

CHAPTER 4 SPECIAL PURPOSE, OVERLAY AND OBSOLETE ZONING DISTRICTS

4.1. GENERAL

4.1.1. Special Purpose, Overlay, and Obsolete Zoning Districts

Table 4.1 lists the Special Purpose, Overlay, and Obsolete Zoning Districts included in this Code.

Table 4-1. List of Special Purpose, Overlay and Obsolete Zoning Districts.

Abbreviation	District Name
Special Purpose Districts	
R-T	Residential-Topographic District
MHP	Mobile Home Park District
MHP-R	Mobile Home Park District-Rural
MHS	Mobile Home Subdivision District
RVP	Recreational Vehicle Park District
PUD	Planned Unit Development District
Overlay Districts	
CAD-O	Commercial Airport Overlay District
GA-O	General Aviation Overlay District
RLUP-O	Rural Land Use Plan Overlay District
HR-O	High-Rise Overlay District
WSE-O	Wind and/or Solar Energy Generation Plan Overlay District
Obsolete Districts	
C-1	Commercial
C-2	Commercial
M	Industrial
R-4	Planned Development District

4.1.2. Special Purpose Districts

Special purpose zoning districts are established to accommodate unique uses or development types or to address special development conditions. Special purpose zoning districts are base zoning districts intended for very specific application.

4.1.3. Overlay Zoning Districts

As the name implies, overlay districts work in combination with base zoning districts to impose additional requirements and standards on specific property or to modify the standards associated with the base zoning district. These additional standards only apply within the limits of the overlay district. Overlay zoning districts are established and amended in accordance with the rezoning procedures applicable to any other zoning district, except as otherwise provided within this Code.

4.1.4. Obsolete Zoning Districts

The C-1, C-2, M, and R-4 zoning districts have been declared to be obsolete pursuant to BoCC Resolution No. 91-59, Land Use 10 as replaced by Resolution 92-46, Land Use-9. No land will be rezoned to an Obsolete Zoning district. The BoCC may modify the allowed uses, special uses, and development standards within these zoning districts.

Landowners are encouraged to rezone land from an Obsolete Zoning district classification. The BoCC may offer incentives, such as modified application fees in order to accomplish this goal.

4.2. SPECIAL PURPOSE ZONING DISTRICTS

4.2.1. R-T, Residential-Topographic District

(A) Purpose

The R-T district is intended to accommodate residential use in regions of extreme topographical conditions.

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

The allowed, special, accessory, and temporary uses in the R-T district are shown in the Use Table in Chapter 5.

(C) Use and Dimensional Standards

All uses and development in the R-T district are subject to the use and dimensional standards listed in Table 4-2.

Table 4-2. R-T District Use and Dimensional Standards.

Description	Standard
Minimum Lot Area ¹	5 acres
Minimum Lot Width ²	200 feet
Minimum Setbacks	
Front	25 feet
Side	25 feet (5 feet) ³
Rear	25 feet
Maximum Lot Coverage	30%
Maximum Height	30 feet
¹ Specific uses may be subject to larger minimum lot area requirements.	
² Measured at front building setback line.	
³ Side setback is 5 feet for lots less than 5 acres in area.	

(D) General Development Standards

All uses and development in the R-T district are subject to the general development standards in Chapter 6.

4.2.2. MHP, Mobile Home Park District

(A) Purpose

The MHP district is intended to promote an acceptable living environment for occupants of mobile home parks.

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

(1) General

The allowed, special, accessory, and temporary uses in the MHP district are shown in the Use Table in Chapter 5.

(2) Recreational Vehicles

A temporary use permit shall be obtained for the placement of recreational vehicles for purposes of occupancy within a mobile home park. The placement of recreational vehicles within a mobile home park shall be limited to a maximum of 5% of the individual mobile home spaces as shown on the approved site development plan. The

placement of a recreational vehicle within a mobile home park is limited to one year. A new temporary use permit shall be obtained for each one year period. The temporary use is specific to the vehicle.

(C) Use and Dimensional Standards

All uses and development in the MHP district are subject to the following use and dimensional standards.

(1) Lot Area

The minimum lot area for mobile home parks is 10 acres.

(2) Road Frontage

Mobile home parks shall have at least 60 feet of frontage on a public road.

(3) Height

Buildings and structures shall not exceed 30 feet in height.

(D) Mobile Home Park Standards

Mobile home parks established in the MHP district are subject to the following development standards.

(1) Water and Sewer

Mobile home parks shall be served by a central water and sewer system.

(2) Access to Mobile Home Parks

Mobile home parks shall have access from a public road. A minimum of 2 access drives at least 15 feet in width shall be provided from a public road to the mobile home park's internal road system. One access drive shall be at least 28 feet in width, be designed to accommodate two lanes of traffic, and have sidewalks on both sides. No parking is allowed on the access drives. The access drives and sidewalks shall be hard-surfaced.

(3) Internal Roadways

The internal roads shall be: hard-surfaced; have a minimum width of 28 feet; and be privately owned, constructed, and maintained. The internal roads shall be designed and constructed to provide safe and convenient access to all spaces and facilities for common use. The internal roads shall be designed to provide adequate space for utilities within or adjacent to the roadway.

(4) Signage

All internal roads shall be identified by a clear and legible road sign and each mobile home and manufactured home site shall be clearly marked with an address for emergency response purposes.

(5) Internal Pedestrian Sidewalks

Hard-surfaced sidewalks shall be provided on both sides of internal roads. Sidewalks shall have a minimum width of 3 feet, excluding curb and gutter.

(6) Landscaping

In addition to meeting the landscaping standards in Chapter 6, the boundary of the mobile home park where not abutting the boundary of another mobile home park or mobile home subdivision shall be landscaped with hedges, evergreens, shrubbery, or a 6-foot screening wall to serve as a buffer from the adjacent property. The landscaping or walls shall be located on privately owned land and be privately constructed and maintained.

(7) Recreation Area Requirements

At least 8% of the gross area of the mobile home park shall be set aside for recreational purposes for use by the residents of the park. Sidewalks shall be provided to the recreational facilities. Recreation areas may be left as open playground areas or developed with recreation facilities, and shall be privately owned, constructed and maintained.

(8) Outdoor Storage Area

A minimum of 100 square feet of hard-surfaced storage area per mobile home space shall be provided in a common storage area with a security fence. This area is for outdoor storage for mobile home park residents only.

(9) Mobile Home Space Size and Setback Standards

The setbacks and dimensional standards in Table 4-3 shall apply to all mobile home parks.

Table 4-3. MHP District Mobile Home Park Space and Setback Standards

Description	Standard
Minimum Space Size	2,800 square feet
Minimum Space Width	40 feet
Minimum Space Depth	70 feet
Minimum Mobile Home Setbacks	
From Front Line of Space	20 feet ¹
From Side Line of Space	10 feet
From Rear Line of Space	10 feet
From Any Mobile Home	20 feet
From Exterior Lot Line of Mobile Home Park	25 feet
Minimum Accessory Structure Setbacks	
From Front Line of Space	Not Allowed
From Side Line of Space	5 feet
From Rear Line of Space	5 feet
From Any Interior Roadway	20 feet
From Exterior Lot Line of Mobile Home Park	25 feet
¹ 10 feet is allowed if 2 off-street parking spaces are provided on the side of the mobile home.	

(10) Number of Units Per Space

Only one mobile home shall be located on each mobile home space.

(11) Building Separation

All buildings or structures that are park facilities, including park offices and community buildings shall maintain a 20 foot separation from mobile homes and accessory buildings or structures.

(12) Animals

The occupants of each mobile home may keep a maximum of 4 dogs or cats, subject to the requirements of Chapter 5.

(13) Site Development Plan Approval Required

Site development plan approval is required for all mobile home parks prior to placement of a mobile home. The site development plan shall comply with the addressing requirements of the Building Department and any road naming conventions adopted by the County.

(14) Subdivision Approval Required

Occupancy of a mobile home within a mobile home park is not allowed until the property is platted in accordance with the requirements of this Code, unless otherwise exempted from subdivision by State Statute.

(15) Maintenance Plan

If roads, sidewalks, landscaping, common areas, open space, utilities, or other facilities are to be maintained by a homeowners' association (HOA), the applicant shall submit a maintenance plan in accordance with Chapter 6. If the mobile home park is exempted from subdivision,

the maintenance statement addressing ownership and maintenance shall be submitted with the site development plan and recorded prior to the issuance of a building permit. If the approval of the mobile home park requires subdivision, the maintenance plan shall be submitted concurrently with the plat and recorded in conjunction with the plat.

(16) Site Plan Approval Required

Site plan approval is required prior to building permit authorization for any individual mobile home or building within the park.

(E) General Development Standards

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

4.2.3. MHP-R, Mobile Home Park District-Rural

(A) Purpose

The MHP-R district is intended to: (1) ensure and promote an acceptable living environment for the occupants of mobile home park developments in areas that cannot be reasonably served by central sewage treatment facilities and otherwise without reasonable access to full urban services; (2) encourage efficient and functional use of rural land for mobile/manufactured home park developments; and (3) minimize potential impacts on surrounding land uses.

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

The allowed, special, accessory, and temporary uses in the MHP-R district are shown in the Use Table in Chapter 5.

(C) Use and Dimensional Standards

All uses and development in the MHP-R district are subject to the following use and dimensional standards, unless the BoCC expressly waives or modifies one or more of the requirements in the approval of the rezoning, based on a determination by the BoCC that compliance with one or more of the standards is not necessary to protect the health, safety, or welfare of the public or to manage the potential impacts of the land use on nearby properties.

(1) Lot Area

The minimum lot or parcel area for mobile home parks is 35 acres.

(2) Density

Residential density shall not exceed 1 dwelling unit per 2.5 acres. Clustering of units is encouraged providing all development standards are met.

(3) Height

Buildings and structures shall not exceed 30 feet in height.

(4) Setback Standards

The setbacks shown in Table 4-4 shall apply to all buildings and structures in a MHP-R zoning district.

Table 4-4. MHP-R Setback Standards

Minimum Setback for Buildings and Structures	Standard
From All Exterior Property Lines	50 feet
From Other Dwellings Units	50 feet
From 100-year Floodplain	100 feet

(D) Mobile Home Park Standards

(1) Number of Units per Site

Only one mobile home shall be located on each mobile home space. A maximum of 2 dwelling units may be served by an OWTS if approved by the EPCPH.

(2) Road Frontage

Mobile home parks shall have at least 400 feet of frontage on a public road.

(3) Access

(a) 10 or More Dwelling Units

Mobile home parks containing 10 or more dwelling units shall have direct access to a public or private road with a paved or chip and seal surface.

(b) Fewer Than 25 Dwelling Units

Mobile home parks with fewer than 25 dwelling units shall have a minimum of one direct point of access on a public road.

(c) 25 or More Dwelling Units

Mobile home parks with 25 or more dwelling units shall have a minimum of one direct point of access on a public road and a second access point that is sufficient for use by emergency vehicles.

(d) No Driveway Access from Dwelling Unit to Public Road

No direct driveway access from mobile home spaces to a public road is allowed.

