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RESOLUTION NO. 08-52Z
BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION TO AMEND 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 (LDC-08-001)

WHEREAS, the El Paso County Development Services Division did file a request for approval of Amendments to the Land Development Code as herein described; as well as conforming amendments throughout the Code;

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 7, 2008, upon which date the Planning Commission did by formal resolution recommend approval of the subject amendments; and

WHEREAS, a public hearing was held by this Board on December 18, 2008; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, comments of the El Paso County Development Services Division, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. That proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County, Colorado.
2. That the hearings before the Planning Commission and the Board were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That all data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet the intent of the General Provisions of the El Paso County Land Development Code.
4. That the proposal shall hereby amend the Land Development Code for El Paso County.
5. That for the above-stated and other reasons, the proposed Amendments are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

ROBERT C. *808* BALINK El Paso County, CO
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NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby Amends the El Paso County Land Development Code, more particularly described in Exhibit A, which is attached hereto and incorporated by reference; BE IT FURTHER RESOLVED that, in the case of any inconsistency with these amendments and any previous Zoning Regulations, these revisions shall prevail;

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.


DONE THIS 18th day of December 2008, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:



By: 
County Clerk & Recorder

By: 
Chairman

Resolution No. 08-527
EXHIBIT A

PROPOSED CHANGES TO THE LAND DEVELOPMENT CODE

(County Attorney changes-Chapter 1 and Definitions)

1ST ANNUAL REVIEW (updated 8/27/08)

ITEM #	Chapter of item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
1		1	1.4	delete comma in 7 th bullet	Revised	Approved	
2		1	1.4	delete "to" before "encourage" in second line of 9 th bullet	Revised	Approved	
3		1	1.6.2	Should delete: conflicts with 1.9.5	Revised	Approved	
4		1	1.6.5	third bullet, begin with "in computing a period of months, the period ends...."	Revised	Approved	
5		1	1.10.6	insert "the" before "effective" in first line	Revised	Approved	
6		1	1.10.6	delete "time" after "6-month" in middle of paragraph	Revised	Approved	
7		1	1.11	delete comma in last line	Revised	Approved	
8		1	1.12	delete the mini-headings for each bullet; e.g. "Misspellings," and "Headings."	Revised	Approved	
9		1	1.14	delete	Revised	Approved	
10		1	1.15	delete	Revised	Approved	
11		1	1.17	Delete	Revised	Approved	
12		1	1.18	Delete	Revised	Approved	
13		1	1.19.6	Change to read "All definitions which reference the C.R.S. and Building Code are intended to mirror the definitions used in these codes in effect on the effective date of this Code or as subsequently amended. If a definition in this Code conflicts with a definition under State statute or regulation, the State definition shall control over the Code definition."	Revised to clarify.	Approved	
14		1	1.19.7	Delete	Revised	Approved	
15		1		Administrative Determination: what is a "concomitant agreement?" Delete "A request for an definition administrative..." to end of definition; should be in a specific section/regulation/policy, not in a	Revised to clarify. Deleted portion is relocated to Chapter 5	Approved	
16		1		Adult Arcade: delete "commercial"	Revised	Approved	

Shaded Columns represent more significant changes.
See underline/strikethrough version of each chapter for specific wording of changes.

Chapter or Item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
17			Adult Cabaret: delete "commercial"; how do we apply standard of "regularly features"	Revised	Approved	
18			Adult Motion Picture Theater: first word should be "An"; delete "commercial"; how do we apply standard "characterized by"; how do we define "have an emphasis on"; how is a motion picture theater different from an adult arcade – more than 5 persons?	Deleted commercial, remaining change discussed in future	Approved	
19			Adult Store: change first word to "An" and delete "commercial"	Revised	Approved	
20			Adult Theatre: delete "commercial"; how do we apply "regularly features" and "characterized by an emphasis on"	Deleted commercial, remaining change discussed in future	Approved	
21			Affidavit of Correction: make items in list plural, e.g. addresses, road names	Revised	Approved	
22			Air Pollutant: insert "thereof" after "combination" in first line	Revised	Approved	
23			Airport, General Aviation: after "taking off of aircraft" in 2 nd line, delete "including" and insert "which may include"	Revised	Approved	
24			Animal Day Care Facility: change "service facility" to "establishment"	Revised	Approved	
25			Automobile: change to "Any powered vehicle, including cars, trucks, buses, motorcycles or motor homes, or any vehicle requiring licensing under State law, such as campers, travel trailers or fifth wheels." What about trailers – aren't they required to be licensed?	Revised	Approved	
26			Automobile and Boat Storage Yard: delete "and licensed" from first line; insert "or" before "boats" in second line, and a comma after "boats"	Revised	Approved	
27			Automobile Recycling Center: replace "motor vehicle" with "automobile" in both places	Revised	Approved	
28			Bar: delete comma in last line	Revised	Approved	
29			Batch Plant: insert comma after "processing plant"; delete comma after "asphalt"	Revised	Approved	

