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RESOLUTION NO. 15-004

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

RESOLUTION TO PROHIBIT MARIJUANA CLUBS BY AMENDING TABLE 5-1 PRINCIPAL USES; TABLE 5-2 ACCESSORY USES; SECTION 5.3.1 TEMPORARY USE PERMITS; AND DEFINITIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE (LDC-14-003)

WHEREAS, the El Paso County Development Services Department did file a request for approval of Amendments to Table 5-1 Principal Uses; Table 5-2 Accessory Uses; Section 5.3.1 Temporary Use Permits; and Definitions Of The El Paso County Land Development Code (LDC-14-003) as herein described; as well as conforming amendments throughout the Code to prohibit Marijuana Clubs;

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 18, 2014 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 6, 2015; 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.
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 as more particularly described in Exhibit A, which is attached hereto and incorporated by reference, as well as conforming amendments through the Code;

WAYNE W. WILLIAMS
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El Paso County, CO



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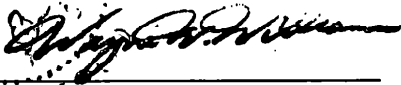
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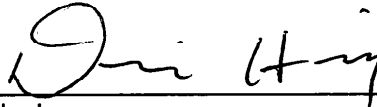
BE IT FURTHER RESOLVED that, in the case of any inconsistency with these amendments and any previous Zoning Regulations, these revisions shall prevail;

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

DONE THIS 6th day of January, 2015 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST

By: _____
County Clerk & Recorder

By:  _____
Chair

Clerk to the Board

The custodian of records and documents of the BoCC.

Clubs

Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, including country clubs and lodges but excluding clubs operated for profit and places of worship or assembly.

Club, Marijuana

Any organization of persons, however otherwise defined or described, formed or operated with a primary or secondary purpose of using or consuming marijuana at a common location and characterized by membership qualifications, dues or regular meetings.

Cluster Development

A design technique which concentrates buildings or lots in specific areas of a site in order to reduce the overall need for infrastructure or to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive or visually significant features.

5.3. STANDARDS FOR REVIEW, APPROVAL, AND ADMINISTRATION OF USES

5.3.1. Temporary Use Permits

(A) Purpose

The temporary use permit is a mechanism by which the County may allow a use to locate on a short term basis and by which it may allow seasonal, short term or transient uses not otherwise allowed. A temporary use permit may be issued to allow for installation of temporary emergency or critical facilities related to a utility or communication site, after any required approval has been granted to establish the permanent facility. A temporary use permit shall not be approved for a marijuana club.

Use Type	Residential Zoning Districts										Industrial Zoning Districts				Site Development Plan Required to Initiate Use?														
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4	Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?	
Club, Marijuana																													
CMRS Facility, Freestanding		S															S	S	S	S	S	S	S	S	S		YES	YES	
CMRS Facility, Stealth	S	A	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A	A	A		YES	YES	
Commercial or Retail as Part of Overall Shopping Center																	A	A	A	A	A	A	A	A	A		YES	YES	
Community Building		S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	S	S	S	A		YES	YES	
Composting Facility																						S			S	YES	YES		
Construction Equipment Storage and Field Offices, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	YES	YES		
Contractor's Equipment Yard																						S	S	S	A		YES	YES	
Convenience Store																	A	A	A	A	A	A	A	A	A		YES	YES	
Copy Shop																	A	A	A	A	A	A	A	A	A		YES	YES	
Dairy		A ³	A ³	A ³																					S			YES	
Dry Cleaning Plant																						A	A	A	A		YES	YES	
Dwelling, Attached Single-Family																										YES	YES		
Dwelling, Detached Single-Family	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		YES	YES	
Dwelling, Multifamily																												YES	
Dwelling, Two-Family	S	A	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		YES	YES	

Notes:
 A = Allowed Use. *S* = Special Use. *T* = Temporary Use
¹Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status
²Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status
³Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status
⁴Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.
⁵A minimum of 1acre is required for a private stable.
⁶Club, Marijuana is prohibited in all zoning districts

