that project under this Code. Where in the opinion of the Planning Commission, federal or State review and approval processes adequately address the impacts that this Code is designed to address, the County may agree to rely on that review and approval.

(F) **Public Facilities Identified as an Allowed or Special Use in the Zoning District.** Where the public facility is identified as an allowed or special use in the zoning district, the Approval of Location process shall be controlling for the authorization of the facility.

(G) **Public Schools and Charter Schools.**

(1) **Prior to Acquisition of Land for School Site.** Prior to acquiring land or contracting for the purchase of land for a school site, the school district shall consult with and advise the Planning Commission in writing to ensure that the proposed site conforms to the adopted Master Plan as far as is feasible.

(2) **Prior to Construction of a Structure.** Prior to construction of any structure or building, the school district shall submit a site development plan for review and comment to the Planning Commission.

(3) **Request by Planning Commission for Public Hearing.** The Planning Commission may request a public hearing before the school district on the proposed site location or site development plan. If the Planning Commission requires a hearing, the school district shall promptly schedule the hearing, publish at least one notice in advance of the hearing and provide written notice of the hearing to the Planning Commission.

(4) **Information to be Considered and Recommendation.** The Planning Commission will consider all information presented at the hearing. If no hearing is requested, the Planning Commission will consider all information provided by the school district and provide to the school district its recommendations and conclusions.

(5) **School District Responsible for Facility Locations.** The authority to make final determinations as to the location of public schools and to erect buildings and structures is the school district's.

(H) **Other Requirements and Clarifications.**

(1) **Site Development Plan Required.** A proposed site development plan shall be submitted to the Planning Commission for approval before construction or authorization of any public road, public park, trail or trail head, public way, ground or space, public building or structure or utility, whether public or privately owned.

(2) **Disapproval of County-Funded Project.** In case of disapproval of a County-funded project, the Planning Commission shall communicate its reasons to the BoCC. The BoCC is authorized to overrule the disapproval by a majority vote. Upon overruling, the BoCC may proceed with construction or authorization of the project.

(3) **Non-County Projects.** If the project is one that is not required to be authorized or financed by the County, the Planning Commission's disapproval may be overruled by the body or official having jurisdiction over the authorization and financing of the project by a majority vote. In the case of a utility owned by an entity other than a political subdivision, the Planning Commission's

disapproval may be overruled by the public utilities commission by not less than a majority of its entire membership.

(4) **County Projects Subject to Review.** Applicable County-funded or County-authorized projects shall be approved pursuant to C.R.S. § 30-28-110, other applicable statues and laws, and interpretation of the same by the PCD Director and the CAO.

(5) **Failure of the Planning Commission to Act.** Failure of the Planning Commission to act within 30 days after the date of official submission to it is deemed an approval, unless a longer period is granted by the submitting board, body or official.

(I) **Special Process for Recording Plats Involving Roads.** All plans of roads for public use, and all plans, plats, plots, and replats of land laid out in subdivision or building lots and the roads, alleys, or other portions intended to be dedicated to a public use or the use of purchasers or owners of lots, shall be submitted to the BoCC for review and subsequent approval, conditional approval, or disapproval. It is not lawful to record any such plan or plat in any public office unless the same bears, by endorsement or otherwise, the approval of the BoCC after review by the Planning Commission.

(J) **Review Standards.** The application for a public use, structure or utility is reviewed for conformity with the submittal and processing requirements included within this Code and Procedures Manual and for conformity with the adopted Master Plan.

(K) **Effect of Approval.** Issuance of an approval of location permit shall authorize only the particular use and activity for which it is issued, in accordance with the permit conditions imposed. The approval of location permit runs with the land. The applicant shall be subject to all other permits, standards and regulations of this Code, including but not limited to Appendix B Guidelines and Regulations, except to the extent expressly modified in the permit approval, in order to use the land in accordance with the approval of location permit and associated site plan. No building permit shall be authorized to implement the use until the approval of location permit is issued.

(L) **Conversion of Public Facility to Private Facility.** A conversion of a public facility with an approval of location to a private facility shall be completed in conformance with the applicable zoning district standards.

(M) **Post Approval Requirements.**

(1) **Satisfaction of Conditions.** Prior to beginning any construction or the commencement of the approved use, the applicant shall satisfy any required conditions.

(2) **Site Development Plan Review or Site Plan Review.** Site development plan review or site plan review is required before an application for a building permit can be authorized by the PCD. Site development plan or site plan review may be concurrent with the approval of location process; however, the final site development plan or site plan shall be modified by the applicant to reflect the conditions of approval.

(N) **Abandonment.**

(1) **Determination of Abandonment of Use.** Unless otherwise specified by the Planning Commission, an approval of location shall be deemed abandoned, and the approval of location permit shall be of no further force and effect, if: (1) the primary intended use or activity has not been substantially implemented within 2 years of the Planning Commission approval; or (2) the primary intended use or activity has been discontinued for a period of 2 consecutive years. For purposes of this provision, an approval of location shall be deemed discontinued if the primary intended use has not been actively and regularly conducted on the approved site.

(2) **Extension of Approval of Use Permit.** Prior to the expiration of approval of use permit, a one year time extension may be granted by the PCD Director for good cause shown after receiving a written request for extension.

(Res. No. 17-374, Exh. A, 12-12-2017)

5.3.4. Variance of Use

(A) **Purpose.** Occasionally, a use is proposed that is not allowed in the applicable zoning district. The BoCC may grant a variance of use to allow the proposed use if it determines that it meets the criteria contained in this Code.

(B) **Applicability.**

(1) **Where Applicable.** Those uses that are not otherwise an allowed use or special use in a zoning district, except in a PUD Zoning District, may be considered for a variance of use. A variance of use may not be considered in a PUD Zoning District. The power of the BoCC to vary the provisions of this Code is permissive, not mandatory, and shall not be exercised in such a way as to frustrate the scheme or intent of this Code. The power to grant variances shall be exercised sparingly.

(2) **Variance of Use to Comply with Review Criteria and Other Standards.** The BoCC evaluates each proposed variance of use for general compliance with the review criteria in this Code and the development standards that apply to all development.

(C) **Criteria.** In approving a variance of use, the following criteria may be considered:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The variance of use is generally consistent with the applicable Master Plan;
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

(D) **Limit of Approval.** Issuance of a variance of use permit shall authorize only the particular use and activity for which it is issued, for the time period, if specified, and in accordance with the permit conditions imposed. The variance of use runs with the land. The variance of use is based on the parcel size stated in the application. A reduction or increase in parcel size is considered a substantial modification of the variance of use unless specifically provided for in the approval. The variance of use permit does not relieve the owner from compliance with any other permits, standards and regulations

of this Code. No building permit shall be authorized to implement the use until the variance of use permit is approved.

The Board of County Commissioners may impose time restrictions on the approved variance of use permit as a condition of approval as it deems necessary.

(E) **Renewal/Expiration.** If the existing variance of use is subject to expiration, continued operation of the use after expiration of the variance of use permit constitutes a violation, subject to the requirements of Chapter 11. Therefore, the applicant shall submit a new application prior to expiration of the permit conforming to the requirements in place at the time of submittal in order to renew the variance of use permit. If the permit expires, in order to resolve the violation, Applicant shall be required to submit a new application for a new variance of use permit.

(F) **Administrative Renewal Authorized.** Any variance of use renewal may be acted upon by the PCD Director. In renewing a variance of use, the PCD Director shall consider the record of compliance with conditions of approval, proposed modifications in the scope of the land use, criteria for approval pursuant to this Section or as may otherwise be amended, and may consider other relevant factors. The PCD Director, in their sole discretion, is authorized to elevate a variance of use permit renewal to a public hearing.

(G) **Suspension/Revocation.** The violation of any applicable requirement or standard of this Code, or of any condition, safeguard or commitments of record of the variance of use permit shall constitute sufficient grounds for suspension or revocation of the variance of use permit by the BoCC, subject to the requirements of Chapter 11.

(H) **Abandonment.** Unless otherwise specified by the BoCC, variance of use shall be deemed abandoned, and the variance of use permit shall be of no further force and effect, if: (1) the primary intended use or activity has not been substantially implemented within one year of the BoCC's approval; or (2) the primary intended use or activity has been discontinued for a period of one year. For purposes of this provision, a variance of use shall be deemed discontinued if the primary intended use has not been actively and regularly conducted.

(Res. No. 16-164, 5-17-2016; Res. No. 16-233, Exh. A, 6-28-2016; Res. No. 17-374, Exh. A, 12-12-2017; Ord. No. 21-321, Exh. A, 8-10-2021)

5.3.5. Map Amendment (Rezoning)

(A) **Purpose.** The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, the LDC also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed. The zoning of parcels of land generally conforms to and promotes the County's Master Plan. Zoning protects the rights of property owners while promoting the general welfare of the community. By dividing land into categories according to use, and setting regulations for these categories, zoning governs private land use and segregates incompatible uses.

Generally, rezoning is justifiable under one of the following circumstances:

- When the requested rezoning is in general conformance or consistency with the County's Master Plan;
- If inconsistent with the Master Plan, a material change in the character of the area since the date of the current zoning is demonstrated;
- When there was an error or oversight in the original zoning of the property; or

- The zone change is necessary for the general health, safety, or welfare of the community.

(B) **Criteria for Approval.** In approving a Map Amendment, the following findings shall be made:

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

(C) **Conditions on Rezoning Authorized.** Conditions of approval may be included in the resolution approving a rezoning request. Where any approved condition would impact the permitted uses or density and dimensional standards of the rezoned property, the existence of the conditions shall be noted on the Zoning Map. Any amendment to the conditions placed upon a rezoning is considered a new zoning action. Conditional zoning shall not be used to circumvent the intent or requirements of this Code, shall be exercised sparingly and in exceptional situations, and the burden of proof shall be upon the applicant to demonstrate the need.

(D) **Updates of Maps.** The PCD Director is responsible for producing all updates of the County Zoning map.

(E) **County Initiated Zoning.** The County may initiate the rezoning of any property within the unincorporated area of the County.

(Res. No. 17-374, Exh. A, 12-12-2017)

5.3.6. Administrative Determinations on Uses

(A) **Purpose.** The purpose of this Section is to provide for a mechanism to interpret the permissibility of uses of property which are not expressly identified as one of the land uses authorized in a zoning district or overlay zoning district, or defined by this Code.

(B) **General Considerations.** A request for an administrative determination shall relate to a specific site, zoning district, use or application. An administrative determination of this Code issued by the PCD Director shall have the same effect as any provision of this Code. An administrative determination of this Code remains in effect until rescinded in writing by the PCD Director, until such time as the administrative determination is overturned on appeal, or until such time as an amendment to the Code results in a change affecting the administrative determination. An administrative determination requires analysis and comparison of various code provisions to arrive at a decision as opposed to a nondiscretionary review where compliance can be determined based on objective standards.

(C) **Similar Uses.**

(1) **Determination of Similar Uses.** No use not specifically identified as an allowed use, special use, temporary use, or accessory use shall be allowed unless the PCD Director determines the use is similar to an expressly allowed use, special use, temporary use, or accessory use. The uses allowed in each zoning district or overlay zoning district are identified in Chapter 5.

When a use is not specifically identified as allowed in a zoning district or overlay zoning district, it shall not be allowed in the zoning district or overlay zoning district unless it meets the following criteria in determining the use is a similar use:

- The function, performance characteristics, and location requirements of the unlisted use shall be consistent with the purpose and description of the zoning district where it is proposed;
- The unlisted use is compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.

(2) **Exclusion of Uses.** The listing of any use as being allowed in any particular zoning district or overlay zoning district shall be deemed to be an exclusion of the use from any other zoning district, in which the use is not specifically listed.

(3) **Interpretations in Writing.** Similar use determinations shall be made in writing by the PCD Director, who shall also determine whether an amendment to this Code to include the similar use is appropriate. Interpretations that are not in writing shall have no force or effect. Written interpretations set no precedent and shall be limited to the property identified in the interpretation unless determined to apply to an entire category of land.

(4) **Record of Interpretations.** The PCD Director shall maintain an official record of all interpretations in the PCD. The official record shall be available for inspection.

(5) **Effect of Determination of Similar Use.** Any use determined to be substantially similar to an allowed use, special use, temporary use, or accessory use in a zoning district or overlay zoning district shall comply with all other development standards contained in this Code pertaining to the substantially similar use, including, but not limited to, dimensional requirements, landscaping requirements, parking requirements, and design requirements.

(D) **Request for Interpretation.** Before a text or use interpretation will be provided by the PCD Director, a request for interpretation shall be submitted to the PCD in a form established by the PCD Director, and processed in accordance with Chapter 2.

(E) **Limit of Interpretations.** No interpretation shall authorize any use in a zoning district or overlay zoning district unless the PCD Director determines the use is substantially similar to an allowed use, special use, temporary use, or accessory use in the zoning district or overlay zoning district. No interpretation shall allow the establishment of any use inconsistent with the statement of purpose for the zoning district or overlay zoning district, and no interpretation shall have the effect of amending, abrogating, or waiving any other standard or requirement established by Code.

(F) **Appeals.** An appeal of an administrative determination on use may be made by an aggrieved party within 30 days of the administrative determination in accordance with the procedures adopted by the BoCC or Executive Director.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 21-88, Exh. A, 3-9-2021)

5.4. DENSITY AND DIMENSIONAL STANDARDS

5.4.1. General Density and Dimensional Standards

Tables 5-4 and 5-5 list the density and dimensional standards that apply within each zoning district. Other regulations of this Code or site-specific conditions may further limit development. A blank cell means there is no applicable standard.

5.4.2. Application of Density and Dimensional Standards

(A) **Measuring Minimum Lot Width.** Minimum lot width is the minimum lot width at the front building setback line.

(B) **Measuring Setbacks.** Setbacks are measured from the property line, unless noted otherwise.

(C) **Setbacks for Corner Residential Lots.** Corner residential lots may have a reduced setback.

(D) **Setbacks for Specific Uses.** Some uses have a modified setback or height allowance.

(E) **Accessory Structure Not Located in Easement.** An accessory structure shall not be located within an easement, unless express permission from the beneficiary of the easement is provided.

(F) **Overlay Zoning District Standards May Apply.** Special limitations or allowances may apply to land within an Overlay Zoning district.

Table 5-4. Density and Dimensional Standards for Agricultural, Residential and Special Purpose Districts

Zoning District	Maximum Density (DU/ac)	Minimum Lot Size		Minimum Setbacks Principal(Accessory)[14,3]			Maximum Lot Coverage	Maximum Height
		Area[1]	Width (at front setback line)	Front	Rear	Side		
Forestry and Agriculture								
F-5		5 acres[2]	200 ft	25 ft[3,4]	25 ft[3,4]	25 ft[4]	25%	30 ft
A-35		35 acres	500 ft	25 ft[3,4,5]	25 ft[3,4,5]	25 ft[3,4,5]	None	30 ft[6]
A-5		5 acres[2]	200 ft	25 ft[3,4]	25 f[3,4]	25 ft[3,4]	None	30 ft
Rural Residential/Rural Suburban								
RR-5		5 acres[2]	200 ft	25 ft[3]	25 ft[3]	25 ft[3]	25%	30 ft
RR-2.5		2.5 acres	200 ft	25 ft[3]	25 ft[3]	15 ft[3]	None	30 ft
RR-0.5		21,780 sq ft	100 ft	25 ft[3,11]	25 (5) ft[3]	10 ft[3,11]	None	30 ft
Residential Suburban Zoning Districts								
RS-20000		20,000 sq ft	100 ft	40 ft	40 (15) ft	15 ft	20%	30 ft
RS-6000		6,000 sq ft[7,13]	50 ft	25 ft[13]	25 (5) ft[13]	5 ft[13]	40%/45%[15]	30 ft
RS-5000		5,000 sq ft[7,13]	50 ft	25 ft[13]	25 (5) ft[13]	5 ft[13]	40%/45%[15]	30 ft
Residential Multifamily Zoning Districts								
RM-12	12	3,500 sq ft[8,13]	35 ft	20 ft[10,13]	15 ft[10,13]	5 ft[10,13]	70%	40 ft
RM-30	30	5,000 sq ft[9,13]	75 ft	25 ft[10,13]	15 ft[10,13]	15 ft[10,13]	60%	40 ft
Special Purpose Zoning Districts								
R-T		5 acres	200 ft	25 ft	25 (5) ft	25 ft[12]	30%	30 ft
MHP	All standards are located in the zoning district standards.							
MHS	All standards are located in the zoning district standards.							
RVP	All standards are located in the zoning district standards.							
PUD	All development standards for principal and accessory uses are established by the Development Plan.							

[1] Specific uses may be subject to larger minimum lot area requirements.

[2] In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

[3] Agricultural stands shall be setback a minimum of 35 feet from all property lines.

[4] Sawmills shall be setback a minimum of 300 feet from all property lines.

[5] Livestock feed and sales yards shall be setback a minimum of 200 feet from all property lines, except that loading facilities may be located adjacent to a road right-of-way where loading/unloading of animals takes place.
[6] One additional foot of height is allowed for each foot of additional setback provided above the required minimums up to a maximum of 100 feet. For example, a maximum height of 35 feet is allowed for structures setback a minimum of 30 feet from all property lines and a maximum height of 50 feet is allowed for structures setback a minimum of 45 feet from all property lines.
[7] Minimum lot area applies to single-family detached dwellings. For two-family dwellings and all other uses a minimum lot area of 7,000 square feet is required.
[8] The minimum lot area of 3,500 square feet applies to single family attached dwellings. The minimum lot area for single-family detached dwelling units is 3,500 square feet. The minimum lot area for two-family dwellings and all other allowed uses is 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.
[9] Minimum lot area of 5,000 square feet applies to single-family detached dwellings, Two-family dwellings and the first 2 units of a multi-family development. An additional 1,000 square feet of lot area is required each additional dwelling unit within a multi-family development. The maximum multi-family density may not exceed 30 dwelling units per acre. All other uses are subject to a minimum lot area of 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.
[10] The minimum distance between buildings shall be 10 feet.
[11] The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 feet from the front property line or nearest road right of way, where a 5 foot setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure (excluding carports).
[12] The side yard setback is 25 feet when the lot is 5 acres or larger, or 5 feet if the lot is less than 5 acres.
[13] If the building is established as or converted to condominium or townhome units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks requirements, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements. Within the zoning district, a 25 foot perimeter boundary setback shall be maintained around the entire development, but a zero foot setback is allowed along any internal lot line within the development.
[14] If no separate setback is shown in parentheses for accessory structures, the principal structure setback applies to accessory structures.
[15] Where a single-story ranch style residence is proposed, the maximum lot coverage may be 45% of the total lot area.

(Res. No. 16-164, 5-17-2016; Res. No. 16-165, Exh. A, 5-17-2016; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 18-496, Exh. A, 12-20-2018; Res. No. 19-330, Exh. A, 8-27-2019; Res. No. 22-400, Exh. A, 11-15-2022; Res. No. 23-219, Exh. A, 6-20-2023)

Table 5-5. Density and Dimensional Standards for Commercial, Industrial and Obsolete Districts

Zoning District	Zoning District Area	Minimum Lot Size	Minimum Setbacks			Maximum Lot Coverage	Maximum Height
	Minimum		Front	Rear	Side		
Commercial Zoning Districts							
CC	1 acre[11]		25 ft[1,11]	25 ft[2,11]	25 ft[2,11]		40 ft
CR	5 acres[11]		50 ft[3,4,11]	25 ft[2,3,4,11]	25 ft[2,3,4,11]		45 ft
CS	2 acres[11]		25 ft[1,3,11]	25 ft[1,2,3,11]	25 ft[1,2,3,11]		45 ft
Industrial Zoning Districts							

I-2	20 acres	1 acre[11]	50 ft[5,11]	50 ft[5,11]	30 ft[5,11]	35%	45 ft
I-3	40 acres	1 acre[11]	30 ft[6,11]	30 ft[6,11]	30 ft[6,11]	25%	40 ft[7]
Obsolete Zoning Districts							
C-1			15 ft[1,11]	15 ft[9,10]	[8, 9]		30 ft
C-2			15 ft[1,11]	20 ft[9,10]	[8, 9]		50 ft
M			15 ft[1,11]	15 ft[10]			50 ft
R-4	All development standards for principal and accessory uses are established by the Development Plan.						

[1] Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.

[2] The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

[3] Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

[4] Gasoline pumps and canopies shall be setback at least 25 feet from all property lines.

[5] Minimum building setback distance from any adjoining residential zoning district boundary is 125 feet. The PCD Director may allow a reduction in the setback where appropriate actions are taken including landscaping, fencing, berms or building design, or where the use can be limited to mitigate potential impacts.

[6] Minimum building setback distance from any adjoining residential zoning district boundary is 175 feet. The PCD Director may allow a reduction in the setback where appropriate actions are taken including landscaping, fencing, berms or building design, or where the use can be limited to mitigate potential impacts.

[7] The maximum height of any structure is in accordance with the following formula: A plane with a pitch of 2 feet horizontal to one foot vertical beginning at a height of 25 feet above all property lines using the mean property line elevations as the datum.

[8] The side yard setback is subject to the following restrictions: (1) Where adjacent to a residential zoning district, the setbacks of the residential zoning district shall apply; (2) If the side wall of the building is constructed of 4 hour fire rated material, a setback between buildings of 3 feet is required if the wall does not serve as a common wall where no setback is required; and (3) If the side wall is not constructed of 4 hour fire rated material, the side yard setback and building separation is 5 feet.

[9] Where adjacent to a residential zoning district, the rear yard setback of the residential zoning district shall apply.

[10] The setback for stables and corrals is 50 feet.

[11] If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

(Res. No. 16-164, 5-17-2016; Res. No. 17-374, Exh. A, 12-12-2017)

5.4.3. Measurements and Exceptions

(A) **Purpose.** The purpose of these standards is to explain setback standards and allow exceptions for certain unique circumstances, while maintaining the basic purposes of use of setbacks, which include:

- Provide for adequate open spaces;
- Promote and protect the public health, safety and welfare;
- Establish uniform standards;
- Protect property values;

- Protect the public from damage or injury which may be attributable to distractions or obstructions caused by improperly situated buildings or structures; and
- Enhance the overall quality of development in any zoning district.

(B) **Applicability.** These standards apply to all buildings, structures, accessory structures, and uses which are subject to regulation by this Code.

(C) **General Provisions.**

(1) **Use Specific Standard Supersedes Zoning District Standard.** Where a different density or dimensional requirement is established for a specific use in this Code, it shall supersede the density or dimensional requirement in Table 5-4 and 5-5.

(2) **No Projection of Structure into Easement.** No portion of a structure shall project into any utility or drainage easement except with the permission the agency or agencies having jurisdiction over the easement.

(3) **Public or Quasi-Public Utility Buildings Not Subject to Standards.** Utility buildings or facilities owned by a governmental, quasi-governmental or public entity are not subject to the development standards of the respective zoning district, but are instead governed by the standards of the approval of location, site development plan, or site plan submitted with the development application.

(D) **Setback Measurement.**

(1) **Setbacks for Structures.** All setbacks are for structures, unless otherwise provided. Setback requirements are applicable, even if a building permit is not required.

(2) **Setbacks Measured from Property Line.** All setbacks shall be measured from the property line of the lot or parcel unless otherwise provided. In the case of an easement or other right-of-way for public road, the setback shall be measured from the easement or right-of-way line. Where the lot or parcel includes vacated right-of-way, the setback is measured from the new property line resulting after the right-of-way vacation. In the event the right-of-way is bounded by a public improvement easement, the setback shall be measured for the edge of the right-of-way and not the public improvement easement.

(3) **Setback from Planned Roadways and Associated Rights-of-Way.** In accordance with BoCC policy and the right-of-way standards established by the ECM, all setbacks shall be measured from the proposed right-of-way line of roadways as depicted within the MTCP.

(4) **Separation Requirements Between Land Uses.** Some zoning districts and land uses have specific separation distance requirements which are indicated in the use standards and in the density and dimensional standards.

(5) **Corner Lot Setbacks Modification in Residential Zoning Districts.** The required front yard setback for corner lots, located in residential zoning districts (including a residential PUD) with a minimum required lot size of ½ acre or less, on the side of the dwelling where the driveway access is not located may be ½ the required front yard setback of zoning district, or 15 feet, whichever is greater, provided further, no part of any structure shall project into the sight distance triangle as defined in the ECM.

(6) **Flag Lot Setbacks.** The required front, side and rear yard setbacks shall be established by determining the front, side and rear lot lines based on the following criteria.

(a) **Front Lot Line.** The property line most parallel and nearest to the road from which access from the road is gained is the front lot line.

(b) **Rear Lot Line.** The property line that is most opposite or parallel to the front lot line is the rear lot line.

(c) **Side Lot Line.** Property lines that are not considered front or rear property lines are side lot lines.

(7) **Irregularly Shaped Lots Setbacks.** For wedge or pie shaped lots the minimum width at front setback line shall establish the front setback. The PCD Director shall determine how lot lines shall be designated and the resulting setbacks where the provisions of this Code do not clearly establish the lot lines or setbacks requirements.

(8) **Deck Setbacks.** Attached decks over 18 inches in height from finished grade to finished floor are considered a part of the principal structure and shall meet the same setbacks as the principal structure. Detached decks over 18 inches in height from finished grade to finished floor are considered accessory structures and shall meet the principal structure setbacks unless separate accessory structure setbacks are provided for in the applicable zoning district. To be considered detached, the deck must not be connected to the principal structure, or located within 9 inches of the principal structure. Decks, slabs, or patios, whether attached or detached 18 inches or less in height from finished grade to finished floor are not considered structures.

(9) **Mobile Home Setbacks.** If the tongue is to be removed, the setback measurement shall be from the outer walls of the mobile home. The tongue (if not removed) may extend into the required front yard setback, but not other yard setbacks, provided the provision of the required parking can still be maintained.

(10) **Merger and Setbacks.** In the instance where the lot or parcel is merged, the setback is measured from the lot or parcel line resulting after the merger.

(E) **Projection into Setbacks.**

(1) **Projections in Residential Zoning Districts.** For property located in residential zoning districts (including a residential PUD), containing a minimum required lot size of ½ acre or less:

- An enclosed porch, 4 feet by 4 feet or less, may project into a required front or rear yard setback.
- Open and unenclosed patios, decks, platforms, landings or ramps may extend into required front, side or rear yard setbacks provided the patio, deck, platform, landing or ramp does not exceed 18 inches in height measured from the finished floor to any adjacent point of the finished grade.
- Awnings, chimneys and flues, sills, belt courses, cornices, eaves and other similar architectural features may project not more than 2 feet into required front, side or rear yard setbacks.
- Cantilevered bay windows, no greater than 12 feet in width, may project not more than 3 feet into a required front or rear yard setback. The window shall include no supports that extend into the required front or rear yard setback.
- One carport may extend into the required front yard setback to a point of no less than 5 feet from the property line as long as any site visibility is maintained, and into the side and/or rear yard setback. Adequate sight distance at all driveway access points shall not be obstructed by the installation of a carport. No portion shall project into a pedestrian or equestrian walkway, a private or public right-of-way, or any utility or drainage easement unless written permission of the agency or agencies having jurisdiction over the easement has been obtained.
- Carports shall comply with clear zone requirements in Section 2.3.2 and Table 2-7 of the ECM.

- Window wells may extend into the required side and rear yard setback. No portion shall project into any utility or drainage easement except with the permission the agency or agencies having jurisdiction over the easement.

(2) **Projections in All Zoning Districts.** For property located in all zoning districts:

- Wall signs may project into required front, side or rear yards not more than 18 inches.
- Fire escapes may extend 6 feet into a required rear yard.
- Utility distribution lines and related equipment commonly located along property lines may be located within a required setback (except utility or telephone boxes taller than 18 inches cannot be located within a sight distance triangle). A neighborhood substation, or gas regulator/meter station shall meet the required setbacks.
- Mailboxes, or mailbox complexes, established and approved in accordance with requirements of the ECM may be located within the front or side setback.
- Signs or entryway features may be located within the setback area in accordance with this Code and the ECM.
- Non-permanent handicap access ramps may project into a required setback.

(F) **Lot Requirements.**

(1) **Measuring Lot Width and Lot Depth.** Lot width is measured parallel to the front lot line. Lot depth is measured at an angle of 90 degrees to the front lot line.

(2) **Minimum Lot Area.**

(a) **Specific Use Require More Lot Area.** Some land uses require a minimum lot size which is greater than the minimum size established by the zoning district.

(b) **Public Right-of-Way Not Included in Lot Area.** Lot area shall not include any portion of an adjacent public right-of-way, but may include the land within a private road easement.

(c) **Flag Stem Not Included in Lot Area.** Lot area shall not include the area within a flag stem.

(d) **Lot Area for Nonconforming Lots.** The lot area requirements for nonconforming lots are established within this Chapter. Lots conforming to the minimum lot area requirements of the zoning district that are subsequently reduced in land area due to land acquisition by a governmental entity shall be considered conforming to the minimum lot area requirements.

(e) **Minimum Lot Area Not Required for Utility Facilities.** A minimum lot area shall not be required for utility facilities or telecommunication facilities. The required lot area shall be established through the appropriate review and hearing process.

(G) **Maximum Structure Height.** The maximum height of structures is listed in Table 5-4 and 5-5. The method of measurement is detailed within the definition in Chapter 1.

(1) **Exceptions to Height Limits.**

(a) **Height Limits Not Applicable to Architectural Features.** The maximum height limitations of this Code do not apply to church spires, belfries, cupolas, chimneys and other similar design or architectural features or other appurtenances that are usually installed above roof level.

(b) **Height Limits Superseded by Specific Use Standards.** The maximum height limitations of this Code do not apply or are superseded by the specific use or development standards of this Code, or land use approval actions that apply to water tanks, public buildings antennas,

utility poles, utility facilities, wind generators, amateur radio towers, and commercial towers and similar facilities.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-421, Exh. A, 11-12-2019; Res. No. 23-219, Exh. A, 6-20-2023)

5.5. PROVISIONS FOR RELIEF FROM DENSITY AND DIMENSIONAL STANDARDS

5.5.1. Administrative Relief

(A) **Purpose.** The purpose of this Section is to provide for flexibility in the application of regulations when a standard is inapplicable or inappropriate to a specific use or design proposal or a minor problem arises with the strict application of development standards.

(B) **PCD Authorized to Grant Administrative Relief.** The PCD Director may approve administrative relief to the requirements for lot area, front, side and rear setbacks, and height limitation. Administrative relief shall be for the purpose of relieving difficulties or hardships due to narrowness, shallowness, shape or topographic condition of a specific piece of property, or to provide limited flexibility to lot standards when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Code will be caused by the administrative relief granted.

The PCD Director may only grant relief in accordance with the following standards:

(1) **Reduction in Lot Area, Setbacks, and Lot Width.** A maximum of a 20% reduction in lot area, setbacks and lot width from the amount required in the zoning district in which the subject property is located may be approved.

(2) **Increase in Lot Coverage and Structure Height.** A maximum of a 20% increase in the lot coverage and structure height from the amount required in the zoning district in which the subject property is located may be approved.

(3) **Increase in Accessory Structure Size.** A maximum of a 20% increase in the size of an accessory structure from the size allowed in the zoning district in which the subject property is located may be approved

(4) **Decrease in Parking Requirements.** A maximum of a 20% decrease in the parking requirements in the zoning district in which the subject property is located may be approved.

(5) **Reduction in Distance Separation.** A maximum reduction of 50% in distance separation requirements for day care homes, group homes, and other similar human service establishments may be approved.

(6) **Increase in On-Premise Sign Area.** A maximum increase of 20% in the area of any on-premise sign may be approved.

(C) **Limitations on Administrative Relief.** The following limitations shall apply to the granting of administrative relief:

(1) **Sight Distance Triangle.** Administrative Relief to setbacks on corner lots shall not be granted by the PCD Director in a sight distance triangle at corners and railroad crossings unless it is specifically found by the County that no potential traffic problem is created because of diminished sight distances.

(2) **Setback and Height Relief on Same Lot.** Administrative Relief shall not be granted for both setback and height requirements on the same lot or parcel.

(3) **Plat Notes or Restrictions.** Administrative Relief cannot be granted from a standard that is set by plat note or restriction.

(4) **Within an approved PUD District.** Administrative Relief in accordance with the limitations of this Code may be granted from a standard that is set by the PUD Development Plan or Development Guide for a single lot or parcel or between two adjacent parcels. Minor variances to PUD standards affecting multiple parcels may be approved as a minor PUD amendment.

(D) **Findings Necessary to Grant Administrative Relief:**

(1) **Criteria to be Met.** To grant administrative relief, all of the following criteria shall be met, in addition to the compliance with the other applicable development standards:

- The strict application of the standard in question is unreasonable or unnecessary given the development proposal or the measures proposed by the applicant; or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district;
- The intent of this Code and the specific regulation in question is preserved;
- The granting of the administrative relief will not result in an adverse impact on surrounding properties; and
- The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel.

(2) **Additional Factors Considered.** In addition to the criteria required to be met for approval of administrative relief, consideration may also be given to the following factors:

- The granting of administrative relief would help minimize grading and reduce vegetation removal;
- The granting of administrative relief would avoid unnecessary site disturbance or minimize grading;
- The granting of administrative relief would allow the proposed building location and existing vegetation on the site to restrict visibility of the additional height from a distance, from the road or from downhill properties; and
- The granting of administrative relief would allow for building design such as split pads, stepped footings, below grade rooms and roof forms pitched to follow the slope.

(E) **Responsibility of Applicant to Comply.** The PCD Director may require a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot lines affected to demonstrate compliance with the approval of the administrative relief.

(F) **Revoke Administrative Relief.** The PCD Director may revoke any administrative relief by issuing a zoning violation notice if, in the PCD Director's opinion, the use is not in compliance with the intent and purpose for which the administrative relief was granted.

(G) **Minor Variations During Platting.** Minor variations from strict application of the provisions of a development plan or conventional zoning district may be allowed at the discretion of the PCD Director in order to facilitate the reasonable and expeditious platting of the property. Variations shall be allowed only after a finding by the PCD Director that:

- The variation does not constitute a substantial change to the allowed land use; and that
- No substantial detriment to the public good, nor harm to the general purpose and intent of this Code, will be caused thereby.

The variation shall not by themselves constitute grounds for disapproval by the BoCC of any final plat unless the BoCC specifically finds that the variation constitutes a substantial change in the allowed land

use or causes a substantial detriment to the public good or harm to the general purpose and intent of this Code.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-421, Exh. A, 11-12-2019)

5.5.2. Dimensional Variances and Appeals to the Board of Adjustment

(A) **Applicability.** Any person aggrieved by the inability to obtain a building permit or by any order, requirement or decision made by an administrative officer or agency in the administration, interpretation or enforcement of the following provisions of this Code can appeal to the Board of Adjustment.

(B) **Authorities of the Board of Adjustment.**

(1) **Appeal of Administrative Decisions or Determinations.** The Board of Adjustment shall have the power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or refusal made by the PCD pertaining to the application or enforcement, under this Code, of:

- A zoning district's development requirements or a use standard relating to physical dimension, structural location, or bulk limitation;
- Nonconforming building provisions;
- Nonconforming lot or parcel or merger by contiguity provisions;
- Parking and development requirements;
- Landscape requirements;
- On-premise signs (dimensional, location, and number requirements only) provisions, and off-premise sign separation distances;
- Distance separation requirements required for daycare applications;
- Appeal of an action regarding administrative relief;
- Determination of wildfire hazard or zoning district boundary;
- Any other matter appealable to the Board of Adjustment under the provisions of this Code.

(a) An appeal of any administrative decision or determination pursuant to this Section must be made within thirty (30) days of the administrative decision or determination.

(b) In considering any appeal brought under this Section or under any other Section of the Code which refers to this Section, the BOA must find that the appellant has provided sufficient relevant evidence to determine that the PCD erred in applying the applicable Code provisions in making its administrative decision or determination in order to approve the appeal.

(2) **Grant of Variance of Specific Development Standards.**

(a) **Variances to Physical Requirements.** The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property. Practical difficulties and hardship, in this context, may exist where the legal use of the property is severely restricted due to (1) the exceptional narrowness, shallowness or shape of the specific piece of property, or (2) the exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.

The Board of Adjustment may also grant variances from the strict application of any physical requirement of this Code based upon equitable consideration, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property and;

- The variance provides only reasonably brief, temporary relief; or
- The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements; or
- Some other unique or equitable consideration compels that strict compliance not be required.

(b) **Variances to Standards Subject to Appeal.** The Board of Adjustment is authorized to grant variances to those standards subject to appeal to the Board of Adjustment where strict compliance with this Code would result in peculiar or exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.

(c) **Other Variance Matters.** To hear any other variance matters expressly delegated to the Board of Adjustment by this Code.

(3) **Prohibited Actions by the Board of Adjustment.** The Board of Adjustment shall not take any action which would result in any of the following:

- Permitting a use other than those allowed in the property's zoning district;
- Authorizing an existing zoning violation for a building or use that is subject to prosecution pursuant to C.R.S. § 30-28-124(1), without the express written consent of the CAO;
- Alteration of any definition contained in this Code;
- Substantial modification to any PUD or Special Use allowed or approved by the BoCC; or
- Variation of any subdivision standard.

(C) **Action by the Board.** The affirmative vote of 4 members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the PCD Director; to approve any variance; to resolve boundary line disputes; or to take any other action regarding an appeal or application.

(D) **Limitations on Approval and Expiration.**

(1) **Approval Limited to Proposal Presented.** A physical variance is limited to the property configuration and existing or proposed structures actually presented to the Board of Adjustment as part of the variance application.

(2) **Expiration of Approval if Action Not Initiated.** A physical variance for a proposed structure, except for lot area variances where a plat has been filed for recording, is valid only if construction of the structure is initiated within one year of the date of the Board of Adjustment's approval of the variance.

(3) **Expiration of Approval if Structure Removed.** A physical variance for an existing or subsequently constructed structure, except for lot area variances where a plat has been filed for recording, is valid only so long as the structure is not removed or demolished.

(4) **Run with the Land.** Variance requests approved by the Board of Adjustment shall run with the land for which the variance has been approved.

(E) **Responsibility of Applicant to Comply.** The PCD Director may require a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot lines affected to demonstrate compliance with the approval of the dimensional variance.

(F) **Revocation of Approval or Permit.** Failure to abide by or comply with any requirements, conditions or restrictions of this Code may result in the PCD Director scheduling a hearing regarding revocation of the Board of Adjustment's approval following the appropriate enforcement procedures.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-421, Exh. A, 11-12-2019; Res. No. 21-88, Exh. A, 3-9-2021)

5.6. LEGAL NONCONFORMITIES

5.6.1. Purpose

This Section governs uses, structures and lots that were legally established prior to the adoption of this Code and do not comply with one or more requirements of the Code. The County seeks to allow nonconforming uses, structures, and lots to continue to exist and be maintained and put to productive use and to encourage as many aspects of the uses, structures, and lots to be brought into conformance with this Code as is reasonably practical. This Section is intended to recognize the interests of the property owner in continuing the nonconformity but also to preclude the extension, expansion, or change in character of the nonconformity or the reestablishment of the nonconformity after it has been abandoned.

5.6.2. General Provisions

(A) **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. A pre-existing, nonconforming use which would require the approval of a special use shall be presumed to have the required special use permit.

(B) **Change of Building or Use.** A nonconforming building or use may be changed to any conforming building or use, but may not be later changed back to any nonconforming building or use. A legal nonconforming use shall not be changed to a different nonconforming use. Any change of a nonconforming use to another use shall immediately terminate the right to continue the nonconforming use.

(C) **Interruption of Nonconforming Use.** If a nonconforming use is abandoned for a period of one year, the structure and land where the nonconforming use previously existed shall be occupied and used only by a conforming use. Intent to resume active operation of the nonconforming use shall not affect the foregoing. The burden of proof that a nonconforming use has been continuously maintained rests with the property owner or operator of the use. The evidence that an operation has been continuous shall be clear and conclusive. Any nonconforming use may be deemed abandoned after a period of less than one year if the property owner expressly states intent to abandon the use, or engages in action which unambiguously expresses intent to abandon.

(D) **Default of Title.** If the title to any property changes by reason of tax delinquency, and the property is not redeemed as provided by law, the future use of the property shall be in conformity with this Code.

5.6.3. Restoration

(A) **Damage to Structure.** A nonconforming structure damaged or partially destroyed by fire, explosion or natural occurrence may be restored to the condition in which it was immediately prior to the occurrence of the damage or destruction, provided:

- The value of the damage is less than 50% of the County Assessor's assessed value of the improvements damaged;

- The restoration or reconstruction does not extend beyond the original limits of the structure in setback, lot area coverage, height, floor area, and number of bedrooms or bathrooms; and
- All restoration or reconstruction is started within one year from date of the damage and is completed within two years.

(B) **Intentional Damage by Property Owner or Agent.** The right to continue a nonconforming use terminates immediately when the structure containing a nonconforming use is destroyed by an intentional act of the property owner or their agent.

(C) **Restorations Exempt for Site Development Plan Review.** Restorations meeting the requirements of this provision are not required to undergo a site development plan review.

5.6.4. Enlargement of a Nonconforming Use

(A) **Within an Existing Building.** A nonconforming use when located within a structure may be extended throughout the existing structure devoted to the use at the time of the adoption of the provisions of this Code causing the use to become nonconforming, provided that any structural alteration conforms to the requirements of this Code.

(B) **Expansion of Use as Variance of Use or Special Use.** A nonconforming use of land shall not be extended or enlarged; provided, however, an extension or enlargement may be approved as a Variance of Use. Where the use is a special use in the zoning district, a special use permit shall be obtained for an extension or enlargement of the use.

5.6.5. Alteration of a Nonconforming Structure

(A) **Structural Alterations Limited.** A nonconforming structure may be structurally altered, repaired, or enlarged in any way allowed by this Code; however, no alterations, repairs, or enlargements shall be made in a nonconforming building which would increase the degree of nonconformity with the density and dimensional standards of this Code. Additions or extensions may be made to a structure that is legally nonconforming as to height, area or setbacks provided the addition and the use of the addition conforms to all the requirements for the zoning district in which it is located.

(B) **Maintenance.** Normal repairs and maintenance of a nonconforming structure are allowed. A nonconforming structure, however, cannot be repaired or altered in a manner that increases its nonconformity with this Code.

(C) **Unsafe Buildings.** Any structure containing a nonconforming use or any nonconforming building declared unsafe by the Building Department may be strengthened or restored to a safe condition.

(D) **Movement of Nonconforming Structure.** Should a nonconforming structure be moved, it shall conform to the provisions of the zoning district in which it is located after the move.

(E) **Replacement of a Mobile Home in a Nonconforming Mobile Home Park.** Within a nonconforming mobile home park, a mobile home may be replaced with a post-1976 mobile home meeting the requirements of the Building Code on a unit by unit basis provided the setbacks as identified in the MHP District are met.

5.6.6. Lots and Specific Facilities and Uses

(A) **Nonconforming Signs.**

(1) **Termination of Right to Maintain Nonconforming Sign.** The right to maintain a nonconforming sign shall be terminated by one or more of the following events or activities:

- Abandonment of the nonconforming sign for a continuous period of one year;

- Increase of any sign dimension;
- Damage to or destruction of the nonconforming sign from any cause whatsoever, where the cost of repairing the damage or destruction exceeds 50% of the replacement cost of the sign on the date of the damage or destruction. In determining the replacement cost of a nonconforming sign, the cost of the land, the cost of renting land, or any factor other than the cost of the sign itself shall not be considered; or
- Failure of the nonconforming sign to comply with this Code at time of construction.

(2) **Change of Copy, Orientation or Trim.** The copy, orientation or trim on the sign and supporting structure may be changed on a nonconforming sign.

(3) **Maintenance.** Nonconforming signs shall be maintained in good repair and any damaged sign, however caused, shall be repaired, except as otherwise limited by this Section.

(4) **Replacement of Nonconforming Signs.** Where the number of signs on a lot or parcel exceeds the number of signs allowed by this Code, 2 nonconforming signs shall be removed for every new or replacement sign to be erected. The maximum size of the new sign shall not exceed the maximum size allowed by this Code.

(B) **Nonconforming Telecommunications Towers.** For nonconforming telecommunications towers there shall be no increase in the number of antennas located on a tower, or an increase in the height or weight bearing capacity of the tower beyond that necessary to conform to safety regulations adopted by the County, State or federal government, except that the following shall be allowed:

(1) **Replacement of Antennas.** Antennas may be maintained, or replaced, with another antenna intended to provide the same service.

(2) **New Antennas Added to Tower.** New antennas may be added to a tower where the tower and antennas do not exceed 200 feet in height above the base of the tower, and the new antenna does not exceed 25 feet in length and 8 inches in diameter, and does not extend above the height of the existing tower.

(3) **Maintenance and Repairs.** Maintenance, repairs or alterations to legal nonconforming telecommunication towers may be performed that are necessary to maintain the tower in good condition and repair. The weight bearing capacity and wind loading capacity of a tower may only be increased to the extent necessary to maintain the tower in conformance with State or national standards for weight bearing capacity and wind loading capacity for the number of antennas otherwise allowed on the tower as set forth in this Section.

(4) **Removal of Unused Nonconforming Tower.** If there are no antennas on a nonconforming telecommunications tower or if a nonconforming telecommunications tower has been abandoned for a period of one year, the tower and any accessory structures, structures or equipment shall be removed within one year from the expiration of the one year period or it shall be brought into conformity with this Code.

(C) **Nonconforming Sexually-Oriented Businesses.**

(1) **Subsequent Location of Use or Change in Zoning District Boundary.** A sexually-oriented business lawfully operating at the time of adoption of this Code is not in violation of this Code by the subsequent location of a religious institution, school, park, residence, or residential district, within 1000 feet of the sexually-oriented business.

(2) **Nonconforming as a Result of Change to this Code.** A sexually-oriented business lawfully operating at the time of adoption of this Code and rendered nonconforming by any modification

of this Code shall comply with all requirements included in this Code, but shall not be subject to the distance separation requirements.

(D) **Nonconforming Mineral Resource Extraction.** Mineral and natural resource extraction operations that are sought to be conducted on property owned by or under lease or contract by the operator of a nonconforming mineral extraction operation and that is located on land contiguous to the nonconforming mineral extraction operation may be undertaken as an extension of the nonconforming mineral extraction operation.

(E) **Nonconforming Pre-1976 Mobile Homes.** Existing pre-1976 mobile homes are considered nonconforming uses and may only be replaced with a dwelling conforming to the requirements of the Building Code or a pre-1976 mobile home which has been certified in accordance with the building code. Within the A-35 zoning district only, existing pre-1976 mobile homes may be converted to accessory structures for use as storage and other non-habitable uses with the removal of the kitchen and any related appliances.

(F) **Nonconforming Landscaping and Parking.**

(1) **Continuation.** Landscaping or parking areas legally existing at the time this Code became effective which have become nonconforming because they no longer meet current requirements, may be continued until either of the following changes occur:

- Any new construction or addition of building floor area consisting of 50% or more of the existing gross building floor area of the development project; or
- Any change from a residential use to a non-residential use (or vice versa) consisting of 50% or more of the existing gross building floor area of the development project.

All required landscaping shall be provided in conjunction with either of the changes described above.

(2) **Extension.** Nonconforming landscaping or parking spaces shall not be enlarged, expanded, extended or increased, except as provided in this Code. Additional parking may be required whenever the PCD Director determines that it is necessary to avoid congestion on public roads and to provide for the general safety and convenience of County residents.

(Res. No. 17-374, Exh. A, 12-12-2017)

5.6.7. Nonconforming Lot or Parcel

(A) **Applicability.** A lot or parcel that is nonconforming due to lot size shall be subject to the following provisions when a building permit for a dwelling or habitable addition is requested. A non-habitable addition or accessory improvement (e.g., a garage, deck, or tool shed) on a lot or parcel where a dwelling already exists is not subject to the requirements of this Section, but is subject to the dimensional standards of the applicable zoning district. An existing dwelling, located on a lot or parcel that is nonconforming due to lot size that is destroyed or partially destroyed by fire shall be subject to the restoration provisions of this Code.

(B) **Request for Conformity.** A nonconforming lot or parcel shall be considered conforming when the owner requests and receives a zoning lot determination from the PCD Director that identifies the lot as conforming. Recording of the determination shall be initiated by the owner with PCD within 30 days of the date of the determination.

(C) **Determination of Conformity.** To determine a nonconforming lot as conforming, all of the following criteria shall be met, as applicable:

(1) The creation of the lot or parcel was in conformance with all applicable regulations at the time of its creation;

(2) The lot or parcel is currently in compliance with all use regulations and conditions and restrictions of any applicable special use or variance of use;

(3) The lot or parcel has completed the merger by contiguity process to create a zoning lot unless the PCD Director has authorized a remainder lot or parcel to be considered conforming;

(4) For existing dwellings, verification provided by an El Paso County Certified Inspector that there is no evidence of wastewater related issues or that any wastewater issues are being remedied;

(5) For a new dwelling, a soils test has been submitted demonstrating sufficient area for the onsite wastewater treatment system and a private well to be installed meeting all internal and external lot minimum horizontal setback requirements;

(6) For a new dwelling, documentation of water availability, including but not limited to, a copy of the well permit, evidence of a water tap, or a copy of a water commitment letter has been provided;

(7) At least 30% of the zoning lot is considered buildable after exclusion of land identified as containing 100 year floodplain and 30% slopes.

(8) The lot or parcel meets one of the following lot size requirements:

- Central water and sewer are both provided, and the area of the zoning lot is at least 20,000 square feet or is 60% of the minimum lot area required by the applicable zoning district, whichever is less; or
- Central water is provided, but central sewer is not provided, and the area of the zoning lot is at least 20,000 square feet; or
- No central water or central sewer is provided and the area of the zoning lot is one acre or more.

(D) **Compliance with Development Standards.** Nonconforming lots or parcels shall comply with development standards of the applicable zoning district, except the lot frontage requirements, unless otherwise indicated in this Code. Lots or parcels subject to the merger by contiguity provisions of this Code shall have setbacks applied only along the exterior boundaries of the merged properties.

(E) **Recognition Not Basis for Subdivision.** Recognition of nonconforming lots shall not be a basis or justification for new subdivision development. New subdivisions shall comply with the applicable zoning requirements.

(F) **Remainder Parcel Considered Conforming.** A remainder lot or parcel not meeting the minimum lot size requirement for the subject property shall only be considered a conforming zoning lot if the owner requests and receives a zoning lot determination from the PCD Director identifying the remainder parcel as conforming. Recording of the determination shall be initiated by the owner with PCD within 30 days of the date of the determination.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-330, Exh. A, 8-27-2019; Res. No. 21-88, Exh. A, 3-9-2021)

5.6.8. Decisions and Appeals

(A) **Authority with PCD Director.** All decisions concerning nonconformities will be made by the PCD Director.

(B) **Appeals of PCD Director Decision.** All decisions of the PCD Director concerning nonconformities, other than use determinations, may be appealed by an aggrieved party to the Board of Adjustment pursuant

to the authority and within the timeframe established in Section 5.5.2(B)(1)(a) and pursuant to any applicable procedures set forth in this Code or the Procedures Manual.

(C) **Property Owner Responsible for Evidence.** The property owner is responsible for providing evidence regarding the establishment and continuation of a nonconforming use.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 21-88, Exh. A, 3-9-2021)

Table 5-1.
Principal Uses.

Notes:

"A" = Allowed Use, "S" = Special Use, "T" = Temporary Use

[1] Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status.

[2] Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status.

[3] Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status.

[4] Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.

[5] A minimum of 1 acre is required.

[6] Marijuana Club is prohibited in all zoning districts.

[7] Minimum area of 35 acres. When less than 35 acres a special use is required.

[8] Use requires central water and wastewater services.

[9] The 1 acre size limitation shall be a combined total footprint of all greenhouses on the subject lot or parcel.

