

El Paso County Planning Department



March 31, 1999

Dear Property Owner:

Our records indicate that your property was wholly or partially unzoned as of March 25, 1999, and was comprehensively zoned to the A-35 (Agricultural) District by the Board of County Commissioners as of that date. Attached is a copy of the A-35 zone district which now applies to your property. If you own more than one property it is possible that more than one district will apply.

The Planning Department realizes this issue has been extremely controversial and divisive. We are committed to trying to make the transition as smooth and reasonable as possible. Two-way communication will be essential in making this work. The Planning Department has a number of more detailed explanations and question and answer materials available at our office at 27 East Vermijo or at the County's web site at www.co.el-paso.co.us.

Existing Uses, Buildings and Parcels

The immediate effect of zoning on most property owners will be limited either because the uses, buildings and property sizes will be fully conforming with the zoning or because preexisting conditions will be considered eligible for legal nonconforming status (grandfathering), provided they have been otherwise legally established prior to zoning. If you believe you are in the second category (for example, you have three (3) dwelling units in a zone district which allows a maximum of two (2)), we recommend you keep documentation which provides evidence that the nonconforming condition existed prior to zoning. Examples of potentially appropriate documentation include Assessor's records, utility bills, business licenses or other official correspondence and photographs for which the date can be authenticated. If you request, the Planning Department will make a formal determination of nonconforming status. We have a short form available for use with these requests (optional). This step, however, is not required.

Planned Uses and Buildings

The best way to deal with planned future land uses and buildings is to contact the Planning Department. In many cases the answer will be a simple "yes, you can" provided you meet a few requirements, or "no, you cannot" without rezoning or obtaining a Variance of Use which allows deviation from the zoning. A minority of situations will be complicated and thus require more detailed consideration.

Building Permits

Under the Zoning Plan approved by the Board of County Commissioners' action on March 25, 1999, no building in areas zoned by this action will require a permit from the Pikes Peak Regional Building Department until April 3, 2000. Part of the rationale for this decision was to accommodate buildings that are now under construction. A second reason was to allow the County more time to develop a proposal for additional permanent exemptions from the Building Code which would apply specifically to the A-35 (Agricultural) District. During this period we will also be working on an administrative process to address buildings which are under construction as of April 3, 2000.

CHAPTER IV - SECTION 7
A-35 AGRICULTURAL DISTRICT

A. PURPOSE

This district is established to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.

B. PERMITTED USES

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|----------------------------|--------------------------------------|
| 1. Adult Care Home *10 | 14. Livestock Feed and/or Sales Yard |
| 2. Agricultural Stand *7 | 15. Mobile Home |
| 3. Aviary | 16. Nursery, Wholesale |
| 4. Child Care Facility *10 | 17. Private Cemetery # |
| 5. Dairy | 18. Public Park & Open Space |
| 6. Dwelling, Single Family | 19. Ranch |
| 7. Farm | 20. Religious Institution |
| 8. Fuel Storage # | 21. Stable, Commercial |
| 9. Fur Farm | 22. Stable, Private # |
| 10. Greenhouse | 23. Tower, Private (See §35.11) # |
| 11. Group Home *10 | 24. Truck Farm |
| 12. Hobby Farm | |
| 13. Kennel | |

C. USES SUBJECT TO SPECIAL REVIEW (SPECIAL USES)

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|------------------------------|---|
| 1. Adult Care Home *10 | 18. Hospital, Veterinary |
| 2. Agricultural Business | 19. Lumber Yard |
| 3. Amusement Center, Outdoor | 20. Mineral Resource Extraction (See §§35.8 and 35.13) |
| 4. Animal Refuge | 21. Museum |
| 5. Auction | 22. Outdoor Shooting Range |
| 6. Bed and Breakfast Inn *14 | 23. Private Airport |
| 7. Cemetery | 24. Private Prison |
| 8. Child Care Facility *10 | 25. Recreation Camp |
| 9. Community Building | 26. Religious Housing |
| 10. Custom Meat Processing | 27. Riding Academy |
| 11. Dwelling, Secondary | 28. Rodeo |
| 12. Educational Institution | 29. Solid Waste Disposal Site & Facility (See Chapter VI) |
| 13. Emergency Facility | 30. Tower, Private (See §35.11) # |
| 14. Firewood Sales | 31. Tower, Transmission (See §35.11) |
| 15. Fish Hatchery | |
| 16. Golf Course | |
| 17. Group Home *10 | |

D. ACCESSORY USES

1. Refer to Section 35.1
2. Rural Home Occupations and Home Occupations as provided in Section 35.6.
3. Dwelling(s), single family, or mobile home(s) for person(s) principally employed at or engaged in the operation of the farm, ranch, dairy or fur farm.
4. One additional dwelling, single family, or mobile home that may be occupied by the immediate family of the owner or tenant of the property or used for rental purposes.