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Chapter of Item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
30			Batch Plant, Temporary: move "construction" after "public improvement" instead of before	Revised	Approved	
31			Benefitted Property: delete "an" in first line; delete second sentence	Revised	Approved	
32			Billboard: change "advertising devise" to "off-premise sign erected" and delete second sentence	Revised	Approved	
33			Board of Directors: change first "the" to "a"; change "that have" to "having"; insert "a" before combination	Revised	Approved	
34			Buffering: insert "which" before provides in 3rd line	Revised	Approved	
35			Buildable Area: delete comma after "rear yards"	Revised	Approved	
36			Care Home: what is an adult foster care home and personal care boarding home? Defined anywhere?	Deleted care home. Deleted personal	Approved	
37			Certificate of Designation: change "their" to "the" in 2nd line; delete comma after "facility" in 3rd line	Revised	Approved	
38			Certificate of Occupancy: insert "a" before "finding" in first line	Revised	Approved	
39			Change of Use: delete "or" before "wastewater" in 3rd line	Revised	Approved	
40			CMRS Facility: delete comma and "and" after "shelter" in second line; delete comma after "radiated power" in 3rd line	Revised	Approved	
41			Code: delete - not necessary	leave in	Approved	
42			Co-Location: add "s" after "form"	Revised	Approved	
43			Commercial Center: definition is very unclear and doesn't refer to "commercial" at all	Added commercial to definition. Needed due to inclusion in sign regulations.	Approved	
44			Commercial Mobile Radio Facility: unnecessarily duplicative - see CMRS Facility	Revised	Approved	
45			Commitment to Serve: delete "the" before "conditions necessary" in 2nd line	Revised	Approved	
46			Community Building: insert "or" before "governmental entity"; insert "a" before "homeowners"; insert "a" before "mobile home"	Revised	Approved	

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Chapter or Item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
47			Compatibility: make "design" in 1 st line plural	Revised	Approved	
48			Contiguous: insert "a" before lot in 1 st line	Revised	Approved	
49			Contractor's Equipment Yard: "A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices...." such	Definition revised. Goal is to not limit to building construction (what about other types of improvements or types of construction work), and to include folks that may not construct, but repair and maintain and use similar equipment for	Approved	
50			Convenience Store: "An establishment for the purpose...."	Revised	Approved	
5			Covenants: insert "executing" before "party or parties" and delete "executing the covenants, conditions and restrictions (CC&Rs)"; delete comma after "real property" in 4 th line	Revised	Approved	
52			SFS Guidelines: insert "to" before "forest"	Revised	Approved	
53			Day Care Center: replace "establishment" for "facility"	Revised	Approved	
54			Day Care Home, Large: delete period after 1 st sentence and insert "and"; delete "shall" and insert "or which"; change "possess" to "possesses"	Revised	Approved	
55			Day Care Home, Small: same as above	Revised	Approved	
56			Dedication: delete comma after "method"	Revised	Approved	
57			Deed Restriction: delete second sentence	Revised	Approved	

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Chapter or Item # to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
58			Development: delete "of" after "carrying out"; why "appearance" included in 2 nd line? should "dividing of land into 2 or more parcels" be limited to "subdivision" as defined by statute? why is "material change in the external appearance" included - what does it mean? should subsection (b) be changed to "any increase in the intensity" as opposed to "change" to eliminate decreases in intensity? in subsection (c) do we really consider any change in use of land or structure as development? why is (f) included? second subsection (b) - delete comma after "constructing", change "on" to "in" and delete comma after "rights-of-way"; second subsection (d) is a very broad exception considering broad definition of Agriculture	Leave appearance, leave 2 or more parcels because not all divisions are classified as subdivision, change in land use needs to be considered development in order to be captured elsewhere, (f) is included because of the relationship to the building code and health code.	Approved	
59			"approval" in 2 nd line Development Application: why not same use list as in Development Permit?		Approved	
60			Development Review Process: add "and other applicable laws, rules and regulations" after "Code"		Approved	
61			Development Services Department: delete - unnecessary		Approved	
62			Development Services Director: delete - unnecessary		Approved	
63			Dwelling, Additional: change "in" to "within" after "either" in 1 st line; delete comma after "detached dwelling" in 2 nd line; insert "located" before "as a separate"; change "a" to "additional" before dwelling in last sentence		Approved	
64			Dwelling, Multifamily: last line - insert comma after "facilities" and insert "in common" after "used"		Approved	
65			Dwelling Unit: switch "no more than one kitchen" with "rooms with internal accessibility"		Approved	
66			Electric Substation: delete comma after "transformation"		Approved	
67			Electric Transmission Lines: insert comma after "more" in 2 nd line, insert "any" after "and", and delete comma after "thereto"		Approved	

