



Part I

Section 6

Rezoning Procedures and Requirements



PART I, SECTION 6:

REZONING PROCEDURES AND REQUIREMENTS

A. INTENT

To provide for the orderly, well-informed, properly planned transition of historic land uses within Elbert County to those deemed more desirable or necessary to accommodate residential, commercial, business and industrial growth for the present and future citizens of Elbert County.

B. REZONING PROCEDURE AND SUBMITTAL REQUIREMENTS

Rezoning shall mean a revision to the zoning. Rezoning requests which do not incorporate within them a proposed use or uses, shall not be considered by the County due to lack of important planning data such as water availability, traffic impacts and environmental considerations. Rezoning applications involving 8 or more lots shall be considered only as a PUD and are subject to Elbert County Site Design Standards. Elbert County Site Design Standards are included within the Elbert County Zoning Regulations. (Included in Part II Section 16). Rezoning requests may be initiated by the Board of County Commissioners, Planning Commission, Board of Adjustments or the owner of the parcel of land in question.

1. REZONING REVIEW PROCEDURE

The following steps shall be involved in a rezone review process:

- a. Pre-Application Meeting— This process was developed to improve communication between the applicant and County staff. The intended result is a more efficient application review process. Community & Development Services should be contacted for submittal requirements. A Case Planner will be assigned after the Pre-Application Meeting is held.
- b. Community Meeting - Applicants are required to conduct a community meeting prior to submitting a formal rezoning application. This meeting must be conducted in the general vicinity of the property involved in the rezoning application and serves to provide a forum for information exchange between applicants and citizens. By conducting the community meeting prior to the formal application submittal, it is anticipated that applicants will be able to address community concerns and incorporate community input in the formal application. The presentation at the community meeting is the responsibility of the applicant. A Case Planner will attend the meeting to address procedural matters only. The applicant will be responsible for notifying adjacent property owners within 1,320 feet of the subject property boundary at least fourteen (14) days prior to the community meeting. The subject property must be posted a minimum of ten (10) days prior to the community meeting to inform citizens in the immediate area of the community meeting. Signage location, format, and language will be provided to the applicant by Community & Development Services.



- c. Two Copy Submittal -- Applicants shall meet with a Case Planner to submit two copies of each item that is required to be submitted for the formal application. Case Planner will conduct a review of the information to check for completeness and adequacy. Once the Case Planner determines that the items are complete and adequate, the applicant may proceed with the formal rezoning application submittal.
- d. Formal Rezoning Application Submittal -- The applicant shall submit the completed application, fees, and required support documents in quantities identified by the Case Planner. The Case Planner will review the submittal package for completeness. A submittal package that is not complete in terms of type, quantity, and adequacy of required documents will not be accepted for review. The Case Planner will refer the application and support documents to County Departments and other referral agencies as identified by the Case Planner.
- e. County and Referral Agency Response -- The referral agencies will respond in writing to the applicant's submittal. The Case Planner will collect all referral comments.
- f. Provide Comments to the Applicant -- A summary of staff comments inclusive of other departments and agency responses will be forwarded to the applicant. A meeting between the Case Planner and the applicant may be held to review the referral responses. The applicant may also meet directly with the agency or agencies that have expressed concerns with the application. The Case Planner should be included in any meetings with referral agencies.
- g. Applicant Responds to Comments -- The applicant shall address, in writing, all issues and deficiencies identified by the Case Planner, any other County departments, and any referral agency. To continue the process in a timely manner, the applicant must complete the requested revisions and resubmit appropriate documents for a second review by the Case Planner, other County departments, and any applicable outside agencies as quickly as possible. If there is no written response to staff comments within sixty (60) calendar days after referral comments are provided to the applicant, the application will be considered withdrawn and the application fees forfeited. The applicant will then need to file a new application with the required fees and documents. The Community & Development Services Director may extend this sixty (60) day maximum response deadline for an additional sixty (60) day period, upon written request by the applicant, if, in his or her opinion the delay in response is justifiable. Any additional time required for the response deadline, beyond that granted by the Community & Development Services Director, shall require approval by the Board of County Commissioners.
- h. Staff Review of Revised Submittal and Pre-Hearing Meeting -- At the time of re-submittal of the revised information, the applicant may arrange a pre-hearing meeting with the Case Planner. The pre-hearing meeting is an opportunity for the applicant to receive additional input and explore alternatives with the Case Planner. This input may include re-stating the already established position of staff in regard