Use Type	Agricultural Zoning Districts			Residential Zoning Districts													Commercial Zoning Districts			Industrial Zoning Districts	
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3
Acid Manufacturing																					S
Adult Care Home	A4	A4	A4	A4	A4	A4	A4	A4	A4	A4	A4	A4	A4	A4	A4						
Agricultural Business		S																			
Agricultural Structure Exemption from the Building Code	A	A	A	A																	
Agricultural Stand	A	A	A	A																	
Agritainment	A7	A7	A7	A7																	

~~Airstrip, Personal~~		~~S~~																			
~~Amusement Center, Indoor~~																	~~S~~	~~A~~	~~A~~		
~~Amusement Center, Outdoor~~	~~S~~	~~S~~	~~S1~~														~~S~~	~~S~~	~~S~~		
~~Animal Refuge~~	~~S~~	~~S~~	~~S~~	~~S~~																	
~~Auction Facility~~		~~S~~	~~S~~														~~S~~	~~A~~	~~A~~		
~~Automobile and Boat Storage Yards~~																	~~S~~		~~A~~	~~A~~	~~A~~
~~Automobile and Trailer Sales~~																	~~S~~	~~S~~	~~A~~	~~S~~	~~S~~
~~Bakery, Retail~~																	~~A~~	~~A~~	~~A~~		
~~Bakery, Wholesale~~																			~~A~~	~~A~~	~~A~~
~~Bar~~																	~~A~~	~~A~~	~~A~~		
~~Barber/Beauty Shop~~																	~~A~~	~~A~~	~~A~~		
~~Batch Plant~~																					~~S~~
~~Batch Plant, Temporary~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~					~~T~~	~~T~~	~~T~~	~~T~~	~~T~~
~~Bed and Breakfast Inn~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~									
~~Billiard Parlor~~																	~~A~~	~~A~~	~~A~~		
~~Boarding House~~										~~A~~	~~A~~						~~S~~	~~S~~	~~A~~		
~~Bottling Works~~																			~~A~~	~~A~~	~~A~~
~~Business Event Center~~	~~S1~~	~~S~~	~~S~~														~~A~~	~~A~~	~~A~~		
~~Car Wash~~																	~~A~~	~~A~~	~~A~~		
~~Carnival or Circus~~																	~~T~~	~~T~~	~~T~~		
~~Cement Manufacturing~~																					~~S~~
~~Cemetery~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~															
~~Child Care Center~~	~~S4~~	~~S4~~	~~S4~~	~~S4~~	~~S4~~	~~S4~~	~~S4~~	~~S4~~	~~S4~~	~~A~~	~~A~~	~~S4~~	~~S4~~	~~S4~~	~~S4~~		~~A~~	~~S~~	~~A~~		
~~Christmas Tree Sales~~																	~~T~~	~~T~~	~~T~~		
~~Club~~	~~S~~		~~S~~														~~A~~	~~A~~	~~A~~		
~~CMRS Facility, Freestanding~~		~~S~~															~~S~~	~~S~~	~~S~~	~~S~~	~~S~~
~~CMRS Facility, Small Cell~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~

CMRS Facility, Stealth	S	A	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	
Commercial or Retail as Part of Overall Shopping Center																A	A	A			
Community Building	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A		
Composting Facility																					S
Construction Equipment Storage and Field Offices, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T
Contractor's Equipment Yard																		S	S		A
Convenience Store																A	A	A			
Copy Shop																A	A	A			
Dairy		A3	A3	A3																	
Dry Cleaning Plant																			A		A
Dwelling, Attached Single-Family								A8	A8	A8	A8										
Dwelling, Detached Single-Family	A	A	A	A	A	A	A	A	A	A8	A8	A									
Dwelling, Multifamily										A8	A8										
Dwelling, Two-Family	S8	A8	S8	S8		S8			A8	A8		S8									
Educational Institution, Private	S	S	S	S	S	S	S	S	S	S	S	S				S	S	S			
Educational Institution, Public	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A
Electronic, Electrical, Communication Equipment Manufacturing																			A		A
Emergency Facility, Private	S	S	S	S	S	S	S	S	S	S	S	S	S	S			A	A	A	A	A
Emergency Facility, Public	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

~~Energy Generation Facilities less than 50 MW~~																				~~S~~
~~Explosives Manufacturing~~																				~~S~~
~~Family Care Home~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~						
~~Farm~~	~~A3~~	~~A3~~	~~A3~~	~~A3~~																
~~Fertilizer Manufacturing~~																				~~S~~
~~Financial Institution~~																	~~A~~	~~A~~	~~A~~	
~~Firewood Sales~~		~~S2~~	~~S2~~																~~A~~	~~A~~
~~Fireworks Sales~~																	~~T~~	~~T~~	~~T~~	
~~Flea Market~~																	~~S~~	~~A~~	~~S~~	~~S~~
~~Food Processing~~																			~~A~~	~~A~~
~~Freight Terminal~~																			~~S~~	~~A~~
~~Fuel Sales and Storage~~																				~~S~~
~~Funeral Home~~																	~~S~~	~~A~~	~~A~~	
~~Garbage Service Facility~~																			~~A~~	~~A~~
~~Gas Station~~																	~~A~~	~~A~~	~~A~~	
~~Glue Manufacturing~~																				~~S~~
~~Golf Course~~	~~S~~	~~S~~	~~S~~	~~S~~																
~~Greenhouse~~	~~A~~	~~A~~	~~A~~	~~A~~																
~~Greenhouse (>1 acre)~~	~~S~~	~~S~~	~~S~~	~~S~~																
~~Group Home~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~	~~A4~~					
~~Half-Way House~~	~~S~~	~~S~~	~~S~~	~~S~~																
~~Hazardous Material Storage~~																				~~S~~
~~Hazardous Waste Disposal Facility~~																				~~S~~
~~Health Club~~																	~~A~~	~~A~~	~~A~~	~~S~~
~~Heavy Equipment Rental, Sales or Storage~~																			~~S~~	~~S~~
~~Home Improvement Center~~																	~~S~~	~~A~~	~~A~~	~~A~~

~~Hospital~~											~~S~~						~~A~~	~~A~~	~~S~~			
~~Hospital, Convalescent~~	~~S~~	~~S~~	~~S~~							~~S~~	~~S~~						~~S~~	~~S~~	~~S~~			
~~Hospital, Veterinary~~	~~S~~	~~S~~	~~S~~	~~S~~													~~S~~	~~S~~	~~S~~			
~~Hotel~~																	~~S~~	~~S~~	~~A~~			
~~Human Service Shelter~~																	~~S~~	~~S~~	~~A~~			
~~Inert Material Disposal Site~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~
~~Inert Material Disposal Site-Minor~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~
~~Infectious Waste Transfer Station~~																				~~S~~	~~S~~	
~~Institution, Philanthropic~~	~~S~~		~~S~~	~~S~~	~~S~~	~~S~~												~~A~~	~~A~~	~~A~~		
~~Kennel, Major~~	~~S~~	~~A2~~	~~S~~	~~S~~								~~S~~					~~S~~	~~A~~	~~A~~	~~A~~		
~~Kennel, Minor~~	~~A1~~	~~A1~~	~~A1~~	~~A1~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~			~~A1~~					~~A~~	~~A~~	~~A~~	~~A~~		
~~Laboratory~~																	~~S~~		~~S~~	~~A~~	~~A~~	
~~Laundromat~~																	~~A~~	~~A~~	~~A~~			
~~Library~~	~~S~~		~~S~~	~~S~~						~~S~~	~~S~~						~~A~~	~~A~~	~~A~~			
~~Light Industry~~																			~~S~~	~~A~~	~~A~~	
~~Light Manufacturing~~																			~~S~~	~~A~~	~~A~~	
~~Liquor Store~~																	~~A~~	~~A~~	~~A~~			
~~Livestock~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A5~~						~~A~~										
~~Livestock Feed Yard~~		~~S3~~	~~S3~~																			~~S~~
~~Livestock Sales Yard~~		~~A3~~	~~S2~~																			~~S~~
~~Lumber Yard~~		~~S~~	~~S~~														~~S~~	~~S~~	~~S~~	~~A~~	~~A~~	
~~Manufactured Home~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~			~~A~~		~~A~~								
~~Marijuana Club6~~																						
~~Marijuana Land Use, Medical~~																			~~A~~			
~~Meat Processing, Custom~~		~~S~~	~~S~~																~~A~~	~~A~~	~~A~~	
~~Medical Clinic~~																	~~A~~	~~A~~	~~A~~			
~~Metal Processing Plant~~																						~~S~~

~~Mineral and Natural Resource Extraction Operations, Commercial~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~
~~Mineral Processing Plant~~																					~~S~~
~~Mining, Construction-Related~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~
~~Mini-Warehouse~~																	~~S~~		~~A~~	~~A~~	~~A~~
~~Mixed-Use Residential Units~~																	~~S~~	~~S~~	~~S~~		
~~Mobile Home, Post-1976~~		~~A~~	~~A~~	~~A~~									~~A~~	~~A~~	~~A~~						
~~Model Home/Subdivision Sales Office~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~		~~T~~							
~~Museum~~	~~S~~	~~S~~	~~S~~														~~A~~	~~A~~	~~A~~		
~~Night Club~~																	~~S~~	~~A~~	~~S~~		
~~Nursery, Retail~~																	~~A~~	~~A~~	~~A~~		
~~Nursery, Wholesale~~	~~A~~	~~A1~~	~~A~~	~~A~~													~~S~~		~~A~~	~~A~~	~~A~~
~~Office, General~~																	~~A~~	~~A~~	~~A~~	~~S~~	
~~Off-Premise Sign~~																	~~S~~		~~S~~		~~S~~
~~Outdoor Concert~~			~~S2~~																		
~~Outside Storage~~																				~~S~~	~~A~~
~~Over the Air Reception Devices~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~
~~Parking Garage~~																	~~A~~	~~A~~	~~A~~		
~~Parking Lot~~																	~~A~~	~~A~~	~~A~~		
~~Peddler Sales~~																	~~T~~	~~T~~	~~T~~		
~~Petroleum Refining~~																					~~S~~
~~Plaster Manufacturing~~																					~~S~~
~~Prison, Private~~		~~S~~															~~S~~		~~S~~	~~S~~	~~S~~
~~Proprietary School~~																	~~A~~	~~A~~	~~A~~	~~S~~	
~~Public Building, Way or Space~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~

~~Public Park and Open Space~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~
~~Publishing Companies~~																			~~S~~	~~A~~	~~A~~
~~Race Track~~		~~S2~~	~~S2~~																		~~S~~
~~Ranch~~	~~A3~~	~~A3~~	~~A3~~	~~A3~~																	
~~Recreation Camp~~	~~S~~	~~S~~	~~S~~	~~S~~								~~S~~									
~~Recreational Vehicle and Boat Storage~~																	~~S~~		~~A~~	~~A~~	~~A~~
~~Recycling Facility~~																					~~A~~
~~Rehabilitation Facility~~										~~S~~	~~S~~						~~A~~	~~A~~	~~A~~		
~~Religious Housing~~		~~S~~								~~A~~	~~A~~										
~~Religious Institution~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	
~~Rendering Plant~~		~~S~~	~~S2~~																		~~S~~
~~Rental Services~~																	~~A~~	~~A~~	~~A~~	~~S~~	~~S~~
~~Repair Shop~~																	~~A~~	~~A~~	~~A~~		
~~Restaurant~~																	~~A~~	~~A~~	~~A~~		
~~Retail Sales, General~~																	~~A~~	~~A~~	~~A~~	~~S~~	~~S~~
~~Retirement Center~~										~~A~~	~~A~~										
~~Riding Academy~~	~~S2~~	~~A2~~	~~S2~~	~~S2~~								~~S2~~									
~~Rodeo~~		~~S2~~	~~S2~~																		
~~Salvage Yard~~																					~~S~~
~~Sawmill~~	~~S2~~	~~S2~~	~~S2~~																		~~A~~
~~Seasonal Produce Sales~~																	~~T~~	~~T~~	~~T~~		
~~Sexually-Oriented Business~~																	~~A~~		~~A~~		
~~Shooting Range, Outdoor~~	~~S2~~	~~S2~~	~~S2~~																		
~~Shopping Center~~																		~~A~~	~~A~~		
~~Slaughterhouse~~																					~~S~~
~~Smelter~~																					~~S~~
~~Solar Farm~~		~~S~~																			~~S~~

~~Solid Waste Disposal Site and Facility~~		~~S~~	~~S~~																		~~S~~
~~Stables, Commercial~~	~~S2~~	~~A2~~	~~S2~~	~~S2~~								~~S2~~									
~~Stables, Private~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A5~~						~~A~~									
~~Store~~																	~~A~~	~~A~~	~~A~~	~~S~~	~~S~~
~~Studio~~																	~~A~~	~~A~~	~~A~~		
~~Tannery~~																					~~S~~
~~Temporary Housing~~	~~T~~	~~T~~	~~T~~	~~T~~								~~T~~									
~~Theater~~																	~~S~~	~~A~~	~~A~~		
~~Theater, Outdoor~~	~~S~~		~~S~~														~~S~~	~~S~~	~~S~~		
~~Tiny House, Recreational Vehicle Park~~																~~A~~					
~~Tiny House, Single Lot~~	~~A~~	~~A~~	~~A~~	~~A~~								~~A~~	~~A~~	~~A~~	~~A~~						
~~Tower, Commercial (non CMRS)~~		~~S~~															~~S~~	~~S~~	~~S~~	~~S~~	~~S~~
~~Trash Transfer Facility~~																					~~S~~
~~Tree Farm~~	~~A~~	~~A~~	~~A~~	~~A~~																	
~~Truck and Recreational Vehicle Repair Garage~~																			~~A~~	~~S~~	~~A~~
~~Truck Farm~~		~~A2~~	~~A~~																		
~~Truck Stop~~		~~S2~~																	~~S2~~		~~S2~~
~~Vehicle Repair Garage, Commercial~~																	~~S~~	~~S~~	~~A~~	~~S~~	~~S~~
~~Warehouse~~																	~~S~~		~~A~~	~~A~~	~~A~~
~~Warehouse, Flammable Material~~																					~~S~~
~~Waste Tire Recycling~~			~~S~~																		~~S~~
~~Wholesale Business~~																	~~S~~		~~A~~	~~A~~	~~A~~
~~Wind/Meteorological Measuring Facilities~~	~~S~~	~~S~~	~~S~~	~~S~~								~~S~~									~~S~~
~~Wood Sales (Firewood)~~	~~S~~	~~S~~	~~S~~																~~S~~		

~~Yard Sales~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~	~~T~~		~~T~~	~~T~~	~~T~~	~~T~~	~~T~~

(Res. No. 14-243, Exh. 1, 7-1-2014; Res. No. 16-164, 5-17-2016; Res. No. 17-227, Exh. A, 8-8-2017; Res. No. 17-372, Exh. A, 12-12-2017; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 18-010, Exh. A, 1-9-2018; Res. No. 18-496, Exh. A, 12-20-2018; Res. No. 19-62, Exh. A, 2-26-2019; Res. No. 19-421, Exh. A, 11-12-2019; Res. No. 22-400, Exh. A, 11-15-2022; Res. No. 23-198, Exh. A, 6-6-2023)

Table 0 1: Table of Allowed Principal Uses
A = Allowed by-right S = Special Use required Blank Cell = Prohibited
Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)

Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	**A35**	**A5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Agricultural Uses																	
Agriculture, General[30]	A	A	A														**Error! Reference source not found.**

[30] Includes former uses “Dairy,” “Farm,” “Greenhouse,” “Nursery,” “Ranch,” “Tree Farm,” and “Truck Farm.”

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Agricultural Equipment Repair & Sales[31]	A									A			S	A			
Animal Refuge	S	S	S														
Equestrian Operation[32]	A	S	S														**Error! Reference source not found.**
Livestock Feed or Sales Yard[33]	A	S															

[31] Includes former use "Agriculture Business."
[32] Includes former uses "Riding Academy" and "Commercial Stables."
[33] Formerly "Livestock Feed Yard. "

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	**A35**	**A5**	**RR-5, F-5, RT**	**RR-2.5**	**RR-0.5, RS 20,000**	**RS-6,000, RS-5,000**	**RM-12, RM-30**	**MHP, MHP-R, MHS**	**RVP (Retired)**	**New**	**New**	**New**	**CR, I-2**	**I-3**			**Use -Specific Standards**
Proposed Zoning Districts	**A35**	**A5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Private Stables[34]	A	A	A	S	S												**Error! Reference source not found.**
Residential Uses																	
Household Living																	
Dwelling, Agricultural[35]	A																0
Dwelling, Duplex[36]	A	A	A	A	A	A	A			A	A	A					
Dwelling, in a Mixed-Use Structure																	
Dwelling, Multifamily							A				A	A					

[34] Formerly "Stables, Private. "
[35] Replaced "farm or ranch" to align with updated agricultural use.
[36] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Dwelling, Live/Work[37]	A	A	A	A	A	A	A			A	A	A	A				
Dwelling, Paired Home	A	A	A	A	A	A	A			A	A	A					
Dwelling, Single-Unit Attached					A	A	A			A	A	A					
Dwelling, Single-family Detached	A	A	A	A	A	A				A	A	A					
Manufactured Home	A	A	A	A	A	A		A		A	A	A					
Mobile Home, Post-1976	A	A	A					A									**Error! Reference source not found.**
Manufactured Home or Tiny Home Community	S								A								

[37] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Tiny House	A	A	A	A	A	A		A		A							**Error! Reference source not found.**
Group Living																	
Continuing Care Facility[38]	S	S					A			S	A	A	S				
Dwelling, Co-Housing[39]	A		A	A	A	A	A	A		A	A	A					
Group Home, FHAA Small	A	A	A	A	A	A	A	A		A	A	A					
Group Home, FHAA Large							A			A							**Error! Reference source not found.**

[38] Includes “Hospital, Convalescent” and “Retirement Center.”

[39] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	**A35**	**A5**	**RR-5, F-5, RT**	**RR-2.5**	**RR-0.5, RS 20,000**	**RS-6,000, RS-5,000**	**RM-12, RM-30**	**MHP, MHP-R, MHS**	**RVP (Retired)**	**New**	**New**	**New**	**CR, I-2**	**I-3**			**Use -Specific Standards**
Proposed Zoning Districts	**A35**	**A5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Group Residential Facility	A	A	A	A	A	A	A			A	A	A					**Error! Reference source not found.**
Human Service Shelter										S	S	S	A	A			
Public, Civic, & Institutional Uses																	
Community and Cultural Facilities																	
Assembly, Religious[40]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		**Error! Reference source not found.**

[40] Formerly "Religious Institution."

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	**A35**	**A5**	**RR-5, F-5, RT**	**RR-2.5**	**RR-0.5, RS 20,000**	**RS-6,000, RS-5,000**	**RM-12, RM-30**	**MHP, MHP-R, MHS**	**RVP (Retired)**	**New**	**New**	**New**	**CR, I-2**	**I-3**			**Use -Specific Standards**
Proposed Zoning Districts	**A35**	**A5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Assembly, Secular[41]	S	S	S	S	S	S	A	A	A	A	A	A	A	A	A		**Error! Reference source not found.**
Business Event Center							S			S	A	A	A		A		
Cemetery	A	A	A	A	S			S		S	S				A		
Child Care Center	A	A	A	A	A	A	A	A		A	A	A	A		S		
Crematorium[42]	S	S								S			S	A			
Funeral Home										S	A	A	A				
Library	S	S	S	S	S	S	S	S		A	A	A	A		A		
Museum	S	S								A	A	A	A		A		

[41] Includes former use "Community Building."
[42] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Prison or Detention Center[43]	S													S	S		
Educational Facilities																	
Educational Institution	A	A	A	A	A	A	A	A	A	A	A	A	A		A		
Healthcare Facilities																	
Hospital							S				S	S	A	A	A		
Medical or Dental Clinic[44]							A			A	A	A	A		A		
Rehabilitation Facility							S	S		S	A	A	A		S		

[43] Formerly "Prison, Private."
[44] Formerly "Medical Clinic."

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Parks and Open Space																	
Dog Park[45]	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	**Error! Reference source not found.**
Natural Resources & Wildlife Area[46]	A	A	A	A	A	A	A	A	A	A	A	A			A	A	
Park or Open Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Commercial Uses																	

[45] New

[46] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Animal Uses																	
Animal Sales and Services[47]	A	A					S			A	A	A	A				**Error! Reference source not found.**
Kennel, Major[48]	A	A	A							A	A	S	A	A			**Error! Reference source not found.**
Kennel, Minor	A	A	A	A	S	S				A	A	A	A	A			**Error! Reference source not found.**
Veterinary Clinic or Hospital	A	A	S	S	S	S	S			A	A	A	A	A			

[47] New

[48] Combined "Kennel, Large" and "Kennel, Small."

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Food and Beverage Services																	
Bar or Tavern[49]										S	A	A	A	A			
Brewery, Cidery, Winery, Meadery, or Distillery[50]										S	A	A	A	A			**Error! Reference source not found.**
Nightclub											A	A	S	S			
Restaurant or Cafe[51]							S			A	A	A	A				

[49] Formerly "Bar."
[50] New
[51] Formerly "Restaurant."

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Lodging Facilities																	
Bed and Breakfast[52]	A	A	A	S	S	S	S			A	A	A					**Error! Reference source not found.**
Boarding or Rooming House[53]	A	A				A	A			A	A	A	A				
Hotel or Motel[54]										A	A	A	A				**Error! Reference source not found.**

[52] Combines "bed and breakfast inn" "bed and breakfast home. "
[53] Formerly "Boarding House."
[54] Formerly "Hotel."

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Recreational Vehicle Park or Campground[55]	A	A	A						A				A				**Error! Reference source not found.**
Marijuana and Natural Medicine Related Uses																	
Marijuana Club												A					
Marijuana Land Use, Medical												A					
Natural Medicine Business[56]												A					**Error! Reference source not found.**

[55] Includes former use “Tiny House, Recreational Vehicle Park,” and “Recreation Camp.”

[56] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Office, Business, and Services																	
Financial Institution										A	A	A	A				
Laboratory													A	A			
Office										A	A	A	A				
Personal Services[57]										A	A	A	A				
Recreation and Entertainment																	
Amusement Center, Indoor[58]							S			S	A	A	A				
Amusement Center, Outdoor	S	S									S	S	S				
Club	A	S								A	A	A	A	S			
Health Club or Gym[59]										A	A	A	A	S			

[57] Includes former uses like “Barber and Beauty Shops,” “Copy Shop,” “Laundromat,” “Rental Services” and “Studio.”
[58] Definition expanded
[59] Formerly ”Health Club. ”

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Racetrack	S	S												S			**Error! Reference source not found.**
Shooting Range, Indoor[60]	S	S								S	S		S	S			**Error! Reference source not found.**
Shooting Range, Outdoor	S	S								S							**Error! Reference source not found.**
Theater, Indoor										A	A	A	A				

[60] Pulled from "Amusement Center, Indoor."

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Theater, Outdoor[61]	S	S								A			S				Error! Reference source not found.
Retail Sales																	
Auction Facility	S	S								A	S	S	S	A			
Firewood Sales	A	A												A			
Flea Market	S									S			S	A			
Retail, General [62]																	
≤ 25,000 SF GFA										A	A	A	A				
25,000 – 75,000 SF GFA										A		S	A				

[61] Includes "Outdoor Concert."

[62] Includes "Convenience Store," "Home Improvement Store," and "Liquor Store."

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
>75,000 SF GFA													S				**Error! Reference source not found.**
Sexually-Oriented Business													A	A			**Error! Reference source not found.**
Transportation																	
Airport or Heliport	S																
Airstrip or Helipad, Personal	S	S															
Parking Garage										A	A	A	S				
Parking Lot										S	S	S	S				
Transit Terminal or Station[63]	S	S	S	S	S	S	S	S		A	A	A	A	A	S	S	

[63] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Transportation Depot[64]													S	A			
Vehicles and Equipment																	
Gas Station										A	A	A	S	S			**Error! Reference source not found.**
Truck Stop										S			A	A			
Vehicle Sales, Rental, or Storage[65]										S	S	S	S	A			**Error! Reference source not found.**
Vehicle Repair[66]																	

[64] New

[65] Formerly "Automobile and Trailer Sales."

[66] Includes "Repair Shop," and "Truck and Recreational Vehicle Repair," "Vehicle Repair Garage, Commercial"

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Major												S	S	A			**Error! Reference source not found.**
Minor										S	S	S	A	A			**Error! Reference source not found.**
Vehicle Wash										S	S	S	A	A			**Error! Reference source not found.**

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Industrial Uses																	
Manufacturing and Processing																	
Manufacturing and Industry, Light[67]	S												A	A			**Error! Reference source not found.**
Manufacturing and Industry, Heavy[68]														A			**Error! Reference source not found.**

[67] Includes former uses like "Food Processing," "Custom Meat Processing," and "Publishing Company."

[68] "Manufacturing, Heavy" includes former uses including "Acid Manufacturing," "Batch Plant," "Bottling," "Cement Manufacturing," "Dry Cleaning Plant," "Explosives Manufacturing," "Fertilizer Manufacturing," "Glue Manufacturing," "Plaster Manufacturing," "Petroleum Refining," "Rendering Plant," "Slaughterhouse," "Smelter," and "Tannery."

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Mineral and Natural Resource Extraction Operations[69]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	**Error! Reference source not found.** **Error! Reference source not found.**
Oil and Gas Operations[70]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	**Error! Reference source not found.**

[69] Formerly "Mineral and Natural Resource Extraction Operations, Commercial"

[70] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Sawmill	S	S	S											A			**Error! Reference source not found.** **Error! Reference source not found.**
Storage and Warehousing																	
Storage, Enclosed[71]										A	A	S	A	A			**Error! Reference source not found.**

[71] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Storage, Outdoor[72]													S	A			Error! Reference source not found.
Warehouse and Wholesale[73]													S	A			Error! Reference source not found.
Waste and Salvage																	
Hazardous Waste Storage or Disposal Facility														S			
Inert Material Disposal Site	S	S	S	S	S	S	S	S	S	S	S	S	S	S			

[72] Includes former “Automobile and Boat Storage Yards,” “Contractor’s Equipment Yard,” “Outside Storage,” and “Recreational Vehicle and Boat Storage.”
[73] Includes “Warehouse,” “Wholesale Business,” “Nursery, Wholesale,” and “Bakery, Wholesale”

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Inert Material Disposal Site - Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A			**Error! Reference source not found.**
Recycling or Composting Facility														A			**Error! Reference source not found.**
Salvage Yard														A			**Error! Reference source not found.** **Error! Reference source not found.**
Solid Waste Disposal Site and Facility	S													S			

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	**A35**	**A5**	**RR-5, F-5, RT**	**RR-2.5**	**RR-0.5, RS 20,000**	**RS-6,000, RS-5,000**	**RM-12, RM-30**	**MHP, MHP-R, MHS**	**RVP (Retired)**	**New**	**New**	**New**	**CR, I-2**	**I-3**			**Use -Specific Standards**
Proposed Zoning Districts	**A35**	**A5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Waste Transfer Facility[74]														S			**Error! Reference source not found.** **Error! Reference source not found.**
Utility Uses																	
CMRS Facility, Building Roof-Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	**Error! Reference source not found.**

[74] Formerly "Infectious Waste Transfer Facility"

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
CMRS Facility, Building Wall-Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	**Error! Reference source not found.**
CMRS Facility, Freestanding	S												S	A	S	S	**Error! Reference source not found.**
CMRS Facility, Pole-Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	**Error! Reference source not found.**
CMRS Facility, Small Cell	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	**Error! Reference source not found.**

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
CMRS Facility, Stealth[75]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	**Error! Reference source not found.**
Solar Energy Generation Facility	S	S	S	S	S	S								A			
Tower, Commercial (Non-CMRS)	S									S	S	S	S	S			**Error! Reference source not found.**
Utility Substation[76]														A	A		
Wind Energy Generation Facility[77]													S	A			

[75] Updated all Special Use approvals to by-right approvals to better align with federal regulation.
[76] New
[77] New

Table 0-1: Table of Allowed Principal Uses A = Allowed by-right S = Special Use required Blank Cell = Prohibited Minimum parking requirements are listed in Section <> (Minimum Off-Street Parking Requirements)																	
Current Zoning Districts	A35	A5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-2	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Wind/Meteorological Measuring Facilities	S	S	S											S			**Error! Reference source not found.**

Table 5-2.
Accessory Uses.[2]

Notes:

"A" = Allowed Use, "S" = Special Use, "T" = Temporary Use

[1] Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status.

[2] All accessory uses are subject to the General Accessory Structure and Use Standards in the Use-Specific Development Standards Section of this Chapter.

[3] See Use-Specific Development Standards Section of this Chapter for specific uses included as accessory uses in these generalized accessory use categories.

[4] Accessory use shall be associated with an allowed, special, or temporary principal agricultural use located on the same lot, parcel or tract.

[5] Accessory use shall be associated with an allowed, special, or temporary principal commercial or industrial use located on the same lot, parcel or tract.

[6] Accessory use shall be associated with an allowed, special, or temporary principal residential use located on the same lot, parcel or tract.

[7] A minimum of 1 acre is required for a private stable.

[8] A site plan is only required for accessory structures greater than 200 square feet in area, however setback compliance is required for all structures.

[9] A site development plan is required for accessory structures equal to or greater than 50% of the principal building area, uses or structures that eliminate required parking or landscaping, and parking structures.

[10] A special use approval is required to exceed the general standards governing number of employees or daily trips.

[11] A site plan may be required in order to verify Code compliance or support issuance of a home occupation certificate.

[12] Marijuana Club is prohibited in all zoning districts.

[13] A site development plan may be required in order to verify compliance with applicable County, State, or Federal requirements.

[14] Allowed as an accessory use when the farm/ranch is 35 acres or greater.

[15] Minimum area of 35 acres. When less than 35 acres a special use is required.

[16] Minimum lot size of 1 acre.

Use Type	Agricultural Zoning Districts			Residential Zoning Districts													Commercial Zoning Districts			Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4	
Accessory Living Quarters	A	A	A	A	A	A	A	A	A			A														YES
Additional Dwelling Unit		A																								YES
Agricultural Accessory Structures and Uses[3,4]	A	A	A	A																				A	A	YES
Agricultural Stand	A	A	A	A	A	A						A														YES
Agricultural Structure Exemption from the Building Code	A	A	A	A	A	A	A	A	A			A												A		YES
Agritainment	A[15]	A[15]	A[15]	A[15]																						YES
Airport Hangers		A																								
Animal Keeping	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									A	YES
Auction	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	YES
Bed and Breakfast Home	A	A	A	A	A	A	A	A	A	A	A	A														YES
Bee Keeping, Commercial	A	A	A	A	A							A[1]														
Caretaker's Quarters																A		A	A	A	A			A		YES

~~Carports~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~										~~A~~	~~YES~~	
~~Cemetery, Personal~~	~~A[1]~~	~~A[1]~~	~~A[1]~~	~~A[1]~~								~~A[1]~~														~~YES~~	
~~Central Storage Facility~~													~~A~~	~~A~~													~~Y~~
~~Club, Marijuana[12]~~																											
~~CMRS Facility, Building Roof-Mounted~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	~~Y~~
~~CMRS Facility, Building Wall-Mounted~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	~~Y~~
~~CMRS Facility, Pole-Mounted~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	~~Y~~
~~CMRS Facility, Small Cell~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	~~Y~~
~~Commercial and Industrial Accessory Structures and Uses[3,5]~~																	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	
~~Construction Equipment Storage and Field Offices, Accessory~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	~~Y~~
~~Convenience Store~~													~~A~~		~~A~~											~~Y~~
~~Farm/Ranch Residence~~	~~A[14]~~	~~A[14]~~	~~A[14]~~	~~A[14]~~																					~~YES~~	
~~Fuel Storage~~																	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~			~~Y~~

~~Garden Supplies and Nursery Stock~~																	~~A~~	~~A~~	~~A~~			~~A~~	~~A~~	~~A~~		~~YES~~	~~Y~~
~~Green House, Personal Use Subject to Specific Use Standards~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~			~~A~~	~~A~~	~~A~~	~~A~~											~~YES~~	
~~Hobby Farm~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A[16]~~						~~A[1]~~															
~~Home Occupation, Residential[11]~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~												~~YES~~	
~~Home Occupation, Rural~~	~~S~~	~~A[11]~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~												~~YES~~	
~~Kennel, Major~~	~~S~~	~~A[1]~~	~~S~~	~~S~~								~~S~~					~~S~~	~~A~~	~~A~~	~~A~~		~~A~~	~~A~~	~~A~~		~~YES~~	~~Y~~
~~Kennel, Minor~~	~~A[1]~~	~~A[1]~~	~~A[1]~~	~~A[1]~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~			~~A[1]~~					~~A~~	~~A~~	~~A~~	~~A~~		~~A~~	~~A~~	~~A~~		~~YES~~	
~~Light Manufacturing, Accessory~~																			~~S~~	~~A~~	~~A~~		~~S~~	~~A~~			~~Y~~
~~Livestock~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A[7]~~						~~A~~												~~A~~		~~YES~~	
~~Management Headquarters~~													~~A~~	~~A~~													~~Y~~
~~Marijuana Club[12]~~																											
~~Office, Accessory~~																				~~A~~	~~A~~			~~A~~			~~Y~~
~~Outdoor Sales and Display, Accessory~~																	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~			~~A~~		~~YES~~	~~Y~~
~~Outside Storage~~																	~~A~~	~~A~~	~~A~~	~~A~~			~~A~~			~~YES~~	~~Y~~

~~Over the Air Reception Devices~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	
~~Parking, Storage and Repair of Vehicles and Machines, Personal~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~		~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	
~~Recycling Collection Center~~																	~~A~~	~~A~~	~~A~~			~~A~~	~~A~~	~~A~~			
~~Retail Sales, Accessory~~																				~~A[12]~~	~~A[12]~~			~~A~~		~~YES~~	
~~Residential Accessory Structures and Uses[3, 6]~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~											~~YES~~	~~Y~~
~~Restaurant, Outdoor~~																	~~A~~	~~A~~	~~A~~			~~A~~	~~A~~				~~Y~~
~~Restroom and Shower Facilities~~													~~A~~	~~A~~		~~A~~											~~Y~~
~~Security Guard House~~													~~A~~	~~A~~		~~A~~											~~Y~~
~~Shipping Container~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A[9]~~	~~A[9]~~	~~A[9]~~	~~A[9]~~	~~A[9]~~	~~A[9]~~	~~A[9]~~	~~A[9]~~	~~A[9]~~	~~YES~~	~~Y~~
~~Shipping Container, Temporary~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	
~~Solar Energy System~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	

~~Stables, Commercial~~	~~S[2]~~	~~A[2]~~	~~S[2]~~	~~S[2]~~								~~S[2]~~												~~A~~			~~Y~~
~~Stables, Private~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A[7]~~						~~A[7]~~														~~YES~~	
~~Tower, Private~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	
~~Wildlife Rehabilitation~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~			~~A~~	~~A~~	~~A~~	~~A~~											~~YES~~	
~~Wind Powered Generator~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~			~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~YES~~	
~~Yard Sales~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~										~~A~~	~~YES~~	

(Res. No. 15-503, Exh. A, 12-15-2015; Res. No. 16-164, Exh. A, 5-17-2016; Res. No. 17-227, Exh. A, 8-8-2017; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 18-010, Exh. A, 1-9-2018; Res. No. 18-334, Exh. A, 8-14-2018; Res. No. 19-62, Exh. A, 2-26-2019; Res. No. 19-330, Exh. A, 8-27-2019; Res. No. 19-421, Exh. A, 11-12-2019; Res. No. 23-198, Exh. A, 6-6-2023; Res. No. 23-219, Exh. A, 6-20-2023)

Table 0-1: Table of Allowed Accessory and Temporary Uses A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited All accessory uses are subject to the general standards in Section Error! Reference source not found.																	
Current Zoning Districts	A35	A-5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-1	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A-5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Agricultural Uses																	
Agricultural Accessory Structures and Uses	A	A	A	A	A												Error! Reference source not found. Error! Reference source not found.
Agricultural Stand	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.
Agricultural Structure Exemption from the Building Code	A	A	A	A	A												Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.

Table 0 1: Table of Allowed Accessory and Temporary Uses A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited All accessory uses are subject to the general standards in Section Error! Reference source not found.																
Current Zoning Districts	A35	A-5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-1	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A-5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Agritourism[78]	A	A	A														Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.
Beekeeping, Commercial	A	A	A														Error! Reference source not found. Error! Reference source not found.
Farmer's Market	A	A	A							A	A	A					Error! Reference source not found. Error! Reference source not found.

[78] Renamed from Agritainment.

Table 0-1: Table of Allowed Accessory and Temporary Uses A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited All accessory uses are subject to the general standards in Section Error! Reference source not found.																
Current Zoning Districts	A35	A-5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-1	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A-5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Greenhouse, Personal	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.
Hobby Farm	A	A	A	A													Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.
Livestock	A	A	A	A	A												Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.

Table 0-1: Table of Allowed Accessory and Temporary Uses A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited All accessory uses are subject to the general standards in Section Error! Reference source not found.																	
Current Zoning Districts	**A35**	**A-5**	**RR-5, F-5, RT**	**RR-2.5**	**RR-0.5, RS 20,000**	**RS-6,000, RS-5,000**	**RM-12, RM-30**	**MHP, MHP-R, MHS**	**RVP (Retired)**	**New**	**New**	**New**	**CR, I-1**	**I-3**			**Use -Specific Standards**
Proposed Zoning Districts	**A35**	**A-5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Private Stables	A	A	A														Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.
Residential Uses																	
Accessory Dwelling Unit	A	A	A	A	A	A	A	A		A	A	A					Error! Reference source not found. 0
Animal Keeping	A	A	A	A	A	A	A	A	A	A	A	A					Error! Reference source not found. Error! Reference source not found.
Caretaker's Unit										A	A	A	A	A			Error! Reference source not found. 0

Table 0-1: Table of Allowed Accessory and Temporary Uses A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited All accessory uses are subject to the general standards in Section Error! Reference source not found.																
Current Zoning Districts	A35	A-5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-1	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A-5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Cemetery, Personal	A	A	A	A	A												Error! Reference source not found. Error! Reference source not found.
Marijuana, Personal Cultivation	A	A	A	A	A	A	A	A		A	A	A					Error! Reference source not found. Error! Reference source not found.
Natural Medicine, Personal Cultivation	A	A	A	A	A	A	A	A	A	A	A	A					Error! Reference source not found. Error! Reference source not found.
Residential Accessory Structures and Uses	A	A	A	A	A	A	A	A		A	A	A					Error! Reference source not found. Error! Reference source not found.

Table 0-1: Table of Allowed Accessory and Temporary Uses A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited All accessory uses are subject to the general standards in Section Error! Reference source not found.																	
Current Zoning Districts	**A35**	**A-5**	**RR-5, F-5, RT**	**RR-2.5**	**RR-0.5, RS 20,000**	**RS-6,000, RS-5,000**	**RM-12, RM-30**	**MHP, MHP-R, MHS**	**RVP (Retired)**	**New**	**New**	**New**	**CR, I-1**	**I-3**			**Use -Specific Standards**
Proposed Zoning Districts	**A35**	**A-5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Temporary Housing	T	T	T	T	T												Error! Reference source not found.
Public, Civic, and Institutional Uses																	
Family Care Home																	
Large (7-12 individuals)	S	S	S	S	S	S	S			S	S	S					Error! Reference source not found. Error! Reference source not found.
Small (2-6 individuals)	A	A	A	A	A	A	A			A	A	A					Error! Reference source not found. Error! Reference source not found.
Commercial Uses																	
Airport Hangars	A	A															Error! Reference source not found.

Table 0 1: Table of Allowed Accessory and Temporary Uses

A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited

All accessory uses are subject to the general standards in Section **Error! Reference source not found.**

Current Zoning Districts	A35	A-5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-1	I-3			Use -Specific Standards
Proposed Zoning Districts	**A35**	**A-5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Auction	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		**Error! Reference source not found.**
Carnival or Circus	T	T						T		T	T	T	T	T			**Error! Reference source not found.**
Carport	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	**Error! Reference source not found.** **Error! Reference source not found.**
Commercial Accessory Structures and Uses	A	A	A							A	A	A	A	A	A	A	**Error! Reference source not found.** **Error! Reference source not found.**
Home Occupation, Residential	A	A	A	A	A	A	A	A		A	A	A					**Error! Reference source not found.** **Error! Reference source not found.**

Table 0-1: Table of Allowed Accessory and Temporary Uses A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited All accessory uses are subject to the general standards in Section Error! Reference source not found.																
Current Zoning Districts	**A35**	**A-5**	**RR-5, F-5, RT**	**RR-2.5**	**RR-0.5, RS 20,000**	**RS-6,000, RS-5,000**	**RM-12, RM-30**	**MHP, MHP-R, MHS**	**RVP (Retired)**	**New**	**New**	**New**	**CR, I-1**	**I-3**			**Use -Specific Standards**
Proposed Zoning Districts	**A35**	**A-5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Home Occupation, Rural	A	S	S														Error! Reference source not found. Error! Reference source not found.
Mobile Sales[79]	T	T						A/T		A/T	A/T	A/T	A/T	A/T			Error! Reference source not found.
Model Home/Subdivision Sales Office	T	T	T	T	T	T	T	T		T	T	T					Error! Reference source not found.
Outdoor Sales and Display	A	A								A	A	A	A	A			Error! Reference source not found. Error! Reference source not found.

[79] Replaces “Peddler Sales”

Table 0 1: Table of Allowed Accessory and Temporary Uses
A = Allowed by-right T = Temporary Use Permit required Blank Cell = Prohibited
All accessory uses are subject to the general standards in Section **Error! Reference source not found.**

Current Zoning Districts	A35	A-5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-1	I-3			Use -Specific Standards
Proposed Zoning Districts	**A35**	**A-5**	**RR1**	**RR2**	**RLD**	**RMD**	**RF**	**RM**	**RVP**	**MU1**	**MU2**	**MU3**	**E1**	**E2**	**PC1**	**PC2**	
Parking, Storage and Repair of Vehicles and Machines, Personal	A	A	A	A	A	A	A	A	A	A	A	A	A	A			**Error! Reference source not found.** **Error! Reference source not found.**
Recycling or Donation Drop-Off							A			A	A	A	A	A	A		**Error! Reference source not found.** **Error! Reference source not found.**
Retail Sales, Accessory										A	A	A	A	A	A		**Error! Reference source not found.** **Error! Reference source not found.**
Seasonal Sales[80]	T	T	T	T						T	T	T	T	T			**Error! Reference source not found.**

[80] Includes “Christmas Tree Sales” and “Fireworks Sales.”

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Current Zoning Districts	A35	A-5	RR-5, F-5, RT	RR-2.5	RR-0.5, RS 20,000	RS-6,000, RS-5,000	RM-12, RM-30	MHP, MHP-R, MHS	RVP (Retired)	New	New	New	CR, I-1	I-3			Use -Specific Standards
Proposed Zoning Districts	A35	A-5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Vehicle Wash										A	A	A	A	A			Error! Reference source not found.
Wildlife Rehabilitation	A	A	A	S	S					A							Error! Reference source not found. Error! Reference source not found.
Yard Sales	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T			Error! Reference source not found.
Industrial Uses																	
Batch Plant	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	
Construction Equipment Storage and Field Offices	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Error! Reference source not found.

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Proposed Zoning Districts	A35	A-5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Fuel Storage	A	A											A	A			Error! Reference source not found. Error! Reference source not found.
Industrial Accessory Structures and Uses													A	A			Error! Reference source not found. Error! Reference source not found.
Light Manufacturing, Accessory													A	A			Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.
Mining, Construction-Related	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Error! Reference source not found.

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Proposed Zoning Districts	A35	A-5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Outdoor Storage, Accessory										A			A	A			Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.
Recycling Collection Center													A	A			Error! Reference source not found. Error! Reference source not found.
Shipping Container	A	A	A	A	A	A							A	A	A	A	Error! Reference source not found. Error! Reference source not found. Error! Reference source not found.

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Proposed Zoning Districts	A35	A-5	RR1	RR2	RLD	RMD	RF	RM	RVP	MU1	MU2	MU3	E1	E2	PC1	PC2	
Shipping Container, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Error! Reference source not found.
Utility Uses																	
Over the Air Reception Devices	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Error! Reference source not found.
Solar Energy System, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Error! Reference source not found.
Tower, Private (Non-CMRS)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Error! Reference source not found.
Wind Powered Generator, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Error! Reference source not found.
Wind/Meteorological Measuring Facilities	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Error! Reference source not found.

Site and Infrastructure Standards

Comment

This is a new section that is intended to clarify the site and infrastructure requirements that may be applicable to development whether or not it is being subdivided.

GENERALLY APPLICABLE STANDARDS[81]

Applicability

All new development subject to site plan review, development permit, or subdivision shall comply with this section.

The extent of infill and redevelopment compliance with these requirements shall be determined by the Director or ECM Administrator based on the impact of the project on existing and planned infrastructure and services.

No improvements or ground disturbance shall be commenced until required plans, profiles, and specifications have been submitted to and approved by the County.

Plans and Standards

The plan, design, construction, and perpetual maintenance of all development improvements shall be consistent with:

Adopted County plans and policies, as those plans and policies may be amended or replaced in the future;

The lot, design, and use standards applicable to the zoning district in which the property is located;

All other applicable requirements of this LDC;

Any previous plans or development approvals approved by the County and applicable to all or part of the property on which the development, structure, or subdivision is proposed; and

All technical and engineering, design, construction, and inspection criteria, standards, and specifications adopted or accepted by County.

Improvements and Utilities

All development applications are required to include plans for the following public improvements and utilities unless waived by the Director or ECM Administrator, as appropriate:

Multi-modal transportation system;

Wastewater disposal system;

Potable water system;

Stormwater management system and infrastructure;

[81] New.

Utilities; and

Other improvements and/or facilities as may be required by changing technology or to accommodate site-specific adjustments.

The improvements shall be constructed or provided by the applicant at the applicant's cost.

All improvements shall be designed and constructed in accordance with adopted County standards or applicable utility standards.

The developer shall dedicate all rights-of-way and easements needed to serve the project to the County at no cost to the County.

The County may elect to participate in the design, installation, and cost of providing any oversized improvement and may require the developer to coordinate construction with the County and with other development taking place nearby and in a similar timeframe.

Easements[82]

Easements shall be provided as follows:

Permanent Utility Easements

Permanent utility easements shall be provided where necessary to accommodate utilities that will serve the development and to allow for utility service in and through the proposed development.

Permanent utility easement shall be provided as follows:

Rear: At least seven feet wide.

Side: At least five feet wide.

Street lighting: Shall not exceed 10 feet in width.

Drainage Easements

Drainage easements may be required for water courses, drainage swales, stormwater BMPs, or streams that traverse a development.

Drainage easements shall be exclusively for drainage and shall be separate from the design or dedication of other utility easements.

Soils and Soil Testing for Public Easements[83]

The Director, in coordination with the ECM Administrator, may require the applicant provide a soils test to verify subsurface soil characteristics for rocky or unstable soil types in areas proposed to be dedicated for County public rights-of-way and public easements. Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics.

[82] New.

[83] New.

Chapter 6
GENERAL DEVELOPMENT STANDARDS

6.2. DEVELOPMENT STANDARDS FOR ANCILLARY FACILITIES AND ACTIVITIES

6.2.2. Landscape Requirements

(A) **General.**

(1) **Purpose.** The landscape requirements are intended to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way to achieve a balance between the individual right to develop and the general benefit and welfare of the community. The benefits to be achieved and the overall purposes of the landscaping required by this Section are: (1) to create a positive image and visual appeal both along the road which is highly visible and internal properties which provide a working, shopping and living environment; (2) to decrease the scale of parking lots, provide shade, and reduce heat, glare and noise; (3) to separate circulation systems; to soften and reduce the mass of buildings; to screen and buffer lower intensity uses from higher intensity uses and protect residential privacy; and (4) to create an overall pleasant and attractive surrounding.

(2) **Applicability.**

(a) **Applies to All Land Uses.** The requirements of this Section shall apply to all uses. PUD's may have their requirements modified subject to the individual PUD.

(b) **New Use Established or Use Changed.** Landscaping areas shall conform to this Section for a new building or use of previously vacant land, uses in an enlarged building, and all uses in a building when any use is changed that requires a change of occupancy to be approved by the Building Department or by the PCD.

(c) **Effect of Increase in Building Area.** A single or cumulative building addition (floor area) which exceeds 50% of the existing building's gross floor area shall require the entire building landscaping to comply with this Section. The existing building shall be considered the building as it existed on the effective date of this Section.

(3) **Requirements of Section Supplemented by Manual.** The requirements of this Section are supplemented by the Landscaping and Planting Manual.

(4) **Authority of Director to Approve Substitute Landscape Designs.** The PCD Director may approve landscaping that does not meet the specific requirements of this Section provided the proposed landscaping meets the purpose of this Section, promotes the concepts contained in the Landscaping and Planting Manual, and provides an equivalent benefit to the community and environment as would otherwise be achieved by meeting the specific requirements of this Section. This authority shall not allow the PCD Director to eliminate the requirement for landscaping or to diminish the total landscaped area required by this Section.

(B) **Roadway Landscaping Requirements.** Roadway landscaping areas are required. A roadway landscaping area is located along the lot, parcel or tract frontage between the road right-of-way, easement, or tract boundary lines and any building or use.

(1) **Minimum Depth of Roadway Landscaping Area.** Table 6-1 lists the depth and number of trees required to be provided along any road in roadway landscaping area. Where the required setback is narrower than the depth of the required landscape area, the roadway landscaping area depth shall control. Unless otherwise approved by the ECM Administrator, the depth of roadway landscaping shall be measured from the property line. Where a roadway easement has been provided, the measurement shall be from the ROW or roadway easement. Where future ROW has been identified, the measurement should begin at the future ROW line in order avoid subsequent impairment of the landscaping.

Table 6-1. Roadway Landscaping Required by Roadway Classification

Road Classification	Depth of Roadway Landscaping Area	Required Trees (Trees/ Linear Foot of Frontage)
Expressway, Principal Arterial	25 feet	1 per 20 feet
Urban Interchange/Intersection	25 feet	1 per 20 feet (Substitute shrubs for visibility)
Minor Arterial	20 feet	1 per 25 feet
Non-Arterial[1]	10 feet	1 per 30 feet
[1] The required depth of the roadway landscape area shall be increased to 15 feet along a non-arterial road or public alley where the road or alley separates a non-residential use from a residential zoning district. The number of required trees shall be increased to 1 per 15 feet of linear frontage. A minimum of ⅓ of the trees shall be evergreen trees.		

(2) **Location and Type of Trees in Roadway Landscaping Area.**

(a) **Clustering Allowed.** The roadway landscaping trees may be clustered along a road frontage. The clustering of evergreens may not be advisable in areas where the winter shade will cause unsafe conditions on an adjacent road. Clustering shall not be permitted when shade from clustering would be detrimental to adjacent road due to potential winter conditions as determined by the PCD Director or designee.

(b) **Type of Tree Limited.** The types of roadway landscaping trees utilized shall be commonly known to grow in the Colorado Springs area and listed in the Landscape/Water Efficiency Manual and Water Wise Planting List.

(c) **Exceeding Minimum Depth of Roadway Landscaping.** The roadway landscaping trees shall be located within 50 feet of the road right-of-way, easement or tract boundary line and any building or use.

(d) **Allowed in Right-of-Way if Approved.** The roadway landscaping trees may be placed in a right-of-way if the right-of-way owner approves the placement and no conflicts exist, or will exist, with utility easements or any provider of utilities, establishment of landscaping along private roads must include appropriate maintenance agreement between parties. Generally, trees are not allowed to be placed within any County right-of-way. Placing of the required roadway landscaping trees within the right-of-way shall not negate the requirement for the required roadway landscape area. All landscaping placed within County Right-of-way shall install appropriate safeguards for roadway and/or sidewalks to

include "Tree root guards" where appropriate. Permission must be granted for all landscaping within the County Right-of-way through the Department of Public Works.

(e) **Single-Family PUD Roadway Landscaping.** Roadway landscaping along local residential roadways (non-arterials) within a residential PUD is subject to the individual PUD.

(3) **Walls and Fences in Roadway Landscape Area.** Walls and fences which are 25% or more opaque shall not exceed 3 feet in height when located within a required roadway landscaping area. Opaque walls and fences higher than 3 feet (such as noise barriers) shall be located outside of the roadway landscaping area to maintain a landscaped appearance along the road.

(C) **Parking Lot Landscape Requirements.**

(1) **Required Trees.** A tree of a type suitable for parking lots shall be provided for every 15 parking spaces in parking lots with 15 or more parking spaces. The required trees may be clustered and shall be located in a manner which will divide and break up expanses of paving and long rows of parking and create a canopy effect over the parking lot. See Landscaping and Planting Manual for island details.

(2) **Parking Lot Islands.** The most common method to satisfy the parking lot tree requirement is through the utilization of plant islands, fingers (areas open to the parking on 3 sides), and corners (open to the parking on 2 sides). Islands, fingers, and corners are required to be incorporated into all parking lots of 15 parking spaces or more in area. 1 island shall be provided for every 15 spaces. An island, finger or corner must be a minimum of two parking spaces in size (18' x 18' or 9' x 36' in order to qualify as a required island, finger, or corner. Parking lots containing fewer than 15 spaces shall not be required to provide islands but must include some other form such as a finger or corner plantings to satisfy the requirement.

Islands should be located at the end of center rows and at entry locations to direct traffic and minimize cutovers. Islands should generally be used and located to organize and enhance circulation, breakup continuous parking areas, and capture and direct stormwater. Islands protect vegetation from damage. See Landscaping and Planting Manual.

Small parking lots may utilize the perimeter area of the parking lot to satisfy the parking lot tree location requirement when there are not more than 2 rows of parking spaces and a single drive aisle. Where a parking lot is not required to be paved, no islands shall be required.

The tree types, minimum planter sizes and utilization of perimeter tree placement shall be consistent with the Landscaping and Planting Manual.

Parking lot island landscaping may also be counted towards Internal Landscape requirements provided any portion of the island is within 20 feet of a building elevation.

(3) **Protection of Trees from Damage.** Parking lot trees shall be protected from vehicle damage by curbs, planters or other barriers.

(4) **Storm Drainage for Irrigation Encouraged.** Parking lots designs that allow runoff to enter landscaped areas for irrigation and controlling non-point source pollution are encouraged.

(5) **Required Parking Lot Screening.** Parking lots shall be screened from view from adjacent roads and properties with differing land uses. The minimum height of the screening shall be 3 feet and may be accomplished by using berms and plantings. A minimum of ⅔ of the road frontage or common lot, parcel, or tract boundary, not counting intersecting driveways, shall be provided with the required screening. The maximum spacing of plants to achieve an acceptable screen and

the maximum acceptable grades for screening areas, such as grass berms and plantings beds, should be consistent with the Landscaping and Planting Manual.

Decorative walls or fences may be approved if the Director finds that:

- The wall or fence avoids a blank and monotonous appearance by architectural articulation and the planting of vines, shrubs, or trees.
- The total use of berms or plantings is not physically feasible; or
- The wall or fence attractively compliments the use of berms or plantings.

(D) **Required Buffer and Screen Areas.**

(1) **Buffer Between Non-Residential and Residential Districts Separated by a Non-Arterial Road or Public Alley.**

(a) **Where Required.** A buffer is required along the road-side lot, parcel, or tract line of any non-residential use where the use is separated from a residential zoning district by a non-arterial road or public alley.

(b) **Depth and Planting Standards.** The required buffer shall be a minimum of 15 feet deep. The minimum number of trees in the buffer shall be 1 tree for every 15 feet of the road frontage. A minimum of ⅓ of the trees shall be evergreen trees.

(c) **Opaque Fence or Wall Required.** An opaque fence or wall with a minimum height of 6 feet is required along the inside edge of the required buffer when the area immediately adjacent to the 15-foot buffer is used as a service corridor for loading, maneuvering or storage. If the area is used for parking, the required parking lot screening shall be applicable.

(d) **Minimum Ground Covering Required.** The required buffer area shall require a ground cover at maturity with a minimum of 75% living plant materials. Bark, wood chips, rock, stone, or other natural landscape material shall be used as a non-living ground cover. Areas of a required buffer not covered in approved living ground cover material shall be covered in an approved non-living ground cover.

(2) **Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses.**

(a) **Where Required.** A buffer is required in the following situations:

(i) Along the lot, parcel, or tract line on the non-residential use property between the non-residential use and a residential zoning district.

(ii) Along the lot, parcel, or tract line on the multifamily use property between the multifamily use and a single-family or duplex zoning district.

(iii) On the residential side of the project when use to use compatibility is a concern.

(b) **Depth and Planting Standards.** The required buffer shall be a minimum of 15 feet deep. The minimum number of trees in the buffer shall be 1 tree for every 25 feet of common lot, parcel, or tract line. A minimum of ⅓ of the trees shall be evergreen trees.

(c) **Opaque Fencing or Wall Required.** An opaque fence or wall with a minimum height of 6 feet is required along the lot, parcel, or tract line except where the adjacent single-family or duplex residential zoning district or use abuts a required roadway landscaping area.

(d) **Minimum Ground Covering Required.** Bark, wood chips, rock, stone, or other natural/synthetic landscape material shall be used as a non-living ground cover. Areas of a required buffer not covered in approved non-living ground cover material shall be covered in a living plant material.

(E) **Internal Landscaping.** The following internal landscaping is required:

(1) **Requirements for Multifamily Uses.** The following internal landscaping is required for multifamily uses:

(a) **Minimum Required Internal Landscaped Area.** A minimum of 15% of the lot or parcel shall be landscaped.

(b) **Minimum Number of Trees in Landscaped Area.** A minimum of 1 tree shall be provided for every 500 square feet of required internal landscape area.

(c) **Trees Replaced by Shrubs.** A maximum of ½ of the required trees may be substituted with shrubs. At least 10 shrubs with a minimum container size of 5 gallons shall be provided for each tree that is replaced.

(2) **Requirements for Non-Residential Uses.** The following internal landscaping is required for non-residential uses:

(a) **Minimum Required Internal Landscaped Area.** A minimum of 5% of the lot or parcel shall be landscaped.

(b) **Minimum Number of Trees in Landscaped Area.** A minimum of 1 tree shall be provided for every 500 square feet of required internal landscape area.

(c) **Trees Replaced by Shrubs.** A maximum of ½ of the required trees may be substituted with shrubs adjacent to retail store fronts where the view of wall signs may be obstructed. At least 10 shrubs with a minimum container size of 5 gallons shall be provided for each tree that is replaced.

(3) **Standards for Required Internal Landscape Area.**

(a) **Intent of Internal Landscaping.** The intent of the internal landscape area is to provide relief from structures and hard surfaces through the use of plantings.

