PART II, SECTION 28: Economic Development Zone (EDZ) Overlay

A. PURPOSE AND INTENT

1. The Economic Development Zone (EDZ) Overlay is to facilitate the implementation of goals and policies of the Elbert County Master Plan and to promote economic activity and mixed uses along select Elbert County travel corridors. The EDZ is linked to the Economic Development goals identified in the 1996 Elbert County Master Plan (amended in 2009), to Elbert County’s high traffic corridors as defined by the West Elbert County Transportation Master Plan of 2008 and other corridors identified by the County. High traffic corridors form the foundation from which to expand economic opportunity, increase assessed values and improve local services.

B. DEFINITIONS

1. Appropriate Buffering: The act of minimizing one parcel’s impact(s) from that of another parcel in the same vicinity. Appropriate Buffering may include separation by distance, vegetation, natural topography, walls, or site design features.

2. High Traffic Corridors: Roadways, parts of roadways or intersections identified in the 2008 West Elbert County Transportation Master Plan as having 2,500 or more trips per day in 2008 and 15,000 trips by the year 2035 as adjusted to recognize that the Kiowa-Bennett Road is now a high traffic corridor.

3. Site Plan/Site Development Plan (SP/SDP): As defined in the Elbert County Zoning Regulations (ECZR), Part II, Section 25, as amended as a formal administrative process.

C. APPLICABILITY

1. The Lands within Economic Development Overlay Zone are comprised of corridors and nodes which are described below. Specific boundaries of each corridor and node will be identified on an Economic Development Overlay Zone Map.

2. EDZ Corridors are generally intended to be located within 1,320 feet of the centerline of identified roads, have street frontage onto the subject roads and have legal access to:

   a. Elbert County Road 1 (Delbert Road) from County Road 194 south to State Highway 86.
b. Elbert County Road 166 (Singing Hills Road) between the Douglas/Elbert County Line and Elbert County Road 29.

c. Elbert County Road 158 (Hilltop Road) between the Douglas/Elbert County Line and Elbert County Road 13.

d. Elbert County Road 13 from the municipal boundary of the Town of Elizabeth to Elbert County Road 166.

e. Colorado State Highway 86 from the Douglas/Elbert County Line to Comanche Creek Road, except within the municipal boundaries of the Town of Elizabeth and the Town of Kiowa.

f. Elbert County Road 194 from the Douglas County/Elbert Line to Kiowa-Bennett Road.

g. All of US Highway 24 within Elbert County, except within the municipal boundary of the Town of Simla.

h. Kiowa-Bennett Road from the municipal boundary of the Town of Kiowa north to the Arapahoe/Elbert County line.

i. Interstate 70 within two miles of the Town of Limon. Lands located between Agate and north to the Arapahoe/Elbert County Line including Old US Highway 40 to be recognized as a frontage road.

3. EDZ Nodes are focused around key intersections and corridors in an effort to ultimately create community employment/retail centers. Nodes are located where opportunities for new economic activities are desirable and encouraged. The Elbert County Board of County Commissioners (BOCC) may identify and approve additional nodes to be created as the demand arises in areas where limited availability of EDZ lands exists.

4. After the adoption of the Zoning Map that provides the initial EDZ corridors established by the Board of County Commissioners, a property owner may request that a property contiguous with an EDZ zoned property and/or any property not currently mapped or identified to be located within the recognized corridors is eligible to request inclusion of such property in the EDZ. A property need not be contiguous to a previously approved EDZ overlay area.

a. An inclusion request is subject to approval by the BOCC.

b. Property owners seeking to obtain an EDZ property inclusion will submit an application to the Elbert County Community and Development Services
(CDS) Director describing in detail the proposed EDZ location, use and potential impacts including a detailed description of proposed development/economic activity for the property, complete with an evaluation of identified area potential impacts including environmental, traffic and effect to adjacent properties. CDS shall review the submitted application and the Planning Commission shall hold a hearing within 45 days of submittal of the application and make an appropriate recommendation to the Planning Commission for their review and subsequent recommendation to the BOCC.

c. BOCC approval of inclusion of the identified property enables the applicant to request the optional EDZ uses. The property owner may proceed with a Site Plan application request containing that use after and if a rezoning has been approved by the BOCC.

d. The Elbert County Zoning Map will be updated to include the subject property within the EDZ overlay.

e. If the BOCC determines that a property inclusion is not appropriate, the applicant may submit an application utilizing the regular Elbert County rezone process.

5. Exclusions and future requests to include property in the EDZ overlay

a. Platted residential subdivisions or existing residential Planned Unit Development (PUD) developments within the identified corridors are excluded (not a qualified property) from the EDZ District and the opportunity to utilize it. The EDZ does not apply to any lands that lie inside of the municipal boundaries of the towns of Kiowa, Elizabeth or Simla.

b. A property owner may request that a property contiguous with an EDZ zoned property and/or adjacent to a County Road not currently zoned EDZ, be rezoned to EDZ. A rezone application shall be submitted to the Elbert County CDS Department and processed through the regular owner initiated rezone process. The BOCC will determine, pursuant to a recommendation from CDS and Planning Commission, if the EDZ district is appropriate for the identified lands.