to the proposal and/or a discussion of steps involved in completing the proposal. Additional review fees may be charged for re-submittals that do not address previously red-marked prints, comments, and recommendations. Additional fees may also be charged for re-submittals that include new changes that are not in response to staff or referral agency red-marked prints, comments, and recommendations. If there is no written response by the applicant within sixty (60) calendar days of the date that the applicant was forwarded staff comments, the application will be considered withdrawn and the application fees forfeited. The applicant will then need to file a new application with the required fees and documents. The Community & Development Services Director may extend this sixty (60) day maximum response deadline for an additional sixty (60) day period, upon written request by the applicant, if, in his or her opinion the delay in response is justifiable.

- i. Public Hearing Documents Submittal – At such time as the Case Planner deems the application ready for public hearings, or the applicant advises the Case Planner in writing that no further revisions will be made, and the applicant desires to proceed to the Planning Commission and Board of County Commissioners’ public hearings, the applicant shall submit all documents requested by Case Planner necessary for the public hearings.
- j. Planning Commission and Board of County Commissioners’ Public Hearings Scheduled – Following the submittal of all required public hearing documents, the Case Planner will schedule Planning Commission and Board of County Commissioners’ public hearing dates and notify the applicant in writing of the assigned dates. The Board of County Commissioners public hearing shall be a minimum of 21 days after Planning Commission recommendation.
- k. Public Hearing Notification – The applicant will be responsible for preparing and posting the “Notice of Public Hearing” sign on the subject property, preparing and publishing the “Notice of Public Hearing” in a newspaper of general circulation, and mailing the “Notification of Adjacent Property Owners” letters, per the requirements of Part I, Section 6, “Rezoning Procedures and Requirements” section of these regulations.
- l. Planning Commission Public Hearing – The Planning Commission shall review the request, staff report, other evidence, and public testimony. The Planning Commission shall recommend approval, conditional approval, or denial of the rezoning to the Board of County Commissioners. The Planning Commission may continue a request for a period of time not to exceed six (6) months from the completion of the presentation by the applicant at a public hearing.
- m. Board of County Commissioners’ Public Hearing – The Board of County Commissioners shall review the request, staff report, other evidence, and public testimony at one or more public hearings. Upon conclusion of the presentation of testimony and evidence in the hearing(s) before the Board of County Commissioners, the Board may render a decision which approves, conditionally



approvals, or denies the rezoning application; unless the Board continues the case for further testimony and/or decision for a period of time not to exceed six (6) months from the date of the scheduled hearing.

- n. Recordation of the Rezone Exhibit – Not more than one hundred eighty (180) days after approval of the Zoning change, the applicant shall **complete the “conditions of approval”** for recording. The mylars will include a sign-off for Elbert County Engineering, Community Development Services, Planning Commission, Board of County Commissioners and Elbert County Clerk & Recorder. If the plat is not ready for sign-off within the one hundred eighty (180) day period, the Zoning change approval shall automatically be rescinded as of the last day of the one hundred eighty (180) day period.

If the Zoning change will not be ready for recording within the one hundred eighty (180) day period, the applicant may make written request, (prior to the 180th day), to the Director of Community & Development Services for an extension of ninety (90) days in which to satisfy / complete the “conditions of approval” for recording, showing good and just cause for the need of said extension. If granted, the applicant shall have an additional ninety (90) day period in which to complete the “conditions of approval.”

If the “conditions of approval” are not completed for recording during the ninety (90) day extension period, the Zoning change approval shall automatically be rescinded as of the last day of the extension period. (270th day)

Upon written request within thirty [30] days of the original or extended expiration date by the applicant, the Board of County Commissioners may reinstate the Zoning change, however, the Zoning change will now be subject to a **reinstatement fee equal to at least one half the original “BASE” fee and concurrence with any Master Plan updates and regulation updates that may have occurred since the project was initiated.**

The applicant, at this point, shall be required to resubmit the Zoning change to the Planning Commission and Board of County Commissioners for approval at duly noticed public hearings. Written justification for failure to complete the “conditions of approval,” must accompany the resubmitted Zoning change, and will be taken into account at the hearings. Following expiration of the reinstatement period, only a new application and new fees would be accepted for processing.



