

## EL PASO COUNTY Board of Adjustment

### A G E N D A

**March 14, 2018 - Beginning at 9:00 a.m.**

Meetings are held in the Hearing room (second floor) of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado, or other designated location as may be required.

The Board of Adjustment Comment Agenda is automatically incorporated as part of the record unless specific objections are raised at the meeting. The recording is the official record of the proceedings.

1. Pledge of Allegiance
2. Report Items – Craig Dossey
3. Adoption of Minutes of Regular Meeting held January 10, 2018
4. **BOA-18-002**

**RUIZ**

#### **BOARD OF ADJUSTMENT DIONNE TINY HOUSE**

A request by Thomas R Dionne for approval of a dimensional variance to allow a 2160 square foot accessory structure to exceed the building footprint of the principle structure. The 1.36 acre property is zoned RR-5 (Residential Rural) and is located on Brentwood Drive approximately one-third (1/3) of a mile east of Black Forest Road. (Parcel No. 52082-58-009)

For information regarding the item being considered by the Board of Adjustment, or additional information call 520-6300 during the meeting. Results of the Board's action will be posted on the County's Web sit at – [www.elpasoco.com](http://www.elpasoco.com) Look for "Meetings & Agendas" on the left side, and then "Planning Committees and Boards" on the County's home page.

# EL PASO

COMMISSIONERS:  
DARRYL GLENN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)



# COUNTY

STAN VANDERWERF  
LONGINOS GONZALEZ  
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

## BOARD OF ADJUSTMENT

### MEETING RESULTS (UNOFFICIAL RESULTS)

(Audio and audio/video copies of the meeting are available at the Office of the Clerk/Recorder)

Board of Adjustment (BOA) Meeting  
Wednesday, January 10, 2018 -- 9:00 a.m.  
El Paso County Planning and Community Development  
2880 International Circle  
Colorado Springs, Colorado 80910

**BOA MEMBERS PRESENT AND VOTING: JAY CARLSON, WAYNE INTERMILL, JERRY HANNIGAN, LORELLE DAVIES, AND CHAD THURBER**

**BOA MEMBERS PRESENT AND NOT VOTING: NONE**

**STAFF PRESENT: CRAIG DOSSEY, GABE SEVIGNY, GILBERT LAFORCE, AND EL PASO COUNTY ATTORNEY LORI SEAGO**

**OTHERS ATTENDING: DALE PARKER, CAROL HIBBERT**

**BOA MEMBERS ABSENT: KEVIN CURRY**

1. Pledge of Allegiance
2. Sunshine Law

**BOA ACTION: Mr. Intermill** read the motion into the record; **Mr. Thurber** seconded the motion. The motion passed unanimously. (5-0)

3. Report Items
4. Adoption of Minutes of Regular Meeting held November 8, 2017

**BOA ACTION:** With no changes, the minutes were approved unanimously.

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695

**BOARD OF ADJUSTMENT  
JACKSON CREEK KENNEL**

A request by Dale Parker, on behalf of Carol Hibbert, for approval of a dimensional variance to allow a setback of 67 feet where 100 feet is required for a kennel in the RR-5 (Residential Rural) zoning district. The property is located south of Elliott View and east of North Peyton Highway. (Parcel No. 32000-00-637)

**Ms. Seago** went over the review approval criteria for a dimensional variance for the Board of Adjustment members.

**Mr. Sevigny** gave his presentation and answered questions from the Board.

**Mr. Carlson** – Are there issues with the kennel yard and setbacks? Answer from **Mr. Sevigny** – The 100' setback refers to any of the kennel operations.

**Mr. Intermill** – When was the fence put up? Answer from **Mr. Sevigny** – He put the privacy fence up immediately after the violation.

**Ms. Davis** – Did the western property give any feedback? Answer from **Mr. Sevigny** – I received no comments from any of the neighbors.

**Mr. Parker** gave his presentation to the Board of Adjustment and answered questions.

**Mr. Carlson** – What is the breed of dog that you are breeding? Answer from Mr. Parker – Poodle Pointer

**Mr. Hannigan** – Can you describe the fence you installed? Answer – I put in a 40x60 yard with chain link fence and fabric opaque slats.

**Mr. Carlson** – Did you put the fence on the dog run or property line? Answer from **Mr. Parker** – I put the fence around the dog run, not the property.

**Mr. Intermill** – Have you checked with regional building to see if a building permit is required for the building? Answer from **Mr. Parker** – No, I have not. Answer from **Mr. Sevigny** – That is one of the conditions is that they obtain a building permit with all required inspections. Answer from **Mr. Dossey** -- If the structure has the public accessing it, then a building permit would be required.

**SPEAKING IN FAVOR:** None

**SPEAKING IN OPPOSITION:** None

**DISCUSSION:**

**Mr. Hannigan** – My only comment has to do with the conditions and having to do with the time frames given. I don't see the purpose. Obviously anyone who is in a position for these conditions to be met may come up against other agencies and you could be just days after those timeframes and not be in compliance.

**Mr. Intermill** – I concur with that. The state can take longer than they say. Answer from **Mr. Sevigny** – The Executive Director has the ability to waive the limits based on knowing there is progress being made from the applicant.

**Mr. Dossey** – We have approximately 1100 code enforcement violations a year, so the time limits are a way of monitoring those projects to get them completed. At the point they can't meet the deadlines, our office has the authority to pursue action. We want to see the applicants make progress or they are operating a business under a domestic well and not commercially decreed.

**Mr. Parker** – I was warned it may take 6 months to get the water issue resolved, but I'm hoping it goes through quicker since the use is so minimal. I will be contacting the State Water Engineer's Office today.

**BOA ACTION: DAVIES MOVED/INTERMILL SECONDED TO APPROVE ITEM NO. 4, BOA-17-005, BASED ON USING STANDARD RESOLUTION NO. 3, WITH FOUR (4) CONDITIONS AND NO NOTATIONS. MOTION PASSED UNANIMOUSLY (5-0).**

**Adjourn**

# EL PASO



# COUNTY

COMMISSIONERS:  
DARRYL GUINN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF  
LONGINOS GONZALEZ  
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of Adjustment  
Kevin Curry, Chair**

**FROM: Nina Ruiz, Project Manager/Planner II  
Gilbert LaForce, Engineer II  
Craig Dossey, Executive Director**

**RE: BOA-18-002: Dionne Tiny House  
Assessor's Schedule No: 52082-58-009**

**OWNER:**

**REPRESENTATIVE:**

Thomas R Dionne  
3816 Smoke Tree Drive  
Colorado Springs, CO 80920

Thomas R Dionne  
3816 Smoke Tree Drive  
Colorado Springs, CO 80920

**Commissioner District: 1**

Board of Adjustment Hearing Date:

3/14/2018

**EXECUTIVE SUMMARY**

A request by Thomas R. Dionne for approval of a dimensional variance to allow a 2,160 square foot accessory structure to exceed the building footprint of the principle structure. The property is located on Brentwood Drive approximately one-third (1/3) of a mile east of Black Forest Road and is within Section 8, Township 12 South, Range 65 West of the 6<sup>th</sup> P.M. The parcel is located within the Black Forest Preservation Plan (1987).

This property was affected by the 2013 Black Forest Fire. The Board of County Commissioners (BoCC) suspended portions of the Land Development Code to facilitate rebuilding of the affected area (BoCC Resolution No. 13-305). With the suspension, the Planning and Community Development Department was authorized to allow the construction of accessory structures in advance of the construction of the principle dwelling. A site plan for the 2,160 square foot accessory structure was approved on October 8, 2013 (AGBF-13-022).