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Chapter or Item # changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
69			Elevation: for our purposes, why are elevations considered different if they have different colors?	Revised	Approved	
70			Eligible Cost: delete comma after "limited to" in 6 th line, insert "and" after "consulting" in 7 th line, and delete comma after "legal"	Legal and consulting intended to be different aspects	Approved	
71			Emergency Medical Facility: "A facility at which..."	Revised	Approved	
72			Emergency Vehicle Access Lane: definition unclear; what is meant by "access requirement"?	Deleted definition	Approved	
73			Emission Permit: replace "to perform" with "allowing"	Revised	Approved	
74			Equivalent Sound Level: delete comma after "For noise sources"	Revised	Approved	
75			Exotic Animal Farm: can't use "farm" in definition, as "farm" is defined and specifically excludes exotic animal farms; change to "Any parcel of land containing at least 35 acres used primarily for the purpose..."; need end quotes somewhere in definition	Deleted definition, falls under animal refuge	Approved	
76			Expansion of Capacity, Road: insert "s" after "improvement" in 2 nd line	Revised	Approved	
77			Expressway: delete comma after "traffic" in 2 nd line	Revised	Approved	
78			Extent Practicable, Maximum: in 2 nd line, insert comma after "requirement", delete "and", and insert "full" before "compliance"; delete "the" before "non-compliance" in 4 th line	Revised	Approved	
79			Family: insert "or" before "as guardian"; replace "need" with "are" and delete "be" in 2 nd line	Revised	Approved	
80			Floor Area, Net: patios and decks are included, but not included in Floor Area, Gross	Deleted.. Floor area, net not used in code	Approved	
81			Fur Farms: should be Fur Farm	Deleted definition	Approved	
82			Industrial Park: definition too broad; almost the same as Commercial Center, and makes to reference to industrial activities	Revised	Approved	

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Chapter of	Item to be	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
83	ITEM #: changed			Infectious Waste: replace "and" with "or" in 2 nd line	Revised	Approved	
84				Landfill: delete period after 2 nd sentence and insert "or" (not sure if that's what is meant, but doesn't make sense as currently written)	Revised	Approved	
84				Landscaping Area, Roadway: why is landscaped area along a common boundary line w/another lot or parcel included in definition of Roadway Landscaping Area?	Revised	Approved	
85				Livestock: if fur animals included in definition of livestock, then can be raised on both Farms and Fur Farms; why need distinct use of Fur Farm?	Delete fur farm definition and from use table	Approved	
86				Long-Term Care Facility: why need definition? Not in use table	Leave in. Use is cross referenced in revised definition of hospital, convalescent	Approved	
87				Lot, Adjoining: parcels and tracts included in definition, but by definition of Parcel, a Lot is not a Parcel because Lot created by subdivision and Parcel not part of subdivision, and definition of Lot specifically excludes tracts; why need definition at all?	Definition is needed due to notice requirements referencing adjoining..	Approved	
88				Lot, Buildable: same comment with respect to inclusion of parcels and tracts in definition; apply same comment to all subsequent definitions related to Lots	Revised definition of lot	Approved	
89				Lot, Legal: same as above; also, a parcel modified or reduced in size due to land acquisition by gov't entity is included in some fashion in both this definition and definition of Lot, Nonconforming	Revised definition of lot; Acquisition should be in both terms. The intent is that when acquisition occurs the lot remains legal from both a subdivision and zoning perspective.	Approved	
90				Mobile Home, Junk: delete last sentence - regulation should not be in definition	Revised	Approved	
91				Mobile Home Pad: same comment as above	Revised	Approved	
92				Model Home: delete parentheses and quotation marks	Revised	Approved	
93				"Including", United States Land Survey: replace "also" with "including"	Revised	Approved	
94				Noise: why defined?	Deleted	Approved	
95						Approved	

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Chapter or Item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BoCC Action
96			Notice of Violation: please delete – NOVs used for more than Code violations, and it is adequately described in Chapter 11	Revised	Approved	
97			Nursing Facility: not in use table; if kept, change to Nursing Home, as that is the term used in definition of Hospital, Convalescent	Changed nursing facility to nursing home	Approved	
98			Off-Site Improvements: delete last sentence – not necessary for definition	Revised	Approved	
99			Outdoor Shooting Range: listed as Shooting Range, Outdoor in use table	Changed to Shooting Range, Outdoor	Approved	
100			Parking Area: why "maintenance, service, repair... operation" included in Parking Area?	Revised	Approved	
101			Paddler Sales: delete 2 nd sentence – regulations shouldn't be in definition	Revised	Approved	
102			Planned Unit Development: in 1 st line insert "a" before "united plan" and insert "may include" before "any combination"	Revised	Approved	
103			Planting Strip: changed period after "grass" to a comma and insert "or"	Revised	Approved	
104			Principally Employed: delete all but first sentence – regulations shouldn't be in definition	Language deleted from definition and added to Section 5.2.24.	Approved	
105			Public Hearing: delete – unnecessary	Deleted	Approved	
106			Ranch: what kind of training is referenced – horse? livestock. Definition is too wide open eg: public or club events are not a traditional ranch and could cause conflict with commercial stable or Riding Academy	Revised	Approved	
107			Recreation Camps: delete comma after "vacationing"	Added resort and retreat to definition of recreation camp because that has been the past interpretation.	Approved	
108			Recreational Vehicle Park: not in use table; delete "self-propelled... highway travel" – recreational vehicle is defined, so just use that term	Revised, Not in use table because it is a separate zoning district.	Approved	
109			Referral: why defined?	Deleted	Approved	

