

EL PASO



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
Jim Egbert, Chair**

**FROM: Nina Ruiz, Project Manager/Planner II
Mindy Madden, Code Enforcement Supervisor
Craig Dossey, Executive Director**

**RE: LDC-17-004 Land Development Code Amendment
Amendment to Chapters 1, 5, and 6 of the El Paso County Land Development Code (2017) to modify language to resolve reoccurring issues generally pertaining to the parking, storage, and repair of vehicles and machines**

Commissioner District: All

Planning Commission Hearing Date	12/19/17
Board of County Commissioners Hearing Date	01/09/18

EXECUTIVE SUMMARY

A request by the El Paso County Planning and Community Development Department to amend the El Paso County Land Development Code (2017) to remove errors and discrepancies and to address reoccurring issues generally pertaining to the parking, storage, and repair of vehicles and machines.

The proposed amendments are outlined in detail in section E below but may be summarized as:

- Adding a definition for Machine Repair;
- Adding a definition for Parking, Storage, and Repair of Vehicles and Machines, Personal;
- Renaming Vehicle Repair Garage as Vehicle Repair Garage, Commercial;

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- Amending Table 5-1, Principal Uses, to add Truck and Recreational Vehicle Repair Garage and identifying that it is subject to use specific standards;
- Renaming the use “Storage and Repair of Vehicles and Machines” as “Parking, Storage and Repair of Vehicles and Machines, Personal”;
- Limiting the number of vehicles associated with a Residential Home Occupation to two (2) and requiring that all parking be located onsite;
- Renaming the use “Automobile Storage and Repair Business” as “Vehicle Storage or Repair Business” in the list of allowed Rural Home Occupations;
- Prohibiting occupancy of vehicles and recreational vehicles except when occupancy of a recreational vehicle has been authorized by approval of a temporary use permit during the ongoing construction of the permanent dwelling;
- Limiting the number of inoperable vehicles in the A-35 (Agricultural) zoning district to a maximum of ten (10);
- Adding the use specific standards to Chapter 5 for Parking, Storage, and Repair of Vehicles and Machines, Personal; and
- Relocating all vehicle and storage language from Chapter 6 to Chapter 5.

A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

B. APPLICABLE RESOLUTIONS:

Approval Page 7

Disapproval Page 8

C. REQUEST

A request by the El Paso County Planning and Community Development Department to amend the El Paso County Land Development Code (2017) to:

- Adding a definition for Machine Repair;
- Adding a definition for Parking, Storage, and Repair of Vehicles and Machines, Personal;
- Renaming Vehicle Repair Garage as Vehicle Repair Garage, Commercial;
- Amending Table 5-1, Principal Uses, to add Truck and Recreational Vehicle Repair Garage and identifying that it is subject to use specific standards;
- Renaming the use “Storage and Repair of Vehicles and Machines” as “Parking, Storage and Repair of Vehicles and Machines, Personal”;

- Limiting the number of vehicles associated with a Residential Home Occupation to two (2) and requiring that all parking be located onsite;
- Renaming the use “Automobile Storage and Repair Business” as “Vehicle Storage or Repair Business” in the list of allowed Rural Home Occupations;
- Prohibiting occupancy of vehicles and recreational vehicles except when occupancy of a recreational vehicle has been authorized by approval of a temporary use permit during the ongoing construction of the permanent dwelling;
- Limiting the number of inoperable vehicles in the A-35 (Agricultural) zoning district to a maximum of ten (10);
- Adding the use specific standards to Chapter 5 for Parking, Storage, and Repair of Vehicles and Machines, Personal; and
- Relocating all vehicle and storage language from Chapter 6 to Chapter 5.

Staff is also requesting authority to make all other conforming amendments necessary to carry out the intent of the Board of County Commissioners.

D. BACKGROUND

The Planning and Community Development Department routinely proposes amendments to the El Paso County Land Development Code to respond to current land use trends or to address reoccurring issues, changes in legislation, and/or errors. Since the last Code revision in 2016, staff has continued to compile a list of necessary and recommended revisions to the Code as issues arose. A series of seven (7) Code revisions have been developed by staff and will be presented to the Planning Commission and Board of County Commissioners for review and approval. The seven (7) various groupings of revisions are titled as follows: 1) tiny houses; 2) cleanup; 3) vehicles; 4) breweries, brewpubs and vineyards; 5) subdivisions; 6) small cell & CMRS towers; and 7) animal keeping. Two (2) of the seven (7) revisions have already been before the Planning Commission and Board of County Commissioners for review and approval. The revisions proposed within this specific Code amendment request have been grouped together to capture what staff is referring to as the “vehicle” items.

The proposed amendments include revisions to Chapters 1, 5, and 6 and generally address issues pertaining to vehicle storage and repair. The Vehicle Storage section is located in Chapter 6, General Development Standards, of the Code. Table 5-2, Accessory Uses, includes Storage and Repair of Vehicles and Machines as an allowed accessory use within most zoning districts; it also says the use is subject to use specific standards. However, there are no use specific standards for this type of a use. Such standards would typically be included in Section 5.2, Use Specific Development Standards. The only regulations pertaining to Storage and Repair of Vehicles and Machines are found in Section 6.2.11, Development Standards for Ancillary Facilities and Activities, Vehicle

Storage. Staff recommends that it is more appropriate for these regulations to be located in Section 5.2, Use Specific Development Standards.