The BoCC approved revisions to the Land Development Code to allow for tiny houses within certain zoning districts (BoCC Resolution No. 17-372). The applicant is proposing to place a 390 square foot tiny house on the subject parcel. The tiny house regulations

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695

allow for an accessory structure up to 500 square feet in size, even if the home is less than that size. The existing accessory structure (2,160 square feet) exceeds the footprint of the proposed home (390 square feet) as well as the tiny house allowance (500 square feet). Therefore, a dimensional variance has been requested by the applicant to allow the size of the accessory structure to exceed the size of the proposed home.

**A. REQUEST**

A request by Thomas R. Dionne for approval of a dimensional variance to allow a 2,160 square foot accessory structure to exceed the building footprint of the principle structure.

**B. APPROVAL CRITERIA**

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2015), states the following:

*“The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property. Practical difficulties and hardship, in this context, may exist where the legal use of the property is severely restricted due to:”*

- 1) *“The exceptional narrowness, shallowness, or shape of the specific piece of property.”*

Legal use of the property is not severely restricted due to any exceptional narrowness, shallowness, or shape of the property.

- 2) *“The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.”*

Legal use of the property is restricted due to the natural drainage pattern and topographic conditions. Per the applicants letter of intent “The drainage of the property has been altered dramatically in two locations post fire.” The accessory structure constructed in 2013 was placed in the middle of the buildable area for the lot, greatly limiting the available buildable area for the principle structure.

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Code continues by stating the following:

*“The Board of Adjustment may also grant variances from the strict application of any physical requirement of this Code based upon equitable consideration, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property and;”*

- *“The variance provides only reasonably brief, temporary relief; or”*

Approval of the variance would provide permanent relief.

- *“The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements; or”*

There are no anticipated impacts that would require an alternate plan, standard, or condition.

- *“Some other unique or equitable consideration compels that strict compliance not be required.”*

Due to the temporary suspension of portions of the Land Development Code following the 2013 Black Forest fire, the accessory structure was legally constructed in advance of the construction of a new principle structure. The Code (2017) requires the accessory structure to be no greater than the footprint of the principle structure, which would limit the size of a new home to no smaller than 2,160 square feet. The site plan depicts that the proposed tiny house will meet the required 25 foot front, back, and side setbacks. The only standard that the proposed tiny house will not meet is the minimum size requirement of 2,160 square feet due to the tiny house being only 390 square feet.

Approval of the request may be based on the criteria of unique or equitable consideration associated with the property owner's desires to live in a smaller home.

### **C. BACKGROUND**

The property was platted as Lots 3-8, Block 56 Brentwood Country Club & Cabin Sites Tract 1 on August 16, 1929. Zoning was initiated for this portion of the County in 1967 when the property was zoned A-4 (Agricultural). Due to changes in the nomenclature of the El Paso County Land Development Code (2018), the A-4 zoning district was renamed as the RR-5 (Residential Rural) zoning district. The lots were merged by resolution on May 27, 2003, creating one zoning lot comprised of 1.36 acres.

This property was affected by the 2013 Black Forest fire. The Board of County Commissioners (BoCC) suspended portions of the Land Development Code to facilitate reconstruction in the affected area (BoCC Resolution No. 13-305). With the suspension, the Planning and Community Development was authorized to approve construction of the existing accessory structures in advance of construction of a principle dwelling. A site plan for the 2,160 square foot accessory structure was approved on October 8, 2013 (AGBF-13-022). The BoCC Resolution has since expired, which means that all new development in

the area affected by the fire must comply with all of the requirements of the Land Development Code (2018).

The BoCC approved revisions to the Land Development Code (2017) allowing for tiny houses within certain zoning districts (BoCC Resolution No. 17-372). The applicant would like to place a 390 square foot tiny house on the subject parcel. The tiny house regulations allow for an accessory structure up to 500 square feet in size, even if the tiny house, serving as the principal structure, is smaller in size. The existing accessory structure (2,160 square feet) exceeds the footprint of the proposed home (390 square feet) as well as the tiny house allowance (500 square feet). Therefore, a dimensional variance has been requested by the applicant to allow the size of the accessory structure to exceed the size of the proposed home.

**D. ALTERNATIVES EXPLORED**

There are several alternative options for the applicant to come into compliance that would not require a dimensional variance request:

1. Demolish the accessory structure.
2. Demolish a portion of the accessory structure so that it does not exceed the tiny house allowance for accessory structures (500 square feet).
3. Do not place a tiny house or construct a substandard sized home on the property.
4. Construct a 2,160 square foot or larger principal structure.

**E. CONDITIONS OF APPROVAL**

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a dimensional variance for the size of the accessory structure, and that the applicant has met the review and approval criteria for granting variances from the applicable standards, staff recommends the following conditions and notation of approval:

**Conditions**

1. The approval applies only to the plans as submitted. Any expansion or additions to the accessory structure may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Approval of a tiny house site plan by the Planning and Community Development Department is required prior to the placement of the home.

**F. APPLICABLE RESOLUTIONS**

Approval: Resolution 3 – Unique and Equitable Circumstances  
Disapproval: Resolution 4



**G. LOCATION**

North:	RR 5 (Residential Rural)	Vacant
South:	RR-5 (Residential Rural)	Residential
East:	RR-5 (Residential Rural)	Vacant
West:	RR-5 (Residential Rural)	Residential

**H. SERVICE**

**1. WATER/WASTEWATER**

Water is provided by an onsite groundwater well.

**2. WASTEWATER**

Wastewater is provided by an onsite wastewater treatment system (OWTS).

**3. EMERGENCY SERVICES**

The site is located within the boundaries of the Black Forest Fire Protection District. The District was sent a referral and no response has been received to date.

**I. ENGINEERING**

**1. FLOODPLAIN**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0315F shows that the property is located outside of the 500- year Floodplain (Zone X).

**2. DRAINAGE AND EROSION**

The property is located within the Kettle Creek drainage basin (FOMO3000), which is an unstudied basin. No drainage or bridge fees were required for the dimensional variance. No public drainage improvements are required.

**3. TRANSPORTATION**

The property is accessed via Brentwood Drive. A traffic impact study was not required because the dimensional variance is not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the dimensional variance. No traffic improvements are required.

**J. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified six (6) adjoining property owners on February 21, 2018, for the Board of Adjustment meeting. Responses will be provided at the hearing.

**K. ATTACHMENTS**

- Letter of Intent
- Vicinity Map
- Site Plan
- AGBF-13-022
- BoCC Resolution No. 17-372

4

February 06, 2018

LETTER OF INTENT FOR "DIONNE TINY HOUSE"

OWNERS: Thomas and Margaret Dionne  
3816 Smoke Tree Drive  
Colorado Springs, CO 80920 Phone# (719) 502-6754

SITE INFO: 7110 Brentwood Drive  
Colorado Springs, CO 80908

TAX SCHEDULE: #5208258009 ZONING: RR5 1.38 acres

LEGAL DESCRIPTION: Lots 3-8 inclusive Block 56  
Brentwood Country Club and Cabin Sites  
Tract 1

REQUEST FOR: Variance Relief from dimensional standards for an accessory building exceeding the allowance of two times the primary structure. Proposed 570 S.F. footprint, "Park Model" including (2) 90 S.F. built on decks with a 2160S.F. Accessory building. Living area is 390 S.F.