(4) Internal Road Design

Internal roads shall at a minimum be gravel surfaced. Hard surfacing shall be required for all internal roads projected to carry 200 or more vehicle trips per day. Hard surfacing of internal roadways may be deferred until traffic thresholds are met either by collateralizing the improvements with the DSD or recording a limit on development in the Office of the Clerk and Recorder.

(5) Internal Road Maintenance

All interior roads, trails or drainage facilities shall be privately maintained.

(6) Signage

All internal roads shall be identified by a clear and legible road sign and each mobile home and manufactured home space shall be clearly marked with an address for emergency response purposes.

(7) Utility Easement

Easements for public utility lines shall be granted along property boundaries consistent with the policies of the applicable service providers.

(8) Water

All mobile home parks shall comply with all standards and requirements governing public drinking water supplies, if a central water system is utilized. New or expanded rural mobile home parks shall comply with the water quality standards of Chapter 6. When applicable, the mobile home park shall comply with the CDPHE Technical, Managerial, and Financial (TMF) Capacity Review and Construction Approval requirements.

(9) OWTS

Any mobile home park shall comply with all requirements and standards of the EPCPH and the CDPHE, as applicable regarding wastewater disposal. All new or expanded mobile home parks shall submit a wastewater disposal report pursuant to Chapter 8. Percolation tests shall be performed at a minimum of 20% of all proposed septic system locations unless an alternate procedure is determined to be acceptable by the EPCPH. A maximum of 2 units may be served by a single OWTS, if approved by the EPCPH.

(10) Fire Protection

All mobile home parks shall be included within or have a service commitment from an organized fire protection district; meet all applicable regulations of the local fire department; and construct and maintain at least one on-site source of water supply for fire suppression unless the source of water supply is not required by the servicing fire department.

(11) State Requirements

Mobile home parks shall comply with the CDPHE "Sanitary Standards and Regulations for Mobile Home Parks," as applicable. Mobile home parks are exempt from the following sections of the "Sanitary Standards and Regulations for Mobile Home Parks":

- Section 3.2, except grasses, weeds and other vegetation shall be mowed in the immediate vicinity of structures and common areas, and as required by fire codes and BoCC ordinance.
- Section 3.3, except illumination may be required in accordance with Chapter 6.

- Section 5.2-5.14, except in cases where either central water or central sewer service is being provided.
- Section 9.2
- Section 9.18, except all structures shall conform to the Building Code.

(12) Leasing

Mobile home spaces may be leased for long-term occupancy.

(13) Landscaping and Fencing

The boundary of the mobile home park shall be landscaped or fenced. Hedges, evergreens, shrubbery, screening wall or an agricultural fence may be installed to serve as a buffer or barrier from adjacent property. Landscaping, fences or walls shall be privately owned, constructed and maintained. Internal landscaping is not required.

(14) Animals

The occupants of each mobile home or manufactured home may keep a maximum of 4 dogs or cats, subject to the requirements of Chapter 5.

(15) Agriculture

Agricultural operations such as farms, ranches, dairies, and livestock sales and feed yards are prohibited on the same property if they are located within 100 feet of any mobile home used as a residence. Hobby farms and community gardens are allowed, but only within designated common areas depicted on the approved site development plan.

(16) Trash Pickup

Scheduled trash pick-up shall be arranged and maintained by the park owner. If centralized collection locations are used, they shall be screened, secured and maintained by the park owner and comply with EPCPH regulations.

(17) Site Development Plan

Site development plan approval is required for all mobile home parks prior to the placement of a mobile home. The site development plan shall comply with the addressing requirements of the Building Department and any road naming conventions adopted by the County.

(18) Maintenance Plan

A maintenance plan shall be submitted and approved by the DSD Director prior to issuance of a building permit. The maintenance plan shall comply with Chapter 6 and specifically include a schedule for septic system pumping and other required maintenance and repair.

(E) General Development Standards

All uses and development in the MHP-R district are subject to the General Development Standards in Chapter 6.

4.2.4. MHS, Mobile Home Subdivision District

(A) Purpose

The MHS district is intended to accommodate mobile home subdivisions where individual lots are established and may be conveyed.

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

The allowed, special, accessory, and temporary uses in the MHS district are shown in the Use Table in Chapter 5.

(C) Use and Dimensional Standards

All uses and development in the MHS district are subject to the following use and dimensional standards.

(1) Minimum Area of Subdivision

Mobile home subdivisions shall have a minimum area of 20 acres.

(2) Road Frontage

Mobile home subdivisions shall have at least 60 feet of frontage on a public road.

(3) Water and Sewer

Mobile home subdivisions shall be served by a central water and sewer system.

(4) Height

Buildings and structures shall not exceed 30 feet in height.

(5) Roads

The internal road system shall be designed to ensure safe and efficient traffic circulation. The road system shall be designed to serve the local needs of the neighborhood and to provide direct access to the abutting properties. Road access to mobile home subdivisions shall be provided in accordance with the standards of Chapter 8 and the ECM. Public right-of-way shall be dedicated and public improvements constructed in accordance with the standards of Chapter 8.

(6) Private Internal Roads

Private roadways shall be designed for safe and convenient accesses to all lots and to facilities for common use and provide adequate space for utilities. Private roadways shall be privately owned, constructed and maintained. All private roads shall be hard-surfaced and have a minimum width of 28 feet.

(7) Sidewalks

Hard-surfaced sidewalks shall be provided on both sides of internal roadways whether public or private, in accordance with Chapter 8 and the ECM.

(8) Fencing and Landscaping

The boundary of the mobile home subdivision shall be surrounded by a screening wall or fence with a minimum height of 6 feet. Along the mobile home park subdivision boundaries abutting a public park or public open space hedges, evergreens and shrubbery in accordance with Chapter 6 may be used in lieu of a fence. All fences, screening, buffers, open spaces, recreational areas, and setback areas shall be privately owned, constructed and maintained.

(9) Mobile Home Subdivision Lot Size and Setback Standards

The setback and dimensional standards in Table 4-5 apply to all mobile home subdivisions.

Table 4-5. MHS Lot Size and Setback Standards

Description	Standard
Minimum Lot Size for Mobile Homes Less Than 14 Feet In Width	5,000 square feet
Minimum Lot Size for Mobile Homes 14 Feet or More In Width	6,000 square feet
Minimum Mobile Home Setbacks³	
From Front Lot Line	20 feet ¹
From Side Lot Line	10 feet ²
From Rear Lot Line	10 feet ²
From Public Road	25 feet
Minimum Accessory Structure Setbacks	
From Front Lot Line	Not Allowed
From Side Lot Line	5 feet
From Rear Lot Line	5 feet
From Any Mobile Home	20 feet
From Exterior Boundary of Subdivision	25 feet
From Any Interior Roadway	20 feet
From Public Road	25 feet
¹ 10 feet is allowed if 2 off-street parking spaces are provided on the side of the mobile home.	
² The minimum side or rear setbacks shall be waived if setback lines on the final plat ensure no mobile home will be placed closer than 20 feet to any other mobile home.	
³ No mobile home may be erected in, placed on or extend over a utility or drainage easement unless approved in writing by the entity or entities having jurisdiction over the easement.	

(10) Number of Mobile Homes per Lot

Only one mobile home shall be located on each mobile home lot.

(11) Building Separation

All buildings or structures shall maintain separation from other buildings and structures as required by the Building Code.

(12) Skirting

All mobile homes shall be skirted.

(13) Lots on Exterior Boundary of Subdivision

Lots on the periphery of a mobile home subdivision shall front toward the interior of the mobile home subdivision. No mobile home lot in the mobile home subdivision may front on a road where the opposite side of the road is outside the MHS district.

(14) Site Plan

Site plan approval is required prior to authorization for any mobile home to be placed or building to be constructed within a mobile home subdivision.

(15) Maintenance Plan

If roads, sidewalks, landscaping, common areas, open space, recreational facilities, or other facilities are to be maintained by a HOA, the applicant shall submit a maintenance plan in accordance with Chapter 6. A maintenance statement addressing ownership and maintenance shall be submitted with the rezoning request. The maintenance plan shall be submitted concurrently with the final plat and recorded in conjunction with the final plat.

(16) Platting

Occupancy of any mobile home within a mobile home subdivision is not allowed until the property is platted in accordance with the requirements of this Code, unless otherwise exempted by State Statute.

(D) General Development Standards

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

4.2.5. RVP, Recreational Vehicle Park District

(A) Purpose

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

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

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

(C) Use and Dimensional Standards

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

(1) Minimum Area of Park

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

(2) Density

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

(3) Road Frontage

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

(4) Height

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

(5) Access

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

(6) Internal Roads and Sidewalks

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

(7) Water and Sewer

Water and wastewater facilities, including any sanitation dump stations, serving the recreational vehicle park shall comply with CDPHE and EPCPH regulations. If tent camping is allowed, provisions shall be made for appropriate sanitary facilities, to the satisfaction of the EPCPH.

(8) Fire Protection

The recreational vehicle park shall comply with fire code regulations of the appropriate fire department or authority. Fires may only be made in stoves and other equipment intended for such purposes. The recreational vehicle park shall be kept free of litter, rubbish, and other inflammable materials.

(9) Landscaping

Landscaping shall be in conformance with the requirements of Chapter 6. The boundary of the recreational vehicle park shall be buffered with, landscaping, hedges, evergreens, shrubbery or a 6-foot screening wall or fence installed to serve as a buffer from adjacent property. The

landscaping, fences, or walls and adjacent setback areas shall be privately owned, constructed and maintained.

(10) Recreation Area Requirements

At least 8% of the total area of a recreational vehicle park shall be set aside as open space for recreational purposes for park users. This area may not include area reserved for service facilities, setbacks, or other non-useable areas.

(11) Storage Areas

Separate areas for temporary storage of boats, pull behind trailers, etc, if requested by DSD shall be reflected on the site development plan.

(12) Recreational Vehicle Setback Standards

All recreational vehicles shall meet the setbacks in Table 4-6. Recreation vehicle park spaces shall be designed and located to ensure the setbacks will be met.

Table 4-6. Recreational Vehicle Setback Standards

Description	Standard
Minimum Recreational Vehicle Setbacks	
From All Property Lines	15 feet
From Other Recreational Vehicles	20 feet
From Local or Collector Roads	25 feet
From Arterial or Expressway	50 feet
From Any Building or Structure	20 feet
Minimum Accessory Structure Setbacks	
From Exterior Lot Line of Park	25 feet

(13) Private Towers

Private towers, except crank up towers attached to vehicles, shall not be located upon recreational vehicle spaces. Private towers may be located within common areas, subject to the requirements of Chapter 5.

(14) Animals

The occupants of each recreational vehicle may keep a maximum of 4 dogs or cats, subject to the requirements of Chapter 5.

(15) Site Development Plan

Site development plan approval is required for all recreational vehicle parks prior to occupancy of the park. Any locations proposed for temporary events, storage or tent camping shall be reflected on the site development plan.

(16) Maintenance Plan

A maintenance statement addressing ownership and maintenance shall be submitted with the rezoning request, in accordance with Chapter 6. The maintenance plan shall be submitted concurrently with the plat and recorded in conjunction with the plat. If the recreational vehicle park is exempted from subdivision, then the maintenance plan

shall be submitted and recorded prior to approval of the site development plan.