(b) **Location of Internal Landscape Areas.** The required internal landscape areas shall be located in accordance with the following standards:

(i) Adjacent to those building elevations which form the major public views of the building from adjacent roads and properties and to the users of the project; or

(ii) At all pedestrian entrances, except service-only entries; or

(iii) Within a plaza or courtyard between buildings or portions of buildings, (plaza/courtyard is to have at least 1 side open); or

(iv) In an area provided to separate building areas from parking areas; or

(v) In a similar location which substantially conforms to the purpose of the required internal landscape area.

(c) **Area Calculation.** The entire lot, parcel or tract area shall be used as the basis for calculating required the internal landscape area. In instances where an entire lot, parcel, or tract is not used for the proposed development, the area used to calculate the required

internal landscape area may be reduced by the PCD Director based on the area of the lot, parcel or tract actually being developed or used. The minimum landscaping requirements may apply to just that project area determined by the PCD Director to be developed or used. However, even if reductions in the lot area are approved, the PCD Director may require that additional landscaping (including buffering or screening) is provided at the first stage of a larger project to mitigate environmental impacts or meet the intent of the landscaping provisions of the LDC.

(d) **Paved Areas within an Internal Landscaped Area.** Sidewalks which provide basic pedestrian circulation shall not count toward meeting the internal landscape area requirement. Paved plazas may be credited to a maximum of 50% of required internal landscaping area if such plazas have trees and other pedestrian-only amenities (benches, sculpture, decorative paving, etc.), are not vehicular, and provide visual relief to those building elevations which form the major public views of the project.

(F) **Minimum Plant Sizes and Percentage of Live Ground Cover.**

(1) **Landscape Material Specifications.** Plant installation sizes and characteristics shall meet the following minimum requirements:

(a) **Deciduous Shade Trees.** Deciduous shade trees shall be 1½ inch caliper measured 6 inches above ground, balled and burlapped.

(b) **Deciduous Ornamental Trees.** Deciduous ornamental trees shall be 1 inch caliper measured 6 inches above ground, balled and burlapped.

(c) **Evergreen Trees.** Evergreen trees shall be 6 feet in height above ground, balled and burlapped, except Pinon Pine and upright junipers which shall be a minimum 4 feet in height.

(d) **Evergreen and Deciduous Shrubs.** Evergreen and deciduous shrubs, where required, shall be 5-gallon size.

(e) **Ground Cover and Vines.** Ground cover and vines shall be 1 size.

(2) **Required Ground Cover.** Unless utilizing the principles of xeriscaping, required landscape areas shall include a minimum of 30% ground cover by living or synthetic grass or other living plant materials at maturity. The remaining 70% of the required landscape area may be covered with bark, wood chips, rock, stone, or other landscape materials. No other areas within required landscape areas shall remain bare. The foliage crown of trees shall not be counted in meeting the ground cover requirement.

Plant and Tree Spacing[84]

The planting spacing should accommodate the growth characteristics of the trees without adversely impacting structures, walks, or drives.

Plants with similar water needs within each site microclimate (i.e., shade, west facing, toe of slope, etc.) shall be zoned or grouped together for efficiency of water application, to prevent water waste, and to provide optimum application of water to the plants.[85]

[84] Current 6.2.2(G)(2)(c) and 6.2.2(G)(2)(h)(iv).

[85] New to implement Water Master Plan Policy 6.0.9 "…incorporate water efficiency standards."

Clumps of trees, such as Hawthorn (Crataegus sp.), are encouraged instead of single-trunk trees. Smaller caliper trees to meet the minimum caliper are accepted, however, a clump of three or fewer trees shall be credited as only one of the required trees.

Landscape Irrigation[86]

Automated irrigation systems are required for all areas where public water is available and shall meet the following standards:

A certified irrigation designer (CID) or other qualified professional shall design the system.

Irrigation methods shall use a combination of pop-up, drip, spray, or bubbler delivery as appropriate. Drip irrigation or bubblers shall be used for non-turf areas and pop-up and spray methods shall be used for turf.

Turf areas shall have low-volume and low angle emitters.

Timing mechanisms shall be set to prevent activation between the hours of 9:00 a.m. and 7:00 p.m. and include a rain detection/shut-off device.

System flow rates for individual zones shall be set to provide the appropriate amount of irrigation for the specific plant varieties used in each zone.

Where a public water supply is unavailable, the applicant shall provide an appropriate method for watering for a minimum of three growing seasons to ensure the establishment of approved plantings.

(G) **Other Required Landscape Areas.**

(1) **Other Areas to be Landscaped or Screened.**

(a) **Zoning District Boundary Trees.** A minimum of 1 tree shall be provided for every 30 feet of lot, parcel, or tract line coincident with a zoning district boundary line except if otherwise required to meet the buffering requirements between a non-residential use or multifamily use and residential zoning district.

(b) **Refuse Areas Screened.** Refuse collection areas, including trash bins, shall be screened from view from adjacent properties and roads by an opaque wall or fence, architectural elements, dense evergreen plantings with a minimum planting height of 6 feet, or berms with dense plantings creating an opaque appearance with a minimum height of 6 feet.

(c) **Loading Docks and Other Vehicle Areas Screened.** Loading docks, vehicle repair bays, and vehicle fueling areas shall be screened from view from adjacent roads by the use of plantings, berms, walls, fences, or other architectural elements.

(d) **Water Storage Tank and Utility Facilities Landscape Requirements.**

(i) **Site-Specific Landscaping Required.** PCD Director approval of site-specific landscaping is required for a water storage tank and utility facilities. Installation of approved site-specific landscaping is required prior to putting a water

[86] New to implement Water Master Plan Policy 6.0.9 "Allowances for water efficient irrigation techniques."

storage tank or utility facility into operation. The site-specific landscaping is subject to the following standards:

- Rural and Remote Areas: In rural and remote areas landscaping, screening and erosion control measures shall be tailored to the nature and character of the area and the type of facility or structure contemplated. Site-specific landscaping shall, at a minimum, include revegetation of disturbed areas with materials indigenous to the site or otherwise adaptable.
- Urbanized and Developed Areas: In urbanized and developed areas, the site-specific landscaping shall address specific issues such as screening and visual impacts.

(e) **Outside Storage Area Landscaping Requirements.**

(i) **Site-Specific Landscaping Required.** PCD Director approval of site-specific landscaping is required for establishing an outside storage area. Installation of approved site-specific landscaping is required prior to utilizing an outside storage area.

(ii) **Site-Specific Landscaping Standards.** The site-specific landscaping shall reflect a combination of berms, shrubs, trees, fences or walls which will provide, at maturity, a minimum 6 foot high, 100% opaque screening for the outside storage area.

(2) **Miscellaneous Requirements.**

(a) **Flexibility in Design Allowed.** The owner may select the types of and the planting spaces between the required trees. The types of trees selected shall be commonly known to grow in the Colorado Springs area and should be a type listed in the Landscaping and Planting Manual.

(b) **Minimum Cover of Internal Landscape Area.** The internal landscape area shall consist of a minimum of 50% ground cover by living or synthetic (grass only) plant materials, xeriscape may be included for a reduction to 30%. The Landscaping and Planting Manual provides guidance for planting near foundations.

(c) **Plant Spacing.** The planting spacing should accommodate the growth characteristics of the trees without adversely impacting structures, walks, or drives.

(d) **Minimum Planting Size of Trees.** The minimum planting size of trees shall comply with this Section and should comply with any additional specifications established in the Landscaping and Planting Manual.

(e) **Existing Vegetation.** Existing vegetation which meets the plant type requirements of the Landscaping and Planting Manual may be counted toward the internal landscape requirement.

(f) **Limitations on Landscape Placement.**

(i) **No Conflicts with Traffic or Sight Distance.** Landscaping shall not conflict with traffic. Sight distance shall be maintained in accordance with the requirements of Chapter 2 of the ECM.

(ii) **No Interference with Utilities and Fire Equipment.** Landscaping shall not interfere with the general function, safety, or acceptability of any gas, electric,

water, sewer, telephone, or other utility easement or conflict with criteria established or adopted by a fire department. Landscaping shall not exceed 8 inches in height within 3 feet of a fire hydrant or other applicable fire department criteria.

(g) **Limitations on Landscape Materials.**

(i) The use of artificial vines, turf, or groundcovers as landscape material may be allowed on a case-by-case basis where live landscaping materials may be at risk or inappropriate due to land use, water availability, or location.

(ii) Prohibited/Noxious planting list is included in the Landscaping and Planting Manual.

(h) **Calculating the Required Number of Plants.**

(i) **Fractional Numbers Rounded to Closest Whole Number.** Where a requirement results in a fractional number, the applicable requirement shall be the closest whole number (5.0 to 5.49 = 5; 5.5 to 5.9 = 6).

(ii) **Greatest Landscape Standard Applies.** Where more than 1 landscape requirement applies to the same use and landscape area, the greater requirements shall be met.

(iii) **Landscaping Only Fulfills 1 Requirement.** Landscaping necessary to fulfill 1 requirement shall not be counted in fulfilling a different landscape requirement, unless otherwise stipulated in this Code.

(iv) **Clumping Forms of Trees Encouraged.** Clumps of trees, such as Hawthorn (Crataegus sp.), are encouraged instead of single-trunk trees. Smaller caliper trees to meet the minimum caliper are accepted, however, a clump of 3 or fewer trees shall be credited as only 1 of the required trees.

(i) **Approval of Certificate of Occupancy or Use.** All required landscaping shall be completed, and then inspected and approved by the PCD prior to the issuance of a Certificate of Occupancy by the Building Department or establishment of the use, except when financial assurance acceptable to the PCD Director guaranteeing the completion of the landscaping is provided. Plant substitutions require approval before issuance of a Certificate of Occupancy. Any request for a Certificate of Occupancy prior to the completion of the required landscaping shall include a written request explaining the circumstances why the landscaping cannot be installed, a cost estimate prepared by a qualified party, a landscape completion agreement signed by the owner, and financial assurance acceptable to the PCD Director. Inspection and certification by a landscape architect of compliance with this Section may be accepted at the discretion of the PCD Director.

(j) **Compliance with Plans.** The completed landscaping shall comply with the approved landscape plan and shall include the quantities, locations, species and sizes of plants and other landscape materials as represented on the approved landscape plan. Seeded landscape areas shall have no bare areas larger than 6 square inches after germination.

(k) **Maintenance.**

(i) **Owner Responsible.** The owner is responsible for all regular and normal maintenance of required landscaping including weeding, irrigation, fertilizing, pruning, mowing, and replacement in the care of artificial turf.

(ii) **Replacement of Dead or Damaged Materials.** Replacement of dead, diseased or substantially damaged plant materials shall occur within 6 months from when the plant material died, or when the inspection determined the plant material was dead or damaged. Replacement shall be of the same or similar type as originally approved. An alternative type of species shall require approval by the PCD Director.

(iii) **Maintenance Inspections.** Maintenance inspections may be performed periodically. Failure to maintain the landscaping in compliance with the approval is considered a zoning violation.

(Res. No. 16-164, 5-17-2016; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-62, Exh. A, 2-26-2019; Res. No. 24-76, Exh. A, 2-8-2024)

Editor's note(s)—The referenced Landscaping and Planting Manual has been set out at the direction of the county in Appendix D to this Code.

6.2.4. Motor Vehicles (moved to 5.2.38 and 5.2.55)

~~**6.2.5. Parking, Loading and Maneuvering Standards**~~

~~(A) **General.**~~

~~(1) **Purpose.** The parking, loading, and maneuvering standards are designed to provide safe and efficient parking and maneuvering, encourage good circulation, discourage parking on roads, and reduce the potential for a land use to impact an adjacent land use or road due to an insufficient number of parking spaces or poor parking lot design.~~

~~(2) **Applicability.**~~

~~(a) **Applies to All Land Uses.** This Section applies in all zoning districts and to all uses, except as otherwise provided.~~

~~(b) **New Use Established or Use Changed.** Parking and maneuvering areas shall conform to this Section for a new building or use of previously vacant land, uses in an enlarged building, and all uses in a building when any use is changed and the newly approved use requires more parking than the previously approved use.~~

~~(c) **Effect of Increase in Building Area.** A single or cumulative building addition (floor area) which exceeds 50% of the existing building's gross floor area shall require the entire building parking to comply with this Section. The existing building shall be considered the building as it existed on the effective date of this Section.~~

~~(3) **Minimum Standards.** The standards set forth in this Section are the minimum required.~~

~~(4) **Relationship to ADA Requirements.** The standards in this Section are not intended to incorporate the requirements of the Americans with Disabilities Act ("ADA") except as specifically referenced in Section 6.1.3 above. If there are any conflicts between this Section and the requirements of the ADA, then the most restrictive requirements shall govern. El Paso County is not responsible for enforcing the requirements of the ADA.~~

~~(B) **General Parking Standards.**~~

~~(1) **Parking Plan Review Criteria.** Parking plans shall conform to the requirements in this Section including any change to an approved parking, loading and maneuvering plan.~~

(2) **Location and Condition of Parking.**

(a) **Use of the Public Rights-of-Way.** Parking or maneuvering areas located within a public right-of-way may not be used to meet the parking or loading requirements of this Section.

(b) **Parking to be Located on the Same Lot as Use Served.** Parking and maneuvering areas shall be located on the same lot or parcel as the use it is intended to serve. Off-site event parking may be allowed as a temporary use. Parking or maneuvering areas may be located on adjacent lots or parcels provided a recorded document stipulates provisions for common use and maintenance. The use restriction shall run with the building or use which the parking is intended to serve. Required parking spaces for a use shall not be counted toward meeting the requirements of another use. Parking shall be located within 500 feet of the building or use which the parking is intended to serve.

(c) **Right of Access to Shared Parking.** Each lot or parcel of a commercial center and industrial development shall be required to provide an irrevocable access easement to the adjacent commercial or industrial properties unless each lot or parcel maintains a separate parking area.

(d) **No Storage of Vehicles, Supplies, or Merchandise.** Required parking areas shall not be used for storage of inoperable vehicles, supplies, merchandise, trash, or other items that would prohibit the parking space from being used on a day-to-day basis.

(3) **Parking Continuously Provided.** Parking and maneuvering areas that conform to the requirements of this Section shall be continuously provided for the use to which they relate so long as the use remains.

(4) **Compliance with State and Federal Regulations.** It shall be the owner's responsibility to comply with all other State and federal regulations including, but not limited to, ADA regulations.

(C) **Parking Design Standards.** The following design requirements shall apply to all parking areas except those serving single family and duplex uses.

(1) **Circulation within Parking Areas.**

(a) **Parking Areas Provided with Internal Circulation System.** Parking areas shall be designed to provide circulation between drive aisles without the need to enter adjacent roads or other lots or parcels.

(b) **Fire Department Review and Requirements.** The internal circulation system shall be reviewed by the appropriate fire department. The fire department standard, if any, shall apply.

(2) **Construction Requirements.**

(a) **Parking Marked.** Parking spaces and drive aisles shall be clearly marked.

(b) **Lighting Standards.** Lighting shall be provided in all parking areas with more than 5 spaces. Lighting shall meet the lighting standards contained in this Code.

(c) **Paving of Parking Areas.**

(i) Water Quality Protection. Parking areas will be designed and maintained so that water quality is protected. Measures to prevent tracking or runoff of sediment and other contaminants shall be designed, implemented and maintained, as necessary, to protect water quality. Paving should be designed

to reduce imperviousness. The provision of water quality Best Management Practices (BMPs) is encouraged. If water quality BMPs are not incorporated in the parking area construction, off-lot new development BMPs will be needed as described in Appendix I of the ECM.

(ii) Paving in Urban Areas. Parking areas for more than 5 cars shall be paved with asphalt, concrete, Modular Porous Block Pavement, or the equivalent in urban areas.

(iii) Paving in Rural Areas. Parking areas for more than 25 cars in rural areas shall be paved with asphalt, concrete, Modular Porous Block Pavement or the equivalent. Parking lots for less than 25 cars in rural areas may use rock or gravel or other measures instead of pavement to prevent erosion or runoff of sediment and other contaminants and tracking of sediment onto paved roadways. Any access to a paved County-maintained road shall be paved for a distance of at least 50 feet from the paved County road.

(iv) Paving of Unpaved Areas. The PCD Director may require the paving of nonconforming unpaved parking, maneuvering or access areas or automobile display or storage areas except parking serving a single-family residence. The requirement to pave shall be made after evaluating such factors as the character of the neighborhood and the amount and type of traffic generated by the use. The PCD Director shall find that the use of the unpaved area causes air pollution due to blowing dust or adverse drainage conditions or that the use constitutes a nuisance to the residents or occupants of the neighborhood.

(3) **Access to Parking Spaces and Areas.**

(a) **Access Location Approved by Owner of Road.** The number and location of road access points shall be approved by the El Paso County Department of Public Works (EPCDPW), the Colorado Department of Transportation (CDOT), or other entity with responsibility for maintenance or ownership of the road and authority to review and approve the access locations.

(b) **More than 1 Entrance to Parking.** Each row of parking should be designed with more than 1 entrance and exit whenever possible.

(c) **Spaces Served by Forward Travel.** Parking spaces shall be designed to have forward travel to or from an adjacent drive aisle without moving another vehicle. Tandem parking spaces shall not count toward meeting the minimum number of parking spaces required by this Section.

(d) **Spaces Design to Minimize Conflicts.** Parking spaces shall be designed to minimize conflicts between vehicles entering the parking area and vehicles backing out of parking spaces.

(e) **Access to Large Parking Lots.** A drive aisle used to access parking spaces in parking areas with over 200 parking spaces shall be located at least 100 feet from the access point from any public road. This will help to minimize potential stacking problems resulting from vehicles entering the parking area. Signage shall give the entering vehicle the right-of-way where the entrance crosses a parking lot aisle.

(f) **Parking Spaces Not Conflict with Lot Line.** No parking space shall be allowed where the vehicle leaving the parking space must backup across a lot, parcel, or tract line.

(g) **No Backing into Public Right-of-Way.** No vehicle leaving a parking space shall be allowed to back into a public right-of-way.

(D) **Parking Space Requirements.**

(1) **Number of Parking Spaces.** The number of parking spaces required is equal to the total number of standard parking spaces and disabled parking spaces required by this Section.

(a) **Minimum Number of Standard Parking Spaces.**

(i) Number of Standard Parking Spaces Required. The minimum numbers of parking spaces to be provided for a use are listed in Table 6-2. Parking ratios are based on the gross floor area contained in the building, unless specifically listed. When the calculation of the number of required parking spaces results in a fraction, the calculation shall be the rounding to the closest whole number (ex. 5.0 to 5.49 = 5; 5.5 to 5.9 = 6).

Table 6-2. Minimum Parking Requirements by Use

Use Type	Minimum Number of Parking Spaces
Adult Care, Group or Convalescent Home	1 per 3 beds
Agricultural Uses (Non-commercial)	Sufficient parking for all vehicles used by the operation
Amusement/Recreation Center Uses	
Amusement Park	30 spaces per acre
Arcade or Game Room	1 space per 300 square feet
Bowling Alley	4 spaces per lane
Commercial Stable	1 space per 5 stalls
Golf Course	4 spaces per hole
Golf Driving Range	1 space per tee position
Ice or Roller Skating Rink	1 space per 150 square feet
Miniature Golf Course	1 space per hole
Pool Hall	2 spaces per table
Race Track	1 space per 4 seats
Shooting Range	1 space per firing lane
Sports Field	22 spaces per field
Stadium or Sports Arena	1 space per 4 seats
Swimming Pool	1 space per 150 square feet of pool area
Tennis, Handball or Racquetball Facilities	3 spaces per court
Theater	1 space per 4 seats
Auditorium or similar place of Public Assembly	The greater of 1 space per 4 fixed seats or 1 space per 100 square feet of floor area
Automobile, Boat, Truck and R.V. Sales	1 space per 1,000 square feet of auto display area, plus 1 space per 450 square feet of office space
Bar/Lounge/Night Club, or Similar Place of Assembly	1 space per 3 seats, plus 1 space per employee on maximum shift
Beauty Parlor/Barber Shop	1 per 200 square feet
Bed and Breakfast Inn	1 space per 2 guest rooms or suites

Boarding House, Group Home, Dormitory, Fraternity, Sorority or other Communal Living (i.e., common kitchen facilities service the occupants)	0.5 space per bed
Bus or Train Depot	1 per 250 square feet of waiting area
Car Wash/Detail Shop/Quick Lube/Oil Change	1 space per bay or stall
Commercial Centers	
— Less than 10 acres	1 per 250 square feet
— 10 acres or more	1 per 300 square feet
Commercial Stable	1 space per 5 stalls
Day Care/Pre-School	1 space per 400 square feet, plus 1 10' × 20' loading per 8 children licensed. Loading area shall have an unobstructed view.
Educational Institutions	
— Elementary or Junior High	2 spaces per classroom
— Senior High	1 space per 4 students
— College/University	0.5 spaces per faculty member and employee, plus 1 space per 6 students.
Financial Institution	1 space per 250 square feet of floor area, plus 6 stacking per drive-up window
Funeral Home/Mortuary	1 space per 100 square feet of floor area open for public use, plus 1 space per 400 square feet of office area
Gasoline Filling Station/Repair Garage	1 space per employee on maximum shift, plus 3 spaces per bay or stall
Hospital	2 spaces per bed
Hotel/Motel	1 space per 1 guest room or suite, plus ½ space per 100 square feet of restaurant space and ½ space per 4 seats of meeting space
Industrial Use (e.g., construction batch plant, construction or contractor's yards, manufacturing, general light or heavy industry, meat packing and related industry)	1 space per 750 square feet
Library/Museum/Gallery	1 space per 400 square feet of floor area
Lumber Yard	1 per 300 square feet of floor area, plus 1 per 1,000 square feet of outdoor display area
Medical Offices	1 space per 200 square feet
Membership Clubs/Health Club/Community Centers	1 space per 150 square feet of floor area
Mini-Storage	1 space per 100 units, plus 1 space per employee
Mobile/Manufactured Home Park	2 spaces per mobile/manufactured home, plus 1 guest parking space per 4 mobile/manufactured home spaces
Mobile/Manufactured Home Sales	1 space per 1000 square feet of display area
Nursery, Wholesale	5 spaces, plus 1 space per acre of indoor/outdoor display
Nursing home	1 space per 5 beds
Professional Offices	1 space per 200 square feet

Religious Institution	1 space per 4 seats
Research and Development	1 space per 400 square feet
Residential, Single-Family	
Single Family	2 spaces per dwelling unit
Single Family, Attached	2 spaces per dwelling unit, plus 1 guest space per 4 units.
Residential, Multi-Family	
Studio or Efficiency	1.1 spaces per dwelling unit
1 Bedroom	1.5 spaces per dwelling unit
2 Bedroom	1.7 spaces per dwelling unit
3 Bedroom	2.0 spaces per dwelling unit
Guest	1 space per 3 dwelling units
Elderly (60 or over)	0.6 spaces per dwelling unit
Restaurants	
Drive-in or Fast Food	1 space per 100 square feet
Sit down	1 space per 100 square feet
Outdoor Seating	1 space per 200 square feet
Retail, General (e.g., department store, grocery store, etc.)	1 space per 250 square feet of floor area, plus 6 stacking spaces per drive-up window
Retail, General (e.g., furniture or appliances)	1 space per 600 square feet
Vehicle Storage	3 spaces
Warehouse and Distribution	1 space per 1000 square feet

(ii) Parking for Uses Not Listed. The required parking spaces for a use which is not specifically listed in Table 6-2 shall be determined by the PCD Director based on the requirements of other similar uses.

(iii) Garage Spaces Counted Toward Fulfilling Requirements. The spaces within the garage are counted toward the required number of parking spaces for single family uses.

(iv) Parking Required to Accommodate All Uses on Lot. Where a lot or parcel has more than 1 use, or a primary use with accessory use, the total number of parking spaces required shall be the sum of the requirements for the various uses.

(v) Maximum Number of Compact Parking Spaces Allowed. A maximum of 30% of the number of required parking spaces may be compact parking spaces.

(vi) Alternative Parking Ratio Allowed.

- Authority: The PCD Director may approve an alternative parking space ratio. The alternative parking space ratio may be substituted in whole or in part for a ratio meeting the standards of this Section.

- Review Criteria: To approve an alternative parking plan, the PCD Director shall find that the proposed alternative plan accomplishes the purposes of this Section equally well or better than a parking plan which complies with the standards of this Section. In reviewing the request for an alternative parking plan, the PCD

Director shall take into account the number of employees, the number of expected customers or clients, the availability of shared parking (if any), or any other factors that may be unique to the applicant's request. The applicant has the burden of proof. Generally, a TIS containing a trip generation analysis, parking analysis study or by other relevant data describing the transportation impacts and clearly identifying and discussing the modifications and alternatives proposed and the ways in which the proposal will better accomplish the purpose of this Section than would a parking plan which complies with the standards of this Section should support the request. The PCD Director shall not approve the alternative parking plan unless it: (1) Does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity; (2) Minimizes the visual and aesthetic impact along the public road by placing parking lots to the rear or along the side of buildings, to the maximum extent feasible; (3) Minimizes the visual and aesthetic impact on the surrounding neighborhood; (4) Creates no physical impact on any facilities serving alternative modes of transportation; (5) Creates no detrimental impact on natural areas or features; and (6) Maintains handicap parking ratios.

(b) **Minimum Disabled Parking Space Requirements.** Table 6-3 shows the number of additional parking spaces required to be provided as disabled spaces by parking area size. Spaces shall meet the minimum standards for disabled spaces.

Table 6-3. Disabled Parking Space Requirements

Number of Standard Parking Spaces Required	Additional Number of Disabled Spaces Required
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 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

(2) **Dimensions of Standard Parking Spaces and Aisles.**

(a) **Minimum Standards Parking Space and Aisle Dimensions.** Standard parking spaces and aisles shall meet the dimensional requirements in Table 6-4.

Table 6-4. Parking Space Dimensional Requirements

Parking Angle[1]	Width of Space	Depth[2] of Space	Aisle Width 2-Way	Aisle Width 1-Way	Depth of Interlocking Spaces	Overhang[3]
0°	9 feet	22 feet	20 feet	12 feet	18 fete	0 feet
45°	9 feet	19 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
[1]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.						
[2]Unless otherwise depicted above, the minimum drive-aisle shall be a minimum of 24 feet. In the instance where the fire department standards are greater, the fire department standards shall be applied.						
[3]Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.						

(b) **Minimum Compact Parking Spaces and Aisles Dimensions.** Compact parking spaces and aisles shall meet the dimensional requirements in Table 6-5.

Table 6-5. Dimensional Requirements for Compact Spaces

Parking Angle[1]	Width of Space	Depth of Space	Aisle Width 2-Way	Aisle Width 1-Way	Depth of Interlocking Spaces	Overhang[2]
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
[1]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.						
[2]Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.						

(c) **Minimum Disabled Parking Space Dimensions.** Pedestrian access aisles for loading and unloading shall be provided adjacent to a disabled parking space. The pedestrian access aisle shall be a minimum of 5 feet wide. A minimum of 1 in every 8 disabled parking spaces shall be designated "Van Accessible" and served by a pedestrian access aisle a minimum of 8 feet wide. All parking areas shall provide at least 1 van accessible space. As an alternative, required disabled parking spaces may be provided in conformance with ADA Guidelines for Universal Parking Design or other acceptable ADA standard.

(E) **Truck Loading and Turnaround Areas.**

(1) **Truck Loading and Turnaround Areas Required.** Loading and turnaround areas shall be provided for all non-residential buildings of 3,000 square feet or greater. Maneuvering or access areas may be located on adjacent lots or parcels as long as a recorded document is provided for common use and maintenance.

(2) **Design to Minimize Noise Impacts.** Truck loading and turnaround areas shall be designed and located to minimize any potential noise impacts to adjacent residential properties.

(3) **No Obstruction of Parking Lot Aisles.** Loading areas shall be designed so that a maneuvering or parked delivery vehicle will not obstruct parking lot aisles used by employees or customers.

(4) **Onsite Turnaround Area Required.** An onsite turnaround area shall be provided for all loading areas. Only turning radii found to be acceptable by the Institute of Traffic Engineers or

determined to be acceptable by the ECM Administrator shall be acceptable for compliance with this requirement.

(5) **Loading Areas Screened.** Loading areas shall be screened from view from a public road or residential areas. Screening shall meet the screening requirements of this Code.

(6) **Loading Area to Meet Requirements of Table 6-6.** Loading areas shall be provided for each non-residential building based on the requirements in Table 6-6.

Table 6-6. Truck Loading Areas

Gross Building Area	Number of Loading Spaces	Dimensions of Loading Space	Vertical Clearance	Maneuvering Aisle Width
Up to 3,000 sq. ft.	0	NA	NA	NA
3,001 to 20,000 sq. ft.	1	14 feet by 18 feet	14 feet	24 feet
20,001 to 80,000 sq. ft.	2	14 feet by 40 feet	14 feet	40 feet
80,001 to 140,000 sq. ft.	3	14 feet by 40 feet	14 feet	40 feet
For each additional 100,000 sq. ft.	1	14 feet by 40 feet	14 feet	40 feet

(F) **Bicycle Facilities.** Commercial, industrial, and multi-family residential uses shall provide bicycle facilities to meet the following standards:

(1) **Bicycle Parking.** The minimum number of bicycle parking spaces shall equal 5% of the number of required parking spaces. At least 1 bicycle parking space shall be provided.

(2) **Location.** For convenience and security, bicycle parking facilities shall: (1) be located near building entrances, (2) be visible from the land uses they serve and (3) not be located in remote automobile parking areas. Bicycle parking facilities shall not be located to impede pedestrian or automobile traffic flow nor cause damage to plant material from bicycle traffic.

(3) **Design.** Bicycle parking facilities shall be provided with bicycle racks and be designed to allow the bicycle to be securely locked to the bicycle rack. The bicycle rack shall be of permanent construction such as heavy gauge tubular steel with angle bars permanently attached to the pavement. Bicycle parking facilities shall be at least 2 feet in width and 5½ feet in length, with additional back-out or maneuvering space of at least 5 feet.

(G) **Drive-Through Design Requirements.**

(1) **Design of Stacking Lanes for Drive-Through Facilities.** Automobile stacking lanes for drive-through uses shall be provided in accordance with the following standards:

(a) **Minimum Width of Drive-Through Lane.** The minimum width of a drive-through lane shall be 8 feet.

(b) **Stacking Lanes Not Intersect Pedestrian Access.** Required drive-through stacking lanes shall not intersect with pedestrian access to a building entrance intended for the public.

(c) **Drive-Through Lanes Striped.** Each drive-through lane shall be striped, marked or otherwise distinctly delineated.

(d) **Driveways Provided for Stacking Lanes.** Driveways used as stacking lanes shall conform to the requirements of this Code and the ECM.

(2) **Stacking and Additional Requirements for Specific Land Uses.**

(a) **Restaurants.** Restaurants shall provide 90 feet of stacking behind each order board and pick-up window, or if the functions are separated, 30 feet behind an order board and 60 feet behind the pick-up window. The stacking may wrap around the building.

(b) **Financial Institutions.** Financial institutions and financial transaction facilities (i.e. bill payment windows) shall provide 70 feet of stacking behind each window or transaction facility. Where more than 1 window or transaction facility is provided, the stacking lanes may be distributed in 20 foot increments among the various lanes as long as no lane is less than 30 feet in length.

(c) **Car Wash, Quick-Lube and Oil-Change Uses.** A car wash, quick-lube, and oil-change bay shall provide 40 feet of stacking behind each bay or stall. 1 car drying area shall be required for each bay or stall.

(d) **Mini-Warehouse Facilities.** Driving aisles for mini-warehouse or self-storage facilities shall be a minimum of 24 feet wide. A driving aisle where access to storage units is only on 1 side of the aisle may be 20 feet in width. Parking shall be required for any accessory use (except office, caretaker's unit) on the lot, parcel, or tract based on the standards for the accessory use plus a minimum of 3 guest spaces for customers of the storage unit.

(e) **Display or Storage Areas.** Required parking, maneuvering, or access areas for automobile sales uses shall not be used for display or storage of automobiles. Display or storage areas shall be delineated on required plans.

(f) **Boat or Recreational Vehicle Parking.** Display and storage areas shall be on a surface approved the applicable fire department.

(Res. No. 17-374, Exh. A, 12-12-2017)

14. Parking, Loading, and Access

1. Purpose[74]

This section is intended to:

A. Provide safe and efficient parking and access;

B. Encourage efficient and convenient interaction between vehicles, bicycles, and pedestrians;

C. Avoid and mitigate traffic congestion; and

D. Provide flexibility to respond to the transportation, access, and loading impacts of various land uses.

2. Applicability[75] and Submission Requirements

1. Applicability

The requirements of this section shall apply as follows:

A. To all new development, redevelopment, and any change of use that requires a change of occupancy to be approved by the Building Department or by the PCD.

B. If one or more building additions increase the gross floor area by more than 50 percent of the existing building's size, then the entire building must meet this chapter's parking, loading, and access requirements.

2. Submission Requirements

The regulations in this section shall be reviewed through a parking plan submitted with a development application. Parking plans shall conform to the requirements in this section including any change to an approved parking, loading, and maneuvering plan.[76]

3. Generally Applicable Standards

1. Compliance with State and Federal Regulations[77]

It shall be the owner's responsibility to comply with all other State and federal regulations including, but not limited to, ADA regulations.

2. Calculation of Parking and Loading Requirements

A. Area Measurements[78]

All square footage-based parking and loading requirements shall be computed based on gross floor area of the subject use.

B. Fractions[79]

When measurements of the number of required spaces result in a fractional number, any fraction shall be rounded up the next whole number to require one additional parking space.

C. Parking and Loading for Multiple Uses[80]

For lots with more than one use, including a principal use with one or more accessory uses, the required parking and loading shall be the sum of the requirements for each individual use, calculated separately based on the applicable standard for that use, unless otherwise provided in this section or approved by the Director.

D. Garage Spaces Counted Toward Fulfilling Requirements[81]

The spaces within a garage are counted toward the required number of parking spaces.

3. Parking and Loading for Unlisted Uses[82]

For uses not expressly stated in Table 14-1: Minimum Off-Street Parking Requirements, the Director is authorized to:

A. Apply the minimum off-street parking space requirement for the listed use that is deemed most similar to the proposed use based on operating characteristics, occupancy classification, or other factors determined by the Director; or

B. Establish the minimum off-street parking space requirement by reference to parking resources published by the Institute of Traffic Engineers (ITE) or other acceptable sources of parking demand data.

4. Use of the Public Rights-of-Way[83]

Parking or maneuvering areas located within a public right-of-way may not be used to meet the parking or loading requirements of this section Without approval through a parking plan.

4. Minimum Vehicle Parking Spaces Required

1. Applicable Transit Service Area Exemption[84]

Provision of off-street parking is not required for the following uses when they are located wholly or partially within the Applicable Transit Service Area, as designated by State statute and identified in a map maintained by the Colorado Department of Local Affairs:

A. Multifamily residential development;

B. Adaptive reuse for residential purposes; or

C. Adaptive reuse for purposes which include at least 50 percent of use for residential purposes that is within the appliable transit service area.

2. Number of Off-Street Vehicle Parking Spaces

Commentary

The draft parking standards are intended to set reasonable minimum requirements while allowing property owners flexibility to provide additional parking if their use or customers need it. Rather than requiring excess parking everywhere, the requirements focus on avoiding overbuilt parking that can increase costs and reduce usable land. Property owners may always provide more parking than the minimum, but the minimum standards are designed to reflect typical demand and allow the market and real-world experience to determine when additional parking is appropriate.

The number of parking spaces required for principal uses is equal to the total number of standard parking spaces and accessible parking spaces required by this section. Parking is not required for accessory uses unless otherwise specified in this LDC.

Table 14-1: Minimum Off-Street Parking Requirements GFA = Gross Floor Area See Section 14.5 for additional stacking requirements for drive-through facilities, minimum accessible parking spaces, and minimum electric vehicle charging station requirements.		
	Minimum Vehicle Parking (Current)	Minimum Vehicle Parking (Proposed)
Agricultural Uses		
Agriculture, General	Sufficient parking for all vehicles used by the operation	None
Agricultural Equipment Repair & Sales		2 spaces per 2,500 square feet GFA
Animal Refuge		Determined through Special Use review
Equestrian Operation	1 space per 5 stalls	1 space per 6 stalls None
Livestock Feed or Sales Yard		None
Private Stables		None
Residential Uses		
Household Living		
Dwelling, Single-family Detached	2 spaces per dwelling unit	2 space per dwelling unit
Dwelling, Duplex	2 spaces per dwelling unit	1 space per dwelling unit
Dwelling, Paired Home	2 spaces per dwelling unit	1 space per dwelling unit
Dwelling, Single-family Attached	2 spaces per dwelling unit, plus 1 guest space per 4 units.	1 space per dwelling unit

Dwelling, Multifamily	Studio: 1.1 spaces per dwelling unit; 1 bedroom: 1.5 spaces per dwelling unit; 2 Bedroom: 1.7 spaces per dwelling unit; 3 bedroom: 2.0 spaces per dwelling unit; Guest: 1 space per 3 dwelling unit	≤3 bedrooms in unit: 1 space per dwelling unit 4+ bedrooms in unit: 2 spaces per dwelling unit Plus guest parking: 10% of unit total
Dwelling, Live/Work		1 space per dwelling unit
Manufactured Home		1 space per dwelling unit
Mobile Home, Post-1976		1 space per dwelling unit
Manufactured Home or Tiny Home Community		1 space per dwelling unit
Tiny House		1 space per dwelling unit
Group Living		
Continuing Care Facility	1 space per 5 beds	1 per 6 resident beds
Dwelling, Co-Housing		1 space per dwelling unit
Group Home, FHAA Small	1 per 3 beds	If in single-family detached dwelling Structure: 1 space Other structure: 0.5 space per dwelling unit
Group Home, FHAA Large	1 per 3 beds	If in single-family detached dwelling: 1 space Other structure: 0.5 space per dwelling unit
Group Residential Facility		1 space per 3 resident beds
Human Service Shelter		1 space per 20 occupants

Public, Civic, & Institutional Uses		
Community and Cultural Facilities		
Assembly, Religious	The greater of 1 space per 4 fixed seats or 1 space per 100 square feet of floor area	1 space per 6 seats capacity in largest assembly area
Assembly, Secular		1 space per 6 seats capacity in largest assembly area
Business Event Center	1 space per 150 square feet of floor area	3 spaces per 1,000 square feet GFA
Cemetery		None
Child Care Center	1 space per 400 square feet, plus 1 10' × 20' loading per 8 children licensed. Loading area shall have an unobstructed view.	1 per 400 square feet GFA
Crematorium	1 space per 100 square feet of floor area open for public use, plus 1 space per 400 square feet of office area	1 space per 1,000 square feet GFA
Funeral Home	1 space per 100 square feet of floor area open for public use, plus 1 space per 400 square feet of office area	1 space per 4 seats capacity in largest assembly area
Library	1 space per 400 square feet of floor area	1 per 750 square feet GFA

Museum	1 space per 400 square feet of floor area	1 per 750 square feet GFA
Prison or Detention Center		0.5 space per 1,000 square feet GFA
Educational Facilities		
Educational Institution	Elementary or Junior High: 2 spaces per classroom; Senior High: 1 space per 4 students; College/University: 0.5 spaces per faculty member and employee, plus 1 space per 6 students.	Elementary or middle: 1 per 20 students maximum capacity High: 1 per 6 students maximum capacity College/University: 2 spaces per 1,000 square feet of office, research, classroom, and library areas plus 1 space per 6 seats capacity in largest assembly area
Healthcare Facilities		
Hospital	2 spaces per bed	1.5 spaces per bed
Medical or Dental Clinic	1 space per 200 square feet	4 spaces per 1,000 square feet GFA
Rehabilitation Facility		1 per 8 beds
Parks and Open Space		
Dog Park		None
Natural Resources & Wildlife Area		None
Park or Open Space		None
Commercial Uses		

Animal Uses		
Animal Sales and Services		2 spaces per 1,000 square feet GFA
Kennel, Major and Minor		2 spaces per 1,000 square feet GFA
Veterinary Clinic or Hospital		2 spaces per 1,000 square feet GFA
Food and Beverage Services		
Bar, Brewpub, or Tavern	1 space per 3 seats, plus 1 space per employee on maximum shift	Indoor: 5 spaces per 1,000 square feet publicly accessible GFA Outdoor: If outdoor seating area is less than 20% of the size of the indoor publicly accessible area, then no additional parking is required. If outdoor seating area is greater than 20% of the indoor publicly accessible area, then additional parking required is 1 per 350 GFA
Brewery, Cidery, Winery, Meadery, or Distillery		Indoor: 5 spaces per 1,000 square feet publicly accessible GFA Outdoor: If outdoor seating area is less than 20% of the size of the indoor publicly accessible area, then no additional parking is required. If outdoor seating area is greater than 20% of the indoor publicly accessible area, then additional parking required is 1 per 350 GFA
Nightclub	1 space per 3 seats, plus 1 space per employee on maximum shift	1 space per 1,000 square feet GFA

Restaurant or Cafe	Drive in or fast food: 1 space per 100 square feet; Sit down: 1 space per 100 square feet; outdoor seating: 1 space per 200 square feet	5 spaces per 1,000 square feet GFA
Lodging Facilities		
Bed and Breakfast	1 space per 2 guest rooms or suites	1 space per 2 guest rental rooms or units
Boarding or Rooming House		1 space per guest rental room or unit, plus 1 additional space for the owner or staff
Hotel or Motel	1 space per 1 quest room or suite, plus ½ space per 100 square feet of restaurant space and ½ space per 4 seats of meeting space	0.5 spaces per guest rental room or unit
Recreational Vehicle Park or Campground		1 space per tent, cabin, or Recreational Vehicle site
Marijuana and Natural Medicine-Related Uses		
Marijuana Club		2 spaces per 1,000 square feet GFA
Marijuana Land Use, Medical		1 spaces per 5,000 square feet GFA
Natural Medicine Business		1 spaces per 1,000 square feet GFA
Office, Business, and Services		
Financial Institution	1 space per 250 square feet of floor area, plus 6 stacking per drive-up window	2 spaces per 1,000 square feet GFA

Laboratory	1 space per 400 square feet	3 spaces per 1,000 square feet GFA
Office	1 space per 200 square feet	2 spaces per 1,000 square feet GFA
Personal Services	1 per 200 square feet	4 spaces per 1,000 square feet GFA
Recreation and Entertainment		
Amusement Center, Indoor	Varies	2 spaces per 1,000 square feet GFA
Amusement Center, Outdoor	30 spaces per acre	1 space per 1,000 square feet GFA
Club	1 space per 150 square feet of floor area	2 spaces per 1,000 square feet GFA
Health Club or Gym	1 space per 150 square feet of floor area	2 spaces per 1,000 square feet GFA
Racetrack		1 per 4 occupants at capacity
Shooting Range, Indoor	1 space per firing lane	2 spaces plus one space per firing lane
Shooting Range, Outdoor	1 space per firing lane	2 spaces plus one space per firing lane
Theater, Indoor	1 space per 4 seats	1 space per 6 seats
Theater, Outdoor		1 space per 1,000 square feet GFA plus 1 per 10,000 sf of developed site area
Retail Sales		
Auction Facility		None
Firewood Sales		None
Flea Market		3 spaces per 1,000 square feet GFA

Retail, General	Department store, grocery store: 1 space per 250 square feet of floor area, plus 6 stacking spaces per drive-up window; Furniture or appliances; 1 space per 600 square feet	
< 25,000 SF		3 spaces per 1,000 square feet GFA
25,000 – 75,000 SF		2 spaces per 1,000 square feet GFA
> 75,000 SF		2 spaces per 1,000 square feet GFA
Sexually-Oriented Business		2 spaces per 1,000 square feet GFA
Transportation		
Airport or Heliport		As required by airport management
Airstrip, Personal		None
Parking Garage		None
Parking Lot		None
Transit Terminal or Station	1 per 250 square feet of waiting area	As required by transit provider
Transportation Depot		2 per 1,000 square feet GFA of terminal area
Vehicles and Equipment		
Gas Station	1 space per employee on maximum shift, plus 3 spaces per bay or stall	4 spaces per 1,000 square feet GFA
Truck Stop		4 spaces per 1,000 square feet GFA

Vehicle Sales, Rental, or Storage	1 space per 1,000 square feet of auto display area, plus 1 space per 450 square feet of office space	3 spaces per 1,000 square feet GFA
Vehicle Repair	1 space per bay or stall	3 spaces per 1,000 square feet GFA
Vehicle Wash	1 space per bay or stall	4 spaces per 1,000 square feet GFA
Industrial Uses		
Manufacturing and Processing		
Manufacturing and Industry, Light	1 space per 750 square feet	0.25 space per 1,000 square feet GFA
Manufacturing and Industry, Heavy	1 space per 750 square feet	0.25 space per 1,000 square feet GFA
Mineral and Natural Resource Extraction Operations		None
Oil and Gas Operations		None
Sawmill	1 per 300 square feet of floor area, plus 1 per 1,000 square feet of outdoor display area	None
Storage and Warehousing		
Storage, Enclosed	1 space per 100 units, plus 1 space per employee	21 spaces per 100 storage units
Storage, Outdoor		1 space per 1,000 square feet GFA

Warehouse and Wholesale	Wholesale Nursery: 5 spaces, plus 1 space per acre of indoor/outdoor display; Other Warehouse and Distribution: 1 space per 1000 square feet	0.25 space per 1,000 square feet of GFA
Waste and Salvage		
Hazardous Waste Storage or Disposal Facility		1 space per 1,000 square feet of GFA of office area
Inert Material Disposal Site		None
Inert Material Disposal Site - Minor		None
Recycling or Composting Facility		1 space per 1,000 square feet of GFA of office area
Salvage Yard		1 space per 1,000 square feet of GFA of office area
Solid Waste Disposal Site and Facility		1 space per 1,000 square feet of GFA of office area
Waste Transfer Facility		1 space per 1,000 square feet of GFA of office area
Utility Uses		
CMRS Facility, Freestanding		None
CMRS Facility, Small Cell		None
CMRS Facility, Stealth		None

Solar Energy Generation Facility		None
Tower, Commercial (Non-CMRS)		None
Treatment Plant		1 space per 1,000 square feet of GFA of office area
Utility Substation		None
Wind Energy Generation Facility		None
Wind/Meteorological Measuring Facilities		None

5. Stacking, ADA, and Electric Vehicle Charging Station Requirements[85]

A. Required Stacking Spaces[86]

Vehicle stacking spaces shall be provided for drive-through facilities and the uses listed in the amounts shown in Table 14-2: Minimum Vehicle Stacking Spaces Required.

Table 14-2: Minimum Vehicle Stacking Spaces Required		
Principal Use	Length of Stacking Space Area (min, FT)	Measured from:
Restaurant	90	Single lane: Pick-up window and order board
	30	Separate order board
	90	Separate pick-up window
Financial Institution	70	Window or transaction facility
	Distributed in 20 foot increments among the various lanes as long as no lane is less than 30 feet in length	More than 1 window or transaction facility
Gas Station. Car Wash, Quick Lube/Oil Change	40 per bay + 1 drying space per car wash bay	Outside of service bay
Retail, Grocery, or Pharmacy	70	Window or transaction facility

B. Stacking Space and Design Requirements

1. The minimum width of a drive-through lane shall be eight feet and the minimum length shall be 20 feet.[87]

2. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.

3. Required drive-through stacking lanes shall not intersect with pedestrian access to a building entrance intended for the public.

4. Driveways used as stacking lanes shall conform to the requirements of this LDC and the ECM.

5. Stacking lanes may wrap around the building they serve.

6. Stacking lanes shall not be within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

2. ADA Accessible Parking Requirements

A. Relationship to ADA Requirements[88]

The standards in this section are not intended to incorporate the requirements of the Americans with Disabilities Act (ADA) except as specifically referenced in this section. If there are any conflicts between this section and the requirements of the ADA, then the most restrictive requirements shall apply. El Paso County is not responsible for enforcing the requirements of the ADA.

B. Minimum Number of Accessible Parking Space Required[89]

Accessible parking spaces shall be provided in the amount shown in Table 14-3 below. Accessible parking spaces are provided in addition to the required parking spaces.

Table 14-3: Minimum Accessible Parking Requirements

Number of Parking Spaces Required	Number of Accessible Spaces Required
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 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

C. Minimum Accessible Parking Space Dimensions[90]

1. Pedestrian access aisles for loading and unloading shall be provided adjacent to an accessible parking space. The pedestrian access aisle shall be a minimum of five feet wide.

2. A minimum of one in every eight accessible parking spaces shall be designated "Van Accessible" and served by a pedestrian access aisle that is a minimum of eight feet wide.

3. All parking areas shall provide at least one van accessible space. As an alternative, required accessible parking spaces may be provided in conformance with ADA Guidelines for Universal Parking Design or other acceptable ADA standards.

3. Electric Vehicle Charging Stations[91]

A. New parking areas for multi-family dwellings and nonresidential uses shall include electric vehicle power transfer infrastructure that complies with the Colorado Model Electric Ready and Solar Ready Code.

B. Electric vehicle charging stations shall be counted toward satisfying minimum off-street parking space requirements.

C. Electric vehicle charging stations shall be reserved for parking and charging electric vehicles only and shall be signed accordingly. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

D. Vehicle charging equipment must be designed and located so as to not impair pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.

E. Information shall be clearly posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.

6. Parking Alternatives

The Director may approve alternatives to the minimum off-street parking requirements established in Table 14-1: Minimum Off-Street Parking Requirements, in accordance with the standards listed below.

1. Joint Parking[92]

A. Off-street parking may serve two or more buildings or uses if the total spaces provided meet or exceed the combined requirement for all buildings or uses. The spaces counted for joint parking shall be located within 500 feet of the primary entrances to the uses sharing them.

B. A single off-street parking space may count toward the requirements of more than one use if the uses typically need parking at different times of day.

2. Pedestrian and Transit Access[93]

The Director may reduce off-street parking requirements if the applicant demonstrates through submission of a parking study prepared by a transportation engineer or planner that identifies the existence of at least two of the following conditions favorable to a parking reduction, along with a calculation of the amount of parking proposed to be provided:

A. The existing or proposed land use generates lower-than-normal parking demand,

B. The site can anticipate an unusually high number of pedestrian or transit trips, or

C. The reduced parking supply will still accommodate the vehicular traffic without increasing traffic or on-street parking problems in adjacent areas or neighborhoods.

3. Parking Reductions[94]

A. Alternative Parking Plan

An applicant may submit an alternative parking plan to request a reduction of the required number of parking spaces. The alternative parking plan shall include a traffic impact study containing a trip generation analysis, parking analysis study, or other relevant data describing:

1. The transportation impacts;

2. The modifications and alternatives proposed; and

3. The ways in which the proposal will better accomplish the purpose of this section than a parking plan that complies with the standards of this section would.

B. Review Criteria

In reviewing an alternative parking plan, the Director shall consider the number of employees, the number of expected customers or clients, the availability of shared parking (if any), and any other factors that may be unique to the applicant's request. The applicant has the burden of proof. The Director shall not approve the alternative parking plan unless it:

1. Accomplishes the purposes of this section as well or better than a parking plan that complies with the standards of this section;

2. Supports continuity, connectivity, and convenient proximity for pedestrians between or among existing or future uses;

3. Minimizes the visual and aesthetic impact along the public road by placing parking lots to the rear or along the sides of buildings, to the maximum extent feasible;

4. Minimizes the visual and aesthetic impact on the surrounding neighborhood;

5. Creates no physical impact on any facilities serving alternative modes of transportation;

6. Creates no detrimental impact on natural areas or features; and

7. Maintains accessible parking requirements.

7. Design and Location of Off-Street Parking Areas and Spaces

1. Off-Street Parking Areas[95]

The following design requirements shall apply to all parking areas except those serving single-family detached, paired home, and duplex dwellings.

A. Location

1. Parking areas shall be located on the same lot or parcel as the use it is intended to serve.

2. Off-site event parking is allowed in conjunction with a temporary use and shall be reviewed as part of the application for a Temporary Use Permit.96

3. Parking areas may be located on adjacent lots or parcels, provided a recorded document stipulates provisions for common use and maintenance. The use restriction shall run with the building or use which the parking area is intended to serve. Parking shall be located within 500 feet of the building or use which the parking area is intended to serve, as measured from the closest points of the building or use and the parking lot.[97]

B. Circulation within Parking Areas

1. Parking areas shall be designed to provide circulation between drive aisles without the need to enter adjacent roads or other lots or parcels.

2. The internal circulation system shall be reviewed by the appropriate Fire Department. The Fire Department standard, if any, shall apply.

C. Access

1. Right of Access to Shared Parking

Each lot or parcel of a mixed-use, commercial, or industrial development shall be required to provide an irrevocable access easement to the adjacent mixed-use, commercial, or industrial properties unless each lot or parcel maintains a separate parking area.

Figure 14.A: Shared Parking Access

2. Access Location Approved by Owner of Road

The number and location of road access points shall be approved by the El Paso County Department of Public Works (EPCDPW), the Colorado Department of Transportation (CDOT), or other entity with responsibility for maintenance or ownership of the road and authority to review and approve the access locations.

3. More than One Entrance to Parking

Each row of parking should be designed with more than one entrance and exit whenever possible.

4. Access to Large Parking Lots

A drive aisle used to access parking spaces in parking areas with over 200 parking spaces shall be located at least 100 feet from the access point from any public road. This will help to minimize potential stacking problems resulting from vehicles entering the parking area. Signage shall give the entering vehicle the right-of-way where the entrance crosses a parking lot aisle.

D. No Storage of Vehicles, Supplies, or Merchandise

1. Required parking areas shall not be used for storage of inoperable vehicles, supplies, merchandise, trash, or other items that would prohibit the parking space from being used on a day-to-day basis.

2. Required parking, maneuvering, or access areas for automobile, boat, or recreational vehicle sales uses shall not be used for display or storage. Display or storage areas shall be delineated on required plans.

E. Construction Requirements

1. Parking Marked[98]

Parking spaces and drive aisles shall be clearly marked by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

2. Lighting Standards

Lighting shall be provided in all parking areas with more than five spaces. Lighting shall meet the lighting standards in Chapter 17 including Section 17.7.1, Parking Lot Lighting.

3. Paving of Parking Areas

a. Water Quality Protection

1. Parking areas shall be designed and maintained so water quality is protected. Measures to prevent tracking or runoff of sediment and other contaminants shall be designed, implemented, and maintained, as necessary, to protect water quality.

2. Paving shall be designed to reduce imperviousness to the maximum extent practicable.

3. The provision of water quality Best Management Practices (BMPs) is encouraged. If water quality BMPs are not incorporated in the parking area construction, off-lot new development BMPs will be needed as described in the ECM.

b. Paving in Urban Areas[99]

In urban areas, parking areas designed for more than five spaces shall be paved with asphalt, concrete, Modular Porous Block Pavement, or the equivalent.

c. Paving in Rural Areas[100]

1. Parking areas for more than 25 cars in rural areas shall be paved with asphalt, concrete, Modular Porous Block Pavement, or the equivalent. In situations where paving is not feasible or not reasonable based on location or associated use, the applicant may request a waiver per Section <>.

2. Parking lots for 25 cars or less in rural areas shall be surfaced with:

a. Gravel or rock, to a minimum depth of four inches to ensure a dust-free surface;

b. Asphalt concrete; or

c. An alternative surface as approved in the project drainage report.

3. Any access to a paved County-maintained road shall be paved for a distance of at least 50 feet from the paved County road.

d. Paving of Unpaved Areas

The Director may require the paving of nonconforming unpaved parking areas should the Director find that the use of the unpaved area causes air pollution due to blowing dust or adverse drainage conditions or that the use constitutes a nuisance to the residents or occupants of the neighborhood.