PROPERTY HISTORY: Purchased property in 2003 and built a 1168 S.F. Custom Home and a 720 S.F. detached garage in 2004.

The home and garage along with all our 40 years of belongings were a total loss in the Black Forest Fire in June of 2013. We have spent almost five years cleaning fire debris, regrading for proper drainage after post fire flooding, and seeding various native grasses for erosion control to prepare for an eventual return to our dearly missed home site. Our home was lost but our home site was not, and it is now our wish to continue our recovery and move back home with the approval from the Board of Adjustment.

EXISTING PROPERTY IMPROVMENTS: 2160 S.F. Barn (36x60)  
8x15 120 S.F. chicken house/shed (did not burn in fire and repaired)  
Water Well: Permit # 241221 Repaired 08/16/2013  
Engineered Septic System: Record ID # 5295 10/30/2003  
Electrical Panel: 200 Amp. Main. Permit #I87913 09/02/2013  
60Amp to Barn Permit # J20553 06/05/2013  
Natural Gas: "Will Serve Letter"  
Driveway: Driveway Permit #6979

JUSTIFICATION: My homeowners insurance policy was for full replacement of lost items after the fire. If I did not replace my two tractors, back hoe, grader blade and 40 years of accumulation of tools they would be depreciated at 90% which would have been a loss I could never recover. I had a local Black Forest contractor build the barn right after the fire (10/2013) to be able to safely store store these replaced items without a single thought of the size in relation to a future home. The barn was permitted through Zoning and Planning with an approved site plan showing a much smaller future home shown and was not made aware of this issue at the time.


We do not wish to build a home based on barn size but rather would like to scale down to a smaller and easier size home to maintain without a mortgage. My wife and I are in our sixties and do not require or desire a larger home to retire in.

The drainage of the property has been altered dramatically in two locations post fire, one by a neighbor raising a shared private road approximately 3 feet and blocked my access to Daisy Street. The other is the El Paso County DOT replaced a decades covered and plugged up 8" culvert on Brentwood Dr. that did not work pre fire with a 18" culvert that turned my existing driveway into a pool of water. I have redirected the drainage in both cases but it leaves me little room in which to place the "Park Model". Considering the steep slope on my lot with 25 foot setbacks the home site location shown on the site plan is very much the only place uphill from the existing engineered septic system and close in proximity to electrical, water and gas hookups, all existing. For these reasons I feel the placement on the lot proposed would be the most practical location and suit the neighborhood without any problems or impact to any neighbors.

WAIVER REQUESTS: Dimensional Standard Relief Variance for the size of the barn through Board Of Adjustment and public hearing.

Project: DIONNE TINY HOUSE  
Address: 7110 Brentwood Drive.  
Colorado Springs, CO 80908

Signed on: FEB 08, 2018

  
\_\_\_\_\_  
Thomas R. Dionne

  
\_\_\_\_\_  
Margaret A. Dionne

# El Paso County Parcel Information

File Name: BOA-18-002

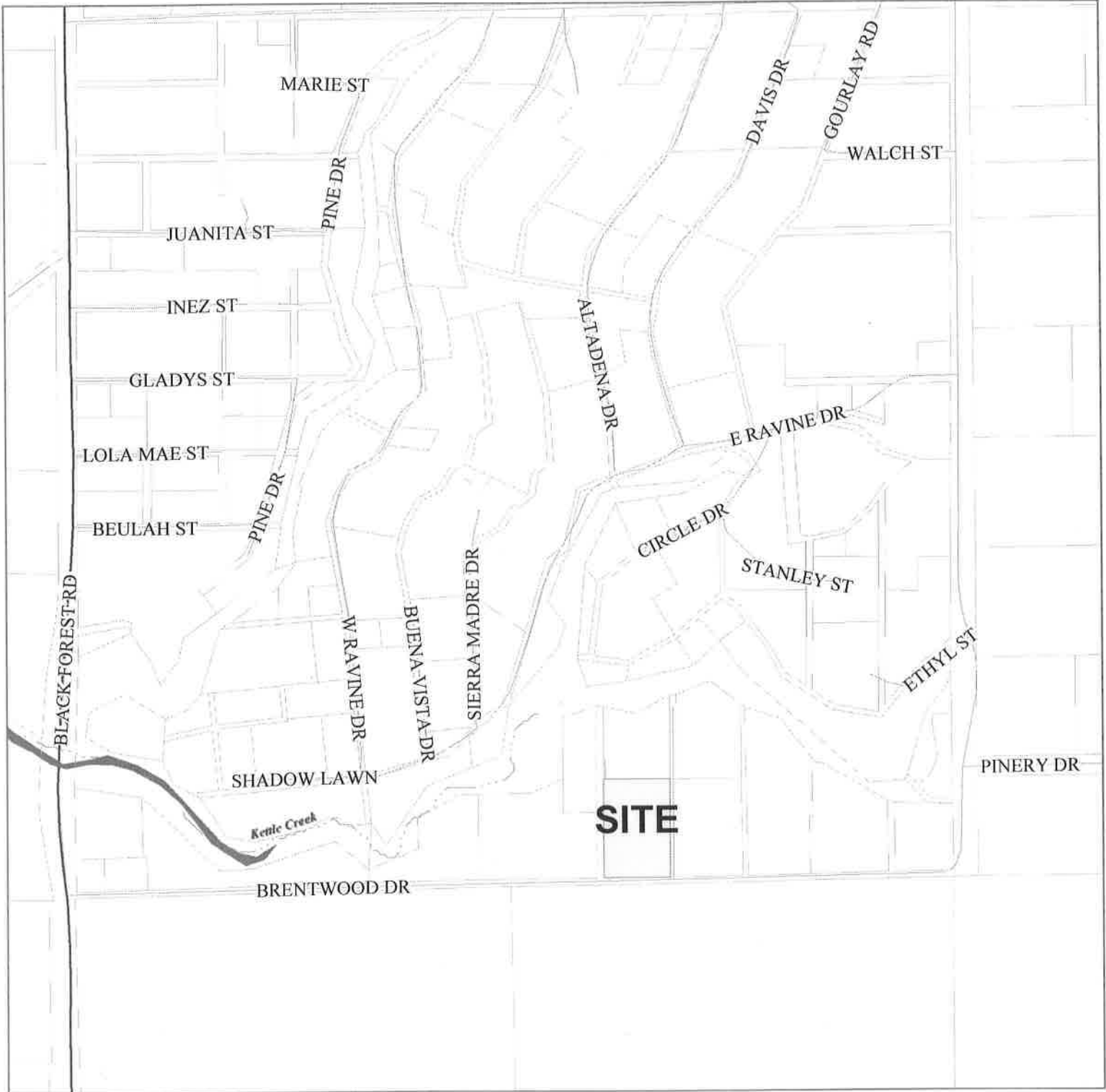
PARCEL	NAME
5208258009	DIONNE THOMAS R &

Zone Map No.: -

ADDRESS	CITY	STATE
3816 SMOKE TREE DR	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80920	4145

Date: February 20, 2018



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (719) 520-6600



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RESIDENTIAL RR-5  
13080 COLUMBINE STREET  
COLORADO SPRINGS, CO 80908

RESIDENTIAL RR-5  
O COLUMBINE  
COLORADO SPRINGS,  
CO 80908

LOTS 1, 2, 3 & 10 BLOCK 56  
BRENTWOOD COUNTRY CLUB  
AND CABIN SITES  
TRACT 1

200'-0"