2. SUBMITTAL REQUIREMENTS

The following materials shall be submitted for Rezoning applications. Initially, two hard copies and one digital copy of each document shall be submitted by the applicant for review by Community & Development Services. At such time as the documents are deemed adequate by the reviewing Case Planner, additional copies will be requested by the assigned Case Planner. The Director of Community & Development Services (Planning Director) may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- a. Land Use Application Packet
 - Completed application form (provided by Community & Development Services) with original signatures and notary public seal.
 - Cover Letter – Which includes the name, address, and phone number of the property owner and representative; and a brief description of the proposal.
 - Disclosure Letter (provided by Community & Development Services) with original signatures and notary public seal
 - Application Agreement Form (provided by Community & Development Services) with original signature from the applicant or the applicant's authorized representative.
 - Statement of Taxes – Proof of taxes current as of land use application submittal date.
- b. Proof of ownership – copy of a recorded deed or title policy
- c. Fees – The application submittal must be accompanied by the appropriate fees. The costs of consultant and referral agency review are the responsibility of the applicant. The County will require payment of County consultant review fees, based upon estimated consultant review costs, at the time of application. These costs are in addition to the application fees.
- d. Development Guide (For PUD Zoning only) – (see Part II, Section 16 Planned Unit Development Zone District-PUD)
- e. Rezone Exhibit – All sheets shall be in 24" X 36" format. The following information and standards shall apply to the Rezone Exhibit:
 1. A margin, at least 1" on all sides, except the left-hand margin shall be a minimum of 2";
 2. The name of the Rezone Exhibit, centered on the upper portion of each sheet;



3. The sheet number in the lower right hand corner of each sheet (Sheet 1 of _____);
4. Case # _____ in the upper right corner of each sheet;
5. Rezone Exhibit notes and information shall be included on the first sheet of the Rezone Exhibit, with lettering being a minimum font size of 12 point. (Note: For processing purposes, the textual information may be prepared on 8 1/2 " X 11" paper format);
6. Legal Description - A legal description of the property designated as a lot, block, or tract on a recorded plat or a metes and bounds description;
7. Vicinity Map - Vicinity map shall be provided that locates the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, major roads within 2 miles of the subject property and the proposed access to the property;
8. Names, addresses, and phone number of owner, representative, and individual/firm preparing the document;
9. Site Plan - Shall include information regarding the layout of proposed land use areas; buildable and non-buildable areas, hazard areas, open space, easements (indicate Reception # and Book Number and Page Number, if applicable), etc;
10. The following signature blocks shall be included on the Rezone Exhibit:

Community and Development Services

This Rezone Exhibit was reviewed and approved by Community and Development Services on the _____ day of _____, year _____, A.D.

Community and Development Services Director

Planning Commission

This Rezone was reviewed by and recommended for approval by the Elbert County Planning Commission on the _____ day of _____, year _____, A.D.

Chairman, Planning Commission



Board of County Commissioners

This Rezone was reviewed and approved by the Elbert County Board of County Commissioners on the _____ day of _____, year _____, A.D.

Chairman, Board of County Commissioners

Clerk and Recorder's Certificate

I hereby certify this Rezone Exhibit was filed in my office on this day of _____, in the year _____, A.D. at _____ A.M. / P.M. and was recorded at Reception Number _____.

County Clerk and Recorder

Owner's Certificate:

(Use the appropriate certificate for an individual owner, multiple owners, or corporation)

(Individual)

I, _____, as owner of the land affected by this Rezoning, accept and approve all conditions set forth herein.

Owner: _____

Date: _____

(Signature)

(Name Printed)

(Multiple Owners)

We, _____ and _____, as owners of the land affected by this Rezoning, accept and approve all conditions set forth herein.