D. UNDERLYING ZONING
1. The EDZ lies on top of an underlying zone district as identified by the Official Zoning Map. The underlying zone district remains valid. All lands within the EDZ retain the rights associated with their underlying zone district. Qualified Property owners within the EDZ have the option of choosing to follow the zoning requirements established by the underlying zoning or following the requirements of the EDZ. The underlying zoning district requirements are described in the Elbert County Zoning Regulations.

E. SITE PLAN AUTHORIZATION REQUIRED

1. Site Plan approval is required prior to development or initiation of any Use Permitted by Right within the EDZ. Uses Permitted by Special Review within the EDZ District are required to obtain approval of the BOCC.

2. Uses permitted by right associated with the underlying zoning are subject to the approval requirements, if any, of the underlying zone district.

3. Compliance with all adopted codes including, but not limited to, building, access, parking and fire codes is required.

4. Proof of fire protection and service. When a property is located within a fire protection district, a letter from that district indicating that they will provide service to the property is required. If the property is located outside a fire protection district, a contract with a district providing for fire protection to the property in question will be required in addition to the form explained below. A Fire Prevention and Safety Agreement form, provided to the applicant from the Elbert County Community Development Services Department will need to be executed by the applicant and the proper fire district representative. This form is to prove fire service availability and that an applicant understands the fire district requirements and that initial discussions were held with the Fire District. The applicant shall submit the executed form as part of their formal Site Plan application.

5. Elbert County has entered into Cooperative Planning Agreements (IGA) with incorporated towns/municipality located within the County that defines a referral process for all planning and zoning applications submitted to the County for lands located within three miles of current town borders (three-mile area). Implementation of a referral process will occur when the County receives a Land Use Application for a proposed development of land(s) located within the three-mile area. A form provided by the Elbert County Community and Development Services Department (CDS), and executed by the applicant will be forwarded by
CDS to the appropriate town. The town will then have up to 90 days to advise the County and the applicant regarding the town’s intention to annex the property and process the application.

After the 90-day period, the applicant may return to the County to advise that the applicant was unable to secure a commitment from the Town to annex the property. The County would then have the option to process the application in accordance with its existing Regulations.

F. POTENTIAL SUBDIVISION OF LAND

1. EDZ boundaries are zoning boundaries and do not establish legal lot lines or ownership boundaries. Creation of legal lots requires the County’s approval following the processes defined in the Elbert County Subdivision Regulations.

G. EDZ STANDARDS

1. Appropriate Buffering Between Varying Uses: Visual, landscape, spatial and other buffering tools shall be required between existing residential development and any use permitted in the EDZ. Buffering requirements shall be identified at the Site Plan stage including an implementation plan before initiating any allowed EDZ permitted use.

2. EDZ Uses by Right: The following are uses by right on the lands within the EDZ overlay district. Unless otherwise noted, initiation of these uses will require the approval of a formal administrative Site Plan. Access, parking, and life-safety standards may limit or include special requirements prior to approval. The Public Works Director shall determine if a traffic study is required to evaluate access and safety considerations.

   a. Automobile/RV/Boat/Farm Equipment/ATV Sales & Service. Requires a permanent building serviced by water and sanitation systems.

   b. Bank or Financial Institution

   c. Bar or Lounge

   d. Bed and Breakfast

   e. Building Materials – retail, wholesale, or both

   f. Church
g. Club or Country Club

h. College or University

i. Community Garden – Public

j. Cultural Facility

k. Day-care Center

l. Fire Station

m. Greenhouse

n. Hotel, Motel

o. Indoor Equipment Service, Repair, or both

p. Light industrial or manufacturing operation that does not emit excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise

q. Library

r. Mini or self-storage

s. Museum

t. Neighborhood grocery/convenience store with or without fuel.

u. Office – General, Medical, Urgent Care, Professional, Government

v. Outdoor RV/Boat/Auto/ATV Storage

w. Park, Playground, or both

x. Parking Lot – Public or Private

y. Post Office

z. Product Distribution, Storage (including agricultural)

aa. Recreation Facility

bb. Residence – Multi-family or Single-family (Site Plan not required for Single-family)

cc. Restaurant – Traditional or Fast Food Restaurant including drive-up facilities
dd. Retail Business, Service Business, or both – Indoor or Outdoor including Home Improvement Centers

ee. Retreat/Lodge

ff. Sales Office – temporary

gg. School – private or public K-12

hh. Seasonal Use Theatre – Indoor or Outdoor

ii. Senior Living Center

jj. Sheriff Station

kk. Training Facility for Horses, Riders, or both

ll. Veterinary Clinic or Hospital

mm. Warehouse

3. Accessory Uses: The following Accessory Uses are allowed when a Principal Use from the preceding list has been established with the exception of agricultural uses on agriculturally zoned lands.

   a. Residential Accessory Uses:

      1. Animals – Densities and animal units shall not exceed those included in the underlying zone district as described in ECZR Part II, Section 23 as amended.

