



Part II

Section 18

Uses Not Itemized

PART II, SECTION 18: USES NOT ITEMIZED

A. INTENT

1. Uses not itemized or not reasonably similar to listed uses in the appropriate zones, shall not be allowed unless and until the use is interpreted by the County in the manner provided for in this Section.
2. The Board of County Commissioners, after review and recommendation by Community and Development Services and Planning Commission, may by resolution add to the uses listed for a zone which conforms to the conditions set forth in the following special findings.
 - a. Such use is not listed or similar to any other use.
 - b. Such use conforms to the basic requirements and characteristics of the use category to which it may be added.
 - c. Such use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare, traffic hazards or other objectionable influences than normally resulting from the other uses listed in the zone to which it is to be added.
3. When the Board finds that the proposed use meets the established criteria noted and any other reasonable conditions the Board may deem advisable, such use shall be considered to be listed in the appropriate zone and shall be added thereto in the published text of this Regulation at the first convenient opportunity.

B. PROCEDURE

1. The applicant, or his authorized representative, shall informally contact Community and Development Services to determine if the intended use is itemized or similar to listed uses. Community and Development Services shall advise him of the procedure in requesting the Board of County Commissioners to make a determination on the intended use.
2. The applicant, or his authorized representative, shall make a formal application to Community and Development Services by submitting the following:
 - a. A completed application.
 - b. Appropriate fee.
 - c. A letter describing the intended use, the proposed site and any other information requested by staff which would help clarify the proposed use.
3. Community and Development Services shall review the proposal within ten (10) working days. When staff determines the application to be complete, the proposal shall be scheduled before the Planning Commission and the Board of County Commissioners.



- 4. At least thirty (30) 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 one publication of said notice shall be the responsibility of the applicant and shall read as follows:

"NOTICE OF PUBLIC HEARING"

"Uses not itemized _____."

"Notice is hereby given that on _____ (day of week) _____ (month & date) 20__, 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 and date), 20__, at _____ (time-AM/PM), 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, Courthouse Annex, Kiowa, Colorado, 621-3136, by _____ (name of applicant) for an interpretation of a use not itemized in the current Elbert County Zoning Regulations, said use being _____ (description of use)."

Project Name and Number: _____

Date of Application: _____

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

- 5. The Planning Commission shall review the proposal, staff recommendations and any other appropriate materials and make a recommendation to the Board of County Commissioners as to which zone category the use should be permitted, whether the use should be permitted by right or special review, and what conditions, if any, should be placed on the proposed use.
- 6. At the meeting for the Board of County Commissioners, the Board shall review all pertinent materials and recommendations and make a determination on the proposed use.
- 7. Community and Development Services shall notify the applicant in writing within a reasonable time period after the Board of County Commissioners meeting stating the action on the proposed use.