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RESOLUTION NO. 18-496

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF AMENDMENT TO THE LAND DEVELOPMENT CODE
(LDC-17-009)

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendment(s) to Chapter(s) 1 and 5, relating to animal keeping, agricultural structures, kennels, and livestock, 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 December 18, 2018, 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 December 20, 2018; 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 was 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.

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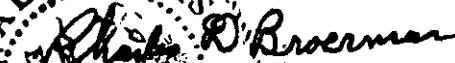
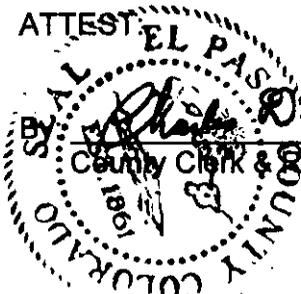
5. For the above-stated and other reasons, the proposed Amendment(s) are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the amendment(s) to Chapter(s) 1 and 5, as it relates to animal keeping, agricultural structures, kennels, and livestock, 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 20th day of December, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:
By: 
County Clerk & Recorder


By: 
President

1.11. SEVERABILITY

If any portion of this Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from this Code and in no way affects the validity of any other portion of this Code.

1.12. AMENDMENTS

Any amendment to this Code, other than administrative interpretations as provided for herein, shall follow the prescribed amendment procedures. Upon consultation with the Office of the El Paso County Attorney (OCA), the PCD Director may make the following changes or corrections to the provisions of this Code when the changes or corrections do not alter the sense or meaning of its provisions:

- Misspelled words may be corrected.
- Erroneous legislative histories may be corrected.
- Cross-references may be changed to agree with new, amended, reenacted, renumbered, re-lettered, reallocated or corrected ordinances or resolutions.
- Improper capitalization may be corrected.
- Descriptive headings of titles, chapters, sections or subsections may be edited or added to briefly and clearly indicate the subject matter of the title, chapter, section or subsection.
- The numbering or lettering of sections, including duplicative numbering or lettering created by conflicting enactments, may be corrected or properly arranged.
- References in design standards to specific job titles or agency names that are changed without substantial effect on job or agency responsibilities may be changed to refer to the new job title or agency name.
- Punctuation, including hyphenation, may be corrected.
- Typographical or grammatical errors may be corrected.
- Gender-specific terms that occur may be changed to gender-neutral terms and necessary grammatical changes to properly use the gender neutral terms may be made.
- Conforming changes, when authorized by BoCC resolution in adopting a change to this Code.

1.13. BUILDING PERMITS

1.13.1. Building Permits Required

Pursuant to BoCC Resolution ~~18-42212-276~~, compliance with the Building Code, as amended is required in all unincorporated areas where the County has land use jurisdiction, with only 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: a guest house or mother

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, one 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.

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 Building** -- See Structure, Agricultural~~

Agricultural Stand -- A structure, booth or counter for the display and sale of consumable goods, including, but not limited to fruits, vegetables and grains, which have been raised, grown, or made on the same lot or parcel.

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

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 Day Care Facility**—A commercial establishment for the care of dogs or other household pets, predominantly for periods of less than 24 consecutive hours.~~

Animal Keeping -- The activity of having, owning, and/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 one 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).

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.

illness shall not include any facility licensed as a residential child care facility.

Guest House -- Lodging attached to the principal dwelling or located within a garage or accessory structure which may be occupied only by occasional, non-paying guest of, the family residing in the principal dwelling. A guest house is not considered a dwelling unit. Extended family housing is a form of guest house utilized on a non-permanent basis to house immediate family members that require housing due to age, disability, or family need. A family member shall be related blood, half blood or at law, and which term "at law" also includes in-law relationships arising from a deceased or former spouse.

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 one colony of bees, not exceeding twelve cubic feet in size, including attached honey supers.

Hobby Farm -- A parcel of land where ~~livestock, animals, or birds, 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. ~~This would include 4H and similar types of programs.~~

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 one 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, Minors -- 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 or more dogs or cats domestic animals 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 one or more basins and one 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 Colorado statutes (e.g., elk), ~~and such domesticated animals as and~~ fox, mink, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit, ~~except dogs and cats, that are used for working purposes on a farm or ranch and any other animal designated by the State Agricultural Commissioner, which animal is raised for food or fiber production.~~

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

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, Agricultural** -- For the purpose of determining exemption from the Building Code, any structure used for the sole purpose of providing shelter for agricultural implements, farm products, livestock (including horses) or poultry as intended in C.R.S. §30-28-201(1).~~

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)(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

5.2 USE-SPECIFIC DEVELOPMENT STANDARDS

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 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 all accessory structures shall 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.

(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 and Use Limited

The building footprint of residential accessory structures and accessory uses in all residential zoning districts shall not exceed the building footprint of the primary principal use (residence) to which they are subordinate, with the following exceptions:

- When the lot or parcel is 2.5 acres or greater, the accessory structure building footprint of the may not exceed up to two (2) times the size of the building footprint of the primary principal use (residence).