EXISTING 1400 S.F. LEACH FIELD  
(ENGINEERED SYSTEM FOR TWO BEDROOMS)  
2004 GEOQUEST ENGINEERING

DRAINAGE FLOW

EXISTING  
CULVERT  
(PRIVATE)

EXISTING DRIVEWAY  
AND PARKING

EXISTING  
LIFT  
STATION  
EXISTING  
SEPTIC  
TANK

EXISTING  
ELECTRICAL  
PANEL, BOX,  
PANEL BOARD  
(200-AMP)

NO DRIVEWAY POST FIRE  
PRIVATE ROAD WAS RAISED 36"  
AND ACCESS WAS BLOCKED

EXISTING  
CULVERT  
(PRIVATE)

RESIDENTIAL RR-5  
LOT 9 BLOCK 51  
BRENTWOOD COUNTRY CLUB  
AND CABIN SITES  
TRACT 1

COLUMBINE STREET (PRIVATE ROAD)

300'-0"

RESIDENTIAL RR-5  
LOT 5A BLOCK 55A  
BRENTWOOD COUNTRY CLUB  
AND CABIN SITES  
TRACT NO 1 FIL A  
TOTO BRENTWOOD  
COLORADO SPRINGS,  
CO 80908

EXISTING  
BELL PIT  
REPAIRED (2-2003)

EXISTING  
"MINOR  
STRUCTURE"  
NO CHANGES  
36'X60'  
2160 S.F.

25'-0"

DAISY STREET (PRIVATE ROAD)

300'-0"

11'-6"

1.36 ACRES  
LOTS 3-8 INCLUSIVE  
BLOCK 56 BRENTWOOD  
COUNTRY CLUB  
AND CABIN SITES (TRACT 1)  
TAX SCHEDULE # 520258008

7150 BRENTWOOD  
COLORADO SPRINGS,  
CO 80908  
RESIDENTIAL RR-5

EXISTING CULVERT  
(EL PASO COUNTY)

200'-0"

BRENTWOOD DRIVE

NATURAL GAS LINE

145 BRENTWOOD DRIVE COLORADO SPRINGS CO 80908 NE49W4 SEC 08-12-65

# EXISTING SITE PLAN

DIONNE TINY HOUSE PROJECT  
1110 BRENTWOOD DRIVE  
COLORADO SPRINGS, CO 80908

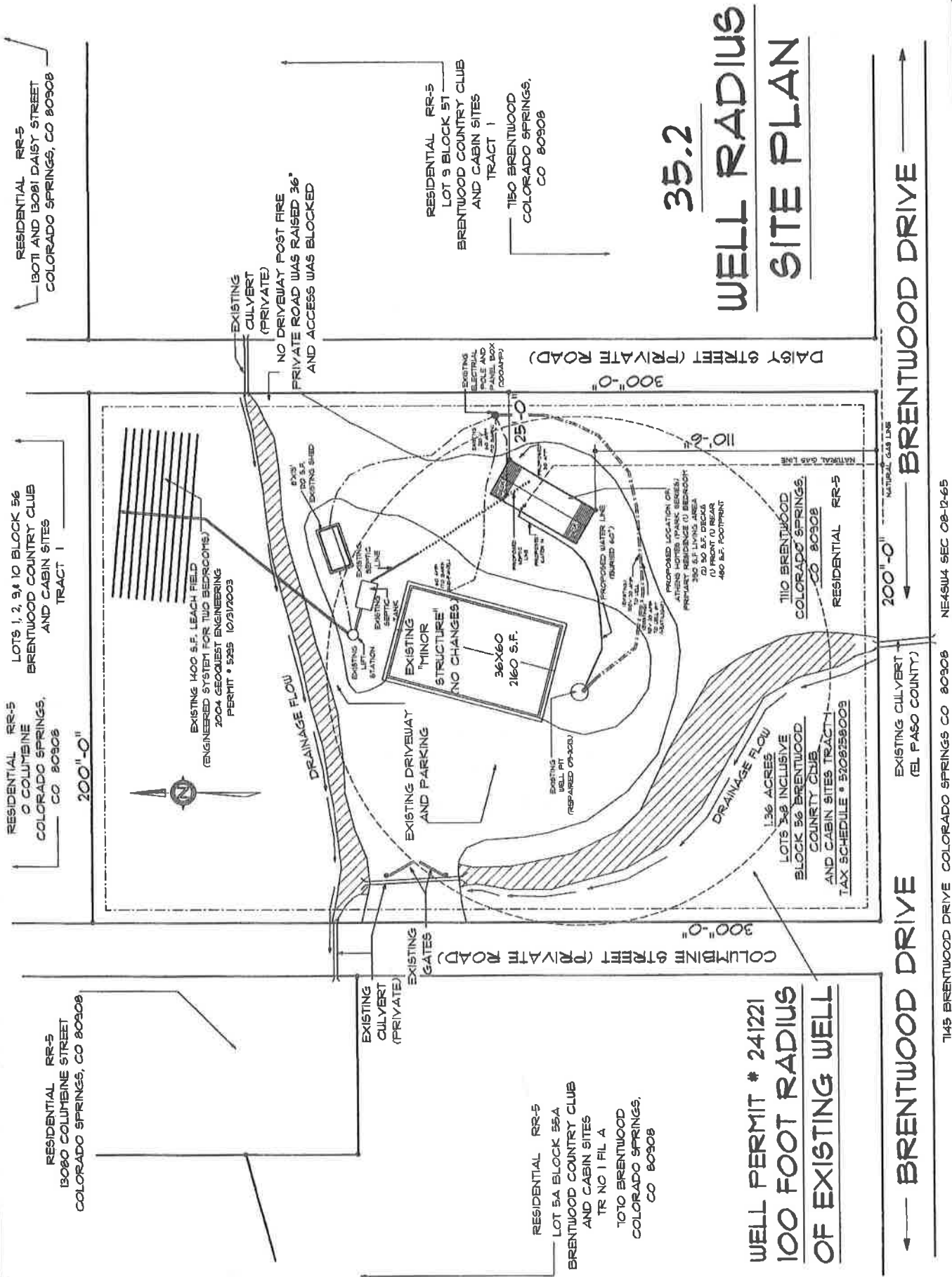
DRAWN BY: TOM DIONNE  
3816 STROKE TREE DRIVE  
COLORAD SPRINGS, CO 80920  
(719) 602-6154

DATE: 02/03/10  
SCALE: 1/4" = 1'  
DRAWN BY: TD  
CHECKED BY: [blank]  
JOB SHEET 1  
OF 3 SHEETS

DATE	02/08/20
SCALE	1/4" = 1'
DRAWN BY	TD
CHECKED BY	
JOB	
SHEET	2
OF	3 SHEETS

DRAUN BY: TOM DIONNE  
 3816 SHOCK TREE DRIVE  
 COLORADO SPRINGS, CO 80920  
 (719) 502-6754

DIONNE TINY HOUSE PROJECT  
 1110 BRENTWOOD DRIVE  
 COLORADO SPRINGS, CO 80908



# 35.2 WELL RADIUS SITE PLAN

**WELL PERMIT # 241221  
 100 FOOT RADIUS  
 OF EXISTING WELL**

**BRENTWOOD DRIVE**

**BRENTWOOD DRIVE**

**BRENTWOOD DRIVE**

TAX SCH. 520258009  
LEGAL DESCRIPTION: LOTS 3-8 INC. BLOCK 56  
BRENTWOOD COUNTRY CLUB & CABIN SITES

Driveway  
Permit # 697

OWNER: TOM AND MARGIE DIONNE  
1110 BRENTWOOD DRIVE  
COLORADO SPRINGS, CO 80908

AGBF 13.22

COLUMBINE DRIVE 20'-0" / PRIVATE DRIVE

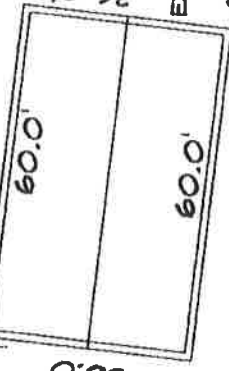
300.0'