(17) Platting

Occupancy of a recreational vehicle is not allowed until the property is platted in accordance with the requirements of this Code, unless otherwise exempted by State Statute.

(18) Signage

Any signage associated with the recreational vehicle park, and any temporary events shall conform to the requirements of Chapter 6.

(D) General Development Standards

All uses and development in the RVP district are subject to the General Development Standards in Chapter 6.

4.2.6. PUD, Planned Unit Development District

(A) Purpose

The Planned Unit Development (PUD) district is a versatile zoning mechanism to encourage innovative and creative design and to facilitate a mix of uses including residential, business, commercial, and industrial, recreation, open space, and other selected secondary uses. This zoning district is established in accordance with C.R.S. §§ 24-67-101, et seq., to accomplish the following objectives:

- To further the public health, safety and general welfare within El Paso County;
- To permit adjustment to changing public and private needs and to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs;
- To improve the design, character and quality of new development with flexibility by varying lot size, building heights, setback controls and other site development requirements;
- To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings including mixed use and traditional neighborhood design and by the conservation and more efficient use of open space ancillary to said buildings;
- To encourage more efficient use of land services reflecting changes in the technologies and economies of land development;
- To provide housing of all types and designs to be located in proximity to employment and activity centers such as shopping, recreational, and community centers, healthcare facilities, and public transit;
- To achieve development economies to minimize impacts on existing infrastructure and to encourage the most efficient use of public infrastructure while limiting the costs of providing services and to reduce the burden on existing streets and utilities by more efficient development;

- To promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area, including scenic vistas, natural features and environmental resources;
- To ensure that provision is made for beneficial open space, to provide for active, usable open spaces, and to preserve open areas;
- To encourage integrated planning systems to achieve the objectives of and to otherwise implement the stated purpose and intent of this Code and the Master Plan;
- To create an integrated and fixed set of land use controls which allow multiple and mixed uses in one coordinated development; and
- To establish a basis for vested property rights for multi-year projects.

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

The allowed, special, accessory, and temporary uses in the PUD zoning district are established by the approval of the PUD zoning and the associated development plan and development guide. All uses identified within a PUD are subject to corresponding use specific development standards in the Land Development Code, as amended, unless otherwise modified by the PUD. Some uses may be subject to additional local, State, and/or federal regulation(s) which the BoCC may use as a basis to deny requests for PUD modification.

(C) Limitations on the Development of a PUD Zoning District

An approved PUD development plan is required before any building permits or use permits may be issued within a PUD zoning district, subject to compliance with application subdivision regulations.

(D) Approval Criteria For PUD Zoning

The Planning Commission and BoCC shall determine that the following criteria have been met to approve a PUD zoning district:

- The proposed PUD District zoning advances the stated purposes set forth in this Section;
- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;

- The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
- The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;
- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;
- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
- Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- The owner has authorized the application.

(E) PUD Development Plan May be Approved as a Preliminary Plan

The DSD Director may authorize the combination of a preliminary plan map with a PUD development plan for BOCC consideration and approval, provided all submittal requirements of the PUD development plan and preliminary plan are met. The eligible PUD development plan shall contain all the information required on a preliminary plan. The PUD development plan shall meet all statutory requirements of a preliminary plan as contained in C.R.S. §30-28-133. The

combined development plan and preliminary plan [PUD development plan] shall meet the applicable standards for a preliminary plan in Chapter 6 regarding general development standards, fire protection, and environmental considerations; the preliminary plan review standards in Chapter 7, as well as the PUD zoning review and approval criteria which includes general conformance with the Master Plan; and the subdivision [design and report] requirements in Chapter 8 which address subdivision design, exactions, utilities, provision of water and wastewater, and public improvements. Water sufficiency shall be determined at this time; however, the Board of County Commissioners may defer findings of sufficiency to the final plat stage if requested by the applicant.

Approval of the combined PUD development plan and preliminary plan shall be a discretionary act of the BOCC. Compliance with the technical standards of either process alone shall not be deemed to constitute compliance with all review and approval standards. The Planning Commission and BOCC shall find the following additional criteria for a preliminary plan has also been met:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code.
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design

and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation systems, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

(F) General Standards and Requirements

(1) Ownership

A PUD zoning district may be established for any parcel, tract, or lot or group of parcels, tracts, or lots held under a single ownership or unified control.

(2) Establishment and Applicability of Standards

(a) Established Purpose and Intent of PUD Zoning District

The development plan and development guide shall include a statement establishing the purpose and intent of the PUD zoning district.

(b) Establishment of the Mix and Intensity of Land Uses

The land use types and mix, the land use intensity (maximum gross residential density and maximum square footage for non-residential land uses), the maximum building heights, and the design elements (e.g. traditional neighborhood design) shall be established by the PUD zoning district.

(c) Approval of Density

Density shall be as established by the PUD development plan and/or development guide as approved by the BoCC in consideration of the following:

- Adopted Master Plan;
- Compatibility with the surrounding neighborhood;
- Traffic considerations;
- Impact upon public facilities, utilities and schools;
- The natural characteristics of the land; and
- Water availability.

(d) Use, Dimensional and Development Standards Included

Use, dimensional, and development standards are intended to present a collection of criteria necessary for development within the PUD district. The use, dimensional, and development standards for a PUD district shall be set forth in the approved PUD development plan and/or development guide and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, building height, building elevations, coverage, parking, access, screening, landscaping, open space, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other standards necessary to the administer the plan. The dimensional standards including interior and exterior boundary and setbacks, setbacks from major roadways, setback buffers between uses areas and other similar setback requirements for the PUD district shall be those established by the PUD development plan and development guide. The DSD may prepare standardized development plan and development guide templates for use by PUD plans.

(e) Basis for Standards

The use, dimensional, and development standards established within a PUD development plan and development guide should generally be based on existing zoning districts in the LDC. The use, dimensional, and development standards from an existing LDC base zoning district may be applied by the DSD Director in the event of inadvertent omission of a required use, dimensional, and development standard.

(f) ECM Criteria and Standards

The ECM criteria and standards shall control within a PUD district unless specifically modified by the PUD development plan and development guide.

(g) Modifications of LDC Standards

Detailed standards shall be provided within the PUD development plan and development guide where any general development standard within this Code or any criteria or standard in the ECM is intended to be modified by the PUD district, or where any additional standards, not otherwise required by this Code or the ECM, will be applied within the PUD

district. A statement citing the reason for any modifications to this Code or the ECM shall be provided in the PUD development plan and development guide. The Land Development Code and Engineering Criteria Manual Administrators shall provide a recommendation to the BoCC for any proposed modification of the respective regulations. PUD modifications shall be limited to standards or criteria internal to the PUD district. Variation from standards external to the PUD district shall require a waiver of the LDC or deviation from the ECM.

Variance from approved standards within an approved PUD shall occur in accordance with the provisions for relief of density and dimensional standards in Chapter 5 of this Code.

(h) Modification of Existing LDC or ECM Standard

For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The modified development standard or engineering criteria within a PUD district shall become the basis of review and approval for any subsequent development application.

(i) Applicability of Standards Established by PUD

All buildings, structures and land uses in a PUD district shall be located, designed, used, and occupied in accordance with the standards established in the zoning and concept plan, development plan and development guide. The standards established by the zoning and concept plan, development plan and development guide shall apply to the subdivision plats for the subject property where such standards specifically modify an LDC or ECM standard.

Where no applicable standard has been established in the zoning and concept plan, development plan or development

guide, or where development standards in an approved PUD defer to the requirements of the Land Development Code, unless otherwise specified the requirements of the Code, as amended, shall be applied.

(j) Enforcement of PUD Standards

Enforcement of all use, density, dimensional, and development standards, engineering criteria, including modifications of the same within a PUD district shall rest with the BoCC.

(3) Maintenance of Common Areas

The provision of an acceptable maintenance entity (e.g., HOA, Architectural Control Committee, Special District, etc.) is required to ensure maintenance of common areas, project landscaping, parking, drive aisles, fencing and building exteriors, emergency access points and similar facilities and amenities. Maintenance agreements and/or covenants shall provide suitable guarantees for such maintenance.

(4) Review Standards Incorporated into Development Plan and Guide

The review standards for authorization of building permits with the PUD district shall be incorporated into the PUD development plan and development guide and provide efficient review and approval of permits if any special permitting provisions are proposed.

(5) Amenities in Phased Projects

Timely provision of open space, recreational facilities, and other amenities shall be guaranteed through appropriate financial assurances, development agreements or other mechanisms acceptable to the County. Amenities shall be included in each construction phase of the project.

(6) PUD Zoning District Compatibility

The PUD district shall be compatible with surrounding uses. Compatibility includes, but is not limited to, size, scale, mass, and landscaping. Uses shall be determined by evaluating the general uses, building height, setback, offset, size, density, traffic, dust, noise, harmony, character, open space, screening, health, safety and welfare.

(7) Limitations on Establishing a PUD District

A proposed PUD District shall not be approved if such approval would result in a circumvention of the variance procedures contained in this Code or if such approval would result in the circumvention or appealing of a decision of the County.

(8) Common Open Space

(a) Intent

Common open space is intended to increase the quality and uniqueness of the development. Open space provides enjoyable

space while adequately buffering various uses. Common open space includes any usable tract of land or water unimproved and set aside, dedicated, designated or reserved for public or private use or for the use and enjoyment of owners or occupants of land adjoining or neighboring the area. In utilization of a PUD, common open space may include any of the uses and or structures identified within this section.

(b) PUD Zoning District Open Space Requirement

The amount and type of open space provided in a PUD district shall be proportional to the intensity of the applicable base zoning districts identified in the PUD district and uses specified in the application. In no case, however, shall the open space provided be less than 10% of the gross site area.

Open Space Requirements in Residential PUD Districts

Unless otherwise modified by the BoCC, a minimum of 10% of the gross PUD development area shall be set aside as open space. Individual phases within the PUD are not required to provide 10% open space within each phased area where a planned network of open space is provided in the overall PUD development plan.

Open Space Requirements in Commercial PUD Districts

Open space requirements within a commercial PUD may be provided as pedestrian amenities through the modification process. Substitution of pedestrian amenities shall not be counted toward any required buffer or screening requirements.

(c) Calculation of Residential Open Space

The calculation of open space area shall include all common public or privately held open space areas. Constructed storm water facilities may be included in the open space calculation if comprising less than 10% of the required open space, recreational areas, trails and greenways. Open space shall also include landscape areas that are not occupied by buildings or uses (such as storage or service areas), and private courtyards. Individual, private residential or commercial lot areas shall not be included in the open space calculation unless the open space areas located on private lots are subject to open space easements and restrictions. Parking areas and public and private roads shall not be included in the open space calculation. For multifamily, townhome and condominium developments, common open space and other recreational amenities accessible to the residents of the project may be credited toward the overall PUD district open space requirement. Any required urban park dedication shall be credited against the open space calculation.

(d) Usable Residential Open Space

Open space shall be concentrated in large usable areas. No less than 25% of the gross land area of open space shall be contiguous and usable.