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Chapter or Item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BoCC Action
110			Regional Road Capital Improvements: shouldn't first sentence say something about roads -- "facilities and other improvements" seems to broad considering term being defined; 2 nd sentence doesn't make sense	Revised	Approved	
111			Remainder Parcel: definition doesn't make sense; suggest something like "a part of a larger parcel that is not platted during the subdivision of that larger parcel and that is described by metes and bounds"	Revised	Approved	
112			Residential Child Care Facility: delete 2 nd sentence	Revised	Approved	
113			Resolution of Approval: why defined? delete "or denying" in second line, as declaration denying a request is not a resolution of approval	Revised	Approved	
114			Restaurant: why defined? in use table, why is outdoor restaurant more restricted than restaurant?	Deleted outdoor restaurant from Use Table 5.1	Approved	
115			Retail Sales: why defined and regulated separately from Store? Why include phrase "for personal or household consumption"? -- what about business consumption?	Definition revised. Definition needed because of the allowance of limited retail sales in industrial districts.	Approved	
116			Retirement Center: not in use table; insert "the residence or before "retired people only"	Added to Use Table 5.1 as an allowed use in RM12 and RM30	Approved	
117			Road, Public: delete last sentence -- unnecessary	Revised	Approved	
118			Rural Land Use Plan: should "cite" in last line be "sited"?	Revised	Approved	
119			Shelter, Safety: not in use table; where used?	Deleted	Approved	
120			Should: insert comma after "recommended" and delete everything after that until "but not mandatory"	Revised	Approved	
121			Sign, Traffic: what is the MUTCD?	Added MUTCD to acronym table	Approved	
122			Sign Area: replace "or" before "frame" in 1 st line with "and"	Revised	Approved	
123			Site-Related Improvements: why is phrase "direct access improvements" used at beginning of 2 nd sentence; should it be "site-related improvements"?	Revised	Approved	
124			Solid Waste: why see also C.R.S. §30-20-101? Is that definition intended to be included in our definition? Why not use same definition?	Revised to match statute definition	Approved	
125			Sound: why defined?	Deleted	Approved	

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ITEM #	Chapter or Item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BoCC Action
126				Special District: should 32-1-201 be 32-1-101?	Revised	Approved	
127				Special District Guidelines and Requirements: why need definition?	Deleted	Approved	
128				Stadium: not in use table		Approved	
129				Surety: change middle of 2 nd line to "required for a project will be"	Revised	Approved	
130				Surety Estimate: should "development" be "construction" in 1 st line?	Revised	Approved	
131				Trade Schools: delete "this use category includes"	Revised	Approved	
132				Tree Farm: replace "raise" with "grow", is forest mgt plan required to meet definition; i.e., if no forest mgt plan but lots of trees harvested for wood products, not a Tree Farm and not subject to applicable zoning regs?	Revised	Approved	
133				Truck and Rec Vehicle Repair Garage: by including "motor vehicles," definition is so broad that it encompasses Automobile Repair Garage	deleted "motor vehicles"	Approved	
134				Turnouts: should be "Turnout"; replace "travelway" with "road"	Revised	Approved	
135				Unified Control: replace "controlled" with "control of two or more lots, parcels or tracts of land"; replace "where" in 2 nd line with "to which"	Revised	Approved	
136				Urban Density Development: replace "along with" with "and" in 4 th line	Revised	Approved	
137				Use, Accessory: delete "customarily"; delete commas before and after "or use" in 1 st line; move language in parentheses to just before period	Revised	Approved	
138				Use, Allowed: delete 2 nd sentence – no regulation in definition	Revised	Approved	
139				Use, Industrial: replace "and" with "or" in 1 st line	Revised	Approved	
140				Use, Principal: delete "one of" from 2 nd sentence	Revised	Approved	

Chapter or Item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
14			Vacation of a Plat, Right-of Way, or Public Easement: delete unnecessary; if kept, suggest "The process through which a recorded plat, right-of-way or public easement, or any portion thereof, is rendered null and void."	Revised	Approved	
142			Variance: change "where the subject" to "to a specific" in 2 nd line; insert period after "property" in 2 nd line and delete the rest	Revised	Approved	
143			Vehicle, Inoperable: change "form" to "farm" in last line the rest	Revised	Approved	
144			Violator, Alleged: insert "of property upon which there is probable cause to believe a violation of this Code exists or has occurred" after "the owner of record" in 1 st line	Revised	Approved	
145			Warehouse: delete "and appropriated" from 1 st line	Revised	Approved	
146			Water, Surface: delete last sentence – unnecessary	Revised	Approved	
147			Yard, Rear: replace "between" with "from" in 1 st line; insert "boundary" between "rear" and "line" in 1 st line; replace "and the nearest line of the building" with "to the nearest building" in 2 nd line	Revised	Approved	
148				Revised	Approved	
149			Zero Lot Line: insert comma after "requirement" in 3 rd line	Revised	Approved	
150			Zoning District, Obsolete: why does definition refer to subdivisions? Doesn't make sense	Revised	Approved	
151			Zoning District, Overlay: replace "underlying" with "base" in 3 rd line	Revised	Approved	