In addition to relocating the regulations, the proposed amendments include: 1) revising Vehicle Storage and Repair associated with a Home Occupation, 2) prohibiting occupancy of vehicles, 3) separating personal vehicle and machine storage and repair from commercial vehicle and machine storage and repair, and 4) limiting the number of inoperable vehicles in the A-35 (Agricultural) zoning district.

Residential Home Occupations

Complaints regarding vehicles associated with a home occupation are common. However, because the Code does not regulate the number of vehicles or where such vehicles may be parked, no enforcement action can be taken. Code Enforcement is not able to enforce on many of the home occupation uses without additional vehicle regulations as long as the residential home occupation meets all of the other applicable home occupation standards.

Per Section 5.2.30.A.1 of the Code, the intent of a residential home occupation is:

It is the intent of this Section to provide clear standards for home occupations in zones that allow residential use which will ensure compatibility with the residential purposes of those zones and that there are no adverse effects on the residential character of those zones, and which will not allow in residential zones those uses allowed in commercial and industrial zones except as specifically authorized by this Section.

Staff has found it difficult to ensure that the residential character of some of the neighborhoods throughout the County are maintained and that impacts are limited when there are no restrictions established in the Code as to the number of vehicles allowed in association with a Residential Home Occupation. The proposed amendments limiting the number of vehicles and requiring parking to be onsite will help prevent negative visual impacts that might otherwise cause a home occupation to be adverse to the residential character of the respective neighborhood.

Parking, Storage, and Repair of Vehicles and Machines, Personal

The Code does not distinguish between the repair of personal vehicles and machines and a commercial repair garage. The Code also does not include use specific standards regarding vehicle or machine storage and repair. Storage and Repair of Vehicles and Machines is an allowed accessory use within most zoning districts. All of these facts contribute to confusion and incorrect assumptions

when an average citizen independently searches the Code to determine if vehicle and machine repair is allowed on their property.

The proposed amendments will add use specific standards to Chapter 5 of the Code to clarify the allowances for Parking, Storage, and Repair of Vehicles and Machines for personal use to distinguish it from a commercial repair business.

Parking in the Right of Way

The County right of way is not subject to zoning regulations. The Code includes references to vehicles within right of way which is not unenforceable under zoning. The proposed amendments would remove any reference to parking or storage of vehicles within the right of way.

Prohibiting Occupancy of Vehicles

The Code allows recreational vehicles to be used for temporary housing with approval of a temporary use permit if a building permit has been issued and remains active during the construction of the permanent dwelling. In 2017, Code Enforcement staff received approximately 50 complaints regarding the use of recreational vehicles for permanent housing. While the Code regulates temporary housing, there is no specific language regarding the use of recreational vehicles for permanent housing. As a result, Code Enforcement must rely on the requirements for temporary housing and on the definition of a dwelling unit, which excludes recreational vehicles, in order to proceed with an enforcement action. In addition, the Code does not allow passenger vehicles to be used as permanent or temporary housing.

The proposed language will provide a distinction between the use of recreational vehicles for temporary and permanent housing, prohibit the use of a passenger vehicle as temporary or permanent housing, and allow for effective Code Enforcement action for this type of violation.

Inoperable Vehicles

The Code allows property owners to have inoperable vehicles on land zoned A-35 (Agricultural) or as part of a rural home occupation. A Rural Home Occupation is limited to no more than ten (10) inoperable vehicles, but there is no limit provided in the general vehicle guidelines that would apply to inoperable vehicles in the A-35 zoning district. In reading only the vehicle portion of the Code, but not reviewing the Rural Home Occupation allowances, one may interpret the regulations to not limit the number of inoperable vehicles in the A-35 zoning district. The proposed language will limit the total number of inoperable vehicles in the A-35 zoning district to ten (10) as part of a rural home occupation.

E. RECOMMENDED AMENDMENTS

- 1. Amendment to Chapter 1, Definitions of Specific Terms and Phrases, to add “Machine Repair, Personal” with the following definition:**

Repair of small engine machines. This term may include, but is not limited to, lawn mowers, snow blowers, and customarily incidental to the maintenance or upkeep of a residential property.

2. **Amendment to Chapter 1, Definitions of Specific Terms and Phrases, to add “Parking, Storage, and Repair of Vehicles and Machines, Personal” with the following definition:**

Parking, storage, and repair of vehicles and/or machines owned by and for the sole use of persons residing on a lot, tract or parcel.

