



NOW, BE IT THEREFORE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF ELBERT as follows:

- a. That the Board of County Commissioners hereby approves and adopts the following amendments and additions to the Elbert County Zoning Regulations, as specifically set forth herein, as recommended for approval by the Elbert County Planning Commission and as amended by the Board of County Commissioners during the March 28, 2018 public hearing.
- b. That Part I, Section 6: Rezoning Procedures and Requirements of the Elbert County Zoning Regulations shall be repealed in its entirety and amended as attached hereto as Exhibit A.
- c. That Part II of the Elbert County Zoning Regulations shall be amended to include the addition of Section 28: Economic Development Zone (EDZ) Overlay, as attached hereto as Exhibit B.
- d. The implementation of the newly adopted Part I, Section 6 and Part II, Section 28 of the Elbert County Zoning Regulations is effective as of March 28, 2018.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:



DANNY WILLCOX, CHAIR



CHRISTOPHER RICHARDSON, VICE CHAIR



GRANT THAYER, COMMISSIONER

**ATTEST: DALLAS SCHROEDER
COUNTY CLERK**

BY: 
Clerk to the Board





EXHIBIT A



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. OWNER INITIATED REZONING REVIEW PROCEDURE

The following steps shall be involved in an owner initiated 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" and Part I, Section 10, "Public Notice Requirements for Land Use Applications" 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 approves, 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 anew 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 and title policy or ownership and encumbrance report current within three weeks.
- 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-FUD)
- 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)

_____ Date: _____

(Signature)

_____ as secretary of _____

(Name Printed)

_____ Date: _____

(Signature)

NOTARY PUBLIC:

County of _____)

) §

State of _____)

The foregoing instrument was acknowledged before me this _____ day of _____
_____ 20_,

By: _____

(Signature)

(Name Printed)

WITNESS my hand and official seal

My commission expires: _____

11. Standard Flexibility Statement (to be included on the first page of the Rezone Exhibit):

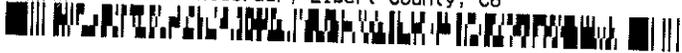
"The graphic drawings contained within this Rezone Exhibit are intended to depict general locations and illustrate concepts of the textual provisions of this Rezoning. During the platting process the Community & Development Services Director may allow minor variations for the purpose of establishing:

1. Final road alignments
 2. Final configuration of lot and tract sizes and shapes
 3. Final building envelopes
 4. Final access and parking locations
 5. Landscape adjustments
12. Applicability Statement (to be included on the first page of Zoning Exhibit):
- "Except as expressly provided otherwise on this Rezone Exhibit, development of this property shall conform to the Elbert County Zoning Regulations in effect at the time of final plat recordation."
13. North Arrow and Scale - North arrows shall be indicated on the Rezoning Exhibit site plan and the location map. In addition, the scale shall be indicated and a bar scale provided for the site plan.
 14. Existing zoning, land uses, and owner's name and addresses shall be indicated for adjacent properties.
 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 Rezoning 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. Notice of hearing shall be provided by newspaper publication, sign posting, and mailed notice to adjacent and nearby property owners according to Part I, Section 10 "Public Notice Requirements for Land Use Applications" of these regulations.

C. COUNTY INITIATED REZONING REVIEW PROCEDURE

The Board of County Commissioners, Planning Commission, or the Board of Adjustments may, at any time, direct the Community and Development Services Department to initiate Rezoning for any parcel or parcels of land within the unincorporated area of Elbert County. Notwithstanding any provisions of this section to the contrary, County Initiated Rezoning procedures shall be in accordance with the provisions of Section 30-28-116, C.R.S. 1973, or as amended. Public notice and public hearings shall be in accordance with Part I, Section 6, C. 1 of these regulations.

1. The following steps shall be involved in a County initiated rezoning process:
 - a. Initiation - The Board of County Commissioners, Planning Commission, or the Board of Adjustments directs in an official resolution from that Board or Commission the Community and Development Services Department to initiate an amendment to a property's zoning, by parcel number, legal description, or a general description. A case planner shall be assigned to the application. The Case Planner will refer the application to County Departments and other referral agencies as identified by the Case Planner.
 - b. 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.



- c. Public Hearing Documents Submittal- At such time as the Case Planner deems the application ready for public hearings, the Case Planner shall collect all documents necessary for the public hearings.
- d. Planning Commission and Board of County Commissioners' Public Hearings Scheduled- Following the collection of all required public hearing documents, the Case Planner will schedule Planning Commission and Board of County Commissioners' public hearing dates.
- e. Public Hearing Notification - The Case Planner will be responsible for-preparing and publishing for three consecutive weeks the "Notice of Public Hearing" in a newspaper of general circulation, per the requirements of Part I, Section 6, "Rezoning Procedures and Requirements" and Part I, Section 10, "Public Notice Requirements for Land Use Applications" of these regulations.
- f. 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 two (2) months from the completion of the presentation by the applicant at a public hearing.
- g. 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 two (2) months from the date of the scheduled hearing.
- h. Recordation of the Rezone Exhibit- Not more than one hundred eighty (180) days after approval of the Zoning change, the Case Planner shall complete the "conditions of approval" for recording. The Rezone Exhibit for County initiated rezoning may be a legal description and any applicable map exhibits and may be attached to the resolution approving the rezoning.

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.



EXHIBIT B



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 residentially 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 residentially 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.