(e) Allowed Uses within Open Space

Unless otherwise specified within the PUD development plan or development guide, the allowed land uses in areas designated as open space, conservation, preservation or other similar term are limited to the following:

- Recreation activities which use the land with minimum disturbance and which do not utilize structures or permanently installed equipment except as provided in this Section;
- Recreational trails for non-motorized use, except that motorized wheelchairs are permitted;
- Perimeter fence with a maximum height of 6 feet;
- Signs that are accessory to an allowed open space use not exceeding 6 square feet in area;
- Structures under 250 square feet for restrooms, picnic shelters, maintenance equipment, storage or other use accessory to a permitted open space use;
- Properly managed grazing of horses, cattle, sheep, goats, wildlife or other grazing or browsing animals;
- Forest management activities designed to promote healthy and aesthetic forests or to meet wildfire mitigation objectives; and
- Parking areas for the recreational facilities;
- Playgrounds, athletic fields, golf courses;
- Pedestrian amenities; and
- Other uses and structures identified through the modification process.

(f) Minimum Setbacks from Open Space and Trails

Minimum setback of privately owned buildings to trails and open space within a residential PUD district shall be 10 feet.

(g) Maintenance of Open Space or Common Areas

Open spaces or common areas within a PUD district including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, conservation easements, deed, or plat restrictions. Open space, recreational facilities or other amenities to be provided shall be guaranteed by suitable financial assurances. Financial assurances shall not be required if:

- Acceptable provisions are included within the development agreement that guarantee the provision of these amenities in a timely manner; or
- Amenities are included in each construction phase of the project adequate to serve the residents within the phase; or
- A HOA or special district has committed to maintaining the facilities.

(h) Evaluation of Open Space

In evaluating the proposed open space areas within a PUD district, the following factors shall be considered:

- The El Paso County Parks Master Plan;
- The environmental characteristics and significance of the site;
- The location, use and relationship of the proposed open space areas to the development areas within the PUD district (Public or private common use open space areas should be accessible and available to the occupants of any proposed residential dwellings);
- Provision for adequate trails systems including bicycle, pedestrian, and equestrian trails as appropriate;
- The buffering needs of adjacent existing and planned land uses;
- Neighborhood, community, and regional recreational use area standards as applied to the proposed resident population of the PUD district;
- Applicable school standards for the number, type and location of public schools based upon the proposed resident population of the PUD district (Combined, joint use school and park sites are encouraged); and
- View corridors within and through the property and other visual and scenic assets of the site.

(9) Circulation and Access

Development within the PUD district shall be designed and constructed to include adequate, safe, and convenient arrangement for pedestrian and vehicular circulation, and parking and loading spaces. Pedestrian and vehicular circulation shall correlate with the external circulation system. All roads shall be constructed in accordance with the provisions of the ECM.

(10) Drainage

The storm drainage system shall be designed in accordance with the ECM.

(11) Buffering and Screening

Uses or structures within and adjacent to a PUD district shall be adequately buffered and screened to make their appearance and operation harmonious with the surrounding uses.

(12) Landscaping

Landscaping and any landscaping design guidelines established within the development plan or development guide shall conform to the requirements of this Code, with the exception of local residential roads pursuant to Section 6.2.B.2.e of this Code. No building permit shall be issued for any building or any portion of a PUD district until the landscaping required by the landscape plan is in place or a landscaping completion agreement has been entered into which complies with the requirements of Chapter 6 of this Code.

(13) Architecture

A set of architectural guidelines shall be included within the development plan or development guide that provides for a variety of architectural designs while ensuring that structures are compatible with other structures in the PUD district or a subarea of the PUD district. Modifications to the architectural guidelines may only be required by the County if necessary to implement a specific standard or requirement in this Code.

(14) Parking

Unless otherwise established by the zoning and concept plan, development plan, or development guide, parking shall be provided in accordance with Chapter 6 of this Code.

(15) Signage

Unless otherwise modified by the zoning and concept plan, development plan, or development guide, all signs within the PUD district shall comply with the requirements of Chapter 6 of this Code.

(16) Adequate Facilities

A PUD district will be approved only if there is a demonstration that adequate public facilities and services for the project can be provided. The cost to the County will be considered in light of the project's impact existing or proposed public facilities. In addition, it shall be shown that the project's land use mix, rate of anticipated build out, and overall developer commitments are adequate to support the infrastructure and other costs which shall be borne by the development.

Determinations concerning the adequacy and efficiency of the provision of the described public services and facilities, and the financing of the same, shall be based upon standards and criteria within this Code and the ECM, and may include a requirement to contribute a fair and equitable share of the costs of necessary public

services and facilities through the payment of development fees, special assessments, participation in a local improvement district or special district, or other similar mechanism for the provision and financing of adequate public services and facilities.

(17) Phasing Plan

The establishment of a PUD district shall include a comprehensive phasing plan. The phasing plan shall present a logical development sequence for subareas of the area covered by the PUD district designed to provide for cost effective roadway, utility and other infrastructure and service extensions.

(18) Development Agreement

A development agreement is a negotiated contract between the County and a developer of property that shall provide the costs of all on-site and off-site capital improvements necessary to implement the proposed development. Local roads and service lines may be provided for at the time of platting through a SIA. The development agreement shall be recorded concurrently with the PUD development plan and development guide, and may include financial assurance to construct approved public or private improvements in advance of the recorded final plat.

(G) Documents and Action Establishing PUD Zoning District

(1) Development Plan

(a) Description

The approved PUD development plan constitutes the approved overall zoning plan for the property. The development plan is the detailed plan for a property which generally indicates the final planned use of the property, building and parking locations, building elevations, service connections, and landscape and other important site improvements. This plan sets forth the final plans for development of the PUD district. The development plan shall cover the total area of the PUD district.

(b) Effect of Approval and Recording

The approved development plan shall be recorded and placed on file at the DSD and shall serve as the basis for review and approval of the subsequent preliminary plan, final plat, or site development plan application. Any future development plan and development guide for any portion of the approved PUD shall substantially conform to the recorded development plan. The subject property is zoned PUD at the time of approval of the development plan. All subsequent uses and actions shall conform to the development plan.

The property owners, and their successors, heirs, or assigns shall be bound by the approved development plan, including any conditions of approval, or amendments approved either by the DSD Director or BoCC.

(2) Development Guide

(a) Description

The development guide sets forth the specifics for allowed uses including special and accessory uses, densities, dimensional standards, landscaping, buffering and screening requirements, parking, fire prevention, signing, open space, maintenance, phasing and other important development controls for each use area and the property as a whole.

(b) Effect of Approval and Recording

The property owners, and their successors, heirs, or assigns shall be bound by the approved development guide, including any amendments thereto approved by the DSD Director or BoCC. The approved development guide shall be recorded concurrently with the development plan, and the recording information referenced on the development plan.

(3) Vesting

The development plan and development guide may be considered a site specific development plan for purposes of vesting if vesting is specifically requested. Any such request shall be accompanied by a request that meets the vesting requirements of this code. If vesting is specifically requested and meets the requirements of this Code for vesting, vesting shall occur at the time the development plan and development guide are filed for recording with the Clerk and Recorder.

(H) Actions Amending a PUD Zoning District

The Development Services Director may approve a minor amendment to an approved PUD which is determined will have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, changes to landscape features in the interest of public safety, or the alignment of utilities and the alignment of interior roadways and parking areas. No such changes shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the PUD, significantly reduce or increase parking areas, or significantly encroach on natural features proposed by the plan to be protected.

(I) PUD Zoning and Conceptual Plans (ZCP) Approved Prior to the Adoption of this Code

Any ZCP approved prior to the adoption of this Code or as otherwise amended, shall be governed by the conditions of Board approval as contained in the recorded Board Resolution of the same and the Code in effect at the time of

approval. No building permits or uses shall be authorized within such ZCP prior to approval and recordation of a PUD development plan and final plat in

conformance with the provisions and requirements of the Land Development Code.

4.3. OVERLAY ZONING DISTRICTS

4.3.1. CAD-O, Commercial Airport Overlay District

(A) Purpose

These airport hazard regulations are adopted pursuant C.R.S. §30-28-113 and 41-4-101. In connection therewith, the BoCC finds:

- The Federal Aviation Administration (FAA), in accordance with 14 CFR Part 77, has determined that certain land uses create, establish, enhance, or maintain hazards to air navigation and are or may be a public nuisance and an injury to the communities served by the airports;
- The free and unobstructed passage of all aircraft, regardless of the owner or operator of such, in, through, and across all of the navigable airspace above the communities served by the airports is a defined right under federal and state law including but not limited to 14 CFR Part 91.119, and CRS §41-1-106 and CRS §41-1-107 as amended, or any similar regulation or statute which may hereinafter be enacted in total or in part;
- Private property owners have a property interest in useable airspace above the surface of their property;
- That non-conforming use may be created, which are subject to the non-conforming use rights and restrictions as established by this Code;
- That the BoCC in adopting these regulations intends to exercise the full extent of its authority to protect the public health, safety, and general welfare of the citizens of El Paso County; and
- That these regulations support and implement the Master Plan.

(B) Commercial Airport Overlay District Map

The Commercial Airport District shall be shown on maps, charts and other documents which are made a part of this Code. Any change in the Commercial Airport District Map shall be deemed in force upon adoption by the BoCC. The CAD-O district is an overlay district. The CAD-O district is comprised of four subdistricts: Aircraft Navigation Sub-Zone (ANAV), Airport Noise Sub-Zone (ADNL) [65 DNL line], Accident Potential Zone I (APZ-1) [Class A Runway Accident], and Accident Potential Zone II (APZ-2) [Class A Runway].

Should any part of the CAD-O Overlay District be declared inapplicable by reason of action of: (1) the BoCC in amending this Code, or (2) the BoCC, or any court of competent jurisdiction in interpreting this Code, the underlying zoning shall remain un-changed.

Adoption of the Commercial Airport District Map by El Paso County and as referenced in this Section does not impose in the unincorporated area of El Paso County any additional height or use restrictions from those uses or height restrictions identified in these overlay zoning regulations.

(C) Regulations Cumulative and Relationship of CAD-O to Base Zoning District

All regulations within the CAD-O district shall be cumulative. In cases in which the provisions of the CAD-O district and the base zoning district conflict, the most restrictive provisions shall apply.

(D) Nonconforming Uses in the CAD-O

(1) No Change to Existing Uses Required

Nothing in this Section shall require a change in any lawfully constructed building, structure or use in existence at the time of adoption or amendment of the CAD-O Zoning District to continue its current lawful use, nor shall this Section prohibit reconstruction if partially or completely destroyed, nor shall this result in additional requirements for approved variances other than those requirements for lighting and marking as may be required.

(2) No Prohibition on Continuance

None of the provisions of the CAD-O Zoning District shall be construed to prohibit the continuance, expansion or re-establishment under current law of any existing use. Noise reduction design standards apply only to new structures and uses of land and not to structural additions.

(3) Existing or Approved Mobile Home Spaces

Mobile homes moved on to existing or approved mobile home spaces are exempt from the requirements of the CAD-O Zoning District.

(E) Allowed and Special Uses

Table 4-7 lists allowed and special uses within the CAD-O zone. The most restrictive CAD-O sub-district and base zoning district use provisions shall control.

Table 4-7. Commercial Airport Overlay District Land Use.