EXISTING CULVERT

20.0' SETBACK

EXISTING DRIVEWAY

PROPOSED AG BUILDING



EXISTING WELL LOCATION  
(REPAIRED 09-2013)



FUTURE HOME SITE

EXISTING LIFT STATION

EXISTING SEPTIC TANK

EXISTING LEACH FIELD LOCATION

20.0' SETBACK

EXISTING ELECTRIC POLE  
(NEW 09-2013)

EXISTING CULVERT

300.0'

DAISY STREET 20'-0" / PRIVATE DRIVE

BRENTWOOD DRIVE 20' ROW

200.0' PROPERTY LINE

200.0' PROPERTY LINE

BESQCP Not Required  
by *CDS* on 10/8/13

APPROVED BY *CDS* DATE 10/8/13 DENIED  
FOR NOTES *alberta*  
*Tom & Margie Dionne*  
EL PASO COUNTY DEVELOPMENT SERVICES

# EL PASO COUNTY



DEVELOPMENT SERVICES DEPARTMENT  
2880 International Circle Colorado Springs CO 80910  
Phone (719) 520-6300 Fax (719) 520-6695

## AGRICULTURAL BUILDING INFORMATION

FILE NO. AGB-13-22  
CC: ASSESSOR

Applicant Name THOMAS R. DIONNE Flood Plain

Address where Building to be located 7110 BRENTWOOD DR

Tax Schedule No. 5208258009

Zone District \_\_\_\_\_ Acreage 1.38 AC.

Building Type POLE BARN

### Intended Use

- Agricultural Implements
- Farm Products
- Livestock
- Poultry
- Other \_\_\_\_\_

Notes: \_\_\_\_\_

**APPROVED**

**DENIED**

Cathy D. Spaulding  
Development Services

10/8/13  
date

Reason for denial \_\_\_\_\_





John A. McCarty, P.E., Director

3460 N. Marksheffel Rd. • Colorado Springs, CO • 80922  
(719)520-6460 • FAX (719)520-6879 • www.el-paso.co.us/Transprt/default.htm

Issue Date: 6/12/03

Permit Number: 6979

**DRIVEWAY ACCESS PERMIT**

The undersigned applicant agrees to perform all work in accordance with the El Paso County Subdivision Criteria Manual, El Paso Land Development Code, requirements specified below, and any permit attachments. Should the preceding conditions not be satisfied, this permit shall be considered NULL and VOID.

APPLICANT: Thomas Dionne

Company:

Telephone: (719) 347-9612 Address: 556 Denver Avenue

City: Calhan

State: Colorado

ZIP: 80808-

Project Location: (Street Address, Lot Number, Tax Schedule #)

7110 Brentwood Drive

TYPE OF DRIVEWAY ACCESS

PRIVATE LOCATION

**Remarks:**

This permit is for access onto a private road not maintained by the County for the sole purpose of enabling the applicant to obtain a Building Permit from the Regional Building Department. The applicant is encouraged to install proper drainage facilities for their own convenience and safety. Consent must be obtained from the entity owning, controlling or maintaining said private location.

**REQUIREMENTS:**

1. STATE LAW REQUIRES that utilities be located prior to construction. At least two days advance notice must be given. Phone 1-800-922-1987
2. All work sites must be signed and protected in accordance with the current issue of the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES and any permit attachments.
3. Should it become necessary for El Paso County to sign, light and barricade hazardous areas or restore the Right-of-Way to its original condition, all costs of said work shall be borne by the applicant.
4. All backfill shall be compacted to 90% of AASHTO T-180 unless otherwise specified.
5. ALL ACCESSES ARE SUBJECT TO RECONSIDERATION UPON LAND USE OR TRAFFIC CHANGES.
6. Road closure will not be permitted.
7. This permit is not good for access to planned arterial roadways.
8. Permit is VOID if construction is not completed within 90 days.
9. Applicant should contact local Fire Protection District for any additional requirements.

Fee: \$15.00

Surcharge: \$15.00

Total Charge: \$30.00

Collect

SIGNATURES APPLICANT:

ISSUED BY:

Renee Martinez



**RESOLUTION NO. 17- 372**

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

**APPROVAL OF AMENDMENT TO THE LAND DEVELOPMENT CODE (LDC-17-001)**

**WHEREAS**, the Planning and Community Development Department of El Paso County requests approval of Amendment(s) to Chapters 1, 4 and 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 November 7, 2017, 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 12, 2017; 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 Choose an item. 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 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 Chapters 1, 4 and 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 12<sup>th</sup> day of December, 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:



By: [Signature]  
President

## Chapter 1

-Add definition for recreational vehicle, park unit:

### **Recreational Vehicle, Park Unit**

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

-Amend definition of recreational vehicle park:

### **Recreational Vehicle Park**

~~Any open area, other than a street, alley or other public place, used~~ **An area within the RVP zoning district planned exclusively for the parking or temporary storage of two or more recreational vehicles for temporary or long term occupancy as a housing unit.** ~~(a) overnight is usually located along or near main highways, where recreational vehicles stop for only one or two nights on the way to some further destination; (b) destination is usually located at or near a scenic, historical, or outdoor recreational area where recreational vehicles are attracted for extended stays of several days or weeks.~~

-Add definition for tiny house:

### **Tiny House**

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

-Add ANSI RVIA to acronyms: American Nation Standards Institute Recreational Vehicle Industry Association

## Chapter 4

### **RVP, Recreational Vehicle Park District**

#### **(A) Purpose**

The RVP district is intended to accommodate recreational vehicle parks, which are sites used for the temporary-location of occupied recreational

vehicles. These facilities cover a range of short overnight stays to longer destination type stays of several days or weeks.

## Chapter 5

-Add tiny house, single lot to use chart as an allowed use in A-35, A-5, F-5, RR-5, R-T, MHS, MHP, and MHPR with site plan and use specific standards

-Add tiny house, recreational vehicle park to use chart as an allowed use in RVP with use specific standards.

-Amend the guest house allowance to allow for tiny house with reference to the use specific standards.

### 5.2.29 Guest House

#### (B) Type of Structure

A guest house may be within the principal structure, in a garage, in an accessory structure, or as a tiny house meeting the use specific standards found in Section 5.2.51.

### 5.2.49 Temporary Housing

Manufactured homes, post-1976 mobile homes, pre-1976 mobile homes, **recreational vehicles, or tiny houses** where the zoning allows ~~or recreational vehicles~~ may be used to provide temporary housing for the owner of a lot or parcel during the construction of a permanent dwelling on the lot or parcel, subject to temporary use permit requirements. The duration of the temporary housing shall not exceed 12 months unless a renewal is granted. The temporary housing shall be removed from the site at the end of the 12 month period or following completion of the construction, whichever comes first. An extension of time may be granted by the PCD Director following a finding that significant progress has been made in the construction of the permanent dwelling or there have been circumstances beyond the control of the property owner that have delayed construction. A recreational vehicle or tiny house shall only be used as temporary housing **as defined in Chapter 1 of this Code** ~~under with~~ a temporary use permit if a building permit has been issued and remains active for a permanent dwelling. **Tiny houses must also meet the prohibition of interior storage of water and wastewater outlined in the Tiny House, Single Lot section of this Code.**

-Add Tiny House, single lot to Chapter 5 use specific standards

-Add Tiny House, Recreational Vehicle Park to Chapter 5 use specific standards

#### **5.2.50 Tiny House, Recreational Vehicle Park**

**(A) Applicability**

The following standards apply to tiny houses within the Recreational Vehicle Park zoning district.