Owners: _____ Date: _____
(Signature)

(Name Printed)

(Signature) Date: _____

(Name Printed)

(Corporation)

_____ as owner of the land affected by this Rezoning, accept and approve all conditions set forth herein.

_____ as president of _____
(Name Printed) _____ (Signature)

Date: _____

_____ as secretary of _____
(Name Printed) _____ (Signature)

Date: _____

15. Existing easements shall be shown on the site plan with reception # and book and page reference, their use, and whether or not the easement will remain on the subject property.
 16. All existing structures on the subject property shall be shown with setbacks from the property line with a note indicating as to whether or not the structures will remain on the subject property.
 17. Topography of the site shall be shown at ten (10) foot contour intervals. Areas of twenty percent (20%) slope or greater shall be noted.
 18. Access to the site from a dedicated County right-of-way shall be shown graphically. Internal vehicular and pedestrian circulation shall be shown with right-of-way and trail widths indicated.
 19. All natural and man-made water courses, detention areas, streams/creeks, and lakes shall be shown. Any 100-year flood plains affecting the property shall be indicated.
 20. All adjacent land owned by the applicant or owned by an entity that the applicant is a party to, that is not a part of the application, shall be noted and a note indicating the current and intended use of the land shall be included.
 21. No-build areas that restrict building in hazardous areas shall be indicated.
 22. Significant treed areas on the subject property shall be indicated.
- f. Proof of Water – A written statement shall be provided from an existing water district or proof that an adequate water supply is dedicated for the proposed uses that meet all County and State requirements.
- g. Proof of Sanitary Sewer -- A written statement shall be provided from an existing sanitary sewer provider or proof that an adequate system will be developed for sanitary sewer treatment that meets all Elbert County Environmental Health Department, Elbert County Engineer, and State requirements. Proposed individual Septic Provisions must meet the recommendations of the Elbert County Master Plan.
- h. Drainage Report – At a minimum, a Phase I Drainage Report, in compliance with the Elbert County Construction Standards and Specifications Manual shall be submitted, if the County Engineer deems the report necessary.
- i. Geologic Report -- If the subject property is located within an area that contains expansive soils or other geologic hazards, a geologic report may be required by the County Engineer or Colorado Geologic Survey.



- j. Traffic Study -- A traffic study may be required for developments, subject to determination by the Elbert County Road & Bridge Department or the County Engineer.
- k. Additional Requirements -- In certain circumstances, additional information may be necessary to fully evaluate the rezoning request. The applicant will be informed of any additional requirements during the review process.

No hearing dates will be scheduled for an applicant if it is discovered that fees or taxes are owed to the County or to a County contracted reviewing agency during review of the application. Any fees or taxes owed by the applicant, or by an LLC the applicant is a party to, must be paid in full before hearing dates will be scheduled.

General Considerations for Every Application

In addition to the specific minimum design standards set forth herein, and as discussed in the Elbert County Master Plan, all applications will be reviewed based on over-arching considerations as to suitability and supportability in the communities/areas where the application is proposed. For example:

- 1. Is the application suitable for the community/area in which it is proposed?

In reviewing how the application will impact the community/area in which it is proposed the general types of issues to be considered include, for example:

- Density
- Lot Size
- Perimeter Lots
- Population
- Water use
- Water/Sewer
- Open Space
- Agricultural lands



2. Does the community/area in which the application is proposed have the resources to support it?

In reviewing whether the community/area has the necessary resources and infrastructure to support the application, the general types of issues to be considered include, for example:

- Schools
- Roads
- Law Enforcement
- Animal Control
- Fire Protection
- Ambulance Services
- Library Services
- Social Services

GENERAL REZONING APPROVAL STANDARDS

The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Planned Unit Development applications:

1. Whether the proposed rezoning complies with the goals and policies of the Elbert County Master Plan.
 2. Whether the proposed rezoning is compatible with surrounding land uses.
 3. Whether the proposed rezoning would adversely impact the provision of public services.
 4. Whether the proposed rezoning would adversely impact the environment.
 5. Whether the proposed rezoning would create traffic congestion or burden the existing road system.
 6. Whether the proposed rezoning will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.
3. Notice of Hearing
 - a. Publication
At least thirty (30) days prior to a public hearing before the Planning Commission, notice of hearing shall be published in a newspaper of general circulation in Elbert County at least once. Publication of said notices shall be the responsibility of the applicant and shall read as follows:..