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PROPOSED CHANGES TO THE LAND DEVELOPMENT CODE		Development Services Department Changes		1ST ANNUAL REVIEW (updated 8/27/08)		
Chapter of Item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BoCC Action
1	1	pg 1-6	1.10.4 How to deal with renewals or expansions of existing buildings, when there has been a code change with additional standards,	Clarified that the Current Code applies to the expansion area.	Approved	
2	1		Animal Refuge: too broad? Could it cover a vet office or my house if I take in an injured animal?	Revised definition of Animal Refuge to exclude veterinary hospital. Deleted the definition of Exotic Animal Farm, which was not defined in the old code, or listed in the use table. There are a number of animal refuges in the RR-5 districts so it was added as a special use. The special use review will take care of issues regarding exotic animals.	Approved	
3	1		Automobile Repair Garage: change to Vehicle Repair Garage, as doesn't include all vehicles listed in definition of Automobile; delete 2nd "or" in 3rd line; delete comma in last line and insert "and".	Changed definition. Changed use table. Truck and RV Repair and Heavy Equipment Repair are distinct listed uses.	Approved	
4	1		Automobile and Trailer Sales Area: not listed in use tables; why include new & used automobiles when included in definition of automobile sales?; delete "trucks" (included in definition of automobile); delete "motorized vehicles"; replace "vehicles" with "automobiles" at end of 3rd line	Definition revised	Approved	
5	1	1-17	1.20 definition of barn-see pole barn, delete pole barn?	Deleted definition of Pole Barn	Approved	
6	1		Dry Cleaning Plant: not in use tables	Added to Use Table 5.1 in industrial districts.	Approved	
7	1		Firewood Sales: not in use table	Added to Use Table 5.1	Approved	
8	1		Flea Market: not in use table	Added to Use Table 5.1	Approved	

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Chapter of item to be changed	Item #	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
	9	1-40	1.20	added definition of hospital. Added separate definition of rehabilitation facility; see Peak addition appeal (1-24-08)	Added Rehabilitation Facility as a special use in all districts, except mobile home districts and industrial districts. Revised definition of Hospital, Convalescent, Added Hospital, Convalescent as a special use in A-35, RM-12 and C-2. Added definition of Hospital.	Approved	
	10			definition of outside storage	Definition added	Approved	
	11			Administrative Determination regarding printshop being an industrial use	Added Copy Shop as allowed use in commercial zone districts, therefore printing does not need modification.	Approved	
	12	1-58	1.20	Revise definition of Proprietary School to specifically include Karate School, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.	Revised definition, similar to Colorado Springs personal improvement services. Added as special use in CN and I-2, changed to allowed use in CO and I-1.	Approved	
	13	1-63	1.19,8	Revisit the definition of Road, Public. The definition implies that any road located with a public right of way or easement open to the public for travel would constitute a public road. What about acceptance and maintenance of the roadway by the County? By this definition wouldn't a gravel drive located within a section line easement and traveled by all the property owners utilizing it constitute a public road even if it wasn't recognized and maintained by the County?	LDC definition matches Engineering Criteria Manual definition exactly. Added "and accepted for maintenance by El Paso County"	Approved	
	14	1-64	1.20	Definition of Rural. Should read 2.5 acres or greater	Revision made.	Approved	
	15	1-73	1.20	Definition of Structure, Agriculture. Should it be changed Building, Agriculture or x-reference Ag Building.	Inserted cross reference to Structure, Agricultural	Approved	

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Chapter of Item to be changed	Item #	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
	16			Truck Stop: suggest an establishment that provides maintenance, repair, storage and other services to commercial vehicles and their drivers, which may include but are not limited to fuel, accessory or parts sales, overnight accommodations, restaurant facilities, or any combination thereof.	Revised, added to use tables as special use for industrial and A-35	Approved	
	17	1-79	1.20	revise Violator, Alleged to include reference to a violation	Revision made	Approved	
	18	2-4	2.2.3	BOA changes. Minutes can be approved by 3/2 vote so 4 affirmative not always required	Added any "variance or appeal" action	Approved	
	19	pg 4-9	4.2.3D(14)	provide animal allowance per each unit	Modified for mobile home park and rural mobile home park to reflect that the animal allowances are on a per unit basis rather than considering the park as whole	Approved	
	20	pg 4-16	4.2.6 (D)	Modification of PUD finding regarding substantial change in character of the area	Deleted the finding as it is not required by case law and master plan consistency is the primary consideration	Approved	
	21	pg 4-19	4.2.6(2)g and h	delete "or any specific criteria or standards in the ECM"	This implies BOCC will review any deviation of ECM in the PUD, when in fact the deviation can be granted administratively. Revision made.	Approved	
	22	pg 4-41	4.3.3(8) g	add reference to required maintenance plan for road maintenance	Added to RLUP district	Approved	
	23	pg 5-5	5.2.1 F	delete "as provided"	revised	Approved	
	24	pg 5-6	5.2.1 I	delete "as provided"	revised	Approved	

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Chapter of item to be changed	Item #	Page	Section Reference	Description of change	Discussion	PC Action	BCC Action
	25	pg 5-6	5.2.1 K	Accessory building size	Revised to provide that any accessory building can go up to 2 times (same size currently allowed) the size of the footprint of the principal building when the parcel size is 2.5 acres or greater. Agricultural structures are already exempt from this limit.	Approved	
	26	5-7	Table 5-3	clarify that montessori school is child care center	Added to child care center definition. Other clarifications made to the table.	Approved	
	27	5	Table 5-1	add equipment rental to I-3, I2 as allowed use per discussion with BocC on Barbarck.	Changed in Use Table 5-1	Approved	
	28	5	Table 5-1	flea market is defined but not in use tables	Revised definition in Chapter 1, added to Table 5-1, allowed use in CR and M, special use in CC, CS, I3	Approved	
	29	pg 5-3e	Table 5-1	Heavy Equipment Sales-delete from an allowed use in I-1	Deleted. Error in table. Was not allowed in old R&D District. No land in this district.	Approved	
	30	5	Table 5-2	Farm/Ranch Residence in Table 5-1 rather than Table 5-2, zone districts need to be listed	Deleted from Table 5-1, add to table 5-2, allowed in 5 acre zones subject to the standards of 5.2.24	Approved	
	31	1	Table 5-2	"Recycling Collection Center: not in use table; replace	Added to Accessory Use Table 5.2, allow in non-residential zone districts	Approved	
	32	5	Table 5-1	riding academy in RR-5 same as commercial stable requiring special use	Changed to allowed use in A35, added as special use in RR5	Approved	
	33	5	Table 5-2	add office as accessory use in industrial zones	Changed in Accessory Use Table 5-2	Approved	
	34	5	5.2.30	Firearm sales as a home occupation-only if secondary to gunsmith	Defined Gunsmith Modified subsection home occupation 4(f) "sale of hair care products at a beauty shop, sale of firearms by a gunsmith"	Approved	