**(B) Minimum Construction Standard**

Tiny houses shall be constructed to ANSI RVIA standards. Tiny houses not constructed to ANSI RVIA standards shall be allowed with certification by a professional structural engineer certifying that, at a minimum, the unit and support structure has been designed in accordance with all applicable horizontal and vertical loads as required by the local authority having jurisdiction.

**(C) Exterior Appearance Single-Family in Character**

Tiny houses shall be finished on all sides with finished wood panel siding, vinyl siding, brick or stone veneer siding, stucco finish siding, other architecturally finished veneer, or with other similar types of siding as approved by the PCD Director.

#### **5.2.51 Tiny House, Single Lot**

**(A) Applicability**

The following standards apply to tiny houses used as a guest house or as a principle use on an individual lot or parcel. This section does not apply to tiny houses located in a Recreational Vehicle Park zoning district.

**(B) Number of Tiny Houses per Lot or Parcel**

One tiny house shall be allowed as a principle use on an individual lot or parcel, except in the A-35 (Agricultural) zoning district where two tiny houses may be allowed. One additional tiny house may be allowed on an individual lot or parcel where a guest house is permitted.

**(C) Minimum Construction Standard**

Tiny houses shall be constructed to ANSI RVIA standards. Tiny houses not constructed to ANSI RVIA standards shall be allowed with certification

by a professional structural engineer certifying that, at a minimum, the unit and support structure has been designed in accordance with all applicable horizontal and vertical loads as required by the local authority having jurisdiction.

**(D) Exterior Appearance Single-Family in Character**

1. All tiny houses shall be designed and constructed so as to comply with the following:

- Be finished on all sides with finished wood panel siding, vinyl siding, brick or stone veneer siding, stucco finish siding, other architecturally finished veneer, or with other types of siding as approved by the PCD Director;
- Have no attached motor as the means of propulsion;
- Have premanufactured insulated residential grade exterior doors;
- Have premanufactured insulated residential grade windows; and
- Have residential style/type roofing materials.

2. Tiny Houses shall have a minimum of four of the following design features:

- More than one type of exterior siding listed above in subsection D.1 on a single side in an integrated manner;
- Upgraded entry feature, such as transom or side windows around an exterior door;
- Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
- Pitched roofline (3:12 pitch or steeper);
- Dormers;
- Premanufactured skylights;
- Built-in porch or deck;
- Exterior residential light sconces or downcans; or
- Other features as otherwise approved by the PCD Director.

The provision of more than one item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).

**(E) Screening**

Tiny house wheels, running gear, and hitch components shall be either:

- Removed and the tiny houses set on a platform;

- Screened from view with skirting of the same exterior siding and materials as the tiny house;
- Screened from view via placement on a subsurface pad serving as a foundation and with integrated plantings and landscaping; or
- Screened with other methods as otherwise approved by the PCD Director.

**(F) Interior Storage of Water Prohibited**

No interior water storage tank, unless otherwise approved as an integrated water system by the PCD Director in consultation with El Paso County Public Health, shall be allowed within a tiny house.

**(G) Storage of Wastewater Prohibited**

No interior storage of wastewater, unless approved by the PCD Director in consultation with El Paso County Public Health, shall be allowed within a tiny house.

**(H) Proof of Utilities**

Proof of electric, natural gas, and/or propane availability is required. Proof of water and wastewater service is required unless otherwise approved by the PCD Director pursuant to subsections F and G above. Electrical, natural gas, propane, water, and wastewater connections must meet the requirements of the utility provider and/or El Paso County Public Health, as appropriate. Individual wells and on-site wastewater treatment systems (OWTS) shall be permitted in accordance with state and local regulations. A permit from the local jurisdiction having authority is required for electrical, gas, propane, and plumbing connections.

**(I) Tiny House Site Plan Review Required**

A tiny house site plan application shall be applied for and approved prior to the placement of the tiny house on an individual lot or parcel. Tiny house residential site plan applications shall, at a minimum, consist of the following:

- Proof of ANSI RVIA construction or certification by a professional structural engineer;
- Elevation drawings of the tiny house to include the method of screening/skirting and identification of the type of siding material(s);
- Floorplan of the tiny house;
- Proof of utilities;



- Applicable landscaping plan with subsurface pad; and
- Additional documentation as required by the PCD Director that may be necessary, in his or her opinion, to approve the site plan.

**(J) Accessory Structure Allowances**

Accessory uses to a tiny house used as a principle use are limited to residential accessory uses. Accessory structures exceeding the allowance of two times the size of the footprint of the tiny house may be approved by the PCD Director with the residential site plan review. Accessory structures exceeding the size limitation of the zoning district shall not exceed 500 square feet. An accessory structure exceeding this allowance shall require an application for relief from the dimensional standards.

specifically for applications under Appendix B Guidelines and Regulations For Areas and Activities of State Interest of El Paso County.

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

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

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

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

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

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

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

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

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

**Recreational Vehicle Park** -- ~~Any open area, other than a street, alley or other public place, used~~ An area within the RVP zoning district planned exclusively for the parking or temporary storage of 2 or more recreational vehicles for temporary or long term occupancy as a housing unit. ~~(a) overnight is usually located along or near main highways, where recreational vehicles stop for only one or two nights on the way to some further destination; (b) destination is usually located at or near a scenic, historical, or outdoor~~

~~recreational area where recreational vehicles are attracted for extended stays of several days or weeks.~~

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

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

**Recyclable Materials** -- A type of material subject to reuse or recycling. Recyclable materials include metal, glass, cloth, paper, plastic, or any other material which presently has a commercial use or value as a commodity, raw material, or feedstock and is intentionally separated from a waste stream for reprocessing or remanufacture. Recyclable materials do not include any material meeting the definition of a hazardous waste under C.R.S. §25-15-101 (6), any material meeting the definition of an infectious waste under C.R.S. §25-15-402(1), any material meeting the definition of a putrescible waste, or any other materials likely to contaminate groundwater, create off-site odors, or otherwise pose a threat to human health or the environment as a result of processing, reclaiming, recycling, storage prior to recycling, or use of the material.

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

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

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

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

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

**1.16. ABBREVIATIONS OF TERMS AND PHRASES**

The following represent the abbreviations used in this Code. The abbreviations are in alphabetical order.