3. **Amendment to Chapter 1, Definitions of Specific Terms and Phrases, to rename Vehicle Repair Garage as Vehicle Repair Garage, Commercial**
4. **Amend Chapter 5, use table 5-1 (principal uses) to add Trucks and Recreational Vehicle Repair Garage is subject to use specific standards**
5. **Amend Chapter 5, use table 5-1 (principle uses) to rename Vehicle Repair Garage as Vehicle Repair Garage, Commercial**
6. **Amend Chapter 5, use table 5-2 (accessory uses) to rename Storage and Repair of Vehicles and Machines to Parking, Storage and Repair of Vehicles and Machines, Personal**

7. **Amend Chapter 5, Section 5.2.30.A.4.b Residential Home Occupations**

The residential home occupation shall be conducted only by a person or persons residing on the lot or parcel and only so long as contained entirely within the dwelling or a detached accessory structure. **No more than two (2) vehicles, excluding customer parking, associated with a home occupation, may be parked or stored outdoors on any property and shall meet the use specific standards for Parking, Storage and Repair of Vehicles and Machines, Personal found in Chapter 5 of this Code.**

8. **Amend Chapter 5, Section 5.2.30.A.4.h Residential Home Occupations**

Customer Parking Spaces-Required

If the home occupation will result in any clients or customers coming to the property, no less than 2 parking spaces shall be available. **All required parking spaces must be located onsite and shall comply with the Parking, Loading, and Maneuvering Standards found in Chapter 6 of this Code.**

9. **Amend Chapter 5, Section 5.2.30.B.3 Rural Home Occupations**

The following types of uses, in addition to those allowed as a residential home occupation, may qualify as rural home occupations, if the general standards of a rural home occupation are met:

- Contractor's equipment yards, construction businesses, welding shops;
- Trucking and hauling businesses;
- ~~Automobile~~**Vehicle** storage or repair businesses; and
- Other small businesses which primarily serve a rural agricultural or ranching clientele.

10. Relocate Section 6.2.11, Vehicle Storage, to Section 5.2.39, and renaming the Section as Parking, Storage, and Repair of Vehicles and Machines, Personal

11. Remove portions of Section 5.2.39.A.2, Parking on Public Right-of-Way

(2) Parking on Public Right-of-Way

- (i) Any parking or storage of vehicles on the public right-of-way shall conform to the requirements of the Sheriff's Office, this Code and any ordinances adopted by El Paso County.
- ~~(ii) Recreational vehicles may be stored or parked on a public right-of-way for a maximum period of 48 hours.~~
- ~~(iii) Inoperable vehicles may not be stored or parked on any public right-of-way.~~

12. Amend 5.2.39.B.1, Prohibited Vehicles

No vehicles with a gross vehicle weight rating of 13,001 lbs or greater shall be kept, stored or parked on private property ~~or within the right-of-way~~ in a zoning district where a residential use exists, except in the A-35 zoning district. This shall include, but is not limited to, tractor trailers, over-the-road semi trucks, road cleaners, motor graders and similar maintenance or construction equipment. This provision does not apply to recreational vehicles. Notwithstanding the above, one tractor trailer or over-the-road semi truck may be parked in a fully enclosed building in association with a residential use on a lot or parcel greater than 2 ½ acres in area.

13. Add Occupancy of Vehicles Prohibited to Section 5.2.39

Occupancy of Vehicles Prohibited

No person shall occupy or reside within any vehicle and/or recreational vehicle. Recreational vehicles may be occupied when located within a

RVP district or used as temporary housing subject to the standards of Chapter 5 of this Code.

14. Amend Section 5.2.39.B.2, Inoperable Vehicles and Vehicle Parts

The outdoor storage or parking of any inoperable vehicle or **recreational vehicle** ~~motor home~~ and the outdoor storage of any vehicles parts, shall be prohibited on any lot or parcel used for residential purposes or within a Residential or Agricultural Zoning District, except within the A-35 zoning district where ~~vehicles owned by others may be repaired in conformance with this Code. No Painting or welding of vehicles owned for the purpose of repair and resale~~ **a maximum of ten (10) inoperable non-agricultural vehicles shall be allowed as part of a rural home occupation pursuant to Chapter 5 of this Code.**

15. Add Vehicle and Machine Repair to Section 5.2.39

Vehicle and Machine Repair

Vehicles and/or machines owned by and for the sole use of persons residing on a lot, tract, or parcel may be repaired, excluding painting or welding, only within an enclosed structure. Vehicles and/or machines owned by others may be repaired in the A-35 zoning district or as a rural home occupation as a special use in conformance with this Code.

16. Amend Chapter 5 Use Specific Standards to rename “Vehicle Repair Garage” to “Vehicle Repair Garage, Commercial” with amended language

(A) Enclosed Building Required

Repairing or dismantling of vehicles and storing of parts and accessories shall be conducted within an entirely enclosed structure. Any vehicles awaiting repair stored outside shall be stored in accordance with the outdoor storage standards in this Chapter.

(B) Inoperable Vehicles and Vehicle Parts

Except for temporary storage in an authorized area for automobile and trailer sales, auto repair garage, gasoline filling station or similar repair or short-term vehicle facility, and except as permitted by subsection (B) (3) above, no inoperable vehicle shall be kept or stored outside on any lot, tract or parcel within a commercial or industrial zoning district. Any vehicle stored on a lot, parcel, or tract in excess of 6 months will be presumed not to be temporary storage and will be subject to zoning enforcement. Areas permitted to be used for temporary storage of inoperable vehicles under this section shall be maintained so as not to constitute a health, safety or fire hazard, shall be effectively screened from ordinary public

view by means of a solid fence, berm, trees or shrubbery, and shall be kept free of weeds, trash and other objectionable items.

F. 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 days' 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.

G. PUBLIC COMMENT AND NOTICE

The Board of County Commissioner hearing date will be published in the newspaper pursuant to Colorado Revised Statute 30-28-116. A copy of this publication will be included in the backup material for the Board of County Commissioners Hearing.