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Chapter of item to be changed	Item #	Page	Section Reference	Description of change	Discussion	PC Action	BoCC Action
	35	5-27	5.2.30 B 5 a	rural home occupation-screening of outside storage in high density zones	Change to "The screening standards of Chapter 6 of this Code shall apply to outside storage areas located on parcels less than 35 acres, and to all outside storage greater than 5000 square feet"	Approved	
	36	pg 5-29	5.2.30 G	clarify that granted administratively (if and when allowed by BOCC) then limited 5 years, otherwise follow special use time limits.	Added "Any special uses acted upon by the DSD Director shall be limited to a 5 year time period, subject to renewal."	Approved	
	37	pg 5-53	5.2.51 4 c	add permit after development	Revision made	Approved	
	38	pg 5-96	5.2.51 (2)	change of to or	Revision made	Approved	
	39	pg 5-96	5.2.51 (2)	change title to read "Decision to Deny, Suspend, or Revoke..."	Revision made	Approved	
	40		5.2.54	Address meteorological testing poles associated with Wind Energy Generation Facilities	New section added	Approved	
	41	pg 5-105	5.3.2(B)(2) fifth bullet	Change special use finding to "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."	As recommended by County Attorney, and to match BOCC standard resolution.	Approved	
	42	pg 5-105	5.3.2 C	change in special use when parcel size reduced	Added "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"	Approved	

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Chapter of item to be changed	Item #	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
	43	5-106	5.3.2 (G)	add mining with processing to prohibition of administrative special use	Added mining with processing. Added time limit to administrative special use. Added standard to address parcel size changes after approval	Approved	
	44	pg 5-106	5.3.2 H 2	Clarify provision of development agreement with a special use	Changed "shall" to "may"	Approved	
	45	5-116	5.3.5	include review criteria for conventional rezoning	Criteria included in new section 5.3.5	Approved	
	46	pg 5-46, 5-119	5.2.47 D	stable setback conflict between the private stable standards and Table 5-4	Changed Table 5-4 to delete inconsistent language so that one set of standards applies to stables in all zone districts, unless noted differently in 5.2.47 (now 5.4.46)	Approved	
	47	5-120	Table 5-4	height in A-35 should the 100 foot maximum be put back into footnote	Inadvertent deletion. Height limit added to table	Approved	
	48	5-120	Table 5-4	Footnote 16, at end of first sentence, add where a 5 foot setback is allowed.	Revision made	Approved	
	49	pg 5-138	5.6.7 B 2	change consider to considered	Revision made	Approved	
	50	5	5.6.8(B)	Contractor's Equipment Yard: "A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance or landscape trades. It may include administrative offices..."	Definition revised. Goal is to not limit to building construction (what about other types of improvements or types of construction work), and to include folks that may not construct, but repair and maintain and use similar equipment for such	Approved	
	51	6	pg 6-4	Resolve inconsistency between PUD requirements and this section - clarify that 6.2.2 does apply to single-family and duplex PUDs	Formalize existing practice of obtaining a preliminary landscape plan with all PUD's, which are not located within a PUD, to reflect that the landscaping standards will apply to single family and duplex uses when they are located in a PUD.	Approved	

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Chapter of item to be changed	Item #	Page	Section Reference	Description of change	Discussion	PC Action	BoCC Action
	52	pg 6-16	6.2.3	The City of Fountain has adopted the Dark Sky Ordinance and commercial developers seem to have not let that slow them down. It regulates fugitive light not the amount of light on site. One of the primary complaints especially as development spreads to rural areas is the light pollution. I believe this would solve a lot of concerns and the development community appreciates consistency. They would know the rules before they enter the process.	Revised Chapter 6.2.3 to add more defined standards. Revisions include a mixture of standards from both City of Fountain and Douglas County. Some modifications to procedures manual on lighting plans may be required. Maximum lighting levels added. canopy lighting provisions added. parking lot lighting height can be increased administratively.	Approved	
	53	pg 6-19	6.2.4	Motor Vehicles. revisions to collector car storage allowances	revisions based upon recent enforcement case. Section revised by OCA	Approved	
	54	6-19 and 6-20	6.2.4 (B)4 et all	change unlicensed to inoperable. Board did not want to regulate based upon licensing.	Changed, including standards for collector vehicles and parts to match statute and case law	Approved	
	55	pg 6-38	6.2.9	Revisions to Off Premise Sign (Billboard) Section. See stand-alone Code amendment	BCC suggested consideration of allowing billboard to expand up to the maximum size without requiring special use. Inventory completed reflecting 64 County billboards over 84 square feet. Did not adjust cap. 45 current signs less than 246 sq feet. 8 are less than 200 square feet. Changes would allow those existing signs larger than 84 square feet to expand up to 245 square feet with a sign permit, but not require special use. 84 square feet used because that is the smallest size sign eligible for a credit.	Deleted from Consideration	Deleted from Consideration
	56	pg 6-40	6.2.9 C1 3rd bullet	change to "billboards with face areas" to retain consistency with two previous bullets	Revision made	Deleted from Consideration	