**AASHTO** -- American Association of State Highway and Transportation Officials  
**ADA** -- Americans with Disabilities Act of 1990  
**ADT** -- Average Daily Traffic  
**ANSI RVIA** -- American National Standards Institute Recreational Vehicle Industry Association  
**BESQCP** -- Builders Erosion and Stormwater Quality Control Permit  
**BMP** -- Best Management Practice  
**BoCC** -- Board of County Commissioners  
**CD** -- Certificate of Designation  
**CRS** -- Colorado Revised Statute  
**CC&Rs** -- Covenants, conditions and restrictions  
**CDOT** -- Colorado Department of Transportation  
**CDPHE** -- The Colorado Department of Public Health and Environment  
**CGS** -- Colorado Geologic Survey  
**CMRS** -- Commercial Mobile Radio Service Facility  
**CO** -- Certificate of Occupancy  
**CSFS** -- Colorado State Forest Service  
**CLOMR** -- Conditional Letter of Map Revision  
**CSU** -- Colorado State University  
**dba** -- Sound Level, A-Weighted  
**DBPS** -- Drainage Basin Planning Study  
**DNL** -- Day-Night Average Sound Level  
**DOW** -- Colorado Division of Wildlife  
**PCD** -- Planning and Community Development Department  
**PCD Director** -- Planning and Community Development Department Director or delegated representative  
**ECM** -- The El Paso County Engineering Criteria Manual  
**ECM Administrator** -- The County Engineer or delegated representative  
**EPCCSD** -- El Paso County Community Services Department  
**EPCPH** -- El Paso County Public Health (formerly El Paso County Department of Health and Environment)  
**EPCDPW** -- El Paso County Department of Public Works (formerly Department of Transportation)  
**ESD** -- El Paso County Environmental Services Department  
**ESQCP** -- Erosion and Stormwater Quality Control Permit  
**FAA** -- The United States Department of Transportation Federal Aviation Administration  
**FAR** -- Federal Aviation Regulations  
**FAR** -- Floor Area Ratio  
**FCC** -- Federal Communications Commission  
**FCWFCGD** -- Fountain Creek Watershed Flood Control and Greenway District  
**FEMA** -- Federal Emergency Management Agency  
**FIRM** -- Flood Insurance Rate Map  
**HOA** -- Homeowners Association  
**IESNA** -- Illuminating Engineers Society of North America  
**LDC** -- The Land Development Code of El Paso County  
**Ldn** -- Day-Night Equivalent Sound Level  
**Leq** -- Equivalent Sound Level  
**LOMR** -- Letter of Map Revision  
**MDDP** -- Master Development Drainage Plan  
**MLRB** -- Colorado Mined Land Reclamation Board  
**MTCP** -- Major Transportation Corridor Plan  
**MUTCD** -- Manual of Uniform Traffic Control Devices.  
**NFPA** -- National Fire Protection Association

with the requirements of this Code, unless otherwise exempted by State Statute.

**(D) General Development Standards**

All uses and development in the MHS district are subject to the general development standards in Chapter 6.

**4.2.5. RVP, Recreational Vehicle Park District**

**(A) Purpose**

The RVP district is intended to accommodate recreational vehicle parks, which are sites used for the temporary location of occupied recreational vehicles. ~~These facilities cover a range of short overnight stays to longer destination type stays of several days or weeks.~~

**(B) Allowed, Special, Accessory, and Temporary Uses**

The allowed, special, accessory, and temporary uses in the RVP district are shown in the use table in Chapter 5.

**(C) Use and Dimensional Standards**

All uses and development in the RVP district are subject to following standards.

**(1) Minimum Area of Park**

Recreational vehicle parks shall have a minimum area of 5 acres.

**(2) Density**

No more than 25 recreational vehicles are allowed per acre of land.

**(3) Road Frontage**

Recreational vehicle parks shall have at least 60 feet of frontage on a public road.

**(4) Height**

Buildings and structures in the RVP district shall not exceed 30 feet in height.

**(5) Access**

Recreational vehicle spaces shall access the interior roadway system within the park. No road access to any space from a public right-of-way is allowed.

**(6) Internal Roads and Sidewalks**

The internal road system in a recreational vehicle park shall be privately owned, constructed and maintained, and shall be designed for safe and convenient access to all spaces and to facilities for common use by park occupants, and comply with the fire department or authority requirements. The roads shall be at least 25 feet in width for 2-way and 18 feet in width for one-way travel. The radius on all curves shall be at least 40 feet. If cul-de-sacs are used, adequate vehicular turning space shall be provided, with a minimum turning radius of 40 feet. Road grades shall not exceed 6%. Sidewalks shall be provided to serve, accessory, and recreational buildings. Road and

Chapter 5 Use and Dimensional Standards  
Updated thru 07/25/2017  
Table 5-1 Principal Uses

Use Type	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?								
	Agricultural Zoning Districts			Residential Zoning Districts								Commercial Zoning Districts				Industrial Zoning Districts				Obsolete Zoning Districts														
	A-35	A-5	F-5	RR-05	RR-25	RR-05	RS-20000	RS-6000	RS-5900	RM-12	RM-09	RT	MHF	MHS	MHR	RVP	CC	CR	CS	I-1	I-2	I-3	C-1				C-2	C-3	T-1	T-2	T-3			
Shopping Center																			A	A											YES			
Slaughterhouse																					S										YES			
Smelter																					S										YES			
Solar Farm		S																		S											YES			
Solid Waste Disposal Site and Facility		S	S																	S										YES				
Stables, Commercial		A <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>																									YES					
Stables, Private	A	A	A	A	A	A <sup>2</sup>									A <sup>1</sup>														YES			YES		
Store																				A	A	S	S	A	A	A				YES				
Studio																														YES				
Tannery																														YES				
Temporary Housing		T	T	T											T														YES			YES		
Theater																																		
Theater, Outdoor																																		
Tiny House, Recreational Vehicle Park		S	S																S	A	A									YES				
Tiny House, Single Lot	A	A	A	A										A					S	S	S			S	S	A			YES				YES	

- Notes:  
 -A\* = Allowed Use, "S" =Special Use, "T"= Temporary Use  
<sup>1</sup>Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status  
<sup>2</sup>Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status  
<sup>3</sup>Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status  
<sup>4</sup>Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.  
<sup>5</sup>A minimum of 1acre is required for a private stable.  
<sup>6</sup>Marjuana Club is prohibited in all zoning districts.  
<sup>7</sup>Minimum area of 35 acres. When less than 35 acres a special use is required.

The fireworks sales area shall be located within an area provided with fire protection by a fire department. Fire department approval is required prior to the approval of a temporary use permit.

**(C) Driveway Permit Required**

A driveway permit shall be issued to allow access to the fireworks sales area prior to the approval of a temporary use permit.

**(D) Required Signage**

A fireworks sales area shall post signage noting it is illegal to shoot fireworks within all towns and cities in El Paso County and violators will be prosecuted. Each fireworks sales area shall provide either one sign, with minimum 3 inch letter size, or 4 signs of 8½ by 11 inches, placed in a conspicuous location easily readable by the public, noting the language as stated or similar language approved by the PCD Director.

**5.2.26. Family Care Homes (See Adult Care Homes)**

**5.2.27. Garden Supplies and Nursery Stock**

When the sale of garden supplies and packaged nursery stock is conducted outside, the activity shall be contained within a fenced area. The fenced area shall comply with the minimum setback requirements of the zoning district.

**5.2.28. Group Homes (See Adult Care Homes)**

**5.2.29. Guest House**

**(A) Number of Guest Houses**

One guest house is allowed per lot, parcel, or tract.

**(B) Type of Structure**

A guest house may be within the principal structure, in a garage, or in an accessory structure, or as a tiny house meeting the use specific standards found in Section 5.2.51.

**(C) Kitchen Allowed**

A guest house shall not have a kitchen unless an affidavit signed by the owner is filed for recording with the Clerk and Recorder acknowledging that the guest house may not be leased or rented.

**(D) Size**

A guest house shall be no larger than the total square footage of the primary residence, excluding any garage area, up to a maximum of 1500 square feet in floor area.