- ~~Agricultural structures with an agricultural structure exemption from Building Code~~ Structures and accessory uses classified as agricultural are exempt from the square footage limitation.
- Accessory structures on lots or parcels in the A-35 zoning district with a minimum of 35 acres or greater are exempt from the square footage limitation.

(L) Other Structures-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.

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5.2.2 Agricultural Accessory Structures and Uses

The following structures and uses as further detailed in Table 5-2 are considered agricultural accessory uses to any agricultural use defined as agricultural by this Code:

- Agricultural, farming, ranching, and dairy/garries vehicles, equipment and material, barns, sheds, etc[ic].

- 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.

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(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.

(GF) 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

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(1) 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.

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(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.

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5.2.45.2.5 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 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.

(A) Overnight Accommodations Not Allowed

Overnight accommodations shall not be allowed as part of the Agritainment use.

(B) Agritainment As a Special Use

Any proposed agritainment use which does not comply with the provisions of this section shall require special use approval.

(C) 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.

5.2.55.2.6 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.

(D)(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

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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 entirely within a dwelling unit: cats, fish, small reptiles and amphibians, small rodents, or small birds.

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(E) Horses

The keeping of horses shall be considered a private or commercial stable and shall meet the standards for private or commercial stable. No horses shall be kept in any zoning district that does not allow a private or commercial stable.

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(F) Livestock

Livestock is allowed in any agricultural zoning district, and in association with a hobby farm.

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(G)(D) Hen Chickens

In a residential zone district allowing less than 2.5 acres, a reasonable number of hen chickens are allowed per ownership, provided the standards of Section 5 below are met. No roosters are permitted. In zoning districts where a hobby farm is allowed there is no maximum allowed limit on the number of chickens, hens or roosters kept on the lot or parcel.

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(E) Pigeon Keeping

The keeping of pigeons is subject to the following requirements:

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(B) 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.

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(C) Meets Health Regulations

The pigeon loft shall be in compliance with all applicable EPCPH regulations.

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(D) Setbacks

The pigeon loft shall be setback from all lot or parcel boundary lines in accordance with the applicable accessory structure setbacks.

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(E) Feeding within Loft

All pigeons shall be fed within the confines of the pigeon loft.

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(F) 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.

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(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, to include animal daycare facilities. 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.

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5.2.32xy. 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.

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5.1.31 Livestock, Barns, Corrals, & 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.

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(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.

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(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 1/2 acre in RR-0.5 Zoning District.

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6.2.33i. Mineral and Natural Resource Extraction

(A)(DD) Commercial Mineral and Natural Resource Extraction Operations

6.2.34(1)

urpose

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.

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(1)(2) Applicability

These standards are applicable to any new or expanding commercial mineral and natural resources extraction operation.

(2)(3) General Requirements

(3)(a) Compliance with this Section

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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.

5.2.48xi. 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.

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5.2.49xii. Residential Accessory Structures and Uses

The following structures and uses are considered accessory to a residential use, as further detailed in Table 5-2:

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- Detached private parking garage or carport;
- Storage shed;
- Gazebo;
- Deck (attached or detached, covered or uncovered);
- Pets;
- ~~Agricultural Structures~~ Barn;
- Swimming pool, hot tub, tennis court or similar private recreational facility;
- Private 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.

5.2.50xiii. 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

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(C) Limit on Number of Horses in RR-0.5 Zoning District

No more than 2 horses over the age of one year are allowed per 1/4 acre in RR-0.5 Zoning District. In the RR-0.5 Zoning District, one acre is required to keep horses (private stable). No specific restriction on the number of horses shall apply in other zoning districts allowing private stables and corrals.

(D) Location of Stables and Corrals

Stables and Corrals shall meet the following minimum setbacks:

5.2.67 Corrals

All corrals 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.

(31) Stables (Barns) on Corner Lots

All stables located on corner lots 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.

(32) Stables (Barns)

All 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.

(A) Stables Open to Interior of Lot

Open ended or open sided stables shall be oriented to the interior of the lot, parcel or ownership unless located more than 100 feet from the nearest property line.

(B) Drainage and Erosion Control

Drainage facilities and erosion control measures shall be established on the site to protect adjacent properties from runoff.

(C) Boundaries of Corral

On lots or parcels less than 2 1/4 acres in size without an identified stable or corral area, the outer boundaries of any fenced area shall be considered the corral.