H. ATTACHMENTS

Proposed Changes to the Land Development Code (2016) (redline version)

Lot Area -- The total area within the boundary lines of a lot, parcel or tract.

Lot Coverage, Maximum -- The percentage of the lot, parcel, or tract area that may be covered by structures. The calculation shall not include any areas covered by parking areas, platforms, landings, or ramps if such improvements do not exceed 18 inches in height as measured from the top-most finished surface of the improvements to any adjacent point of the finished grade. The calculation shall also not include open and unenclosed patios if such patios do not exceed 18 inches in height as measured from the top-most finished surface of the patio to any adjacent point of the finished grade. Patios, including patios that are less than 18 inches in height, which have a roof or other overhead cover and/or patios which incorporate a wall or walls as a method of partially or fully enclosing the patio shall be included in the calculation of maximum lot coverage.

Lot Depth -- The shortest horizontal distance between the front and rear boundary lines of a lot, parcel or tract.

Lot of Record -- A lot or tract of land shown on an officially recorded plat and described by platted lot or tract number or a parcel of land officially recorded or registered as a unit of property and described or by metes and bounds and lawfully established for conveyance on the date of recording of the instrument first referencing the lot, parcel, or tract. The term "lot of record" does not imply that the lot, parcel, or tract was created in conformity with the legal regulatory requirements for subdivision of property in accordance with this Code.

Lot Line, Front -- The boundary line dividing a lot, parcel, or tract from a road. On a corner lot, parcel, or tract both boundary lines dividing the lot, parcel, or tract from the roads shall be considered the front lot line, unless otherwise provided in this Code.

Lot Line, Rear -- The boundary line opposite and most distant from the front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all boundary lines that are most nearly opposite the front lot line.

Lot Line, Side -- Any lot line other than the front or rear lot line.

Lot Width -- The mean horizontal distance between side lot lines of the lot measured at right angles to the depth.

Machine Repair, Personal -- Repair of small engine machines. This term may include, but is not limited to, lawn mowers, snow blowers, and customarily incidental to the maintenance or upkeep of a residential property.

Maintenance Plan -- A plan for private maintenance of roads, common areas, recreational areas, open space, bikeways, parking areas, or water and sanitation facilities where County maintenance is not proposed.

Manufactured Home -- A single-family dwelling which is partially or entirely manufactured in a factory, is not less than 24 feet in width and 36 feet in length, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the

urban park purposes, within the neighborhood or community planning unit from which the urban park fee was collected. Fees collected in lieu of, or in combination with, the dedication of land for urban park purposes shall be deposited within the urban park fee fund and shall be used solely to acquire and develop urban park lands which will reasonably serve the needs of the intended neighborhood or community planning unit. Interest earned on urban park fees shall remain within the urban park fee fund and shall be used solely for the purposes set forth in this Code; provided, however, that the earned interest may be used by the EPCPLSD to provide for necessary and required minimum levels of annual public health and safety maintenance of the "reserved lands" properties until transfer to another entity is affected.

Parking, Tandem -- Parking 2 cars in a driveway or parking space so that one car is right in front of the other and the front car cannot move until the back car is moved.

Parking Area -- Parking areas and spaces designed, used, required or intended to be used for the parking, storage, display or operation of vehicles, including driveways or access ways in and to these areas, but not including any outdoor storage area used principally as a recreational vehicle, boat or truck storage use, storage areas for landscaping and other bulk items or public roads and rights-of-way. The term parking area includes parking lots and parking structures.

Parking Lot -- An area, structure, or building used for the sole purpose of parking vehicles in legal operating condition, excluding recreational vehicles, and which is generally paved and striped for parking spaces.

Parking, Storage, and Repair of Vehicles and Machines, Personal— Parking, storage, and repair of vehicles and/or machines owned by and for the sole use of persons residing on a lot, tract or parcel.

Peddler Sales -- The temporary use of outdoor parking areas or lots for sale of merchandise or produce not produced on the premises, or food from a mobile food vendor.

Performance Standards -- Regulations and criteria established to control the operation of a use, including noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, dust, radio-activity, electrical disturbance, heat, glare, or other factors generated by or inherent in uses of land or structure.

Person -- A natural person, firm, partnership, association or corporation, but this definition does not include any governmental unit.

Personal Wireless Service -- Commercial mobile services.

Pet -- A domesticated animal kept for pleasure rather than utility, subject to the standards and limitations of this Code.

Pigeon Keeping -- The raising, keeping, housing and breeding of pigeons as a hobby.

Planned Unit Development -- An area of land to be developed under unified control or a unified plan of development which include any combination of dwelling units, commercial, educational, recreational, or industrial uses, pursuant to a plan which does not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations.

Planning Commission -- The Planning Commission of El Paso County.

Planting Strip -- That portion of a right-of-way between the curb line and the sidewalk, or between the sidewalk and the right-of-way line, used for the planting of trees, shrubs, groundcover or grass, or the

Use, Nonconforming -- Any legally existing use, whether within a structure or on a piece of land, which does not conform to the use regulations of the zoning district in which the use is located, either at the effective date of this Code or as a result of the subsequent amendments which may be incorporated into this Code.