- (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 ½ 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 be setback a minimum of 25 feet from all lot, parcel, or tract boundary lines. 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.
- (E) **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.
- (F) **Drainage and Erosion Control**  
Drainage facilities and erosion control measures shall be established on the site to protect adjacent properties from runoff.
- (G) **Boundaries of Corral**  
On lots or parcels less than 2½ acres in size without an identified stable or corral area, the outer boundaries of any fenced area shall be considered the corral.

#### 5.2.49. Temporary Housing

Manufactured homes, post-1976 mobile homes, pre-1976 mobile homes, recreational vehicles, or tiny houses where the zoning allows, ~~or recreational vehicles~~ may be used to provide temporary housing for the owner of a lot or parcel during the construction of a permanent dwelling on the lot or parcel, subject to temporary use permit requirements. The duration of the temporary housing shall not exceed 12 months unless a renewal is granted. The temporary housing shall be removed from the site at the end of the 12 month period or following completion of the construction, whichever comes first. An extension of time may be granted by the PCD Director following a finding that significant progress has been made in the construction of the permanent dwelling or there have been circumstances beyond the control of the property owner that have delayed construction. A recreational vehicle or tiny house shall only be used as temporary housing as defined in Chapter 1 of this Code with under a temporary use permit if a building permit has been issued and remains active for a permanent dwelling. Tiny houses must also meet the prohibition of interior storage of water and wastewater outlined in the Tiny House, Single Lot section of this Code.



**5.2.50. Tiny House, Recreational Vehicle Park****(A) Applicability**

The following standards apply to tiny houses within the Recreational Vehicle Park zoning district.

**(B) Minimum Construction Standard**

Tiny houses shall be constructed to ANSI RVIA standards. Tiny houses not constructed to ANSI RVIA standards shall be allowed with certification by a professional structural engineer certifying that, at a minimum, the unit and support structure has been designed in accordance with all applicable horizontal and vertical loads as required by the local authority having jurisdiction.

**(C) Exterior Appearance Single-Family in Character**

Tiny houses shall be finished on all sides with finished wood panel siding, vinyl siding, brick or stone veneer siding, stucco finish siding, other architecturally finished veneer, or with other similar types of siding as approved by the PCD Director.

**5.2.51. Tiny House, Single Lot****(A) Applicability**

The following standards apply to tiny houses used as a guest house or as a principle use on an individual lot or parcel. This section does not apply to tiny houses located in a Recreational Vehicle Park zoning district.

**(B) Number of Tiny Houses per Lot or Parcel**

One tiny house shall be allowed as a principle use on an individual lot or parcel, except in the A-35 (Agricultural) zoning district where two tiny houses may be allowed. One additional tiny house may be allowed on an individual lot or parcel where a guest house is permitted.

**(C) Minimum Construction Standard**

Tiny houses shall be constructed to ANSI RVIA standards. Tiny houses not constructed to ANSI RVIA standards shall be allowed with certification by a professional structural engineer certifying that, at a minimum, the unit and support structure has been designed in accordance with all applicable horizontal and vertical loads as required by the local authority having jurisdiction.

**(D) Exterior Appearance Single-Family in Character**

All tiny houses shall be designed and constructed so as to comply with the following:

- Be finished on all sides with finished wood panel siding, vinyl siding, brick or stone veneer siding, stucco finish siding, other architecturally

finished veneer, or with other types of siding as approved by the PCD Director;

- Have no attached motor as the means of propulsion;
- Have premanufactured insulated residential grade exterior doors;
- Have premanufactured insulated residential grade windows; and
- Have residential style/type roofing materials.

Tiny Houses shall have a minimum of four of the following design features:

More than one type of exterior siding listed above in subsection D.1 on a single side in an integrated manner;

- Upgraded entry feature, such as transom or side windows around an exterior door;
- Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
- Pitched roofline (3:12 pitch or steeper);
- Dormers;
- Premanufactured skylights;
- Built-in porch or deck;
- Exterior residential light sconces or downcans; or
- Other features as otherwise approved by the PCD Director.

The provision of more than one item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).

**(E) Screening**

Tiny house wheels, running gear, and hitch components shall be either:

- Removed and the tiny houses set on a platform;
- Screened from view with skirting of the same exterior siding and materials as the tiny house;
- Screened from view via placement on a subsurface pad serving as a foundation and with integrated plantings and landscaping; or
- Screened with other methods as otherwise approved by the PCD Director.

**(F) Interior Storage of Water Prohibited**

No interior water storage tank, unless otherwise approved as an integrated water system by the PCD Director in consultation with El Paso County Public Health, shall be allowed within a tiny house.

**(G) Storage of Wastewater Prohibited**

No interior storage of wastewater, unless approved by the PCD Director in consultation with El Paso County Public Health, shall be allowed within a tiny house.

**(H) Proof of Utilities**

Proof of electric, natural gas, and/or propane availability is required. Proof of water and wastewater service is required unless otherwise approved by the PCD Director pursuant to subsections F and G above. Electrical, natural gas, propane, water, and wastewater connections must meet the requirements of the utility provider and/or El Paso County Public Health, as appropriate. Individual wells and on-site wastewater treatment systems (OWTS) shall be permitted in accordance with state and local regulations. A permit from the local jurisdiction having authority is required for electrical, gas, propane, and plumbing connections.

**(I) Tiny House Site Plan Review Required**

A tiny house site plan application shall be applied for and approved prior to the placement of the tiny house on an individual lot or parcel. Tiny house residential site plan applications shall, at a minimum, consist of the following:

Proof of ANSI RVIA construction or certification by a professional structural engineer;

Elevation drawings of the tiny house to include the method of screening/skirting and identification of the type of siding material(s);

Floorplan of the tiny house;

Proof of utilities;

Applicable landscaping plan with subsurface pad, and

Additional documentation as required by the PCD Director that may be necessary, in his or her opinion, to approve the site plan.

**(J) Accessory Structure Allowances**

Accessory uses to a tiny house used as a principle use are limited to residential accessory uses. Accessory structures exceeding the allowance of two times the size of the footprint of the tiny house may be approved by the PCD Director with the residential site plan review. Accessory structures exceeding the size limitation of the zoning district shall not exceed 500 square feet. An accessory

structure exceeding this allowance shall require an application for relief from the dimensional standards.

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**5.2.51.5.2.52. Tower, Commercial (Non-Commercial Mobile Radio Service Facility)**

**(A) General**

**(1) Purpose**

The purposes of this Section are to establish standards for the location of commercial towers in the County.

**(2) Applicability**

The standards in this Section apply to all commercial towers after the effective date of this Code.

**(3) Relationship to Other Provisions**

A commercial tower shall comply with all applicable provisions of this Code. Where a conflict exists between the requirements of this Section and another applicable standard in this Code, the most restrictive standard shall control.

**(B) Design Standards for a Commercial Tower**

A commercial tower shall adhere to the following design standards to minimize impacts:

**(1) Compatible with Surroundings**

The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area, subject to any applicable FAA regulations.

**(2) Existing Vegetation and Landforms**

Existing land forms, vegetation and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment, to the extent practicable.

**(3) Landscaping**

The facility shall be landscaped in accordance with the requirements of Chapter 6.

**(4) Location on Property**

The tower shall be located on the property to contain onsite all ice-fall or debris from tower failure.

**(5) Height Limitations**

A commercial tower shall be exempted from the structural height restrictions of the zoning district in which the facility is located.