"NOTICE OF PUBLIC HEARING"

"Rezoning from ___ to ___"

"Notice is hereby given that on _____ (day of week), _____ (month) _____ (year), at _____ (time A.M./P.M.), or as soon as possible thereafter, a Planning Commission Hearing will be conducted and on _____ (day of week), _____ (month) _____ (year), at _____ (time A.M.), or as soon as possible thereafter, a Board of County Commissioners hearing will be conducted. Hearings will be conducted in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado or at such other time and place as these hearings may be adjourned. Public hearings will be heard upon the application on file with the Elbert County Community and Development Services, 215 Comanche (Courthouse Annex), Kiowa, Colorado, 303-621-3136, by _____ (name of applicant), for a change in zoning pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately _____ (distance and direction from nearest major intersection)."

Reason: _____

Project Name and Number: _____

Legal Description of Property: _____

Date of Application: _____

Published In: _____ (name of newspaper)
_____ (date of Publication)

*Publishers affidavit verifying the above publication shall be submitted to Community and Development Services at least five (5) working days prior to the public hearing.

b. Sign Posting

The applicant shall also be required to post notice on the property for which the rezoning is requested at least thirty (30) days prior to the day of the public hearing before the Planning Commission. Such notice shall consist of at least one (1) sign facing parallel to each adjacent road right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'); size of letters shall be a minimum of three inches (3") high and such signs shall be erected no further than ten feet (10') beyond the edge of the adjacent right-of-way on posts which shall locate the bottom of the sign no less than three feet (3') above the ground. All signs shall be clearly legible to persons on the adjacent right-of-way and shall be completed and installed in a neat and professional manner. All signs shall be visible and legible throughout the entire period, and shall read as follows:



"NOTICE OF PUBLIC HEARING"

"Rezoning from _____ to _____."

"Notice is hereby given that the property upon which this sign is posted shall be considered for a change in zoning from _____ to _____ pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling Community and Development Services 303-621-3136. The Planning Commission hearing is to be held on _____ (day of week), _____ (month) _____ (year), at _____ (time A.M./P.M.), or as soon as possible thereafter, and a Board of County Commissioners hearing will be conducted and on _____ (day of week), _____ (month) _____ (time), or as soon as possible thereafter. Said hearings are to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Name of Proposal: _____

Further requirements include:

- 1) Notarized affidavit verifying the date of the sign posting required at least thirty (30) days prior to the hearing date.
- 2) This affidavit must be submitted to Community and Development Services at least twenty-four (24) days prior to the Public Hearing date.
- 3) All signs must remain on the property until the final hearing, and must be removed no later than seven (7) days following the final hearing.
- 4) Signs advertising the rezoning of property in Elbert County must be photographed and submitted for the applicant's file in Community and Development Services as per the following form:



(ATTACH PHOTO HERE)

The above sign was posted on _____, pursuant to the current Elbert
County Zoning Regulations by _____ (name of applicant).

Project Name and Number: _____
Signature of Applicant/Representative: _____
Signed and sworn before me this date: _____

NOTARIZED BY:

Project Review:

- c. Notification of Adjacent Property Owners
At least thirty (30) days prior to the day of the Public Hearing before the Planning Commission, the applicant shall mail a notice of said hearing by Certified Mail, Return Receipt Requested, to owners of property adjacent to and within thirteen hundred twenty feet (1320') of the property under consideration for the rezoning and to the mineral right's owners and lessees and easement holders, as shown in the records of the Office of the Elbert County Assessor. When owners of property adjacent to and within thirteen hundred twenty feet (1320') of the property under consideration for rezoning are related to, or a business associate of the applicant, the applicant shall then notify by return, receipt mail all property owners in closest proximity north and south and east and west that are not related to, or a business associate of, the applicant.