Use, Principal -- An activity or combination of activities of chief importance on the lot or parcel. The main purposes for which the land is intended, designed, or ordinarily used.

Use, Special -- A use that, owing to some special characteristics attendant to its operation or installation (e.g. potential danger, traffic, smoke or noise impact), is allowed in a zoning district, subject to approval and special requirements, different from those usual requirements for the zoning district in which the special use may be located.

Use, Temporary -- A seasonal, short-term or transient land use allowed on a property on a temporary basis.

Utilities -- Water, sewer, gas, electric power, stormwater, telephone and cable television and other facilities or services necessary to reasonably provide for the needs of a development or subdivision.

Utility -- Any public or private entity whose principal purpose is to provide electricity, water, sewer, storm drainage, gas, radio, television, telephone, and other forms of communication utilizing the electromagnetic spectrum to the public.

Utility Substation -- Any electric transmission lines, substations or electric utilities, major gas regulator station, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives and their appurtenant facilities.

Vacation of a Plat, Right-of-Way, or Public Easement -- The process through which recorded plats, rights-of-way, or public easements, or portions thereof are made null and void by action of the BoCC pursuant to the statutory procedure by which the County may relinquish its interest in roads, alleys, or easements, and may authorize the vacation of plats.

Variance -- The means by which an adjustment is made in the application of the specific bulk, dimensional, or performance standards set forth in this Code to a specific property.

Variance, Use -- The means by which a use not otherwise authorized as an allowed, special, or accessory use by this Code may be approved for a specific property.

Vehicle, Inoperable -- A vehicle which is damaged or dismantled to a degree that it is unable to move under its own power or is unsafe or illegal to operate on public road rights-of-way. This definition does not include implements of husbandry, farm tractors, farm or ranch equipment, or vehicles customarily operated in a farm or ranch operation.

Vehicle Repair Garage, Commercial -- An establishment used for the care or repair of passenger vehicles and light trucks, including major or minor work such as paint, body and fender work or engine and transmission overhaul and incidental storage or parking of repaired vehicles, but excluding the dismantling of wrecked vehicles and the storage of junk vehicles.

Vested Property Rights -- The right to undertake and complete the development and use of the property under the terms and conditions of a site specific development plan.

Violator, Alleged -- The owner of record, whether person, partnership, firm, corporation, governmental

Use Type	Agricultural Zoning Districts			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?		
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M				R-4	
Trash Transfer Facility																					S				S		YES	YES	
Tree Farm	A	A	A	A																									
Truck and Recreational Vehicle Repair Garage																			A	S	A				A		YES	YES	
Truck Farm		A ²	A																										
Truck Stop		S ²																		S ²	S ²							YES	
Vehicle Repair Garage, Commercial																	S	S	A	S				A	A		YES	YES	
Warehouse																	S		A	A	A			A	A			YES	
Warehouse, Flammable Material																					S				S			YES	
Waste Tire Recycling			S																		S			S			YES	YES	
Wholesale Business																S		A	A	A			A	A				YES	
Wind/Meteorological Measuring Facilities	S	S	S	S									S								S			S			YES		YES
Wood Sales (Firewood)	S	S	S																S									YES	
Yard Sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	YES		

Notes:

"A" = Allowed Use, "S" =Special Use, "T"= Temporary Use

¹Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status

²Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status

³Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status

⁴Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.

⁵A minimum of 1acre is required for a private stable.

⁶Marijuana Club is prohibited in all zoning districts.

⁷Minimum area of 35 acres. When less than 35 acres a special use is required.

- Any bed and breakfast home, which operates in conformance with specific-use and all other applicable development standards of this Code.

(3) **Excluded Uses**

A residential home occupation shall not include the following uses:

- Auto repair garages, auto re-conditioning (detailing), or auto body/paint shops;
- Any form of food service (restaurants, catering, etc.);
- Any form of vehicle/trailer sales or rental storage;
- Contractor's equipment yard or equipment rental or sales;
- Funeral parlor;
- Any form of hospital (other than doctor's office);
- Any form of pet boarding or veterinary hospital;
- Any form of rental warehousing;
- Commercial stables;
- Any trucking, hauling, bussing, taxi, or limousine dispatch service which would require the parking of vehicles on site between jobs or service calls; or
- Any industrial or heavy commercial use.

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(4) **General Standards for Residential Home Occupations**

(a) **Accessory in Character**

The residential home occupation shall be clearly subordinate to the use of the lot as a residence, and the use of the dwelling or detached accessory structure for the home occupation shall not result in any visual or other essential change in the residential character of the property.

(b) **Person Conducting Occupation Resides on Lot**

The residential home occupation shall be conducted only by a person or persons residing on the lot or parcel and only so long as contained entirely within the dwelling or a detached accessory structure. No more than two (2) vehicles, excluding customer parking, associated with a home occupation, may be parked or stored outdoors on any property and shall meet the use specific standards for Parking, Storage and Repair of Vehicles and Machines, Personal found in Chapter 5 of this Code.

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(c) **Limit on Area**

The total area used for the home occupation shall not exceed 25% of the existing dwelling and/or more than 500 square feet of any accessory structure. The operation of a home occupation shall not result in the elimination of the dwelling's kitchen or all of its bedrooms.