      2. Caretaker, owner or employee Residence.

      3. Home Occupation (refer to Part II, Section 22 of the ECZR as amended).

   b. Non-residential Accessory Uses:

      1. Accessory uses and buildings that support a permitted use on the property.

      2. Screened Storage Area.

4. Uses Permitted By Special Review within the EDZ: The following uses are permitted in accordance with the requirements of Part II, Section 17 Uses Permitted by Special Review of the Elbert County Zoning Regulations on EDZ
lands. Buffering techniques between adjacent residential or agricultural uses will be considered during the Special Review approval process.

a. Concrete, asphalt and mortar batch plants, permanent or temporary. May require bonding.

b. Group Residential Facility

c. Heavy Equipment Sales, Rental and Repair

d. Kennel

e. Grain elevator

f. Major Facilities of a Public Utility – includes utility services facility

g. Heavy industry and manufacturing

h. Propane Distribution, Storage, or both

i. Sanitary treatment facilities

j. Telecommunication Facility

k. Temporary Offices

l. Truck terminals and loading facilities

m. Water Treatment and/or Storage

5. Uses Not Itemized: Uses not listed (itemized) as a Use by Right, may be permitted subject to administrative approval by the County Manager or his designee. Such Uses Not Itemized must have substantially similar impacts to a use listed in the Uses by Right. Substantially similar impacts includes: intensity of use, scale and potential impact to environment, traffic, and adjacent properties. Property owners seeking to obtain approval to conduct a Use Not Itemized must submit a letter to the Community Development Services Director, describing in detail the proposed use and its potential impacts. The Community Development Services Director shall administratively review the submitted information and make a recommendation to the County Manager for his/her determination of the similarity of the proposed use. If the County Manager determines that the proposed Use Not Itemized is substantially similar, then the property owner may proceed with a Site Plan application request containing that use. If the County Manager determines that the proposed Use Not Itemized is not appropriate then the applicant may
appeal to the BOCC by means of submitting an application for a Special Use pursuant to Elbert County Zoning Regulations.

6. Setbacks

a. EDZ Uses by Right Setbacks:

1. FRONT: Minimum of fifty (50) feet from the road right of way/easement.

2. SIDE AND REAR: 100 feet

   a) If adjoining residential zoning (RA-1, RA-2, R-1, R-2, MF, MH or residential PUD) regardless of underlying zoning.

   b) If adjoining platted residential uses.

   c) If adjoining undeveloped, unplatted lands.

3. Residential structures and residential accessory use setbacks shall be determined by the underlying zone district defined in the ECZR, as amended. If not residually zoned, residential-use front setbacks shall be the same as the zone district the parcel most closely resembles as described in the ECZR based on its size.

b. EDZ Use By Special Review Setbacks: The following are minimum setback requirements for Uses by Special Review in the EDZ. Additional setbacks may be required as determined through the Site Plan approval process on a case by case basis.

1. FRONT: At least seventy-five (75) feet from the edge of the road right of way/easement.

2. SIDE AND REAR: 150 feet

   a) If adjoining residential zoning (RA-1, RA-2, R-1, R-2, MF, MH or residential PUD) regardless of underlying zoning.

   b) If adjoining platted residential uses.

   c) If adjoining undeveloped, unplatted lands.

3. Residential structures and residential accessory use setbacks shall be determined by the underlying zone district defined in the ECZR, as amended. If not residually zoned, residential-use front setbacks
shall be the same as the zone district the parcel most closely resembles as described in the ECZR based on its size.

7. Parking and Access
   a. Parking requirements are determined by Part II, Section 20 of the ECZR, as amended and shall comply with all state and federal standards.
   
   b. County road access requirements shall be evaluated by Elbert County Public Works Director/Colorado Department of Transportation and the relevant Fire District based on life safety, current traffic patterns and future traffic projections. The applicant is responsible for any road or engineering studies and the construction of any required improvements to roadways or driveways related to their development. Construction will be completed in compliance with Elbert County standards.

H. EXISTING ENCUMBRANCES
   1. Existing encumbrances including but not limited to: open space, easements, access, drainage, building envelopes etc., shall be recognized and enforced.

I. SIGNS
   1. Sign requirements are determined by Part II, Section 19 of the ECZR, as amended.

J. LAND DEDICATIONS
   1. Land owner dedication of public right-of-way to Elbert County may be required depending upon the potential traffic impacts created by the proposed use. Requirements will be determined by the Elbert County Public Works Director during the Site Plan review and approval process. The County may choose to have additional right of way dedication reserved as an option, to be exercised for use by the County at a future date.