





2. The proposed amendment will allow the CDS staff to adequately evaluate the compatibility of surrounding land uses on a case by case basis at the time of application.
3. The proposed amendment will allow the CDS staff to adequately evaluate the impact upon the provision of public services on a case by case basis at the time of Site Development Plan application.
4. The proposed amendment will allow the CDS staff to adequately evaluate the impact to environmental factors to be evaluated on a case by case basis at the time of Site Development Plan application.
5. The proposed amendment will allow the CDS staff to adequately evaluate the impact to traffic to be evaluated on a case by case basis at the time of Site Development Plan application. Further, the EDZ is founded on utilization of the high traffic corridors identified in the West Elbert County Transportation Master Plan of 2008. These high traffic corridors provide the greatest capacity for increased traffic in the future.
6. The proposed amendment is intended to promote economic activity and expansion of goods and services to Elbert County residents and will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

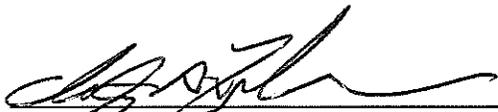
**WHEREAS**, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendation of the Planning Commission, and having listened to all public comment, and being fully advised in the premise.

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

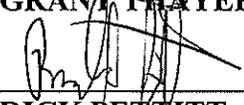
That the Board of County Commissioners hereby approves an Amendment to Elbert County Zoning Regulations Part II Section 28: Economic Development Zone Overlay, with the following conditions:

1. Remove the text "Country Club" from Section G.4.e. Uses Permitted by Special Review;
2. Remove the text "the edge" from Section G.6.b.1 EDZ Use By Special Review Setbacks.

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

  
**CHRISTOPHER RICHARDSON, CHAIR**

  
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GRANT THAYER, VICE CHAIR

  
\_\_\_\_\_  
RICK PETTITT, COMMISSIONER

ATTEST: RACHEL BUCHANAN  
DEPUTY COUNTY CLERK

BY:   
Deputy Clerk to the Board



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Dallas Schroeder Recorder, Elbert County, Co



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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), the Elbert County Comprehensive Plan Update 2018, 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 Development Plan (SDP): As defined in the Elbert County Zoning Regulations (ECZR), Part II, Section 25, as amended.-

C. APPLICABILITY

1. The Lands within Economic Development Overlay Zone are generally defined as the lands adjacent to the County's high traffic corridors. Specific boundaries of each corridor 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 and legal access onto the subject roads.



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3. After the initial adoption of the Zoning Exhibit identifying the approved EDZ lands, a property owner may request that a property not currently within the EDZ Overlay District be included within the EDZ. A request for inclusion within the EDZ Overlay District may take one of the following three steps (a., b., or c.) identified below. A property need not be contiguous to a previously approved EDZ overlay area.
  - a. A property owner seeking inclusion into the EDZ Overlay District must first meet with the Elbert County Community and Development Services (CDS) Director to determine if the EDZ inclusion request is appropriate for the CDS Director to begin initiation of a County Initiated Rezoning utilizing the process defined in conformance with Article III. D. of the Elbert County Zoning Regulations. If the CDS Director determines that such process is appropriate the CDS Director shall process the request to its conclusion and no further action is required by the property owner.
  - b. If the CDS Director determines that it is not appropriate for him/her to initiate the EDZ inclusion request, the property may request the BOCC initiate the inclusion through Article III. D. of the Elbert County Zoning Regulations.
  - c. If both the CDS Director and the BOCC determine that the proposed inclusion of the property through the County Initiated Rezoning Review Process is not the appropriate process then the property owner may request the EDZ inclusion through Article III C. Rezoning, of the Elbert County Zoning Regulations. Property owners will then submit a rezoning application, processed through Article III C. Rezoning process, to the 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. The CDS Department shall review the submitted rezoning application and make an appropriate recommendation to the Planning Commission for their review and subsequent recommendation to the BOCC.

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- d. 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 Development Plan application request containing that use after approval by the BOCC.
  - e. If the inclusion request is approved by the BOCC the Elbert County Zoning Map will be updated to include the subject property within the EDZ Overlay District.
  - f. If the BOCC determines that a property inclusion is not appropriate, the applicant may submit a rezoning application for a standard zoning district utilizing the regular Elbert County rezone process.
4. Exclusions of property from 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.

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 and/or following the requirements of the EDZ. The underlying zoning district requirements are described in the Elbert County Zoning Regulations.

E. SITE DEVELOPMENT PLAN AUTHORIZATION REQUIRED

1. Site Development Plan approval by the BOCC in a public hearing, subject to the public notification requirements of these Zoning Regulations, is required prior to development or initiation of any use under the EDZ regulations. Following BOCC approval, and any other necessary County approvals, the applicant may commence with the approved development and/or use.

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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 Development Plan application.
5. If a property is not located within a fire protection district prior to submittal of a request for inclusion into the EDZ Overlay District, compliance to Resolution 18-40 Fire District Inclusion Coverage will be required in advance of any development on the subject property.
6. Elbert County has entered into Cooperative Planning Agreements (IGA) with incorporated towns/municipalities 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 initiates a County Initiated Rezoning or receives a Land Use Application for a proposal to rezone to the EDZ Overlay District or a Site Development Plan for land(s) located within the three-mile area. The County will follow the prescribed process defined in the respective IGA.

Following completion of the process prescribed in the IGA, the County will then have the ability to process the application in accordance with its existing Regulations.



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#### F. POTENTIAL SUBDIVISION OF LAND

1. EDZ boundaries are zoning boundaries and do not establish legal lot lines or ownership boundaries.
2. Creation of legal lots requires the County's approval following the processes defined in the Elbert County Subdivision Regulations. The subdivision of parcels within the EDZ may be requested utilizing the administrative EDZ Subdivision process, as defined in the Elbert County Subdivision Regulations provided that:
  - a. A Site Development Plan has been prepared which contains the surveyed boundary and future lot documentation required of the EDZ Subdivision Plat.
  - b. The Site Development Plan has been approved by the BOCC in a public hearing.
  - c. A separate EDZ Subdivision application is submitted to the Community and Development Services Office.

#### G. EDZ STANDARDS

1. Permitted uses within the EDZ shall be all uses Permitted by Right and Special Use by Review in the B-Business, C-Commercial and LI-Light Industrial Zone Districts as defined by Part II, Sections 12, 13, 14 and 17 Elbert County Zoning Regulations.
2. 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 Development Plan stage including an implementation plan before initiating any approved EDZ development and/or use.
3. 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.
  - a. 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



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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 recommended by the Elbert County Public Works Director and determined by the BOCC during the Site Development 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.