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RESOLUTION NO. 23-198

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF AMENDMENT TO THE LAND DEVELOPMENT CODE  
LDC-23-001 PERSONAL GREENHOUSES

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendments to Chapter 5 of the Land Development Code as herein described, including other conforming amendments throughout the Code;

WHEREAS, a public hearing was held by the El Paso County Planning Commission on May 18, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the proposed amendments, and

WHEREAS, a public hearing was held by this Board on June 6, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The proposed amendment(s) to the El Paso County Land Development Code were properly submitted for consideration by the Planning Commission.
2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. All data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and were received into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code.

5. For the above-stated and other reasons, the proposed Amendments are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the amendments to Chapter 5 of the El Paso County Land Development Code, including other conforming amendments throughout the Code, as represented on the attached Exhibit "A" by underlining (additions) and strike-through (deletions):

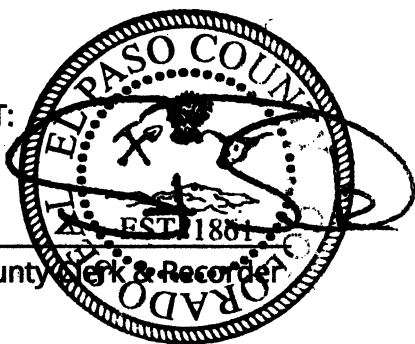
AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 6th day of June 2023, at Colorado Springs, Colorado.

ATTEST:

By: \_\_\_\_\_

County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: Camie Bremer  
Chair

**EXHIBIT A**

### Table 5-1 Principal Uses:

Use Type	Agricultural Zoning Districts		Residential Zoning Districts														Commercial Zoning Districts			Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?
	F-5	A-3S	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			
Acid Manufacturing																					S			S			YES	
Adult Care Home	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>											YES		YES
Agricultural Business		S																									YES	
<del>Agricultural Structure</del> Agricultural Structure Exemption from the Building Code	A	A	A	A																						YES		YES

**Table 5-2 Accessory Uses:**

Use Type	Agricultural Zoning Districts			Residential Zoning Districts														Commercial Zoning Districts			Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use Standards?	Site Development Plan Required to Initiate use?	Site Plan Required Initiating 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		YES
Additional Dwelling Unit		A																								YES		YES	
Agricultural Accessory Structures and Uses <sup>3,4</sup>	A	A	A	A																				A	A	YES			
Agricultural Stand	A	A	A	A	A	A						A														YES		YES	
Agricultural Structure	A	A	A	A	A	A	A	A	A			A												A		YES		YES	

Agricultural Structure  
Exemption from the  
Building Code

**Table 5-2 Accessory Uses:**

Use Type	Agricultural Zoning Districts			Residential Zoning Districts													Commercial Zoning Districts			Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required Initiating Use?
	F-S	A-35	A-S	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			
Garden Supplies and Nursery Stock																	A	A	A			A	A	A		YES	YES	
Green House, Personal Use	A	A	A	A	A	A	A	A	A			A	A	A	A											YES		YES 8
Hobby Farm	A	A	A	A	A	A 16						A <sup>1</sup>																

- Rename Agricultural Structure to Agricultural Structure Exemption from Building Code
- Allow for Agricultural Structure Exemption from the Building Code in Residential Suburban zoning districts RS-20000, RS-6000, and RS-5000
- Add Subject to Specific Use Standards for Green House, Personal Use
- Add Footnote No. 8 to Green House, Personal Use- a site plan is only required for structures over 200 square feet however setback compliance is required for all structures.

### 5.2.28 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.

#### **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:

- ~~Private~~Personal greenhouse;