2. Off-Street Parking Spaces

The following design requirements shall apply to all parking areas.

A. Parking Space Location[101]

No off-street parking spaces shall be located in any required setback abutting a street, excluding parking spaces used for display purposes for vehicle sales, rental, or storage uses.

B. Parking Space Design

1. Parking spaces shall be designed to have forward travel to or from an adjacent drive aisle without moving another vehicle. Tandem parking spaces shall not count toward meeting the minimum number of parking spaces required by this section.

2. Parking spaces shall be designed to minimize conflicts between vehicles entering the parking area and vehicles backing out of parking spaces.

3. No parking space shall be allowed where the vehicle leaving the parking space must backup across a lot, parcel, or tract line.

4. Vehicles leaving a parking space shall avoid backing into a public right-of-way, to the maximum extent practicable.

C. Parking Spaces and Aisle Dimensions[102]

Standard parking spaces and aisles shall meet the dimensional requirements in Table 14-4.

Table 14-4: Standard Parking Space and Aisle Dimensional Requirements

Parking Angle [1]	Width of Space	Depth of Space [2]	Aisle Width 2-Way	Aisle Width 1-Way	Depth of Interlocking Spaces	Overhang [3]
A	B	C	D	E	F	G
0°	9 feet	22 feet	20 feet	12 feet	18 feet	0 feet
45°	9 feet	19 feet	20 feet	12 feet	32 feet	1.5 feet
60°	9 feet	20 feet	20 feet	16 feet	35.5 feet	2 feet
75°	9 feet	19.5 feet	22 feet	18 feet	37 feet	2 feet
90°	9 feet	18 feet	24 feet	24 feet	36 feet	2 feet

Notes:

[1] 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.

[2] Unless otherwise depicted above, the minimum drive-aisle shall be a minimum of 24 feet. In the instance where the Fire Department standards are greater, the Fire Department standards shall be applied.

[3] Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

Figure 14.B: Standard Parking Space Dimensions

8. Bicycle Parking Requirements[103]

Commercial, industrial, multi-family, public and civic, and mixed-use developments shall provide bicycle facilities to meet the standards of this section.

1. Minimum Number of Bicycle Parking Spaces[104]

Mixed-use and nonresidential developments that require 40 or more vehicle parking spaces shall also provide bicycle parking calculated at five percent of the number of required vehicle parking spaces.

A. Bicycle parking is not required in Industrial districts.

B. Bicycle parking is required for the number of bicycles, not necessarily the number of spaces. Where a bicycle parking space can be used for two bicycles it counts as parking for two bicycles.

C. Bicycle parking does not have to be provided in the vehicle parking lot; the vehicle parking space count is only used to calculate the required number of bicycle spaces.

2. Location

For convenience and security, bicycle parking facilities shall:

A. Be located within 50 feet of building entrances to the maximum extent practicable;[105]

B. Be located in well-lit areas visible to the adjacent sidewalk or parking areas;

C. Not be located in remote vehicle parking areas; and

D. Not impede pedestrian or automobile traffic flow, nor cause damage to plant material from bicycle traffic.

3. Design

A. A bicycle parking space is an area two feet by six feet or the area occupied by a bicycle when using a bicycle parking device as designed (e.g., inverted "U" rack provides two bicycle parking spaces).

B. Bicycle parking facilities shall be provided with bicycle racks and be designed to allow the bicycle to be securely locked to the bicycle rack.

C. The bicycle rack shall be of permanent construction such as heavy gauge tubular steel with angle bars permanently attached to the pavement.

9. Off-Street Loading Requirements

1. Required Loading Spaces and Dimensional Standards

Loading areas shall be provided for nonresidential uses in accordance with Table 14-5 below.

Table 14-5: Minimum Off-Street Loading Area Requirements				
Gross Floor Area	Number of Loading Spaces	Dimensions of Loading Space	Vertical Clearance	Maneuvering Aisle Width
Up to 3,000 sq. ft.	0	NA	NA	NA
3,001 to 20,000 sq. ft.	1	14 feet by 18 feet	14 feet	24 feet
20,001 to 80,000 sq. ft.	2	14 feet by 40 feet	14 feet	40 feet
80,001 to 140,000 sq. ft.	3	14 feet by 40 feet	14 feet	40 feet
For each additional 100,000 sq. ft.	1	14 feet by 40 feet	14 feet	40 feet

2. Loading Area and Design Requirements

A. Loading dock doors and delivery areas shall be located at the rear of buildings to separate customer and employee traffic from loading and service vehicles, unless the Director determines that a rear location is impracticable given the function and operating needs of the building.

B. Maneuvering or access areas may be located on adjacent lots or parcels as long as a recorded document is provided for common use and maintenance.

C. Truck loading and turnaround areas shall be designed and located to minimize any potential noise impacts to adjacent residential properties.

D. Loading areas shall be designed so that a maneuvering or parked delivery vehicle will not obstruct parking lot aisles used by employees or customers.

E. An onsite turnaround area shall be provided for all loading areas. Only turning radii found to be acceptable by the Institute of Traffic Engineers or determined to be acceptable by the ECM Administrator shall be acceptable for compliance with this requirement.

F. Loading areas shall be screened from view from a public road and residential uses.

A. Purpose

The purpose of this section is to ensure development is designed so that precipitation runoff flowing from the site is managed in accordance with low impact development best practices to mitigate impacts of increased runoff and stormwater pollution and promote infiltration into subsoils to remove pollutants, regenerate groundwater supplies, and reduce subsidence rates.

B. LID Design

Stormwater runoff from urban density development and project areas proposing to divert runoff or likely to contain pollutants shall be managed in a manner that provides for at least one of the following, and is sufficient to prevent water quality degradation, disturbance to adjoining property, and degradation of public roads.[87]

1. Direct runoff to stable, vegetated receiving areas capable of maintaining sheet flow for infiltration.
2. On-site treatment of stormwater by use of best management practices designed to detain and infiltrate the excess runoff volume prior to discharge offsite.
3. Discharge to an adequate stormwater conveyance system, verified or designed to accommodate the projected additional flows from the proposed project.
4. Non-residential and urban residential site design shall minimize the extent of directly-connected impervious area by including landscape features.
5. Runoff from developed impervious surfaces (such as rooftops, parking lots, and sidewalks) shall drain over stable, vegetated pervious areas to the extent practicable before reaching stormwater conveyance systems or discharging to waterbodies if not otherwise infiltrated into subsoils.
6. Permanent regional stormwater detention facilities are encouraged to be multipurpose facilities incorporating recreational / open space areas where feasible.

C. Design Criteria for Detention Facilities

All permanent stormwater detention basins shall be designed by a qualified professional engineer licensed in Colorado and comply with the ECM requirements.

D. Removal of Pollutants

Permanent BMPs and detention facilities shall meet ECM performance and design criteria, including drawdown, geometry, pollutant removal, pretreatment, and maintenance access. Where applicable, use shall be subject to water rights.

Chapter 7
RULES GOVERNING DIVISIONS OF LAND

[87] This draft will be revised to include major design requirements for items 2-5 that will be replaced with ECM standards.

7.2. SUBDIVISIONS, SUBDIVISION EXEMPTIONS, AND OTHER ACTIONS THAT CREATE OR MODIFY PROPERTY BOUNDARIES OR INTERESTS IN PROPERTY

7.2.1. Subdivisions

(A) **Purpose.** The purpose of this Section is to identify the types of subdivisions that are recognized by El Paso County and the criteria by which their conformance with this Code and C.R.S. §§ 30-28-133 through 139, will be established.

(B) **Applicability.** This Section shall apply to all divisions of land that meet the statutory definition of subdivision and are not otherwise exempted from the term "subdivision" by the BoCC.

(C) **Type of Subdivisions.**

(1) **Minor Subdivision.**

(a) **Purpose.** The purpose of establishing the minor subdivision is to provide a simplified review process which combines preliminary plan and final plat for subdivision of limited impact and complexity.

(b) **Applicability.** A minor subdivision is a division of land that results in the creation of 4 or fewer lots that do not discernibly impact surrounding properties, environmental resources or public facilities.

(c) **Applicable Minor Subdivision Criteria for Approval.** A minor subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval, except to the extent that those requirements are modified by this Code or the Procedures Manual.

(d) **Completed Action.** A minor subdivision shall be considered completed and in effect when an approved final plat is filed for recording with the Clerk and Recorder.

(e) **Circumvention of Process.** If it is determined that the applicant is using the minor subdivision process to circumvent the subdivision process such as the submittal of adjoining multiple minor subdivisions or multiple replats of the same property, the applicant shall be required to comply with the preliminary plan and final plat process.

(2) **Major Subdivision.**

(a) **Purpose.** The purpose of establishing the major subdivision is to provide a detailed and intensive review process for a complex subdivision which may have significant impacts on a neighborhood, water resources, the environment, and community facilities and services.

(b) **Applicability.** A major subdivision is a division of land that results in the creation of 5 or more lots in accordance with C.R.S. § 30-28-101(10)(d).

(c) **Applicable Major Subdivision Criteria for Approval.** A major subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval. A sketch plan may be required where the PCD Director determines a sketch plan is necessary to support the efficient and comprehensive review of a major subdivision.

(d) **Completed Action.** A major subdivision shall be considered completed and in effect when an approved final plat is filed for recording with the Clerk and Recorder.

(D) **Subdivision Approval Process and Criteria for Approval.** The subdivision approval process is usually a 3 step process. The steps can occur concurrently in cases where the size and complexity of the subdivision are limited.

(1) **Sketch Plan.**

(a) **Description of Sketch Plan.** The sketch plan is the first step of the approval process for larger or more complex divisions of land. The sketch plan process reviews, at a conceptual level, the feasibility and design characteristics of the proposal based on the standards set forth in this Code. Minor subdivisions are not subject to the sketch plan process. The review examines the feasibility of the division of land including review of the schematic design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, source of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, evaluation of wildfire hazards and conformance with the requirements of this Code and Master Plan. During this step, public hearings are held before the Planning Commission and the BoCC.

(b) **Applicability.** The determination of whether a sketch plan is required is made by the PCD Director.

(i) Sketch Plan Required. A sketch plan is generally required in the following instances:

- When the development is to be staged over an extended time, with multiple phases;
- When a variety of different land uses are proposed.

(ii) Sketch Plan Optional. A sketch plan may be used by the applicant or requested by the PCD Director when consistency of a proposed subdivision with the Master Plan is unclear, or subject to dispute.

(iii) Concurrent Review and Approval. A new sketch plan may be reviewed and approved concurrently with a zoning and concept plan or development plan for a PUD. A sketch plan amendment may be reviewed and approved concurrently with any zoning and platting actions.

(c) **Criteria for Approval.** In approving a sketch plan, the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The proposed subdivision is in conformance with the requirements of this Code;
- The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the sketch plan area;
- The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies;
- Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities;
- The soil is suitable for the subdivision;
- The geologic hazards do not prohibit the subdivision, or can be mitigated;

- The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §§ 34-1-302(1), et seq.];
- The design of the subdivision protects the natural resources or unique landforms;
- The proposed methods for fire protection are adequate to serve the subdivision; and
- The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.

(2) **Preliminary Plan.**

(a) **Description of Preliminary Plan.** The preliminary plan is generally the second step of the approval process for a large or complex division of land or the first step in the process for simpler divisions of land. The preliminary plan process will review the feasibility and design characteristics of the proposed division of land based on the standards in this Code. The preliminary plan process will also evaluate preliminary engineering design.

The purpose of the preliminary plan is to provide an in-depth analysis of the proposed division of land including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular and pedestrian circulation, and relationship to surrounding land uses. The preliminary plan and reports shall meet the statutory requirements as contained in C.R.S. § 30-28-133, as amended. During this step public hearings will be held before the Planning Commission and the BoCC.

(b) **Applicability.** The preliminary plan applies to all subdivisions except those that can be classified as minor subdivisions.

(c) **Concurrent Review of Preliminary and Final Plat.** The preliminary plan may be submitted concurrently with the final plat if the proposed division of land and development of the lots does not require extensive engineering. The PCD Director shall determine whether a particular subdivision may combine processes. The preliminary plan may also be submitted in conjunction with a PUD rezoning application and serve as the development plan, as long as all applicable requirements for both applications are met.

(d) **Preliminary Plan Approval Required.** Preliminary plan approval or conditional approval is required in order to proceed to the final plat.

(e) **Criteria for Approval.** In approving a preliminary plan, the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval);

- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

(3) **Final Plat.**

(a) **Description of Final Plat.** The final plat is the last step in the approval process for a division of land. The final plat process will review the final engineering plans, the SIA, financial assurance, CC&Rs (if applicable), the plat, and any other documents, reports, or studies as necessary; and may also review issues such as building height, landscaping, and building envelopes which have been deferred.

The purpose of this Section is to detail the approval review and approval criteria for a final plat, engineering plans, SIA, and other legal requirements for platting a division of land. During this step, there may be public hearings before the Planning Commission and BoCC.

(b) **Applicability.** A final plat shall be required for all subdivisions.

(c) **Concurrent Review of Preliminary Plan and Final Plat.** The final plat of the division of land may be processed concurrently with the preliminary plan of the proposed division of land; however, design modifications associated with the preliminary plan review may result in modifications to the final plat and delay the public hearing.

(d) **Final Plat Requires Preliminary Plan Approval.** Where a preliminary plan is required, a final plat may only be submitted if a preliminary plan for the subject property has been approved and the final approved version of the preliminary plan, incorporating any changes or conditions of approval, has been provided to the PCD. Similarly, in the case of concurrent submittal of a preliminary plan and final plat, the final plat may only be filed for recording if the final approved version of the preliminary plan, incorporating any changes or conditions of approval, has been provided to the PCD.

(e) **Final Plat for Portion of Preliminary Plat Area.** The final plat may be for a distinct portion of preliminary plan area to provide for phased development.

(f) **Criteria for Approval.** In approving a final plat, the approving authority shall find that:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019; Res. No. 19-330, Exh. A, 8-27-2019)

Cluster Development[88]

Overview of Cluster Development

A. Cluster development is intended to ensure that residential development on large parcels is creatively designed to maintain the open character of rural areas, to encourage the ongoing use of land for agricultural purposes, and to protect and maintain natural environmentally sensitive areas while permitting development to the allowed zoning density. This is accomplished by clustering development on lots smaller than would otherwise be permitted ("development cluster") and keeping the remainder of the site as protected land ("protected land").

B. Development cluster(s) are designed for residential development. Development cluster layout is regulated by Section 0, Development Cluster Design.

C. Protected land is held in open space with limited uses, which may include conservation, agricultural production, and general open space. Protected parcels are to be placed in an easement for perpetuity. Protected land is regulated in Section 0, Protected Land Design.

Applicability

Cluster development is optional for residential development on contiguous parcels of 30 acres or more in the A35, A5, RR1, RR2, RLD, RMD, MU1, E2, and PC2 districts.

General Provisions

The following general provisions apply to all cluster developments:

A. General

All protected land, except that in a limited-term cluster development, shall be maintained and remain undeveloped in perpetuity using a legal instrument such as a development agreement or conservation easement to set forth such conditions and restrictions.

B. Design

1. All property included within a cluster development shall be contiguous.

2. All cluster developments shall consist of two segments: (1) the development cluster or clusters, on which the residential units are located, and (2) the designated private protected area(s) to be held in conservation.

3. The following minimum percentages of land are required in cluster and protected segments:

[88] New. Cluster development review process requirements will be included in M3.

Table 0-1: Cluster Development Site Design		
Cluster Development Type	Undeveloped Protected Area(s) (%)	Developable Land in Cluster(s) (%)
Rural (no public water/sewer)	80	20
Rural (provides public sewer)	80	20
Rural (no sewer, w/on-site septic)	50	50
Open Space (public water/sewer)	80	20
Min. lot size <2.29 acres	50	50
Limited-Term	60	40

C. Density

1. The total number of dwelling units permitted in a cluster development is determined by dividing the gross acreage of the site by the minimum lot size required for the applicable zoning district.

   a. The total number of dwelling units cannot exceed the overall density permitted in the zoning district where the development is located.

   b. When the total number of dwelling units calculated results in a fractional number, any fraction shall be rounded down.

2. If the full density permitted within a cluster development is not used, the remaining permitted density may be achieved through a replat of the development area. Any replat of the development area shall not cause an increase of the originally approved maximum density.

3. Protected land may be divided into 35-acre or larger parcels. The number of such parcels created in a cluster development counts against the total number of dwelling units allowed by the current zoning, and the area contained within the building envelope on each of these parcels counts against the total developed area and not as protected land.

   a. Design of these lots will include the siting of building envelopes, access roads and driveways, utility and drainage easements, and other facilities in relation to the purpose of the cluster development regulations.

   b. All 35-acre and larger lots in cluster developments shall be included in the use plan for protected land and/or common area for the project and identified in the development agreement.

Development Cluster Design

A. Development Cluster Design and Improvements

1. Multiple development clusters shall be physically separated from one another so the appearance and visual impacts of these developed areas on the intervening protected land is minimized.

2. Residential and related land uses, roads, and parking areas shall be located in the development cluster; except, in those cluster developments where the ratio of developed area to protected land is 20 percent to 80 percent, up to 70 feet of road right-of- way may be included in the protected land area.

B. Development Cluster Location

1. The following criteria should be considered when identifying the location of a residential cluster(s):

2. Avoidance of prime agricultural land or agricultural land that has been used for agricultural production within the last 10 years;

3. Avoidance of hazards and environmentally sensitive lands;

4. Avoidance of alterations to natural drainage patterns;

5. Preference for locations closer to roads and existing or future infrastructure; and

6. Preference for "isolated" tracts that are not easily accessible for agricultural uses.

C. Site Design

1. Continuing Productive Agricultural and Ranching Areas

a. Structures shall be sited to optimize the shape and configuration of farmable parcels and fields. Fragmented farmland and wildlife habitat shall be avoided to the maximum extent practicable.

b. Structures shall be located at the edges of farmland to allow the creation of cohesive farm fields.

c. New structures or development shall be located at the edge of existing developed areas in compact configurations. Where possible, development should be located at the edge of farmland and a natural feature such as a ridgeline, tree stand, bluff, or stream.

d. Driveways shall be located along fencerows or other natural features that are not incorporated into farm fields. The distance and number of driveways shall be minimized to the maximum extent practicable. See Figure 0.A.[89]

e. Fence rows shall be used where practicable to define productive parcels and developed areas.

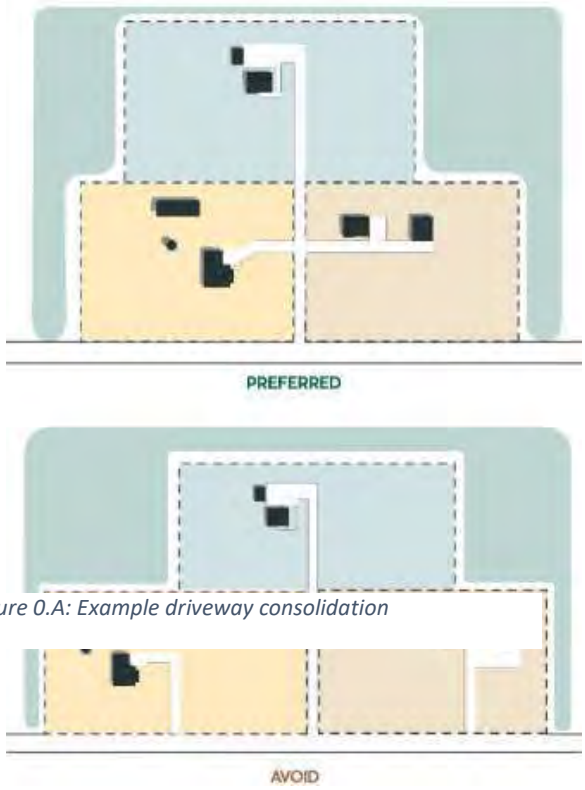


Figure 0.A: Example driveway consolidation

2. Compact Development

a. Multiple-lot residential development shall be clustered in the form of a typical farmstead and served by a cul-de-sac road. See Figure 0.B.

b. Developed land adjacent to farmland shall be minimized to prevent the loss of farmland.

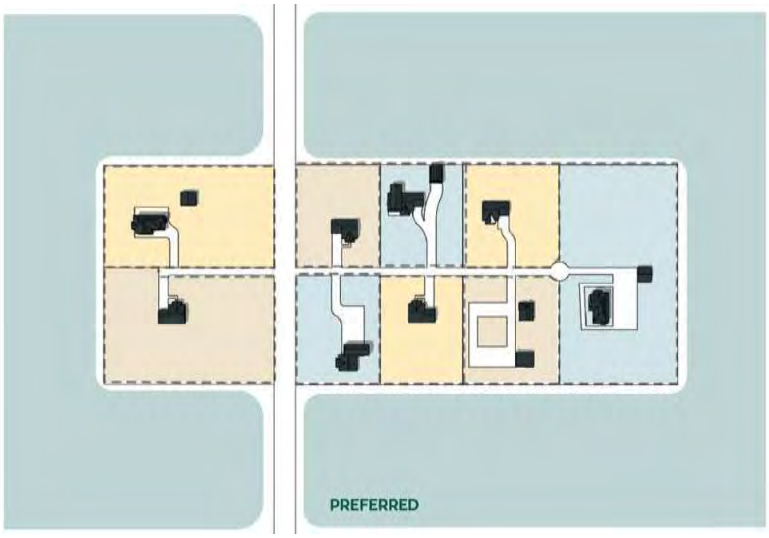


Figure 0.B: Example farmstead layout

c. Development shall be designed and sited to minimize the perimeter of developed areas adjacent to farmland.

d. Large, isolated lots shall be avoided to the maximum extent practicable.

3. Development Sited Away from Roadway

Homes and outbuildings shall be set back from the road and shall not be designed to line the roadway with structures and driveways as shown in Figure 0.C.

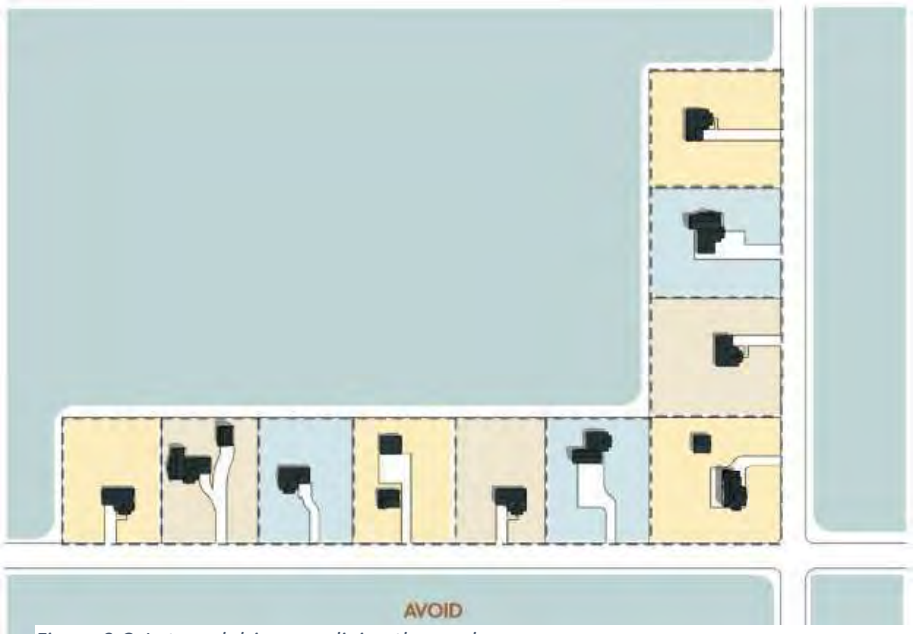


Figure 0.C: Lots and driveways lining the road

4. Lot Size and Design

a. Even within the development cluster, the highest priority for site layout shall be the preservation of environmentally sensitive areas and agricultural uses. The location of home sites and the corresponding layout of lots and streets shall have a lower priority and shall be designed to create a compact development pattern.

b. No minimum lot size is required in the development cluster, except for those developments and lots that use on-lot septic systems or wells where the minimum lot size is two and one-half acres (87,120 square feet).

c. Site layout shall be oriented to:

1) Achieving the best possible relationship between development and features of the land;

2) Minimizing alteration of the natural site features and topography;

3) Relationship to surrounding properties;

4) Improving the view from and the view of buildings; and

5) Reducing the area devoted to roads and utilities.

d. Flexibility in lot size is encouraged to:

1) Promote a design that is sensitive to the natural environment;

2) Adapt to the natural topography of the site;

3) Accommodate the mix of residential land uses and housing types proposed within the development; and

4) Design for compatibility with agricultural uses and other existing and allowed uses.

e. To the extent practical, home sites should be located to enhance visual access to protected land both from the proposed development and from adjacent lands.

5. Building Envelopes

a. In lieu of setbacks, building envelopes may be designated for each lot to identify the area where all buildings shall be constructed and to provide adequate separation between buildings and uses or activities, but in no case shall the building envelope be less restrictive than the cumulative setbacks of the base zoning district.

b. Building envelopes shall be designed to avoid hazard areas, the tops of ridgelines or slopes, view corridors, open fields, sensitive environmental areas, and agricultural infrastructure.

c. To the maximum extent feasible, all building envelopes shall be located at least one- quarter mile (1,320 feet) from the edge of the Interstate 25 right-of-way.

d. In [rural areas], the placement of buildings within building envelopes along the street frontage should be varied to minimize uniformity.

e. If building envelopes are used, agricultural buildings may be located outside the building envelope on the protected lot if specified as part of an approved development. Applicable base zoning district setbacks shall still be applicable.

f. A building envelope may be used to limit the location of various types of structures. When so used, the types of structures limited to the building envelope shall be clearly stated as part of an approved development with the implication that all other types of structures may be located outside the building envelope.

6. Development Standards

a. Development Standards Applicable

Development within a cluster shall comply with the development standards in Chapters 12-17 and 19, as applicable.

b. Buffering

Perimeter buffering of a development cluster is required to minimize visual and noise impacts where adjacent land uses are of a different type (e.g., residential adjacent to commercial or industrial) or are of a substantially different residential density; or where the cluster is adjacent to a county road, state or federal highway or a railroad.

1) Where the proposed cluster abuts an agricultural use or zoning district, a residential/agricultural buffer shall be provided per Section **Error! Reference source not found.**.

2) Where the proposed cluster abuts an existing or approved residential, mixed-use, or commercial development, the buffer shall be at least equal to the required rear yard depth of the adjacent lots. Where the proposed cluster abuts a county road, state or federal highway or a railroad, the buffer is measured from the edge of the existing right-of-way and shall be of a width and design to reduce visual and noise impacts from the road, highway, or railroad.

c. Fencing

1) Privacy fencing may be used in cluster developments when the backs of lots are adjacent to a county road or state highway, or on individual lots to provide privacy or enclosure for the lot or a portion of the lot.

2) Fencing should be designed to conform to the topography and be of a color that blends with the natural environment.

d. Entry Features and Signage

1) The color, materials, size, height and lighting of entry features, signs and related structures shall be compatible with the proposed development and the maintenance of views of the natural landscape, public parks, and open space.

2) Lighting of entry features and signage shall be kept to a minimum and shall be consistent with **Error! Reference source not found.**, Outdoor Lighting.

3) Where a gated entryway into a cluster development is proposed, a plan shall be provided with the submittal to address potential safety concerns of accessibility to the development by emergency services vehicles and general service or delivery vehicles, and whether the access road is planned to extend beyond the development boundaries.

Protected Land Design

A. Generally Applicable Standards

1. Protected land shall be designed to achieve the maximum contiguous amount of open space possible while avoiding the creation of small, isolated, and unusable areas.

2. Where practical, protected land should be located contiguous to and be connected with other protected land on the site or protected land adjacent to the cluster development boundaries. Connectivity is based on visual connections for residents of the development and, where applicable, physical connections for wildlife habitat.

3. Protected land may include such uses as pedestrian and bicycle areas, buffer areas and common area devoted exclusively to the use of the residents of the cluster development and their guests.

4. Protected land areas containing environmentally sensitive areas or features cannot contain any structure or improvements, except walkways or trails, provided such areas are determined to be appropriate for walkways or trails and they can be constructed with minimal disturbance to environmentally sensitive areas.

5. Protected land areas shall not include road rights-of-way or parking areas, except in projects with a ratio of 20 percent developed area to 80 percent protected land. The road right-of-way, up to 70 feet in width, may be included in the calculation of the required protected land.

B. Generally Applicable Use Standards

1. Uses in protected land are limited to such uses, accessory structures, and improvements necessary for agricultural uses or for the educational, cultural, recreational, or social enjoyment of the residents of the cluster development and their guests, and any utility services, including community sewer systems, providing the coverage of all structures and improvements in the protected land does not exceed five percent of the protected land.

2. Structures and improvements that count toward the five percent include barns, silos, animal shelters, swimming pools, tennis courts and other similar improvements. Examples of such uses include, but are not limited to, golf courses, pools, spas, hot tubs, children's play areas, court and field games, walking trails, bicycle paths, picnic areas, community buildings or centers, and stables or arenas.

3. All accessory structures and improvements shall be described in the development agreement and included in the use plan for protected land and/or common area for the cluster development.

4. Accessory structures shall be appropriate to the use of the protected land as stated in the use plan for protected land and/or common area.

5. Those portions of protected land devoted to agricultural use may include accessory structures directly related to and necessary for the agricultural use. A farmstead may be allowed in the protected land and, if included, counts toward the total allowed residential density in the development.

6. The protected land in a cluster development is private property and not available to the public.

Chapter 8
SUBDIVISION DESIGN, IMPROVEMENTS AND DEDICATIONS

8.1. GENERAL

8.1.1. Purpose

This Chapter is enacted for the purpose of promoting the health, safety, convenience, and welfare of the general public and to establish standards of design which will encourage the development of sound,

economical, stable neighborhoods and create a healthy environment for present and future inhabitants of El Paso County, Colorado, by:

- Assisting in the orderly, efficient and integrated development of the County;
- Making provisions for adequate open spaces for traffic, drainage, recreation and parks, sites for schools and educational facilities, light and air;
- Making provisions for the proper location, width, and design of roads in order to minimize traffic hazards, and to provide for safe and convenient vehicular circulation;
- Specifying the extent to which, or manner in which, roadways shall be graded and improved and to what extent water, sewer and other utilities shall be required and installed;
- Ensuring that structures will harmonize with the physical characteristics of the site;
- Ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used;
- Protecting the natural resources, considering the natural vegetation and promoting the natural beauty of the County;
- Implementing the Master Plan;
- Ensuring that definite provision will be made for a water supply that will be sufficient in terms of quantity, dependability and quality to provide an appropriate supply of water for the type of development proposed; and
- Providing for an adequate and accurate system to record land divisions and ensuring proper legal descriptions and survey monumentation in order to inform the public, and especially future residents, of the facts about the division, thereby safeguarding the interests of the public, the homeowner, the applicant, and the County.

8.1.2. Applicability

This Chapter shall apply to divisions of land including subdivisions, replats, subdivision exemptions, and other actions resulting in the creation of new lots, parcels, or tracts or the reconfiguration of existing lots, parcels, or tracts, unless specifically exempted.

The dedication requirements, fees in lieu of dedication, or fees imposed by this Code shall be those requirements and fees in effect at the time a complete development application is submitted to the PCD unless specifically modified by a resolution of the BoCC.

(Res. No. 15-461, Exh. A, 11-24-2015; Res. No. 17-374, Exh. A, 12-12-2017)

8.1.3. Reserved

Editor's note(s)—Res. No. 15-461, Exh. A, adopted November 24, 2015, repealed the former Section 8.1.3 in its entirety, which pertained to the Relationship of the Requirements of this Chapter to Rural Land Use Plan, and derived from original codification.

8.2. CONFORMITY WITH PLANS AND STANDARDS

8.2.1. Conformity with the Master Plan

Divisions of land shall generally conform to the Master Plan. The County may require that reasonable efforts are made to help ensure a division of land conforms to the Master Plan.

8.2.2. Conformity with this Code

Divisions of land shall conform to this Code to help ensure that the division of land takes into account the basic design principles necessary for a safe, serviceable, attractive and healthy living environment while protecting the interests of the County.

8.2.3. Zoning and the Division of Land

Lands included within a plat shall be zoned prior to approval of a plat.

8.2.4. Conformity with the ECM

Divisions of land shall conform to the ECM to help ensure that the design and construction of common development and public improvements take into account the basic design principles necessary for a safe, serviceable, attractive and healthy living environment while protecting the interests of the County.

8.2.5. Conformity with Self-Imposed Restrictions

If an owner commits in writing or verbally in a hearing to restrictions or requirements greater than those required by this Code, the ECM or any other County regulation or ordinance, the plat shall conform to the self-imposed restrictions and the commitments shall be indicated on the face of the plat or contained within the SIA or development agreement. The commitments shall be fully enforceable under this Code.

8.3. RESTRICTIONS ASSOCIATED WITH THE PLAT

8.3.1. Plats to be Recorded

The approved plat shall be recorded with the Clerk and Recorder. Approval of the plat shall be evidenced by the signature of the approval authority on the face of the plat. The plat shall be recorded within 1 year of approval by the approval authority.

8.3.2. No Changes to Approved Plat without BoCC Approval

No changes, erasures, modifications, or revisions shall be made on the plat after the approval by the approval authority, except as required by the approval authority to satisfy conditions of approval.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.3.3. Actions Required at Recording of Plat

(A) **Plat Notes Required.** The approval authority may require specific plat notes to be included on a plat prior to recording including, but not limited to, notes to implement review agency recommendations, approval authority conditions, CAO conditions, and standard plat notes identified in the Procedures Manual to help ensure conformance of the plat with this Code and other County requirements.

(B) **Plat Addressed Prior to Recording.** No plat shall be recorded until the Building Official has assigned numeric addresses in a legible manner on the face of the plat.

(C) **Taxes Paid Prior to Recording of Plat.** No plat shall be recorded unless the ad valorem taxes applicable to the subject property, for all years prior to that year in which approval is granted, have been paid. [C.R.S. § 30-28-110(4) (a)].

(D) **Fees and Dedications.** Any fees required by this Code shall be paid and any land dedications required by this Code shall be completed prior to or concurrently with filing of the plat for recording with the Clerk and Recorder.

(Res. No. 19-329, Exh. A, 8-27-2019)

8.3.4. Plat Filed Before Construction of Structures

No building permit shall be issued or structure erected before a plat of the subject property has been filed for recording with the Clerk and Recorder except as may be required to: (1) complete the common development or public improvements required as part of the approval of the division of land and construction permit issued by the ECM Administrator; or (2) construct model homes or other structures expressly authorized by the PCD Director.

(Res. No. 19-329, Exh. A, 8-27-2019)

8.4. DESIGN CONSIDERATIONS AND STANDARDS

8.4.1. Planning Considerations

The following planning considerations shall be adhered to when dividing land:

(A) **Land Found Unsuitable for Development.** Land unsuitable for development due to physical constraints shall not be divided unless methods authorized by this Code are used to mitigate the problems created by the unsuitable land conditions.

(B) **Safe for the Intended Purpose.** Land shall be divided in a manner that allows it to be used safely for the intended purpose without danger to the public health, safety or welfare or peril from fire, flood, geologic hazards or constraints, or other hazards. Building sites shall not be located in areas subject to geologic hazards or constraints as determined by the CGS or a Geologic Report unless such hazard or constraint has been appropriately mitigated as determined by the PCD Director; or in a 100-year floodplain unless in compliance with the Floodplain Regulations.

(C) **Topography to be Considered.** Consideration shall be given to topography. Building sites shall not be located on land with a slope of 30% or greater.

(D) **Planning Required for Remainder Parcels.** A remainder parcel shall be at least 35 acres, platted as a tract, identified as a future phase consistent with the preliminary plan, or exempted in accordance with Chapter 7. A remainder parcel is not eligible for use or building permits unless specifically approved by BoCC action.

(E) **Continuation of Roads and Other Linear Facilities.** Divisions of land shall be designed to accommodate the continuation of roads, trails, pedestrian access, utilities and drainage facilities into adjacent property unless there is sufficient justification for an alternative design. The connection shall provide a logical, safe and convenient circulation link for vehicular, bicycle, pedestrian, or equestrian traffic with existing or planned circulation routes and, in particular, to destinations such as schools, parks and business or commercial centers.

(F) **Lot Layout, Design and Configuration.** Divisions of land shall be designed to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or other appropriate methods; conservation of water, land and energy resources; conveniently located recreation facilities within the development; minimal grading, road cuts and fills; and a road system designed to preserve the integrity and function of the arterial and local roadway network. Lots shall have reasonable access to open space, trails, park land or recreation facilities that are set aside for either homeowner use or use by the general public.

(G) **Preservation of Natural Landscape.** The primary importance of the preservation and enhancement of the natural landscape and vegetation shall be considered. The layout and design of lots, blocks, and rights-of-way shall provide desirable settings for structures by making use of natural features, unique or distinctive topographic features including buttes and rock outcroppings; existing vegetation;

drainage; riparian and wetland areas; significant wildlife habitats; identified aquifer recharge areas; and aesthetic features. Alteration of features shall be kept to a minimum and shall be based on practical engineering considerations.

(H) **Preservation of Historical and Archaeological Sites.** Alterations of historical or archaeological sites shall be avoided. Emphasis should be placed on reuse of historical structures and incorporation of historical and archaeological sites into the park and open space system. If disturbance of sites is unavoidable, the applicable public agency shall be provided the opportunity to excavate, purchase, or record the site before alteration takes place.

(Res. No. 19-329, Exh. A, 8-27-2019)

8.4.2. Environmental Considerations

The following environmental design considerations apply to divisions of land:

(A) **Miscellaneous Environmental Requirements.**

(1) **Buffers.**

(a) **Planting Easement Along Collectors, Arterials, or Expressways.** A planting or screening easement may be required along the property line of lots abutting collectors, arterials, or expressways. No vehicular access shall be allowed through a planting or screening easement.

(b) **Landscaping between Differing Land Uses.** Landscaping should be provided, especially as a buffer between different types of uses. Xeriscape should be used whenever possible to minimize water consumption.

(2) **Multifamily Lots Served by Central Sewage Collection System.** Multifamily residential lots shall be served by a central sewage collection system.

(3) **Airport Impacts.** Residential lots should be located to minimize adverse influences from airports and airport operations.

(4) **Threatened and Endangered Species Compliance.** The design shall consider threatened and endangered species.

(B) **Hazards.** Land shall not be divided until hazards have been removed or the impact of hazards has been mitigated as determined by the PCD Director. Lots or tracts subject to hazards which may be eliminated through specialized engineering shall be identified on the plat. Identification of hazards on the plat shall include a statement about the specific hazard and a statement of the engineering alterations required to eliminate the hazard. The following hazards are subject to these requirements:

- Geologic hazards including mine hazards, as identified by the applicant, review agency, or contained in the County inventory of geologic hazards;
- Soil hazards as identified by the applicant, review agency, or contained in the County inventory of soil hazards;
- 100-year floodplain as identified by the applicant, review agency, or the Floodplain Administrator;
- Wildfire hazards as identified on the County and State wildfire hazard inventory or maps;
- Hazards caused by high water table or polluted water, as identified by the applicant, review agency, or County inventory;
- Hazards associated with airports and major utility facilities; and

- Hazards associated with the presence of old landfills, fill areas, and surface and subsurface contamination.

Land subject to hazards shall generally be identified through field investigation and reports, existing County hazard inventories, and review agency comments.

(1) **Flood Hazard Area Requirements.** In Special Flood Hazard Areas, the standards in Chapter 6 and the following standards shall be met:

(a) **Review by Floodplain Administrator.** Divisions of land shall be reviewed by the Floodplain Administrator for compliance with the Floodplain Regulations. Applicants are required to comply with the Floodplain Administrator's requirements in accordance with the provisions of the Pikes Peak Regional Building Code, RBC313, as may be amended from time to time.

(b) **Minimize Flood Damage.** Divisions of land shall be designed and constructed to minimize potential flood damage to properties and public utilities and facilities such as sewer, gas, electrical, and water systems. Development in the floodplain shall be limited to uses compatible with the flood hazard and shall specifically exclude residential uses, sewage and water treatment plants, commercial shopping areas, and industrial sites.

(c) **Hazardous Activities Prohibited.** Activities in a Special Flood Hazard Area that may be hazardous to public health and water quality are prohibited, including but not limited to septic systems, landfills, disabled vehicles, etc.

(d) **Lots or Portions of Lots within Floodplain.**

(i) Lots Less than 2.5 Acres in Size. Lots less than 2.5 acres in size are required to be located entirely outside of the 100-year floodplain. Lands within the 100-year floodplain shall be established in a tract. A special district, HOA, or other corporate entity shall be designated to maintain the tract unless otherwise provided by this Code.

(ii) Lots Greater than 2.5 Acres in Size. Lots 2.5 acres and larger are required to provide drainage easements for the 100-year floodplain with the restriction of "No Build" and "No Storage of Materials".

(e) **Base Flood Elevations and Floodplain Boundaries.**

(i) Floodplain Boundaries to be Shown on Plat.

Approved Base Flood Elevation (BFE) data and 100 year floodplain boundaries shall be shown on the plat.

(ii) Located within 300 Feet of a Zone A Floodplain.

If any portion of a division of land is located within 300 feet of a Zone A Floodplain, approved base flood elevations and boundaries are required to be determined and shown on the plat, or the applicant may provide a Floodplain Certification Letter stating that the 100-year floodplain would not be shown to enter the property in question if studied, in accordance with the Pikes Peak Regional Building Code, as may be amended from time to time.

(2) **Noise.**

(a) **Impacts of Noise Pollution to be Minimized.** Divisions of land shall be designed to minimize the impacts of noise pollution to residents. Divisions of land shall be designed with reference to potential and actual noise pollution hazards based on both existing conditions and projected conditions as identified in the TIS or noise study.

(b) **Roadway and Railroad Mitigation.**

(i) Types of Noise Mitigation. Where noise levels exceed or are predicted to exceed 67 dBA Equivalent Sound Level (Leq), any or all of the following mitigation measures shall be included in the design:

- Increased building setbacks;
- Modified site orientation for buildings and outdoor areas;
- Landscape buffers or tracts;
- Noise easement;
- Soil berming;
- Noise barrier.

In the event that building setbacks or orientation standards are utilized as the mitigation strategy, those building setbacks and orientation standards shall be noted on the plat.

(ii) Mitigation in Residential Subdivisions. Noise mitigation may be required for any residential subdivision, and shall be required for single-family and duplex residential subdivisions, which contain lots that will be individually owned, and are located adjacent to expressways, principal arterials or railroads. Where required, mitigation shall reduce the existing or projected exterior noise levels at the building site location and outdoor areas for patios and decks closest to the noise generator to 67 dBA Leq. A noise study to determine the area of potential impact is required where a subdivision includes or borders an expressway, principal arterial or railroad. A noise study is not required for minor subdivisions and minor replats.

(iii) Noise Activity Covenant and Disclosure Required. In the event noise mitigation within the area subject to noise levels of 67 dBA Leq would not achieve a noise level reduction of a minimum of 5 dBA Leq without a noise barrier, a Noise Activity Covenant and Disclosure is required to be applied to each lot which will remain in the 67 dBA Leq, either by notation on the plat or by recording a separate document.

(iv) Noise Mitigation Located Outside Right-of-Way. Noise mitigation measures shall be located in easements or on tracts to be maintained by a special district or homeowners association and outside of the right-of-way or roadway easements, unless otherwise approved by the ECM Administrator. A noise easement or maintenance agreement is required to assure access to and maintenance of the noise mitigation.

(c) **Noise Barriers.**

(i) Appropriateness of Noise Barriers. Noise barriers are generally more appropriate within an urban area or adjacent to urban development. Increased setbacks and orientation standards are more appropriate in rural areas. A noise barrier should not be the default design alternative unless other mitigation strategies cannot practically and effectively achieve the noise reduction.

(ii) Noise Barrier Standards and Construction. When noise barrier construction is selected as the noise mitigation strategy, the noise barrier should be designed to achieve a noise reduction of at least 10 dBA Leq.

Noise barriers shall be constructed according to current CDOT standards, unless specifically modified by the ECM.

(iii) Noise Barriers Required Prior to Occupancy. Noise barriers shall be installed prior to approval of a certificate of occupancy by the Building Department for residential structures, unless an extension of time to install the noise barrier is granted by the PCD Director.

(iv) Noise Barrier Not Required to Meet Zoning Setback. A noise barrier is not required to comply with zoning district setbacks.

(v) Consistency in Design and Materials. Noise barriers shall be of similar design and materials along an expressway, principal arterial, or railroad, unless an alternative design or material type is approved by the PCD Director.

(d) **Airport Noise.** Where lots are located within the 65 Day-Night Equivalent Sound Level (Ldn) noise contour as determined by a current FAR Part 150 study for public airports or an AICUZ study for military airfields, the plat shall include a plat note advising that construction shall achieve a 30 dBA interior noise level reduction through approved construction techniques as evidenced by a Noise Reduction Certificate.

(e) **Military Installation Noise.** Where lots are located within the 130 dBA noise contour line under adverse weather as determined by the current Fort Carson Installation Environmental Management Plan, the plat shall include a plat note restricting residential development on impacted lots. Development of commercial, industrial, or public structures devoted to office uses shall incorporate noise reduction measures sufficient to achieve an interior noise level reduction of 35 dBA as evidenced by a Noise Reduction Certificate.

(f) **Relationship to the Noise Ordinance.** The requirements of this Section do not supersede requirements of any applicable BoCC Ordinance regarding noise.

(3) **Unsuitable Building Areas.** Areas within lots or tracts which reflect 1 or more of the following characteristics shall be deemed unsuitable for building and shall be identified as no build areas on the plat:

- Areas not suitable for location of water or sewage disposal systems as determined by State and County health regulations.
- Areas where slopes are greater than 30%.
- Areas of identified or designated geologic, soil, or natural hazards as identified in the geology and soils report or designated in the El Paso County hazard identification inventory; provided that the limitations cannot be overcome through the application of specialized engineering or mitigation.
- Areas within the 100-year floodplain as reflected on FEMA Flood Insurance Rate Map (FIRM), within proposed boundaries as reflected in LOMR/CLOMR, or as determined by a flood study as approved by the Floodplain Administrator.
- Areas within easements, without the permission or release from the beneficiary of the easement holder.

(4) **Snow Drift Areas.** Where the subdivision is adjacent to arterial roads subject to snow drifting problems as identified in the ECM, additional design features and/or easements to mitigate snow drifting may be required at the direction of the ECM Administrator pursuant to the provisions of the ECM.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.4.3. Division of Land, Block, Lot, and Tract Layout Standards

(A) **Division of Land Standards**

(1) **Minimum Frontage for Division of Land.** A division of land shall have a minimum of 60 feet frontage on a public road.

(B) **Lot Design.** Lot design and layout shall conform to the following standards:

(1) **Buildable Lots.** Lots shall be buildable lots, unless specifically approved and restricted by plat note.

(2) **Lot Area and Dimensions.**

(a) **Minimum Lot Dimensions in Zoning District.** The minimum area and dimensions of lots shall conform to the requirements of the applicable zoning district.

(b) **Adequate Buildable Area Required.** Lots shall have sufficient buildable area to reasonably accommodate the allowed uses. Buildable areas shall be excluded from easements unless otherwise approved by the easement holder, and shall not encroach into natural hazard areas unless the natural hazards are mitigated as required by this Code.

(c) **Lot Area Adequate to Accommodate Parking.** Lot area shall be adequate to allow for the provision of necessary parking facilities for the allowed uses.

(d) **Corner Lots and Building Setbacks.** Corner lots shall accommodate the required setback on both frontages, which may require extra lot width.

(e) **Minimum Frontage.** Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).

(f) **Lots Using OWTS.**

(i) Lots Designed to Use an OWTS. Lots which will utilize an OWTS shall have a minimum area of 2.5 acres.

(ii) Minimum Buildable Area for Lots Using an OWTS. A minimum of 1 acre of buildable area is required for lots proposed to utilize an OWTS.

(g) **Side Lot Lines at Right Angles.** Side lot lines shall be substantially at right angles or radial to road right-of-way lines.

(h) **Irregular or Wedge-Shaped Lots.** Irregular or wedge-shaped lots shall have sufficient width at the front setback line to accommodate construction of a principal structure that meets side setback requirements

(3) **Double Frontage and Reverse Frontage Lots.**

(a) **Limited Use of Double Frontage and Reverse Frontage Lots.** Double frontage and reverse frontage lots are discouraged except where essential to provide a separation of residential properties from arterial roads or incompatible uses, or where access is not allowed to 1 of the roads.

(b) **Access to Double Frontage Lots Restricted.** Access for double frontage lots shall be taken from the lowest classification roadway providing access to the lot and not from perimeter collectors, arterials, or expressways. A statement dissolving the right of access to collectors, arterials, and expressways shall be required on the plat.

(c) **Access Control Using Reserve Strips of Land.** Reserve strips of land to prevent access to roads are prohibited.

(4) **Flag Lots.**

(a) **Only Allowed Where Other Options Impractical.** Flag lots shall only be used where other lot layouts are impractical.

(b) **Not Used to Avoid Public Road or Utilities Construction.** Flag lots shall not be used as a means of avoiding the construction of public roads or the extension of utilities.

(c) **Cul-De-Sac Required.** The lot layout shall incorporate a cul-de-sac where 3 or more abutting flag lots would occur.

(d) **Shared Access.** Flag lots shall be required to share access where inadequate frontage exists for multiple accesses in accordance with the access requirements of the ECM.

(e) **Minimum Pole Width.** The minimum width for a flag lot pole shall be 30 feet.

(f) **Maximum Pole Length.** The length of the flag lot pole shall not exceed the length of the longest side of the flag portion of the flag lot.

(g) **Pole Not Included in Lot Area.** The area of the pole of the flag lot shall not be included in the lot area in meeting the minimum lot area requirements. Where the pole is irregular or wedge shaped the PCD Director shall determine where the flag pole is measured to.

(5) **Division of Lots by Boundaries and Man-Made or Natural Features.**

(a) **Roads or Other Lots.** Lot shall not be divided by a road, alley, or another lot.

(b) **Municipal, County or Zoning District Boundary.** Lots shall not be divided by a municipal or County boundary or zoning district boundary.

(c) **Special, Taxing, or School District Boundary.** Lots shall not be divided by a special district, taxing district, or school district boundary, unless coordinated with the affected districts.

(d) **Lots Divided by Irrigation Ditch, Stream or Drainage Facility.** Lots should not be divided by an irrigation ditch, stream, or drainage facility unless a bridge or crossing is built to provide vehicular or pedestrian access to both sides.

(e) **Lots Divided by Easements.** Lots should not be divided by easements. Drainage easements which bisect a lot are only allowed where no reasonable alternative to the drainage solution exists.

(C) **Tracts.**

(1) **Not Eligible for Building Permits.** Tracts shall not be used for structures and are not considered eligible for building permits, unless authorized by the approving authority and expressly noted on the plat.

(2) **Not Subject to Minimum Lot Size Requirements.** Where a tract is not to be used for structures, the tract is not required to meet the minimum lot size requirements of the zoning district.

(3) **Areas to Be Shown.** Tract area shall be shown on the plat in square feet and acreage.

(4) **Tract Boundary Line Locations.** Tract boundary lines shall be located, when practicable, at the top of slopes or along benches or the flowlines of drainage courses.

(5) **Minimum Frontage.** Tracts shall have a minimum of 30 feet of frontage on and have access from a public road or approved access easement, except where private roads are approved by the BoCC.

(6) **Park and School Tracts.**

(a) **Dimensions of School Tracts.** Tracts for schools shall have sufficient buildable area to reasonably accommodate the intended use. Buildable areas shall be excluded from easements unless otherwise approved by the applicable easement authority, and shall not encroach into hazardous areas unless the hazards are abated as specified in the required documents and plans.

(b) **Access for School Tracts.** Tracts for schools shall have access meeting the requirements of this Code and the ECM.

(c) **Adequate Area for Recreation Required.** Tracts for parks and schools shall have suitable areas for active or passive recreation facilities.

(7) **Tracts Not Divided by Municipal, County, or Zoning District Boundary.** Tracts shall not be divided by the boundary line of a County, city or zoning district.

(8) **Public and Common Areas in Tracts.** Land intended to be conveyed or reserved for common homeowner or public use except lands to be dedicated as rights-of-way use shall be located within tracts.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.4.4. Transportation System Considerations and Standards

(A) **Planning and Design of Transportation System.**

(1) **Transportation System Design Principles.** Transportation systems serving the division of land shall be designed in conformance with the planning and design principals and criteria in the ECM. New roadways and associated structures shall be designed and built to bear a logical relationship to existing and planned roads and to provide suitable service to the ultimate land use of their service areas, and designed and constructed to achieve suitable capacity, safety, and levels of service and maintenance.

(2) **Consistent with MTCP.** The location and design of roads shall be consistent with the road network and functional classification as identified in the MTCP.

(3) **Transportation Facilities Adequate.** The nature and amount of traffic likely to be generated by the division of land shall be accommodated by existing and planned roadways without significant degradation of the physical condition or levels of service and safety as evidenced by a TIS prepared in conformance with the requirements in Appendix B of the ECM.

(B) **Right-of-Way Dedication Required.** Roads shall be located within a dedicated public right-of-way meeting the requirements of the ECM for the roadway classification proposed. In addition, adequate right-of-way shall be dedicated to accommodate the construction of the roads identified within the MTCP in accordance with BoCC policy. In accordance with BoCC policy, the BoCC may allow a disclosure such as "public ROW easement" or "future ROW" to be placed on a plat as an alternative to dedication.

(C) **Public Roads Required.** Divisions of land, lots, and tracts shall be served by public roads.

(D) **Dead-End Road Standards.**

(1) **Maximum Number of Lots on Dead-End Road.** The maximum number of lots fronting and taking access from a dead-end road is 25. A corner lot is not counted in the maximum number of lots on a dead-end road when the fire department determines that adequate emergency access is provided to the corner lot by an alternative road.

(2) **More than 25 Lots on a Dead-End Road.** Where more than 25 lots would front and take access to a dead-end road, a second means of access shall be provided. The second access shall be either a public road or a road located within an easement specifically constructed for emergency access purposes.

In situations where a second access is planned but is not practicable to construct initially, a divided 4 lane road meeting the design and construction requirements of the ECM shall be considered a second means of access until the second access road is constructed. Provision for crossing the median of a 4 lane road by emergency vehicles shall be included in the design. Roads taking access from the 4 lane road shall be subject to the dead end and roadway termination standards of this Code and the ECM.

(3) **Maximum Length of Dead-End Road.** The maximum length of a dead-end road is governed by the ECM, and may be further limited in those areas subject to wildfire hazard in accordance with this Code.

(E) **Private Road Allowances.**

(1) **Use of Private Roads Generally Limited.** Private roads shall normally be confined to closed loops and dead-end roads not likely to be needed for the convenience and safety of the general public.

(2) **Private Roads Require Waiver.** The use of private roads is limited and allowed only by waiver. In granting a waiver to allow private roads, the BoCC shall make written findings supporting the use of private roads and may require the owner to enter into a Private Road Maintenance Agreement or create covenants whereby the lot owners are required to maintain the private roads.

(3) **Private Roads to Meet County Standards.** Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may only include design standards for the following:

- Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
- Design speed where it is unlikely the road will be needed for use by the general public;
- Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
- Maximum and minimum block lengths; and
- Maximum grade.

