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AL2513

EL PASO COUNTY PLANNING AND
 COMMUNITY DEVELOPMENT
 DEPARTMENT

SPECIAL USE CHECKLIST

Revised: October 2023

Special Use Application Requirements

Letter of Intent

- Owner name, contact telephone number, and email for responsible party
- Applicant name (if not owner), contact telephone number, and email for responsible party
- Property address → ALQ address update (PPRBD comment) · 14920 Herring Rd (Principal)
· 14926 Herring Rd (ALQ)
- Property tax schedule number 5132001004
- Current zoning of the property RR-5
- A detailed analysis summarizing how the request complies with each of the Criteria of Approval in Chapter 5 of the Land Development Code. → S.3.2 Special Use
- A discussion identifying and acknowledging any applicable overlay zoning (e.g., CAD-O, etc.)
- A discussion summarizing the proposed request and compliance with the applicable requirements of the Land Development Code. → S.2.1 ALQs
- A discussion regarding how the proposed request complies with the definition of the proposed use and any applicable use specific standards within the Land Development Code. (1-15, ALQ)
- A discussion summarizing how the proposed special use is consistent with the El Paso County Master Plan, including all applicable elements of the Master Plan (e.g., Water Master Plan, Parks Master Plan, etc.).
- A discussion regarding anticipated traffic generation and access, unless a separate traffic study is required and is being provided. (eng.)

both are attached.

Site Plan Drawing for a Residential Use

- Owner name, contact telephone number, and email for responsible party (in LOI)
- Applicant name (if not owner), contact telephone number, and email for responsible party
- Property address → include both: principal dwelling & ALQ. Identify which/where.
- Property tax schedule number (in LOI)
- Current zoning of the property (in LOI)
- Legal description (in LOI)
- Date, north arrow and a graphic scale
- Location of property lines, right-of-way and all existing and proposed easements - label roads, Basin Dr & Herring Rd
- easements: 10 ft N, S, W lines
20 ft E property line
- Dimensions of all property lines
- The building footprint for all structures depicted and labeled to include the proposed use(s), floor area, and height. The setbacks of all building footprints dimensioned from all property lines. → 25 ft all sides
- Location of existing and proposed water and wastewater infrastructure, including well(s) and septic system(s)
- Location of all existing and proposed utility lines and associated infrastructure (if any-?)
- Existing/proposed land use, parcel size, and zoning (in LOI)
- Density and number of dwelling units (in LOI)
- Any other additional items as required by the PCD Director deemed necessary to address the applicable review criteria:

can just be added as an informational table on site plan

~~Site Plan Drawing for a Commercial Use~~

- ~~Owner name, contact telephone number, and email for responsible party~~
- ~~Applicant name (if not owner), contact telephone number, and email for responsible party~~
- ~~Property address~~
- ~~Property tax schedule number~~
- ~~Current zoning of the property~~
- ~~Legal description~~
- ~~Date, north arrow and a graphic scale~~
- ~~Location of property lines, right-of-way and all existing and proposed easements~~

- (engineering) RIF Acknowledgement form
- (planning) Recorded ALQ affidavit

- primary & secondary access driveway permits

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; (residential) Black Forest rural
 - 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; (Road Impact Fee Statement)
 - The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access; (driveway permit(s))
 - The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution; statement.
 - 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 statement.
 - The special use conforms or will conform to all other applicable County rules, regulations or ordinances. (S.2.1. ALQ criteria)
- (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.

Addressed in
LOI:

Please consider
adding to letter of
Intent (LOI) →
(statements)

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.

Upload: (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.

Add: (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.

Add: (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.
- 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 5.3.2 (Special Use) Application pending 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.