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RESOLUTION NO. 18- 334

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF AMENDMENT TO THE LAND DEVELOPMENT CODE (LDC-18-001)

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendment(s) to Section(s) tire fences and walls and RVP Zoning 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 July 17, 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 August 14, 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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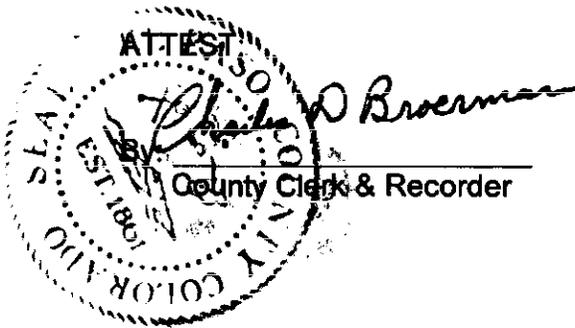
5. For the above-stated and other reasons, the proposed Amendment(s) are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the amendment(s) to Section(s) Tire fences and walls and RVP zoning 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 14th day of August, 2018, at Colorado Springs, Colorado.

**BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**



By: *[Signature]*
President

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.

5.2.12 Car Wash

A car wash shall be serviced by a central sewer system.

5.2.13 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.

5.2.14 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 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.

5.2.16 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.

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 two-directional volume of traffic during a given time period (in whole days), greater than one day and less than one 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.

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

The cultivation of bees on a commercial scale for the production of honey and pollination of crops.

Beneficial Use Agreement

An agreement between a landowner and the County establishing the limitations and conditions whereby waste tires may be utilized in the construction of a fence

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.

CHAPTER 6 GENERAL DEVELOPMENT STANDARDS

6.1. GENERAL

6.1.1. Purpose

This Chapter is enacted for the purpose of promoting the health, safety, convenience, and welfare of the general public and to establish standards for design and operation of uses 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.

6.1.2. Applicability

The provisions of this Chapter shall apply in all zoning districts to development, uses, activities, development applications, and development permits, except as specifically modified or otherwise provided by this Code. If it is determined by the DSD Director that the applicant is purposefully separating the project into smaller individual components in order to circumvent the requirements of this chapter, the entire project may be required to be brought into conformance with this Code.

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.

(3) ~~Fencing Materials~~

~~The use of tires for a fence or wall whether whole or baled shall be allowed only on the granting of a beneficial use agreement with El Paso~~

~~County and shall only occur in conformance with the requirements of this Code and CDPE regulations.~~

(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.

~~(4)~~(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.

~~(5)~~(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 6 feet in Height

A fence or wall over 6 feet in height requires a building permit from the Building Department.

(2) Fences and Walls 6 Feet in Height Considered Accessory Structure

A fence or wall over 6 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 Uses

The following requirements are applicable to fences associated with residential uses.