(4) **Private Roads Determined to Comply with Access Requirements.** In cases where private roads are approved, the private roads shall be deemed to comply with the access and frontage requirements of this Code as if the private roads were public roads.

(5) **Private Roads Posted.** Private roads shall be posted and identified on the plat.

8.4.5. Drainage Considerations and Standards

(A) **Drainage Design Concepts.** The design and operation of the drainage facilities serving a division of land shall ensure that:

- Historical flow patterns are maintained in a manner that will reasonably preserve the natural character of the area and prevent property damage of the type generally attributed to runoff peak flow and velocity increases, diversions, concentration and unplanned ponding of storm runoff;

- Runoff volumes and peaks in areas affected by runoff conform to the applicable provisions of the ECM;
- The division of land does not impede the flow of natural water courses;
- Low points within the affected area are ensured adequate drainage;
- The drainage system considers the drainage basin as a whole and is capable of accommodating not only runoff from the proposed division of land, but also, where applicable, the runoff from areas adjacent to and upstream of the division of land;
- Provision exists in the design or operation of proposed drainage facilities for suitable maintenance including requiring the applicant to enter into a Private Detention Basin Maintenance Agreement and Easement or create covenants whereby the lot owners are required to maintain the detention basin(s); and
- Where a division of land will cause the introduction of new pollutants into the runoff water, storage, treatment and removal of pollutants conforms to the requirements of the ECM.

(B) **Site Drainage Standards.**

(1) **Lot Grading.** Lots and tracts shall be laid out to provide positive drainage away from building sites. Overlot grading shall be designed and maintained consistent with the drainage basin planning study and master drainage plan.

(2) **Coordinated with Drainage and Flood Control Systems.** The design and site drainage shall be coordinated with the drainage and flood control systems.

(C) **Drainage and Bridge Facility Design and Construction Standards.**

(1) **Drainage and Bridges Constructed to ECM Standards.** Drainage and bridge facilities shall be designed and constructed in conformance with the standards specified in this Code and the ECM.

(2) **Compliance with Drainage Basin Planning Study and Master Drainage Plan.** Drainage improvements shall conform to the requirements of the drainage basin planning study and master drainage plan.

(D) **Maintenance Provisions Required.** Provision for the maintenance of drainage areas shall be included as part of the subdivision easement and documents.

(E) **Protection of Hazardous Areas Associated with Drainage Facilities.**

(1) **Low-Lying Areas Preserved.** Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for easement dedication, shall be preserved and retained in their natural state as drainage ways.

(2) **Subdivision Below a Jurisdictional Dam.** Land which is subject to possible failure of an upstream dam meeting the size, volume or height standards of a jurisdictional dam shall not be platted unless the potential flooding condition is alleviated according to plans approved by the ECM Administrator or the State Engineer. A Dam Failure Analysis may be required prior to approval of downstream subdivisions.

(F) **Detention Ponds and Permanent BMPs.** Detention ponds and permanent BMPs shall be located in separate tracts or permanent easements where appropriate or required by the ECM.

(G) **Drainage Easements.**

(1) **Drainage Easements Required for Watercourses and Ditches.** A drainage easement shall be provided if a division of land is traversed by a watercourse, drainageway, channel, stream, water

supply ditch, or canal. The easement shall exclude the right to make improvements of the type which would interfere with runoff. Dedication shall include a right to access if necessary.

(2) **Drainage Easements Required Outside Subdivision Boundaries.** When a proposed drainage system will carry water across land outside the division of land, appropriate drainage rights and easements shall be secured.

(3) **Drainage Easements Required for Runoff Leaving Roadside Ditch.** Drainage easements shall be established for runoff which enters private property from a roadside ditch.

(4) **Width of Drainage Easements.**

(a) **General Requirements.** A drainage easement or right-of-way shall conform to the lines of watercourse and the requirements of this Code, the ECM, and related technical documents, and be of a width adequate for the intended purpose and maintenance. The minimum requirements for easements shall be based on the base flood, but shall not be less than 15 feet in width unless otherwise approved by the ECM Administrator.

(b) **Standard Drainage Easement Widths and Locations.** Drainage easements may be coincident with the required utility easements unless requested otherwise by the review engineer. The standard drainage easements for urban and rural lots shall be provided as follows:

(i) Urban Density.

- Side Lot Lines: 5 feet
- Rear Lot Lines: 7 feet

(ii) Rural Density

- Front Lot Lines: 10 feet
- Side Lot Lines: 10 feet
- Rear Lot Lines: 10 feet

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.4.6. Utilities Considerations and Standards

(A) **General.** Provision shall be made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure adequate electric and natural gas service for the division of land.

(B) **Utilities Standards.**

(1) **Utilities Located Underground.** Utility facilities shall be located underground throughout the division of land except in situations or locations where undue hardship result from compliance with this requirement and the overriding intent of this Code has been demonstrated to the satisfaction of the PCD Director. Transformers, switching boxes, pedestals and other necessary facilities may be placed aboveground.

(2) **Extended to Each Lot or Building Site.** Utilities shall be extended to each lot, tract or building site.

(3) **Utilities Located in Rights-of-Way or Easements.** Utility lines, including appurtenances, shall be placed either within rights-of-way or within the easements or tracts provided for the particular facilities in accordance with the approved utility service plan and the ECM. Utility easements shall

be identified for water, sewer, gas, electric power, telephone, cable television, and drainage facilities on the plat.

(C) **Standards for Easements.**

(1) **General.**

(a) **Meet ECM Requirements.** Utility easements shall meet the requirements of the El Paso County ECM.

(b) **Located to Provide for Efficient Installation.** Easements shall be located to provide for efficient installation and maintenance of utilities, drainage, vehicular and pedestrian access, emergency access, detention/retention facilities, water courses, and fire protection.

(c) **Utility Rights within Easements.** Easements for the utility companies for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, and sewer lines, shall include the right to trim interfering trees and brush and a perpetual right of ingress and egress for installation, maintenance, and replacement of lines.

(d) **Approved by Utility Companies Providing Service.** Utility easements shall be approved by utility companies serving the project or the beneficiary of the easement.

(e) **Shared Utility Easements.** Shared use of a given easement is encouraged to minimize the number of easements.

(f) **Free of Conflicting Encumbrances.** Easements shall be free from conflicting legal encumbrances, avoid unnecessary removal of trees or excessive excavations, and be reasonably free from physical obstructions.

(g) **Blanket Utility Easements Prohibited.** Blanket utility easements shall be prohibited. Existing blanket or undefined easements shall be defined or located on the ground. If an easement already of record cannot be definitely located, a statement of the existence, the nature of the easement, and its recorded reference shall be placed in the note section.

(h) **No Structures Over Easements.** No structure or obstruction may be erected in, placed on or extend over an easement unless approved in writing by the entity or entities having jurisdiction over the easement.

(i) **Easements Used for Stated Purpose.** Easements shall only be used for stated purpose as shown on the recorded plat.

(2) **Easement Locations and Dimensions.**

(a) **Easements Along Lot and Tract Lines.** Utility easements shall be provided along lot and tract lines in accordance with the serving utility, this Code, and ECM.

(b) **Easements Abutting Rear Lot Lines.** Where an easement abuts a rear lot line which is not the rear lot line of another lot, or which is on the perimeter of the division of land, the easement width shall be 10 feet or more.

(c) **Utility Easements Combined with Drainage Easements.** Where easements are combined with a water course, drainage way, channel, or stream, an additional utility easement of at least 10 feet in width shall be provided if the use would be in conflict with drainage requirements or wetlands.

(d) **Standard Easement Widths and Locations.** Unless otherwise required by the utility provider, the standard utility easements for urban and rural lots shall be provided as follows.

(i) Urban Density.

- Side Lot Lines: 5 feet.
- Rear Lot Lines: 7 feet.

(ii) Rural Density.

- Front Lot Lines: 10 feet
- Side Lot Lines: 10 feet
- Rear Lot Lines: 10 feet

(D) **Vacation of Easements.**

(1) **Easement Vacation to Follow Requirements of Chapter 7.** Easements may be vacated in accordance with the provisions of Chapter 7 and the Procedures Manual after review by public utilities or other service providers providing designated services to the area in and around the subdivision.

(2) **Approval of Structure over Easement Not Construed as Vacation.** Approval in writing for the placement of a structure within an easement shall not be construed to be a vacation of the easement.

(Res. No. 17-374, Exh. A, 12-12-2017)

8.4.7. Water Supply Standards

(A) **General.**

(1) **Purpose.** The purpose of this Section is to promote the health, safety, and welfare of the residents of El Paso County and is adopted pursuant to various State statutory authorities granted to counties, including, but not limited to, C.R.S. §§ 30-28-101, et seq., C.R.S. §§ 30-28-201, et seq., C.R.S. §§ 29-20-101, et seq., C.R.S. §§ 24-65.1-101, et seq., C.R.S. §§ 24-67-101, et seq., respectively.

This Section is not intended to enhance, diminish, displace, modify or supersede any applicable State Statutes or regulations regarding the initiation, adjudication, administration or use of water rights.

(2) **Applicability.** The requirements of this Section shall apply to any development application which results in the creation of new lots, except as otherwise provided, with the following clarifications:

- The effective date of this Section is originally November 20, 1986, and this Section shall fully apply to any subdivision which does not have preliminary plan approval prior to that date;
- Any proposed subdivision with a preliminary plan approval by the BoCC prior to November 20, 1986, but still in the process of obtaining plat approval, shall be subject to the previously existing water supply regulations in this Code and any controlling State statutory requirements regarding subdivision water supplies. Notwithstanding the foregoing, a subdivision proposing a change in its source of water which would result in a substantial decrease in the quality, quantity or dependability of the water supply or a substantial increase in the annual water demand shall be subject to this Section. In no case shall a change from a renewable to non-renewable source provide less than a 300-year water supply; and
- The requirements of this Section shall apply if there has been a substantial change in the water supply of the subdivision. The BoCC, with recommendations from the CAO, shall determine

if a substantial change in the water supply or water demand is proposed. Factors to be considered in the determination of a substantial change in the water supply or water demand include the percent increase or decrease in water demand or water availability and the absolute quantity increase or decrease in the water demand or water availability.

(3) **Exceptions.** The requirements set forth in this Section shall not apply to:

- Subdivisions which will not use water;
- Agricultural uses not associated with residential, commercial, or industrial activities requiring subdivision approval;
- A proposed subdivision which, by reason of the nature, type and extent of the proposed development, will not require a water supply as prescribed herein. Subdivisions meeting this requirement are not designed or developed for permanent occupation or habitation. The determination shall be made by the BoCC, following recommendations by the CAO or PCD Director, on a case-by-case basis, and shall be based on a specific request and supporting evidence presented by the applicant along with recommendations of the Planning Commission. If exempted by the BoCC, any subsequent change in the subdivision as approved may require compliance with this Section;
- A vacation or vacation and replat of an existing subdivision or lots within an existing subdivision or any plat change, any of which will not result in significantly greater total water use than previously anticipated for the subdivision. All determinations as to the significance of the change in water use shall be made by the BoCC, with recommendations by the CAO; and
- The Planning Commission may recommend and the BoCC may, on a case-by-case basis, waive any or all of the requirements of this Section pursuant to a waiver application; however the finding of sufficiency for the quality, quantity, and dependability for water supplies shall not be waived.

(4) **Terminology.** Unless specifically provided by this Code, water terminology within this Section shall have the same meaning, definition and application as set forth in C.R.S. §§ 37-90-101, et seq. and §§ 37-92-101, et seq.,

(B) **Water Resource Report.**

(1) **General.**

(a) **Purpose.** The purpose of the water resources report is to provide the data necessary for the Planning Commission and the BoCC to determine whether the proposed water supply is sufficient in terms of quality, quantity and dependability for the proposed subdivision.

(b) **Water Resources Report Required.** A water resources report as required by this Section shall be submitted with sketch plan, preliminary plan, final plat, and any subdivision applications which will create a new lot. A copy of the report will be kept on file in the El Paso County PCD.

(c) **Prepared by Qualified Professional.** The water resources report shall be prepared by a qualified hydrogeologist, hydrologist, licensed civil engineer, qualified groundwater geologist, or other qualified professional with appropriate experience.

(d) **Document Adequate Water Supply.** The Water Resources Report shall include adequate documentation that the proposed water supply is sufficient in terms of quantity, dependability, and quality for the proposed subdivision.

(e) **Enforcement.** In addition to any other remedies provided by law or this Code, the BoCC shall have the right to enforce compliance with the provisions of this Section, including any agreement provided pursuant to this Section, by means of withholding building permits within the subject subdivision or withholding plat approvals for additional development phases within the subject subdivision pending full compliance or other resolution.

(2) **Description Report Contents and When Required.**

(a) **Sketch Plan Report.** The initial water resource report submitted with the sketch plan may be of a general nature, may be based on published and unpublished data and reports, and need not include site-specific hydrogeologic data. The purpose of the report included with the sketch plan is to identify probable compliance of the proposed subdivision with the water supply standards and to identify the need for additional water supplies which will be required for the subdivision.

(b) **Preliminary Plan Report.** The water resource report submitted with the preliminary plan shall include all of the data needed to determine whether the water supply is sufficient in terms of quality, quantity and dependability for the proposed subdivision. The report shall be based on engineering calculations and site-specific data and shall include a detailed discussion of the water demand, supply, quality, dependability, and supply facilities for the proposed project. The report shall identify those aspects of the water supply plan which are insufficient in terms of quantity, quality or dependability and shall identify the actions to remedy the deficiencies.

(c) **Final Plat and Replat Report.** The water resource report submitted with the final plat shall include all of the data needed to determine whether the proposed water supply is sufficient in terms of quality, quantity and dependability for the type of subdivision proposed. The report shall be based on engineering calculations and site-specific data and shall include a detailed discussion of the water demand, supply, quality, dependability, and supply facilities for the proposed subdivision.

A water resources report is not required if the BoCC made a finding that the proposed water supply plan of the preliminary plan was sufficient in terms of quantity, quality and dependability. However, an amended water resources report is required if there is a substantial change in either the water supply or the estimated water demand.

(3) **Water Resource Report.** The water resource report shall document the requirements of this Section and shall include the following data, documentation, and analysis at a level of detail necessary to make the determinations of sufficiency:

(a) **Summary of the Proposed Subdivision.** The water resource report shall include a summary of the proposed subdivision with the following information:

- A location map including roads, Township and Range, a copy of all maps required with sketch and preliminary plan and final plat submittals, and legal description; and
- A description of subdivision including acreage of each proposed land use, number of dwelling units, etc. For phased projects the description shall clearly describe the acreages, land uses and number of units of each phase. The location of each proposed land use shall be shown on appropriate maps.

(b) **Information Regarding Sufficient Quantity of Water.**

(i) Calculation of Water Demand.

The water resource report shall include water demand calculations in separate calculations for the type, number and annual water requirements of existing,

proposed and potential maximum uses of the subject property and a general timetable when the demands are expected. Acceptable methods of determining water demand are described in this Section.

(ii) Calculation of Quantity of Water Available.

The water resource report shall identify and describe each source of water including: (1) a map showing the location of any off-site water to be used and the location of major water transmission lines, reservoirs, etc.; (2) calculations of the quantity of water available from each source (on-site and off-site sources shall be determined separately); and (3) a description of groundwater sources.

(iii) Groundwater Source Information.

The water resource report shall list each aquifer to be used. Each aquifer shall be identified as tributary, non-tributary, not non-tributary or from a designated basin, and as either renewable or non-renewable aquifers. The report shall discuss the need for and the status of any augmentation plans required to use the proposed supply. The report shall also describe the annual and the 300-year quantity of water available from each proposed aquifer.

(iv) Production Wells Information.

The water resource report shall discuss location, construction and production details of existing and proposed production wells. The following shall be included: (1) estimated number, size and short- and long-term yields of wells necessary to serve the proposed subdivision; (2) estimated life expectancy of wells; (3) estimated short and long-term well development schedule indicating probable timing of bringing additional wells on line; (4) a map showing locations of wells to be used during the first 5 years of the subdivision and probable locations of wells in the following years; (5) well drilling logs and well completion reports; and (6) pumping test data and analysis, including data and analysis of constant rate and step drawdown tests.

(v) Surface Water Sources.

The water resource report shall list each surface water supply to be used. The report shall discuss the need for and the status of any augmentation plans required to use the proposed supply. In addition, the report shall describe the annual and the 300-year quantity of water available from each proposed surface water supply, and calculate the number of years of water supply. For phased projects, the calculation shall delineate the years of water available for each phase.

(c) **Information Regarding Sufficient Dependability of Water Supply.** The water resource report shall include the following information to allow a determination of sufficient dependability of the water supply to be established:

(i) Proof of Ownership.

Proof of ownership or right of acquisition of use of existing or proposed water rights sufficient in quality, quantity and dependability to serve the proposed use including well permits, court decrees, well applications, export permits, etc.

(ii) Financial Plan.

Financial plan and capital improvements plan of water provider.

(iii) Description of Water Supply.

Description of the water supply, location shown on maps, and, when appropriate, engineering designs of existing and proposed water supply facilities, including wells, storage facilities, major transmission lines, etc.

(iv) Calculations Demonstrating Quantity.

Calculations and documentation demonstrating that the aquifers are capable of supplying the required quantity of water and analysis showing the wells are capable of producing the required water supplies, if groundwater is to be used.

(v) Evidence of Water System Source.

If a public or private water system is to be used, evidence that the source can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to the area. This evidence shall include the following information: (1) A letter indicating a commitment to serve (except in the case of a sketch plan); (2) Name and address of the municipality, quasi-municipality, or water company which will supply the water; (3) Current capacities of the existing system; (4) Total amount of current and committed use; and (5) Amount and timing of water to be supplied to the subdivision.

This requirement does not apply to subdivisions to be supplied by individual wells.

(vi) Evidence of Short-Term Supply for Fire.

Evidence that short-term water supply needs of the subdivision can be met to satisfy fire demand and reduction of supplies as a result of flooding or damaged or otherwise incapacitated systems. Short-term dependability can be satisfied by such features as reservoirs, cisterns, standby wells and standby connections with other water supply or distribution systems.

(d) **Information Regarding Sufficient Quality.** The following shall be supplied: (1) Chemical analyses of proposed water from each proposed source; (2) Evidence of compliance with County and State water quality standards; and (3) Discussion of potential for water quality degradation from on-site and off-site sources.

(e) **Public and Private Commercial Water Providers.**

(i) Information from Commercial Water Providers.

It is the responsibility of the applicant to provide information regarding the availability of water supplies from any source, including public and private commercial water providers. Should the subdivision fall within a water provider's service district, a general water resources report supplied by the provider may be used to evaluate available water resources provided the content meets or exceeds the requirement of the Water Resource Report.

(ii) Water Providers Report.

In those cases where the water provider submits a general Water Resources Report, the water resource report shall be updated annually, by February of each year. Update information shall include:

- Volume of water sold in the previous year;
- New water acquisitions, commitments, augmentation plans, etc.;
- Water trades or other losses of water supplies;

- Anticipated water acquisitions for the upcoming year;
- Legal documentation accompanying new water acquisitions and augmentation plans;
- Major capital improvements accomplished during the past year and anticipated major capital improvements for the upcoming year; and
- Other information which would be useful in evaluating the availability of water supplies.

(f) **Review of Water Resource Report.** Water Resource Reports will be referred to the State Engineer and any applicable designated groundwater management district or water service provider, and reviewed by the CAO, EPCPH, and PCD. When a proposed subdivision is located within a designated groundwater management district, El Paso County may receive comments and review recommendations from the district; however, the recommendations are not binding on the County.

(i) Sketch Plan Report.

After receipt of the report, County staff and review agencies will submit a statement of their conclusions, finding and recommendations to the PCD.

Given the general and preliminary nature of water information available at the sketch plan stage, the CAO will not provide recommendations or comments on the sufficiency of the water supply for sketch plan.

(ii) Preliminary Plan Report.

The CAO will, in consultation with the PCD, prepare a recommendation that the water supply be found sufficient or insufficient in terms of quantity and dependability. The EPCPH will prepare a recommendation that the water supply is sufficient or insufficient in terms of quality. If the CAO or EPCPH recommend that the proposed water supply be found insufficient, they shall identify the deficiencies in the water supply plan to be corrected prior to submittal of the final plat.

(iii) Final Plat.

The CAO will, in consultation with the PCD, prepare a recommendation that the water supply be found sufficient or insufficient in terms of quantity and dependability. The EPCPH will prepare a recommendation that the water supply is sufficient or insufficient in terms of quality. If the CAO or EPCPH recommend that the proposed water supply be found insufficient they shall identify the deficiencies in the water supply plan.

(4) **Basis of Determination of Sufficiency.**

(a) **General Provisions.** The Planning Commission shall, as part of its deliberations, make a recommendation regarding the sufficiency of the proposed water supply. The BoCC shall determine the sufficiency of the proposed water supply in terms of quantity, dependability, and quality based on the information presented and the recommendation of the Planning Commission.

In determining the sufficiency of a proposed water supply, the BoCC shall, at a minimum, consider the Water Resources Report, data and recommendations from the State Engineer's Office, CAO, EPCPH, and the County staff, the recommendations of the Planning Commission, and public comment. In all cases the burden of proof in demonstrating sufficiency rests with the applicant, and it shall be the applicant's sole responsibility to

document in the Water Resources Report that the proposed water supply is sufficient in terms of quantity, dependability, and quality.

(b) **Conditional Finding of Sufficiency.** Conditional findings of sufficiency can be made by the Planning Commission and the BoCC specifying conditions that shall be met prior to recording the final plat. Some examples of conditions include, but are not limited to: written proof from the Colorado Division of Water Resources that a well has been abandoned or re-permitted, written proof that an applicant has voluntarily reduced the amount of withdrawal, completion of CDPHE Technical, Managerial and Financial (TMF) analysis and issuance of PWSID number for a new central water system, and formal annexation of the lot into a central water system's service area. Once these requirements are met, the conditional finding of sufficiency becomes a finding of sufficiency.

(c) **Exception to 300-Year Water Supply.** An exception to the requirement for a 300-year water supply can be granted in those situations where proposed lots are not included in a Special District's service area, but the applicant seeks inclusion of those lots into the District and to utilize the District's service for the new lots, and where the District has effectively appropriated all the groundwater under the proposed subdivision by virtue of the cylinders of appropriation around its pre-1973 well(s). However, if an exempt well will continue to be used by an existing lot (and will not use the District's water service), the applicant must reduce the amount of withdrawal from such exempt wells to meet the County's 300-year supply requirement.

(d) **Documents Needed for Review by the CAO.** The following documents shall be reviewed by the CAO:

Water Supply Information Summary Form

Letter of Commitment from Water District

Copies of all well permits

Copies of all Water Court Decrees

Copies of all Colorado Groundwater

Commission Determinations of Water Rights

State Engineer's Office Opinion

Deeds and/or other documents that establish applicant's ownership of water rights for the proposed subdivision

(e) **Phases of Plan Approval.**

(i) Sketch Plan.

Approval of a sketch plan by the Planning Commission and BoCC does not require a finding that the proposed water supply is sufficient in terms of quality, quantity and dependability.

(ii) Preliminary Plan.

Action of the Planning Commission: The Planning Commission shall make a recommendation that the proposed water supply is or is not sufficient in terms of quantity, dependability, and quality. Separate recommendations may be made. A preliminary plan may be approved even if a recommendation of insufficiency is made. The Planning Commission shall identify the deficiencies in its recommendations to the BoCC.

Action of the BoCC: The BoCC shall make a finding that the proposed water supply is or is not sufficient in terms of quantity, dependability, and quality. Separate findings may be made. A preliminary plan may be approved even if a finding of insufficiency is made. The BoCC shall identify the deficiencies with respect to the water supply plan.

(iii) Final Plat.

No final plat shall receive a recommendation of approval by the Planning Commission or be approved by the approving authority without a finding that the proposed water supply is sufficient in terms of quality, quantity and dependability for the proposed subdivision. If the applicant seeks administrative approval of the final plat, the finding must have been previously made by the BoCC at the time of preliminary plan approval.

For subdivisions with 4 lots or more whose water supply consists of wells, and particularly where there are water augmentation or replacement obligations, the applicant shall establish an HOA or other entity approved by the CAO that shall be responsible to carry out the obligations under the water court decree, Colorado Groundwater Determination, and any related augmentation or replacement plans. For subdivisions with 3 lots or less, while creation of an HOA is preferred, responsibility for the obligations may be placed on the individual lot owners in the covenants or in a Joint Use Well-Sharing and Easement Agreement. Unless the water court or Colorado Groundwater Commission authorizes differently, no more than 6 lots shall share a well in a joint-use well sharing arrangement. Plat notes concerning the responsibility for the obligations and for conveyances of water rights shall be included on the face of the final plat. Prior to recording the final plat for any such subdivision, the applicant shall provide to PCD and the CAO for review and approval documents including, but not limited to, water court decrees and plans for augmentation signed by the Water Judge; determinations of water rights and replacement plans signed by the Colorado Groundwater Commission; deeds to cure defects in title to water rights; form deeds conveying water rights to individual lot owners; deeds conveying water rights for augmentation or replacement to the HOA (or to lot owners for subdivisions with 3 lots or less); Joint Use Well Sharing and Easement Agreements (where applicable); restrictive covenants; and documents creating the HOA including articles of incorporation, certificate of incorporation by the Secretary of State, and bylaws.

(5) **Finding of Sufficient Dependability.** The proposed water supply shall meet the following criteria to be found sufficient in terms of dependability:

- The supply is of sufficient quantity to meet the needs of the proposed subdivision for 300 years;
- The proposed water supply system and water supply is capable of meeting the average annual and peak daily demand of the proposed subdivision; and
- The applicant has provided adequate evidence of ownership or the right of acquisition or use of existing or proposed water rights sufficient in quantity, dependability, and quality to serve the proposed uses within the subdivision; and (1) the legal capability to accomplish any changes in the uses or points of diversion of the rights with quantities and dependability necessary to serve the proposed subdivision without material injury to vested water rights; or (2) adequate evidence that the public or private water provider can and will supply the proposed subdivision with water of adequate quality, quantity and dependability.

(6) **Adequate Proof of Ownership or Right of Acquisition.** No final plat will be approved without adequate proof of ownership or the right of acquisition or use of existing and proposed water rights. If the applicant seeks administrative approval of the final plat, such proof must be made to and accepted by the BoCC at the time of preliminary plan approval. Following are the minimum requirements of each type of water supply as proof of ownership or the right of acquisition of or use of existing and proposed water rights of surface or groundwater:

(a) **Surface Water.** For surface water and underground water defined in C.R.S. § 37-92-103(11), the following shall be considered adequate proof of ownership or right of acquisition:

- Copies of appropriate well permits or court decrees for water rights, changes of water rights, and augmentation plans or State Engineer approved temporary exchange plans; or
- If the decree or historic use and priority does not provide for a probable uninterrupted supply, the applicant shall submit a legally binding alternative supply plan, such as reserve groundwater.

(b) **Groundwater Outside the Designated Groundwater Basins.** For groundwater outside the designated groundwater basins and subject to C.R.S. § 37-90-137(4) (S.B.-5 and S.B.-213), the following shall be considered adequate proof of ownership or right of acquisition:

- Copies of well permits, court decrees for the intended type of use and quantity, or determinations made by the State Engineer under rules and regulations adopted pursuant to C.R.S. § 37-90-137(9) in response to water court request pursuant to C.R.S. § 37-92-302(2), and in the referral and review process of C.R.S. § 30-28-136(1)(h)(I);
- With respect to groundwater classified as not non-tributary, a court decree approving a plan of augmentation is required.

(c) **Designated Groundwater.**

(i) Alluvial Groundwater. For alluvial groundwater, permits or determinations issued by the Colorado Groundwater Commission for the intended type of use or court decrees shall be considered adequate proof of ownership or right of acquisition. If appropriate, export permits are required.

(ii) Bedrock Groundwater. For bedrock groundwater, permits or determinations issued by the Colorado Groundwater Commission for the intended type of use, or court decrees and estimates of the quantity of groundwater in Denver Basin formations shall be considered adequate proof of ownership or right of acquisition. Either a permit or a court decree is required for water which will be used during the first 20 years of the proposed project. Denver Basin formation estimates are only permissible for those deeper aquifers which will not be needed during the first 20 years of the project life. If appropriate, export permits are required.

- Perfected Groundwater Rights (1973): For groundwater rights perfected prior to enactment of Senate Bill 213 (July 6, 1973) and not defined in § 37-92-103 (11), C.R.S., a court decree or well permits for the intended types of use shall be considered adequate proof of ownership or right of acquisition.

(d) **Other Information Required.** In addition to the above requirements, the applicant shall provide any other pertinent information and documentation which further expands,

restricts or modifies (or which could potentially expand, restrict, or modify) the existence, ownership and right to use the subject water rights for the proposed subdivision.

(e) **Written Evidence Required.** The applicant shall provide written evidence satisfactory to the BoCC that documented water rights have been committed to and will be retained for subdivision use to the fullest extent necessary to satisfy the water demand of the proposed subdivision as required by this Section. The written evidence may include 1 or a combination of the following:

- An adequate letter of commitment from an established water provider agreeing to provide water service to the proposed subdivision, and stating the amount of water available for use within the proposed subdivision and the feasibility of extending service to that area;
- A legally binding agreement between the BoCC and the applicant or water provider setting forth and prescribing the terms, conditions, limitations and restrictions as to the commitment and retention of documented water rights necessary to satisfy the present and anticipated future water demand of the proposed subdivision or the respective filing thereof in accordance with this Section; or
- A plat note conveying or identifying the documented water rights committed to the proposed subdivision, and restricting the further conveyance, sale, transfer, or change in use of the committed water rights.

In determining the appropriate means to accomplish the foregoing, the BoCC shall consider, among other factors, the legal classification of the water involved, the type of water system proposed, and the water provider's history of experience and reliability of providing service.

(f) **Written Documentation Recorded Prior to Plat Approval.** The written documentation required by the BoCC pursuant to this Section 8.4.7, shall be finalized, fully executed and recorded prior to or concurrent with the recording of the final plat for the subject property, except that the letter of commitment shall not be recorded. HOA documents shall be recorded, to the extent that the HOA is in existence at the time of plat recording.

(g) **Adequate Proof from Water Provider.**

(i) General.

Adequate proof is required of the capability of the water provider to serve the proposed subdivision and pre-existing subdivisions, if any, with adequate quantity, dependability, and quality at average annual and at peak daily demand. The 300-year water supply requirement does not apply to pre-existing (prior to November 20, 1986) subdivisions.

(ii) Financial and Capital Improvement Plan.

The financial plan and capital improvements plan shall include a program for future wells if future groundwater development is planned and shall show that necessary financial resources have been satisfactorily committed to extend water service to the proposed subdivision and to adequately maintain and operate the water supply system. Projects in which each residence will be served by an individual well are not required to have a financial or capital improvement plan.

(iii) Water Bearing Capacity of Aquifers.

Proof shall be provided that the water bearing properties of aquifers (i.e., hydraulic conductivity, transmissivity, storativity, storage coefficient, etc.) are adequate to yield the quantity of water which is proposed to be extracted from the aquifer.

(iv) Physical Facilities and Technical Capabilities Adequate.

Proof shall be provided that physical facilities, or the necessary financial and technical resources and legal commitments and authority to construct a system, for raw water acquisition, collection, storage and treatment, and for treated storage and distribution and maintenance or water pressure are sufficient to serve the needs of the proposed subdivision.

(v) Water Demands for Fire.

Proof shall be provided that water demands needed to satisfy fire demand, replacement of supplies reduced due to flooding, damaged or otherwise incapacitated systems can be met. This short term dependability is satisfied by such features as reservoirs, cisterns, standby wells and standby connections with other water supply or distribution systems.

(vi) Compliance with Drinking Water Regulations.

When a new community water system subject to the Colorado Primary Drinking Water Regulations is proposed in conjunction with a subdivision, a conditional finding of sufficiency may be issued by the Planning Commission and BoCC in the approval of a preliminary plan or final plat subject to the following:

- CDPHE TMF capacity, analysis and approval thereof, as evidenced by issuance of a Public Water System Identification (PWSID) number;
- Adequate construction surety for the proposed water system which includes all waterworks identified in the CDPHE TMF analysis;
- Restrictions on the number of building permits or certificates of occupancy issued until the water system is constructed and certified; and
- An entity acceptable to the water court, or Colorado Groundwater Commission or the CDPHE shall be formed or engaged to assure operation of the community water system.

(7) **Finding of Sufficient Quantity.**

(a) **Sources of Water.** Water shall be supplied from legally and physically available water sources and may be supplied from on-site sources, off-site sources, or both.

(b) **Required Water Supply.** The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years. Sketch plans are not required to include documented evidence that the proposed water supply will meet the needs of the proposed subdivision for a period of 300 years.

(c) **Determination of Water Demand.**

(i) Sketch Plan.

The total 300-year water demand shall be estimated for the entire subdivision. Each phase of a subdivision shall be estimated independently. It is recognized that this estimate will be based on the general concept of the proposed subdivision and not final engineering plans. Acreages of community landscaping, lawn sizes, specific types of commercial and industrial uses, etc., may be based on estimates.

(ii) Preliminary Plan and Final Plat.

Estimates shall be based on actual acreages and densities, engineering plans and designs, land surveys and restrictive covenants, as applicable.

(d) **Presumptive Use Values.** In the absence of data on water use to the contrary or other minimum values established as acceptable by the State Engineer, the following presumptive values will be used to calculate the annual water demand:

- Residential inside use 0.26 acre feet per year for single family residences and 0.20 acre feet per year for each occupancy unit in multiple family residences other than single family. A duplex contains 2 occupancy units, a triplex contains 3 occupancy units, etc.;
- Residential and commercial landscaping use 0.0566 acre feet per 1,000 square feet of landscaping;
- Commercial and industrial inside use 0.1 gallon per day for each square foot of developed space; and
- Miscellaneous irrigation (landscaping, golf courses, etc.) use 2.46 acre feet per acre per year.

(e) **Calculation of Unusual Water Demands.** Unusual water demands for residential projects, such as large swimming pools, lakes, large fountains, irrigation of golf courses, greenbelts and pasture land, shall be determined and calculated separately.

(f) **Water Use for Uses Not Itemized.** For uses not itemized above the applicant shall conduct a site specific study.

(g) **Water Demand of Comparable Projects.** The applicant may also submit an estimate of annual water demand based on the water use of comparable projects, water reuse, groundwater recharge, water conservation, or other innovative methods. Complete documentation shall accompany these estimates, and it shall be the applicant's sole responsibility to demonstrate the validity of water demand estimates made from alternative calculations. If alternative calculations are included, calculations using the above presumptive values shall also be included. The BoCC will make the final determination of water demand.

(h) **Adjustments to Water Demand Calculations.** At the preliminary plan and final plat stage of a subdivision, the calculations of the water demand may be adjusted for the time required for subdivision buildout. The adjustment shall be in increments of whole years and the adjustment period shall not exceed 20 years from the date of final plat approval.

(8) **Determination of Available Water.**

(a) **Sketch Plan.** Existing and potential water supplies shall be estimated for the entire subdivision. Proposed quantities of available water are considered general estimates and need not be based on court decrees, well permits or final engineering plans. The quantity of water available from each proposed on-site and off-site source and each aquifer shall be determined and described separately. For phased projects the supply for each phase shall be estimated independently. The quantities of available water shall be expressed in acre feet per year and total acre feet for the proposed subdivision to evidence a 300-year supply. Because substantial differences may exist between the estimates included with the sketch plan submittal and actual water supplies available for preliminary plan and final plat submittals, acceptance of the estimates accompanying the sketch plan will not guarantee

the number of dwelling units permissible in later stages of the subdivision approval process.

(b) **Preliminary Plan and Final Plat.** The quantity of water available from each proposed on-site and off-site source and each aquifer shall be determined and described separately. Calculations shall be based on court decrees, well permits, approved augmentation plans and determinations by the State Engineer. The quantities of available water shall be expressed in acre feet per year and total acre feet for the proposed subdivision to evidence a 300-year supply.

(9) **Water Calculation by Category of Water Type.**

(a) **Surface and Undergroundwater as Defined by Statute.** Available surface and undergroundwater as defined in C.R.S. § 37-92-103(11) are calculated as follows.

(i) Renewable Water Sources.

Certain water as defined in C.R.S. § 37-92-103(11) which is provided from surface water and underground sources is considered to be annually renewable and is therefore considered to have a minimum life of 300 years.

(ii) Well Permits and Court Decrees.

The quantities of water available shall be derived from appropriate well permits, court decrees for water rights, changes of water rights, augmentation plans, and State Engineer approved temporary water exchange plans which will be legally and physically available for the proposed subdivision. In the event the court decreed quantity or well sited quantity of water has historically been unavailable at times because of a junior priority or for other reasons, the water supply may only be counted if an alternative supply, of equal quantity, is available when the surface supply is not. For example, if the priority of a surface water supply is such that water is only available seasonally, then an equal supply of reliable alternative water shall be available when the surface supply is not available.

(iii) Calculation of Quantity.

The quantity of water available shall be calculated by multiplying the annual appropriation, in acre feet, times 300 years. If a supplemental water supply is required, reduce the number of years by the percentage of time the supply is not available. For example, if a supply of surface water is not available for 6 months out of the year, then the quantity of surface water available shall be reduced by 50%. The supplemental source shall be documented independently.

(b) **Groundwater Outside Designated Basins.** Available groundwater outside designated groundwater basins and subject to C.R.S. § 37-90-137(4) (S.B. 5 (July 1, 1985) and S.B. 213 (July 6, 1973) groundwater) is calculated as follows:

(i) Quantity of Nontributary and Not-Nontributary Groundwater.

The quantity of nontributary and not nontributary groundwater available is that quantity prescribed by court decrees, wells, or quantity determinations made by the State Engineer under rules and regulations adopted pursuant to C.R.S. § 37-90-137(9), in response to water court request pursuant to C.R.S. § 37-92-302(2) and in the referral and review process of C.R.S. § 30-28-136(1)(h)(I). With respect to groundwater classified as not nontributary, the applicant shall furnish a court decree approving a plan of augmentation.

(ii) Calculation of Quantity.

The quantity is calculated by multiplying the annual appropriation by 100 years. The quantity shall be adjusted for the quantity of groundwater used in prior years. Calculations of the quantity of groundwater available shall be based on the following priority: first, court decrees; second, well permits; and third, State Engineer's recommendations.

(c) **Available Designated Groundwater.**

(i) Not Exceed Quantity Allocated by Commission or Court.

The quantity of groundwater may not exceed the quantity of groundwater allocated by permits or determinations approved by the Colorado Groundwater Commission, or the quantity exhibited by court decrees plus the quantity of groundwater which occurs beneath the project site in Denver Basin formations for which the Colorado Groundwater Commission has not approved well permits.

(ii) Priority of Wells a Factor.

If a court or the Colorado Groundwater Commission has decreed a priority appropriation list of wells in the basin, the priority and significance of the priority of the proposed wells to any condition of basin over-appropriation shall be a factor in determining sufficiency.

(iii) Quantity of Alluvial Groundwater.

The quantity of renewable alluvial groundwater is calculated by multiplying the annual well appropriation or court decree, in acre feet, by 300 years. The appropriation shall be adjusted, if necessary, to account for a junior priority appropriation.

(iv) Quantity of Bedrock Groundwater.

The quantity of nonrenewable bedrock groundwater is calculated by multiplying the annual appropriation, as specified in the Colorado Groundwater Commission determination or court decrees and well permits, in acre feet, by 100 years. The appropriation shall be adjusted, if necessary, to account for groundwater previously appropriated or extracted. Denver Basin groundwater underlying the project site for which Colorado Groundwater Commission determinations or court decrees or well permits have not been issued may be counted as part of the water supply. The estimates of Denver Basin groundwaters are only permissible for those deep aquifers which will not be needed during the first 20 years of the project.

(d) **Available Perfected Groundwater.** Available groundwater from groundwater rights perfected prior to enactment of Senate Bill 213 (July 6, 1973) is calculated as follows:

(i) Calculating Quantity of Groundwater.

If renewable (i.e. alluvial) multiply the annual appropriation by 300 years; if nonrenewable (i.e. Denver Basin aquifers) multiply the annual appropriation by 100 years. If appropriate make adjustments for the 3/7 rule on the Arkansas River or other extraction limitations.

(ii) Calculating Quantity of Pre-1973 Court Decree and Groundwater.

The quantity of groundwater from pre-1973 court decrees and well permits shall be calculated independently, and when appropriate the cylinder of appropriation of the well shall be subtracted from the area of other groundwater calculations.

(10) **Finding of Sufficient Quality.** In conjunction with applicable State and federal water quality standards and requirements, the proposed water supplies shall meet the following requirements:

(a) **Chemical Analysis Required.** For subdivisions in which water will be supplied utilizing individual wells rather than a central water supply system, a chemical analysis shall be performed on a representative water sample from every bedrock groundwater source which will be utilized by the subdivision during the first 5 years and from every non-bedrock source to be used by the subdivision. Large subdivisions may require multiple samples from the same source (not the same well) to ensure representative water quality analyses.

The required chemical analysis shall test for the following contaminants, and the results must meet the following parameters, which may be updated from time to time by EPCPH without corresponding amendments to this Code being approved. Any such updates to the testing parameters approved by the EPCPH shall be the controlling requirements for testing. For subdivisions served by groundwater wells drawing only from a confined aquifer, the chemical analysis does not need to include the Volatile Organic Chemical Contaminants and Synthetic Organic Chemical Contaminants. The EPCPH may require additional testing in some cases where blending of the water is proposed, e.g., alluvial versus confined.

Volatile Organic Chemical Contaminants and MCL (mg/L):

1. Vinyl chloride 0.002
2. Benzene 0.005
3. Carbon tetrachloride 0.005
4. 1,2 Dichloroethane 0.005
5. Trichloroethylene 0.005
6. 1.4 Dichlorobenzene 0.075
7. 1.1 Dichloroethylene 0.007
8. 1.1.1 Trichloroethane 0.2
9. cis-1,2 Dichloroethylene 0.07
10. 1,2 Dichloropropane 0.005
11. Ethylbenzene 0.7
12. Monochlorobenzene 0.1
13. o-Dichlorobenzene 0.6
14. Styrene 0.1
15. Tetrachloroethylene 0.005
16. Toluene 1.0
17. Trans-1.2 Dichloroethylene 0.1
18. Xylenes (total) 10

19. Dichloromethane (methylene chloride) 0.005
20. 1.2.4 Trichlorobenzene 0.07
21. 1,1,2 Trichloroethane 0.005

Synthetic Organic Chemical Contaminants and MCL (mg/L):

1. Alachlor 0.002
2. Atrazine 0.003
3. Carbofuran 0.04
4. Chlordane 0.002
5. Dicbromochloropropane 0.0002
6. 2,4 D 0.07
7. Ethylene dibromide 0.00005
8. Heptachlor 0.0004
9. Heptachlor epoxide 0.0002
10. Lindane 0.0002
11. Methoxychlor 0.04
12. Polychlorinated biphenyls 0.0005
13. Pentachlorophenol 0.001
14. Toxaphene 0.003
15. 2.4.5 TP (Silvex) 0.05
16. Benzo[a]pyrene 0.0002
17. Dalapon 0.2
18. Di(2-ethylhexyl)apidate 0.4
19. Di(2-ethylhexyl)phthalate 0.006
20. Dinoseb 0.007
21. Diquat 0.02
22. Endothall 0.1
23. Endrin 0.002
24. Glyphosate 0.7
25. Hexachlorobenzene 0.001
26. Hexachlorocyclopentadiene 0.05
27. Oxamyl (Vydate) 0.2
28. Picloram 0.5
29. Simazine 0.004

Inorganic Chemicals and MCL (mg/L):

1. Antimony 0.006
2. Arsenic 0.01
3. Barium 2.0
4. Beryllium 0.004
5. Cadmium 0.005
6. Chromium 0.1
7. Cyanide (Total*) 0.2
8. Fluoride 4.0
9. Mercury. 0.002
10. Nitrate 10.0 (as Nitrogen)
11. Nitrite 1.0 (as Nitrogen)
12. Total Nitrate and Nitrite 10.0 (as Nitrogen)
13. Selenium 0.05
14. Thallium 0.002

*If total cyanide is 0.2 mg/L, or greater then further analysis for free cyanide is required.

Secondary Maximum Contaminants:

1. Aluminum 0.05 to 0.2 mg/L
2. Chloride 250 mg/l
3. Corrosivity Non-corrosive
4. Iron 0.3 mg/L
5. Manganese 0.05 mg/L
6. pH 6.5-8.5
7. Silver 0.1 mg/L
8. Sulfate 250 mg/L
9. Total dissolved solids (TDS) 500 mg/L
10. Zinc 5.0 mg/L

Radionuclides:

1. Gross Alpha/Beta-Water
2. Combined radium-226 and radium-2281 5pCi/L

Bacteriological:

1. Total Coliform Absence

(b) **Contaminant Levels to Meet Drinking Water Requirements.** Maximum permissible contaminant levels shall meet the requirements of the Colorado Primary Drinking Water Regulations, as clarified by the EPCPH.

(c) **Analysis of Major Ions.** Analyses of the major ions calcium, magnesium, potassium, sodium, bicarbonate/carbonate, chloride and sulfate may be required by the EPCPH.

(d) **Collection Techniques.** Samples shall be collected by qualified personnel using standard collection and preservation methods and shall be analyzed within the limits of standard holding times. A chain of custody shall be maintained and documented from sampling to a laboratory analysis. Samples shall be analyzed by a Colorado certified testing laboratory.

(e) **Sampling Location and Expiration.** Samples from bedrock aquifers shall be collected within ½ mile of the project site or off-site source. If the bedrock source will not be used during the first 5 years of the project and if wells are not available for sampling, the requirement for bedrock aquifer water quality analysis may be deferred as a condition of approval by the BoCC. Samples from shallow alluvial aquifers shall be collected within ½ mile of the project site or off-site source and should be collected from the closest up-gradient well. All samples shall be representative of the source. Where there is no well within ½ mile, the determination of the location of the well shall be made by EPCPH. Water quality testing and analysis shall only be valid for 2 years from the date of the report unless an extension to the expiration date is otherwise approved by the EPCPH. Analyses for the quality of water obtained from contained aquifers typically do not expire unless otherwise conditioned as such by EPCPH.

(f) **Water Quality Not Meeting Standards.** If the quality of the source water does not meet the standards specified in the Colorado Primary Drinking Water Regulations, as specified by the EPCPH, the applicant shall demonstrate that treatment facilities will be constructed and maintained which will bring the water within the standards.

(g) **Future Water Quality to Meet Standards.** Under foreseeable and likely future conditions, the quality of the proposed water supply should meet or exceed the water quality standards established herein. Both on-site and off-site source conditions shall be considered.

(h) **Compliance Not to Diminish Other State and Federal Standards.** Compliance with this Section is not intended to modify, displace, supersede or diminish compliance with other State and federal water quality requirements.

(C) **General Requirements (Clarifications).**

(1) **Renewable Groundwater Life 300 Years.** Water provided from renewable groundwater sources is considered to be annually renewable and, therefore, is considered to have a minimum life of 300 years.

(2) **Recharge Not Used to Modify Bedrock Calculations.** Groundwater recharge may not be used to modify the calculations of the quantity of extractable groundwater in bedrock aquifers unless it is included in court decrees, well permits, approved augmentation plans or determinations by the Colorado Groundwater Commission and the State Engineer.

(3) **Alternative Supplies May be Considered Renewable.** Alternative water supplies such as treated effluent may be considered renewable or nonrenewable and shall be evaluated on a case-by-case basis.

(4) **Private Arrangements and Agreements.** Any private or public arrangements, agreements or contracts that modify, limit, or condition the use of any water rights or water supplies may result in a reduction of the water calculated to be available for subdivision use.

(5) **Nonrenewable Water from Off-Site.** When nonrenewable water is provided to a development from an off-site location, the calculation of water for purposes of this Section is at the point of delivery to the development or customer, rather than at the point of pumping of the well.

(D) **Post-Approval Compliance.**

(1) **Prior to Authorization of Certificate of Occupancy.** The PCD Director may, at his or her discretion, require the following prior to PCD authorization of a certificate of occupancy for any habitable structure within a subdivision that is not served by individual groundwater wells.

- All required step drawdown tests shall be performed on production wells.
- For new community water supply systems a certification shall be issued by a qualified professional (knowledgeable with the water system) certifying that the water system is operational for the intended use. CDPHE Technical Managerial Financial (TMF) capacity analysis and approval thereof, as evidenced by issuance of a public water system Identification (PWSID) number, shall be provided.
- For existing and established community water supply systems the certification may come from the water supplier's engineer or may be satisfied by the district or supplier's acceptance of the facilities.

(2) **Proof of Well Permit Prior to Approval of Certificate of Occupancy.** Subdivisions subject to this Section may be required to provide proof of a well permit prior to the PCD's authorization for the issuance of a certificate of occupancy for residential usage for properties located within the designated groundwater basins and for individual lots within a subdivision dependent on an individual on-lot well system.

(3) **Water Provider No Longer Able to Supply.** In the event that the applicant or his water provider is no longer able to supply the subdivision with the quality, quantity, or dependability of water identified in this Section and in the final plat and associated documents approved for the subdivision, the issuance of building permits for the subdivision may be limited by the BoCC until the problem is resolved to the satisfaction of the BoCC.

(4) **Production Well Testing.** The PCD Director may, at his or her discretion following consultation with the State Water Engineer, determine that the following are required:

(a) **Step Drawdown Test Performed.** A step drawdown test may be required to be performed on each production well which will be needed to meet the daily and peak water needs of the proposed subdivision and which meet the following criteria: (1) The well or anticipated production rate is for 40 gpm or more, or (2) The well is a community well and will ultimately serve more than 50 acres or 100 dwelling units or an equivalent commercial or industrial project which is subject to the provisions of this Section.

Step drawdown testing is encouraged for all wells. Step drawdown tests shall be an appropriate number of steps of adequate duration to allow evaluation of the production potential of the well. Step drawdown testing is not required for approval of sketch plans. It is recommended that the test results be included with the preliminary plan and final plat submittals.

(b) **Test Results to Determine Capacity.** Test results will be used to determine whether the production wells have adequate capacity to supply the needs of the subdivision. If test results indicate additional production wells are necessary, the additional wells may be required to be installed and tested prior to authorization by the PCD for issuance of certificates of occupancy for the subdivision. Prior to issuance of a certificate of occupancy,

the County may elect to review the test results to verify that the production wells have, at the time of testing, adequate production capability to supply the needs of the subdivision.

(c) **Sufficient Production Wells Required Before Authorization of a Certificate of Occupancy.** The PCD may elect to withhold authorization of the issuance of a certificate of occupancy for an approved subdivision until sufficient production wells needed to supply the subject phase of the subdivision are installed, tested, and conveyance is established.

(5) **Water Level Monitoring.** The following monitoring and reporting is recommended until all plats for a proposed subdivision have been approved and all building permits for the subdivision have been issued:

- Monthly pumping volumes from each community production well shall be reported to the PCD semiannually;
- Water level and piezometric level monitoring is required for all projects using community or commercial wells. The purpose of this monitoring is to develop historical data of long-term water level changes. Measurements will usually be taken monthly. Monitoring shall be done in accordance with a monitoring plan approved by the County. It is anticipated that most monitoring programs will use existing wells. Deep bedrock wells may not be required for monitoring purposes only; and
- All required water level monitoring devices shall be maintained in good working order and the wells shall be available to County staff at reasonable times for water level measurements. The water supplier will be responsible for maintaining the water level monitoring devices.

(E) **Substantial Change In Water Supply.**

(1) **Substantial Change Requires Compliance.** A substantial change in the water supply for a subdivision shall require compliance with this Section. A substantial change to the water supply includes, but is not limited to, the following:

- A change in the source of water which would result in a substantial decrease in the quality, quantity or dependability of the water supply;
- A change in the subdivision which would result in an increase in the annual water demand exceeding 10%;
- A change from a central water system to individual wells;
- A change from individual wells to a central water system;
- A change that causes modifications to an approved and recorded subdivision plat, covenants as they relate to water supply, a decree, or an augmentation plan;
- A change that results in the water being supplied from a different aquifer from that which was proposed in the review and approval of the subdivision; or
- A change from a renewable source of water to a non-renewable source which would provide less than a 300 year water supply.

(2) **Administrative Determination of Whether Change is Substantial.** The administrative determination whether the change in water supply is considered substantial shall be made by the PCD Director, in consultation with CAO and County staff. Factors to consider in this determination include, but are not limited to:

- The percent increase or decrease in water demand or water availability; or
- The absolute quantity increase or decrease in the water demand or water availability.

(3) **Substantial Change Requires New Final Plat Submittal.** In the event that the change is determined to be substantial, the application for a substantial change in water supply may be a customized submittal as determined by CAO and County Staff, and processed as a platting action which may require submittal of new plat documents, and which is subject to approval by the Board of County Commissioners.

(4) **Administrative Approval of Change Granted.** In the event that the change is determined to be not substantial, administrative approval of the change may be granted along with any other modifications to implement the administrative approval.

(Res. No. 15-461, Exh. A, 11-24-2015; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.4.8. Wastewater Disposal

(A) **General.**

(1) **Purpose.** The purpose of this Section is to establish the wastewater disposal provisions at the sketch plan or preliminary plan stage of subdivision development and ensure conformance of wastewater disposal with this Code at the time of approval of the final plat.

(2) **Applicability.** This Section shall apply to all development applications for subdivision and any other action that creates a new lot or parcel.

(B) **Minimum Standards.**

(1) **General.**

(a) **Central Wastewater System Required.** A central wastewater system is the required method of wastewater collection and treatment in all new subdivisions or zoning districts with a density greater than 1 dwelling unit per 2½ acres or where lot sizes are less than 2½ acres. Every reasonable effort shall be made to provide a central wastewater system.

(b) **Compliance with EPCPH Regulations.** All wastewater disposals systems shall comply with the EPCPH regulations and the CDPHE guidelines, as applicable.

i. An OWTS with design capacity less than or equal to 2,000 GPD must comply with regulations adopted by El Paso County Board of Health (EPCBoH) pursuant to this regulation and the OWTS Act. Within the jurisdiction of EPCBoH and EPCPH, the regulations promulgated by the EPCBoH govern all aspects of OWTS permits, performance, location, construction, alteration, installation, and use.

ii. An OWTS with design capacity greater than 2,000 GPD must comply with this regulation, site location and design approval in section 25-8-702, C.R.S., and the discharge permit requirements in the Water Quality Control Act, 25-8-501, et seq. C.R.S. OWTS with design capacity greater than 2,000 GPD must also comply with Appendix B of this Code.

(c) **Favorable Recommendation from EPCPH Required.** The EPCPH is considered the County's expert concerning the adequacy of a proposed sewage treatment system. No sketch or preliminary plan or final plat shall receive the approval of the BoCC unless EPCPH has made a favorable recommendation regarding the proposed method of sewage disposal.

(d) **Wastewater Treatment to Meet Requirements of this Section.** In addition to the requirements of the EPCPH, the provisions of this Section shall be used to evaluate the adequacy of the wastewater treatment system intended to serve a proposed subdivision.

(e) **New and Replacement Systems Designed to Minimize Flood Impacts.** New and replacement wastewater systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood water.