5.2.68viii 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

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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)			Maximum Lot Coverage	Maximum Height
		Area	Width (at front setback line)	Front	Rear	Side		
Forestry and Agriculture								
F-5		5 acres ^{1,2}	200 ft	25 ft ⁵³	25 ft ⁵³	25 ft ⁶	25%	30 ft
A-35		35 acres ¹	500 ft	25 ft ^{53,7,95}	25 ft ^{53,7,95}	25 ft ^{53,7,95}	None	30 ft ¹⁰⁶
A-5		5 acres ^{1,2}	200 ft	25 ft ^{53,6,81}	25 ft ^{53,6,81}	25 ft ^{53,6,81}	None	30 ft
Rural Residential/Rural Suburban								

RR-5		5 acres ^{1,2}	200 ft	25 ft ^{6,8,9}	25 ft ^{6,8,9}	25 ft ^{6,8,9}	25%	30 ft
RR-2.5		2.5 acres ¹	200 ft	25 ft ⁶	25 ft ⁶	15 ft ⁶	None	30 ft
RR-0.5		21,780 sq ft ^{1,3}	100 ft	25 ft ^{16,11}	25 (5) ft	10 ft ^{16,11}	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 ^{12,13}	50 ft	25 ft ^{12,13}	25 (5) ft ^{12,13}	5 ft ^{12,13}	40%/45% ^{10,15}	30 ft
RS-5000		5,000 sq ft ^{12,13,14}	50 ft	25 ft ^{12,13}	25 (5) ft ^{12,13}	5 ft ^{12,13}	40%/45% ^{10,15}	30 ft
Residential Multifamily Zoning Districts								
RM-12	12	3,500 sq ft ^{12,13,14}	35 ft	15 ft ^{10,12,13}	20 ft ^{10,12,13}	10 ft ^{10,12,13}	70%	40 ft
RM-30	30	5,000 sq ft ^{12,13,14}	75 ft	25 ft ^{10,12,13}	15 ft ^{10,12,13}	15 ft ^{10,12,13}	60%	40 ft
Special Purpose Zoning Districts								
R-T		5 acres	200 ft	25 ft	25 (5) ft	25 ft ^{16,12}	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.

~~² Parcels containing stables or corrals shall have a minimum lot area of one acre.~~

~~⁴ Stables and corrals where allowed by the zoning shall comply with the minimum setbacks established for stables and corrals as established in Chapter 5.~~

²⁵ Agricultural stands shall be setback a minimum of 35 feet from all property lines.

~~⁶ Kennels, pens and fur farms shall be setback a minimum of 100 feet from all property lines.~~

~~⁷ Kennels, pens and fur farms shall be setback a minimum of 200 feet from all property lines.~~

⁴⁸ Sawmills shall be setback a minimum of 300 feet from all property lines.

⁵⁰ 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.

~~⁵¹⁰ 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.~~

~~²⁴⁴ Minimum lot area of 5,000 square feet applies to single-family dwellings. For two-family dwellings and all other uses a minimum lot area of 7,000 square feet is required.~~

~~¹⁸³ The minimum lot area for single-family detached dwelling units is 5,000 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.~~

~~²⁴⁴ 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.~~

¹²⁴ The minimum distance between buildings shall be 10 feet.
¹¹⁶ The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 from the front property line or nearest road right of way, where a 5 feet setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure.
¹²⁶ 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.
¹³⁷ 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. 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.
¹⁴⁸ If no separate setback is shown in parentheses for accessory structures, the principal structure setback applies to accessory structures.
¹⁵⁹ 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)

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

Club	S		S															A	A	A				A	A	A			YES	
CMRS Facility, Freestanding		S																S	S	S	S	S	S	S	S	S		YES	YES	
CMRS Facility, Stealth	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A	A	A	A	YES	YES	
Commercial or Retail as Part of Overall Shopping Center																		A	A	A				A	A	A			YES	
Community Building	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A				S	S	A			YES	
Composting Facility																						S			S				YES	
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	T	T	T	T	T	T	YES	YES	
Contractor's Equipment Yard																			S	S	A			S	A			YES		
Convenience Store																		A	A	A				A	A	A			YES	
Copy Shop																		A	A	A				A	A	A			YES	
Dairy		A ³	A ³	A ³																					S			YES		
Dry Cleaning Plant																					A	A			A				YES	
Dwelling, Attached Single-Family								A ^B	A ^B	A ^B	A ^B																YES		YES	

Prison, Private		S																S	S	S	S			S			YES		
Proprietary School																		A	A	A	S				A		YES		
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	A	A	A	A	A	YES	YES	
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	A	A	A	A	A	YES		
Publishing Companies																			S	A	A			A			YES		
Race Track		S ²	S ²																			S			A		YES		
Ranch	A ³	A ³	A ³	A ³																									
Recreation Camp	S	S	S	S									S														YES		
Recreational Vehicle and Boat Storage																		S		A	A	A			A		YES		
Recycling Facility																						A			A	YES	YES		
Rehabilitation Facility											S	S						A	A	A				A	A	A	YES		
Religious Housing		S									A	A															YES		
Religious Institution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A	A	YES		
Rendering Plant		S	S ²																			S			S		YES		

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(Res. No. 15-503, Exh. A, 12-15-2015; Res. No. 16-164, Exh. A, 5-17-2016)

Animal Day Care Facility	S	S																S	A	A	A							A		YES	YES	
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