

#6

EL PASO COUNTY

COMMISSIONERS:
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DEVELOPMENT SERVICES DEPARTMENT

IMAD KARAKI, DIRECTOR

TO: El Paso County Planning Commission
Steve Sery, Chair

FROM: Mark Gebhart, Land Development Code Administrator
Mike Hrebenar, Operations Director
Elaine Kleckner, Planning Division Manager

RE: LDC-08-001- Land Development Code Amendments

Commissioner District: all

Planning Commission Hearing Date;	10/07/08
Board of County Commissioners Hearing Date	tbd

EXECUTIVE SUMMARY

Request by Development Services to revise the Land Development Code (*adopted October 12, 2006, implemented April 2, 2007*) including typographical corrections, clarifications, and other changes to all chapters except Chapters 3 and 10, and to make any conforming amendments to the Land Development Code. The Land Development Code (LDC) includes the Zoning Resolution and Subdivision Regulations of El Paso County.

The result of the proposed changes, if approved, would be a republishing of the entire LDC, which would also include those changes approved by the Board of County Commissioners in April 2007 in conjunction with the implementation of the new LDC.

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WWW.ELPASOCO.COM

A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

B. STAFF RECOMMENDATION

Approval– Staff recommends approval of the amendments to the Land Development Code.

C. APPLICABLE RESOLUTIONS

Approval Page 7

Disapproval Page 8

D. LOCATION

N/A

E. BACKGROUND

With the adoption of the new LDC it was recognized that the large scale changes in the organization and content of the LDC and inclusion of new standards could result in inconsistencies in language and requirements necessitating corrections over time. A program for review and editing the LDC on a regular basis was established. These proposed changes to the LDC are suggested by staff after the first year of use and have been generated from:

- Staff identification of issues through administration of over-the-counter permitting and customer feedback
- Staff utilization of the LDC in project review, including customer feedback
- Formalization of existing practices
- Planning Commission, Board of Adjustment, and Board of County Commissioners identification of issues that have come up in the public hearing process
- Formal administrative determinations and interpretations since LDC adoption
- Evaluation of enforcement cases, including court actions
- County Attorney's Office recommendations
- Typographical, numbering, and formatting errors identified by users

A summary list and more detailed spreadsheet of the proposed revisions are included as an attachment to this staff report. All chapters of the LDC include some modification, except Chapters 3 and 10. A more detailed spreadsheet of the proposed changes, along with a strikethrough/underline version of the proposed wording was made available to the public on September 4, 2008 through the internet and at the Development Services offices. A majority of the revisions proposed are typographical corrections.

To facilitate future updates to the LDC, a list of proposed changes for later discussion has been developed and will be maintained by Development Services.

F. STATUS OF MAJOR ISSUES

At the Planning Commission worksession on September 16, 2008 the major issue for discussion centered around the proposed changes to the off premise advertising device regulations (Chapter 6.2.9 Signs, Off Premise). That proposed revision is now being processed as a separate LDC revision request (LDC-08-002).

G. APPROVAL CRITERIA

The statutory role of the Planning Commission and Board of County Commissioners is identified below:

30-28-116. Regulations may be amended.

From time to time the board of county commissioners may amend the number, shape, boundaries, or area of any district, or any regulation of or within such district, or any other provisions of the zoning resolution.

Any such amendment shall not be made or become effective unless the same has been proposed by or is first submitted for the approval, disapproval, or suggestions of the county planning commission. If disapproved by such commission within thirty days after such submission, such amendment to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the board of county commissioners. Before finally adopting any such amendment, the board of county commissioners shall hold a public hearing thereon, and at least fourteen day's notice of the time and place of such hearing shall be given by at least one publication in a newspaper of general circulation in the county.

H. PUBLIC COMMENT AND NOTICE

The proposed LDC amendment was advertised in the Fountain Valley News/Security Advisor on September 24, 2008.

The text of the proposed changes along with a summary sheet and a spreadsheet identifying the changes were posted on the Department web page on September 4, 2008. Announcements were electronically distributed to a list of 188 potentially interested parties generated from department mailing lists. Comments received to date are included as an attachment.

A noticed public worksession for the Planning Commission was held on September 16, 2008. Written comments received regarding proposed off-premise sign regulation changes have been included in separate LDC amendment staff report regarding that section. Comments received to date regarding the remaining LDC revisions are included as an attachment.

I. OUTSTANDING CONCERNS

Item number 57 on spreadsheet page 17 under Development Services Department changes regarding Fire Protection and Wildfire Mitigation is not included in the published text changes (LDC Section 6.3.3.A.3), and will not be considered at this time. This item and any other item from the spreadsheet or generated through the hearing process can be added to the list of changes or clarifications for future consideration.

