

**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;

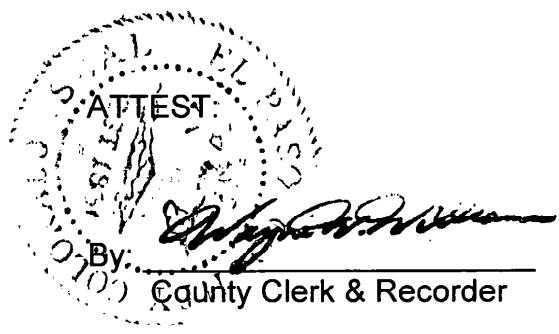
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BE IT FURTHER RESOLVED that, in the case of any inconsistency with these amendments and any previous Zoning Regulations, these revisions shall prevail;

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

By: Joni Hig  
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	Agricultural Zoning Districts	Residential Zoning Districts	Industrial Zoning Districts	Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?	Site Plan Required to Develop - Monitored by MDPD -	Site Specific Use Standards?	Subject to Specific Use Standards?	R-3	C-2	C-3	C-4	C-5	RVP	MHPS	RT	RM-30	RS-5000	RR-0.5	A-35	F-5	RR-2.5	RR-0.5	RS-20000	RS-60000	RS-50000	RM-12	RS-50000	RR-0.5	A-35	F-5	Club Marijuana					
CMRS Facility, Freestanding	\$							S	S	S	S	S	S	S																								
CMRS Facility, Stealth	S A	S S	S S	S S	S S	S S	S S	S 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	A A	A A	A A	A A	A A	A A	A A	A A	A A	YES	YES	YES						
Commercial or Retail as Part of Overall Shopping Center																																						
Community Building	S S	S S	S S	S S	S S	S S	S S	S A	A A	A A	A A	A A	A A	A A	A A	S S	A A																	YES	YES	YES		
Composting Facility																																						
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 T	T T	T T	T T	T T	T T	T T	T T	T T	T T	T T	T T	T T	T T	T T	T T	T T	YES	YES	YES						
Contractor's Equipment Yard																																						
Convenience Store																																						
Copy Shop																																						
Dairy	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>																															YES				
Dry Cleaning Plant																																						
Dwelling, Attached Single-Family																																						
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 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	A A	A A	A A	A A	YES	YES	YES						
Dwelling, Multi-family																																						
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 S	S S	S S	S S	S S	S 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	YES						

Notes:

<sup>1</sup>A = Allowed Use. "S" = Special Use. "T"= Temporary Use

<sup>2</sup>Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status

<sup>3</sup>Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status

<sup>4</sup>Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status

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

<sup>5</sup>A minimum of 1 acre is required for a private stable.

<sup>6</sup>Club Marijuana is prohibited in all zoning districts

1881 6-2 WOODWARD.

Notes

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

AN - Allowance as a special case

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

<sup>2</sup>All accessory uses are subject to the General Accessory Structure and Use Standards in the Use-Specific Development Standards Section of this Chapter.

350 11. Specific Requirements Standards Section of this Charter for specific items included as necessary items in these generalized access

-See Use-Specific Development Standards Section of this Chapter for specific uses included as accessory uses in these generalized accessuses

<sup>4</sup> Accessory use shall be associated with an allowed, special, or temporary principal agricultural use located on the same lot, parcel or tract.

SALES AND PURCHASES OF LAND, BUILDINGS, ETC., WHETHER FOR INDUSTRIAL, COMMERCIAL OR RESIDENTIAL PURPOSES.

Accessory use shall be associated with an allowed, special, or temporary principal commercial or industrial use located on the same lot, per se.

**6 Accessory use** shall be associated with an allowed, special, or temporary principal residential use located on the same lot, parcel or tract.

<sup>7</sup> Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status.

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<sup>9</sup>A minimum of 1 acre is required for a private stable.  
<sup>9</sup>A site plan is only required for accessory structures greater than 120 square feet in area.

<sup>10</sup> A site development plan is required for accessory structures equal to or greater than 50% of the principal building area.

A one development plan is required for each project and the normal standards governing number of employees or daily time

A special use approval is required to exceed the general standards governing number or employees or daily trips.

**12. A site plan may be required in order to verify Code compliance or support issuance of a home occupation certificate**

130(1) Month  
130(2) Month

Club. Marijuana is prohibited in all zoning districts.

**El Paso County Land Development Code  
Table 5-4 b**