- 1) At least twenty-four (24) days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to Community and Development Services the following: The white postal receipts for Certified Mail mailed to the adjacent property owners and the property owners within thirteen hundred twenty feet (1320') of the proposed site as required by these Rezoning Procedures and Requirements; a copy of the note mailed to said property owners; A list, in alphabetical order, of the adjacent property owners and a map illustrating the location and proximity of the adjacent property owners and property owners within thirteen hundred twenty feet (1320') of the proposed site.
- 2) At least five (5) working days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to Community and Development Services, the green postal Domestic Return Receipts mailed to the adjacent property owners and property owners within thirteen hundred twenty feet (1320') of the proposed site as required by these Rezoning Procedures and Requirements.

C. A-1 REZONING PROCEDURE (Exemptions from the Regular Rezoning Process)

1. Required Submittal Information for A-1 Rezoning: Applicants shall provide such information as deemed necessary by Community and Development Services. Such information shall include, but not be limited to:
 - a. Proof of ownership: Copy of deed, title policy or other sufficient information.
 - b. Comment on the adequacy of emergency access from the fire district: May be a letter from the appropriate fire district acknowledging the access.
 - c. Proof of a weed control and grazing plan: May be addressed in the Covenants or submitted separately to Community and Development Services.
 - d. A road permit will be required for any Rezoning which creates two (2) or more parcels accessing the same drive. The road permit procedures will be followed as provided by the Elbert County Road and Bridge Department.
 - e. A Land Survey Plat submitted in accord with the rezoning Plan Exhibit requirements in Part I, Section 6, B, 1, b, 4) of the Elbert County Zoning Regulations. Signatures shall be provided prior to recordation.
 - f. Fee: See current fee schedule.
 - g. A rezone narrative submitted in accord with the rezoning narrative requirements in Part I, Section 6, B) of these Regulations.
2. Criteria for Approving or Disapproving A and A-1 Rezoning Developments: Community and Development Services shall make written recommendations and findings of fact as to the consistency of the application with A or A-1 rezoning procedures as documented in the Elbert County Zoning Regulations. The applicant may respond to such recommendations and findings.

The Planning Commission, at a duly noticed public hearing, shall consider the recommendations of Community and Development Services in their review of the application.

3. Procedure:

- a. Formal submittal to Community and Development Services, including completed application form, appropriate supplemental information and fee.
- b. Community and Development Services Staff shall review the proposal within five (5) working days to determine the completeness of the application.
- c. At least fourteen (14) days prior to a public hearing before the Planning Commission and Board of County Commissioners, notice of hearing shall be published in a newspaper of general circulation in Elbert County at least once. Publication of said notice shall be the responsibility of the applicant and shall read as follows:

"NOTICE OF PUBLIC HEARING"

"Rezoning from ___ to ___."

"Notice is hereby given that a Planning Commission Hearing will be conducted on _____ (day of week), _____ (month) _____ (time), or as soon as possible thereafter, and a Board of County Commissioners hearing will be conducted and on _____ (day of week), _____ (month) _____ (time), or as soon as possible thereafter, in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as these hearings may be adjourned. Public hearings will be heard upon the application on file with the Elbert County Community and Development Services, 215 Comanche, Courthouse, Kiowa, Colorado, 303-621-3136, by _____ (name of applicant), for A or A-1 rezoning pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately _____ (distance and direction from nearest major intersection) ."

Reason: _____

Project Name and Number: _____

Legal Description of Property: _____

Date of Application: _____

Published in: _____ (name of newspaper),
 _____ (date of Publication).

*Publishers affidavit verifying the above publication shall be submitted to Community and Development Services at least five (5) working days prior to the public hearing.

- d. The applicant shall mail a written notice of said hearing by certified mail, return receipt requested, at least fourteen (14) days prior to the hearing date before the Planning Commission, to the adjoining property owners of the property for which an A to A-1 rezoning has been requested. The names and addresses for those properties affected shall be obtained from the current records of the Elbert County Assessor's Office.



e.