(d) Signage and Advertising

There shall be no advertising of the home occupation visible outside the dwelling except in accordance with the signage provisions in Chapter 6. Except by customary exterior residential lighting, no sign illumination is allowed.

(e) Outside Storage Prohibited

There shall be no outside storage or display on the premises of material, tools or equipment used as part of the home occupation or any products manufactured as part of the home occupation.

(f) Sales Limited

No sale of goods, supplies, or other inventory shall be allowed unless the sales are clearly incidental and related to providing a service (e.g., sale of hair care products at a beauty shop; occasional sale of a firearm by a gunsmith; incidental retail sales where the home occupation is a mail order, internet, or delivery business, brokers of firearms where inventory is not maintained on site except for specific transactions) or unless the items are produced, constructed or assembled on the premises or are clearly incidental and related to the sale of the homemade items. Nothing in this Section shall limit the ability of the home occupation to sell products mail order via the internet or by telephone.

The home occupations operator shall be required to obtain and maintain all applicable licenses and pay applicable sales tax.

(g) Limit on Visitation by Clients

The occupation will ordinarily not bring more than 3 clients or customers to the lot or parcel at any one time.

(h) Customer Parking Spaces Required

If the home occupation will result in any clients or customers coming to the property, no less than 2 parking spaces shall be available. All required parking spaces must be located onsite

and shall comply with the Parking, Loading, and Maneuvering Standards found in Chapter 6 of this Code.

- (i) **Nuisances and Hazards Avoided**
Any mechanical, electrical or electronic equipment or machinery used in the home occupation shall be operated in a fashion so that no noise, vibration, glare, fumes, odors, heat, or electrical interference are detectable to the normal senses beyond the boundary line of the lot or parcel. In no case shall any equipment be allowed which involves the use of hazardous, explosive or highly flammable (other than fuel needed to power the equipment) substances or which produces hazardous, explosive or highly flammable wastes or products.
- (j) **Conducted In Accordance with Laws**
The occupation is conducted in compliance with all applicable building, fire, health, and environmental laws, codes, and regulations.
- (k) **No Visual Impacts**
No activity associated with a home occupation shall be allowed which results in detrimental visual impacts to the surrounding neighborhood.
- (l) **More than One Home Occupation Allowed**
More than one home occupation may be conducted on any property provided that aggregate impacts are limited to those allowed by this Code.
- (m) **Deliveries Limited**
Deliveries other than standard parcel services are prohibited when associated with a home occupation.

(B) Rural Home Occupation

(1) Rural Home Occupation Defined

A rural home occupation is an accessory use of property, a dwelling, or a detached accessory structure which otherwise meets the requirements of a residential home occupation except as specifically modified and expanded by this Section.

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(2) Intent

The intent of the more broadly defined rural home occupation is to recognize the unique land use characteristics in low density agriculturally

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zoned areas and to reasonably accommodate the home-based businesses that traditionally occur in these areas.

(3) **Allowed Home Occupations**

The following types of uses, in addition to those allowed as a residential home occupation, may qualify as rural home occupations, if the general standards of a rural home occupation are met:

- Contractor's equipment yards, construction businesses, welding shops;
- Trucking and hauling businesses;
- ~~Automobile Vehicle~~ storage or repair businesses; and
- Other small businesses which primarily serve a rural agricultural or ranching clientele.

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(4) **Excluded Uses**

The following types of businesses, among others do not qualify as a rural home occupation:

- Any heavy industrial, solid waste disposal, solid waste transfer, scrap tire recycling or mineral extraction use;
- Commercial uses or businesses which do not primarily serve a rural agricultural or ranching clientele.
- Any use involving significant public occupancy or overnight accommodations other than those uses specifically allowed in the zoning district;
- Any commercial tower or utility use, not otherwise allowed; and
- Any outdoor concert, shooting range, race track or comparable use.

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(5) **General Standards for Rural Home Occupation**

Rural home occupations shall conform to the requirements and standards of a residential home occupation with the following specific allowances.

(a) **Outside Storage and Work Areas Allowed**

Outside storage, parking and work areas are allowed provided these are set back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. 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.

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height and 100% opaque screening for the area utilized for outside storage.

(3) **Outside Storage Not to Exceed Height of Screening**

Outside storage or stacked materials shall not exceed the height of the screening fence except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component.

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(4) **Storage of Equipment and Vehicles Exceeding Height of Fence**

All equipment and vehicles exceeding the height of the fence shall be stored on the rear 1/3 of the property except when adjacent to a residential zoning district, in which case the equipment or vehicles shall be a minimum 50 feet from the residential zoning district boundary.

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(5) **Storage Adjacent to Road**

Outside storage is allowed within the required setback area from a road provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.

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(6) **No Storage in Required Landscape Area**

Outside storage shall not be allowed within any required landscaped area.

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(7) **Screening Fence Waived Between Adjacent Storage Areas**

When outside storage areas abut each other and are not visible from public areas, administrative relief may be sought from the requirement for a solid fence between the outdoor storage areas.

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(8) **Salvage Yards and Solid Waste Landfills**

Salvage yards and solid waste landfills are not regarded as outside storage, but salvage yards are required to meet the screening standards of this Section.