(C) **Onsite Wastewater Treatment Systems (OWTS).**

(1) **Burden of Proof on Subdivider to Show OWTS Effective.** The burden of proof for showing that an OWTS meets the spirit and intent of this Section shall be on the applicant. Reports, data, and other evidence shall illustrate that the subdivision, at a minimum, achieves the following:

- Non-contamination of surface or subsurface water resources;
- Non-interference with water resources of adjoining lots. The standard for determining interference shall be the probability of well deepening or the necessity to remove land from agricultural use;
- Non-interference with the enjoyment, use, or utility of adjoining land by virtue of pollution, odor, health hazard or water usage. Placement of leach fields within the cone of influence of a well shall constitute interference, unless otherwise approved by the EPCPH;
- Lot sizes compatible with the limitations inherent in soils, geologic, and hydrologic characteristics of the site. Lot sizes in excess of 5 acres may be required in areas in which site characteristics dictate larger lots; and
- Compliance with any physical setback requirements of the EPCPH regulations.

(2) **2 OWTS Sites Required for All Lots or Parcels.** All lots shall be designed to ensure that each lot has a minimum of 2 sites appropriate for OWTS which do not fall in the restricted areas identified on the preliminary plan; soils and geology report delineated wetland or floodplain maps; or other reports required under this Code.

(D) **Public System.**

(1) **Evidence Provision Made for System.** If a public sewage disposal system is proposed, evidence shall be provided with the preliminary plan or final plat to establish that provision has been made for the system that complies with State and local laws and regulations.

(2) **Public System Operated in Conformance with Regulations.** At the time of preliminary plan submittal and final plat recording, the public sanitation district or company shall be operating in compliance with State and County regulations, or shall have received approval of a service plan in accordance with C.R.S. §§ 32-1-201, et seq., and approval of location or a 1041 Permit in accordance with Appendix B and site application in accordance with State regulations.

(3) **Plans for Off-Site and New Facilities.** The construction drawings shall include any plans and specifications for off-site facilities and any new facilities proposed within any existing or proposed County right-of-way.

(4) **Construction Costs.** The construction costs for wastewater facilities including any required wastewater lift stations or off-site facilities necessary to serve the subdivision which are not guaranteed by the wastewater provider or which are not the responsibility of the wastewater provider shall be included in the construction surety estimate required by the ECM and this Code.

(E) **Report Requirements.**

(1) **General.**

(a) **Wastewater Disposal Report Required.** All sketch plans, preliminary plans, and final plats submitted for review shall be accompanied with a wastewater disposal report. The

requirements of the preliminary plan report shall not be deferred or postponed until the final plat application.

(b) **New Report Not Required.** A final plat is not required to be accompanied by a new report where a wastewater report was previously approved, unless there are modifications to the report.

(c) **Letter of Commitment Required.** A letter of commitment is required for all final plats involving creation of new lots within an area served by a public sewer system.

(d) **Professional Engineer Required to Prepare Report.** The wastewater disposal report shall be prepared by a professional engineer licensed to practice in the State of Colorado.

(2) **Types of Reports.**

(a) **Sketch Plan Report.** The following information shall be included in the wastewater report submitted with the sketch plan application:

- Map showing relative location of point of connection to an existing system;
- Map showing relative location of the existing or proposed treatment facility;
- Estimate of projected population, units, and density, as related to wastewater production on an average daily basis;
- Capacity of the existing treatment plant and current utilization;
- Anticipated capacity of any proposed treatment plant; and
- Letter of commitment from the wastewater provider proposed for service, with identification of whether the sketch plan area is within the service boundaries of the proposed provider.

(b) **Preliminary Plan Report.** The following information shall be included in the wastewater report submitted with the preliminary plan application:

- All items required to be included with the sketch plan report; and
- Letter of commitment from the wastewater provider proposed for service, which includes whether the preliminary plan area is within the service boundaries of the proposed provider, and a statement by the wastewater provider that adequate capacity exists or will exist in order to provide service.

(c) **Final Plat Report.** The following information shall be included in the wastewater report submitted with the final plat application:

- Unless previously provided with a preliminary plan application for the property, all items required to be included with the sketch plan report; and
- Unless provided with the preliminary plan, a Letter of Commitment from the wastewater provider proposed for service, which includes information indicating that the land has been included into the boundaries of the provider's service area, or that contractual arrangements for service have been met.

(d) **OWTS Report.**

(i) General Requirements.

The following shall be fully addressed in or submitted with an OWTS Report. These requirements may be updated from time to time by EPCPH without corresponding amendments to this Code being approved. Any such updates by EPCPH shall control.

The EPCPH may require the subdivider to submit additional engineering or geological applicant reports or data and to conduct a study of the economic feasibility of service by central sewage system prior to making its recommendations, which may be updated from time to time by EPCPH without.

- A map, drawn at the same scale as the preliminary plan, locating all lots, drainage-ways, floodplains, slopes in excess of 30%, surface and sub-surface soils hazards and constraints, natural and cultural features, geologic hazards and constraints, depth to bedrock, water table depth, current and historic land use, and other hazards;
- Soil conditions, NRCS soils classification, slope of the terrain, underground water table, subsurface rock, and limitations on site location of the system;
- Conditions which may cause deleterious effects to systems in the area, such as runoff or irrigation;
- The availability of a central sewage system and the feasibility of inclusion into the system;
- The proximity of water wells, lakes, streams, irrigation ditches, ponded water, and other water sources in the area being subdivided; and
- Soils investigation, including the following:
    - Visual and tactile evaluation of 2 or more soil profile test pit excavations must be conducted to determine soil type as well as to determine whether a limiting layer is encountered;
    - In addition to the 2 soil profile test pit excavations, percolation testing may be conducted to obtain additional information regarding the long-term acceptance rate of the soil;
    - If the site evaluation includes both the visual and tactile evaluation of soil profile test pit excavations and percolation tests, and the results from these 2 evaluations do not coincide with the same LTAR (Long Term Acceptance Rate) as noted in Table 10-1 of the EPCPH Regulations, the designer must use the more restrictive LTAR in determining the size of the soil treatment area as listed below:
        a) Evaluation of 2 or more soil profile test pit excavations must be performed to determine soil types, limiting layers, and best depth for the infiltrative surface, unless otherwise approved by EPCPH. (At least 1 of the soil profile test pit excavations must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions).
        b) The total number of soil profile test pit excavations required is based on the judgment of the competent technician who may require an additional soil profile test pit excavation in the area of the proposed alternate soil treatment area if deemed necessary.
        c) The minimum depth of the soil profile test pit excavation must be to any limiting layer, or 4 feet below the infiltrative surface of the in-situ soil, whichever is encountered first.

d) Layers and interfaces that interfere with the treatment and dispersal of effluent must be noted. Thus, any limiting soil characteristic such as consistence also needs to be evaluated. The evaluation of consistence may also include an evaluation of excavation difficulty, rupture resistance, and/or penetration resistance.

e) The soil observations must be conducted at or immediately adjacent to the location of the proposed soil treatment area, but if possible, not under the final location of a trench or bed.

f) Each soil profile test pit excavation observed at the proposed soil treatment area must be evaluated under adequate light conditions with the soil in an unfrozen state.

g) The soil observation method must allow observation of the different soil horizons that constitute the soil profile.

h) Soil profile test pit observations must be conducted prior to percolation tests to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depth percolation tests must be conducted.

i) The soil type at the proposed infiltrative surface of the soil treatment area or a more restrictive soil type within the treatment depth must be used to determine the long-term acceptance rate from Table 10-1 or Table 10-1A. The treatment depth is 2 to 4 feet depending on the required thickness for the treatment level below the infiltrative surface from Item 4. Table 7-2.

j) Soils data, previously collected by others at the site can be used for the purposes of an OWTS design at the discretion of EPCPH. It is recommended that the data be verified, at a minimum, by performing an evaluation of a soil profile test pit excavation.

º Soil descriptions for determination of a limiting layer must include:

a) The depth of each soil horizon measured from the ground surface and a description of the soil texture, and structure of each soil horizon;

b) Depth to the bedrock;

c) Depth to the periodically saturated soil as determined by:

1. Redoximorphic features and other indicators of water levels, or

2. Depth of standing water in the soil observation excavation, measured from the ground surface, if observed, unless redoximorphic features indicate a higher level.

3. Any other soil characteristic that needs to be described to design a system, such as layers that will restrict permeability.

(ii) Additional Requirements for Lot Sizes Between 2½ and 5 Acres.

For lots of between 2½ and 5 acres where OWTS are proposed, the wastewater disposal report shall additionally address the following:

- Soil Investigation conducted for no fewer than 20% of the total number of lots in the filing. Investigation shall be evenly dispersed over the project area. In cases in which unique geologic, topographic, or soils conditions, such as depth to bedrock, depth to groundwater, slopes in excess of 30 percent, etc. are found, additional tests may be required by EPCPH; and
- An analysis of the availability of a central sewage system and the feasibility of service by a central sewage system. If there is a central sewage system within 1 mile of the proposed subdivision, or if the subdivision is within an organized sewage district or municipal service area, the applicant shall submit documentation that the district or municipality is incapable of serving the site or that the costs of service are prohibitive.

(iii) Additional Requirements for OWTS on Lots Within 400 Feet of a Sewer Line. Pursuant to Chapter 8, On-Site Wastewater Treatment Systems (OWTS) Regulations, of the Regulations of the El Paso County Board of Health. A permit to construct, alter, modify or repair an OWTS may be denied by EPCPH if a municipal or sanitation district sewer mainline exists within 400 feet, as measured by way of public access or legal easement, to any part of the applicant's property, and if the municipality or district agrees to provide sewer service. EPCPH shall only approve an OWTS permit for a property that is subject to connection to sanitary sewer if all OWTS installation criteria can be satisfied, and the applicant can provide evidence that the municipality or district does not expressly object to the OWTS installation. If. as a condition of service, an annexation of the property to a different political entity is required, connection to the community sewer is not required by EPCPH.

(Res. No. 15-461, Exh. A, 11-24-2015; Res. No. 19-329, Exh. A, 8-27-2019)

8.4.9. Geology and Soils Standards and Reports

(A) **Geology and Soils Report Required.**

(1) **Required with Sketch Plans and Preliminary Plans.** All sketch plans and preliminary plans submitted for review shall be accompanied by geology and soils report.

(2) **Previously Submitted.** Where a geology and soils report has been completed and reviewed at an earlier stage of the subdivision review process, a new report may not be required if in the determination of the PCD Director the existing report provides the level of site-specific detail necessary to review the subdivision application, and the recommendations of the report and the Colorado Geological Survey (CGS) have been followed in the preparation of the preliminary plan.

(B) **General.**

(1) **Prepared by Professional Geologist.** The geology and soils report shall be prepared by, or under the direction of, a professional geologist as defined by CRS 34-1-201(3), or a Professional Engineer as defined by Board Policy Statement 50.2 - "Engineering in Natural Hazard Areas" of the Colorado State Board of Registration for Professional Engineers and Professional Surveyors.

(2) **Roads, Drainage, Building Sites Avoid Hazards and Mitigate Constraints.** Public improvements, including roads and drainage improvements, and building sites shall be constructed away from

geologic constraints and hazards, or mitigation of such constraints or hazards must be provided in accordance with the provisions of the ECM, Appendix C.

(3) **No Interference with Extraction of Commercial Mineral Deposits.** Development of the subdivision shall not interfere with the extraction of any known commercial mineral deposit as defined in C.R.S. § 34-1-302(1).

(C) **Report Requirements.**

(1) **Data to be Complete to Allow Review.** It is recognized that certain geologic interpretations cannot be firm or complete, at least in advance of grading operations, but it is expected that all pertinent data will be presented fully and clearly so that interpretations and recommendations can be critically reviewed by others.

(2) **Issues to be Addressed by Report.** The following concerns shall be fully addressed in the geology and soils report.

(a) **Mapping.**

i. Large-Scale Map Required.

A detailed map, drawn to scale, is required for geology and soils reports.

ii. Structure Sections Required.

Where 3-dimensional relationships are significant but cannot be described satisfactorily in words alone, the geology and soils report should be accompanied by 1 or more appropriately positioned structure sections.

iii. Test Hole, Percolation Test, and Soil Investigation Test Pit Excavation Locations Mapped.

The locations of test holes, percolation tests, soil investigation test pit excavations, and other specific sources of subsurface information utilized by the geologist or qualified engineer of record shall be indicated on the map and on any sections that are submitted with the geology and soils report.

(b) **General Information.** The geology and soils report shall include definite statements concerning the following matters:

- Location and size of subject area and its general setting with respect to major geographic and geologic features;
- Who did the geologic mapping on which the report is based and when the mapping was done;
- Any other kinds of investigations made by the geologist and, where pertinent, reasons for doing the work;
- Topography and drainage in the subject area;
- Abundance, distribution, and general nature of exposures of earth materials within the area; and
- Nature and source of available subsurface information. Suitable explanations should provide any technical reviewer with the means for assessing the probable reliability of the data. Subsurface relationships can be variously determined or inferred, for example, by projection of surface features from adjacent areas, by the use of test hole logs, and by interpretation of geophysical data. It is evident that different sources of the information can differ markedly from one another in degree of detail

and reliability according to the method used. The relative reliability of the methods used shall be discussed in the report.

(c) **Geologic Descriptions.** The geology and soils report should contain brief but complete descriptions of all natural and man-made materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for the interpretations should be clearly stated. The following checklist may be useful as a general, though not necessarily complete, guide for descriptions:

(i) Bedrock (Igneous, Sedimentary, Metamorphic Types).

- Identification as to rock type (e.g., granite, silty sandstone, mica schist);
- Relative age, and where possible, correlations with named formations;
- Distribution;
- Dimension features (e.g., thickness, outcrop breadth, vertical extent);
- Physical characteristics (e.g., color, grain size, nature of stratification, foliation, or schistocity, hardness, coherence);
- Special physical or chemical features (e.g., calcareous or siliceous cement, concretions, mineral deposits, alteration other than weathering);
- Distribution and extent of weather zones; significant differences between fresh and weathered rock; and
- Response to natural surface and near surface processes (e.g., raveling, gullying, and mass movement).

(ii) Structural Features.

The geology and soils report should contain brief descriptions of the structural features, stratification, foliation, schistocity, folds, and zones of contortion or crushing, joints, shear zones, faults, etc., including information about:

- Occurrence and distribution;
- Dimensional characteristics;
- Orientation and shifts in orientation;
- Relative ages (where pertinent);
- Special effects on the bedrock (Describe conditions of planar surfaces); and
- Specific features of faults (e.g., zones of gouge and breccia, nature of offsets, timing of movements) and whether faults are active in either the geological sense or the historical sense.

(iii) Surficial (Unconsolidated) Deposits.

The geology and soils report should contain brief description of surficial deposits include artificial (man-made) fill, topsoil, stream-laid alluvium, beach sands and gravels, residual debris, lake and pond sediments, swamp accumulations, dune sands, marine and non-marine terrace deposits, talus accumulations, creep and slopewash materials, various kinds of slump and slide debris, etc., including the following information:

- Distribution, occurrence, and relative age; relationships with present topography;
- Identification of material as to general type;
- Dimensional characteristics (e.g., thickness, variations in thickness, shape);
- Surface expression and correlation with features such as terraces, dunes, undrained depressions, anomalous protuberances;
- Physical or chemical features (e.g., moisture content, mineral deposits, content of expansible clay minerals, alteration, cracks and fissures, fractures);
- Physical characteristics (e.g., color, grain size, hardness, compactness, coherence, cementation);
- Distribution and extent of weathered zones; significant differences between fresh and weathered material; and
- Response to natural surface and near-surface processes (e.g., raveling, gullying, subsidence, creep, slope-washing, slumping, and sliding).

(iv) Drainage of Surface Water and Groundwater.

The geology and soils report shall contain information about surface and groundwater, as applicable, including:

- Distribution and occurrence (e.g., streams, ponds, swamps, springs, seeps, subsurface basins);
- Relations to topography;
- Relations to geologic features (e.g., previous strata, fractures, faults);
- Sources and permanence;
- Variations in amounts of water (e.g., intermittent spring and seeps, floods);
- Evidence for earlier occurrence of water at localities now dry;
- Occurrence or conveyance of water into or within man-made features; and
- The effect of water on the properties of the in-place materials.

(v) Features of Special Significance.

The geology and soils report should describe features of special significance including:

- Features representing accelerated erosion (e.g., cliff reentrants, badlands, advancing gully heads);
- Features indicating subsidence or settlement (e.g., fissures, scarplets, offset reference features, historic records and measurements);
- Features indicating creep (e.g., fissures, scarplets, distinctive patterns of cracks or vegetation, topographic bulges, displaced or tilted reference features, historic records and measurements);
- Slump and slide masses in bedrock or surficial deposits; distribution, geometric characteristics, correlation with topographic and geologic features, age and rates of movement;

- Deposits related to recent floods (e.g., talus aprons, debris ridges, canyon-bottom trash); and
- Active faults and their recent effects on topography and drainage.

(vi) Mineral Resources.

The geology and soils report should contain brief description of mineral resources including the identification of the types, location and value of mineral resources within the land to be subdivided. These include, but are not limited to, limestone used for construction, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible, or which is a deposit having significant economic or strategic value to the County, state, or nation. Any area known to contain a commercial mineral deposit shall not be subdivided until the deposit is extracted, unless the BoCC finds that extraordinary environmental damage or public hazard results from the extraction.

(d) **Bearing of Geologic Factors on the Intended Land Use.** Treatment of this general topic, whether presented as a separate section or integrated in some manner with the geologic descriptions, normally constitutes the principal contribution of the geologic and soils report. It involves: (1) the effects of geologic features on the proposed grading, construction, and land use; and (2) the effects of these proposed modifications on future geological processes in the area. The following checklist includes the topics that ordinarily should be considered in submitting discussion, conclusions, and recommendations in the geologic reports:

(i) Compatibility with Proposal.

General compatibility of natural features with proposed land use related to:

Topography;

Lateral stability of earth materials;

Problems of flood inundation, erosion, and deposition;

Problems caused by features or conditions in adjacent properties; and

Other general problems.

(ii) Proposed Cuts.

Prediction of what materials and structural features will be encountered;

Prediction of stability based on geologic factors;

Problems of excavation (e.g. unusually hard or massive rock, excessive flow of groundwater); and

Recommendations for reorientation or repositioning of cuts, reduction of cut slopes, development of compound cut slopes, special stripping above daylight lines, buttressing, protection against erosion, handling of seepage water, setbacks for structures above cuts, etc.

(iii) Proposed Masses of Fill.

General evaluation of planning with respect to canyon-filling and sidehill masses of fill;

Comment on suitability of existing natural materials for fill; and

Recommendations for positioning of fill masses, provision for underdrainage, buttressing, special protection against erosion.

(iv) Onsite Wastewater Treatment System (if applicable).

Soil types, depths, distributions and relationship to bedrock;

General slope conditions, and limitations of slope to building sites and disposal sites; and Present and expected percolation rates.

(v) Recommendations for Subsurface Testing and Exploration.

Cuts and test holes needed for additional geologic information; and

Program of subsurface exploration and testing, based on geologic considerations that are most likely to provide data needed by the soils engineer.

(vi) Special Recommendations.

Areas to be left as natural ground;

Removal or buttressing of existing slide masses;

Flood protection;

Problems of groundwater circulation; and

Position of structures, with respect to active faults.

(D) **Relationship to Other County Regulations.** In addition to these requirements set forth in this Code, the ECM requires geologic hazards and geotechnical reports addressing site constraints and mitigation for projects involving construction of public improvements. The DCM Volume 1 addresses the need for geotechnical analyses for embankment structures and DCM Volume 2 addresses geotechnical construction requirements for water quality best management practices (BMPs). Applicants are also required to comply with the State Engineer's requirements regarding embankments and dams utilized for storage of water.

(E) **Referral to and Resolution of Issues Raised by the CGS.** The geology and soils report will be referred to the CGS for review and recommendations. The applicant is responsible for payment of fees associated with the review by the CGS. The applicant is responsible for resolution of issues raised by the CGS, to the satisfaction of the PCD Director.

(F) **Effect of Approval.** The geology and soils report will be maintained in the subdivision file, available for public viewing. The applicant is responsible for implementation of the report recommendations and review agency recommendations to the satisfaction of the PCD Director. The resolution of an issue may be in the form of modification of the development design to mitigate the constraints and hazards, placement of notes on the preliminary plan and final plat to advise buyers of the constraints and hazards, restrictions on construction within a lot or within the subdivision, or a determination that the constraint or hazard may be mitigated by specialized engineering or construction techniques and identification of the entity responsible for such mitigation.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.5. DEDICATION AND FEE STANDARDS AND REQUIREMENTS

8.5.1. General

(A) **Applicant or Owner Responsible.** The applicant or owner is responsible for paying required fees and making the required land dedications at the time of filing the final plat for recording with the Clerk and Recorder in accordance with the following standards. Land dedication may include both public and private land dedications.

(B) **Common Homeowner Land.**

(1) **Homeowners Association Required.** For a division of land that includes easements or tracts to be used for common facilities including common open space or areas, private roads, detention facilities, water facilities, water augmentation obligations, landscaping or other features requiring maintenance, the owner shall establish a HOA or other entity approved by the CAO to be responsible for the maintenance. For subdivisions with 3 lots or less, maintenance responsibility may be placed on the individual lot owners in the covenants without having to create an HOA or other entity. Prior to recording the final plat for any subdivision with maintenance requirements, the applicant shall provide to PCD and the CAO for review and approval the appropriate legal documents (e.g., covenants, articles of incorporation, bylaws, maintenance agreements, etc.) necessary to create the HOA or other entity and to place maintenance responsibility on said HOA, other entity, or the individual lot owners.

(2) **Conveyance of Common Homeowner Land.** Easements, lots or tracts to be owned and maintained by the HOA shall be dedicated by both a statement on the final plat and warranty deed. A plat note concerning the responsibility for ownership and maintenance of the easements or tracts shall be included on the face of the final plat.

(C) **Public Land Dedications and Payment of Fees in Lieu.**

(1) **Dedication of Public Lands.**

(a) **Dedication by Warranty Deed at Time of Filing of Plat.** Dedications of land both on-site and off-site to be used for public uses and owned by the County, a public agency, special district or other corporate entity that are required by this Code, including lots, tracts, or parcels for open space, parks, schools or drainage facilities or where reversionary interests will exist shall be dedicated by warranty deed in favor of El Paso County or other corporate entity approved by the BoCC to receive the land dedication at the time the plat is filed for recording with the Clerk and Recorder. Prior to recording the final plat, the applicant shall provide said warranty deed to PCD and the CAO for review and approval. The legal description contained in the warranty deed shall be prepared by a licensed surveyor.

(b) **Dedicated Land Free of Encumbrances.** The title associated with the dedicated land shall be free and clear of any and all liens and encumbrances, including real property taxes prorated to the time of conveyance as evidenced by a current title insurance policy in the County's name, a certified survey, and a treasurer's certificate proving that current taxes, prorated to the date of deed transfer, have been paid at the time of conveyance.

(c) **Indemnification to be Provided for County.** If fee title interest in a lot, tract or parcel for open space, parks, schools or drainage facilities is to be dedicated to the County by warranty deed or where reversionary interests will exist, the property owner shall indemnify the County from any and all damages, claims, losses, injuries and expenses including attorney's fees related to or arising out of the presence of solid waste, hazardous materials, or petroleum products whether known or unknown, including, without

limitation, any cleanup costs for said materials. The indemnification shall be in a form and manner acceptable to the CAO.

(2) **Payment of Fees in Lieu.**

(a) **Payment Due at Time of Filing.** Fees in lieu of required land dedications, where approved by the BoCC, shall be paid at the time the plat is filed for recording with the Clerk and Recorder.

(b) **Deferral of Fees for Condominium or Townhome Lots.** When a lot is platted which will require the filing of condominium plats, townhome plats or administrative plats prior to development of the lot, collection of park and school fees in lieu of required land dedications may be deferred to the time of recording of said administrative plats. Any deferral of the payment of fees in lieu of land dedication shall be expressly authorized by the BoCC.

(3) **Dedication of Easements.**

(a) **Plat to Show Easements.** The plat shall show existing and proposed easements. Existing easements shall bear notation of dedication or conveyance by recordation information.

(b) **Owner Required to Dedicate Easements.** The owner shall dedicate or deed easements required by this Code, or the ECM, or to serve the division of land with utilities and other required services, or those easements that may be requested by public agencies including, but not limited to:

- Avigation easements;
- Trail easements;
- Open space and scenic easements;
- Utility easements;
- Wetlands or wetlands mitigation easements;
- Conservation easements;
- Easements relative to protected species; and
- Noise Easements.

(c) **Shown in Standard Form.** Easements shall be clearly labeled, identified, dimensioned and tied to reference points within the division of land and be shown by fine dashed lines. The beneficiary of and maintenance responsibility for easements shall be designated and the disposition thereof indicated in the plat note section of the plat.

(d) **Temporary Easements.** Temporary easements, if reflected on the plat, shall include the trigger event and action necessary to relinquish them.

(4) **Land Dedication and Fees Not Personal Obligation.** Land dedications or fees in lieu of land dedications required by this Code are not personal, but are specific to the property being divided, and are not transferable to other divisions of land unless alternative arrangements are expressly authorized by the BoCC.

(5) **Disposition of Dedicated Lands and Refund of Fees.**

(a) **Disposition of Land.**

(i) Future Disposition of Dedicated School or Park Lands. If a dedicated park or school land is no longer needed by the County, the BoCC may sell the land, may

trade the land for other park or school land, or dispose of the land in a manner allowed by statute. The owner shall have a right of first refusal to purchase all or a portion of any land dedicated by the owner to the County, school district, or other public entity before the land is sold, transferred, or conveyed to any party other than a school district. Statutory notice provisions to the owner shall be followed. Any such right of first refusal shall expire 20 years from the date the land was dedicated by the owner to the County, school district, or other public entity.

(ii) Disposition of Other Dedicated Lands. The disposition of all other lands dedicated during the development review and permit process shall be governed by State Statute.

(b) **Refund of Fees.**

(i) No Refunds of Fees Paid if Lower Densities Achieved. The failure to achieve the density stated in the development application or assumed based on the density allowed by the applicable zoning district shall not be grounds for a refund of any fees paid in lieu of land dedication, but may be used as a basis for establishing either fee or land credit within the same development.

(ii) Refund of Traffic or Transportation Fees Not Spent, Credits for Payment or Overpayment, Transfer of Credits. The refund, transfer and credit of traffic and transportation impact fees are governed by the provisions of this Code concerning Off-Site Road Studies and Plans and Impact Assessments.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.5.2. Park and Open Space Standards and Dedications

(A) **General.**

(1) **Purpose.** The purpose of this Section is to provide the definition and structure, outline the requirements, and assigns the responsibility for providing, developing, operating and maintaining specific categories of public park lands within the unincorporated areas of El Paso County.

(2) **Dedication of Land for Parks.** It is hereby found and determined:

- That a part of the public need for both regional and urban parks, trails and open space generated by the influx of new subdivisions should be provided by a mandatory dedication of land, fees in lieu of land or a combination of land and fees as a condition of preliminary plan or final plat approval.
- That it is reasonable to require the dedication of land, payment of fees in lieu of land or a combination of land and fees to provide the following facilities: regional parks, open space, regional trails or urban parks (reserved land).
- That urban park lands acquired by the County as a result of land dedication under the provisions of this Section may be classified as "reserved lands" and held in reserve by the County in an essentially undeveloped state for another unit of government provided that the perpetual use of the park land shall be for park purposes and shall provide reasonable recreation opportunities for residents of the neighborhood or community planning unit from which the lands were originally dedicated to the County.

- That the decision on whether the dedications will consist of land, fees in lieu of land or a combination of land and fees will rest with the BoCC in consideration of recommendations of the Parks Advisory Board.

(3) **Exemptions from Dedication or Fee Requirements.** A division of land that is exempted from the definition of subdivision by the BoCC in accordance with the provisions of C.R.S. § 30-28-101(10) shall be exempt from the park land dedication and fee in lieu of dedication requirements of this Code.

(4) **Establishment of Agency to Acquire and Transfer Land.**

(a) **Responsible Agency.** The El Paso County Community Services Department (EPCCSD) shall be a Regional Park Agency and shall be charged with the responsibility of providing, developing, operating and maintaining regional parks, trails and open space within El Paso County.

(b) **Authority to Acquire and Transfer Park Land in Association.** Within the unincorporated areas of the County, wherever urban density development occurs, the EPCCSD may, through the subdivision review process, function as a land acquisition agency for the purpose of acquiring and preserving urban category park lands for transfer to another unit of government.

(5) **Banking Reserved Land.**

(a) **Designation as Reserved Land and Land Bank.** Land acquired in accordance with urban density subdivision requirements for urban park purposes shall become designated as "reserved land" and placed into a land bank category for future transfer to another governmental or quasi-governmental entity for urban park purposes.

(b) **Agreement of Recipient Entity to Take Reserved Land.** Governmental or quasi-governmental agencies, such as metropolitan districts, special districts, school districts, and homeowners associations providing a bonding or financing mechanism for maintenance and insurance, shall provide written intent to accept the reserved land prior to final plat approval by the approving authority. Property in the reserved land category shall become the development, operation and maintenance responsibility of the recipient governmental or quasi-governmental entity.

(B) **Considerations in Locating Park Land.** Land to be dedicated as park land shall generally conform to the following criteria. Generally, park land should be located in consideration of:

- Conservation and maintenance of the natural environment of the region;
- Combating air quality problems, enhancing the environment, and preserving community integrity in the most practical, attractive manner possible;
- The size, shape, topography, geology, presence and condition of ground cover and timber, condition of soil, drainage, location, access and availability of water to lands proposed for park, trail, and open space uses;
- An assessment of the suitability of proposed land dedications for both regional and urban park, trail, and open space needs;
- A determination of the population densities which will result from the proposed subdivision and their relation to both regional and urban park, trail, and open space needs;
- Compliance with regional plans, particularly the EPCCSD policies and development statement for regional parks, trails and open space per the current Master Plan;

- The protection of natural and historical features, scenic vistas, watersheds, timber and wildlife;
- The need to provide regional park land, trails, open space and facilities which will serve the entire region and will support outdoor recreation programs including, but not limited to, interpretation of the natural and historic qualities of the region;
- The continuity of open space links, trails and other major components of the regional open space system;
- A determination of the location of parks, trails open space and recreational facilities within specific subdivisions and the broad scope of the County regional park, open space and regional trail system; and
- The provision of urban park lands as "reserved lands" which, with future development, will reasonably serve the needs of the intended neighborhood or community planning unit.

(C) **Standards for Dedicated Land.**

(1) **Dedicated Land Reasonably Adaptable for Park Use.** The dedicated park land shall be reasonably adaptable for use as a regional park, open space, regional trail or urban park. Factors to be used in evaluating the adequacy of proposed park areas shall include, but not be limited to, size, shape, topography, geology, flora, fauna, access, and location.

(2) **Associated Water Rights to be Dedicated.** Unless otherwise negotiated between the County and owner, the dedicated park land shall include the real property together with tributary and non-tributary water rights owned by the applicant as a consequence of ownership of the dedicated property, water rights underlying the property, well rights, ditches and ditch rights appurtenant to the property, mineral rights and improvements thereon.

(3) **Conveniently Located and Free of Hazards.** The dedicated park land shall be conveniently located and have public access. The land shall be free of hazards that would threaten the safety of those using the land.

(4) **Served by Roads, Utilities and Required Infrastructure.** The dedicated park land shall be served by the required roads, traffic signalization, utilities, and other public infrastructure necessary to support the use of the dedicated land for parks. An SIA and appropriate collateral shall be required in lieu of providing the required facilities prior to recording the final plat.

(D) **Dedication Requirements.** Land, fees in lieu of land, or a combination of land and fees for public parks and open space may be required when a proposed subdivision will generate a need for parks or open space. The presumed need shall be determined in accordance with the following standards. The need shall be based on the subdivision density category of the proposed subdivision. The subdivision density category is based on a per-acre dwelling unit density, or the average lot size of a residential use classification within a proposed subdivision or portions of a proposed subdivision.

(1) **Park Land Dedication Requirements.** Dedication of land for regional parks, open space, regional trails, or urban parks (reserved land) purposes shall be based on the following subdivision density categories:

(a) **Rural Density Subdivisions.**

(i) Commercial/Industrial Use. In rural density subdivisions, the minimum land dedicated for regional park purposes shall be .05 acre of land for each gross acre of commercial/industrial use contained within the proposed subdivision. For land dedication requirements, refer to the current Schedule of Park Fees in Lieu of Land as adopted by the BoCC.

(ii) Residential Use. In rural density subdivisions, the minimum land dedicated for regional park purposes shall be .0194 acre of land for each dwelling unit contained within the proposed subdivision.

(b) **Urban Density Subdivisions.**

(i) Regional Park Requirements.

- Commercial/Industrial Use: In urban density subdivisions, the minimum dedication for regional park purposes shall be .05 acre of land for each gross acre of commercial/industrial use contained within the proposed subdivision. For land dedication requirements, refer to the current Schedule of Park Fees in Lieu of Land as adopted by the BoCC.
- Residential Use: In urban density subdivisions, the minimum dedication for regional park purposes shall be .0194 acre of land for each dwelling unit contained within the proposed subdivision.

(ii) Urban Park Requirements.

- Commercial/Industrial Use: For land dedication requirements, refer to the current Schedule of Park Fees in Lieu of Land as adopted by the BoCC.
- Residential Use: The combined urban park standard for park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit. The combined urban park standard shall provide for both the neighborhood and community park needs in accordance with the following standards: (a) the neighborhood park standard is 1.5 acres of park land per 1,000 projected residents or 0.00375 acres of park land for each dwelling unit contained within an urban density subdivision; and (b) the community park standard is 2.5 acres of park land per 1,000 projected population of the combined urban park dedication standard or 0.00625 acres of park land for each dwelling unit contained within an urban density subdivision.
- Neighborhood Park Size and Location: The minimum size of a neighborhood park to be dedicated shall be 3 acres. Neighborhood parks should be located adjacent to elementary schools and within a ½ mile radius of the residential units that they are intended to serve.
- Community Park Size and Location: The minimum size of a community park to be dedicated shall be 24 acres. Community parks should be located adjacent to junior high or senior high schools and within a 1 mile radius of the residential communities that they are intended to serve.

(iii) Consideration of Reductions in Land Dedication. Dedication of less than the required urban park dedications may be considered in association with a specific plat if agreements provide for the dedication of park land on adjacent properties such that the composite park land area will result in: (1) a park area meeting the minimum area of the specific type of urban park required; and (2) the overall minimum park land dedication requirements being met on dedication of the park land on the adjacent properties.

(2) **Trail Dedication Requirements.** If the proposed subdivision is in an area where the Master Plan identifies a regional trail, a 25 foot trail easement shall be provided.

(3) **Fees in Lieu of Park Land Dedication.**

(a) **Requirement for Fee in Lieu of Land.** When dedication of required regional park, open space, regional trail or urban park lands is not deemed feasible or not in the public interest, the BoCC shall require the applicant to pay to El Paso County a fee in lieu of land.

(b) **Fees Established Annually by Subdivision Density Category.** Fees in lieu of land shall be established each year by resolution of the BoCC. Fees in lieu of land for regional park, open space, regional trail, or urban park purposes shall be based on the same subdivision category standards used to establish land dedication requirements.

(c) **Fees Credited to Park Fee Fund.** Fees paid to the County in lieu of land dedication shall be credited to the proper park fee fund and utilized for the defined purpose of that fund.

(4) **Combination of Land and Fees in Lieu of Land.** When either dedication of required regional park, open space, regional trail or urban park lands alone or payment of required fees in lieu of land alone is not deemed feasible or in the public interest, or not sufficient to mitigate impacts the BoCC shall require the owner to dedicate and to pay to El Paso County a combination of land and fees in lieu of land. The combination of land dedication and payment of fees in lieu of land shall not exceed the fair market value of the land area required.

(5) **Adjustments to Park Land Dedication Requirements.**

(a) **Existing Dwelling Units Excluded.** Existing dwelling units shall be excluded from the calculation of the park land dedication requirement if they have previously been included in the calculation for park land dedication unless the lot on which the existing dwelling will be located allows for greater residential density, in which case the dedication requirements shall be calculated based on the maximum potential residential density.

(b) **Calculating Dedication for Replats or Resubdivisions.**

(i) Land Platted Before July 17, 1972. Land subdivided or platted prior to July 17, 1972 which is replatted or resubdivided shall be subject to the land dedication and fee in lieu of dedication requirements of this Code.

(ii) Land Where Park Land Dedicated Previously Made. Land replatted or resubdivided shall be exempt from the land dedication and fee in lieu of dedication requirements of this Code if fees in lieu of land have been paid or park land has been dedicated when the land was previously subdivided, unless as a result of the replat or resubdivision residential acreage or density or commercial/industrial acreage is increased.

(iii) Residential Acreage or Density Increased. Where the replat or resubdivision increases the residential acreage or density, the replatted or resubdivided land shall be subject to the fee in lieu of land dedication and park land dedication requirements of this Code as applied only to the additional number of residential units or the additional number of residential units that are a result of increased acreage.

(iv) Residential Acreage or Density Altered to Reach Urban Density. Where the replat or resubdivision either increases the average dwelling unit density per acre or decreases the average lot size, such that the resulting subdivision meets the definition of urban density subdivision, the entire park and open space requirement will be recalculated and amended based on fee in lieu of land dedication and park land dedication requirements of this Code. Previously paid fees in lieu of land or park land dedication will be credited to the appropriate amended requirements.

(v) Commercial/Industrial Acreage or Density Increased. Where the replat or resubdivision increases the commercial/industrial acreage, the replatted or resubdivided land shall be subject to the fee in lieu of land dedication and park land dedication requirements of this Code as applied only to the additional commercial/industrial acreage. Where the replat or resubdivision increases commercial/ industrial density, the entire park and open space requirement will be recalculated and amended based on fee in lieu of land dedication and park land dedication requirements of this Code. Previously paid fees in lieu of land or park land dedication will be credited to the appropriate amended requirements.

(6) **Credit for Required Park Land Dedication.** Credit for park land dedication may be approved by the Parks Advisory Board on a case-by-case basis.

(7) **Regional Park Requirements.** Credit for park land dedication may be approved if a unique opportunity to expand the regional park system in the respective region and the value meets or exceeds the required land dedication or fees in lieu of land.

(8) **Credit for Joint Use for School and Park Sites.** Credit for park land dedication for joint use of park and school sites may be approved.

(E) **Park Land Dedications to Other Entities.**

(1) **Dedication to Governmental or Quasi-Governmental Entity.** If the subdivision is located within the service area of a governmental or quasi-governmental entity that is willing and capable of acquiring, developing, operating and maintaining the required urban park property, the Parks Advisory Board may recommend that the required urban park land dedication be deeded directly to the entity.

(2) **Dedication to Future Quasi-Governmental Entity.** If the subdivision is located within the service area of a future quasi-governmental entity that would be organized and formed by the applicant, either prior to or concurrently with the approval of the plat, and that the entity would be capable of acquiring, developing, operating and maintaining the required urban park property, the Parks Advisory Board may recommend that the required urban park land dedication be deeded directly to the approved entity after formation.

(Res. No. 19-329, Exh. A, 8-27-2019)

8.5.3. School Land Standards and Dedications

(A) **General.**

(1) **Purpose.** The purpose of this Section is to ensure that adequate land areas and funds for the acquisition of school sites and other capital outlay are made available through the subdivision process to meet the needs of future County residents. It is reasonable that those who accommodate population increases through the subdivision of land should provide for the additional need for school sites that the subdivision creates.

(2) **Exemptions from Dedication or Fee Requirements.** A division of land that is exempted from the definition of subdivision by the BoCC in accordance with the provisions of C.R.S. § 30-28-101(10) shall be exempt from the school land dedication and fee in lieu of dedication requirements of this Code.

(3) **Division of Responsibility.**

(a) **School District Responsibilities.** The appropriate school district shall, pursuant to statute and after review of the subdivision, make recommendations to the Planning Commission and the BoCC concerning the adequacy of provisions for school needs to serve the subdivision. When a subdivision results in lots which are split among more than 1 school district, the school district which will include the largest land area of affected lots or the greatest number of dwelling units is considered the appropriate school district.

(b) **BoCC Responsibilities.** The BoCC shall make the final determination of the method by which the dedication requirement shall be satisfied.

(B) **Criteria for Determining Appropriateness of Dedication.** When reviewing a subdivision, the appropriate school district shall consider the following criteria prior to making recommendation to the Planning Commission and the BoCC concerning the dedication:

- The assurance that areas set aside for schools within the subdivision have been examined for compliance with regional plans, particularly the Master Plan;
- The determination of the population densities which will result from the proposed subdivision and their relations to school needs;
- The assessment of the suitability of proposed land dedications for school uses;
- The examination of the size, shape, topography, geology, presence, and condition of ground cover and timber, condition of soil, drainage, location, access and availability of water to lands proposed for school uses;
- The assurance of the protection of natural and historical features, scenic vistas, watersheds, timber and wildlife; and
- The demonstration of a present or future need for a school site.

(C) **Standards for Dedicated Land.**

(1) **Land Centrally Located and Public Access.** The dedicated school land shall be centrally located and have public access and public road frontage.

(2) **Dedication Reasonably Provides for Future Residents.** The dedication of land shall be reasonably necessary to serve the proposed subdivision's future residents.

(3) **Land Free of Hazards.** The dedicated school land shall be free of hazards that would threaten the safety of those using the land, or be capable of having the hazards eliminated through subdivision improvements.

(4) **Land Served by Required Roads, Utilities and Infrastructure.** The dedicated school land shall be served by the required roads, traffic signalization, utilities, and other public infrastructure necessary to support the use of the dedicated land for schools prior to platting. An SIA and appropriate collateral shall be required in lieu of providing the required facilities prior to filing the plat for recording with the Clerk and Recorder.

(5) **Land to Accommodate Intended Use.** The dedicated school land shall be a single parcel, meet minimum area requirements, and be sufficiently configured to be usable for the intended use.

(6) **School Site Area Standards.** The minimum acreage for the dedication of school sites shall be based on the site area guidelines in Table 8-1.

Table 8-1. School Site Area Guidelines

Type of Facility	Minimum Site Area Required
Elementary schools	10 acres

Junior high schools	20 acres
Senior high schools	45 acres

(D) **Standards for Dedication.** Dedication of land, fees in lieu of dedication, or a combination of land dedication and fees shall be required to meet school needs. The following standards will be employed by the appropriate school district in making recommendations concerning dedication of land or fees in lieu of dedication or a combination thereof and by the BoCC in their decision.

(1) **General.**

(a) **Requirements Independent of Other Contributions.** Applicability of this Section is independent of voluntary contributions or impact fees which may be negotiated between the appropriate school district and the applicant.

(b) **Credit for Joint Use for School and Park Sites.** Joint use or credit for park and school sites may be considered on a case by case basis

(c) **Land Dedication and Fees Not Personal Obligation.** School land dedication or fees in lieu of land dedication are not personal, but are specific to the property being subdivided, and are not transferable to other subdivisions unless alternative arrangements are expressly authorized by the BoCC.

(d) **Resulting Dedication Inadequate for School Site.** Where the subdivision does not generate the required land dedication area for a school site or there is not an acceptable location for a school site within the subdivision, the owner may enter into an agreement for the acquisition of a school site located outside the subdivision so long as the site will reasonably serve the subdivision. The owner shall receive credits against the dedication requirement if approved by the BoCC. The agreement shall be executed by the owner, the owner of the subject property, the guarantor, and the BoCC. The owner shall provide proof of ownership. The agreement shall include a legal description of the property to be dedicated and shall be recorded with the Clerk and Recorder. The agreement shall be binding on the owner's and the owner's heirs, legal representatives, successors in interest, and assigns.

(e) **Type of Dedication at Option of School District.** When dedication of all or portions of required school lands is not deemed feasible or in the public interest, the appropriate school district may recommend to the BoCC 1 of the other options authorized by State Statute and this Code.

(2) **Dedication Requirements.** Dedication of land for school purposes shall be based on the dedication standards in Table 8-2. If in the opinion of the BoCC following the recommendation by the appropriate school district, adequate land for school purposes is not provided by the applicant to meet the demand by the development under consideration, the application may be denied.

Table 8-2. Land Area Dedication Requirements per Dwelling Unit

School District	Area to be Dedicated per Single Family Detached Unit[1]	Area to be Dedicated for Each Other Residential Unit[2]
Lewis Palmer District 38	697 sq. ft.	384 sq. ft.
Academy District 20	697 sq. ft.	384 sq. ft.
Falcon District 49	675 sq. ft.	371 sq. ft.
Widefield District 3	653 sq. ft.	359 sq. ft.
Other Districts	653 sq. ft.	359 sq. ft.

[1] Single Family Detached Unit: A residential dwelling unit completely separate of other units and situated on its own lot. A mobile home subdivision or manufactured home shall be included within this definition for dedication requirement calculation, as well as patio home or townhome where not attached.
[2] Other Residential Units: All other types of residential units not included as single family detached units, including but not limited to attached single family homes, townhomes, condominiums, apartments, and mobile home parks.

(3) **Adjustment to School Land Dedication Requirements.**

(a) **Existing Dwelling Units.** Existing dwelling units shall be excluded from the calculation of the school land dedication requirement if they have previously been included in the calculation for school land dedication unless the lot on which the existing dwelling will be located allows for greater residential density in which case the dedication requirements shall be calculated based on the maximum potential residential density.

(b) **Number of Dwellings Undefined.** When a division of land results in the creation of a new parent parcel where the number of dwelling units is undefined, the maximum density allowed by the zoning district will be used in the calculation of land dedication or fees in lieu of land requirements.

(4) **Fees in Lieu of Land Dedication.** When, after recommendation of the appropriate school district, dedication of all or portions of required school lands is not deemed feasible or in the public interest, the BoCC shall require the payment of fees in lieu of land dedication. The fees in lieu of land dedication shall be established and reviewed each year by the BoCC.

(E) **Guarantee of Future School Land Dedication.** Guarantee of future land dedication may be requested by the appropriate school district when dedication of all or portions of required school lands is not deemed feasible or in the public interest in a particular phase of the subdivision. Prior to or in conjunction with final plat approval, the owner and the BoCC shall enter into an SIA or development agreement in which the applicant guarantees the future dedication of land for school sites. The agreement shall be executed by the owner of the site, the guarantor, and the BoCC. The owner shall provide proof of ownership. The agreement shall include a legal description of the property to be dedicated in a subsequent phase of the subdivision and shall be recorded with the Clerk and Recorder. The agreement shall also be binding on the owner and the owner's heirs, legal representatives, successors in interest, and assigns.

(F) **Reservation of School Sites for Future Acquisition by a School District.**

(1) **Purpose of Reservation.** The purpose of reserving a school site on a plat is to allow flexibility in planning for school needs. When the dedication of land or fees in lieu of dedication or a combination thereof will not be adequate to meet school needs, reservation of a school site for future acquisition may be used to set aside the land needed and to be acquired by the appropriate school district.

(2) **Reservation for 5 Years Does Not Constitute Conveyance.** The reservation of land for school purposes merely sets aside land as specified on the plat for public school purposes for a period of 5 years and does not constitute a conveyance of that land to the BoCC or appropriate school district.

(3) **Reservation Not a Substitute for Dedication.** Reservation of a school site does not operate as a substitute for the dedication of school land and is only an option in addition to the requirements of either the dedication of land or the payment of fees in lieu of dedication of land or a combination thereof.

(4) **Compensation of Owner by School District.** The owner of the property is entitled to compensation by the school district when the appropriate school district elects to take reserved land for school purposes. Acquisition of a reserved school site from the owner shall be the responsibility of the appropriate school district.

(5) **Reserved Land Not to be Used Inconsistently with Reservation.** Until the designation of a site as reserved for school purposes is removed by the County from the plat, the owner shall not utilize the property in a manner inconsistent with the reservation.

(6) **Plat Designation and Plat Note Required.** The owner shall indicate the designated school site on the plat as "reserved for public school purposes for 5 years from the date of recording of this instrument" and shall include a specific plat note referencing the reservation.

(7) **Extension of 5 Year Reservation by Mutual Agreement.** The 5 year period for reservation of school sites may be extended by the mutual consent of the appropriate school district and the owner, or the owner's successors and assigns. The agreement shall be in writing and shall be recorded with the Clerk and Recorder, and a copy of the agreement shall be provided to the PCD.

(8) **Removal of the Plat Restriction Reserving School Land.**

(a) **Before Expiration of 5-Year Reservation.** The designation of land as reserved for public school purposes may be removed from the plat by the County prior to the expiration of the 5-year period utilizing the procedures for amending a plat if mutually agreed to by the owner or the owner's successors and assigns and the appropriate school district.

(b) **Expiration of 5 Year Reservation.** After expiration of the 5 year period, the owner may petition to remove the designation of land as reserved for public school purposes from the plat using the procedures for amending a plat or replatting.

(G) **Transfer of Land and Fees to School District.**

(1) **Transfer of Land to School District.**

(a) **School District Request for Land and Transfer of Land.** The BoCC shall give written notification to the appropriate school district of the dedication. Following notice, an appropriate school district may request the property and shall demonstrate to the BoCC a need for the land. On approval by the BoCC of the school district's request for the land, the property shall be immediately conveyed by the BoCC to the school district. The deed conveying the land to the school district shall include a reverter clause providing that the land shall revert to El Paso County if the land is not used for public school purposes. If a dedicated school site is not requested by the appropriate school district within 20 years from the date of dedication, the BoCC may consider disposal of the dedicated school land pursuant to this chapter.

(b) **Disposal of Dedicated Land.** If a dedicated school site is no longer needed by a school district, the BoCC may sell the land at the request of the appropriate school district. The owner who previously dedicated the school land shall be given the right of first refusal for a 20 year time period from the date the land was dedicated by the owner to the County or school district to purchase all or part of the land, after payment of the current fees in lieu of school land dedication. The proceeds of the sale of dedicated school land shall be held by the BoCC until the appropriate school district demonstrates a need for the use of the fees pursuant to State Statute.

(c) **Request by School District to Transfer Fees.** Periodically, the BoCC shall give written notification of the receipt of school fees to the appropriate school district. A school district may request the fees in accordance with County Policy and shall demonstrate to the BoCC

a need for the use of the fees pursuant to State Statute. On approval by the BoCC of the school district's request for fees, the fees shall be transferred to the school district.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.5.4. Road Dedication and Fees

(A) **Dedication of Right-of-Way.**

(1) **Dedication of Right-of-Way Required.** The owner shall dedicate the entire right-of-way for roads, trails, and other public improvements associated with the division of land in accordance with standards in this Code, the ECM and the MTCP. Dedications shall be shown on the plat and meet the general dedication requirements of this Code. The County requirements regarding Roadway Functional Classification, Roadway Design Criteria, and Access Criteria are included in Chapter 2 of the ECM.

(2) **Subdivision Adjoining Existing Road.** Where the division of land adjoins an existing right-of-way, the ordinary obligation of the owner is for ½ of the required additional right-of-way required by the ECM or the MTCP, if any.

(3) **Section Line Road Dedication.** Where a division of land borders a section line road, the dedication shall include the ownership to the section line.

(4) **Dedication of Half of Road Right-of-Way.** The dedication of ½ of a required road right-of-way is only allowed with the approval of the BoCC where evidence is provided that the owner is unable to secure the entire right-of-way.

(5) **Dedication Modified When Not Proportional to Impact.** Dedication requirements may be modified where the BoCC determines the dedication is not roughly proportional to the impact caused by the division of land.

(B) **Fair Share Reimbursement Fees Paid Before Recording.** Where a Fair Share Reimbursement applies to the subject property, the owner shall submit payment in the amount established by the BoCC to the PCD prior to filing the plat for recording with the Clerk and Recorder.

(Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

8.5.5. Drainage Facilities Dedication and Fees

(A) **Purpose.** The purpose of this Section is to:

- Provide uniform and consistent standards for drainage and bridge facilities and related easements necessary to serve the proposed division of land and implement the provisions of the ECM;
- Implement the provision of BoCC Resolution 99-383 as it may be amended regarding equitable contribution to the total costs of the drainage and bridge facilities in the drainage basin in which the subdivision is located; and
- Implement the provisions of the Master Plan for Drainage Basins of Mutual Concern.

(B) **Dedication of Right-of-Way Required.** The owner shall dedicate the entire easement or right-of-way for drainage improvements associated with the division of land in accordance with this Code and the ECM. Dedications shall be shown on the plat and meet the general dedication requirements of this Code.

(C) **Drainage Basin Fees and Bridge Fees.**

(1) **Drainage Basin Fees Established.** Drainage basin fees shall consist of a drainage fee and, where applicable, a bridge fee. The drainage basin fee schedule, which includes bridge fees, is set by the BoCC. A request to modify a fee requires BoCC approval.

(2) **Fees Paid at Time of Filing of Plat for Recording.** Drainage basin fees shall be paid at the time of filing the plat for recording with the Clerk and Recorder. The required fees shall be those in effect at the time the final plat is submitted for approval.

(3) **Fee Reductions, Credits or Reimbursement for Facilities.**

(a) **Credit for Construction of Planned Facilities.** The owner will be credited for fees related to eligible drainage and bridge facility construction costs when the applicant constructs facilities identified in the applicable drainage basin planning study in accordance with the provisions of this Code, the ECM, and the drainage fee resolution. The mechanism and details for receiving a fee reduction or credit shall either be included within the drainage fee calculation required with the drainage report or within a separate SIA or development agreement, at the discretion of the County.

(b) **Determining Allowable Credits or Reimbursements.**

(i) Reduction of Fees by Cost of Reimbursable Facilities. When the engineer's cost estimate for reimbursable drainage facilities is less than the drainage fees for the subdivision, the amount of the engineer's cost estimate is subtracted from the fees due to obtain the balance due in cash at the time of filing the plat for recording with the Clerk and Recorder.

(ii) Excess Costs Eligible for Credit or Reimbursement. When the engineer's cost estimate for providing reimbursable drainage facilities is greater than the drainage fees due for a subdivision, no cash fees are paid at the time of filing the plat for recording with the Clerk and Recorder. Actual costs of the facilities in excess of the fees due are eligible for credit or reimbursement from the drainage basin fund as funds become available.

If the plat is applicable to only a portion of the ownership and located in the same drainage basin as the remainder of the ownership, the credit for the cost of facilities installation in excess of the drainage basin fees may be credited to the drainage basin fees due at the time of subdivision of the balance of the ownership.

(c) **Determining Fee Reductions and Credit Allowances.**

(i) Lots of 2.5 Acres or Larger. A fee reduction of 25% occurs for those portions of subdivisions that consist entirely of 2.5 acre and larger lots.

(ii) Credit for Small On-Site Ponds. 50% of the reasonable construction cost of small on-site ponds (less than 15 acre-feet) that meet County criteria will be eligible for credits or reimbursements.

(iii) Credit for Large On-Site Ponds. 100% of the reasonable land and construction cost of large on-site ponds that are either required facilities in a drainage basin planning study or an addendum to a drainage basin planning study and that are accepted by the County and paid for other than by the County are eligible for credits or reimbursement.

(iv) Credit for Other Regional Facilities. 100% of the reasonable land and construction cost of other regional facilities that are identified as reimbursable in a drainage basin planning study will be eligible for credits or reimbursements.

(v) Approved Drainage Basin Planning Studies. 100% of the cost of approved drainage basin planning studies will be eligible for credits or reimbursements.