- 1) At least five (5) working days prior to the date of the public hearing before the Planning Commission, the applicant shall submit to Community and Development Services, the following: The white postal receipts for Certified Mail mailed to the adjacent property owners of the proposed site as required by these A or A-1 rezoning procedures and requirements; a copy of the notice mailed to said property owners; a list, in alphabetical order, of the adjacent property owners of the proposed site and a map illustrating the location and proximity of the adjacent property owners. When a notice is mailed to a property owner at an address other than the property adjoining or adjacent to the A-1 development, the applicant shall match notification with lot and block number, legal description or other manner which clearly locates the notified parties.
- 2) The day of the Public Hearing before the Planning Commission, the applicant shall submit to Community and Development Services, the green postal Domestic Return Receipts mailed to the adjacent property owners of the proposed site as required by these A or A-1 rezoning procedures and requirements.

f. Community and Development Services may require additional public notice prior to any determination by the Planning Commission, in a manner consistent with the laws of the State of Colorado, which may include posting of the property. Such notice shall be posted fourteen (14) days prior to the day of the public hearing before the Planning Commission. Such notice shall consist of at least one (1) sign facing parallel to each adjacent road right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'); size of letters shall be a minimum of three (3) inches high and such signs shall be erected no further than ten (10) feet beyond the edge of the adjacent right-of-way on posts which shall locate the bottom of the sign no less than three (3) feet above the ground. All signs shall be clearly legible to the persons on the adjacent right-of-way and shall be completed and installed in a neat professional manner. All signs shall be visible and legible throughout the entire period and shall read as follows:

"NOTICE OF PUBLIC HEARING"

"Rezoning from _____ to _____."

"Notice is hereby given that the property upon which this sign is posted shall be considered for a change in zoning from _____ to _____ pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling Community and Development Services 621-3136. The Planning Commission hearing is to be held on _____ (day of week), _____ (month) _____ (year), at _____ (time A.M./P.M.), or as soon as possible thereafter, and a Board of County Commissioners hearing will be conducted and on _____ (day of week), _____ (month) _____ (year), or as soon as possible thereafter. Said hearings are to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Name of Proposal: _____



Further requirements include:

- 1) Notarized affidavit verifying the date of the sign posting required the day of the hearing.
- 2) Signs advertising the A-1 rezoning property in Elbert County must be photographed and submitted for the applicant's file in Community and Development Services Offices. The following form shall be used:

(ATTACH PHOTO HERE)

The above sign was posted on _____, pursuant to the current Elbert County Zoning Regulations by _____ (name of applicant).

Project Name and Number: _____

Signature of Applicant/Representative: _____

Signed and sworn before me this date: _____

NOTARIZED BY:

Project Review: _____

4. Following approval by the Board of County Commissioners, the applicant will submit the rezoning exhibit to the Elbert County Clerk and Recorder's Office for recordation.



D. A AND A-1 ZONE DISTRICT ADMINISTRATIVE LOT LINE ADJUSTMENT PROCESS

The following administrative process will be used for a lot line adjustment where both of the properties are either zoned A and/or A-1 and where both property owners are agreeable to the lot line adjustment affecting both of their properties and where no change in zoning will take place:

1. The Board of County Commissioners will delegate the review and approval of lot line adjustments for properties in the A and/or A-1 zoning districts to an administrative process to be conducted within Community and Development Services.
2. The following specific conditions must be met in order to apply for an administrative lot line adjustment process:
 - a. Both properties are zoned A and/or A-1.
 - b. Both property owners are agreeable to the lot line adjustment affecting both of their properties.
 - c. No change in zoning will take place on either property.
3. The applicant will be responsible for the following documentation and fees.
 - a. Completed Land Use Application for applicable sections, signed by both property owners.
 - b. Narrative which contains:
 - description of the lot line adjustment
 - reason for the lot line adjustment
 - proof of ownership
 - c. Site Plan - prepared according to the rezoning exhibit standards.
 - d. Fee - see current fee schedule.
4. The Elbert County Administrative Hearing Officer will make a determination on the request for an Administrative Lot Line Adjustment after review of submitted documentation and determination of completeness at an Administrative Hearing conducted by Community and Development Services.
5. The applicant will record the Site Plan with the Elbert County Clerk and Recorder within thirty (30) days of Administrative Lot Line Adjustment approval.