J. ATTACHMENTS

- Summary list of proposed changes
- Spreadsheet of proposed changes
- Comments received to date

Note: strikethrough/underline version of all changes available at the department, on the department web page, and are not reprinted herein.

NOTICE OF PUBLIC HEARING
PROPOSED CHANGE TO
EL PASO COUNTY LAND DEVELOPMENT CODE, ZONING RESOLUTION
AND SUBDIVISION REGULATIONS

NOTICE IS HEREBY GIVEN that pursuant to CRS 30-28-116 and 133, on October 7, 2008, beginning at approximately 9 A.M. or as soon thereafter as the Planning Commission may hear such matter, in the Hearing Room (second floor) of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado, 80910, or at such other time and place as this hearing may be adjourned to, a public hearing will be held by the Planning Commission of the County of El Paso, State of Colorado, on the proposed changes to the provisions of the El Paso County Land Development Code, which consists of both the Zoning Resolution and the Subdivision Regulations. Such text may be examined at the public office of the Development Services Department, 2880 International Circle, Colorado Springs, Colorado, 80910; and/or the Board of County Commissioners, Third Floor, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, 80903.

The changes include amendments to all chapters of the Land Development Code, except chapters 3 and 10, including:

- Typographical corrections throughout
- Modification, deletions, insertion, and relocation of definitions
- Modified findings for certain land use actions
- Corrections, additions and deletions to Use Tables and Dimensional Standards Tables
- Corrections, additions and deletions to individual chapters

These amendments are the result of the first annual review of entire Land Development Code, and will subsequently be considered for adoption by the Board of County Commissioners.

Please address any questions to Mark Gebhart, Planning Division at 719-520-6323.

Dated at Colorado Springs, Colorado, this XXXX day of XXXXX.

THE BOARD OF COUNTY
COMMISSIONERS OF
EL PASO COUNTY, COLORADO

BY /s/ XXXXX

DATE OF PUBLICATION: November 17, 2004.

file

EL PASO



COUNTY

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DEVELOPMENT SERVICES

EL PASO COUNTY LAND DEVELOPMENT CODE REVISIONS
2008

MEMORANDUM

September 3, 2008

TO: Planning Commission, Board of Adjustment, Board of County Commissioners, Code Committee members, Citizen Groups, Interested Parties, General Public

FROM: Mark Gebhart, Development Services

RE: First Revision to El Paso County Land Development Code (LDC)

The new El Paso County Land Development Code was approved in October 2006, and implemented by the Board of County Commissioners (BoCC) in April of 2007. Development Services is committed to maintaining the LDC as a living document, with updates at least annually and ideally twice a year. Associated with this memo and posted at the web address: http://adm.elpasoco.com/Development_Services/ you will find:

- Spreadsheet or matrix of changes
- Strikethrough/underline version reflecting proposed changes
- Comment form regarding any changes

This information reflects the changes proposed to the LDC suggested by staff after the first year of use, and has been generated from:

- Staff identification of issues through front counter administration of over-the-counter permitting and customer feedback
- Staff utilization of the LDC in project review, including customer feedback
- Formalization of existing practices
- Planning Commission, Board of Adjustment, and BoCC identification of issues that have come up in the public hearing process
- Formal administrative determinations and interpretations since LDC adoption
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The result of the proposed changes, if approved, would be a republishing of the entire LDC, which would also include those changes approved by the BoCC in April 2007 in conjunction with the implementation of the new LDC. Please recognize that to provide a strikethrough/underline version the page numbering is adjusted, and blank pages appear in some locations. Final formatting will occur in the publishing phase, after BoCC action, and may include additional typographical changes. Chapters 3 and 10 are not included since there are no changes proposed.

For the most efficient use of County resources and to respond to BoCC direction to move the update forward, we have chosen to bring forward for public review a comprehensive set of proposed changes recommended by Development Services, rather than create separate topical focus groups or utilization of a committee process. The Planning Commission will be used as a sounding board, first holding a public worksession on the proposed changes and then a public hearing, forwarding a recommendation on to the BoCC. Public input and comment is welcomed and encouraged. The Planning Commission worksession is scheduled for September 16, 2008, immediately following consideration of regular hearing items. The Planning Commission hearing on October 7, 2008 also begins at 9 am. The meeting location is the Regional Development Center at 2880 International Circle, in the 2nd floor hearing room.

2008 CODE REVISION SUMMARY

Chapter 1: Deleted duplicative sections.