Use	CAD-O Subdistrict			
	ADNL ¹	APZ-1	APZ-2	ANAV ³
Mobile Homes				A
Single-Family Residences			A	A
Multiple-Family Residences; Residential Hotels; Convalescent Hospitals			A	A
Mixed Use if involving residential component	S	S	A	A
Hotel	S ⁴		A	A
Hospitals, Institutional Uses	S ⁴		A	A
Religious Uses, School,	A ⁴	A	A	A
Playgrounds; Parks; Arenas	A ³	S	S	A
Golf Courses; Cemetery; Stables	A	S	A	A
Offices	S ^{2,4}	S	A	A
Commercial, Retail & Wholesale, Sexually-Oriented Business	A ⁴	S	A	A
Warehouse; Light Manufacturing; Industrial; Laboratories; Wholesale	A ⁴	A	A	A
Farming; Ranching; Feed Lots; Related Agricultural Uses	A	A	A	A

A = Allowed Use, S = Special Use
 Note: The boundary of the ADNL District reflects the 65 DNL line.
¹ Public assembly areas, noise-sensitive cultural activities, and nature exhibits are discouraged.
² Many service type businesses which may be disturbed by noise should not be located in an area with greater than 65 Day-Night Equivalent Sound Level (Ldn).
³ Airport Activity Notice and Disclosure or equivalent required, if not already recorded, in order to secure a building permit or development permit.
⁴ A 30 dbA indoor noise reduction shall be achieved by approved construction techniques as evidenced by Noise Reduction Certificate. In the case of land uses classified as industrial uses, only the office portion of the building is required to achieve the noise reduction.

(F) Development Requirements within the CAD-O

(1) ANAV Subdistrict

(a) Rezoning or Subdivision Plat

The following are required prior to approval of any rezoning or subdivision plat:

- The request shall be referred to Airport Advisory Commission for review and comment.
- Airport Activity Notice and Disclosure shall be required to be recorded against the title of the property as a condition of approval.

(2) ADNL Subdistrict

(a) Building Permit

The following are required to secure a building permit or authorization of use, if not previously completed as a part of a previous development review process:

- All requests will be referred to the Airport Advisory Commission for review and comment.

- If the request is located within an existing residential zone or platted as residential, a noise level reduction of 30 dbA shall be achieved through approved construction techniques as evidenced by the provision of a Noise Reduction Certificate.
- Non-residential land uses as identified in Table 4-7 shall achieve a 30 dbA noise reduction by approved construction techniques as evidenced by a noise reduction certificate.

(b) Rezoning

Land should not be rezoned to a residential or multifamily district which allows a higher density than the current zoning of the property. In the event of a rezoning or variance action to allow a residential zoning with a higher density than the current zoning of the property, the BoCC shall include specific findings relative to airport noise within the approval resolution and shall require appropriate noise mitigation measures.

(3) APZ-1 Subdistrict

(a) Restrictions

The following restrictions shall apply within the APZ-1 subdistrict:

- Certain commercial, industrial and manufacturing uses that result in the congregation of people, as identified in Table 4-7 are either a special use or prohibited, whether or not noise level reduction is proposed or required.
- Residential land uses including caretaker residences or accessory dwellings are prohibited.

(b) Rezoning

Land Should not be rezoned to a residential or multifamily district. In the event of a rezoning action or variance to allow a residential zoning with a higher density than the current zoning of the property, the BoCC shall include specific finding relative to airport noise within the approval resolution and shall require appropriate noise mitigation measures.

(4) Required Findings in Approving Special Use within the CAD-O

Instead of the special use findings of Chapter 5, the following additional finding shall be made in approving any special use identified in Table 4-7:

- The proposed use is compatible with the nearby Colorado Springs Municipal Airport considering 1) the safety, noise and lighting impacts (these impacts do not include imposition of additional height restrictions) on the proposed use by the airport operations; and 2) the safety and lighting impacts of the proposed use on the airport.

(5) Construction or Alteration Requiring FAA Notice

Any person proposing construction or alteration of an improvement shall notify the FAA where required, in accordance with 14 CFR Part 77, as amended or any similar regulation or statute which may hereinafter be enacted in total or in part. Any notice required by this Section shall be on FAA Form 7460-1 "Notice of Proposed Construction or Alteration," available from the regional offices of the FAA. Notice required under this part shall be completed and a Determination from the FAA be made as an attachment to development applications, where required.

(6) Installation and Maintenance of Marking or Lighting on Improvements Requiring FAA Notice.

The BoCC may condition any development approval for a chimney, steeple, crane, tower, etc., with a requirement that the owner of the improvement install, operate and maintain, at the owner's expense, markers and lights as may be necessary to indicate to aviators the presence of an obstruction to flight as may be required to comply with the requirements of the FAA and/or FCC. The BoCC may, with the permission of the owner and at its own expense, install and operate markers or lights as may be necessary upon existing improvements within the CAD-O district in conformance with the standards of the FAA and/or FCC. After initial installation, the BoCC may upon written notice to the owner, require the owner to maintain those markers or lights in conformance with the standards of the FAA and/or FCC.

4.3.2. GA-O, General Aviation Overlay District

(A) Purpose

The GA-O district is intended to apply to land within and surrounding airports to protect those airports using non-instrument runways for general aviation purposes.

(B) Applicability

The GA-O district regulations shall apply where adopted to all new airports established and to all runway extensions of existing airports, except the Colorado Springs Municipal Airport.

(C) Effect of GA-O District

The GA-O district regulations apply in combination with base zoning district regulations, recorded plats, and all other applicable standards of this Code. When GA-O district standards conflict with the underlying base zoning district standards or other regulations of this Code, the regulations of the GA-O district will always govern. When no special GA-O district standards are specified, all other applicable regulations of this Code will govern.

(D) General Aviation Overlay District Map

The GA-O district shall be shown on maps, charts and other documents which are hereby made a part of this Code. Any change in the General Aviation District Map shall be deemed in force upon adoption by the BoCC. The GA-O district is an overlay district. Within the GA-O district, subdistricts of greater detail, description, and restriction may be proposed and adopted in accordance with the provisions for adoption of the GA-O district.

Should any part of the GA-O Overlay District be declared inapplicable by reason of action of; (1) the BoCC in amending this Code, or (2) the BoCC, or any court of competent jurisdiction in interpreting this Code, the underlying zoning shall remain unchanged.

Adoption of any General Aviation Overlay District Map by El Paso County and as referenced in this Section does not impose in the unincorporated area of El Paso County any additional height or use restrictions identified in these overlay zoning regulations.

(E) Use Restrictions

No building or land may be used and no building may be erected, converted, or structurally altered except in accordance with the following requirements.

(1) Meadowlake Airport GA-O Uses

The following uses are allowed in the non-residential area of the Meadowlake Airport included in the GA-O district, in addition to those uses allowed in the underlying base zoning district:

- Aero club facilities
- Aircraft maintenance facilities
- Airfields and landing strips
- Airport terminals, related supporting facilities
- Aviation control towers
- Hangars and tie-down facilities
- Navigation instruments and aids
- Aviation related businesses

(2) Rezoning within a GA-O

The base zoning district for land within a GA-O district should not be rezoned to a residential or multifamily zoning district which allows a higher density than 1 dwelling unit per 2.5 acres.

(3) Construction or Alteration Requiring FAA Notice

Any person proposing construction or alteration of an improvement shall notify the FAA where required, in accordance with 14 CFR Part 77, as amended or any similar regulation or statute which may hereinafter be enacted in total or in part. Any notice required by this

Section shall be on FAA Form 7460-1 "Notice of Proposed Construction or Alteration," available from the regional offices of FAA. Notice required under this part shall be completed and a determination from the FAA be made as an attachment to development applications, where required.

(4) Installation and Maintenance of Marking or Lighting on Improvements Requiring FAA Notice.

The BoCC may condition any development approval for a chimney, steeple, crane, tower, etc., with a requirement that the owner of the improvement install, operate and maintain, at the owners' expense, markers and lights as may be necessary to indicate to aviators the presence of an obstruction to flight in as may be required to comply with the requirements of the FAA and/or FCC. The BoCC may, with the permission of the owner and at its own expense, install and operate markers or lights as may be necessary upon existing improvements within the GA-O district in conformance with the standards of the FAA and/or FCC. After initial installation, the BoCC may, upon written notice to the owner, require the owner to maintain those markers or lights in conformance with the standards of the FAA and/or FCC.

(5) Airport Activity Notice and Disclosure

As a condition of BoCC approval, with any rezoning or subdivision action, the owner is required to record the Airport Activity Notice and Disclosure against the property as a condition of approval.

(F) Federal Aviation Administration Standards

All development in the GA-O district shall comply with any applicable restrictions contained in Title 14 of the Code of Federal Regulations, Subchapter I, Federal Aviation Regulations.

4.3.3. RLUP-O, Rural Land Use Plan Overlay District

(A) General

(1) Purposes

The purposes of the RLUP-O district are as follows:

- To provide an alternative to 35-acre residential development through a process that implements the provisions of C.R.S.
- §30-28-401, et seq., and amendments to C.R.S. §37-92-602, concerning cluster developments and domestic water permits for cluster development, while offering the equivalent of a density or parcel bonus in exchange for the preservation of open space;
- To protect and maintain property values and to conserve open land, significant natural areas, wildlife corridors and habitats, and scenic vistas, including areas containing unique and sensitive

natural features such as forests, steep slopes, streams, floodplains and wetlands;

- To provide greater design flexibility and efficiency in locating services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of pavement required for residential development;
- To provide incentives that favor an alternative to the traditional 35-acre division of rural tracts of land that would otherwise be exempt from the County's subdivision regulations;
- To minimize development on steep slopes thereby reducing erosion and sedimentation by the retention of existing vegetation; and
- Encourage the continuation of agricultural uses, where viable.

(2) Applicability

(a) General

A Rural Land Use Plan Overlay (RLUP-O) district is an alternative to standard 35-acre development, where 35-acre tracts have not yet been created, or where existing 35-acre tracts are proposed to be reconfigured. The RLUP-O district can be used for any parcel in El Paso County where the parcel, or at least one of the parcels, is 70 acres in size and all other parcels are at least 35 acres in size.

(b) Zoning Requirements

The RLUP-O district can be applied in the following zoning districts:

- A-5
- A-35
- F-5
- RR-5
- RT
- PUD

(3) Compliance with County Regulations

The RLUP-O district and an RLUP exemption plat shall comply with the requirements of this Code, and the Procedures Manual, however in consideration of the intent to achieve flexibility and community benefit, the DSD Director may grant administrative relief to any development requirement of this Code except use allowances.

(B) Development Standards

(1) Density

(a) Maximum Allowable Density

The maximum allowable density in a RLUP-O district is 2 dwelling units per 35 acres. The additional density is intended to be an incentive to choose cluster development as an alternative to conventional subdivision or as an alternative to the creation of 35-acre and larger parcels.

(b) Limitation on Density

The maximum allowable density shall not be interpreted as a guarantee of density that may be achievable. Divisions of land in RLUP-O district shall be subject to all requirements of the LDC except as modified by the RLUP-O district provisions. These other regulations or site-specific conditions may prevent the maximum allowable density levels from being achieved due to the character of the land, location of natural features, access requirements, or surrounding uses.