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(9) **Temporary Storage**

Administrative relief from the outside storage standards may be sought in association with approved temporary uses.

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(10) **Landscaping Requirements to be Met**

Outside storage shall comply with the landscaping requirements in this Chapter.

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(C) **Relationship to Site Development Plan**

Outside storage areas shall be so identified on the site development plan prior to the establishment of the outside storage use.

5.2.39. Parking, Storage and Repair of Vehicles and Machines, Personal

(A) Standards Applicable in all Zone Districts

(1) Allowed Vehicles

Boats, trailers, recreational vehicles, stock automobiles, ski mobiles and all-terrain vehicles owned by a property's owner or occupant may be

stored or parked outdoors in any zone district provided the storage or parking meets the standards listed in this Section.

(2) Parking on Public Right-of-Way

(i) Any parking or storage of vehicles on the public right-of-way shall conform to the requirements of the Sheriff's Office, this Code and any ordinances adopted by El Paso County.

(3) Occupancy of Vehicles Prohibited

No person shall occupy or reside within any vehicle and/or recreational vehicle. Recreational vehicles may be occupied when located within a RVP district or used as temporary housing subject to the standards of Chapter 5 of this Code.

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(4) Collectors' Vehicles

(i) The owner or occupant of any lot, parcel or tract may park or store outdoors on such property any inoperable vehicle, or parts thereof, described in this subsection provided the storage standards of this subsection are met. Any inoperable vehicle not described in this subsection is subject to the provisions generally applicable to inoperable vehicles below.

(ii) Inoperable vehicles permitted under this subsection must be (i) a self-propelled vehicle designed primarily for travel on the public highways and generally and commonly used to transport persons and property over the public highways; (ii) owned by the owner or occupant of the property; and (iii) of historical or special interest and acquired for the purpose of restoration and maintenance of a vehicle of historical or special interest also owned by the property owner or occupant.

(iii) Inoperable vehicles meeting the criteria of paragraph (b) above, and parts thereof, may be stored outdoors provided that the storage area is maintained in such a manner as does not constitute a health, safety or fire hazard, is screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means, and is kept free of weeds, trash and other objectionable items.

(B) Standards Applicable in Residential and Agricultural Zone Districts

(1) Prohibited Vehicles

No vehicles with a gross vehicle weight rating of 13,001 lbs or greater shall be kept, stored or parked on private property in a zoning district

where a residential use exists, except in the A-35 zoning district. This shall include, but is not limited to, tractor trailers, over-the-road semi trucks, road cleaners, motor graders and similar maintenance or construction equipment. This provision does not apply to recreational vehicles. Notwithstanding the above, one tractor trailer or over-the-road semi truck may be parked in a fully enclosed building in association with a residential use on a lot or parcel greater than 2 ½ acres in area.

(2) Inoperable Vehicles and Vehicle Parts

The outdoor storage or parking of any inoperable vehicle or recreational vehicle and the outdoor storage of any vehicles parts, shall be prohibited on any lot or parcel used for residential purposes or within a Residential or Agricultural Zoning District, except within the A-35 zoning district where a maximum of ten (10) inoperable non-agricultural vehicles shall be allowed as part of a rural home occupation pursuant to Chapter 5 of this Code.

(3) Vehicle and Machine Repair

Vehicles and/or machines owned by and for the sole use of persons residing on a lot, tract or parcel may be repaired, excluding painting or welding, only within an enclosed structure. Vehicles and/or machines owned by others may be repaired in the A-35 zoning district or as a rural home occupation as a special use in conformance with this Code.

5.2.39.5.2.40. Peddler Sales

Parking lots may be used for peddler sales provided the following standards are met:

(A) Adequate Parking Available

The area occupied by the temporary sales does not reduce the number of available parking spaces below the minimum number of parking spaces required by Chapter 6.

(B) Safe Ingress and Egress

Adequate and safe ingress and egress is provided.

(C) No Sales Areas or Parking In Right-of-Way

Sales areas or parking for customers shall not be located within a right-of-way.

(D) Temporary Use Permit Required

When sales occur in the same place or parking lot for more than 3 times in a year or will exceed 5 days in duration in the same place or parking lot, a temporary use permit is required.

5.2.40.5.2.41. Pigeon Keeping

The keeping of pigeons is subject to the following requirements:

(A) Clean and Sanitary Condition

- Compliance with the general standards of this Code and mitigation of any other legitimate health, safety and welfare matters raised by federal, State and local authorities and the neighboring public;
- The visual impact and other aesthetic factors of the proposed private tower considered in light of: (1) The availability of landscaping and other adequate screening; (2) The environmental uniqueness of the property site or the general vicinity; (3) The visual block that would be caused by the addition of the proposed private tower in an area already subject to multiple private towers or commercial towers, whether in existence or approved but not constructed; (4) The documented need for a particular height or location for the private tower in order to achieve effective reception or transmission; and (5) In the case of an amateur radio facility, the general public service provided by amateur radio activity; and
- The need to accommodate, as much as practicably possible, the rights of the licensed amateur radio operator, as expressed by the FCC's regulations and ruling, 47 C.F.R. Part 97 and PRB 1, 50 F.R. 38,813, and to balance the legitimate zoning goals, requirements and restrictions of this Code with the federal interest in amateur radio operations.