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Chapter of Item to be changed	Item #	Page	Section Reference	Description of change	Discussion	PC Action	BoCC Action
	-67	-6-67	6.3.3(A)(3)	conflict in using "more restrictive applies" because it ties fire district hands. Should default to fire district standards when they address the specific issue. Fire District decides where in district	Changed to "Where a fire department has adopted specific standards, the standards of the district shall apply".	Deleted from Consideration	
	58	pg 6-69	6.3.3 B 4	in reference to plat note change "Wildfire" to "Wildfire"	Revision made	Approved	
	59	6-72	6.3.3 C(2) (a)	Emergency vehicle access roads shall at a minimum be constructed to the County's gravel road standard	The County's gravel road is a 34' section not allowing lesser standard even considering that the emergency access would be closed to typical public travel. Added "if open to the public. Emergency vehicle access roads which are not open to public travel shall meet the non-road access standards."	Approved	
	60	pg 6-73	6.3.3 C 2 c	least clarify so that it doesn't conflict with 25 lots on a dead end	Added "if the cul de sac exceeds the length allowed by the Engineering Criteria Manual"	Approved	
	61		7.2.3A1c, 7.2.3A2c, 7.2.3A3c, 7.2.3A4c, 7.32.3B1c, 7.2.3B2c, 7.2.3B3c, 7.2.3C4	Reference to CCR's	Revised to maintain consistent language	Approved	
	62	pg 7-25	7.2.3 A 4	Flat vacation with ROW criteria for approval references "no public moneys have been expended on any road in the vacation area, but the Vacation of ROW criteria does not include this finding	The reference to public moneys is also in the Standard Resolutions. Finding is not in statute. Public moneys criteria deleted	Approved	
	63	pg 8-7	8.4.2 (B) 1 e	This should be a subset of d(i) because it only applies to lot sizes less than 2.5 acres	Formal change	Approved	
	64	pg 8-9	8.4.2B2d	Airport noise	Clarification to be consistent with Airport Overlay changes made in 2007	Approved	

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Chapter of item to be changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
65	pg 8-13	8.4.3 (4)c	includes "shall" and preferred in the same sentence. One is mandatory and one is permissive.	Delete "as preferred alternative"	Approved	
66	8-15	8.4.4.B	consider removing "reserved" and replacing with "permanent ROW easement" or "public ROW easement"	Changed to "public ROW easement"	Approved	
67	8-16	8.4.4.E.2	Private Road Waiver: shall require the owner to enter into a Private Road Maintenance Agreement or create covenants whereby the lot owners are required to maintain the private roads.	Changed "shall" to "may"	Approved	
68	pg 8-16	8.4.4(E)3 line 2	delete "be provided for".	Revision made	Approved	
69	pg 8-16	8.4.4	add snow fence standards approved as part of the Engineering Criteria Manual changes. Refer only to ECM standards, don't put in specific standards. Can be adjusted through deviation.	Added reference	Approved	
70	8-18	8.4.5.F	Clarify "where appropriate" by stating Detention Ponds shall be located in tracts for urban developments but may be located within easements for lots of 2.5 acres or larger.	shall be located in separate tracts "or permanent easements"	Approved	
71	8-19	8.4.5.G.1	In the section for drainage easements delete "to the County"	Revision made	Approved	
72	8-29	8.4.7.B.3.d	Typo: Extra "C" in 3rd line by "County"	Revision made	Approved	
73	pg 8-37	8.4.7.B.6(f)	Jane Fredman-water section, recording of Bylaws/Articles of Incorporation	Added clarification that some HOA actions cannot occur at the time of plat recording since a new HOA may only exist after filing of documents with the Secretary of State, and an election. Delete "the BOCC approval" add "recording"	Approved	

