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RESOLUTION NO. 13-099

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

RESOLUTION TO AMEND THE ANIMAL KEEPING ALLOWANCES FOR CHICKENS IN
RESIDENTIAL ZONING DISTRICTS AND MODIFY USE TABLE 5-2 TO ALLOW A HOBBY FARM IN
THE RR2.5 (RESIDENTIAL RURAL) DISTRICT OF THE EL PASO COUNTY LAND DEVELOPMENT
CODE (LDC-13-001)

WHEREAS, the El Paso County Development Services Department did file a request for approval of Amendments to modify the animal keeping allowances for hen chickens in residential zoning district and modify Use Table 5-2 to allow a hobby farm in the RR2.5 (Residential Rural) District 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 February 5, 2013, 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 February 26, 2013; 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, more particularly described in Exhibit A, which is attached hereto and incorporated by reference, as well as conforming amendments through the Code;

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

DONE THIS 26th day of February, 2013, at Colorado Springs, Colorado.

ATTEST:

By:

County Clerk & Recorder

By:

Chair

5.2.5 Animal Keeping

(A) Dogs and Cats

The keeping of more than 4 dogs or cats, in any combination, over 4 months of age, per ownership shall be considered a kennel and shall meet the standards for kennels.

(B) Horses

The keeping of horses shall be considered a private or commercial stable and shall meet the standards for private or commercial stable. No horses shall be kept in any zoning district that does not allow a private or commercial stable.

(C) Livestock

Livestock is allowed in any agricultural zoning district, where the land is classified by this Code as a farm or ranch; or in association with a hobby farm.

(D) Hen Chickens

In a residential zone district allowing less than 2.5 acres, no more than X a reasonable number of hen chickens are allowed per ownership, provided the standards of Section E below are met. No roosters are permitted. In zoning districts where a hobby farm is allowed there is no maximum allowed number of chickens, hen or rooster.

(D)(E) Other Domesticated Animals

In addition to dogs, cats, horses, and livestock, other types of domesticated animals may be kept as a pet in a residential zoning district allowing less than 2.5 acres provided:

- The animals do not exceed 100 pounds in weight each;
- The animals are thoroughly secured within the boundaries of the ownership;
- The animals produce no sounds or smell that may be reasonably regarded as offensive;
- The animals are not exotic, wild or ordinarily considered dangerous; and
- The animals are properly maintained to remain healthy and to prevent the accumulation of wastes.

No more than 2 other domesticated animals shall be located on any ownership except where the other domesticated animals are fish, small reptiles and amphibians, small rodents, or small birds kept within a dwelling unit where there shall be no restriction on the number kept.

(E)(F) No Other Animals Allowed

The keeping of animals, including exotic animals, not qualifying in any of the above categories shall not be allowed.

Amend Table 5.2 Accessory Uses to add Hobby Farm as an allowed accessory use in the RR2.5 District

Hobby Farm

A parcel of land where livestock, animals, or birds are raised or garden crops grown in a manner either incidental to the principal residential use of the property or where the production of livestock or garden crops on the property does not constitute a principal income for the property owner. This would include 4H and similar types of programs.