(c) Development on Residual Land and Density Calculation

Any farm or ranch dwellings, including accessory dwellings, on the residual land which exist at the time of approval shall be included in density calculations. If no farm or ranch dwellings exist at the time of approval, the number of primary farm or ranch dwellings that are allowed by the zoning district shall be included in density calculations.

(2) Lot Design Standards

(a) Lot Size Not Dependent on Zoning

The lot size of the zoning district does not apply to each individual lot within the RLUP-O district. The lot size shall be based on facility adequacy, individual sewage disposal regulations, fire protection standards, site-specific conditions, and the need, if any, to protect adjacent agricultural operations. Lot sizes shall be adequate to meet all applicable standards of this Code and other applicable rules and regulations.

(b) Minimum Lot Size

Lots served by private individual water or sewer facilities shall be a minimum of 2.5 acres in size. There is no minimum lot size requirement for lots served by public or community water and sewer facilities.

(c) Tract Size

Tracts are not considered building lots, and are not required to meet any lot size requirements.

(3) Building Standards

(a) Maximum Lot Coverage

The lot coverage standards of the zoning district do not apply to each individual lot

(b) Maximum Building Heights

The maximum building height shall be in accordance with the zoning district standards.

(c) Building Setbacks and Building Envelopes

(i) Setbacks

Buildings and structures on cluster lots shall comply with the setback requirements of the applicable zoning district, as set forth in Chapter 5 of this Code, unless owing to special circumstances the County approves special setbacks as part of the RLUP-O zoning district.

(ii) Distance Between Dwellings

The minimum distance between dwellings shall be 20 feet.

(iii) Distance Between Structures and Open Space

The minimum distance between any structure and open space shall be 10 feet.

(iv) Distances from Wetlands and Hazards

All development shall comply with the separation requirements set forth in this Code to protect and preserve wetlands, stream corridors, wildlife habitat, and hazard areas.

(v) Building Envelopes

The building envelope for all dwellings shall be shown on the RLUP-O exemption plat with enough detail so that compliance with required development standards can be determined.

(4) Allowed Uses

(a) Housing Types

Single-family detached dwellings and uses directly related single family dwellings, including accessory uses and structures, are the only type of housing allowed in an RLUP-O district.

(b) Allowed and Special Uses

Allowed uses, lot and building standards, and general requirements for specific zoning districts may differ from the standards specified in an RLUP-O district. When any provision of

the RLUP-O district conflicts with any other provision of this Code, including the minimum lot size for specific land uses, the provision of the RLUP-O district shall control. Allowed land uses in a RLUP-O district may be more restrictive than the allowances in the applicable zoning district, and are established by the recorded RLUP-O district and associated development agreement.

(5) Cluster Design

(a) Maximum Number of Lots per Cluster

Each cluster of residential lots shall contain 10 or fewer lots and shall be separated from any other cluster within the development by a protected open space area or vegetative buffer. To the maximum extent practicable, cluster lots should abut open space. The County may allow more lots in a single cluster if there is topography to minimize the visibility of the lots or if there are significant stands of trees or other conditions that would accommodate larger numbers of lots in a cluster without a significant visual or environmental impact.

(b) General Site Design Standards

Views of residential lots in a cluster development from exterior roads and abutting properties shall be minimized through the use of changes in topography, existing vegetation, or additional landscaping.

(c) Perimeter Buffers

In order to maintain the rural character, a minimum 50-foot wide buffer strip shall be established along all parts of the perimeter of the cluster development that are adjacent to any public street or public road right-of-way or the perimeter of the RLUP-O zoning district.

(d) Buffer Design and Use

All required buffer areas shall be kept free of structures, and parking areas, and shall be landscaped, screened, or shall incorporate existing natural features in order to minimize views of the cluster development from adjacent public roads and rights-of-way and to minimize potential adverse impacts on adjacent land uses and properties. Landscaping installed in a perimeter buffer shall comply with the landscaping and buffer requirements in Chapter 6.

(6) Water Requirements

(a) Not Required to Meet Water Supply Requirements of Code

The RLUP-O overlay zoning district and RLUP-O exemption plat are not required to comply with the water supply requirements of

this Code, except the construction requirements applicable to a central water system.

(b) Served by Wells or Central Water

Residential cluster lots may be served with either individual wells or by a community or central water supply system.

(i) Individual Wells Located on Lots

An individual well shall be located on the residential lot that the well serves, and shall comply with the applicable requirements of the Office of the State Engineer. All well requirements shall be verified prior to the issuance of a certificate of occupancy by the Building Department.

(ii) Central Water Supply Allowed

A community or central water supply system may be located within the residential cluster it serves, or may be located within a conservation area tract provided the County finds:

- The system cannot reasonably be contained within the residential cluster or other nearby developed areas;
- Construction, installation, and maintenance of the system complies with all applicable federal and State standards and specifications, including but not limited to regulations promulgated by the CDPHE and the Office of the State Engineer
- Construction, installation, and maintenance of the system complies with all terms and conditions in any applicable Intergovernmental Agreement; and
- Construction of the system will not disturb a sensitive development area, or other significant natural area or feature, unless substantially mitigated by the applicant.

(7) Wastewater Requirements

(a) Served by OWTS or Central System

Lots may be served by OWTS or by central (community) sewer systems in conformance with Chapter 8 of this Code.

(b) OWTS to Comply with EPCPH Regulations

An OWTS shall comply with all applicable EPCPH OWTS regulations and shall be located on the residential lot that the system serves unless approved otherwise for location in the common area or conservation area by the EPCPH.

(8) Roadway and Vehicle Access Standards

(a) Private Roads Required

Internal roads within and serving a RLUP-O district shall be private, except where public roads exist or are identified on the MTCP. Property owners within the RLUP-O district shall own and maintain all private internal roads under common ownership.

(b) Private Roads in Tracts

All private roads shall be within tracts dedicated to that purpose on the RLUP-O exemption plat, and include adequate easements for access, utilities, and drainage.

(c) Road Design and Construction

Roads within a cluster development shall meet the standards of the ECM. In mountainous areas or areas of steep terrain where alternative design is appropriate to minimize damage or impacts to natural terrain, the local rural road standards as contained in the "AASHTO-Geometric Design of Highways and Streets" may be approved as an alternative design. Roads within a cluster development shall be paved to meet ECM standards, unless otherwise approved.

(d) Curb and Gutter Allowed

Roads within an RLUP-O district may be allowed to use curb and gutter where it will preserve to a greater extent the natural features of the land by minimizing the amount of area needing to be cleared.

(e) Through Roads and Roads Serving Development to Meet ECM Standards

Any through roads which connect to public roads shall be designed and constructed in accordance with the requirements of the ECM, unless otherwise approved. All roads necessary to provide access to the development within an RLUP-O district from a public road, but not located within the boundaries of the RLUP-O district, shall be constructed to the specifications of ECM.

(f) Vehicle Access to Cluster Lots

In order to preserve the clustering character of the RLUP-O district, to the maximum extent practicable cluster lots shall be accessed from interior streets, rather than from existing public roads bordering the tract. Exception is allowed when public road access would reduce land disturbance and road construction.

(g) Maintenance Agreement Required

All private road facilities shall be addressed by a Maintenance Agreement.

(9) Stormwater Management and Drainage Facilities

(a) Design Standards

Stormwater and drainage facilities shall meet the ECM standards.

(b) Located within Tracts

All stormwater management and drainage facilities and their components, such as detention and water quality ponds, shall be contained within tracts and clearly delineated on the RLUP-O exemption plat. The area, intended use, and final ownership of all stormwater management and drainage facilities shall be shown.

(c) Location within Conservation Tract

Stormwater management and drainage facilities may be located within a conservation area tract provided the County finds:

- The facilities cannot reasonably be contained within the rural cluster or other nearby developed areas; and
- Construction of the facilities will not disturb a sensitive development area or other significant natural area or feature, unless substantially mitigated.

(d) Maintenance Agreement Required

All stormwater and drainage facilities shall be addressed by a Maintenance Agreement.

(10) Utilities

Unless otherwise required by the utility provider, all utilities shall be placed below ground and routed to preserve sensitive vegetation.

(11) Fire Department Standards

All development within an RLUP overlay district shall comply with the fire standards of this Code and the fire department in which they are located

(C) Open Space

(1) Minimum Open Space Requirements

A minimum of $\frac{2}{3}$ of the total land area of the RLUP-O district shall be preserved as open space.

(2) Priority Open Space Lands

The following types of land shall be given priority for inclusion in the open space element of an RLUP-O district:

- All areas mapped as floodplain;
- Wetlands, lakes, ponds, rivers, streams, and associated riparian areas as identified in Chapter 6;
- Significant wildlife habitats and movement corridors, as shown on the El Paso County Significant Wildlife Habitat Map and identified in Chapter 6;
- All areas with steep slopes greater than 20%;
- Significant geologic or wildfire hazard areas as identified in any required report or by Chapter 6; and
- Lands classified as prime or prime and unique agricultural lands as identified by the Natural Resources Conservation Service (NRCS).

(3) Exclusions from Required Open Space

Open space land required in an RLUP-O district by this Section shall not include:

- Any part of a residential building envelope, except that active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required open space;
- Above-ground utilities except those in place at the time of approval of the RLUP-O district;
- Road rights-of-way (rights-of-way may traverse open space areas but shall not count toward the minimum required amount); and
- Any part of a required parking area.

(4) Restrictions on Future Use of Open Space Lands

Prior to the construction of any dwelling units in an RLUP-O district, all required open space shall be restricted from development for a period not less than 40 years by the recording of a conservation easement or deed restriction.

(5) Uses Allowed in Open Space

At its discretion, the County may require that up to 50% of required open space lands be useable open space if deemed necessary by the County to ensure adequate recreational amenities for residents of the RLUP-O district or to implement the Master Plan. Allowed uses of open space lands in a cluster development include, but are not limited to:

- Agricultural uses;
- Conservation of the open space in a natural state;

- Pastureland for horses used solely for recreational purposes (equestrian facilities are allowed);
- Passive recreation areas; for example, trails, community gardens, lawn, picnic areas, but specifically excluding motorized off-road vehicles and other uses similar in character and potential impact as determined by the County;
- Non-commercial active recreation areas, such as playing fields, playgrounds, courts, bikeways, and associated parking area, provided such areas do not encroach on environmentally sensitive areas (Playing fields, playgrounds, courts and parking areas shall not be located within 50 feet of abutting properties);
- Easements for drainage, access, sewer or water lines, utilities, or other public purposes;
- Water supply and sewage disposal systems, and storm water management facilities, designed, landscaped, and available for use as an integral part of the open space; and
- Parking for active recreation areas (10 or fewer spaces).

(6) Open Space Design

(a) Contiguity

Open space lands shall be designed to achieve the maximum contiguous amount of open area possible and to avoid the creation of small, isolated, and unusable areas. The lands shall not be fragmented into small, unconnected areas by development.

(b) Connectivity

To the maximum extent practicable, open space shall be located contiguous to and be connected with other open space lands on the site or areas adjacent to the RLUP-O district boundaries. Where applicable, connections for wildlife movement shall be provided within the open space lands.