New definitions-Agricultural Building; Gunsmith; Health Club; Hospital; Rehabilitation Facility; Service Plan, Model; Storage, Outside; Vehicle Repair Garage;

Revised definitions-Administrative Determination; Adult Arcade; Adult Motion Picture Theatre; Adult Store; Adult Theatre; Animal Refuge; Automobile; Automobile and Boat Storage Yard; Automobile and Trailer Sales Area; Automobile Recycling Center; Contractors Equipment Yard; Convenience Store; Flea Market; Hospital, Convalescent; Landscaping, Roadway; Lot; Nursing Home; Proprietary School; Ranch; Recreation Camps; Recreational Vehicle Park; Remainder Parcel; Right of Way: Road, Public; Solid Waste; Specialized Group Facility; Tree Farm; Truck and Recreational Vehicle Repair Garage; Truck Stop; Variance; Variance, Use; Violator, Alleged; Yard, Rear; Zoning District Obsolete;

Deleted Definitions-Automobile Repair Garage; Care Home; Commercial Mobile Radio Service Facility; Emergency Vehicle Access Lane; Exotic Animal Farm; Floor Area, Net; Fur Farms; Noise; Outdoor Shooting Range (Shooting Range, Outdoor); Pole Barn; Public Hearing; Referral; Shelter; Safety; Sound; Special District/Local Improvement District Committee; Special District Guidelines and Requirements;

Chapter 2: Clarified that 4 affirmative votes of BOA required on an appeal or application. Majority only is required to approve minutes. Consistent with proposed bylaws.

Chapter 3: No changes

Chapter 4: Revised Mobile Home Districts to provide consistent animal regulations. Deleted PUD finding regarding substantial change in character of area. Provided that modification of standard in PUD applies to LDC standards, rather than ECM standards. Clarified private road requirements in RLUP. Added private road maintenance requirements in RLUP.

Chapter 5: Expanded accessory building size to 2 times principal building size on parcels 2.5 acres or greater. Clarified Table 5-3. Changed Automobile Repair Garage to Vehicle Repair Garage. Relocated standards for Farm/Ranch Residence from definition. Changed starting date for Fireworks Sales to match revision to statute. Added occasional sales of guns by gunsmith to Home Occupation standards. Clarified outdoor storage standards for Rural Home Occupation. Clarified height measurement for Wind Energy Generation Facilities to be consistent with other measurements in the LDC. Added section regarding Wind/Meteorological Measuring Facility. Revised special use finding. Clarified that a change in parcel size constitutes a modification of special use. Clarified that a special use for mining with processing cannot be approved administratively. Added 5 year time limit on administrative special uses. Added section regarding map amendment (rezoning) to include specific criteria for approval. Relocated portion of definition of Administrative Determination. Modified Table 5-4 to reflect consistent stable and corral setbacks, and to add back in the 100 foot height limit in the A-35 district. Corrected errors regarding setbacks in Table 5-5. Clarification to deck height calculation. Clarification to voting for BOA to be consistent with Chapter 2 and

proposed bylaws. Clarified that nonconforming use determinations are appealed to the BoCC.

Table 5-1 Use Table. Added Animal Refuge as special use in the RR-5. Changed Automobile Repair Garage to Vehicle Repair Garage. Added Copy Shop. Added Dry Cleaning Plant. Relocated Farm/Ranch Residence to Table 5-2. Added Firewood Sales. Added Flea Market. Deleted Fur Farm. Deleted Heavy Equipment Sales from I-1. Added Hospital, Convalescent to A-35, RM-12, and CC as special use. Added Proprietary School to the CC and I-2, changed to allowed use in CO and I-1. Added Rehabilitation Facility. Deleted Restaurant, Outdoor. Added Retirement Center. Revised Riding Academy to match Stable, Commercial. Added Truck Stop. Added Wind/Meteorological Measuring Facilities.

Table 5.2 Accessory Uses Added Farm/Ranch Residence. Added Recycling Collection Center.

Chapter 6: Clarified that landscaping applies to single family PUD. Revised lighting section to provide new standards. Revised Motor Vehicles to be consistent with statute for collector vehicles. ~~Revised Off-Premise sign standards (see separate Code amendment) deleted from consideration at this time. Clarified when fire district standards apply.~~ Clarified road access standards for emergency access.

Chapter 7: Revised approval criteria for vacating or altering a recorded plat, and replat to provide consistent language where covenants are applicable.

Chapter 8: Clarified requirement for tract creation in floodplain areas. Clarified airport noise plat note requirement. Added provision for snow drift areas consistent with the ECM. Clarified language for future right of way. Clarified that detention ponds can be in tracts or easements. Added acknowledgement regarding water supply that not all homeowners association documents may be available at the time of plat recording. Clarified dedication requirements and the need to provide deeds and indemnification only when a reversionary interest exists. Deleted drainage basin land fee references.

Chapter 9: Revisions to reflect the elimination of the Special District Committee, processing of special districts, and BoCC resolutions.

Chapter 10: No changes.

Chapter 11: Revisions to the Enforcement chapter to be consistent with previous BoCC revisions to ordinance enforcement.