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Chapter of Item to be changed	Item # changed	Page	Section Reference	Description of change	Discussion	PC Action	BCC Action
	74	pg 8-54; 8-65	8.5.1.C.1.a	Section 8.5.1.C.1.a states that dedications of land to be used for public uses and owned by the County shall be dedicated by warranty deed. Revise section to indicate row dedicated by the plat does not need deeds, however tracts to the county or entity not a party to the plat, or off site row need to be by deed. Also, only need indemnification if not row by the plat	Revisions made to SIA. Clarified that deeds and indemnification only required when the property comes to the county and there is a reversionary interest where the county could transfer the property at a later date.	Approved	
	75	pg 8-54; 8-65	8.5.1	Adding to Cole's comment above, same applies for easements. We don't need warranty deeds for platted easements.	Change made above	Approved	
	76	pg 8-66	8.5.2C.5.a	"Disposition of Other Dedicated Land" - This should be a header.	Revision made	Approved	
	77	8-83	8.5.5.C.1	remove the sentence about a land fee may also be incorporated into the drainage fee... This is not consistent with the 1999 drainage basin fee resolution (ECM, Appendix L)	Strike sentence	Approved	
	78	8-85	8.5.5.C.3.c.vii	Revise to read "When drainage basin fees for a lot..." instead of "When drainage basins for a lot..."	Revision made	Approved	
	79		9.2.3.A	Special districts- need to delete references to Review Committee and Service Plan Proposal as we want that to go away	Delete paragraphs 9.2.2.B, 9.2.3.B, 9.2.4.B, and add conforming changes to show steps the review of a service plan follows. See revised chapter on Special Districts.	Approved	
	80		11.3.1	change semi-colons to commas and insert a space after each comma		Approved	
	81		11.1.1	change semi-colons to commas and insert a space after each comma; delete space in "general"	spacing problem is a printer problem	Approved	

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Chapter of item to be changed	Item #	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
	82	11	11.1.2	insert spaces after each §; insert commas before and after "including companion documents" in 1 st and 2 nd bullets; delete periods after "as amended" in 1 st and 2 nd bullets; delete spaces in "30" in 1 st bullet, "Infectious" and "Regulations" in 3 rd bullet; insert space after semi-colon on 2 nd bullet; quotation marks in 3 rd bullet are superimposed on other characters; don't capitalize "State" and change "Statute" to law in final paragraph	spacing problem is a printer problem	Approved	
	83	11	11.1.3	before "agreement" in second to last line of (A); insert "prior to such action being heard by the BOCC" before "while an application to correct" in (E)	see revised chapter	Approved	
	84	11	11.1.4	replace "from" with "for" in first bullet of (A); insert "only" before "until" in (B)(2)	see revised chapter	Approved	
	85	11	11.1.6	insert space after §§	see revised chapter	Approved	
	86	11	11.2.1	change semi-colons to commas and insert a space after each comma	see revised chapter	Approved	
	87	11	11.3.1	change semi-colons to commas and insert a space after each comma	see revised chapter	Approved	
	88	11	11.3.1	change semi-colons to commas and insert a space after each comma	see revised chapter	Approved	
	89	11	11.3.2 (A)	delete reference to required posting of violation notice. Delete reference to appeal, since BOCC has to approve action on the violation anyway	deleted. see revised chapter	Approved	
	90	11		change enforcement to match ordinances	see revised chapter	Approved	
	91	11	11.3.2	Lot, Legal: same as above; also, a parcel modified or reduced in size due to land acquisition by gov't entity is included in some fashion in both this definition and definition of Lot, Nonconforming.	Revised definition of lot. Acquisition should be in both terms. The intent is that when acquisition occurs the lot remains legal from both a subdivision and zoning perspective. See OCA comment on definitions.	Approved	

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Chapter of item to be changed	Item # changed	Page	Section Reference	Description of change	Discussion	PC Action	BOCC Action
92	11		11.3.2	(C) don't capitalize "State Statute"; change 2 nd sentence to read "The OCA shall place the matter on the BOCC's agenda for a hearing to show cause why such an action should not be filed."	see revised chapter	Approved	
93	11		11.3.2	(D) same comment as (C)	see revised chapter	Approved	
94	11		11.3.2	(E) don't capitalize "State Statute"; delete everything after 1 st sentence and replace with 2 nd sentence as in (C) above	see revised chapter	Approved	
95	11		11.4.1	clarify whether applicant has to be present	changes applicant is notified and has an opportunity to have input.	Approved	

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PROPOSED CHANGES TO THE LAND DEVELOPMENT CODE	BoCC Previously Approved Changes to be in Final Printing	Section Reference	Item #	Chapter	Page
		Animal Day Care Facility. A commercial service facility for the care of dogs or other household pets predominantly for periods of less than 24 consecutive hours. Where overnight boarding occurs, animals shall not be allowed unsupervised outdoor access.	1	pg 1-15	definitions
	approved by BoCC 4-5-08				
	approved by BoCC 4-5-08	revise definition of Development Services Department	2	pg 1-29	definitions
	approved by BoCC 4-5-08				
	approved by BoCC 4-5-08	Revise definition of Development Services Director	3	pgt 1-29	definitions
	approved by BoCC 4-5-08				
	approved by BoCC 4-5-08	CAD-O Airport Overlay Revisions	4	pg 4-27	4.3.1
	approved by BoCC 4-5-08				
	approved by BoCC 4-5-08	GA-O Airport Overlay Revisions	5	pg 4-32	4.3.2
	approved by BoCC 4-5-08				
	approved by BoCC 4-5-08	added Personal Use Greenhouse	6		Table 5.2
	approved by BoCC 4-5-08				
	approved by BoCC 4-5-08	clarified deck setbacks	7	pg 5-124	5.4.3D8
	approved by BoCC 4-5-08				
	approved by BoCC 4-5-08	Reinsert Equitable consideration finding for BOA	8	pg 5-130	5.5.2 B 2 a
	ADMD-07-020		9		Table 5-5
	errors in table	Correction to setback table for Industrial			
	setback numbers were transposed				

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