(c) Access to Open Space

Pedestrian and maintenance access shall be provided to open space land in accordance with the following requirements:

- Each cluster should provide at least one centrally located access point per 10 lots; such access shall be a minimum of 25 feet in width.
- Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

(d) Ownership

The County will review and approve the form of ownership being proposed for all open space lands in a cluster development. All open space lands shall be:

- Owned jointly or in common by the property owners; or
- Owned by a non-profit land trust or similar organization approved by the County; or
- Subject to a conservation easement; or
- Dedicated to a public entity including the County, subject to the entity's acceptance.

(e) Maintenance

(i) Maintenance Plan Required

An enforceable maintenance plan for the open space lands shall be submitted in accordance with Chapter 6 and approved by the OCA and recorded prior to the construction of any dwelling units in the RLUP-O district.

(ii) Escrow of Operating Funds

To ensure execution of the maintenance plan, the County may require the applicant to escrow sufficient funds for the maintenance and operation costs of conservation area for up to one year.

(iii) Modifications to Plan

Any changes to the maintenance plan shall be approved by the County.

(iv) County Allowed to Take Corrective Action

In the event that the organization established to maintain the conservation area, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance (but shall have no obligation or duty to do so), in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

The maintenance plan shall allow the County to enter the premises and take corrective action including extended maintenance. The costs of such corrective action in excess of any escrowed funds may be charged to the property owner, property owners association, conservation organization, or individual property owners who make up a property owners association, and may include administrative costs and penalties. Such cost

shall become a lien on said properties. Notice of such lien shall be filed by the County.

(7) HOA

A HOA may be established for the purpose of permanently owning and maintaining all open space lands. The HOA agreements, guaranteeing continuing maintenance, shall be submitted to the OCA for approval and recorded prior to the approval of any RLUP-O exemption plat. Membership in the association shall be automatic (mandatory) for all purchasers of lots therein and their successors in title. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. The dues shall be paid with the accrued interest before the lien may be lifted.

(D) Review Criteria for Approval of RLUP-O Developments

(1) General Standards of Review

In reviewing an RLUP-O district, the County shall also consider the following:

(a) Site Design

The RLUP-O overlay zoning district, compared with a more conventional development plan, better attains the policies and objectives of this Code and the Master Plan, such as providing more open areas, preserving existing trees and vegetation coverage, protecting wildlife habitats, and preserving sensitive environmental areas such as stream corridors, hazard areas, wetlands, and steep slopes.

(b) Impacts on Surrounding Properties

The RLUP-O district will not have significant adverse impact on adjacent properties or development, or appropriate mitigation measures such as landscaping, screening, illumination controls, and other use restrictions or design features to buffer and protect adjacent properties from the proposed cluster development have been proposed.

(2) Criteria for Approval

In approving an RLUP-O district, the following findings shall be made:

- The RLUP-O zoning district implements the Master Plan, including the Parks, Trails and Open Space element.
- The RLUP-O zoning district will accomplish one or more of the following: (2) Preserves open space; (2) Preserves wildlife habitat and movement corridors; (3) Preserves scenic rural landscapes through sensitive design of roads, structures, and fences; (4) Preserves key environmental resources and site attributes;(5) Reduces environmental impacts by minimizing tree,

vegetation, and soil disturbance; (6) Preserves significant natural, historical, or archaeological features; (7) Offers amenities that enhance the proposed development and benefit the residents of El Paso County as a whole.

4.3.4. HR-O, High-Rise Overlay District

(A) Purpose

The HR-O district is intended to accommodate taller buildings than otherwise allowed by the base zoning districts of this Code.

(B) Application to Base Zoning Districts

The HR-O district may only be applied in combination with the CS, CR, and RM-30 zoning districts.

(C) Floor Area Ratio (FAR)

(1) FAR Limits

The following floor area ratio limits shall apply:

- 4 times the total lot area in the CS district
- 4 times the total lot area in the CR district
- 3 times the total lot area in the RM-30 district

(2) Parking Excluded from FAR

Indoor parking area on the lot or premises for vehicles shall not be counted as floor area for the purpose of computing maximum floor area ratios.

(D) Lot Area Per Dwelling Unit (RM-30 District only)

(1) Minimum Lot Area Per Dwelling

The minimum lot area per dwelling unit: is as follows:

- 1 story building: 2,000 square feet of lot area per unit
- 2 story building: 1,500 square feet of lot area per unit
- 3 story building: 1,200 square feet of lot area per unit
- 4 –5 story building: 900 square feet of lot area per unit
- 6–7 story building: 700 square feet of lot area per unit
- 8 –9 story building: 500 square feet of lot area per unit
- 10+ story building: 475 square feet of lot area per unit

(2) Indoor Parking Added to Lot Area

Indoor parking area on the lot or premises for vehicles will be considered as additional lot area for the purpose of computing lot area per dwelling unit.

(E) Area Volume Limitations

No part of any structure (except church spires, church towers, flag poles, antennas, chimneys, flues, vents, cooling towers, elevator and mechanical penthouses and accessory water tanks) or any portions of the structure not used for human occupancy, may project through planes with a pitch of 3 vertical to 1 horizontal from lines 20 feet above lot lines and the center of roads between lot lines.

(F) Solar Access

No structure shall be established in an HR-O district that would materially diminish the solar access rights of an adjoining property owner.

4.3.5. WSE-O, Wind and/or Solar Energy Generation Plan Overlay District

(A) General

(1) Purposes

(a) General

- To regulate wind and/or solar energy generation facilities.
- To site wind and/or solar energy generation facilities where they are most appropriate, considering impacts to the environment, visual corridors, existing infrastructure, and the established development pattern.
- To ensure the preservation of public health, safety, and welfare.
- To provide a regulatory scheme that is designed to address certain standards regarding setbacks, height restrictions, and other requirements for wind and/or solar power energy generation facilities.
- To provide mitigation measures for impacts associated with large-scale wind and/or solar energy generation facilities.
- To provide greater design flexibility and efficiency in siting wind and/or solar energy generation facilities.

(2) Application, Review, and Fees

(a) Application

- An application for rezoning is required in order to obtain wind and/or solar energy generation plan overlay district (WSE-O) zoning.
- The submittal and review process for a WSEO application shall follow the provisions outlined in Section P-AR-034-11, Wind/Solar Energy Generation Plan Overlay (WSEO) Rezoning (Map Amendment), and Section S-PL-023-011, Wind/Solar Energy Generation Overlay (WSEO) Plan, of the Procedures Manual.

(b) Review

The El Paso County Planning Commission shall review and make recommendation on all WSE-O rezoning applications. The El Paso County Board of County Commissioners shall review and take final action on all wind/solar energy generation plan overlay rezoning applications.

(c) Fees

- The application fee associated with a WSE-O rezone request shall be calculated based on cost of service.
- The application fee associated with administrative site development plan requests shall be determined by the Development Services Department adopted fee schedule.
- For those projects that, because of their size, type of operation, or technical details which are beyond the technical expertise of the El Paso County staff and require review and the provision of appropriate technical expert testimony at any required public hearing(s) before the County's governmental bodies or contracted employees of the County, the costs for said review and the provision of said expert shall be paid by the applicant. The extent and nature of said costs shall be established between the applicant and El Paso County prior to formal submittal.

(3) Applicability

(a) General

A WSE-O function in combination with base zoning districts to both modify the existing standards associated with the base zoning districts and to impose additional requirements and standards on specific properties.

(b) Zoning Requirements

The WSE-O district can be applied in all zone districts.

(4) Definitions

(a) Wind Energy Generation Facility

A large-scale electrical energy generation facility with a minimum energy generation capacity of 500 kilowatts typically consisting of wind turbines, meteorological data gathering devices, collection lines, electrical substation(s), transmission line(s), and other appurtenant facilities.

(b) Solar Energy Generation Facility

A large-scale electrical energy generation facility with a minimum energy generation capacity of 500 kilowatts typically consisting of photovoltaic panels, heliostats (mirrors), collection tower(s),

turbine(s), collection lines, electrical substation(s), transmission line(s), and other appurtenant facilities.

(5) Compliance with County, State, and Federal Laws and Regulations

The WSE-O district and WSE-O plan shall comply with all applicable County regulations and ordinances, State laws and statutes, and federal law and regulations, except as otherwise modified within.

(B) Development Standards

(1) Establishment and Applicability of Standards

(a) Established Purpose and Intent of WSEO Plan

The WSE-O plan shall include a statement establishing the purpose and intent of the WSE-O zoning district.

(b) Use, Dimensional, and Development Standards Included

Use, dimensional, and development standards are intended to create a regulatory scheme necessary for development within the WSE-O zoning district. The use, dimensional, and development standards for a WSE-O district shall be set forth in the approved WSE-O plan, and shall include: uses, maximum structure height(s), minimum setbacks, structure elevations, access, accessory structures, signage, lighting, project phasing, and other standards necessary to administer the plan.

An application for WSE-O zoning district shall consider the following standards:

(i) Allowed Principal Uses

Includes the following: wind turbines, solar panels, transmission lines, substations, meteorological monitoring devices, and energy generation facility-related temporary batch plants.

(ii) Allowed Accessory Uses

Includes the following: collection lines, maintenance facilities, and any other accessory uses necessary to carry out the intent of the overlay zoning.

(2) Structure Standards

(a) Maximum Structure Height

- (i) For the wind turbines, solar panels, meteorological monitoring devices, and substations the height restriction is established by the specific wind/solar energy generation overlay district zoning and development plan. Wind turbine height shall be measured from finished grade to the tip of the blade in the vertical position.
- (ii) All other structures shall comply with the height restriction established by the underlying zone district (A-35, A-5, RR-5, etc.) unless otherwise established by the specific wind/solar energy generation overlay district zoning and development plan.

(b) Structure Setbacks

- (i) Wind turbines and meteorological monitoring devices shall be setback 1½ feet for every 1 foot of height from all wind/solar energy generation overlay zone district boundaries, existing dwellings, public rights-of-way, and existing above-grade utility facilities unless otherwise established by the specific wind/solar energy generation overlay district zoning and development plan (e.g. the impacts of the setback encroachment can be mitigate by establishing an external easement).
- (ii) For the purpose of calculating the applicable setbacks, wind turbine height shall be measured from finished grade to the tip of the blade in the highest vertical position.
- (iii) Wind turbines shall also be sited a minimum of 165 feet from the edge of any ridge with a slope greater than 20 percent.
- (iv) There shall be no setback requirement for the transmission lines.
- (v) All other structures shall be required to meet the setbacks of the underlying zone district unless otherwise established by the specific wind/solar energy generation overlay district zoning and development plan.
- (vi) Distance from Wetlands and Hazard
All development within the wind/solar energy generation overlay district shall comply with separation requirements set forth in this Code to protect and preserve wetlands, stream corridors, wildlife habitat, and hazard areas.

(3) Roadway and Vehicular Access Standards

(a) Road Design and Construction Standards

- (i) Private Access Roads
All private access roads shall be designed to ensure that emergency vehicles can gain access to the development. Such design shall be reviewed and approved by the respective fire district, if applicable, and/or the El Paso County Fire Marshal.
- (ii) Upgrading Existing Substandard County Roads
The applicant shall be required to upgrade any existing substandard County roadways/rights-of-ways that are necessary for access to the development whether for construction or maintenance. Whether a roadway/right-of-way is necessary for access to the development shall be determined by the required Transportation Impact Study and the associated Haul Route Plan. Prior to construction of such upgrades, the applicant is required to submit for review and receive approval by the ECM Administrator of the associated construction drawings, financial assurance estimate, and collateral.
- (iii) Reconstruction of Damaged County Roads
Inclusion in Development Impact Mitigation Agreement
the associated development impact mitigation agreement shall include language that requires the applicant to rehabilitate all haul route roads impacted by the development. The reconstruction shall meet the requirements of the El Paso County Engineering Criteria Manual.

