

RESOLUTION NO. 12-009

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION TO AMEND TO REMOVE THE FIVE (5) YEAR TIME LIMITATION IMPOSED ON VARIANCES OF USE AND ADMINISTRATIVE SPECIAL USES. THE AMENDMENTS INCLUDE THE FOLLOWING: 1) REMOVAL OF LANGUAGE FROM SECTION 5.3.2.G, SPECIAL USE, ADMINISTRATIVE APPROVAL AUTHORIZED; AND 2) REVISION OF LANGUAGE IN SECTION 5.3.4.E, VARIANCE OF USE, DURATION OF APPROVAL. THE CHANGES ELIMINATE THE AUTOMATIC TIME LIMITS, BUT DO NOT IN ANY WAY RESTRICT THE BOARD OF COUNTY COMMISSIONERS FROM IMPOSING A TIME LIMIT AS A CONDITION OF APPROVAL AND 4.3.4.B OF THE EL PASO COUNTY LAND DEVELOPMENT CODE (LDC-11-4)

WHEREAS, the El Paso County Development Services Department did file a request for approval of Amendments to remove the five (5) year time limitation imposed on variances of use and administrative special uses. The amendments include the following: 1) removal of language from section 5.3.2.g, special use, administrative approval authorized; and 2) revision of language in section 5.3.4.e, variance of use, duration of approval. The changes eliminate the automatic time limits, but do not in any way restrict the board of county commissioners from imposing a time limit as a condition of approval and 4.3.4.b of the Land Development Code as herein described; as well as conforming amendments throughout the Code;

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 15, 2011, upon which date the Planning Commission did by formal resolution recommend approval of the subject amendments; and

WHEREAS, a public hearing was held by this Board on January 12, 2012; and

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

1. That proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County, Colorado.
2. That the hearings before the Planning Commission and the Board were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That all data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet the intent of the General Provisions of the El Paso County Land Development Code.
4. That the proposal shall hereby amend the Land Development Code for El Paso County.

WAYNE W. WILLIAMS El Paso County, CO

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5. That for the above-stated and other reasons, the proposed Amendments are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby Amends the El Paso County Land Development Code, more particularly described in Exhibit A, which is attached hereto and incorporated by reference, as well as conforming amendments through the Code;

BE IT FURTHER RESOLVED that, in the case of any inconsistency with these amendments and any previous Zoning Regulations, these revisions shall prevail;

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

DONE THIS 12th day of January, 2012, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST

By: *A. Williams*
County Clerk & Recorder

By: *Amy Gathen*
Chair