5.2.52.5.2.53. Vehicle Repair Garage, Commercial (Including Truck and Recreational Vehicle Repair)

(A) Enclosed Building Required

Repairing or dismantling of vehicles and storing of parts and accessories shall be conducted within an entirely enclosed structure. Any vehicles awaiting repair stored outside shall be stored in accordance with the outdoor storage standards in this Chapter.

(B) Inoperable Vehicles and Vehicle Parts

Except for temporary storage in an authorized area for automobile and trailer sales, auto repair garage, gasoline filling station or similar repair or short-term vehicle facility, and except as permitted by subsection (B) (3) above, no inoperable vehicle shall be kept or stored outside on any lot, tract or parcel within a commercial or industrial zoning district. Any vehicle stored on a lot, parcel, or tract in excess of 6 months will be presumed not to be temporary storage and will be subject to zoning enforcement. Areas permitted to be used for temporary storage of inoperable vehicles under this section shall be maintained so as not to constitute a health, safety or fire hazard, shall be effectively screened from ordinary public view by means of a solid fence, berm, trees or shrubbery, and shall be kept free of weeds, trash and other objectionable items.

6.2.11. Vehicle Storage**(A) Applicability**

This Section does not apply to any vehicle or equipment used in conjunction with the operation of a farm, ranch or dairy, nor to any vehicles or equipment located within a legally existing salvage yard.

(B) Standards Applicable in all Zone Districts**(1) Allowed Vehicles**

Boats, trailers, recreational vehicles, stock automobiles, ski mobiles and all-terrain vehicles owned by a property's owner or occupant may be stored or parked outdoors in any zone district provided the storage or parking meets the standards listed in this Section.

(2) Parking on Public Right-of-Way

- (i) Any parking or storage of vehicles on the public right-of-way shall conform to the requirements of the Sheriff's Office, this Code and any ordinances adopted by El Paso County.
- (ii) Recreational vehicles may be stored or parked on a public right-of-way for a maximum period of 48 hours.
- (iii) Inoperable vehicles may not be stored or parked on any public right-of-way.

(3) Collectors' Vehicles

- (i) The owner or occupant of any lot, parcel or tract may park or store outdoors on such property any inoperable vehicle, or parts thereof, described in this subsection provided the storage standards of this subsection are met. Any inoperable vehicle not described in this subsection is subject to the provisions generally applicable to inoperable vehicles below.
- (ii) Inoperable vehicles permitted under this subsection must be (i) a self-propelled vehicle designed primarily for travel on the public highways and generally and commonly used to transport persons and property over the public highways; (ii) owned by the owner or occupant of the property; and (iii) of historical or special interest and acquired for the purpose of restoration and maintenance of a vehicle of historical or special interest also owned by the property owner or occupant.
- (iii) Inoperable vehicles meeting the criteria of paragraph (b) above, and parts thereof, may be stored outdoors provided that the storage area is maintained in such a manner as does not constitute a health, safety or fire hazard, is screened from

ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means, and is kept free of weeds, trash and other objectionable items.

(C) Standards Applicable in Residential and Agricultural Zone Districts

(1) Prohibited Vehicles

No vehicles with a gross vehicle weight rating of 13,001 lbs or greater shall be kept, stored or parked on private property or within the right-of-way in a zoning district where a residential use exists, except in the A-35 zoning district. This shall include, but is not limited to, tractor trailers, over-the-road semi trucks, road cleaners, motor graders and similar maintenance or construction equipment. This provision does not apply to recreational vehicles. Notwithstanding the above, one tractor trailer or over-the-road semi truck may be parked in a fully enclosed building in association with a residential use on a lot or parcel greater than 2 ½ acres in area.

(2) Inoperable Vehicles and Vehicle Parts

The outdoor storage or parking of any inoperable vehicle or motor home and the outdoor storage of any vehicles parts, shall be prohibited on any lot or parcel used for residential purposes or within a Residential or Agricultural Zoning District, except within the A-35 zoning district or as otherwise provided as part of a rural home occupation pursuant to Chapter 5 of this Code.

(3) Vehicle Repair

Vehicles owned by and for the sole use of persons residing a lot, tract or parcel may be repaired only within an enclosed structure, except a lot, parcel or tract in an A-35 zoning district where vehicles owned by others may be repaired in conformance with this Code. No painting or welding of vehicles owned for the purpose of repair and resale.

(D) Standards Applicable in Commercial or Industrial Zoning Districts

(1) Inoperable Vehicles and Vehicle Parts

Except for temporary storage in an authorized area for automobile and trailer sales, auto repair garage, gasoline filling station or similar repair or short-term vehicle facility, and except as permitted by subsection (B)-(3) above, no inoperable vehicle shall be kept or stored outside on any lot, tract or parcel within a commercial or industrial zoning district. Any vehicle stored on a lot, parcel, or tract in excess of 6 months will be presumed not to be temporary storage and will be subject to zoning enforcement. Areas permitted to be used for temporary storage of inoperable vehicles under this section shall be maintained so as not to constitute a health, safety or fire hazard, shall be effectively screened from ordinary public view by means of a solid fence, berm, trees or shrubbery, and shall be kept free of weeds, trash and other objectionable items.