(4) Storm Water Management and Drainage Standards

(a) Design Standards

Storm water and drainage facilities shall meet the standards of the El Paso County Engineering Criteria Manual and the El Paso County Drainage Criteria Manual.

(C) Decommissioning Plan and Agreement

(1) Purpose

A wind and/or solar energy generation facility authorized by this overlay zone district shall provide a decommissioning plan and agreement to ensure that the wind and/or solar energy generation facility, and appurtenant facilities, are properly decommissioned.

(2) Required

A decommissioning plan and agreement shall be required with all wind and/or solar energy generation plan overlay district applications and shall include:

- Provisions describing the triggering events for decommissioning the wind and/or solar energy generation facility and appurtenant facilities;
- Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- Provisions for the restoration of the soil and vegetation;
- An estimate of the decommissioning costs certified by a professional engineer;
- Financial assurance acceptable to the County, secured by the owner, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs;
- Identification of and procedures for County access to financial assurances;
- A provision that the terms of the decommissioning plan shall be binding on the owner and any of their successors, assigns, or heirs; and
- A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

(3) Review and Approval

The Planning Commission shall review and make a recommendation to the Board of County Commissioners on all decommissioning plans as a part of the WSEO rezone application. The Board of County Commissioners shall have final review and approval authority of all decommissioning plans associated with any WSEO application.

(D) Development Impact Mitigation Agreement

(1) Purpose

The construction and operation of large scale wind and/or solar energy generation facilities typically result in external impacts to nearby properties and to the existing infrastructure. The standard method for addressing and mitigating development-related impacts is through a development agreement between the applicant, County, and/or any other party that may be impacted by the development.

(2) Required

A development impact mitigation agreement shall be required with all wind and/or solar energy generation plan overlay district applications.

(3) Review and Approval

The Planning Commission shall review and make a recommendation to the Board of County Commissioners on all development impact mitigation agreements associated with all WSE-O applications. The Board of County Commissioners shall have final review and approval authority of all development impact mitigation agreements.

(E) Board of County Commissioner Approval of Major Amendments

A recommendation from the Planning Commission and a final action by the Board of County Commissioners are required for an amendment to the approved WSE-O plan that includes any of the following:

- The addition of any uses or structures not authorized by the approved WSE-O plan.
- Modification of any structure sitting envelope(s) resulting in noncompliance with the dimensional standards established by the approved WSE-O plan.
- Modification of the dimensional standards established by the approved WSE-O plan.
- Modification of the material terms of the associated impact mitigation development agreement, as defined by such agreement.

(F) Administrative Approval of Minor Amendments

Any amendment to the approved WSE-O plan that does not constitute a major amendment, as established in subsection E above, shall be considered a minor amendment and may be reviewed and approved administratively. The DSD Director may, at any time, elevate and application for a minor amendment to the WSE-O plan for hearing by the Planning Commission and Board of County Commissioners.

(G) Review Criteria for Approval of WSE-O Application

(1) Review Standards

In approving a Wind and/or Solar Energy Generation Overlay Plan Map Amendment, the following findings shall be made:

- The application is in general conformance with the El Paso County Master Plan, including applicable Small Area Plans or there has been a substantial change in character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;

- The site is suitable for the intended use(s), including the ability to meet the general development standards of the Land Development Code, except as otherwise amended by the specific overlay zoning district;
- The application is consistent with the specific development standards in the Land Development Code pertaining to wind and/or solar energy generation facilities;
- The application meets the air, water, light, odor or noise standards established by County, State, or federal regulations;
- The proposed use(s) will not be detrimental to the health, safety, or welfare of the inhabitants of the area and the County; and
- The proposed use(s) will not cause undue burden on existing infrastructure.

4.4. OBSOLETE ZONING DISTRICTS

4.4.1. C-1, Commercial (Obsolete)

(A) Purpose

This district is established for the purpose of providing for commercial activities.

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

The allowed, special, accessory, and temporary uses in the C-1 district are shown in the Use Table in Chapter 5.

(C) Use and Dimensional Standards

All uses and development in the C-1 district are subject to the Use and Dimensional Standards in Chapter 5.

(D) General Development Standards

All uses and development in the C-1 district are subject to the General Development Standards in Chapter 6.

(E) Development Standards for Building Walls

The wall of any building shall be constructed of 4 hour fire resistant material if it is located within 3 feet of a side lot line or if it is located within 5 feet of a side lot line where the lot or parcel adjoins a residential district.

(F) Maintenance Plan

A maintenance plan conforming to the requirements of Chapter 6 shall be approved by the DSD Director prior to the issuance of any building permit.

(G) Site Development Plan

Site development plan approval is required for all development prior to authorization of a building permit.

(H) Platting

No building permits shall be granted on any portion of property which is currently zoned C-1 until the property is platted in accordance with this Code, unless otherwise exempted by Statute.

If a property, at the time of its creation, was established in accordance with all applicable subdivision regulations, platting of the property is not required for issuance of a building permit. It shall be the responsibility of the person seeking a building permit to submit the necessary documentation to the DSD to substantiate the legal creation of the property.

(I) Discontinuance of Zoning or Rezoning

No land shall be zoned or rezoned to C-1 on or subsequent to May 1, 1991. All land zoned C-1 on or before May 1, 1991, shall remain zoned C-1 and shall be subject to all the provisions of the C-1 district until such time as the land is either rezoned or annexed.

4.4.2. C-2, Commercial (Obsolete)

(A) Purpose

This district is established for the purpose of providing for large commercial activities.

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

The allowed, special, accessory, and temporary uses in the C-2 district are shown in the Use Table in Chapter 5.

(C) Use and Dimensional Standards

All uses and development in the C-2 district are subject to the use and dimensional standards in Chapter 5.

(D) General Development Standards

All uses and development in the C-2 district are subject to the general development standards in Chapter 6.

(E) Development Standards for Building Walls

The wall of any building shall be constructed of 4 hour fire resistant material if it is located within 3 feet of a side lot line or if it is located within 5 feet of a side lot line where the lot or parcel adjoins a residential district.

(F) Maintenance Plan

A maintenance plan conforming to the requirements of Chapter 6 shall be approved by the DSD Director prior to the issuance of any building permit.

(G) Site Development Plan

Site development plan approval is required for all development prior to authorization of a building permit.

(H) Platting

No building permits shall be granted on any portion of property which is currently zoned C-2 until the property is platted in accordance with this Code, unless otherwise exempted by Statute.

If a property, at the time of its creation, was established in accordance with all applicable subdivision regulations, platting of the property is not required for issuance of a building permit. It shall be the responsibility of the person seeking a building permit to submit the necessary documentation to the DSD to substantiate the legal creation of the property.

(I) Discontinuance of Zoning or Rezoning

No land shall be zoned or rezoned to C-2 on or subsequent to May 1, 1991. All land zoned C-2 on or before May 1, 1991, shall remain zoned C-2 and shall be subject to all the provisions of the C-2 district until such time as the land is either rezoned or annexed.

4.4.3. M, Industrial (Obsolete)

(A) Purpose

This district is established for the purpose of providing for general industrial and manufacturing activities.

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

The allowed, special, accessory, and temporary uses in the M district are shown in the Use Table in Chapter 5.

(C) Use and Dimensional Standards

All uses and development in the M district are subject to the use and dimensional standards in Chapter 5.

(D) General Development Standards

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

(E) Development Standards for Junkyards and Related Uses

All salvage yards, automobile recycling centers, scrap and waste recycling facilities, junk yards or other similarly classified uses shall comply with the standards of Chapter 6.

(F) Maintenance Plan

A maintenance plan conforming to the requirements of Chapter 6 shall be approved by the DSD Director prior to the issuance of any building permit.

(G) Site Development Plan

Site Development Plan approval is required for all development prior to authorization of a building permit.

(H) Platting

No building permits shall be granted on any portion of property which is currently zoned M until the property is platted in accordance with this Code, unless otherwise exempted by State Statute.

If a property, at the time of its creation, was established in accordance with all applicable subdivision regulations, platting of the property is not required for issuance of a building permit. It shall be the responsibility of the person seeking a building permit to submit the necessary documentation to the DSD to substantiate the legal creation of the property.

(I) Discontinuance of Zoning or Rezoning

No land shall be zoned or rezoned to M on or subsequent to May 1, 1991. All land zoned M on or before May 1, 1991, shall remain zoned M and shall be subject to all the provisions of the M district until such time as the land is either rezoned or annexed.

4.4.4. R-4, (Obsolete)

(A) Purpose

The R-4 district is established to provide more flexibility and latitude of design; to provide for a greater variety of principal and accessory uses in the development of land; to address the advantages resultant from technological change; and, to encourage initiative and creative development of parks, recreation areas, and open space.

(B) Allowed Uses

The uses allowed in the R-4 district are those uses listed on the approved development plan on file with the DSD, and those uses identified within the BoCC resolutions adopted in conjunction with R-4 zoning approval.

(C) Use and Dimensional Standards

All uses and development in the R-4 district are subject to the use and dimensional standards in Chapter 5 unless different standards are identified on the approved development plan on file with the DSD. The approved development plan shall control where a conflict exists between the standards in Chapter 5 and those on the approved development plan.

(D) General Development Standards

All uses and development in the R-4 district are subject to the general development standards in Chapter 6 unless different standards are identified on the approved development plan on file with the DSD. The approved development plan shall control where a conflict exists between the standards in Chapter 5 and those on the approved development plan.

(E) Maintenance Plan

A maintenance plan conforming to the requirements of Chapter 6 shall be approved by the DSD Director prior to the issuance of any building permit.

(F) Site Development Plan

Site development plan approval is required for all development, except single family and two family residential uses, prior to authorization of a building permit.

(G) Platting

No building permits shall be granted on any portion of property which is currently zoned R-4 until the property is platted in accordance with this Code, unless otherwise exempted by Statute.

If a property, at the time of its creation, was established in accordance with all applicable subdivision regulations, platting of the property is not required for issuance of a building permit. It shall be the responsibility of the person seeking a building permit to submit the necessary documentation to the DSD to substantiate the legal creation of the property.

(H) Discontinuance of Zoning or Rezoning

No land shall be zoned or rezoned to R-4 on or subsequent to May 1, 1991. All land zoned R-4 on or before May 1, 1991, shall remain zoned R-4 and shall be subject to all the provisions of the R-4 district until such time as the land is either rezoned or annexed.

(I) No Development Except In Accordance with Approved Development Plan

Any land that is zoned R-4 is required to have an approved development plan on file with the DSD. All development is subject to the requirements of the approved development plan and those requirements identified within the BoCC resolutions adopted in conjunction with R-4 approval. In the event that an approved development plan is not on file with the DSD as of the effective date of this Code, development shall not occur on the land unless the land is rezoned.