(vi) Credit for Fees Previously Paid. When drainage basin fees for a lot or development have been previously paid and a subsequent development permit results in an increase in the impervious area, the drainage basin fee assessed in association with the development permit shall equal the difference between the current drainage basin fees and the previous drainage and bridge fees paid.

(d) **Appeal of Fee Reduction or Credit Decisions.** The ECM Administrator is responsible for decisions regarding fee reductions or credits. Appeal of a decision shall be in accordance with the applicable provisions of the ECM.

(Res. No. 19-329, Exh. A, 8-27-2019)

8.6. CONSTRUCTION AND ACCEPTANCE OF REQUIRED IMPROVEMENTS

8.6.1. General

(A) **Construction of Common Development and Public Improvements.** The owner shall be responsible for constructing the required common development and public improvements unless otherwise explicitly provided, including roads, drainage facilities, bridges and related structures, utilities, etc.

(B) **Improvements to Division of Land Require Construction Permit.** No common development or public improvements shall be constructed until a Construction Permit and Notice to Proceed have been secured from the ECM Administrator in accordance with the ECM.

8.6.2. Responsibility for Road Construction

(A) **Road Construction to Conform to this Code and ECM.** Roads shall be constructed in conformance with the roadway standards specified in this Code, the ECM, related technical documents, and other applicable County standards, regulations, and ordinances. The County requirements regarding roadway functional classification, roadway design criteria, and access criteria are included in Chapter 2 of the ECM.

(B) **Capital Cost of Adequate Transportation Facilities.** Capital costs for new roadway systems and transportation system improvements directly assignable to the needs generated by the division of land shall be paid by those who would benefit.

(C) **Construction of Required Road Improvements.** The owner is responsible for construction of the road and related improvements necessary to serve the division of land and connect the division of land to existing roads, which may include but are not limited to curbs, gutters, sidewalks, roads, traffic control devices, drainage facilities, drainage structures and trails.

(1) **Internal Roads.** The entire cost associated with construction of the internal roads and related facilities is the responsibility of the owner, including any costs associated with the construction of a road with an arterial classification or below as identified in the MTCP, the TIS, or both, which is located entirely within the division of land.

(2) **Adjacent Roads and Related Improvements.** Where an existing County road must be extended to serve the division of land, the owner of the division of land shall pay the entire cost of the extension. For review purposes, the improvements shall be considered a part of the division of land.

(3) **Half Road Construction.** If ½ of a required road right-of-way is approved for dedication, the entire road cross-section may be required to be constructed in the dedicated half if approved by the ECM Administrator.

(4) **Railroad Grade Separations Required.** Where railroad crossings are proposed or are affected, provisions for grade separation, buffer strips, and safety protection devices shall be provided by the owner. Obtaining approval from the affected railroad company and the Colorado Public Utilities Commission, where applicable, shall be the owner's responsibility.

8.6.3. Responsibility for Drainage Improvements

(A) **Owner Responsible for Drainage Improvements.** The owner shall construct the required drainage, bridge, and related structures. Drainage, bridge, and related structures shall be constructed in conformance with ECM requirements.

(B) **Extension of Facilities Outside Boundaries of Subdivision.** Where drainage structures must be extended to or beyond the subdivision, the owner shall pay the entire cost of the extension, subject to appropriate reimbursement provisions of the Drainage Fee Resolution and the drainage criteria. For review purposes, the improvements shall be considered a part of the division of land, shall be included in the surety estimate, and shall be constructed to County standards. If the owner is not authorized to extend drainage facilities beyond the owner property, the owner shall redesign the drainage plan in conformance with the ECM.

8.6.4. Acceptance of Public Improvements

(A) **Acceptance of Public Improvements Required Before Maintenance Begins.** The BoCC shall withhold public maintenance of rights-of-way, easements or public improvements that have not been accepted by the BoCC in accordance with the provisions of the ECM and this Code.

(B) **County Acceptance of Public Improvements.** The ECM provides an acceptance process and warranty period for new or upgraded public roads, drainage facilities, and other improvements. The acceptance process requires financial surety to ensure that the public will not be forced to bear the cost of maintaining or correcting inadequately designed or constructed improvements.

8.7. PUBLIC INFRASTRUCTURE FINANCING PROVISIONS

8.7.1. Off-Site Road Studies, Plans and Impact Assessments

This section has been replaced by the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any amendments thereto.

(Res. No. 15-461, Exh. A, 11-24-2015; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019; Res. No. 19-330, Exh. A, 8-27-2019)

8.7.2. Cost Recovery for Off Site Improvements

(A) **General.**

(1) **Purpose.** The purpose of this Section is to state the conditions and procedures under which an applicant subdivider may be required to reimburse requestor subdivider for a fair share of the cost of certain improvements that the County required to have installed as part of the development approval, and which improvements would benefit the proposed development.

(2) **Applicability.** This section shall apply to applications for divisions of land which fall under the definition of "subdivision" and to development applications and actions that fall within the purview of this Code.

(3) **Retroactive Application.** A requestor subdivider may apply for a fair share reimbursement for any plat, including any amendment thereto, approved by the approval authority and recorded on or after August 8, 2001. A request for a fair share reimbursement shall only be applicable, however, to an applicant subdivider's petition for final plat approval that is accepted as a complete submittal by the PCD on or after the date of approval of the requestor subdivider's plat.

(B) **Eligibility.**

(1) **Improvements that May be Eligible for Cost Recovery.** An improvement may be eligible for cost recovery if it is adjacent to the applicant subdivider's subdivision or the applicant subdivider's subdivision receives the presumed use of the improvement. An improvement located within the boundary of the requestor subdivider's subdivision may also be eligible for cost recovery.

(2) **Right to Apply for Cost Recovery Approved by PCD Director.** Whether a requestor subdivider may apply for cost recovery is an administrative decision to be made by the PCD Director.

(3) **Assignments.** Unless the instrument of assignment provides otherwise, the assignee shall have the same rights and obligations as the assignor. The instrument of assignment shall be in writing signed by the assignor and assignee, and each signature shall either be acknowledged or subscribed and sworn before a notary public. The instrument of assignment shall provide a full and complete description in clear and plain language of the rights being assigned. The PCD Director shall have the sole and complete discretion to accept or reject the instrument of assignment.

(4) **Metropolitan Districts, Local Improvement Districts, Regional Transportation Authorities, or Similar Governmental Entities.** A metropolitan district, local improvement district, regional transportation authority, or similar type of governmental entity may qualify as a requestor subdivider when a document under the subdivision approval process identifies the metropolitan district, local improvement district, regional transportation, or similar type of governmental entity as being responsible for the installation of an improvement. The metropolitan district, local improvement district, regional transportation authority, or similar type of governmental entity may seek fair share reimbursement as an assignee of requestor subdivider.

(5) **Limits to Cost Recovery.** Under no circumstances may a requestor subdivider recover more than the actual costs incurred for the improvement less the actual costs of improvement attributable to use by the requestor subdivider's subdivision.

(6) **Ineligibility to Pursue Cost Recovery.** A requestor subdivider is not eligible to seek fair share reimbursement if the PCD Director determines that there is another procedure under this Code that enables the requestor subdivider to otherwise receive a fair share reimbursement for the cost of an otherwise eligible improvement.

(C) **Approval and Effect of Private Agreements.**

(1) **Allowed and Limited Rights to Seek Cost Recovery.** Nothing prohibits a requestor subdivider and an applicant subdivider from entering into a private agreement for the recovery of the fair share reimbursement; however, a private agreement renders a requestor subdivider ineligible to seek cost recovery for the relevant improvement with respect to property that is the subject of a private agreement.

(2) **Private Agreement to be Reviewed and Approved by PCD Director.** A private agreement considered for review by the PCD shall be in a writing signed by the requestor subdivider and the

applicant subdivider, or benefited property, and each signature shall either be acknowledged or subscribed and sworn before a notary public. The private agreement shall provide a full and complete description in clear and plain language of the rights and obligations contained in the private agreement. The PCD Director shall have the sole and complete discretion to accept or reject a private agreement.

(D) **Process for Request and Approval of Fair Share Reimbursement.**

(1) **Application for Fair Share Reimbursement.** A requestor subdivider seeking fair share reimbursement for the costs of an improvement shall file a cost recovery statement, which shall include the submittals required below, with the PCD no earlier than the date of final plat approval and no later than 1 year after the date of completion of the improvement. Different improvements in a subdivision may have different application dates and different application deadlines. Furthermore, there may be multiple applications per subdivision, but under no circumstances shall a requestor subdivider be entitled to submit more than 1 application for a particular improvement. The requestor subdivider shall submit the following with the cost recovery statement:

- A clear description and drawing of the improvement together with an itemized statement of the total actual costs of the improvement together with copies of paid receipts or other evidence of payment of the costs. This does not preclude preparation of a cost recovery statement based upon estimated costs;
- A statement, report, or study, including supporting data, prepared or certified by a professional engineer or other professional in the relevant field, that expresses the maximum and net remaining capacity of the improvement in quantitative terms generally accepted by professionals in the relevant area of expertise and consistent with any procedures maintained by the County;
- A calculation that relates the quantitative measurement derived per the requirements of the above-stated paragraph to a dollar cost per the quantitative measurement. For example, in the case of a road the amount should generally be expressed in terms of dollar cost per ADT or similar terms; and
- A list of all properties, identified by address (if available), legal description, and tax parcel number, to which the requestor subdivider may desire to make a request for fair share reimbursement, any of which hereinafter shall be referred to as a potential benefited property, together with a scaled drawing or survey establishing the location of the relevant improvement in relation to these properties. For all properties, a list of the names and mailing addresses of the property owners, any of which may be referred to as a potential benefited property owner. For purposes of determining a property owner's address, the requestor subdivider may use the most current records of the El Paso County Assessor's Office.

(2) **Request Based on Estimated Cost of Improvement.** A requestor subdivider may submit a request for fair share reimbursement based only upon the estimated costs of an improvement. The estimated costs of an improvement shall be the those established for the improvement in the surety estimate associated with the SIA, exclusive of any percentage of overage (i.e. contingency) required by the County.

A requestor subdivider that has selected the estimated cost approach may change that selection to actual cost approach; however, in changing the selection, the requestor subdivider shall follow the procedures as if submitting a new request for fair share reimbursement. Furthermore, in changing the selection, the requestor subdivider shall not be entitled to seek fair share reimbursement from an applicant subdivider who received a final determination of fair share

reimbursement or from the owner of any property that is no longer subject to cost recovery due to the passage of time.

(3) **Review of Cost Recovery Statement.** The PCD Director shall review the cost recovery statement. The review shall include, but is not limited to, an analysis of the following: the accuracy and veracity of the costs, the reasonableness and appropriateness of the costs; a comparison of the costs to prevailing rates; consistency of the cost recovery statement with technical and professional standards, in order to generally assure that the cost recovery statement does not disproportionately or inequitably attempt to shift the cost of constructing the improvement to other property owners; and general conformance with the requirements of this Section. The PCD Director may request additional information from the requestor subdivider. A request for additional information shall be made within 30 days after submission of the cost recovery statement and the requestor subdivider shall have 30 days following the date of the request to submit the additional material requested.

(4) **Initial Notice to Potential Benefited Property Owners.** Within 10 days after submission of the cost recovery statement to the PCD, the PCD Director shall prepare a notification to potential benefited property owners.

(5) **Approval or Denial of Cost Recovery Statement.** Within 60 days after submission of the cost recovery statement, or within 30 days after the receipt of the requested additional materials, whichever is later, the PCD Director shall prepare and issue a written determination, which includes a description of the reasons for the determination, to: (1) approve the cost recovery statement as submitted, or (2) approve the cost recovery statement with adjustments, or (3) deny the cost recovery statement because of failure to produce required or requested materials or because the improvements do not provide benefits to other property owners.

(6) **Notice of PCD Director Decision.** As soon as practicable after making its determination, the PCD Director shall send the written determination to the requester subdivider and to each potential benefited property owner. The PCD Director shall include with the written determination a notice of right to appeal to both the requester subdivider and any benefited property owner.

(7) **Notice of Fair Share Reimbursement Recorded.** As soon as practicable after the issuance of the BoCC's final determination upon appeal, or, if no appeal is taken, after the expiration of the period for appeal from the determination of the PCD Director, the PCD shall prepare and record a Notice of Fair Share Reimbursement in the chain of title for each benefited property. The PCD shall mail a copy of the recorded notice to the requester subdivider and each benefited property owner.

(E) **Notification.**

(1) **Notification by Mail.** Whenever a notice or a mailing is required, the notice shall always be sent to the person or entities both by first class mail, postage prepaid return receipt requested, and by first class mail, postage prepaid. Notice shall be deemed received when mailed. In the event the last day for giving or receiving notice falls on a day when PCD is not open for business, the last day shall be deemed to extend to the next business day in which the PCD is open for business.

(2) **Address to be Used for Notice.** Notice to a potential benefited property owner shall be sent to the address in the El Paso County Assessor's Office current property records. Notice to a requestor subdivider shall be sent to the last known address of the requestor subdivider provided with the request for fair share reimbursement. Notice to any applicant subdivider shall be sent to the address in the PCD files for the relevant subdivision.

(3) **Burden to Keep County Informed of Current Address.** It is the obligation of the requestor subdivider and applicant subdivider to keep the PCD informed of a current mailing address. The

sole and exclusive method to keep the PCD informed is to mail an address notification to the PCD. The notice shall reference the relevant file number for the requestor subdivider or applicant subdivider. The absence of address notification in a requestor subdivider or applicant subdivider file at the PCD shall be conclusive proof that the notice was not received.

(F) **Appeal.**

(1) **Notice of Appeal.** The requestor subdivider or any benefited property owner may appeal the decision of the PCD to the BoCC by filing a written request for appeal in accordance with the Procedures Manual and this Code. In order to be considered for appeal, the notice of appeal shall be received by the PCD no later than 30 calendar days after the date of mailing of notice of the PCD Director's determination.

(2) **Notice of Hearing.** The PCD Director shall set the matter for hearing before the BoCC, which hearing shall be held in an open and public meeting no later than 45 calendar days after the PCD receives a copy of a notice of appeal. The PCD shall send notice of the hearing to the requestor subdivider and each potential benefited property owner.

(3) **BoCC Hearing Procedure.** The hearing shall be de novo. At the hearing, the PCD, the requestor subdivider, and any benefited property owner shall be entitled to present evidence or comments to the BoCC. The BoCC shall make its findings and determinations on the public record. No later than 30 calendar days after the hearing, the BoCC shall issue its written findings and determinations as found on the record. In making its determination, the BoCC shall generally consider the factors set forth in the review of cost recovery statement.

(4) **Notice of BoCC Determination.** The PCD shall send a copy of the BoCC's final determination to the requestor subdivider and each property owner who was originally noticed.

(5) **Review of BoCC Determination.** The benefited property owner and the requestor subdivider's sole and exclusive remedy concerning the BoCC's final determination shall be to seek a judicial review of the decision.

(6) **Limit of Effect of Request for Judicial Review.** Although a regulation enacted by the BoCC cannot generally bind a court of competent jurisdiction, it is the intent of the BoCC in the adoption of this Section that disputes concerning the amount of fair share reimbursement should not result in an order prohibiting final plat approval or recording of the final plat; disputes should only result in the applicant subdivider depositing a sum certain or other security in the registry of the relevant court in the approximate amount of the disputed fair share reimbursement. The purpose of these provisions is to assure that the applicant subdivider receives the protections guaranteed to it by the United States Constitution, and specifically the protections guaranteed by the decisions of the United States Supreme Court.

(G) **Payments, Interest and Duration of Cost Recovery Obligations.**

(1) **Reimbursement Limited to 15 years.** A requestor subdivider is only entitled to receive a fair share reimbursement from an applicant subdivider for a period not to exceed 15 years from the date of completion of the improvement.

(2) **Amount Due for Fair Share Reimbursement.**

(a) **Calculation of Fair Share Reimbursement.** In the final plat approval process for the applicant subdivider's subdivision, the extent of the applicant subdivider's usage of the relevant improvement shall be determined. The extent of this usage shall be multiplied by the rate determined and stated in the Notice of Fair Share Reimbursement. The requestor subdivider shall be entitled to simple interest on this amount at the rate of 8% per annum, calculated from the date of recording of the Notice of Fair Share Reimbursement.

(b) **Studies Required to Determine Usage of Improvement.** As a condition of allowing an applicant subdivider's subdivision to proceed to a hearing on final plat approval, the PCD Director shall require the applicant subdivider to submit a statement, report, or study, including data in support thereof, which should be prepared or certified by a professional engineer or other professional in the relevant field, concerning the applicant subdivider's subdivision's anticipated use of the improvement, which proposed use shall be stated in a quantity consistent with the rate established in the Notice of Fair Share Reimbursement for the relevant Improvement.

(3) **BoCC May Limit Obligation.** If supported by the evidence provided by the applicant subdivider, the BoCC shall have the right to make a determination that the applicant subdivider's subdivision does not make use of the improvements and is therefore not under an obligation to pay a fair share reimbursement to the requestor subdivider,.

(4) **Hearing Concerning Requestor Subdivider's Request for Reimbursement.**

(a) **Notice of Hearing.** At least 14 days before the date of the hearing before the Planning Commission and the BoCC, the PCD shall send notice of the hearing to the requestor subdivider.

(b) **PCD Director's Recommendation Presented.** At the hearing, the PCD shall present the PCD Director's recommendation pursuant to the fair share reimbursement obligation of the applicant subdivider. The applicant subdivider and the requestor subdivider shall also have an opportunity to present evidence and comment concerning the proposed subdivision's anticipated use of the relevant improvement.

(c) **BoCC Findings and Determination.** The BoCC shall make a findings and determination concerning the applicant subdivider's subdivision's anticipated use of the improvement and the applicant subdivider's fair share assessment at the hearing on the applicant subdivider's final plat. The BoCC findings and determination shall be final on the matter. The applicant subdivider's and the requestor subdivider's sole and exclusive remedy concerning the BoCC's final determination shall be to seek a judicial review of the decision.

(5) **PCD Director Actions Upon Receipt of Funds.** Upon receipt of the funds, the PCD Director shall record a Notice of Release of Claim for Fair Share Reimbursement in the chain of title for each relevant benefited property. The PCD Director shall send a copy of the recorded Notice of Release to the applicant subdivider and the requestor subdivider. The PCD Director shall then mail the amount received to the requestor subdivider. After mailing the amount received, the PCD shall record in the chain of title for the relevant property a Release of Notice of Fair Share Reimbursement. In the event that the release is only for a partial release of a property, the PCD Director shall consult with the CAO before preparing or recording a release. In the event that a title company, etc. requests a different release than as set forth in the Procedures Manual, the PCD Director shall consult with the CAO before preparing, executing, or recording any other release. The PCD Director shall provide a copy of the recorded release to the requestor subdivider and the applicant subdivider.

(6) **Return of Funds.** In the event the mailing is returned to the PCD, the PCD Director shall have the discretion to either deposit the funds to the Great Colorado Payback Program, C.R.S. §§ 30-13-110, et seq., as amended, or to interplead the funds in the Registry of the El Paso County District Court.

(H) **Release of Notice of Fair Share Reimbursement After Expiration of 15-Year Period.**

(1) **Filing of Release.** Upon the expiration of the 15-year period following the date of completion of a particular improvement, the PCD Director shall prepare and record in the chain of title for the

relevant property a Release of Notice of Fair Share Reimbursement. The PCD Director shall mail a copy of the recorded release to the requester subdivider and any benefited property owner not previously released from any obligation related to that improvement.

(2) **Erroneously Recorded Release.** In the event a Release of Notice of Fair Share Reimbursement is erroneously recorded, erroneous release shall not exempt the property from performance of its obligations. The property shall perform its obligations as the recording of the Notice of Fair Share Reimbursement is merely a statement that a unique government land use regulation may apply to a property; the Notice is thus not a lien or any other type of encumbrance on the chain of title for the property.

(3) **Effect of Release Upon Re-Subdivision/More Intensive Development.** The Notice of Fair Share Reimbursement recorded in the chain of title is not an encumbrance upon real estate; it is merely a notice that the property may be subject to a local land use regulation. Accordingly, the fact that a Release of Notice of Fair Share Reimbursement may have been recorded for a particular property, shall not preclude the particular property from being subject to obligation to participate in a fair share reimbursement upon a re-subdivision of the particular property to a higher density or more intensive development.

(Res. No. 15-461, Exh. A, 11-24-2015; Res. No. 17-374, Exh. A, 12-12-2017; Res. No. 19-329, Exh. A, 8-27-2019)

APPENDIX D
LANDSCAPING AND PLANTING MANUAL[90]

BASIS FOR LANDSCAPING PLANS

Purpose of this Manual

This Landscaping and Planting Manual supplements the landscaping, buffering, and screening requirements established by the El Paso County Land Development Code (LDC). This Manual includes policies, explanations, examples and illustrations of methods that can be used to help an owner comply with the requirements of the LDC.

This Manual provides information concerning the development and maintenance of landscaping for both private property and public rights-of-way whether required by the LDC or otherwise proposed as part of a development. This Manual also provides information to help ensure appropriate buffering and screening is provided between differing land uses to enhance compatibility.

It is the intent of El Paso County that the information presented in this Manual will help ensure landscaping will:

- have an increased survival rate;
- require minimal maintenance;
- provide the greatest benefit for the dollars spent;
- work with and compliment the natural environment; and
- encourage water conservation.

[90]Editor's note(s)—Printed herein is the Landscaping and Planting Manual for El Paso County adopted by Res. No. 24-76, Feb. 8, 2024. This manual has been codified at the direction of the county. See Code section 6.2.2, Landscape Requirements.

Applicability and Relationship to the LDC

This Manual supplements the requirements of the LDC and provides suggestions concerning the best practices to implement the provisions of the LDC. The LDC is the regulatory document that defines the minimum requirements for landscaping with respect to landscape area, size and types of plantings, number of plants, and location of landscape areas. The provisions of the LDC specifically applicable to landscaping have been included in Appendix A to assist the user of this Manual.

Property Rights and the Value of Landscaping

El Paso County recognizes that landscaping can be a significant expense to businesspeople and residents. At the same time, vegetation enhances property values, and attracts customers to businesses; provides a quality environment for tourists and residents; reduces stormwater runoff rates and volumes and mitigates water quality concerns in accordance with State and Federal requirements; and controls dust in support of Federal and local requirements. Landscaping also improves the livability of residential neighborhoods, improves the compatibility of adjacent uses, screens undesirable views, contributes to the image and appeal of the overall community, and can reduce noise pollution. Landscaping also supports ecological systems and helps to protect critical species (pollinators, etc.). Landscaping reduces pollution and serves to lessen the effects of urban heat sink effect in dense urban residential areas. The intent of this Manual is to achieve a reasonable balance between the right of individuals to develop and maintain their property in a manner they prefer and the rights of residents of the community to live, work, shop, and recreate in pleasant and attractive surroundings.

Water Resources and Landscaping

El Paso County is in a semi-arid, high plains and foothills environment, which dictates the use of water-conserving, hardy, or indigenous plants. Regardless of the type of plant materials used, nearly all landscaping in El Paso County requires supplemental water to survive, particularly while it is being established. However, the appropriate selection of plants can minimize the need for supplemental watering. It is even possible to install landscaping that can be maintained during times of drought, during watering restrictions, or where irrigation is not allowed. Drought resistant and drought-tolerant plants, plus other water, soil, and conservation techniques identified in this Manual, provide the opportunity for decreased development and maintenance costs, while achieving the intent of the County's landscape requirements.

Stormwater and Landscaping

This Manual encourages the use of required landscape areas to manage stormwater. New and innovative techniques to blend stormwater management and landscape areas are encouraged and could result in the approval of modifications in the placement of landscape materials.

Goals and Implementation

The goal of this Manual is to allow owners to take advantage of realistic and sensible design options in complying with the landscaping provisions of the LDC. In furtherance of this goal, this Manual provides flexibility in landscape design and establishes a program whereby an owner can get credit for:

- the retention of existing vegetation;
- habitat conservation in riparian areas or other native areas; and
- paved pedestrian plazas that meet certain design criteria.

This Manual also recognizes the difficulties associated with landscaping industrial areas or small lots by allowing off-site landscaping.

Updates of this Manual

This Manual is maintained as a resource document by the Planning and Community Development Department (PCD). This Manual was endorsed by the Board of County Commissioners (BoCC) on_____. The BoCC in its endorsement has authorized the PCD to maintain, update and enhance the Manual from time to time to assist owners in preparing landscape plans that conform to the requirements of the LDC.

Additional Information

Additional information concerning these standards can be obtained by contacting the PCD. Additional information on xeriscape principals can be found at:

- *www.xratedgardening.com*
- *www.denverwater.org*
- *www.csu.org/xeriscape*
- *www.xeriscape.org*

When Landscaping is Required

The LDC identifies when, where, and how much landscaping is required in commercial, office, industrial, and residential projects. Appendix A includes the applicable landscape provisions of the LDC.

Engineering Criteria Manual Landscape Provisions

The Engineering Criteria Manual (ECM) contains construction and post-construction soil stabilization and water quality protection requirements that may be more prohibitive than the landscaping requirements contained in the LDC.

GENERAL GUIDELINES

The following general guidelines should be considered in all situations where landscaping is required by the LDC.

Vegetation

Mimic Nature

Plants that mimic and blend with the surrounding natural landscape should be used. For example, the Black Forest should emphasize conifers, while the High Plains should emphasize rolling landforms and shrubs.

Consider All 4 Seasons

4 season effectiveness (evergreens, persistent seed heads or berries, and dense forms) should be included in every landscape design.

Locate Plants with Similar Needs Together

Plants with similar water needs should be located next to each other.

Accommodate the Growth Habit of Each Plant

Plants should be placed in locations that are appropriate for their growth habit: shade vs. sun, height and spread vs. available space, etc.

Use Xeric Vegetation

Xeric vegetation should be used in order to conserve water, minimize maintenance costs, and enhance survival. Appendix B provides a list of suggested drought-tolerant and drought-resistant plants. Other species may be acceptable if they meet xeric principals and are proven to thrive in El Paso County's climate. High water use plants should be minimized or eliminated.

Whenever possible, group plants by water, soil, and sun needs.

Preserve Existing Vegetation

Native vegetation or other vegetation that generally conforms to the requirements of the LDC and the guidelines provided in this document should be preserved whenever possible, and may be used, in whole or part, to meet landscaping required by the LDC, depending on the effectiveness of the existing landscaping in achieving the County's landscape goals and its ability to be protected and maintained.

Avoid Clustering of Evergreens Under Certain Conditions

The clustering of evergreens may not be advisable in instances where their location (south side of a road) would cause unsafe conditions such as ice or snow build-up due to winter shading and lack of sun exposure. In this instance, the use of shrubs may be most appropriate.

Spacing of Trees

The minimum number of trees required in any circumstance is not meant to force specific plant spacing on an "on-center" basis. The owner has flexibility to group or cluster trees and is encouraged to vary the spacing and distance between trees and shrubs. Trees and tall shrubs should be clustered in locations where they can provide the greatest mitigation for land uses, enhance views, or create points of interest.

Wildflowers Discouraged as Groundcover

Wildflowers are not recommended as ground covering due to the relatively high chance of bare areas.

Native Grasses or Xeric Turfgrasses Encouraged for Rural Areas

Native grasses or xeric turfgrasses are encouraged in rural areas, rather than bluegrass sod.

Planting Space

All planting areas should be designed such that the plant species selected have adequate area for growth.

Conflicts with Sight Distance and Sight Triangles

The ECM provides standards for landscaping to maintain sight distances. Generally, landscaping within a sight distance triangle should not exceed 24 inches in height. Trees that are limbed up to 6 feet above the ground are also generally acceptable. Check with the Department of Public Works Development Services to propose shrubs or trees in a sight distance triangle.

Noxious or Invasive Species Not Allowed

Noxious or invasive species are not allowed. A list of noxious or invasive species is provided in Appendix C. An updated list is available from the Community Services Department, Environmental Division.

Species of Trees Limited In or Near ROW

The planting of Acer negundo, Salix sp., and most Populus sp. trees in or near rights-of-way should be limited because of their invasive roots which cause problems with utilities and roads; and due to their weak branches.

Clumps of Trees for Screening Encouraged

Clumps of trees are encouraged for screening purposes, instead of single-trunk trees. However, each clump will be counted as only 1 of the trees required by the LDC, unless determined otherwise by the PCD Director smaller caliper trees may be used for clumping purposes.

Avoid Interference with Utilities and Hydrants

Landscaping should not interfere with the general function, safety, or acceptability of any gas, electric, water, sewer, telephone, or other utility easement or conflict with criteria established or adopted by a fire department. Advice should be sought from the Fire Authority before installing landscaping adjacent to fire hydrants. Landscaping exceeding 8 inches in height within 3 feet of a hydrant is prohibited by the LDC.

Avoid Interference with Sidewalks and Roads

The location and spacing of trees and plant materials should allow for the growth characteristics of the plants without adversely affecting the maintenance of structures, walks, drives, or vehicular and pedestrian traffic.

Irrigation and Soil Preparation

Irrigation Systems

Irrigation systems should use the most current water-saving technology. Drip irrigation should be used whenever possible. Overspray from sprinkler systems onto paved surfaces should be avoided. Irrigation maintenance budgets should be prepared to ensure optimal water use for plant survival.

Soil Preparation

Soil should be amended to increase water retention and organic content for plant health and vigorous growth.

Retaining Walls and Slopes

Retaining walls higher than 4 feet may be appropriate in areas where special grading conditions exist. Retaining walls should be visually softened by the planting of trees and shrubs to avoid a continuous, monotonous effect and should also be "stepped" in 4-foot maximum height increments to slow water runoff and provide planting areas. Except where necessary to convey stormwater as part of an overall site design, slopes should not generally exceed 3:1. Appropriate safeguards and appropriate trees should be selected in order to prevent the undermining of the retaining walls. Root guards are required for trees.

Determining Project Area

In instances where an entire parcel or lot is not used for the proposed development, the project area may be determined to be less by the PCD Director. The minimum landscaping requirements may apply to just that project area; however, if additional landscaping (including buffering or screening) is necessary due to certain circumstances, the PCD Director may require that landscaping.

Buffering/Screening

Buffers to Reflect Character of Site

Buffer design should reflect the unique site and land use situation for each project. In any case, 4-season effectiveness should be achieved for all buffering and screening areas.

Required Opaque Structures

Any required opaque structure, including dumpster screening, should be integrated with the overall project architecture. For example, if the main building is stucco, the screening walls should be stucco to match.

Screening Fence Design

Fences should provide texture or design, such as offsets or changes in materials, to avoid a monotonous appearance. Fences should be soundly constructed and maintained.

ROADWAY LANDSCAPING

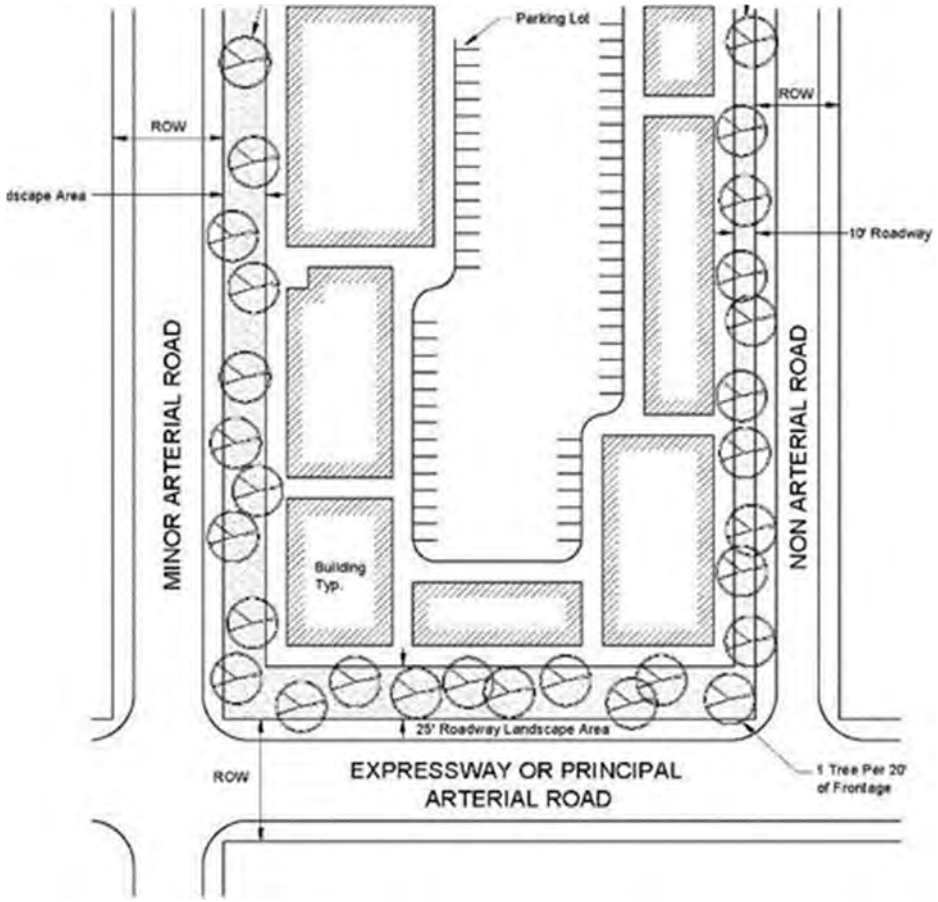
Purpose

Sites adjacent to roads are highly visible. Landscaping contributes to a positive image and the visual appeal of the County, provides noise and glare mitigation, summer cooling and shade, enhances water quality, and provides compatibility with adjacent properties. A strong emphasis should be placed on the landscape treatment along the road, especially emphasizing water conservation and surrounding landscape context, to afford pleasant visual experiences from these corridors.

Minimum Roadway Landscaping Areas

The minimum roadway landscaping areas are identified in the LDC. Urban grade-separated intersections, as identified on any adopted maps or plans including the MTCP (Powers Boulevard, Marksheffel Boulevard, etc.) should accommodate the required 25-foot roadway landscaping area beyond the area to be reserved for an urban interchange. The timing of the interchange is not a factor in determining the location/need for the roadway landscape area.

Roadway Landscaping Area Depths Vary Based on Roadway Classification



Roadway Landscaping Guidelines for Rural Areas

Location of Landscaping Materials within Roadway Landscaping Area

Policies and Explanations

PARKING AREA SCREENING AND LANDSCAPING REQUIREMENTS

Recommended Material Types

The lowest water use vegetation and durable materials are highly encouraged due to the harshness of parking area environments. Materials should be chosen that are contextually appropriate: boulders and conifers in mountainous areas; berms and conifers in the Black Forest; berms and native shrubs in the High Plains. A combination of low, decorative walls and street trees may be most appropriate in urban areas.

Design of Parking Area Landscaping

Parking areas should incorporate landscape features to break up and dilute the expanses of paving. Vegetation can also improve water quality, and parking area islands can serve as detention or water quality areas. Landscaping and buffering can be utilized to increase site aesthetics, property values, and attractiveness to customers; to visually decrease the scale of the parking areas; to provide shade for the pedestrian and parked vehicles; to reduce glare and heat; to separate and organize circulation systems; to provide openings in impervious surfaces for drainage and infiltration of ground water; to reduce glare from headlights; and to separate and screen uses.

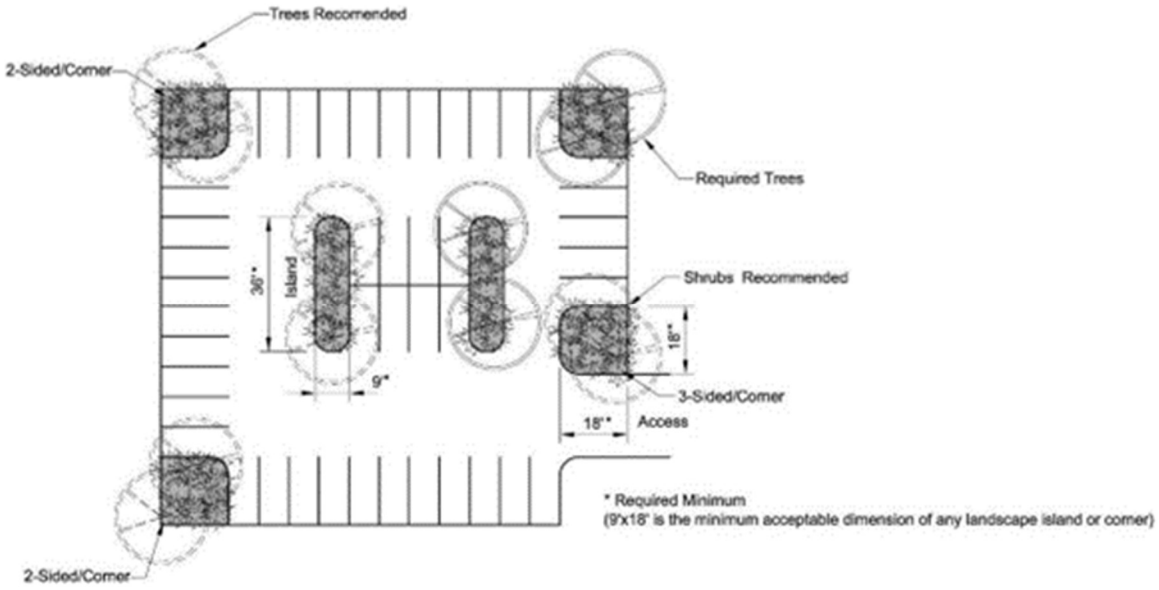
Parking Area Islands

The following standards generally apply to the use, placement, and landscaping of parking area islands. Parking lot islands, corners, and fingers are all considered parking area islands:

- 1 parking area island shall be provided for every 15 parking spaces.
- Each island should be a minimum of 2 parking spaces in size (18' x 18' or 9' x 36')
- Each island should have a minimum of 2 low-water trees and 10 low-water shrubs less than 36" tall, plus mulch.
- Appropriate mulch (e.g., bark or rock) should be used in areas not covered by living groundcover.
- Large boulders (3' max. height x 4' minimum length) may be substituted for some of the recommended shrubs. (No more than 50% replacement allowed.)
- Bluegrass sod or non-xeric turfgrasses are discouraged.
- Tall (greater than 18") ornamental grasses that persist through winter are considered shrubs.
- Parking area islands should be utilized at the end of parking rows both as a means to contain parking area trees and other landscape materials and to provide separation and delineation between drive aisles and parking stalls.

The figure below provides some recommendations concerning the use of islands and plantings. Islands and corners should be used to guide traffic, break up large expanses of paving, or control stormwater.

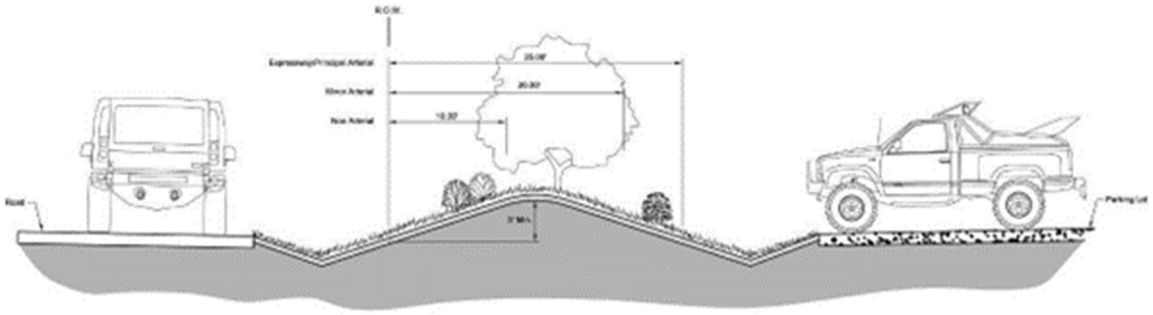
Typical Landscaping and Placement of Parking Area Islands



Depressed Parking Area Islands

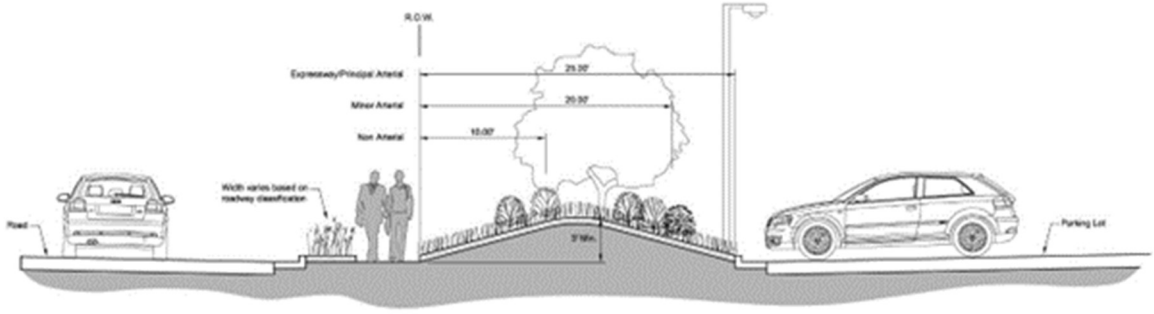
Parking Area Screening

Rural Parking Area Screening Using Berms to Achieve 3 Foot Screen

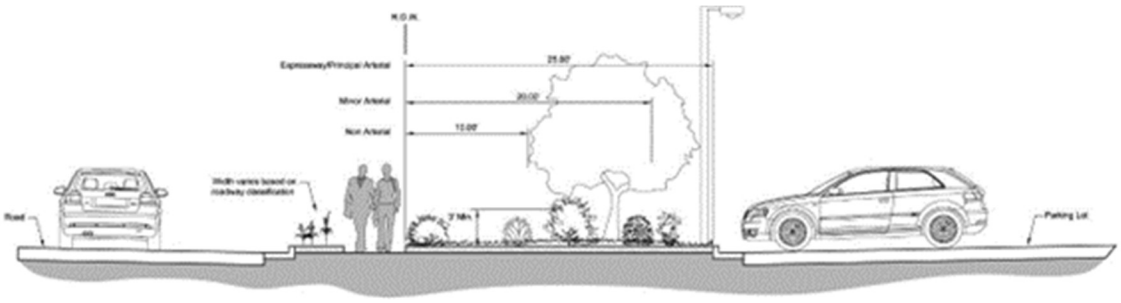


Urban Screening along Road Frontage

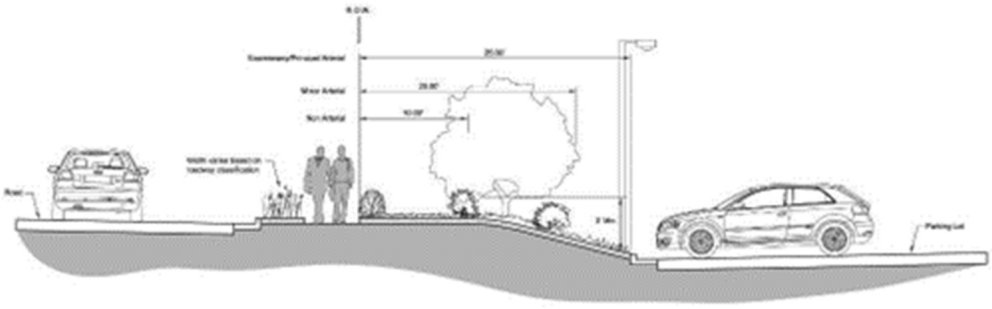
Urban Parking Area Screening Using Berms to Achieve 3 Foot Screen



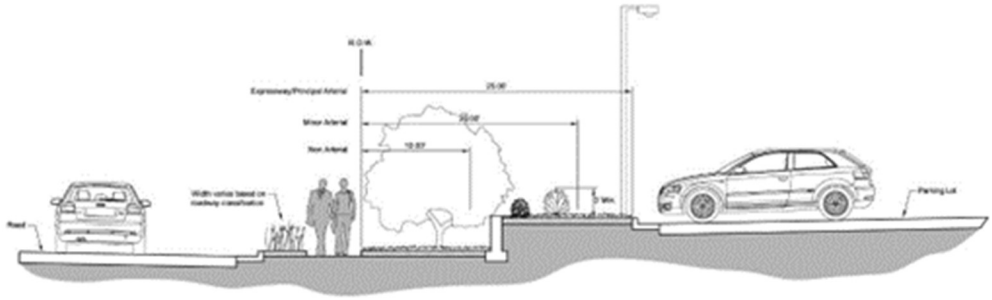
Urban Parking Area Screening Using Vegetation to Achieve 3-Foot-High Screen



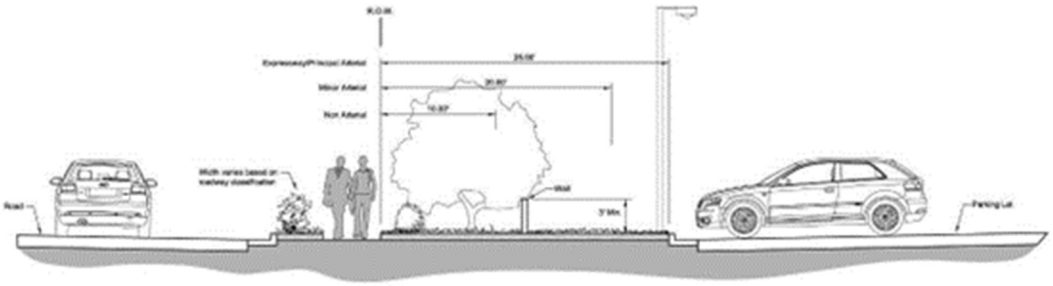
Urban Parking Area Screening Using Slope to Achieve 3-Foot-High Screen



Urban Parking Area Screening Using Vegetation to Achieve 3-Foot-High Screen



Urban Parking Area Screening Using Wall to Achieve 3-Foot-High Screen



Parking Area Frontage

Parking Area Screened to a Height of 3' for at Least ⅔ of the Length.

Parking Area Landscaping Policies and Explanations
Visual Character

Other Plant Types

Reference Elevation for Screen

Screening Applies Where Parking Area is Visible

Reductions in Parking Area Screening or Islands

BUFFER AND SCREEN AREAS BETWEEN DIFFERING USES OR ZONE DISTRICTS

Purpose

Buffering and screening is used to block displeasing views; reduce noise, odors, glare, and dust; mitigate traffic; protect residential privacy; and reduce trespassing. Buffering and screening can also make uses more compatible, such as with Special Uses.

Between similar uses, buffering and screening (perimeter landscaping) can help identify parking areas and property boundaries.

Water Conservation

Water conservation can be incorporated into buffer and screen areas. Swales can be used to direct water to planted areas to minimize irrigation needs and detention pond volumes, the use of appropriate plant materials can conserve water and minimize maintenance costs, and the creative use of a variety of plants will provide 4-season interest and effectiveness.

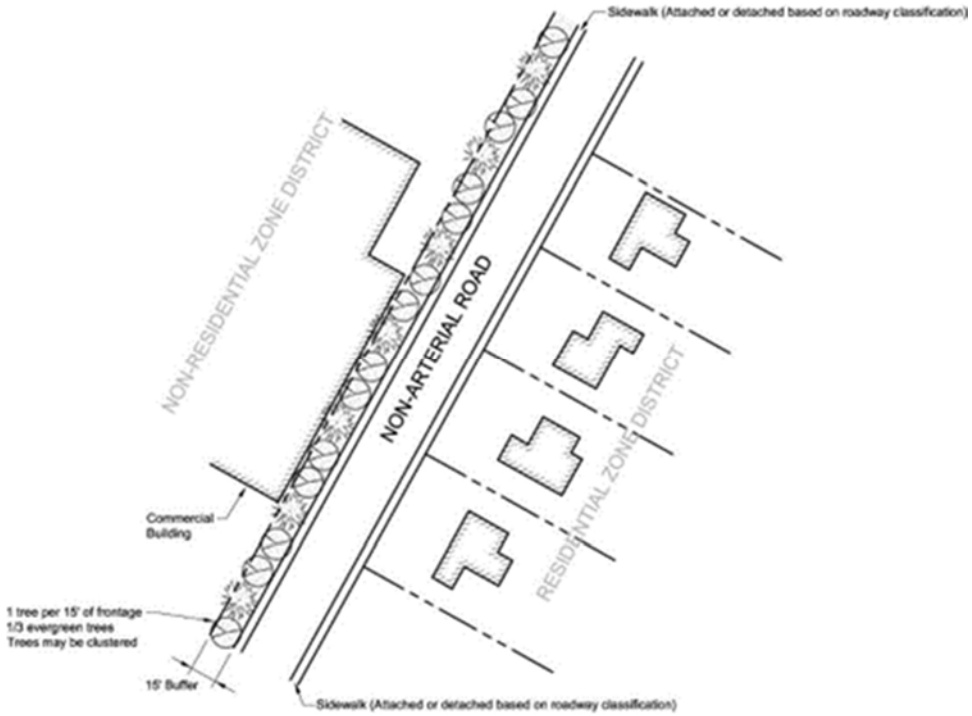
Required Buffers/Screens

Circumstances for each site and use are unique, and additional buffering/screening may be required to accomplish appropriate design. Of special concern are sites adjacent to residential areas or environmentally sensitive areas, areas with significant view corridors, industrial uses, or uses that are visible from highly traveled roads.

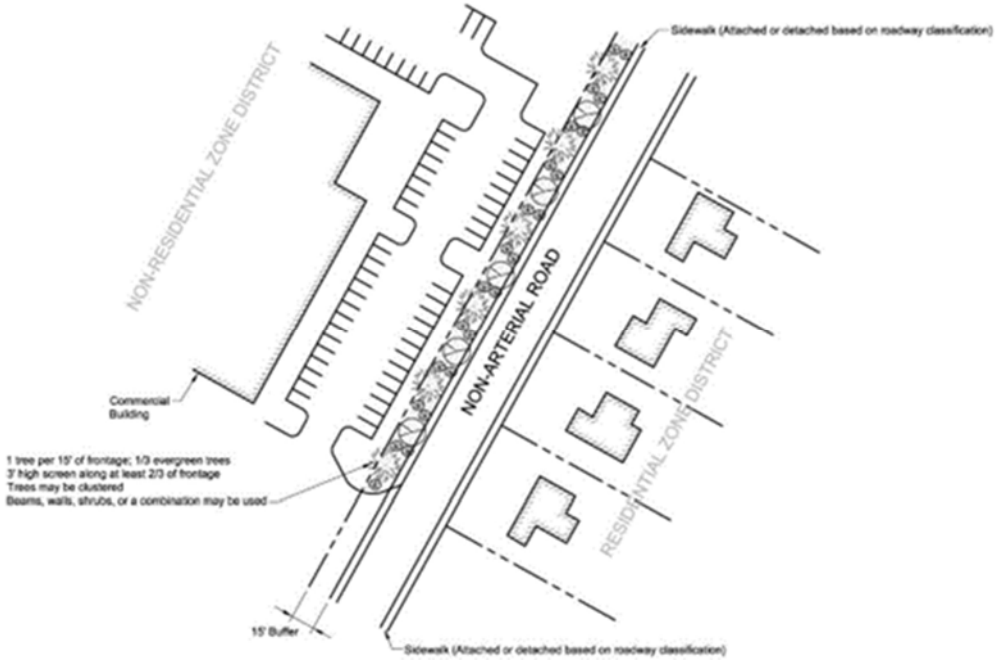
Buffer/Screen Between Non-Residential and Residential Uses Separated by a Non- Arterial Road

Along the roadside property line in any non-residential project in any zone district where the project is separated from a residential use by a non-arterial street, a buffer meeting the requirements of the LDC is required. Non-arterial streets are those not designated as arterial streets or above on the County's Functional Classification Map, as amended. Private streets and alleys are also considered non-arterial roads. The figures below provide 2 examples of how the standards can be met. Note that the parking area screening requirements result in more landscaping being required within the use buffer area when a parking area abuts the roadway.

Example of 15' Buffer Standard between Non-Residential Zone District and Residential Zone District

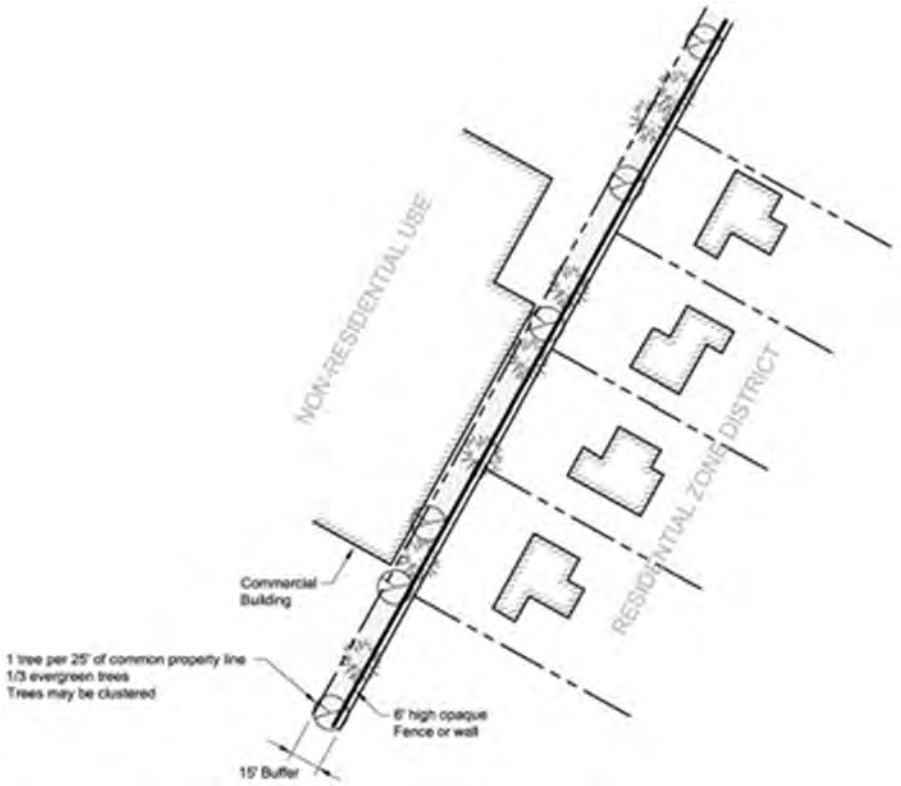


Example of 15' Buffer Standards between Non-Residential Zone District and Residential Zone District when Parking Area Abuts Road Frontage



Buffer/Screen Between: Adjacent Non-Residential and Residential Projects, and Adjacent Multifamily Residential and Single- Family/Two-Family Residential Projects

Example of 15' Buffer Standards between Non-Residential Use and Residential Zone District



Trash Collection Areas

Policies and Explanations

INTERNAL LANDSCAPING

Purpose

Internal landscaping requirements are intended to augment the streetscape, screening/buffer and parking area landscaping requirements, while conserving water resources. The purpose of internal landscaping is to visually soften the mass of buildings, enhance the visual appearance, and to visually separate building areas from parking areas, and create a welcoming appearance to building customers and users.

Minimum Area and Planting Requirements

The minimum internal landscaping area required by the LDC, and number of plantings shall be met by all projects.

Design Standards

Plantings Near Foundations

Lowest water usage plants are especially encouraged next to building foundations, where irrigation should be limited.

Low Water Use Plants Encouraged

As always, xeric and hardy species are strongly encouraged to minimize maintenance costs and enhance survival. Should bluegrass sod or other high-water use plants be desired for a certain look, it is encouraged to meet the following criteria:

- No more than 20% of the internal landscape area should be allowed for high water use plants.
- Each high water use area should be on a separate irrigation zone for customized watering.
- Each high water use area should be confined to main building entrances.

Minimum Plant Material Sizes/Percentage of Live Material Ground Cover

Landscape Material Specifications

The minimum planting/installation size and characteristics of plant materials shall meet the requirements of the LDC.

Required Live Material Ground Cover

The minimum groundcover requirements of the LDC shall be met.

LANDSCAPING AND GRADING IN UTILITY EASEMENTS OR RIGHTS-OF-WAY

Utility providers, as a matter of general policy, will not normally permit use of their easements/rights-of-way by other parties. These criteria are general guidelines only and should not be construed as the complete and only conditions for such exceptions. Each case will be evaluated on an individual basis and must be approved by the utility provider.

- Changes in grades and elevations along the rights-of-way shall not reduce safe ground clearances of overhead wires.
- Safety clearance distances between overhead and underground wires and any improvements/structures should be maintained as applicable.
- Working space clearances as applicable should be maintained around line structures.
- Excavations shall not reduce support strength of overhead line structures.
- Excavations shall not reduce the depth of burial of underground cables.
- Low level landscaping, with a maximum height of 25 feet or less, may be allowed within the easement/right-of-way provided all other applicable requirements of this document are met and permission is expressly granted by the easement/ROW holder.
- The party or owner installing and planting landscaping will be responsible for maintenance of the landscaping.
- Future power line installations may necessitate the relocation of vegetation. The removal/relocation and replacement will be at the owner's expense if located in an easement or Right-of-Way.

MULCH

Mulch, organic or inorganic groundcover, prevents the growth of weeds, prevents erosion and dust, retains moisture in the soil, provides shade for plant roots, and presents an attractive and finished appearance for landscapes. Mulch is required on all landscaping projects, in areas other than turfgrass.

Specifications

Acceptable mulch materials include but are not limited to the following examples: bark and pole peelings, river rock, washed gravel of ⅜" diameter or greater (should be limited in areas prone to washout), or other similar materials that may be approved by PCD. Avoid very light or dark colors, as these can adversely affect soil and ambient temperatures. Non-water/low water using turf or plant species are encouraged (See Water Wise Planting List).

Mulch Installation

Mulch should be installed over breathable fabric underlayment, pinned at intervals of not less than 24".

Mulch Depth

Mulch should be installed at the following minimum depths:

- Bark and pole peeling mulch shall be installed at a depth of not less than 4".
- Rock mulch shall be installed at a depth of not less than 3".

Mulch shall be maintained in a manner so that the minimum required depths are achieved throughout the life of the project. In no case shall underlayment fabric be visible.

Steel Edging

Steel edging of at least ⅛" thickness and 6" depth should be used to define all mulch beds, unless a bed is defined by curbing or other constructed edge.

IRRIGATION

Recommended Conservation Techniques

Drip irrigation is highly recommended for all trees and shrubs in order to conserve water. Drip irrigation may be required for certain species to allow for establishment and/or maintenance. Sprinkler systems may be used but are discouraged. Additionally, moisture sensors are also recommended to avoid watering during or after rain. In areas where outdoor irrigation is not allowed due to well permit restrictions, plants that are most drought-tolerant should be installed.

Policies

Statements regarding the proposed type of irrigation or watering method should be similar to those outlined in the following table:

Types of Recommended Irrigation

Type of Planting	Irrigation Required	Possible Solutions
Native grass seed or drought tolerant turf grass seed.	May germinate with normal precipitation if planted in late fall or early spring.	Ensure sufficient moisture by temporary overhead or agricultural system; add soil amendments/surfactants to soil to aid in moisture retention
Xeric ground covers, shrubs, and trees per approved plant list, or as approved by PCD.	Drip irrigation for one or two growing seasons until established; on as-needed basis after that.	1. Small accessible areas may be hand watered. 2. Drip irrigation system, plants gradually weaned off system. 3. Overhead temporary system.

Water intensive ground covers, shrubs, grasses, and trees not native to the Rocky Mountain Region NOT RECOMMENDED, unless limited to a designated high-water use area.	Spring through Fall and intermittent winter.	1. Drip irrigation system. 2. Permanent/Sprinkler irrigation system.

DEFINITIONS

Words used in this manual have their dictionary meaning unless they are specifically defined in this manual, the LDC, or the ECM. Words defined within this manual shall have the specific meaning assigned unless the context clearly indicates another meaning.

Berm

A mound of soil, either natural or manmade, used to obstruct views, attenuate noise, or direct the flow of stormwater.

Buffering

The installation of plant materials, fencing, or landforms (or a combination of these measures), between 2 or more lots or parcels which inhibits visibility or mitigates the transmission of noise, dust, smoke, lights, and other nuisances from 1 lot or parcel to another or provides for future public improvements or additional open space.

Canopy

The upper vegetative cover of a tree or plant grouping; dripline of a tree or plant grouping.

Context

The surrounding environment or character of an environment; trees or landforms that naturally exist on a site or surrounding sites.

Coniferous

Evergreen plant: keeps its leaves/needles all year.

Deciduous

A plant with foliage that is shed annually.

Drought Tolerant

A plant that will survive in the typical or somewhat less than typical amount of rainfall in El Paso County.

High-Water Use Plants

Plants that require more than 1 inch of water per week to thrive, including bluegrass sod and many non-native species.

Indigenous

A plant naturally found in the El Paso County environment; the local, native plant community.

Irrigation System

A permanent, artificial watering system designed to transport and distribute water to landscape plants.

Landscape Plan

A plan drawn to scale that shows the layout of all landscape components and their specifications for a Site Development Plan.

Landscaping

Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.

Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection, and replacement of existing trees.

Moisture Sensor

A device connected to an irrigation controller that over-rides scheduled irrigation when significant precipitation has been detected.

Mulch

Nonliving organic and synthetic materials customarily used in landscape design to reduce erosion and retain moisture, and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots.

Native Plant

A species that is indigenous within El Paso County and naturally occurring in 1 or more plant communities.

Ornamental Tree

A tree planted primarily for its decorative value, or for screening, and that typically does not exceed a height of 30' in El Paso County.

Parking Area

Parking areas and spaces designed, used, required, or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to these areas, but not including any outdoor storage area used principally as a recreational vehicle, boat or truck storage use, storage areas for landscaping and other bulk items or public roads and rights-of-way. The term parking area includes parking lots and parking structures.

Plant Community

A natural association of vegetation that is dominated by 1 or more prominent species, or a characteristic physical attribute; see also "context".

Right-of-Way

The entire dedicated tract or strip of land that is to be used by the public for various purposes or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another similar use.

Roadway Landscape Area

A minimum required landscaping area on a private property which is adjacent to a lot or parcel boundary line common to a right-of-way or another lot or parcel. Driveways and sidewalks to afford limited access may be allowed to interrupt this required area; however, structures, buildings and parking are not allowed within the roadway landscape area.

Rural

For purposes of this Code, the zoning, use and development of land in zoning districts or areas which allow lot sizes that are 2.5 acres in size or greater, characterized by dispersed residential development, agricultural uses and activities, or vacant land.

Screening

A method of visually shielding or obscuring a structure or use from view by fencing, walls, trees, or densely planted vegetation. Screening provides a complete, opaque, year-round visual separation between differing land uses.

Semi-Arid Climate

A climate characterized by 10" to 20" of annual precipitation.

Shade Tree

A deciduous tree planted primarily for its high crown of foliage or overhead canopy. A major shade tree at maturity reaches a height of at least 50 feet.

Shrub

A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 12' in height at its maturity. May be evergreen or deciduous.

Soil Amendment

Organic and inorganic materials added to soil to improve texture, nutrients, moisture holding capacity, and infiltration rates.

Substitute Landscape Plan

A landscape plan that does not meet the specific requirements of this Section. The PCD Director may approve a substitute landscape plan provided the proposed landscaping meets the purpose of this Section, promotes the concepts contained in the Landscape and Planting Manual, and provides an equivalent benefit to the community and environment as would otherwise be achieved by meeting the specific requirements of this Section. This authority shall not allow the PCD Director to eliminate the requirement for landscaping or to diminish the total landscaped area required by this Section (LDC 6.2.2(A)(4)).

Tree

A large, woody plant having 1 or several self-supporting stems or trunks and numerous branches.

Turfgrass

Continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

Urban

Land development of higher density and intensity which is characteristically provided with services of an urban nature (i.e., central water and sewer, fire hydrants, paved roads often with curb and gutter, and shorter emergency service response times). This category of development ordinarily includes most commercial, office and industrial uses and residential uses with densities of more than 1 dwelling unit per 2.5 acres.

Vegetation

Plants in general or the sum total of plant life in an area.

Verge

The landscaped area between a sidewalk and the back of curb.

Xeric

Plants or landscapes that embody xeriscape principals.

Xeriscape

The use of water conserving, indigenous plants appropriate to the surrounding environment. The goal of xeriscaping is to conserve water, minimize maintenance efforts and costs, and ensure survivability.

Xeriscape Principals

Methods of professional landscaping that include: planning and design, soil analysis, efficient irrigation, appropriate plant selection, practical turf areas, use of mulches, and proper maintenance.

"Water Wise" Trees, Shrubs, & Grasses
***See also: Appendix B**

Trees	
American Plum	Prunus americana
Amur Maple	Acer ginnala
Arizona Cypress	Callitropsis arizonica
Austrian Pine	Pinus nigra
Baby Blue Eyes Spruce	Picea pungens "Baby Blue Eyes"
Bosnian Pine	Pinus heldreichii
Bristlecone Pine	Pinus aristate
Bur Oak	Quercus macrocarpa
Caddo Maple	Acer saccharum "Caddo"
Cockspur Hawthorn	Crataegus crus-galli
Crabapple	Crabapple Malus
Goldenrain Tree	Koelreuteria paniculata
Gray Gleam Juniper	Juniperus scopulorum "Gray Gleam"
Hackberry	Celtis occidentalis
Hot Wings Tatarian Maple	Acer tataricum "GarAnn"
Kentucky Coffeetree	Gymnocladus dioicus
Lacebark Pine	Pinus bungeana
Maidenhair Tree	Ginkgo biloba
Mugo Pine	Pinus mugo
Northern Red Oak	Quercus rubra
One-seed Juniper	Juniperus monosperma
Pinyon Pine	Pinus edulis
Ponderosa Pine	Pinus ponderosa
Red Maple	Acer rubrum
Rocky Mountain Juniper	Juniperus scopulorum
Russian Hawthorn	Crataegus ambigua
Seven-Son Flower	Heptacodium miconioides
Tatarian Maple	Acer tataricum
Thornless Cockspur Hawthorn	Crataegus crus-galli var. inermis
Thornless Honeylocust	Gleditsia triacanthos var. inermis
Turkish Filbert	Turkish Filbert Corylus colurna
Vanderwolf's Pyramid Limber	Pinus flexilis "Vanderwolf's Pyramid"
Weeping Norway Spruce	Picea abies "Pendula"
Weeping White Spruce	Picea glauca "Pendula"
Western Catalpa	Catalpa speciosa
Shrubs	
Common Ninebark	Physocarpus opulifolius
Common Snowberry	Symphoricarpos albus
Cranberry Cotoneaster	Cotoneaster apiculatus
Creeping Barberry	Berberis amplectens
Creeping Three-Leaf Sumac	Rhus trilobata "Autumn Amber"

Crimson Pygmy Barberry	Berberis thunbergii var. atropurpurea "Crimson Pygmy"
Curl-leaf Mountain Mahogany	Cercocarpus ledifolius
Cutleaf Smooth Sumac	Rhus glabra "Laciniata"
Dark Knight Spirea	Caryopteris x clandonensis "Dark Knight"
Diablo Ninebark	Physocarpus opulifolius "Monlo"
Dwarf Blue Rabbitbrush	Ericameria nauseosa ssp. nauseosa var. nauseosa
Dwarf Creeping Juniper	Juniperus procumbens "Nana"
Dwarf Globe Blue Spruce	Picea pungens "Glauca Globosa"
Dwarf Korean Lilac	Syringa meyeri "Palibin"
False Indigo Bush	Amorpha fruticose
Fernbush	Chamaebatiaria millefolium
Gentry's Gem Spruce	Picea pungens "Gentry's Gem"
Golden Elder	Sambucus nigra ssp. canadensis "Aurea"
Golden Sword Yucca	Yucca filamentosa "Golden Sword"
Green Mound Alpine Currant	Ribes alpinum "Green Mound"
Gro-Low Sumac	Rhus aromatica "Gro-Low"
Hancock Coralberry	Symphoricarpos x chenaultii "Hancock"
Havard's Century Plant	Agave havardiana
Hillside Creeper Pine	Pinus sylvestris "Hillside Creeper"
Japanese Barberry	Berberis thunbergii
Judd Viburnum	Viburnum x juddii
Kinnikinnick	Arctostaphylos uva-ursi
Leadplant	Amorpha canescens
Littleleaf Mountain Mahogany	Cercocarpus intricatus
Mesa Verde Spruce	Picea pungens "Mesa Verde"
Miss Kim Dwarf Lilac	Syringa pubescens subsp. patula "Miss Kim"
Mock Bearberry	Manzanita Arctostaphylos x coloradoensis
Mohican Wayfaring Tree	Viburnum lantana "Mohican"
Montgomery	Picea pungens "Montgomery"
Mops Dwarf Mugo Pine	Pinus mugo "Mops"
Mountain Mahogany	Cercocarpus montanus
Nanking Cherry	Prunus tomentosa
Nearly Wild Rose	Rosa "Nearly Wild"
Oregon Grape	Berberis aquifolium
Panchito Manzanita	Arctostaphylos x coloradoensis "Panchito"
Pawnee Buttes Sand Cherry	Prunus besseyi "P011S"
Peking Cotoneaster	Cotoneaster acutifolius
Persian Lilac	Syringa x persica
New Mexican Privet	Forestiera pubescens var. pubescens
Purple Smoketree	Cotinus coggygria "Royal Purple"
Pyracantha	Pyracantha coccinea "Gnome"
Red Twig Dogwood	Cornus sericea
Redleaf Rose	Rosa glauca
Rock Spirea	Holodiscus dumosus

Rocky Mountain Sumac	Rhus glabra var. cismontana
Rose Glow Japanese Barberry	Berberis thunbergii var. atropurpurea "Rose Glow"
Russian Sage	Perovskia atriplicifolia
Saltbush	Atriplex canescens
Sand Sagebrush	Artemisia filifolia
Saskatoon Serviceberry	Amelanchier alnifolia
Scrub Oak	Quercus gambelii
Shadblow Serviceberry	Amelanchier canadensis
Siberian Peashrub	Caragana arborescens
Silver Buffaloberry	Shepherdia argentea
Silver Fountain Butterfly Bush	Buddleia alternifolia "Argentea"
Smooth Sumac	Rhus glabra
Soapweed	Yucca glauca
Spanish Gold Broom	Cytisus purgans
Staghorn Sumac	Rhus typhina
Stansbury's Cliffrose	Purshia stansburyana
Summer Wine Ninebark	Physocarpus opulifolius "Seward"
Tall Rabbitbrush	Ericameria nauseosa var. nauseosa
Tam Juniper	Juniperus sabina "Tamariscifolia"
Texas sotol	Dasylirion texanum
Threeleaf Sumac	Rhus trilobata
Valley Cushion Dwarf	Mugo Pine Pinus mugo "Valley Cushion"
Van Houtte Spirea	Spiraea x vanhouttei
Variegated Dogwood	Cornus alba "Argenteo-marginata"
Waldbrunn Spruce	Picea pungens "Waldbrunn"
Wavyleaf Oak	Quercus x undulata
Waxflower	Jamesia americana
Wayfaring Tree	Viburnum lantana
Western Sagebrush	Artemisia tridentata ssp. Tridentata
Western Snowberry	Symphoricarpos occidentalis
William Baffin Rose	Rosa "William Baffin"
Wine and Roses Weigela	Weigela florida "Alexandra"
Winter Jasmine	Jasminum nudiflorum
Yellow Twig Dogwood	Cornus sericea "Flaviramea"
Grasses	
Alkali Sacaton	Sporobolus airoides
Arizona Fescue	Festuca arizonica
Big Bluestem	Andropogon gerardii
Blonde Ambition Blue Grama Grass	Bouteloua gracilis "Blonde Ambition"
Blue Fescue	Festuca ovina glauca
Blue Grama	Bouteloua gracilis
Blue Heaven Little Bluestem	Schizachyrium scoparium "MinnBlueA"
Blue Oat Grass	Helictotrichon sempervirens
Buffalograss	Bouteloua dactyloides
Compact Maiden Grass	Miscanthus sinensis "Adagio"

Feather Reed Grass	Calamagrostis x acutiflora "Karl Foerster"
Giant Sacaton	Sporobolus wrightii
Heavy Metal Switchgrass	Panicum virgatum "Heavy Metal"
Indian Grass	Sorghastrum nutans
Japanese Blood Grass	Imperata cylindrica "Red Baron"
Korean Feather Reed Grass	Calamagrostis brachytricha
Maiden Grass	Miscanthus sinensis "Gracillimus"
Overdam Feather Reed Grass	Calamagrostis x acutiflora "Overdam"
Prairie Dropseed	Sporobolus heterolepis
Prairie Sky Switchgrass	Panicum virgatum "Prairie Sky"
Sheep Fescue	Festuca ovina
Shenandoah Switchgrass	Panicum virgatum "Shenandoah"
Sideoats Grama	Bouteloua curtipendula
The Blues Little Bluestem	Schizachyrium scoparium "The Blues"
Turf-type Tall Fescue	Festuca arundinacea
Undaunted Ruby Muhly	Muhlenbergia reverchonii
Variegated Maiden Grass	Miscanthus sinensis "Variegatus"
Zebra Grass	Miscanthus sinensis "Zebrinus"

Not Recommended/Restriction Recommended Plantings	
Elm	Ulmus genus (Dutch Elm Disease resistant acceptable)
Box Elder (25 ft ROW setback restriction)	Acer negundo
All Salix and Populus genus (Except Aspen) (25 ft ROW Restriction)	
Autumn Purple Ash	Fraxinus americana "Autumn Purple"
Green Ash	Fraxinus pennsylvanica
Common Sea Buckthorn	Hippophae rhamnoides
Mexican Feather Grass	Nassella tenuissima
Kentucky Bluegrass	Poa pratensis

Low Water, Native, Front Range Plantings Resource:
https://extension.colostate.edu/docs/pubs/native/FrontRange.pdf

Native Trees for Colorado Landscapes:
https://extension.colostate.edu/docs/pubs/garden/07421.pdf

Native Shrubs for Colorado Landscapes:
https://extension.colostate.edu/docs/pubs/garden/07422.pdf

Colorado Springs Utilities - Plant Selector
https://www.waterwiseplants.org/find-a-plant/

Sources:

Colorado Springs Utilities *https://www.csu.org/Pages/default.aspx*

Colorado State University Extension *https://extension.colostate.edu/*

Colorado Native Plant Society *www.conps.org*

APPENDIX A LDC LANDSCAPE REQUIREMENTS

This Appendix contains all applicable landscape provisions from the LDC. Please note that other setbacks, performance standards and design standards of the LDC could affect the placement and design of landscaping. The fence, wall and hedge provisions have been included since when required fencing and buffering requirements directly impact landscape design.

6.2. DEVELOPMENT STANDARDS FOR ANCILLARY FACILITIES AND ACTIVITIES

6.2.1. Fences, Walls, and Hedges

(A) **Applicability.** This Section is applicable to any fence, wall, or hedge established after the date of adoption of this Section unless superseded by a specific development standard in a PUD zoning district or within a Rural Land Use Plan.

(B) **Exemptions.** This Section is not applicable to agricultural fences, except as otherwise provided by this Section, or to the installation of noise barriers required by this Code, the ECM or constructed and installed in accordance with federal requirements.

(C) **General Standards Applicable to Fences, Walls, or Hedges.** The following standards are applicable to fences, walls, or hedges, including agricultural fences.

(1) **100-Year Floodplain.** Fences and walls within a 100-year floodplain shall comply with the requirements of the Floodplain Regulations.

(2) **No Obstruction of View of Vehicle Operators.** No fence, wall, or hedge may obstruct the view of vehicle operators entering or leaving any parking area, service drive, driveway, road, alley, or other thoroughfare. Fences, walls and hedges are subject to the sight distance standards in Chapter 2 of the ECM.

(a) **Corrugated Metal Not Approved as Fencing Material.** Corrugated metal is not considered an acceptable fencing material in perimeter fencing if visible from outside the fenced lot or parcel.

(3) **Measuring the Height of a Fence.** The height of fences, walls, and hedges shall be measured from the final grade of the lot, parcel, or tract at the location of the fence, wall, or hedge to the top of the fence, wall, or hedge. The top of a fence, wall, or hedge is the highest component of the fence, wall, or hedge, not including columns or posts. The depth of drainage channels under a fence, wall, or hedge shall not be included in the height measurement. The height of a fence, wall, or hedge built on berms or retaining walls shall include the height of the berm or wall.

(4) **Fencing Maintained.** Fences, walls or hedges shall be maintained in good structural or living condition. The owner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.

(D) **Height and Location Standards.** The following requirements are applicable to all fences and walls except agricultural fences:

(1) **Building Permit Required for Fences and Walls Over 7 feet in Height.** A fence or wall over 7 feet in height requires a building permit from the Building Department.

(2) **Fences and Walls 7 Feet in Height Considered Accessory Structure.** A fence or wall over 7 feet in height is considered an accessory structure and shall meet the accessory structure setback

requirements of this Code. If no accessory structure setbacks are established by this Code, the principal structure setbacks are applicable.

(3) **Fences and Walls Not to Disrupt Drainage.** The fence and wall shall not be established where it would impede the drainage established by an approved drainage plan.

(4) **Fences and Walls Not to Disrupt Use of Easement.** The fence or wall shall not be established within an easement in a manner where the use of the easement is unnecessarily impeded.

(E) **Specific Fence Standards for Residential Zoning Districts.** The following requirements are applicable to fences within residential zoning districts.

(1) **Opaque Fence Height Limited in Front Yard Setback Area.** Fences or walls more than 25% opaque shall not exceed 30 inches in height when located within any front setback area.

(2) **Corner Lots.** Any side of a property from which driveway access from the road is gained shall be considered a front setback area.

(3) **Opaque Fence Height Limited in Sight Triangle.** An opaque fence, wall or hedge shall not exceed 30 inches in height when located within a sight distance triangle or as otherwise limited by Chapter 2 of the ECM.

(F) **Specific Fence Standards for Non-Residential Zoning Districts.** The following requirements are applicable to fences within non-residential zoning districts:

(1) **7 Feet High Fences Allowed.** Fences not exceeding 7 feet in height may be placed anywhere on the lot or parcel except no fence, wall or hedge shall exceed 30 inches in height when located within a sight distance triangle or as otherwise limited by Chapter 2 of the ECM.

(2) **Security Fencing.** Security fencing may include 3 strands of wire on top of the fence. The wires are not included in the height measurement.

(3) **Subject to Parking, Landscaping, and Screening Standards.** Walls and fences shall conform to the parking, landscaping, and screening standards of this Code.

(G) **Noise Barrier Fencing or Walls.** Noise barrier fencing or walls shall be constructed in accordance with the provisions for noise barrier fencing in Chapter 8 and the ECM. The Development Services Director may authorize the placement of noise barrier fencing, or walls that exceed 7 feet in height adjacent to expressways, arterials, or railroads, provided such fence or wall is facing and adjacent to the roadway for which the noise barrier is being provided.

(H) **Development Perimeter Fencing.** If fencing is proposed around the perimeter of a subdivision or development, any fencing adjacent to a County Road or State or federal highway shall be compatible with the existing land uses, topography, and landscaping in the immediate vicinity. Subdivision perimeter fencing shall be consistent in design and materials when established along or adjacent to common boundaries where other perimeter fencing exists.

(I) **Retaining Wall Standards.**

(1) **Building Permit Required for Retaining Walls Retaining Surcharge.** A building permit is required for a retaining wall that retains a surcharge.

(2) **Building Permit Required for Retaining Walls Over 4 Feet High.** A building permit is required for a retaining wall greater than 4 feet in height.

(3) **Retaining Walls 7 Feet High Considered Accessory Structure.** A retaining wall over 7 feet in height is considered an accessory structure and shall meet the accessory structure setback

requirements. If no accessory structure setbacks are established by this Code, the principal structure setbacks are applicable.

(4) **Established Prior to Principal use.** A retaining wall, when necessary for development, may be established prior to the principal use.

6.2.2. Landscape Requirements

(A) **General.**

(1) **Purpose.** The landscape requirements are intended to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way to achieve a balance between the individual right to develop and the general benefit and welfare of the community. The benefits to be achieved and the overall purposes of the landscaping required by this Section are: (1) to create a positive image and visual appeal both along the road which is highly visible and internal properties which provide a working, shopping and living environment; (2) to decrease the scale of parking lots, provide shade, and reduce heat, glare and noise; (3) to separate circulation systems; to soften and reduce the mass of buildings; to screen and buffer lower intensity uses from higher intensity uses and protect residential privacy; and (4) to create an overall pleasant and attractive surrounding.

(2) **Applicability.**

(a) **Applies to All Land Uses.** The requirements of this Section shall apply to all uses. PUD's may have their requirements modified subject to the individual PUD.

(b) **New Use Established or Use Changed.** Landscaping areas shall conform to this Section for a new building or use of previously vacant land, uses in an enlarged building, and all uses in a building when any use is changed that requires a change of occupancy to be approved by the Building Department or by the PCD.

(c) **Effect of Increase in Building Area.** A single or cumulative building addition (floor area) which exceeds 50% of the existing building's gross floor area shall require the entire building landscaping to comply with this Section. The existing building shall be considered the building as it existed on the effective date of this Section.

(3) **Requirements of Section Supplemented by Manual.** The requirements of this Section are supplemented by the Landscaping and Planting Manual.

(4) **Authority of Director to Approve Substitute Landscape Designs.** The PCD Director may approve landscaping that does not meet the specific requirements of this Section provided the proposed landscaping meets the purpose of this Section, promotes the concepts contained in the Landscaping and Planting Manual, and provides an equivalent benefit to the community and environment as would otherwise be achieved by meeting the specific requirements of this Section. This authority shall not allow the PCD Director to eliminate the requirement for landscaping or to diminish the total landscaped area required by this Section.

(B) **Roadway Landscaping Requirements.** Roadway landscaping areas are required. A roadway landscaping area is located along the lot, parcel or tract frontage between the road right-of-way, easement, or tract boundary lines and any building or use.

(1) **Minimum Depth of Roadway Landscaping Area.** Table 6-1 lists the depth and number of trees required to be provided along any road in roadway landscaping area. Where the required setback is narrower than the depth of the required landscape area, the roadway landscaping area depth shall control. Unless otherwise approved by the ECM Administrator, the depth of roadway

landscaping shall be measured from the property line. Where a roadway easement has been provided, the measurement shall be from the ROW or roadway easement. Where future ROW has been identified, the measurement should begin at the future ROW line in order avoid subsequent impairment of the landscaping.

Table 6-1. Roadway Landscaping Required by Roadway Classification

Road Classification	Depth of Roadway Landscaping Area	Required Trees (Trees/Linear Foot of Frontage)
Expressway, Principal Arterial	25 feet	1 per 20 feet
Urban Interchange/Intersection	25 feet	1 per 20 feet (Substitute shrubs for visibility)
Minor Arterial	20 feet	1 per 25 feet
Non-Arterial[1]	10 feet	1 per 30 feet
[1] The required depth of the roadway landscape area shall be increased to 15 feet along a non-arterial road or public alley where the road or alley separates a non-residential use from a residential zoning district. The number of required trees shall be increased to 1 per 15 feet of linear frontage. A minimum of ⅓ of the trees shall be evergreen trees.		

(2) **Location and Type of Trees in Roadway Landscaping Area.**

(a) **Clustering Allowed.** The roadway landscaping trees may be clustered along a road frontage. The clustering of evergreens may not be advisable in areas where the winter shade will cause unsafe conditions on an adjacent road. Clustering shall not be permitted when shade from clustering would be detrimental to adjacent road due to potential winter conditions as determined by the PCD Director or designee.

(b) **Type of Tree Limited.** The types of roadway landscaping trees utilized shall be commonly known to grow in the Colorado Springs area and listed in the Landscape/Water Efficiency Manual and Water Wise Planting List.

(c) **Exceeding Minimum Depth of Roadway Landscaping.** The roadway landscaping trees shall be located within 50 feet of the road right-of-way, easement or tract boundary line and any building or use.

(d) **Allowed in Right-of-Way if Approved.** The roadway landscaping trees may be placed in a right-of-way if the right-of-way owner approves the placement and no conflicts exist, or will exist, with utility easements or any provider of utilities, establishment of landscaping along private roads must include appropriate maintenance agreement between parties. Generally, trees are not allowed to be placed within any County right-of-way. Placing of the required roadway landscaping trees within the right-of-way shall not negate the requirement for the required roadway landscape area. All landscaping placed within County Right-of-way shall install appropriate safeguards for roadway and/or sidewalks to include "Tree root guards" where appropriate. Permission must be granted for all landscaping within the County Right-of-way through the Department of Public Works.

(e) **Single-Family PUD Roadway Landscaping.** Roadway landscaping along local residential roadways (non-arterials) within a residential PUD is subject to the individual PUD.

(3) **Walls and Fences in Roadway Landscape Area.** Walls and fences which are 25% or more opaque shall not exceed 3 feet in height when located within a required roadway landscaping area.

Opaque walls and fences higher than 3 feet (such as noise barriers) shall be located outside of the roadway landscaping area to maintain a landscaped appearance along the road.

(C) **Parking Lot Landscape Requirements.**

(1) **Required Trees.** A tree of a type suitable for parking lots shall be provided for every 15 parking spaces in parking lots with 15 or more parking spaces. The required trees may be clustered and shall be located in a manner which will divide and break up expanses of paving and long rows of parking and create a canopy effect over the parking lot. See Landscaping and Planting Manual for island details.

(2) **Parking Lot Islands.** The most common method to satisfy the parking lot tree requirement is through the utilization of plant islands, fingers (areas open to the parking on 3 sides), and corners (open to the parking on 2 sides). Islands, fingers, and corners are required to be incorporated into all parking lots of 15 parking spaces or more in area. 1 island shall be provided for every 15 spaces. An island, finger or corner must be a minimum of 2 parking spaces in size (18' × 18' or 9' × 36' in order to qualify as a required island, finger, or corner. Parking lots containing fewer than 15 spaces shall not be required to provide islands but must include some other form such as a finger or corner plantings to satisfy the requirement.

Islands should be located at the end of center rows and at entry locations to direct traffic and minimize cutovers. Islands should generally be used and located to organize and enhance circulation, breakup continuous parking areas, and capture and direct stormwater. Islands protect vegetation from damage. See Landscaping and Planting Manual.

Small parking lots may utilize the perimeter area of the parking lot to satisfy the parking lot tree location requirement when there are not more than 2 rows of parking spaces and a single drive aisle. Where a parking lot is not required to be paved, no islands shall be required.

The tree types, minimum planter sizes and utilization of perimeter tree placement shall be consistent with the Landscaping and Planting Manual.

Parking lot island landscaping may also be counted towards Internal Landscape requirements provided any portion of the island is within 20 feet of a building elevation.

(3) **Protection of Trees from Damage.** Parking lot trees shall be protected from vehicle damage by curbs, planters or other barriers.

(4) **Storm Drainage for Irrigation Encouraged.** Parking lots designs that allow runoff to enter landscaped areas for irrigation and controlling non-point source pollution are encouraged.

(5) **Required Parking Lot Screening.** Parking lots shall be screened from view from adjacent roads and properties with differing land uses. The minimum height of the screening shall be 3 feet and may be accomplished by using berms and plantings. A minimum of ⅔ of the road frontage or common lot, parcel, or tract boundary, not counting intersecting driveways, shall be provided with the required screening. The maximum spacing of plants to achieve an acceptable screen and the maximum acceptable grades for screening areas, such as grass berms and plantings beds, should be consistent with the Landscaping and Planting Manual.

Decorative walls or fences may be approved if the Director finds that:

- The wall or fence avoids a blank and monotonous appearance by architectural articulation and the planting of vines, shrubs, or trees;
- The total use of berms or plantings is not physically feasible; or

- The wall or fence attractively compliments the use of berms or plantings.

(D) **Required Buffer and Screen Areas.**

(1) **Buffer Between Non-Residential and Residential Districts Separated by a Non-Arterial Road or Public Alley.**

(a) **Where Required.** A buffer is required along the road-side lot, parcel, or tract line of any non-residential use where the use is separated from a residential zoning district by a non-arterial road or public alley.

(b) **Depth and Planting Standards.** The required buffer shall be a minimum of 15 feet deep. The minimum number of trees in the buffer shall be 1 tree for every 15 feet of the road frontage. A minimum of ⅓ of the trees shall be evergreen trees.

(c) **Opaque Fence or Wall Required.** An opaque fence or wall with a minimum height of 6 feet is required along the inside edge of the required buffer when the area immediately adjacent to the 15-foot buffer is used as a service corridor for loading, maneuvering or storage. If the area is used for parking, the required parking lot screening shall be applicable.

(d) **Minimum Ground Covering Required.** The required buffer area shall require a ground cover at maturity with a minimum of 75% living plant materials. Bark, wood chips, rock, stone, or other natural landscape material shall be used as a non-living ground cover. Areas of a required buffer not covered in approved living ground cover material shall be covered in an approved non-living ground cover.

(2) **Buffer Between Non-Residential, Multifamily Residential and Single-Family/Duplex Uses.**

(a) **Where Required.** A buffer is required in the following situations:

(i) Along the lot, parcel, or tract line on the non-residential use property between the non-residential use and a residential zoning district.

(ii) Along the lot, parcel, or tract line on the multifamily use property between the multifamily use and a single-family or duplex zoning district.

(iii) On the residential side of the project when use to use compatibility is a concern.

(b) **Depth and Planting Standards.** The required buffer shall be a minimum of 15 feet deep. The minimum number of trees in the buffer shall be 1 tree for every 25 feet of common lot, parcel, or tract line. A minimum of ⅓ of the trees shall be evergreen trees.

(c) **Opaque Fencing or Wall Required.** An opaque fence or wall with a minimum height of 6 feet is required along the lot, parcel, or tract line except where the adjacent single-family or duplex residential zoning district or use abuts a required roadway landscaping area.

(d) **Minimum Ground Covering Required.** Bark, wood chips, rock, stone, or other natural/synthetic landscape material shall be used as a non-living ground cover. Areas of a required buffer not covered in approved non-living ground cover material shall be covered in a living plant material.

(E) **Internal Landscaping.** The following internal landscaping is required:

(1) **Requirements for Multifamily Uses.** The following internal landscaping is required for multifamily uses:

(a) **Minimum Required Internal Landscaped Area.** A minimum of 15% of the lot or parcel shall be landscaped.

(b) **Minimum Number of Trees in Landscaped Area.** A minimum of 1 tree shall be provided for every 500 square feet of required internal landscape area.

(c) **Trees Replaced by Shrubs.** A maximum of ½ of the required trees may be substituted with shrubs. At least 10 shrubs with a minimum container size of 5 gallons shall be provided for each tree that is replaced.

(2) **Requirements for Non-Residential Uses.** The following internal landscaping is required for non-residential uses.

(a) **Minimum Required Internal Landscaped Area.** A minimum of 5% of the lot or parcel shall be landscaped.

(b) **Minimum Number of Trees in Landscaped Area.** A minimum of 1 tree shall be provided for every 500 square feet of required internal landscape area.

(c) **Trees Replaced by Shrubs.** A maximum of ½ of the required trees may be substituted with shrubs adjacent to retail store fronts where the view of wall signs may be obstructed. At least 10 shrubs with a minimum container size of 5 gallons shall be provided for each tree that is replaced.

(3) **Standards for Required Internal Landscape Area.**

(a) **Intent of Internal Landscaping.** The intent of the internal landscape area is to provide relief from structures and hard surfaces through the use of plantings.

(b) **Location of Internal Landscape Areas.** The required internal landscape areas shall be located in accordance with the following standards:

(i) Adjacent to those building elevations which form the major public views of the building from adjacent roads and properties and to the users of the project; or

(ii) At all pedestrian entrances, except service-only entries; or

(iii) Within a plaza or courtyard between buildings or portions of buildings, (plaza/courtyard is to have at least 1 side open); or

(iv) In an area provided to separate building areas from parking areas; or

(v) In a similar location which substantially conforms to the purpose of the required internal landscape area.

(c) **Area Calculation.** The entire lot, parcel or tract area shall be used as the basis for calculating required the internal landscape area. In instances where an entire lot, parcel, or tract is not used for the proposed development, the area used to calculate the required internal landscape area may be reduced by the PCD Director based on the area of the lot, parcel or tract actually being developed or used. The minimum landscaping requirements may apply to just that project area determined by the PCD Director to be developed or used. However, even if reductions in the lot area are approved, the PCD Director may require that additional landscaping (including buffering or screening) is provided at the first stage of a larger project to mitigate environmental impacts or meet the intent of the landscaping provisions of the LDC.

(d) **Paved Areas within an Internal Landscaped Area.** Sidewalks which provide basic pedestrian circulation shall not count toward meeting the internal landscape area requirement. Paved plazas may be credited to a maximum of 50% of required internal landscaping area if such plazas have trees and other pedestrian-only amenities (benches, sculpture, decorative paving, etc.), are not vehicular, and provide visual relief to those building elevations which form the major public views of the project.

(F) **Minimum Plant Sizes and Percentage of Live Ground Cover.**

(1) **Landscape Material Specifications.** Plant installation sizes and characteristics shall meet the following minimum requirements:

(a) **Deciduous Shade Trees.** Deciduous shade trees shall be 1½ inch caliper measured 6 inches above ground, balled and burlapped.

(b) **Deciduous Ornamental Trees.** Deciduous ornamental trees shall be 1 inch caliper measured 6 inches above ground, balled and burlapped.

(c) **Evergreen Trees.** Evergreen trees shall be 6 feet in height above ground, balled and burlapped, except Pinon Pine and upright junipers which shall be a minimum 4 feet in height.

(d) **Evergreen and Deciduous Shrubs.** Evergreen and deciduous shrubs, where required, shall be 5-gallon size.

(e) **Ground Cover and Vines.** Ground cover and vines shall be 1 size.

(2) **Required Ground Cover.** Unless utilizing the principles of xeriscaping, required landscape areas shall include a minimum of 30% ground cover by living or synthetic grass or other living plant materials at maturity. The remaining 70% of the required landscape area may be covered with bark, wood chips, rock, stone, or other landscape materials. No other areas within required landscape areas shall remain bare. The foliage crown of trees shall not be counted in meeting the ground cover requirement.

(G) **Other Required Landscape Areas.**

(1) **Other Areas to be Landscaped or Screened.**

(a) **Zoning District Boundary Trees.** A minimum of 1 tree shall be provided for every 30 feet of lot, parcel, or tract line coincident with a zoning district boundary line except if otherwise required to meet the buffering requirements between a non-residential use or multifamily use and residential zoning district.

(b) **Refuse Areas Screened.** Refuse collection areas, including trash bins, shall be screened from view from adjacent properties and roads by an opaque wall or fence, architectural elements, dense evergreen plantings with a minimum planting height of 6 feet, or berms with dense plantings creating an opaque appearance with a minimum height of 6 feet.

(c) **Loading Docks and Other Vehicle Areas Screened.** Loading docks, vehicle repair bays, and vehicle fueling areas shall be screened from view from adjacent roads by the use of plantings, berms, walls, fences, or other architectural elements.

(d) **Landscaping Required Between Lot and Curb.** Landscaping is required between the lot, parcel, or tract line and the required roadway landscaping area. Although this landscape area is located within the right-of-way, easement or tract, the adjacent lot, parcel or tract owner shall be responsible for maintenance. Xeric plantings shall be used in order to avoid

the need to install an irrigation system within the right-of-way, easement or tract. Xeric plants may require supplemental irrigation to get them established or in times of extreme drought. Installation of an irrigation system requires approval of EPCDPW or owner or right-of-way, easement or tract. Installation of plant materials may also require approval of the EPCDPW or owner or right-of-way, easement or tract.

(e) **Water Storage Tank and Utility Facilities Landscape Requirements.**

(i) **Site-Specific Landscaping Required.** PCD Director approval of site-specific landscaping is required for a water storage tank and utility facilities. Installation of approved site-specific landscaping is required prior to putting a water storage tank or utility facility into operation. The site-specific landscaping is subject to the following standards:

- Rural and Remote Areas: In rural and remote areas landscaping, screening and erosion control measures shall be tailored to the nature and character of the area and the type of facility or structure contemplated. Site-specific landscaping shall, at a minimum, include revegetation of disturbed areas with materials indigenous to the site or otherwise adaptable.
- Urbanized and Developed Areas: In urbanized and developed areas, the site-specific landscaping shall address specific issues such as screening and visual impacts.

(f) **Outside Storage Area Landscaping Requirements.**

(i) **Site-Specific Landscaping Required.** PCD Director approval of site-specific landscaping is required for establishing an outside storage area. Installation of approved site-specific landscaping is required prior to utilizing an outside storage area.

(ii) **Site-Specific Landscaping Standards.** The site-specific landscaping shall reflect a combination of berms, shrubs, trees, fences or walls which will provide, at maturity, a minimum 6 foot high, 100% opaque screening for the outside storage area.

(2) **Miscellaneous Requirements.**

(a) **Flexibility in Design Allowed.** The owner may select the types of and the planting spaces between the required trees. The types of trees selected shall be commonly known to grow in the Colorado Springs area and should be a type listed in the Landscaping and Planting Manual.

(b) **Minimum Cover of Internal Landscape Area.** The internal landscape area shall consist of a minimum of 50% ground cover by living or synthetic (grass only) plant materials, xeriscape may be included for a reduction to 30%. The Landscaping and Planting Manual provides guidance for planting near foundations.

(c) **Plant Spacing.** The planting spacing should accommodate the growth characteristics of the trees without adversely impacting structures, walks, or drives.

(d) **Minimum Planting Size of Trees.** The minimum planting size of trees shall comply with this Section and should comply with any additional specifications established in the Landscaping and Planting Manual.

(e) **Existing Vegetation.** Existing vegetation which meets the plant type requirements of the Landscaping and Planting Manual may be counted toward the internal landscape requirement.

(f) **Limitations on Landscape Placement.**

(i) **No Conflicts with Traffic or Sight Distance.** Landscaping shall not conflict with traffic. Sight distance shall be maintained in accordance with the requirements of Chapter 2 of the ECM.

(ii) **No Interference with Utilities and Fire Equipment.** Landscaping shall not interfere with the general function, safety, or acceptability of any gas, electric, water, sewer, telephone, or other utility easement or conflict with criteria established or adopted by a fire department. Landscaping shall not exceed 8 inches in height within 3 feet of a fire hydrant or other applicable fire department criteria.

(g) **Limitations on Landscape Materials.**

(i) The use of artificial vines, turf, or groundcovers as landscape material may be allowed on a case-by-case basis where live landscaping materials may be at risk or inappropriate due to land use, water availability, or location.

(ii) Prohibited/Noxious planting list is included in the Landscaping and Planting Manual.

(h) **Calculating the Required Number of Plants.**

(i) **Fractional Numbers Rounded to Closest Whole Number.** Where a requirement results in a fractional number, the applicable requirement shall be the closest whole number (5.0 to 5.49 = 5; 5.5 to 5.9 = 6).

(ii) **Greatest Landscape Standard Applies.** Where more than 1 landscape requirement applies to the same use and landscape area, the greater requirements shall be met.

(iii) **Landscaping Only Fulfills 1 Requirement.** Landscaping necessary to fulfill 1 requirement shall not be counted in fulfilling a different landscape requirement, unless otherwise stipulated in this Code.

(iv) **Clumping Forms of Trees Encouraged.** Clumps of trees, such as Hawthorn (Craetagus sp.), are encouraged instead of single-trunk trees. Smaller caliper trees to meet the minimum caliper are accepted, however, a clump of 3 or fewer trees shall be credited as only 1 of the required trees.

(i) **Approval of Certificate of Occupancy or Use.** All required landscaping shall be completed, and then inspected and approved by the PCD prior to the issuance of a Certificate of Occupancy by the Building Department or establishment of the use, except when financial assurance acceptable to the PCD Director guaranteeing the completion of the landscaping is provided. Plant substitutions require approval before issuance of a Certificate of Occupancy. Any request for a Certificate of Occupancy prior to the completion of the required landscaping shall include a written request explaining the circumstances why the landscaping cannot be installed, a cost estimate prepared by a qualified party, a landscape completion agreement signed by the owner, and financial assurance acceptable to the PCD

Director. Inspection and certification by a landscape architect of compliance with this Section may be accepted at the discretion of the PCD Director.

(j) **Compliance with Plans.** The completed landscaping shall comply with the approved landscape plan and shall include the quantities, locations, species and sizes of plants and other landscape materials as represented on the approved landscape plan. Seeded landscape areas shall have no bare areas larger than 6 square inches after germination.

(k) **Maintenance.**

(i) **Owner Responsible.** The owner is responsible for all regular and normal maintenance of required landscaping including weeding, irrigation, fertilizing, pruning, mowing, and replacement in the care of artificial turf.

(ii) **Replacement of Dead or Damaged Materials.** Replacement of dead, diseased or substantially damaged plant materials shall occur within 6 months from when the plant material died, or when the inspection determined the plant material was dead or damaged. Replacement shall be of the same or similar type as originally approved. An alternative type of species shall require approval by the PCD Director.

(iii) **Maintenance Inspections.** Maintenance inspections may be performed periodically. Failure to maintain the landscaping in compliance with the approval is considered a zoning violation.

APPENDIX B RECOMMENDED LANDSCAPING MATERIALS

Found within this Appendix are plant materials that are xeric and especially recommended for El Paso County's challenging climate. More water-intensive plants are not listed and are not encouraged. The utilization and thoughtful selection of drought-resistant/drought-tolerant plant materials are emphasized, along with appropriately designed irrigation systems, redirection of natural moisture, and reduced reliance on high-water-use turf in favor of other ground cover, for all areas of the County.

* This is not a complete list of appropriate plant materials. The PCD staff will consider approval of other species, based on proven or anticipated survival.

Recommended Trees for El Paso County

TREES	Suitable for Streetscapes, Buffers, Internal Landscaping Areas	Suitable under Power Lines
DECIDUOUS - SHADE		
Catalpa, Western Catalpa speciosa	X	
Hackberry Celtis occidentalis	X	
Honey locust varieties Gleditsia triacanthos sp.	X	
Burr Oak Quercus macrocarpa	X	
Kentucky Coffeetree Gymnocladus dioica	X	

Swamp White Oak Quercus bicolor	X	
Japanese Pagoda Tree Sophora japonica	X	
Goldenrain Tree Koelreuteria paniculata	X	X
Silver Linden Tilia tomentosa		
DECIDUOUS - ORNAMENTAL		
Hawthorn, Washington Crataegus crus-galli	X	X
Amur Maple Acer ginnala	X	X
Rocky Mountain Maple Acer graindidentatum	X	X
Ohio Buckeye Aesculus glabra	X	
Rocky Mountain Serviceberry (single stem) Amelanchier alnifolia	X	X
New Mexico Privet Foresteira neomexicana	X	X
New Mexico Locust Robinia neomexicana	X	X
Crabapple Malus sp.	X	X
Tatarian Maple Acer tataricum	X	X
Cherries, plums, chokecherries Prunus sp.	X	X
EVERGREEN TREES		
Pine, Austrian Pinus nigra	X	
Pine, Pinon Pinus edulis	X	X
Pine, Ponderosa Pinus ponderosa	X	
Pine, Scotch Pinus sylvestris	X	
Foxtail Pine Pinus aristata		

UPRIGHT EVERGREENS		
Upright Junipers Juniperus scopulorum	X	X
Rocky Mountain Juniper Juniperus monosperma	X	X
One-Seed Juniper Juniperus virginiana	X	X
Red Cedar Thuja plicata		

Recommended Shrubs and Grasses for El Paso County

SHRUBS AND ORNAMENTAL GRASSES (Note: Low plants may need to be combined with berms/walls or other plants to achieve the required 3' height of the parking area screen.)	Suitable as a Parking area Screen	5-gallon spacing requirements
LOW - LESS THAN 4' MATURE HEIGHT		
Spreading Cotoneaster Cotoneaster divaricatus	X	4'
Coralberry, Red-Indian Current Symphoricarpos orbiculatus	X	3'
Leadplant Amorpha canescens	X	4'
Fourwing Saltbush Atriplex canescens	X	4'
Blue Mist Spirea Caryopteris x clandonensis		3'
Winterfat Ceratoide s lanata	X	4'
Rubber Rabbitbrush Chrysothamnus nauseosus	X	4'
Apache Plume Fallugia paradoxa		4'
Potentilla Potentilla furticosa	X	3'
Yucca Yucca species	X	3'
Harison's Yellow Rose Rosa x harisonii	X	4'

Blue Avena Grass Helictotrichon sempervirens		2'
Indian Ricegrass Oryzopsis hymenoides		2'
Fountain Grass Pennisetum alopecuroides		2'
Purple Fountain Grass Pennisetum setaceum "Rubrum"		2'
MEDIUM - 4' TO 6' MATURE HEIGHT		
Karl Foerster Grass Calamagrostis acutiflora		3'
Scotch Broom Cytisus scoparius "Moonlight"	X	5'
Juniper, Pfitzer Juniperus chinensis pfitzeriana	X	5'
Juniper, Pfitzer Compact Juniperus chinensis kelleyi	X	4'
Juniper, Pfitzer Gold Tip Juniperus chinensis pfitzeriara aurea	X	4'
Curl-leaf Mountain mahogany Cercocarpus ledifolius	X	5'
Fernbush Chamaebatiaria millefoium	X	4'
Cliffrose Cowania mexicana	X	4'
Western Sand Cherry Prunus besseyi	X	6'
Three Leaf Sumac Rhus trilobata	X	5'
Snowberry, White Symphoricarpos alba	X	5'
Spirea, Thunberg Spriaea thunbergi	X	4'
TALL - OVER 6' MATURE HEIGHT		
Rocky Mountain Serviceberry (shrub form) Amelanchier alnifolia	X	10'
Curl-leaf Mountain Mahogany Cercocarpus ledifolius	X	8'
Rocky Mountain Juniper Juniperus scopulorum	X	6'

Beauty Bush Kolkwitzia amabilis	X	8'
Staghorn Sumac Rhus typhina	X	4'
Cotoneaster, Peking Cotoneaster acutifolia	X	6'
Honeysuckle, Zabels Lonicera korolkowi "zabeli"	X	8'
Lilac, Common Syringa vulgaris	X	8'
Wayfaring Tree Viburnum lantana	X	8'
Spirea, Vanhoutte Spiraea vanhouttei	X	6'

Recommended Groundcovers for El Paso County

GROUND COVERS (less than 24" at maturity)	Comments
Creeping and Spreading Junipers Juniperus horizontalis varieties	Will provide 4 season interest and prevent erosion year-round
Snow in Summer Cerastium tomentosum	Spring/summer interest only
Blue Fescue Festuca ovina glauca	Spring/summer interest; erosion prevention qualities
Hens and Chicks Sempervivum sp.	4 season interest; will spread and prevent erosion
Creeping Hollygrape Mahonia repens	4 season interest; should be protected from winter wind; will grow in shade
Kinnikinnick Arctostaphylos uva-ursi	4 season interest; will grow in shade
Rock Cotoneaster Cotoneaster horizontalis	4 season interest; should be protected from winter wind; will grow in shade
Silver Mound, Wormwood Artemesia	Spring/summer interest; erosion prevention qualities
Stonecrops, Goldmoss, Dragonblood Sedum sp.	Spring/summer interest; erosion prevention qualities

Recommended Parking Island Vegetation for El Paso County

PARKING AREA ISLAND VEGETATION	Comments
Western Catalpa Catalpa speciosa	Has seed pods

Hackberry Celtis occidentalis	
Honeylocust Gleditsia sp.	Many varieties available
Kentucky Coffeetree Gymnocladus dioica	Has seed pods
Swamp White Oak Quercus bicolor	For use in water quality islands
Japanese Pagoda Tree Sophora japonica	Smaller tree with interesting leaves
Golden Raintree Koereuteria paniculata	Smaller tree with yellow flowers
Crabapple varieties Malus sp.	Non-fruiting recommended for parking areas
Silver Linden Tilia tomentosa	
Ponderosa Pine Pinus ponderosa	If limbed up to 6'
Staghorn Sumac Rhus typhina	Will provide 4-season interest; will spread via runners
Leadplant Amorpha canescens	
Fourwing Saltbush Atriplex canescens	
Winterfat Ceratoides lanata	
Rubber Rabbitbrush Chrysothamnus nauseosus	Leave seedheads on for 4-season interest and greater screening
Apache Plume Fallugia paradoxa	
Potentilla Potentilla furticosa	
Yucca Yucca species	Sharp leaves: don't use where pedestrians might want to walk

Other Recommended Plants for El Paso County

Habitat Plants

- Chokecherry, Plums, Cherries (Prunus sp.)
- Chokeberry (Aronia sp.)
- Current/Gooseberry (Ribes sp.)
- Serviceberry (Amelanchier sp.)
- Three leaf Sumac (Rhus trilobata)
- Alder
- Cottonwood (Populus grandidentatum)

- Current (Ribes odoraturm "Crandall")

Turf Grasses

Non-Irrigated Areas
(Depends entirely on natural precipitation)

- Crested Wheatgrass Agropyron cristatum
- Buffalograss Buchloe dactyloides
- Blue Gramma Bouteloua gracilis

Planting References

- Colorado Nurserymen's Association, Colorado Nursery Plant Guide, 1982.
- Kelly, George, Rocky Mountain Horticulture, 1967.
- Sunset Books, New Western Garden Book, 1979.
- Xeriscape Plan Guide, Denver Water, American Water Works Association, 1996.
- www.xratedgardening.com
- Sunset Western Garden Book, Kathleen Brenzel, Editor, 2001.
  R, Andrew Hough, Douglas County Community Development

APPENDIX C Noxious Weeds

***Please see "Noxious Weeds and Control Methods" by EPC Community Services Department, Environmental Division**

https://epc-assets.elpasoco.com/wp-content/uploads/sites/10/Environmental-Division-Picture/Noxious-Weeds/Noxious-Weed-Control-Book.pdf

Colorado Department of Agriculture (CDA) Classification of Noxious Weeds

List A:*Rare noxious weeds that must be eradicated statewide*
Cypress spurge
Dyer's woad
Knotweeds: Giant, Japanese & Bohemian
Myrtle spurge
Orange hawkweed
Purple loosestrife
List B:*Discretely distributed noxious weeds that must be eradicated, contained, or suppressed, depending on their location, to stop their continued spread*
Absinth wormwood
Bouncingbet
Bull thistle
Canada thistle
Chinese clematis
Common teasel
Dalmatian toadflax
Diffuse knapweed
Hoary cress (whitetop)

Houndstongue
Leafy spurge
Musk thistle
Perennial pepperweed
Russian knapweed
Russian olive
Scentless chamomile
Scotch thistle
Spotted knapweed
Tamarisk (Salt cedar)
Yellow toadflax
List C:*Widespread and well-established noxious weeds in Colorado; control is recommended by the state and may be required by local government*
Common mullein
Downy brome/Cheatgrass
Field bindweed
Poison hemlock